



PROCEDURES MANUAL

Butte County Grand Jury



JUNE 1, 2023

FOREWORD

The Butte County Grand Jury Procedures Manual is a valuable tool that provides members of the Butte County Grand Jury with a roadmap of its powers, duties, and procedures. This manual and its accompanying appendices cover many areas of interest and offers resources that can be used by the grand jury during its term. It is a compilation of many sources that reflect best practices.

Grand jurors are encouraged to read through the first two sections (Overview of the Grand Jury and Forming a New Grand Jury) upon receiving their copy of the manual. Other sections can be read as the work of the grand jury expands. Grand jurors should also consult this manual throughout their term as specific questions arise.

This manual has been revised and rewritten over many years and should be considered a living document. Each grand jury needs to adopt its own rules and procedures, and this manual provides for some continuity of these rules and procedures. Should there be issues with any part of this manual, the grand jury is encouraged to correct such issues for the benefit of future grand juries.

The prior Butte County Grand Jury Procedures Manual provided much of the content for this manual. Additional material was provided by the California Grand Jury Association (CGJA) and other grand jury manuals.

2022-2023 Butte County Grand Jury

June 2023

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SECTION 1

OVERVIEW OF THE GRAND JURY

Introduction

The Butte County Grand Jury is a judicial body of nineteen citizens. It is impaneled to act as an “arm of the court,” as authorized by the California State Constitution, to be a voice of the people and conscience of the community. It is an inquisitorial and an investigative body tasked with making recommendations to improve systems, procedures, and methods of operations in designated local government. It does not have the functions of either the legislative or administrative branches and it is not a police agency. See Appendix 7 page 116 for our Mission Statement.

The grand jury system evolved from earlier ecclesiastical courts beginning in 1164 when Henry II of England impaneled the first 16-man grand jury to remove criminal indictments from the hands of the church. In 1635, the first American grand jury was impaneled in the Massachusetts Bay Colony and by 1683 Grand Juries were present in all of the colonies. These early Grand Juries began the practice of returning “presentments,” which were primarily against public officials and different from criminal indictments. See Appendix 7 page 114, History of the Grand Jury.

Most states have some form of grand jury. California impanels county grand juries every year to conduct civil investigations of county and city government and to hear evidence to decide whether to return indictments.

Grand Jury Authority

The authority of the grand jury derives from Sections 925 through 933.6 of the Penal Code, Chapter 1, Division 1, Title 3, and Sections 24054 and 26525 of the Government Code of California. It is the grand jury’s duty to ascertain whether the provisions of these sections have been complied with and to include in the grand jury report the result of such an investigation. Applicable sections are contained in Appendix 12 page 177, Code Sections Relating to the Grand Jury.

Grand Jury Independence

While grand jurors are part of the Judicial System and are considered officers of the court, the grand jury is an entirely independent body. It reports to no one except for the Presiding Judge of the Superior Court, who may only prevent illegal actions by the grand jury. Votes and minutes may not be inspected by anyone, nor can its records be subpoenaed. (Penal Code § 939.)

Grand Jury Functions

A grand jury has three distinct functions: indictments, accusations, and investigation. Indictment is the act of bringing criminal charges against a person. Accusation is the act of bringing charges against an official of government or of a public agency that may result in removal from office. By far the most frequently exercised function is that of Civil Investigation, also known as the “watchdog” function.

The primary duty of the grand jury is to investigate areas of local government to determine if they can function better, save money and reduce/increase staffing. In addition, the grand jury examines the way governments conduct business, particularly with respect to any evidence of malfeasance, misappropriation, or mismanagement. (Penal Code § 925.)

The grand jury receives citizen complaints or comments and visits various county and city facilities. The grand jury may select additional areas for review. At the end of the year, the grand jury publishes its findings and recommendations in a report that is distributed to public officials, libraries, the media, and the public. Agencies or departments and their governing bodies which are the subject of investigations are required to comment on the findings and recommendations contained in the report within 60 to 90 days as specified in Penal Code § 933(b).

Other Investigative Functions

A grand jury may, and when requested by the board of supervisors shall, investigate and report upon the need for an increase or decrease in salaries of the county-elected officials. A copy of such report shall be transmitted to the board of supervisors. (Penal Code § 927)

The grand jury may also investigate all sales and transfers of land and the ownership of land that, under the laws of the State, might or should escheat to the State, and direct that proper escheat proceedings be commenced. “Escheat” is the reversion of land to the state by a failure of persons legally entitled to hold the property.

Grand Jury Criminal Powers and Duties

The Butte County Grand Jury may hear evidence in criminal matters. In the event the grand jury is requested by the District Attorney or Attorney General to hear evidence regarding an indictment, the grand jury will be instructed as to the applicable rules and procedures. (Penal Code § 923.) See Appendix 14 page 227, Criminal Matters.

Grand Jury Secrecy of Proceedings

The law provides that every grand jury shall keep secret all evidence adduced before the grand jury, and anything said by a grand juror or the manner in which any grand juror may have voted on a matter. By law, it is a misdemeanor to violate the secrecy of the grand jury room or to disclose the finding of an indictment. Successful performance of the grand jury's duties depends upon the secrecy of the grand jury proceedings. A grand juror must not confide any information concerning the testimony of witnesses or action of the jury to even a spouse or close friend. "Leaks" concerning the grand jury proceedings inevitably will impair or even destroy the effectiveness of the grand jury efforts. See Appendix 7 page 116 for Butte County Grand Jury Mission Statement.

Grand Jury Operations

Budget

The grand jury operates within a budget. The budget for the next fiscal year is prepared in the spring. Consideration is given to:

- Probable number of regular meetings and mileage
- Probable number of committee meetings and mileage
- Probable number of hearings of criminal offenses and mileage
- Probable fees and mileage for witnesses
- Postage
- Reproductions (photocopies, the printing of reports, etc.)
- Office supplies
- Court reporter's transcripts (if required)

Juror Compensation

Grand jurors receive a per diem for each day that they attend meetings. Grand jurors also receive mileage at the IRS rate for all mileage traveled while on grand jury work. (Penal Code § 890 and Butte County Ordinance 2176.)

Claim Reimbursement

Grand jurors should use a purchase order whenever funds are to be spent. You can file a claim reimbursement form for a small expenditure after obtaining the foreperson's signature (see Appendix 9 page 135, Employee Claim Form)

Grand Jury Advisors.

The district attorney in criminal matters, and the county counsel in civil matters, will be available to the grand jury to aid in the investigations and to give legal advice. If at any time you are uncertain either as to the law or procedure, do not guess or speculate; present your problem either to the District Attorney (for criminal matters), County Counsel, or the court. If it appears unwise to consult with the District Attorney or County Counsel, a judge of the superior court is at all times ready and required by law to advise and consult with the grand jury. In the final analysis, the California State Attorney General can provide guidance to the grand jury.

Civil Liability of Grand Jurors

The term "defamation" is defined as "libel" or "slander" in the California Statutes. Libel is defined as false writing which exposes an individual to hatred, contempt, or ridicule, which causes a person to be shunned or avoided, or which has a tendency to injure a person in his or her occupation. The word libel refers to a statement in writing. Slander is a false oral statement to another that has substantially the same effect.

The California Legislature has specifically stated that if a grand jury comments upon a person or official who has not been indicted by that grand jury, any oral or written comment falling within the above definitions can be the basis for a suit against grand jurors as individuals. While some states absolutely forbid the criticizing of unindicted individuals in the grand jury's investigatory reports, other states, such as California, permit derogatory statements by a grand jury about unindicted individuals.

Recognizing that a grand jury's report "is at once an accusation and final condemnation," however, with potential for harm which is incalculable, the California Legislature and courts have declined to insulate grand jurors from liability for statements made in the grand jury's reports. Statements by a grand jury about a person or official who has not been indicted by the grand jury are not "privileged" from the suit, and grand jurors may be liable for statements determined to be false and damaging to a person. The grand jury should accordingly act prudently and verify all information that serves as a basis for its findings; it should be aware of the risks of a suit alleging defamation when it considers whether to make unfavorable statements concerning unindicted individuals.

SECTION 2

FORMING A NEW GRAND JURY

Selection & Qualification of Grand Jurors

The Judges of the Superior Court select grand jurors. A grand juror must be a United States citizen, and a resident of Butte County.

A person may not serve as a grand juror if he or she is already a trial juror, has been convicted of a felony, has served as a grand juror within one year, or is serving as an elected public official. People who are extremely opinionated or biased and who cannot or will not set aside their biases should not serve. (Penal Code § 893) (see Appendix 1 page 61, Frequently Asked Questions)

If a juror becomes unable to perform (his/her) duties, or if a juror leaves the county for an extended period, He or she should resign in fairness to the other jurors.

Holdover Grand Jurors

Holdover grand jurors apply to jurors of the prior grand jury, typically about two to four, but as many as ten, who have offered to serve another term and have been approved by the presiding judge. (Penal Code § 901.)

The primary duties and responsibilities of a holdover grand juror are the same as those of all other jurors. No special consideration or status should accrue to a holdover grand juror by virtue of having previously served on a grand jury.

Holdover grand jurors may assist the incoming grand jury during its initial orientation and organizational period, provide information and background on county government, and accelerate the new jury's entry into the year's work.

While the presence of holdover grand jurors helps provide continuity, each new jury should establish its own objectives while giving attention to the work of prior juries.

Service Requirements

Grand jury service requirements can vary, since jurors have some flexibility in determining the scope and distribution of their workload. The time commitment may range from a minimum of 10 hours a week to more than thirty hours per week. A good portion of this time may be spent at home looking up and/or reviewing data obtained through research or interviews or drafting and revising reports. Some of that time will need to be devoted to collectively scheduled meetings, which can last several hours at

a time. Highly recommended to have basic computer skills.

It is essential that all grand jurors be in attendance at each scheduled meeting. A full body of jurors is essential to productive discussion of issues and sound decision making.

Political and Professional Activities: Grand jurors should discuss the inherent conflict of interest raised by participation in political campaigns during the term of service. Grand jurors should normally refrain from identifying themselves as grand jurors during the execution of personal business and they must not use the name of the grand jury in personal endorsements of political campaigns.

Grand Jury Panel Meetings

General

The first two grand jury meetings are most critical, and the time should be used wisely. The character and format of these meetings will be unlike that of successive meetings. On these occasions, the grand jury will establish its leadership, organization, objectives, and a sense of responsibility and authority. The overall tone and spirit that will prevail throughout the jury's term should unfold during its early business. See Appendix 1 page 57, Frequently Asked Questions.

Impanelment

Juror candidates will be invited to Court to be empaneled as grand jurors. The following events will take place during this time:

- Judge will perform a lottery to select jurors, if more than 19 juror candidates are available
- All Jurors will be given an oath
- Judge's charge to the jury
- The Foreperson will be selected by the Judge
- Dismissal of prior jury

Post-Impanelment Meeting

A post-implemment meeting of the full grand jury should take place immediately after the impanelment concludes. This meeting is informal in nature, and should focus on administrative matters, getting to know each other, and document distribution. As the jury is just newly forming it should use this time to get acquainted. The agenda and specific objectives during this meeting are effectively driven by the Court, rather than by the new and unfamiliar foreperson. Discussion must be brief, and topics should include

but not be limited to issues of confidentiality and secrecy, conflict of interest (with reference to Form 700), individual commitment and the personal time required to make the Jury both effective and successful, etc.

The agenda should include the following items:

- A brief overview and personal perspective of the grand jury process
- Discussion of the expectation that jurors will probably meet as a full panel weekly for the first three or four meetings
- Self-introductions by all jurors and alternates
- Distribution and explanation of administrative materials by the Court Clerk
- Distribution of ID cards
- Distribution of the Procedures Manual
- Distribution and explanation of a Committee Preference Sheet
- Distribution and explanation of a Computer Literacy Questionnaire
- General questions, answers and discussion
- Discussion about juror compensation (per diem, mileage reimbursement)

The Committee Preference Worksheet (see Appendix 10 page 146) will be collected at the first meeting to enable the foreperson to begin making committee assignments. The Completed Investigations Chart (see Appendix 2 page 65) will serve as a guide to filling out this worksheet.

The Computer Literacy Questionnaire (see Appendix 10 page 142) will be collected at the first meeting to assist the Technology Officer in determining what specific technology training may be needed.

Grand jurors should read at least the first three sections and the first appendix of the Procedures Manual before the first meeting. These sections cover an overview of the grand jury, formation of a new grand jury, duties and responsibilities of grand jury officers, and answers to frequently asked questions.

First Meeting

The first meeting of the grand jury should take place within two weeks of the Impanelment. This meeting is much more structured than the Post-Impanelment Meeting, and it should focus on organizational issues.

The foreperson, in conducting this meeting, establishes leadership, identifies the jury's objectives, and reviews various ground rules relating to schedules, confidentiality, communication, and attendance policy.

The foreperson's specific responsibilities during this meeting are as follows:

- Ask all jurors to write their name on a placard and place it so everyone can see
- Establish the parliamentary rules of order that will be followed during plenary meetings
- Develop a proposed schedule for plenary meetings.
- Discussion of attendance and participation
- Establish roll call procedures, mileage reporting practices, expense reimbursement, copier use, meeting rooms, and use of the grand juror identification card.
- Discuss possible conflicts of interest and collect jurors' Statement of Economic Interests (Form 700).

SUGGESTED AGENDA

- Call to order
- Roll call
- Foreperson's remarks
- Collect Committee Preference Sheets & Computer Literacy Questionnaire
- Discuss officer and committee appointment process
- Establish rules of order
- Review status of Statements of Economic Interests (Form 700)
- Correct and update the jurors' phone and address list
- County Counsel presentation - advisors meeting
- Discuss jury compensation, mileage reporting procedures, reimbursement policies, etc.
- Develop preliminary meeting schedule
- Review and revise previous grand jury's Mission Statement
- Discuss recommended training
- Additional discussion
- Adjourn

DISCUSSION POINTS

Schedule: A schedule of all future plenary meetings should be adopted no later than at the fourth meeting. Meetings can always be canceled if a full panel is not warranted. Meetings should be held regularly at the same time and place (such as the Grand Jury

Room) to allow jurors to manage their personal schedules. Meetings should be held bi-weekly initially and may become more or less frequent as the jury's calendar progresses and as need dictates (such as report writing). The grand jury should also recognize that vacations and holiday and school breaks may disrupt the jury's operation and decide when to take breaks.

Identification Card: The Court Clerk will issue an identification card to each grand juror. This card should be worn so as to be visible whenever on grand jury business and presented as appropriate to indicate one's membership on the grand jury.

Procedures Manual: The grand jury should become familiar with the procedures manual, as it addresses questions the jurors may have. The grand jury can adopt the existing manual or create a new one. The grand jury may create a committee to update the procedural manual as needed.

Conflicts of Interest: The grand jury should discuss and thoroughly understand conflicts of interest. County Counsel may be invited to lead a discussion on the subject. Grand jurors must review their personal conflicts of interest and the grand jury should establish procedures to excuse jurors from involvement in any investigations or votes related to such conflicts.

Statement of Economic Interests (Form 700): Jurors shall file this form within 30 days of impanelment, again after January 1 (by April 1 deadline), and a third time within 30 days of discharge date.

Grand Jury Library: Foreperson should inform the jury of the Grand Jury Library locations and contents, suggestions for use and location (digital and physical). Information is available for each committee.

Second Meeting

The second meeting will initiate a standard pattern for all succeeding meetings. This pattern follows more rigid guidelines than previous meetings. After the second meeting, the focus will be on committee work and investigation status. However, the grand jury will now be receiving correspondence, which requires and deserves the same attention being paid to committee investigative activities. If determined that a complaint warrants committee action it may take precedence over the original committee assignment.

Two very important items of business must be accomplished during the second meeting: the foreperson's selection, and jury election, of permanent officers (foreperson pro tempore, corresponding and recording secretaries, parliamentarian, technology officer) and committee assignments.

Suggested Agenda

- Call to order

- Roll call
- Minutes of last meeting
- Correspondence
- Election of officers
- Set up committees
- Break-out sessions for initial committee planning
- Tentative schedule of all future plenary meetings
- Foreperson's comments
- Adjourn

Following Meetings

Meetings shall start at the time established. Jurors who arrive after the meeting has started must have their arrival time noted as part of the minutes.

As committee work progresses, sufficient time must be scheduled during plenary meetings for committee reports and review items. Committee chairpersons should request in advance to be put on the agenda when discussion might be lengthy.

The grand jury shall respect the integrity of each committee. Remember the grand jury speaks with one voice. Opposition is allowed during discussion but once a vote has been taken, opposition must cease.

Suggested Agenda

An example of an agenda for this and following meetings is shown below. Agenda content and time allotments are based on experience and are included here as a matter of reference.

1. Call to Order
2. Roll Call
3. Minutes from the last meeting
4. Officer Reports
 - a. Foreperson
 - b. Pro Tem
 - c. Treasurer
 - d. Corresponding Secretary
 - e. Recording Secretary

- f. IT
5. External Committee Reports
 - a. County
 - b. City
 - c. Districts
 - d. Law Enforcement
 - e. Audit & Finance
 - f. Homelessness
6. Internal Committee Reports
 - a. Response
 - b. Procedural Manual
 - c. Editorial
 - d. Social
7. Additional Discussion Items
8. Next Meeting
9. Adjourn

Grand Juror Orientation and Training

The grand jury may receive orientation and training through a combination of events.

Orientation and training for the grand jury should include the following topics:

- Discussion of the role and function of the grand jury
- Discussion of the grand jury Procedures Manual
- Discussion of the prior grand jury's Final Report
- Discussion of the grand jury's "civil watchdog" function
- Discussion of the organization of county government
- Brief description of county departments
- Discussion of the role of the Board of Supervisors in county government
- Discussion of other information or issues judged to be relevant including how to use equipment and location of files and reference materials. Grand jurors should be instructed that, while each grand jury is restricted to reporting only the results of its own investigations, the jury is not precluded from using agency reports or

studies already acquired by earlier Grand Juries to begin their study of an area or a department.

- Tours of county facilities by full panel or committees, as needed
- Discussion of how to conduct investigations and reviews
- Discussion of how to write grand jury reports
- Orientation meeting

Orientation Meeting

After the “housekeeping” tasks of the first meetings have been taken care of, the new grand jury will be ready to undertake an intensive orientation program that will help them fulfill their duties capably and with assurance. The foreperson is responsible for the orientation program.

The orientation meeting should be held after committees have been created and understand their respective areas of review. An orientation meeting should take place as quickly as possible. Even though it will take the better part of a full day, the orientation will be used to educate the new jurors about the jury’s responsibilities and the means by which they are accomplished. This also allows the foreperson time to invite agencies to the orientation. The invitation should contain a statement of what general information the jury desires to receive from the agency during the orientation. Additionally, sufficient time will be needed to arrange a meeting place and, inasmuch as the orientation will probably be during the day, allow county personnel and jurors to arrange their schedule and county administration to prepare an agenda.

Orientation of Replacement Jurors (Alternates)

With each year’s grand jury, those jury candidates not selected to serve are designated as alternates. When a seated juror leaves the grand jury, the presiding judge must fill the vacancy. The judge will first try to fill the vacancy from among the alternates. Since there is a high probability that one or more jurors will depart during the term, it is deemed appropriate to separate training and orientation from regular grand jury sessions. As a result, training and orientation sessions should include the alternates as well as the seated jurors. This will reduce the confusion caused by introducing a new juror to the grand jury during the course of the term.

When a new juror is introduced to the grand jury, the full panel may designate from among its members a “mentor” to work with the new juror.

The chairperson of each committee to which the new juror is assigned should meet with the new juror individually to review each study area or investigation in progress and provide copies of all relevant documents.

CGJA Training

Every year the California Grand Jurors' Association (CGJA) conducts training seminars for grand jurors and alternates on their various civil functions. Experienced and highly qualified trainers who have served as grand jurors or grand jury legal advisors present these programs. Attendance is mandatory for the Grand Jury Training Seminar (3 days), Foreperson & Pro Tem Workshop (2 days) and the Report Writing Workshop (1 day). The Report Writing Workshop is offered multiple times and is strongly encouraged to attend as early as possible, as this will assist with the investigation process.

Friends of the Grand Jury

The grand jury is free to follow its own inclinations in investigating government affairs. A substantial portion of the jury's time and energy is used in attempting to secure information or data. Care should be taken that this information is not already available. There are people outside the grand jury (see Appendix 8 page 125, Contact Information) that may assist the grand jury to locate and obtain this information, as well as provide additional help:

- Court Services
- County Counsel
- District Attorney
- Chief Administrative Officer
- Judges of the Superior Court
- Expert Witnesses
- Paid Consultants

Court Services

Court Services is the liaison between the grand jury and the Court, and is responsible for many activities related to the grand jury, including the following:

- Receiving claim forms
- Providing access to buildings/mailboxes
- Updating contact information in the Procedures Manual
- Distribution of materials to the grand jury, including:
 - Identification cards
 - Procedures manual
 - Prior grand jury reports and responses

- County Budget (Recommended and Adopted)
- Various forms, such as meeting claim forms, Form 700, W-4 (see Appendix 9 page 135)

County Counsel

The County Counsel is the civil legal advisor to the county, all of its departments, officers and commissions, all school districts in the county, and a number of other special districts. The Penal Code authorizes the grand jury to request the advice of the county counsel. (The grand jury should be aware of a potential conflict of interest.) If at any time the grand jury questions the legality in investigating a matter brought to the grand jury's attention, County Counsel's or the District Attorney's opinion should be asked before starting an investigation. The jury may allow County Counsel to be present during sessions pertaining to a question about the legality of the investigation.

County Counsel may be called upon to provide assistance in drafting resolutions and contracts. The contract for the audit of the county's books is a "must" usage of County Counsel's department.

District Attorney

The primary function of the District Attorney is to prosecute those accused of crimes. The District Attorney's office is at all times available to the grand jury and its jurors in connection with the discharge of their criminal law responsibilities.

The grand jury cannot subpoena witnesses. This is the function of the Court or the District Attorney. In Butte County, the grand jury may request the District Attorney to issue a subpoena for the attendance of witnesses, books, records, documents and other evidence.

County Chief Administrative Officer

The County Chief Administrative Officer is the administrative assistant of the Board of Supervisors. He or she carries out the policies the Board has adopted, is often the communications link between the administrative department heads and the Board and collects factual information on which the Board can base its policy decisions and helps in the preparation of the county budget. In the accomplishment of these and other matters he or she becomes extremely knowledgeable regarding sources of information and the existence of data in which the grand jury may be interested.

Judges of the Superior Court

The grand jury may request advice and assistance from the Judges of the Superior Court at any time on any matter whether it is civil or criminal. One judge is assigned to oversee the grand jury.

Expert Witnesses

The grand jury can find an expert witness with knowledge of a topic of interest to the grand jury and interview them.

Paid Consultants

The grand jury can hire a consultant, such as an accountant, to assist with an investigation.

SECTION 3

OFFICERS OF THE GRAND JURY

The law requires that the court appoint the grand jury foreperson who will preside over full panel grand jury meetings and whose duty it will be to formulate grand jury committees and designate membership into these committees.

It is up to the grand jury to elect the rest of the officers, including a foreperson pro tempore to act in the absence of the foreperson, and a secretary who should keep the minutes and records of grand jury proceedings. In special situations, the court may reserve the right to appoint the foreperson pro tempore.

Foreperson

Duties and Responsibilities

The foreperson has overall responsibility to see that the grand jury, and each of the committees, functions effectively and efficiently. The foreperson provides leadership and organization, and acts as group facilitator to build a cohesive, competent and dedicated panel of grand jurors.

- Prepares a written agenda for each plenary meeting and provides a copy for each juror (see Appendix 10 page 165, Plenary Meeting Agenda)
- Presides at plenary meetings as effectively and efficiently as possible so that the jury can accomplish its work.

Committees

- Acts as ex-officio member to all external committees but may participate in internal committees.
- Prepares a slate of committee assignments at the beginning of the term
- Ensures committee coordination through frequent consultations with committee chairs.
- Meets with the grand jury or its officers as needed to address issues or concerns affecting the grand jury
- Shall make changes in committee assignments when deemed necessary
- Monitors progress of investigations to assure that committees are meeting commitments.

Oaths

The foreperson may administer an oath to any witness appearing before the grand jury as needed. The oath administered to a witness generally takes the following form:

“In your testimony before the grand jury, do you swear to tell the truth, and nothing but the truth, in response to questions asked by the grand jurors present?”

You are further admonished not to reveal anything about your testimony, either testimony by you or questions asked by members of the grand jury. If you reveal such matters concerning a grand jury proceeding, you may be prosecuted for contempt.

In addition, you should be aware that a grand juror may not reveal anything about a grand jury proceeding as specified in Penal Code § 924.1. Nor may any records of this proceeding be subpoenaed by any individual or court, except in the case of criminal proceedings when records of grand jury testimony may be produced to verify if there was perjury in the testimony given before the court.

If you believe that a question you are asked may tend to incriminate you, you have a constitutional right to refuse to answer that question unless ordered by a judge to do so.”

Communications

- Acts as the only official spokesperson for the grand jury.
- Informs court services of corrected contact information
- Updates dismissals and resignations
- Signs all external communications of the grand jury, including news releases.
- With the approval of at least twelve grand jurors, signs all official reports of the grand jury
- Signs all indictments and accusations and presents same to the court

Other Duties

- Communicates with the court services staff on behalf of the grand jury
- Consults with the presiding judge and reports back to the full grand jury.
- Invites the judge, or county counsel, to appear before the full grand jury as requested by the grand jury.
- Approves and signs reimbursement documents.

- Oversees updating the Completed Investigations Matrix (see Appendix 2 page 65)
- Prepares meeting claim form (see Appendix 9 page 135, Meeting Claim Form)

Foreperson Pro Tempore

Duties and Responsibilities

- Assists and counsels the foreperson on matters concerning procedure, personnel problems, committee responsibilities, committee appointments, and the morale and efficiency of the jury.
- If the Foreperson is absent the Foreperson Pro Tempore shall perform the duties and have all the powers of the Foreperson.
- Assists foreperson in any way requested.

The foreperson pro tempore should be assigned as a regular member of grand jury committees.

Recording Secretary

Duties and Responsibilities

- Writes the minutes of plenary meetings.
- Maintains documents that are to be stored for one (1) year to substantiate the final report.

The secretary keeps an accurate record of every grand jury plenary meeting in the form of minutes. These minutes may include:

- The place, the hour and minute of convening.
- The call and recording of the roll.
- Which jurors were absent from the meeting.
- Mention of names and times of anyone entering the jury room
- Minutes should reflect only jury remained in the room during deliberations
- A record of all motions made and the jury's action

Corresponding Secretary

Duties and Responsibilities (see also Appendix 4 page 79, Guidelines for a Correspondence Secretary)

- Picks up mail up from the Post Office and the Court house weekly
- Handles all incoming correspondence.
 - Date stamps correspondence
 - Completes a Complaint Status Summary (see Appendix 10 page 167)
 - Logs correspondence into the Correspondence Log (see Appendix 10 page 166)
 - Retains original letter and envelope
 - Creates a redacted copy of the original letter without identifying information
 - Creates a Working Complaint File containing the Complaint Status Summary, original letter and envelope, redacted copy of the original letter
 - Provides redacted copies as necessary for foreperson and appropriate committee
 - Acknowledges receipt of correspondence, if return address provided (see Appendix 11 page 182, Sample Complaint Response Letter)

Treasurer

Duties and Responsibilities

- Receives Claim Forms, reviews, makes copies and submits originals to County Administration.
- Receives the summary sheets from court services and forwards to the Foreperson
- Receives financial reports from liaison at the County Administration's Office monthly and verifies expenditures against claim forms.
- Reports to the full panel on budget monthly
- Acts as a liaison between jurors and the County Administration's Office.

Technology Officer

Duties and Responsibilities

- Assists other grand jurors accessing and using technology
- Maintains electronic assets of the grand jury

Parliamentarian

Duties and Responsibilities

- Raises objections when parliamentary procedure is not being followed
- Assists the foreperson in executing motions

Parliamentary procedure is an agreed upon set of rules that help a group focus on one item at a time, to allow equal opportunity for input, and provide an organized path for making decisions. These rules are referred to as “parliamentary” procedure because their roots were founded in England’s parliamentary government.

The procedures often provide a guide on when there are enough people present to officially meet, who can speak and when, and how many votes are required to make a decision. Robert’s Rules of Order is a well-known version of parliamentary procedure used by civics groups.

Sergeant-at-arms (optional)

The Sergeant-at-arms is only needed to ensure privacy for the grand jury when it is investigating criminal matters, which are discussed in Appendix 14 page 227, Criminal Matters.

SECTION 4 GRAND JURY PROCEDURES

Quorum

The grand jury shall set a regular schedule for full panel meetings and establish an attendance policy. Illness or other compelling reasons may allow a juror to be excused.

The grand jury may act only as a body. A quorum for a meeting or the transaction of grand jury business consists of twelve grand jurors. An individual grand juror has no authority. (Penal Code §§ 916 and 940).

Voting

In all matters that are to be made public, including reports, that are before the grand jury, no action can be taken without the concurrence of a quorum. In matters private to the grand jury, decisions of the grand jury may be taken by a majority of jurors present.

In order to poll the general panel by phone, the following procedure is necessary:

- Committee approval of urgent business requiring phone polling.
- Foreperson approval for phone polling.
- All grand jurors are called, but only a quorum is needed for a motion to pass.
- Complete record kept of phone calls including names, dates and times of calls, and voting results.

Every motion, including action taken, shall be recorded in minutes.

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.

The foregoing rules may be suspended at any meeting by a vote of two-thirds of the members.

Inevitably individual grand jurors will find themselves in the position of being asked to publicly comment on grand jury investigations, procedures, or findings. This opportunity should be sidestepped, and all questions referred to the foreperson for comment.

Extenuating circumstances notwithstanding, generally avoid public comment and allow the written report to speak for the grand jury.

Attendance Requirements

Regular attendance at all plenary meetings and committee meetings is an essential part of a grand juror's responsibility. The overall quality of the final report and all other grand jury work is dependent on the efforts and contributions of all grand jurors. This is in line with the commitment that was made when each individual applied, was interviewed, was accepted, and was selected as a grand juror.

It is assumed that all jurors are prepared to devote as much time as is required to fulfill their duties. Within reason, jurors may be excused when pressing personal business or family matters require attention. An unexpected lack of a quorum in a formal proceeding causes inconvenience for officials, witnesses, and other grand jurors.

Therefore, if a juror realizes that he/she will not be able to attend full panel or committee meetings regularly, it is imperative that the juror notify the Foreperson promptly to discuss whether removal is advisable.

In cases of excessive absenteeism, excused or not, the grand jury should seek the removal of the juror. Such actions should be taken on a case-by-case basis.

Requests for removal may be made by the judge of the court, or by a quorum vote.

The request must be in writing and must provide reasonable details of the circumstances justifying the removal of the juror.

The request must be submitted to the Presiding Judge of the Butte County Superior Court, who will review the request to determine whether all reasonable efforts have been made to resolve the problem with the particular grand juror.

The court may thereafter make any order appropriate to the circumstances. If the court determines that removal is appropriate, the juror will be given an opportunity to resign from the grand jury.

SECTION 5

GRAND JURY COMMITTEES

The purpose of forming committees is to improve the effectiveness of the grand jury. The grand jury cannot be effective if everything is handled by the jury as a whole. Therefore, the grand jury is usually divided into committees to handle investigations and administrative work.

Note that the grand jury as a whole must approve anything the committees recommend before a report is made public. The grand jury speaks with one voice, not as a group of committees.

Committee Formation

Grand jurors will be asked to indicate their committee preferences. This information and the Computer Literacy Questionnaire will be used to form qualified and well-balanced committees. With the exception of the foreperson, who serves as an ex-officio member of all committees, jurors should not be assigned to serve on more than three investigative committees. Committees should contain no less than three members.

The foreperson is responsible for making committee assignments to balance skills and the expected workload. Preferences of jurors will be considered but should not override the need for even distribution of workload and talent among committees. The foreperson and grand jurors should avoid assignments where prejudice may be an issue. The foreperson shall be sensitive to the fact that excessive committee assignments for any individual grand juror may compromise the breadth, depth, and quality of the committee's investigation.

Committee Organization

Once committee assignments have been made, each committee must make several organizational decisions, including:

- Selecting a permanent chair
- Selecting a secretary to keep notes of each of its meetings
- Determining the frequency of committee meetings appropriate to accomplish the tasks before them

Meeting notes (or minutes) are important in preparing progress reports for the plenary and contributing to the committee's investigative reports.

Subjects for Investigation

The grand jury should establish what it would like to accomplish during its tenure. Each jury will have to determine how much it can accomplish; undertaking too broad an inquiry will probably cause the jury to fall short of its goals.

Not every complaint or suggested investigation can be undertaken. The grand jury will have to prioritize and select investigations that promise to bring the greatest value to the county and remain within the grand jury's resources. In the absence of citizen complaints or specific directions, the jury is free to select subjects for review and investigation.

Within this guideline, the grand jury must ensure that the required annual investigations (audit report, conditions, and management of detention facilities, reported unindicted prisoners) and areas of review are completed.

Review Matrix

A list of the investigations, visits, and reports conducted by previous grand juries is found in Appendix 2 page 61, Completed Investigations Matrix. This information will help inform each committee of potential areas for investigation.

Committee Assignments

A list of all agencies and their suggested committee oversight is found in Appendix 3 page 62, Committee Assignments. This list may be adjusted by the grand jury to balance the workload among the various committees. Some agencies are county departments, special districts, or other forms of local government. Some special functions, such as budgets, are also included. The foreperson and response committee must update and make necessary changes to reflect the agencies' accuracy.

Committee Chairperson

Duties and Responsibilities

- Facilitating committee meetings
- Coordinating investigations undertaken by the committee.
- Assuring that reports are completed by the committee after investigation is finished

Meetings

Committee chairs facilitate meetings of the committee. Among these are:

- Preparing a written agenda for each committee meeting.
- Presiding at each committee meeting in such a manner that all views are aired, and business is transacted efficiently.
- Completing meeting claim forms for the foreperson's signature (see Appendix 9 page 135, Meeting Claim Form)

Investigations

Committee chairs coordinate investigations undertaken by the committee. This includes:

- Maintaining a schedule of events.
- Ensuring that committee members read relevant materials.
- Tracking Complaint Status Summaries (see Appendix 10 page 167, Complaint Status Summary)
- Understanding the procedures to be followed in an investigation.
- Keeping the committee on track.
- Ensuring that committee members research the duties, activities, and budget of a department through written records, including prior grand jury reports, as much as possible before interviewing employees of that department.
- Setting a standard for impartial, objective, and professional investigations.
- Assuring each investigation is completed as soon and as thoroughly as is practical.

For each investigation assigned to the committee, the committee must eventually report either a recommendation that the investigation shows no promise and should be dropped, or that a report is forthcoming and provide a schedule for the report. See Appendix 10 pages 144-156 for worksheets to use during an investigation.

Reports

Committee chairs assure that each report is written immediately after the close of the investigation. This includes:

- Keeping the editorial committee advised of expected and altered completion dates for each report written by the committee.
- Assuring that all documentation supporting each report is kept together.

Writing reports early has two benefits: first, the writing process often exposes areas that need further study or investigation; and second, writing without the pressure of an editing or printing deadline is easier and produces a more persuasive report. (The editorial committee will set a timeline for reports.)

The committee provides the editorial committee with findings and conclusions based on evidence, not opinion.

The committee considers the importance of the release date of each investigative report and recommends to the plenary the release of the report.

Communications

Committee chairs make brief, oral status reports to the full grand jury on a scheduled basis. These progress reports should commence subsequent to the initial meeting with the agencies under review.

Items that should be included in this report include:

1. Progress of the committee since the last report.
2. Problems encountered or anticipated.
3. Significant facts or findings determined by the committee.
4. Need for additional assistance.
5. Fieldwork since the last report; and
6. Interviews and meetings to be held.

The committee chair acts as a liaison between other committees which have jurisdiction in related areas both to assure that work is not duplicated and to take advantage of information developed by other committees.

The purposes served by periodic committee progress reports are

- They ensure investigations have a timely start.
- They force the committee to establish the framework and scope of their work.
- They provide a forum for the remaining jurors to review the committee's work or suggest avenues of investigation the committee may have overlooked.
- They minimize the chance for duplication of effort between committees.
- Except in special circumstances, these reports should take no more than five minutes.
- In the event that progress is being made in a timely manner and the committee has uncovered no significant items since the last report, these reports can be

made on a “by exception” basis (i.e., “only the following exceptions to the last report”).

The committee chair stays alert to possible conflicts of interest and excuses committee members from investigations where a conflict exists.

Committee Secretary

Duties and Responsibilities

- Writes the minutes of committee meetings.
- Maintains documents that are to be stored for one (1) year to substantiate the final report.

The secretary keeps track of committee discussions and actions taken so members can refer to them at a later date.

Committee Operating Requirements

Coordination Among Committees

The full grand jury shall adopt procedures for all committees. Every committee must be aware of the areas other committees are investigating. Coordination and cooperation between committees are essential.

Independence of Committees

The committee assigned to an investigation shall have the sole responsibility for handling that investigation. The committee may ask for support and assistance, but the committee is in the best position to evaluate progress and what must be done next. Any committee meeting is open to any grand juror who is interested in attending.

Record Keeping

Every committee shall establish and maintain a file on every investigation it undertakes, including the evidence and interview materials. Minutes of committee meetings must be maintained, and a copy made for the foreperson.

Bias, Hidden Agendas, and Conflicts of Interest

All investigations, inspections, and reports must contain valid and truthful observations. They must not reflect the personal bias of any single person or group of individuals. A committee member must be excused from participating in any investigation in which he/she has a conflict of interest.

Individual Investigations

All public activities shall be done by two or more jurors to assure accuracy and fairness in reports and for the juror's own protection. No public activities shall be undertaken without the prior approval of the grand jury.

Reports

Each committee is responsible for writing a report of each investigation that warrants one (see Section 7 page 45, Grand Jury Reports, and Appendix 4 page 99, Guidelines for Creating Well-Written Reports). All reports must be based on valid, accurate observations and must not reflect the bias of any single juror or group of jurors. Reports are intended to reflect the observations of the whole group.

Grand jury records should be retained for three years from the final date of service of the grand jury. Documentation of the grand jury's research, investigation, and good faith is thereby retained and available, if necessary, for court proceedings in the event of a lawsuit for libel.

SECTION 6

GRAND JURY INVESTIGATION PROCESS

The grand jury investigation process is an important part of the grand jury's job.

Investigations are initiated in one of five ways:

- Receipt of a complaint by the grand jury
- Receipt of information warranting investigation
- Selects an agency to be reviewed from the Completed Investigations Matrix (see Appendix 2 page 65)
- Personal interest in the subject.
- Follow up on the previous grand jury report.

The grand jury is encouraged to review other agencies than those reviewed by the previous grand jury unless it is recommended by the previous grand jury. A new complaint is received, or a response is to be reviewed. The grand jury may at any time request advice from the County Counsel, the District Attorney, or the Presiding Judge in matters whether it be civil or criminal (see Appendix 8 page 125, Contact Information.)

Complaint Process

The grand jury receives communications from citizens, civic groups, and government employees relating grievances. Although the Penal Code does not assign the grand jury duties to complaints, the jury can, and frequently does, look into complaints as part of its watchdog duties. The grand jury shall hold all complaints in strict confidence.

All complaints, except those originating from the District Attorney or the Court, should be in writing (including return address and phone number) and be signed by the complainant. Anonymous (unsigned) letters are not treated as complaints, but they are logged into the complaint process. The letter is referred to the appropriate committee and filed for further information or additional signed complaint material.

UNDER NO CIRCUMSTANCES should a complaint be taken over the telephone. Be firm that the complaint:

- Should be in writing.
- Must be signed and dated.
- Will remain confidential.

Some complaints will be without merit and others will concern matters over which the

grand jury has no jurisdiction. When there appears to be a legitimate complaint and the grand jury has jurisdiction, the jury should make inquiries to determine the validity of the complaint and, if valid, assist in correcting the wrong.

Care must be exercised in identifying complaints that are frivolous, fanciful, trivial or misdirected. The jury should be reluctant to accept those which involve issues of an election campaign in progress, those in which it would appear the complainant should seek legal advice or use the courts to accomplish his or her ends, those in which the grand jury appears as one of many addressees, and those in which the complainant's motives are subject to question.

If a person wants to write a letter to the grand jury, but cannot, because of disability, the person may call and ask for a field interview by two grand jurors. The committee will pick two appropriate grand jurors to assist the complainant. After the requesting party approves the letter, it will be treated as a regular complaint letter.

Complaints, whether or not acted upon, frequently aid the jury in identifying areas of government in which citizens have concerns. The appropriate committee should look into such concerns when a particular governmental office is under scrutiny.

The grand jury shall not release a letter from an individual. All correspondence and files of the grand jury are exempt from laws requiring disclosure to the public. Persons sending letters to or receiving letters from the grand jury may make such correspondence public.

Jurors shall not conduct any interview with a complainant unless another juror is present. Jurors shall avoid discussing with complainants by telephone or personal meetings except when initiated by the committee. If a complainant phones in, simply explain that all complaints must be submitted in writing with enough information (specific) for the grand jury to act on. At every stage in the procedure, complaints are handled in strict confidence to protect the complainant's identity.

When a Complaint is received

The corresponding secretary will open all letters received in the grand jury, stamp the date stamp when received, log into the official logbook, and make a redacted copy. The foreperson or their designee will read a redacted copy of the letter and then forward it to the appropriate committee. The secretary prepares a letter of acknowledgment for the foreperson or designee's signature. This can be a standard letter with a signature attached (see Appendix 11 page 182, Sample Complaint Response Letter.)

Original complaint letters and relevant materials are kept in a separate file and the complaint is added to a "Complaint Log." The original complaint letters are used only for reference and are not removed from the file. The secretary maintains a numerical list of complaint letters and places the signed complaint into the "Complaint Log". The

secretary affixes the assigned number (file number) in ink in the upper right-hand corner of the document.

The secretary prepares a Working Complaint File and completes the top portion of a Complaint Status Summary for the appropriate committee. The Working Complaint File is a vital tool in keeping a summary of action and follow-up organized. A Working Complaint File must stay in the possession of the Corresponding Secretary when not in use by the acting committee.

The Working Complaint File should contain the following items:

- Complaint Status Summary
- Copies of an original letter, its contents, and envelope
- Copies of acknowledgment of foreperson. A copy of this letter must be placed in the outgoing correspondence notebook.
- Committee action notes and follow-up.

The committee conducts a preliminary investigation review of the issues to determine if the assignment is correct and proceeds with meetings, interviews, and inspections.

Periodic briefings at grand jury meetings may be given on the status of the investigation to allow input from other grand jurors.

Conducting Investigations

Each committee has the sole discretion in determining which investigation it chooses to conduct.

Grand jurors shall remain unbiased. This neutrality must be demonstrated from the moment the agency or subject is identified. No single item can so effectively undermine an otherwise well-intentioned and competent investigation as can the mere appearance of bias.

All investigations need to be accurate. Documented proof is the basis of an accurate report. Guessing is unacceptable, is easily challenged, and taints not only the investigation but the entire report.

The scope of the investigation shall be determined, as much as possible, at the beginning. Early and well-defined objectives will help to determine the scope of the investigation's sufficiency. If necessary, there must be sufficient flexibility either to expand the investigative schedule, assign additional personnel, or recommend that a future grand jury continue the investigation.

Non-Adversarial Process

Each committee member must ensure that a non-confrontational and non- adversarial approach is taken during an investigation. When conducting an investigation, observe and learn, appreciate the efforts of agency personnel, ask questions, ensure minimal disruption of routine, and create an atmosphere of trust. Never ask rhetorical questions or questions that appear to be forms of entrapment. You are there to help establish a more efficiently run agency; cooperation among all concerned is a must.

Communications Within the Committee

Committee meetings should be held frequently. Status, progress, and problems with the investigation are typical subjects. The need for intra-committee communications is emphasized here so that the committee speaks with one voice during the committee report presentations.

Communications with the Grand Jury

The status of investigations shall be communicated with the rest of the grand jury via oral and or/written report.

Question Formulation

When the subject for investigation has been established and agreed upon, the foundation questions to be asked need to be established. Such questions typically fall into three categories:

- Organization
- Personnel
- Operations
- Finances

Before the committee goes into the field, questions should be written out and reviewed to ensure completeness, viability, and the absence of any real or implied contradiction(s).

Types and Ranges of Questions

Questions tend to cover a spectrum of subjects. Some examples may include:

- Adequacy of training for assigned responsibilities.
- Adequacy of activities including supplies and equipment.

- Effectiveness of communication within and without the agency, between and among peers, subordinates, and supervisory personnel (i.e., one-way, two-way, etc.)
- Correlation between written job descriptions and the actual duties performed.
- The existence of advancement and promotion opportunities.
- Sensitivity of management to recommendations for greater effectiveness and efficiency.
- Level of morale (particularly with respect to favoritism or bias issues); and
- Adequacy and maintenance of physical facilities.
- Finances

Integration with Other Committees

Each committee member should be aware of other committees' objectives and progress. Wherever there is an indication of parallel or duplicate investigations, committee chairpersons should confer to coordinate and resolve any problems.

As the investigation progresses, the body of work will expand. As information arrives, it should be incorporated into the working investigation file.

Changes in Subject Agencies

Sometimes an agency involved in an investigation may change through reorganization, budgetary actions, changes in charter, and elections, which may affect the investigation. The committee should determine whether continuing the investigation is justified or whether the scope and focus should be modified considering such changes.

Objectives and Decisions

Committee decisions should be based solely on the committee's objectives.

Committee Accountability

Each committee member is accountable and responsible for implementing the investigative process in accordance with the directions provided by the charge of the court.

Meetings

It is essential that notes be kept at each meeting. Absent committee members should be kept abreast of proceedings. See also Section 5 page 23, Grand Jury Committees.

Initial Committee Meeting

The objective of the initial committee meeting is to review the assigned complaint or subject to be reviewed. An appointment with the agency head and/or staff should be made to secure agency background information. The committee chairperson shall communicate with the agency. Minutes of this meeting should be written and distributed to the committee members.

The committee members may have read previous grand jury reports and applicable responses for committee review prior to the initial visit with the subject.

Post Interview Discussion

The post-interview discussion should take place after the initial discussion with the agency or after additional information regarding a complaint is obtained. The committee should now refine goals and objectives, generate schedules, and make assignments.

It is critical to recognize at this time, limits to the scope of the investigation must be established to ensure that a high-quality investigation is being carried out. Factors to consider include agency size, committee size, scheduling considerations, personnel considerations (vacations, etc.)

The committee's topics of interest should now be established. This may involve attendance at agency staff meetings, review of files, and correspondence. Interviews, observation of daily operations, and physical facility inspections (see Appendix 10, page 163, Facility Inspection Worksheet) may also be necessary.

If additional resources are needed, a request should be made by the grand jury foreperson.

When making assignments, committee members' expertise and expressed interest should be taken into consideration.

Subsequent Discussions

Subsequent meetings should focus on the status of the investigation. The committee shall adhere to the timeline prepared by the editorial committee for submission of draft reports. The coordination of all committee timelines will ensure a smooth process in meeting the goal of the final report.

Agency Investigations

The committee shall not disclose any of the committee objectives to the department heads or staff. The flow of information is one way. The committee will require various resources from the agency in addition to those previously identified in this section. A request could be made for:

- a detailed and up-to-date organization chart
- complete position descriptions

The committee should anticipate that assistance by knowledgeable agency personnel is required from time to time. It should be made clear that interviews will be conducted with employees without their supervisors being present.

Facility Tours

A facility tour may be useful early in the committee's review. Committee members get a realistic picture of the physical environment in which management and staff work.

Facility safety, security, and environmental conditions should be observed as well as whether the facility and its furnishings adequately support the mission of the agency.

If, following the facility tour, the committee determines that a more detailed inspection is necessary, then expert assistance (such as fire safety, building construction, environment, industrial security, etc.) may be requested.

Interviews

Interviews are one of the main methods of investigation. Oral testimony can identify issues not often disclosed in written reports, verify facts made by complainants or other witnesses, and determine who else may be useful in an investigation.

Recording Devices

The use of recording devices may occur only during civil investigations. Recording devices are permitted during interviews and discussions, providing that everyone in attendance is aware and agreeable that the conversation is being recorded.

The recording device should be tested just prior to its use. Detailed notetaking remains important due to the possibility of a failure of the recording device.

Other than current grand jurors, the recording shall not be shared with any other persons or entities. It will be the responsibility of the Committee Chairperson to ensure the confidentiality of the recorded information.

Interviews (General)

These guidelines are presented to help you feel more comfortable in an interviewing situation. Some of the questions can appear sensitive to the interviewee. Select only those questions that suit your purpose. See Appendix 10 page 152, Interview Script, to help the lead interviewer conduct the interview.

Prepare in Advance:

- Estimating the time needed for the interview.
- Explaining the purpose for the appointment.
- Choosing a clear purpose and developing key questions.
- Identifying multiple questions for multiple interviewees
- Doing your homework and reading all pertinent materials; if necessary, request materials in advance
- Prepare Admonition
- Establish Rapport:
 - By introductions
 - By sharing purpose.
 - By taking charge of format and setting.
 - By setting time for key elements.
- Ask Clear Questions:
 - By avoiding disguised statements.
 - By avoiding unnecessarily repetitive questions.
 - By building on previous questions.

Listen Attentively:

- By avoiding judgmental responses.
- By summarizing periodically.
- Cross-check for Accuracy:
 - By asking the question several times in different forms.
 - By comparing verbal statements with visual clues.
 - By comparing current information with information and prior experience.

When interviewing a department, both staff and management should be interviewed to obtain as complete and unbiased an overview as possible.

Interview Basics:

- Start the interview with neutral questions.
- Move to controversial or more sensitive questions.
- Conclude the interview with neutral questions, summarize additional required information, and thank the interviewees for their time, effort, and cooperation.
- Some language you might use:
 - “Let me see if I understand you correctly. What I think I heard you say was...”
 - “A while back we were talking about... Would you tell me more about that?”
 - “You used a word a while back that I didn’t understand. I think it was... Would you tell me more about what it means?”
 - “Yes, I can see why that would be. What did you feel or think about it at the time?”
 - “How do you know that’s true?”
 - “Who else might have information about this?”
 - “Did you see that happen yourself?”
 - “Were you there when that statement was made?”
 - “I notice you haven’t mentioned... yet. Is there a reason for this?”
 - “It’s obvious you’ve had some trying times. We’re not here to make things worse. We’re not trying to find fault, but we would like to find the facts, and you’re the best person we know of who can tell us the whole story.”
 - “Well, we’re glad to hear that you are experiencing no problems. Does this mean that there will be no requests for a budget increase this year?”
 - “If you know of no problems in your organization, what kinds of problems do colleagues of yours in other local governments discuss at their professional meetings?”
 - “Do you have any final comments before we leave?”
 - “Well, we’ve covered a lot of ground. What are the two or three most important points you’d like us to understand?”
 - “You’ve given us a lot of information to consider. When we go over our notes, we may need to come back if we find anything we do not understand.”

Interviews (Management)

Interviews with management and supervisory personnel should start with general questions before leading into specific and more detailed areas. At this level, the investigation will typically address subjects such as organizational structure, budgets, personnel policies, operating procedures, plans and their implementation, lines of authority, communication and responsibility, and facility.

The committee should not be surprised to hear that “other than the budget which has been provided and for which the organization has little control, things are functioning pretty well.” Careful development of review objectives and the careful structuring of questions are essential in obtaining a realistic picture. In fact, agencies do have control over their budgets (by increasing efficiency if not levels of funding). The paramount objective of the grand jury investigation is to determine whether or not the Government is operating in the best interests (financial or otherwise) of its constituency, not just “operating pretty well.”

The results of these initial interviews will influence the questions and other elements of the investigation at lower organizational levels. Remember, in the conduct of your interviews, that there should be:

- No personal agenda or bias.
- No entrapment.
- No self-fulfilling prophecy.
- At least two grand jurors present at all times.
- No interference with agency policy; and
- Good judgment.

Interviews (Non-Management)

The focus of these interviews with non-management personnel will typically be background and job qualifications, job satisfaction, vertical and horizontal communications, length of time on the job, recognition, promotion, working conditions, concerns, and suggestions for improvement(s).

Agency personnel will often find it more comfortable to answer questions and discuss these matters in private. Accordingly, arrange for an off-site meeting place. This approach should not only be accommodated but should be exploited with respect to surfacing problems and eliciting comments. Recognizing that for every action there is an equal and opposite reaction, committee members hearing remarks under these conditions must remember to subject the information to the test of accuracy that should be applied to all findings.

Follow-up Discussion

Committee meetings should be held within a few days of each facility inspection or interview. This is because events and actions are still fresh in the members' minds. As the information is discussed, two questions must be asked and answered.

- Are there any contradictions either from what people said or what the notes state?
- What is the proof of the committee's potential findings from the interview?
- The results of these committee meetings furnish the information for progress reports to the entire jury and the structure of the initial draft report.

As the investigation progresses, it is reasonable to assume that the information developed, and conclusions drawn may change. Additional information may require revisiting the subject, the site, and the findings as they have been written.

Questions may arise about the committee's assumptions; jurors shall ensure that the data and subsequent report are based on documented proof. The committee may have inadvertently adopted a set or bias (positive/negative). Therefore, the committee and the grand jury must examine all findings. It is necessary that documentation be available to support the conclusion. In this case, a statement from a recognized authority/expert is appropriate. There is no such thing as excess documented proof.

Preparing the Investigation Report

The report will be a draft and must be developed by the committee, never by a single individual, following the approved format.

SUMMARY - Briefly describe the major issue(s), findings, and recommendations. The summary gives the reader the roadmap for the report. It should be written like a press release or newspaper article.

GLOSSARY - (if needed) defines terms that may not be familiar to the public. Some grand juries elect to place the glossary at the end of the report in the appendix.

BACKGROUND - Clearly states the issue(s) and provides a history of and justification for the investigation. It explains the circumstances and events that led to the study and explains why the topic is important. It tells the reader the grand jury's reasons for conducting the investigation.

METHODOLOGY - This describes how the investigation was conducted. This section outlines the techniques used in deriving the facts. It explains how the investigation was done, and describes the investigation activities - research, meetings attended, site tours, and in general terms who was interviewed. Penal Code § 929 requires that

reports of the grand jury not contain the name of any person (or facts leading to identifying a person) that provided information to the grand jury.

DISCUSSION - Makes up the major portion of the report. It contains detailed, verified information, the facts that the grand jury derived from the investigation, and is organized by topic. The facts presented in the discussion section should lead to and prove the report's findings.

FINDINGS - A finding is a conclusion based on the facts, not just a restatement of the facts. Findings are required by Penal Code § 933(a). All findings must be supported by "documented evidence". (Penal Code § 916.)

RECOMMENDATIONS - Are required when a problem is identified in the findings. Recommendations are not required if all the findings are positive and do not identify any problem.

REQUIRED RESPONSE - Only governing boards, elected county officials, and mayors are required to respond to grand jury reports.

INVITED RESPONSE - The grand jury can invite other "responsible" government officials employed by the investigated entity to respond to designated findings and recommendations.

BIBLIOGRAPHY - (optional) This lists the published reference works and public records for a reader who wants more information on the topic.

APPENDIX - (optional) contains public domain materials that are referred to in the report but are not essential to the text.

DISCLAIMER - The mere perception that a juror has a conflict of interest can be seen as tainting the impartiality of the investigation and the report. In order to inform readers of a juror's recusal, a disclaimer should be included at the beginning or end of the report.

Right to Hold Public Session

Whenever the subject matter of an investigation is one affecting the general public welfare involving the alleged corruption, misfeasance, nonfeasance, or malfeasance in the office of public officials or public employees, the grand jury, together with the Attorney General or the District Attorney, may make a joint written request to the Superior Court for an order directing that a public hearing be held. If so ordered, the grand jury shall conduct the examination of witnesses in public, but all deliberations of the grand jury, including the discussions and voting upon such investigation, shall be held in private. (Penal Code § 939.1.)

Public sessions of the grand jury are not recommended except in rare instances. Where an indictment results, the public hearing may have a prejudicial effect upon the subsequent hearing before a "trial court." Full provisions and rules covering public sessions of the grand jury are outlined in Penal Code § 939 and following sections.

SECTION 7

GRAND JURY REPORTS

The goal of the civil grand jury is to promote good government. Reports shine a light on local government operations and procedures, mobilize public opinion and help bring about positive changes in how local governments serve the public's interest.

California Penal Code § 933. Comments and Reports on Grand Jury Recommendations. (Amended 2002, Ch. 784, Sec. 538):

“Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

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

When a Report Should be Issued

The grand jury does not have to wait, and in specific cases should not wait, until the end of its term to issue a report. If there is something of immediate importance and concern, then the grand jury should issue an early report. The grand jury's work is published in the final report.

Report Audience

The primary audience for the report is the elected officials or the governing board who must respond to the Findings and Recommendations. The second audience is the general public, and they should be able to read and understand it. Simple words, short direct sentences, clear antecedents, and a minimum of jargon are attributes of a good report.

Report Approach

The report is a public document. Grand jurors should make the report completely unbiased and accurate. Grand jurors must remain sensitive to the requirements of Penal Code §§ 924.2 and 924.3.

Penal Code § 924.2. Disclosing Testimony on Order of Court. (Enacted 1959, Ch. 501.):

“Each grand juror shall keep secret whatever he himself or any other grand juror has said, or in what manner he or any other grand juror has voted on a matter before them. Any court may require a grand juror to disclose the testimony of a witness examined before the grand jury, for the purpose of ascertaining whether it is consistent with that given by the witness before the court, or to disclose the testimony given before the grand jury by any person, upon a charge against such person for perjury in giving his testimony or upon trial, therefore.”

Penal Code § 924.3. Immunity From Questioning Except for Perjury. (Enacted 1959, Ch. 501.):

“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, except for perjury of which he may have been guilty of making an accusation or giving testimony to his fellow jurors.”

One of the best tests of a report is to find out if every recommendation is a direct result of findings. Also, make sure that every negative finding supports a recommendation or commendation. Finally, every negative finding should be able to answer the question “What is the problem?” Positive findings or commendations may be included if warranted. A positive finding should describe something well done.

Report Contents

Legal requirements for report content

Penal Code § 933(a) states that a grand jury report contains “findings and recommendations.” Penal Code § 916 requires that all findings “be supported by documented evidence.” The law does not further define the report content. However, experience and practicality suggest that reports should also explain the purpose and scope of the investigation and describe how the investigation was conducted.

Suggested format for an individual report:

1. **Title** – Each individual report shall have a title. The title should be concise and descriptive of the subject matter so it can be found using internet search engines. The grand jury should avoid sarcastic, denigrating, or overly cute titles. The jury

should not attribute a report to a particular writer or committee – it is a grand jury report, and the entire jury is its author. The issue date is needed because that is when the response period begins (see items 9 and 10, below.)

2. **Summary** – A clear concise description of major issues, findings and recommendations – Not more than one page. Avoid explanations of methodology & limit background to brief descriptions of the most significant issues or problems.
3. **Glossary** (if needed) – A Glossary can be used to define terms and acronyms that may not be familiar to the public. It is easier for the reader to locate the definitions if they are in one place rather than spread throughout the text.
4. **Background** – This section provides a history of and justification for the investigation. It explains the circumstances and events that led to the investigation. It answers the unspoken question, “Why did the grand jury investigate this topic, and why now?” It can also provide some general information about the topic to put the investigation in context.
5. **Methodology** – This part of the report answers “how” the investigation was conducted. It lists the techniques and resources used to collect the facts. It states in general terms who was interviewed, any site tours taken, or inspections made, and the research conducted. In order to protect sources, neither individual names nor titles should be included here – or anywhere else in the report. This section helps establish the credibility of the report by showing that the investigation was thorough.
6. **Discussion** – The longest section and the main body of the report is the Discussion section. It contains, in a narrative format, the detailed information derived from the investigation. In most reports, this section will contain several subsections.

The Discussion section includes the relevant verified facts. The facts lead to and prove the report’s findings; they are the grand jury’s argument that a problem exists. Only those facts that are logically connected to the issues should be included.

A fact is something known with certainty. Facts are real. They are not hearsay, rumor, innuendo, or opinion. They are neutral, precise, and accurate. They have been determined by analyzing the evidence and weighing the credibility of the sources of that evidence and have been “triangulated” – verified (confirmed) by two or more Sources.

Penal Code § 929 prohibits a grand jury from including unverified evidence in its reports, except with the prior approval of the presiding judge, and only if any information leading to the identity of witnesses is redacted. Section 929 was enacted in response to a California Supreme Court decision prohibiting “raw evidence” in a report. (*McClatchy Newspapers v Superior Court* (1988) 44 Cal. 3d 1162)

“Raw evidence” is unverified information. It often takes the form of a statement that a particular person gave certain information to the grand jury, or it paraphrases what the witness said. Revealing raw evidence is improper for two reasons. First, it usually discloses a witness source, which must remain confidential. Second, a grand jury report is not a mere recording of the evidence the jury received. Instead, the jury must weigh the credibility of the evidence and verify it through several sources to ensure that the information is factual before including it in the report as its facts.

The only information that does not need verification is from documents that are confirmed to be current, and which are inherently reliable, such as state and federal government data, reports, or publications. Documents issued by the local entity under investigation must always be fully verified; they are not inherently reliable.

7. **Findings** – Findings are required by Penal Code § 933(a). A finding is a conclusion or value judgment (usually a criticism) based on the facts, not just a restatement of a fact. Penal Code § 916 states that all findings must be supported by “documented evidence” (which means verified facts).

Findings confirm or disprove the issues described in the Summary, Background, and Discussion sections. They usually identify what needs to be improved or corrected. They bridge the gap between the facts and the recommendations. If the facts warrant a commendation, a finding can be positive – identifying what is being done well.

A finding should ordinarily be a single declarative sentence containing one conclusion. Each conclusion should be a separate finding to ensure a response to each finding. No new facts should be included in the findings. While one or more facts can be alluded to in a finding, all facts must be introduced and fully fleshed out earlier in the report.

8. **Recommendations** – Penal Code § 916 requires that “all problems identified in a final report (must be) accompanied by suggested means for their resolution ...” This means that each recommendation must relate back to at least one finding.

A recommendation states what the grand jury believes can and should be done to mitigate or solve the problem identified – and by which official or board.

Each recommendation should be:

- i. specific (who is to do what and by when)
- ii. limited to a single action (not compound)
- iii. logically related to the problems identified in the findings.
- iv. practical and achievable
- v. financially feasible (affordable, either immediately or over time)
- vi. within the board’s or official’s administrative authority to implement

Recommendations are not required for findings that are positive and do not identify problems.

9. It is important to number the findings and recommendations in the appropriate sections of the report so they can be easily referenced when requiring or inviting responses. The number for a recommendation does not need to correlate to the number for a finding.
10. **Required responses** – Under Penal Code § 933, governing boards and elected county officials and mayors are required to submit responses to relevant findings and recommendations following the format required by Penal Code § 933.05. Responses are required within 90 days for governing boards and within 60 days for elected county officials.
11. **Invited responses** – Grand juries may invite (but not require) responsible officials other than governing boards and elected county officials to respond to their reports. (PC §933) Such optional respondents may include appointed county department heads, county or city administrators, special district general managers, or a county or city commission or standing committee. These are the people who often know the most about the issue. The grand jury does not have the authority to invite responses from state or federal officials, the court, the next grand jury, private individuals, or others outside the jury’s investigatory jurisdiction. The format and timing for invited responses are not prescribed by the Penal Code. The report may request responses within a reasonable response time period (perhaps 90 days).
12. **Bibliography** (optional) – This can be a part of the appendix (below) or a stand-alone section elsewhere in the report. A bibliography should list only those public domain documents that are most significant to the topic. A laundry list of loosely related documents decreases the readability and credibility of the report.
13. **Appendix** (optional) – This can contain any public domain materials that are essential to the report, such as maps, data tables, contract provisions, or excerpts from statutes. The report does not need to cite or include copies of research documents that the jury used to obtain evidence for the report. A long appendix does not add credibility to the report, and may, in fact, hamper readability.

Use of disclaimers

A juror’s conflict of interest, or the perception of one, can taint the investigation and report. Various reasons for a juror’s recusal are described in Appendix 12 page 177, Code Sections.

The jury should use disclaimers to inform the reader that one or more jurors (without naming them) have recused themselves from involvement in a particular investigation and report. A disclaimer can be prominently placed either at the beginning or the end of the report. Suggested wording for a disclaimer is:

This report is a product of the entire grand jury with the exception of a juror (or jurors) who is a former employee of XYZ (or briefly describe other reasons for recusal). This grand juror was excluded from all parts of the investigation, including interviews and deliberations, and the writing and approval of this report.

Writing a Report

Organizing Data

When the investigation is complete, the investigating committee needs to take the material from which the report will be derived and fit it to the format that has been established by the grand jury.

All committee members should have some involvement in the outcome of the draft report. No single word of a draft report belongs to any one juror. The entire grand jury owns the report.

For a simple short report this can be accomplished in one session. For a longer report it may take several sittings.

When the entire report has been formatted, the committee should review it to remove what is extraneous or add whatever is missing. The end result should be a well thought out report.

Writing Process

Before starting to write, the writer should review the entire investigative file, prepare an outline to organize the information, and then write the draft Findings and Recommendations before proceeding to the Discussion. By using the Report Logic Worksheet (see Appendix 10 page 164) the writer can assure the flow from facts to findings to recommendations will be achieved.

When beginning the Discussion section, it can be helpful to start with a few sentences that describe the main points of the information in the report. Then divide the Discussion into subsections, organize them logically, and give them subheadings to help lead the reader through the report. Then draft the remaining sections of the report.

Write the summary last. It should highlight the major issues, findings, and recommendations in a brief and compelling overview of the grand jury's arguments for change.

Prepare the Report as Early as Possible

To avoid the final publication crunch, each committee should prepare its report as soon as possible. Knowing when to cut off the investigation and prepare the report is difficult.

The TimeLine in Appendix 10 page 141 may be of assistance.

Report Approval Process

Step 1: The investigating committee prepares a draft of the report, reviews it within the committee, and approves it.

Step 2: The draft report is then sent to the editorial committee.

Step 3: The editorial committee reviews the draft report, recommends changes, and then returns comments to the investigating committee, if needed (see step 1). Otherwise, the committee approves it.

Step 4: The draft report is sent to the full grand jury.

Step 5: The full grand jury reviews the draft report and recommends changes. The grand jury has four options:

- The grand jury may approve the immediate release of the report.
- The grand jury may approve the inclusion of the report in the final report.
- The grand jury may return the report to the investigating committee for further work (see step 1).
- The grand jury may decide not to issue the report.

Step 6: The draft report is sent to County Counsel.

Step 7: The County Counsel reviews the draft report and recommends changes, and then returns comments to the investigating committee.

Step 8: The investigating committee makes any changes, if needed. The editorial committee make conduct a further review of the draft report (see step 3)

Step 9: The investigating committee conducts an exit interview with the agency targeted by the report. The investigating committee makes any changes to the draft report, if needed (see step 1).

Step 10: If there have been any non-minor changes to the report since full grand jury approval, the full grand jury shall approve those changes.

Step 11: The approved report is sent to the Presiding Judge for acceptance and publication, if immediate release is desired, or held by the foreperson to be incorporated into the final report.

Committee Approval

An investigating committee shall approve the release of a draft report to the Editorial Committee after it has finished its review of the report. This review is a critical reading by the committee of the report they have produced. Some questions to be answered include:

- Is it factual?
- Is it accurate?
- Does the information flow well?
- Is it concise?
- Is it complete?
- Is it timely?
- Is it fair?
- Is it persuasive?
- Is it consequential?
- Is anyone defamed? Any comments in a grand jury report about an individual not indicted are not privileged and could, if libelous, be the basis for the charge of libel.

When the report is approved by the committee it shall be sent to the editorial committee.

Editorial Committee Approval

The Editorial Committee shall approve the release to the full grand jury of a draft report after it has finished its review of the report. This review covers many topics:

- Editorial standards
- Agreed format
- Consistent language
- Tone
- Flow
- Completeness
- Logic

If the review requires minor changes (typos, punctuation, citations), the committee may make them, and report those changes to the investigating committee. If the review requires other changes to the draft, the investigating committee should make any

needed revisions, perhaps based on additional research or interviews, and then send a new draft back to the editorial committee for review.

When this has been accomplished, the report is sent to the full grand jury. The grand jury shall approve the report before it is included in the final report.

Full Grand Jury Approval

The full grand jury shall approve the release to outside parties (County Counsel, Presiding Judge) of a draft or completed report after it has finished its review of the report. If significant changes are made to a report after approval by the full grand jury, those changes shall be subsequently approved by the full grand jury.

Exit Interviews

As a final step, before completing and delivering the report to the judge, it is encouraged that the investigating committee conducts an exit interview with “a subject” of the investigation. Penal Code § 933.05(d) states, “A grand jury may request a subject person ... 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.”

In other words, to be certain that its findings are accurate and current, the jury may conduct an interview with the person in charge of the function it investigated (usually the department head)

to read and discuss the findings. This is an exception to the rule that prohibits the grand jury from revealing any part of its report prior to its court-authorized public release.

The exit interview can be a valuable tool for verifying the accuracy of the report. It will help prevent errors that could lead to the rejection of the grand jury’s recommendations. It can also help avoid the risk of defamation claims against the grand jury. Conducting an exit interview demonstrates fairness by allowing the person responsible for any problems identified in the findings to tell their side of the story. The jury does not want an official to later say, “The grand jury never even talked to me about this.”

An exit interview will also enable the jury to learn about and acknowledge in its report any changes made by the entity during or after the investigation. Weeks or months may have elapsed since the jury gathered the facts; the entity may already have taken the steps the report recommends. If the entity has already made positive changes, the jury can add those facts to the report (once verified). Failing to mention the entity’s efforts could diminish the credibility of the Report.

Follow these steps for each exit interview:

1. After the last draft of the report has been approved by a supermajority vote of the full panel and reviewed by the jury's legal advisor, the committee chairperson should schedule a meeting with the appropriate administrator for the public entity (the "subject of the investigation"). As with any other interview, at least two jurors must attend.
2. Preparation is the same as for a fact-checking interview. Because the interviewee might question a finding, the interview team should be prepared to ask follow-up questions to verify the facts that support any findings the interviewee contests, without directly revealing the facts stated in the report.
3. The lead interviewer should admonish the interviewee at the beginning and the end of the interview, emphasizing the need to maintain confidentiality until the report is released. The interview team must not show or give the interviewee a complete or partial copy of the report. The report is confidential until such a time it is accepted by the judge and officially released.
4. The lead interviewer should read the first relevant finding out loud and ask the interviewee to comment on its accuracy. If the interviewee questions or disagrees with the interviewer should ask follow-up questions. The interviewer can request that the interviewee provide any documentation showing that the finding is not accurate and identify persons who would support that position. This process should be repeated for each finding that relates to the interviewee or the entity that employs them.
5. The interviewers may reveal only the findings from the report. They may not reveal the specific facts upon which the findings are based. Instead, by asking "fact-checking," non-leading questions to verify the findings, the exit interview will also enable the interview team to verify the accuracy of some or all of the facts upon which the findings are based.
6. The team shall not reveal any of the recommendations in the report but can ask the interviewee for suggestions for solving any problems identified in the findings. Understanding what solution, the entity might agree to can help the committee devise an effective recommendation.
7. After the interview, the committee should discuss whether the facts and findings as stated in the report are accurate, based on the information gathered during the exit interview. The committee should not assume that what the interviewee said was factual. It must determine what, if any, additional investigation is needed to verify any new information.
8. If the committee revises the report in any significant way, the report may be resubmitted to the editorial committee and then to the jury's legal advisor for review.
9. The report must be resubmitted to the full grand jury for a supermajority vote for approval if changes have been made, before sending it to the judge for acceptance.

If the report directs findings and recommendations to more than one department or

entity, the grand jury should conduct an exit interview with a representative of each of them.

COMPILING THE CONSOLIDATED FINAL REPORT

In addition to committee reports, there are other items that also constitute the grand jury final report.

Transmittal Letter

Since the grand jury is preparing the report for the Presiding Judge of the Butte County Superior Court, a letter transmitting the report to the judge is usually included. It is a standard letter that typically thanks the judge for support and guidance, tells the judge how good things were and how nice the cooperation of public officials was. It usually concludes with, "... this concludes the work of the 20xx - 20yy Grand Jury." The letter is placed at the beginning of the report. See Appendix 11, page 175 for a sample transmittal letter.

Juror Acknowledgements

It is customary to include a list of jurors and officers of the grand jury. Do not identify grand jurors by committee; the grand jury, not a specific committee, is issuing the report.

Table of Contents

Outlines the chapters or sections names with their corresponding page numbers. In addition to chapter names, it includes bullet points of the sub-chapter headings or subsection headings.

Non-Investigative Status Reports

These are mandatory, non-investigative reports. The California Penal Code requires, among other things, that the grand jury report on the fiscal matters of the county and inspect the jail facilities. If the grand jury does not issue an investigative report about fiscal budget matters, and jail facilities then a status report is required. These reports can be brief.

Continuity Reports

A "continuity report" is a report about the responses to the findings and recommendations in prior grand jury reports. The most common type of continuity report looks at all of the responses to the previous year's reports for legal compliance, determining if the required responses came in on time and contain the required content,

Continuity reports should be reviewed, approved, delivered, and released like other individual reports. The jury should contact its legal advisor or the court for guidance about continuity reports. For 45 days after the end of the term, the foreperson and their designee shall, upon reasonable notice, be available to clarify the recommendations of the report.

SECTION 8

WINDING DOWN THE GRAND JURY

As the term of the grand jury comes to an end, there are several activities that must be completed:

- Deliver Final Report to the Court
- Deliver Updated Procedures Manual to the next grand jury
- Pass On Civil Investigation Materials to the next grand jury (if any)
- Archive Civil Investigation Materials
- Dispose of Unneeded Civil Investigation Materials
- Update Grand Jury Library and Catalog

Deliver Final Report to the Court

Preparing the final report can be a stressful time for the grand jury as it finalizes and approves each report to be released. There may be some disagreements, so grand jurors should remember to maintain collegial relationships with other jurors.

When the final report is approved by a supermajority, the Foreperson shall transmit the report to the presiding Judge via Court Services. The Judge will accept the report and direct the Court to deliver to each agency reviewed in the report a copy of that portion of the report related to said agency at least two working days prior to publication [PC §933.05(f)]. The Court will send a copy of the final report, or a letter informing of the availability of the final report, to each person and agency listed on a distribution list, as well as the head of any agency included in the final report that is not listed on the distribution list.

Distribution List for Copies of Grand Jury Final Report:

- Superior Court Judges and Commissioners (13)
- Court Executive Officer (1)
- Superior Court (25)
- Outgoing Grand Jurors (19)
- Incoming Grand Jurors (19)
- Butte County Libraries (5)
- Butte County Law Library (1)
- State Archivist (1)

Distribution List for Letters Informing of the Availability of Grand Jury Final Report:

- County Board of Supervisors (1)
- County Chief Administrative Officer (1)
- County Department Heads (TBD)
- County Clerk (1)
- City Mayor (5)
- City Police Chief (5)
- Media (TBD)

It is important to remember to maintain confidentiality until the public release of the Final Report. While affected agencies may receive advance copies of a report, grand jurors shall remain silent on such matters. The foreperson is the official spokesperson for the grand jury and should be the only person to talk to the media. The foreperson shall not reveal any evidence or facts not included in a report, any discussions or votes of jurors, or the identity of any witnesses.

Deliver Updated Procedures Manual

The Procedures Manual Committee shall submit any changes to the Procedures Manual to the full grand jury for approval. Only a simple majority is required since this document is not a “public action”. Once approved, the Foreperson shall transmit the Procedures Manual to Court Services for updating of appendixes and printing of the Manual for the next grand jury to use.

Pass On Civil Investigation Materials

Penal Code § 924.4 allows the grand jury to “pass on ... any records, information, or evidence acquired by the grand jury during the course of any investigation.” This includes recordings or transcripts from interviews, as well as public records, research documents, and complaints or residents’ requests for investigation. Penal Code § 924.4 is an exception to the confidentiality rules found in Penal Code § 924.1 as it allows these limited items to be passed on to a succeeding jury. Juries should not pass along any internally developed documents including minutes of plenary and committee meetings, memos, logs, e-mails, and work plans, as well as draft reports. Likewise, what the jurors “thought” or talked about during an investigation cannot be passed on, even by holdover jurors, because it would reveal the thought processes and discussions of the jury. A jury should not provide a succeeding jury with a cover memo or an evaluation of the investigative materials that are passed on. Juries should consult legal advice before passing on any materials to a succeeding jury.

Passing on these investigation materials is a “public action” (because it reveals confidential evidence to someone outside of the jury that acquired it), so it requires a passing supermajority vote.

The foreperson shall collect approved investigation materials to be passed on, and transfer them to Court Services for delivery to the next grand jury.

Archive Civil Investigation Materials

In order to protect grand jurors from lawsuits arising from the publication of Grand Jury Reports, it is highly recommended that pertinent investigation materials be archived for one year following the end of the grand jury term. Pertinent investigation materials include any evidence, including complaints and interviews, acquired during any investigation that resulted in a published report.

Digital copies of all pertinent investigation materials shall be saved on a USB drive. Hard copies that cannot be converted to a digital format shall be saved in sealable envelopes identifying the contents and term of the grand jury.

The foreperson shall hold on to the investigation materials until the statute of limitations for defamation lawsuits has expired.

Dispose of Unneeded Civil Investigation Materials

The grand jury shall dispose of all unneeded civil investigation materials. Unneeded investigation materials include meeting agendas and minutes, draft reports, and pertinent investigation materials from prior Grand Juries that no longer need to be retained.

All unneeded investigation materials shall be shredded to ensure confidentiality of their contents.

Update Grand Jury Library and Catalog

The Procedures Manual Committee shall collect any new public documents that were acquired by the grand jury and add them to the Grand Jury Library. Public documents are those documents that are available for viewing by citizens and residents of the County. Examples of such documents include:

- County and City Budgets
- County and City Financial Reports
- LAFCO Municipal Service Reviews
- County, City, and Special District General Plans

The Library Catalog should also be updated to reflect the contents of the library.

APPENDIX 1

FREQUENTLY ASKED QUESTIONS

This appendix contains answers to frequently asked questions.

Questions typically asked before being selected as a grand juror

Are there any qualifications for grand juror?

To qualify to serve on the grand jury, you must meet the following requirements as outlined in Penal Code § 893:

- Be a citizen of the United States; 18 years of age or older;
- A current resident of Butte County and for one year immediately before being selected;
- Possess natural faculties of ordinary intelligence, of sound judgment, and of fair character;
- Possess sufficient knowledge of the English language.

Are there any disqualifications for grand juror?

A person is not legally qualified to apply or serve on the grand jury if any of the following apply:

- The person is serving as a trial juror in any court of this state;
- The person has been discharged as a grand juror in any court of this state within one year;
- The person has been convicted of malfeasance in office or any felony or other high crime;
- The person is serving as an elected public officer.

Would I be an effective grand juror?

Yes, if you can listen and be objective and work with 18 others toward a common goal. An effective grand juror is eager to learn about local governments and agencies and is committed to public service.

What type of work will I perform?

Investigate cases assigned to the committees where you serve. Most of the cases will be intended to improve the efficiency or service of local government, or perhaps save taxpayer dollars. This often involves researching the California Penal Code, city or county codes. Inspections of detention facilities throughout the county are also part of the grand jury's responsibility. Occasionally, there will be an opportunity to serve during a criminal investigation.

Will I need any special knowledge or skills?

You must be computer literate. You should be able to read and write emails to communicate with other grand jurors using an email client such as Microsoft Outlook or Google Mail, conduct research using an internet browser such as Microsoft Internet Explorer or Google Chrome, and write and edit documents using a document editor such as Microsoft Word or Google Docs. The ability to use Microsoft Excel or Adobe Acrobat Pro is also helpful.

How much time will it take to serve on the grand jury?

The term of the grand jury is one year, from July 1 through June 30 of the following year. Typically, you can expect to spend 40-50 hours per month, plus travel time, on grand jury business. During a typical month, you would be expected to attend 2 full panel meetings and 6 committee meetings and/or field trips. Additional committee meetings or field trips may be scheduled, depending on committee investigations. It is possible to schedule time off for vacations or limited emergencies.

Would I be paid?

Yes, you will be paid \$36 for each day you participate in a full panel meeting or committee meeting. You will also be reimbursed for travel mileage based on the current government rate.

Can I discuss what I do with anyone not on the grand jury?

No, all the work you do is confidential until the grand jury's final report is published in June, at the end of your term. You may inform friends and family that you are serving on the grand jury.

Will I be trained to be an effective grand juror?

A two-day grand juror training workshop is conducted by professional trainers and former grand jurors throughout the State from the [California Grand Jurors Association](#). Each grand juror also receives a Procedures Manual prepared by the prior grand jury, and the current grand juror may amend the manual as needed.

What are the grand jury committees?

There are a total of seven committees, listed below. You will be assigned to serve on two or three of these committees, usually based on your experience and interest.

Grand Jury Committees

- **Audit and Finance** – Reviews the financial operations of city and county governments and agencies. (See also Appendix 4 page 85, Guidelines for an Audit and Finance Committee)
- **County** – Examines matters concerning the county board of supervisors and county administration and its departments and agencies.
- **Cities** – Examines matters concerning the five incorporated towns or cities within Butte County: Biggs, Chico, Gridley, Oroville, Paradise.
- **Special Districts** – Examines matters concerning special districts within the county, including those serving schools, libraries, water, recreation, and Community Service Areas. The grand jury does not examine or investigate school curricula.
- **Law Enforcement and Public Safety** – Examines matters concerning county and city law enforcement, criminal and juvenile justice systems, and personnel; county and city physical and mental health services, as well as social services. Routinely inspects all jail and detention facilities in the county and cities.
- **Response** – Examines the responses to the prior grand jury's reports, prepares and publishes a summary of those responses in the current grand jury final report. (See also Appendix 4 page 93, Guidelines for a Response Committee)
- **Editorial** – Reviews each draft report and suggests edits to improve the quality of each final report.

Questions asked after being selected as a grand juror

What is a supermajority?

A supermajority is a number much higher than 50%. In Butte County, the supermajority is 12. All external actions taken by the grand jury (such as beginning an investigation or publishing a report) must pass a supermajority vote.

May a grand juror serve consecutive terms on a grand jury?

Yes. The presiding judge is allowed to name up to 10 sitting jurors, who consent, to hold over for "a second year." (PC §901 (b) The code does not explicitly allow for service for more than two consecutive years.

May a grand juror attend a meeting remotely?

Yes. a grand juror may participate by audio or video. Some meetings may be completely virtual.

APPENDIX 2

COMPLETED INVESTIGATION MATRIX

This appendix contains information about completed investigations by committee, agency, and year. It can be used to determine if an agency has been investigated recently. A spreadsheet containing this information is provided to the grand jury.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	
1	AUDIT, FINANCE & ADMINISTRATION COMMITTEE																							
2	Administration		I	I	I				V	V					PV	PV	I				V	P	V	
3	Assessor				V			R		V	V	V						V					VP	VPR
4	Auditor/Controller		I	I	I	I		R	V	I					VP	VP	V				VI	VP	VPR	
5	Audit Report*	*	*	I	*			R	R	R	R	R		R	*V	R	R	R	R	RV	R	R	R	
6	Treasurer/Tax Collector	V			V				R										R			VP	VP	
7																								
8	CITY GOVERNMENTS COMMITTEE																							
9	Cities																I	VI	RV					
10	Biggs																					V	VI	
11	Chico																					V	VI	
12	Gridley																					V	VI	
13	Oroville																		IRV			V	VI	
14	Paradise																				V	VI	VI	
15	Elected Officials																							
16	Biggs				V				I						I									
17	Chico														I	I	V							
18	Gridley		I		V				V			I	R	I								V		
19	Oroville						I		V	V						V								
20	Paradise						R								I								VI	
21	REDEVELOPMENT AGENCIES										R													
22	Biggs				R				I															
23	Chico			I	R	I	V	I		V					I							P	V	
24	Gridley		I		R				R													PV	VP	
25	Oroville			I			I		R	V	I				V							P	V	
26	Paradise		I				R								P									
27																								
28	COUNTY OFFICES COMMITTEE																							
29	Board of Supervisors			I												V						P	V	
30	Clerk/Recorder/Elections/Registrar		I		I	I	I			V		V	V	V	V	V		I				P	VP	
31	County Counsel			V	I	V		R							P							P	P	
32	General Services:								R														V	
33	Contracts									R					V									

Legend:

* Denotes Mandatory Yearly Inspection

V = Visit (Informal visit of an office)

P = Presentation

R = Complete review of Agency (budget, policies, management, employees, etc.)

I = Specific area of investigation (complaint, event, etc.)

APPENDIX 3

COMMITTEE ASSIGNMENTS

This appendix identifies each County department, County commission, County committee, City, and Special District within Butte County and the suggested grand jury Committee to which they are assigned. These assignments may be altered as necessary to reduce the workload on the assigned Committee. Previous Grand Juries have used additional committees to cover some of these agencies.

Audit and Finance Committee

Office of the Assessor

Office of the Auditor-Controller

Audit Report

Treasurer-Tax Collector Department

Treasury

Property Tax

Central Collections

Law Enforcement Committee

Office of Sheriff-Coroner

County Jail

Butte County Interagency Narcotics Task Force (BINTF)

Behavioral Health Department

Behavioral Health Board

Office of District Attorney

Employment and Social Services Department (DESS)

Veterans Services Office

Fire Department

Probation Department

Juvenile Hall

Juvenile Justice Coordinating Council

Public Health Department (BCPHD)

Administration Division

Vital Records Office

Community Health Division

COVID Division

Environmental Health Division

Solid Waste Permit Enforcement & Appeal Independent Hearing Panel

Wastewater Advisory Committee

Prevention and Health Promotion Division

Animal Control

First 5 Butte County Children & Families Commission (First 5 Butte County)

Housing Authority of the County of Butte (HACB)

Butte Countywide Homeless Continuum of Care Council (Butte CoC)

Interagency Hazardous Materials Team (IHMT) - Joint Powers Authority (JPA) covering fire departments within Butte County

Abandoned Vehicle Abatement Program (AVA) - Joint Powers Authority (JPA) covering Butte County and cities

County Committee

Board of Supervisors (BOS)

Administration Department

Administration Division

Assessment Appeals Board

City Selection Committee
Consolidated Oversight Board
Indian Gaming Local Community Benefit Committee
Southside Oroville Community Center Advisory Committee
Clerk of the Board
Economic and Community Development Division
Office of Emergency Management (OEM)
Disaster Council
Risk Management Division
Office of Agricultural Commissioner
University of California Cooperative Extension (Farm Advisor)
Weights and Measures
Child Support Services Department
Clerk-Recorder
Elections
Voter Registration
County Counsel
Department of Development Services (DDS)
Administration Division
Planning Division
Planning Commission
Airport Land Use Commission (ALUC)
Land Conservation Act Advisory Committee (LCA)
Surface Mining Aggregate Operations Committee (SMAOC)

Building Division

Building Code Board of Appeal

Disabled Access - Board of Appeals

Code Enforcement Division

Code Enforcement Advisory Board

Forest Advisory Committee

Local Appeals Board

General Services Department

Veterans Memorial Hall Committees - 4

Human Resources Department (HR)

Information Systems Department (IS)

Geographic Information Systems

Public Works Department (PW)

Administration Division

Roads Division

Land Division

Waste and Recycling Division

Neal Road Recycling and Waste Facility

Regional Waste Management Authority - Joint Powers Authority (JPA) covering
unincorporated Butte County, City of Biggs, and City of Paradise

California Integrated Waste Management Local Task Force

Water and Resource Conservation Department

Water Commission

Water Technical Advisory Committee

Groundwater Pumpers Advisory Committee

Groundwater Sustainability Agencies - 2

Library

Library Advisory Board

County-wide agencies:

Butte County Air Quality Management District (AQMD)

Butte County Housing Authority (HACB)

Butte County Local Agency Formation Commission (LAFCo) - shared with District Committee

Butte County Fair Association (BCFA)

Butte County Fish and Game Commission

Butte County Law Library Trustees

Butte County Association of Governments (BCAG) - association of Butte County and its city governments

Butte Choice Energy (BCE) - partnership between Butte County and City of Chico

Citizens Advisory Commission for the Oroville Dam - a public body representing various state, county, and city government

In-Home Supportive Services Advisory Committee

City Committee

City of Biggs

City Council

City of Chico

City Council

Planning Commission

City of Gridley

City Council

City of Oroville

City Council

Town of Paradise

Town Council

Planning Commission

Districts Committee

Special Districts

School Districts - 13

Cemetery Districts - 8

Community Service Districts (CSDs) - 3

Drainage Districts - 5

Fire Protection Districts (FPDs) - 1

Irrigation Districts - 5

Mosquito Abatement Districts - 3

Reclamation Districts - 3

Parks and Recreation Districts - 5

Sanitary Districts - 1

Utility Districts - 1

Water Districts - 4

County Service Areas (CSAs) - 69

Resource Conservation Districts (RCDs) - 1

Permanent Road Divisions (PRDs) - 4

Butte County Local Agency Formation Commission (LAFCo) - shared with County

Committee

Butte County Office of Education (BCOE)

Local Child Care Planning Council

Sutter Butte Flood Control Agency (SBFCA) - Joint Powers Authority (JPA) covering portions of Butte and Sutter Counties

Butte Schools Self-Funded Programs Joint Powers Authority (BSSP) - Joint Powers Authority (JPA) covering school districts in Butte County

Butte County Tourism Business Improvement District (BCTBID)

Sewage Commission Oroville Region (SCOR) - Joint Powers Authority (JPA) covering City of Oroville, Lake Oroville Public Utility District (LOAPUD) and the Thermalito Water and Sewer District (TWSD)

APPENDIX 4

GUIDELINES FOR OFFICERS AND COMMITTEES

This appendix contains guidelines intended to help officers and committees to understand their roles and provide guidance to their work.

Guidelines for Officers:

- Guidelines for a Foreperson
- Guidelines for a Foreperson Pro Tempore
- Guidelines for a Recording Secretary
- Guidelines for a Correspondence Secretary
- Guidelines for a Treasurer
- Guidelines for a Technology Officer
- Guidelines for a Parliamentarian

Guidelines for Committees:

- Guidelines for an Audit and Finance Committee
- Guidelines for a Law Enforcement Committee
- Guidelines for a County Committee
- Guidelines for a Cities Committee
- Guidelines for a Districts Committee
- Guidelines for a Response Committee
- Guidelines for an Editorial Committee
- Guidelines for a Procedures Manual Committee
- Guidelines for a Social Committee

Guidelines for Important Topics:

- Guidelines for Creating Well-Written Reports

Butte County Grand Jury Guidelines for a Foreperson

This appendix is intended as a convenient reference resource for the Grand Jury Foreperson. No guidelines have been submitted for this officer.

Butte County Grand Jury Guidelines for a Foreperson Pro Tempore

This appendix is intended as a convenient reference resource for the Grand Jury Foreperson Pro Tempore. No guidelines have been submitted for this officer.

Butte County Grand Jury Guidelines for a Recording Secretary

This appendix is intended as a convenient reference resource for the Grand Jury Recording Secretary. No guidelines have been submitted for this officer.

Butte County Grand Jury Guidelines for a Corresponding Secretary

This appendix is intended as a convenient reference resource for the Grand Jury Corresponding Secretary. It is a compilation of the information pertaining to the role of Corresponding Secretary which is found in various other locations in this manual, as well as some additional information intended to answer questions that may arise at the beginning of each new jury's term.

General Procedures

- Collect and date stamp incoming correspondence from the Post Office box 110 (1735 Robinson St., Oroville).
- Collect and date stamp incoming correspondence from county agencies in the Courthouse locked cabinet inside the office of the Clerk of the Jury Commissioner.
- Mail and correspondence should be collected no less than once a week.
- Make redacted copies as needed to distribute to Foreperson and/or appropriate committee chairpersons and panel members.
- Log all correspondence into a General Correspondence Log
- Retain originals along with their envelopes. Assign each a number (for example R1 for Response 1; C1 for Complaint 1; G1 for general correspondence 1, etc.) and attach a completed General Correspondence Log form (see Sample 1) to each item of general correspondence, or a Complaint Log (see Sample 2) form for letters of complaint.
- Create and maintain a filing system for incoming and outgoing correspondence. It is recommended that separate files be created for complaints, official responses to Grand Jury reports, and general correspondence.
- Respond to letters of complaint with an Acknowledgment Letter (see Appendix 11 page 182, Sample Complaint Response Letter). Complaint Response letters should be signed by the Foreperson unless the Full Panel decides otherwise.

“The Grand Jury sends letters to acknowledge receipt of all written citizen concerns. Other than confirming receipt and assuring due consideration of complainants' concerns, letters of acknowledgment do not commit the jury to any course of action.”
- All outgoing correspondence should be approved and signed by the Foreperson.
- Any correspondence directed to inmates should be clearly marked “Legal Correspondence - Confidential” to protect inmate privacy.

Complaint Receipt Procedures

- Create a Complaint Logbook or File.
- Date-stamp and log complaints into the General Correspondence Log and then into the official Complaint logbook.
- Copies of the complaint should be delivered to the Foreperson and the Chairperson of the appropriate committee.
- Prepare Acknowledgment Letters for Foreperson's signature. (Save a copy of the acknowledgment letter to the Outgoing Correspondence file.)
- After logging, original complaint letters should be kept in a separate file and kept for reference only. These are not to be removed from this file.
- Complete the top portion of the Complaint Status Summary for the appropriate committee.
- Prepare a Working Complaint File. (This file should be maintained by the Corresponding Secretary or by the Chairperson of the appropriate committee depending upon the decision of the Full Jury Panel.)

Working Complaint File

The Working Complaint File for each complaint should contain:

- Complaint Status Summary
- Copies of an original letter and its contents
- Copies of acknowledgment of foreperson
- Committee action notes and follow-up

Unsigned Complaints: Anonymous (unsigned) letters are not treated as complaints. They are not logged into the complaint process. The letter is referred to the appropriate committee and filed for further information or additional signed complaint material. If none is received, the complaint is destroyed at the end of the fiscal year.

Signed Complaints: Place the signed complaint into the Complaint Log. Affix the assigned file number in ink in the upper right-hand corner of the document.

Guidelines for Use of E-mail for Distributing Grand Jury Documents

As in all Grand Jury proceedings, confidentiality is of the utmost importance. If a Grand Jury determines to use e-mail for any of its communications, security must be a foremost consideration. In such cases, it is recommended that:

Each juror who will be using e-mail to conduct Grand Jury business set up a separate and password-protected e-mail account dedicated solely for this purpose.

All forwarded documents be password-protected and stored in a secure, password-protected location.

If password protection is unavailable, sensitive information such as complainant names, etc. should be redacted.

When distributing scanned documents, particularly those containing sensitive information, send copies to as few individuals as necessary. Usually, this will be the foreperson and the appropriate committee chairperson. They can then distribute copies within their committees as needed.

Miscellaneous Information

Each Grand Jury is responsible to set up its own filing system. The format used is largely left to the discretion and convenience of the Corresponding Secretary and any committee members who might be designated to maintain Working Complaint Files. The forms provided in the manual are suggested formats. They may be copied and filled out by hand or used as models for the creation of computer templates.

Scanning and e-mailing documents when appropriate saves time and money.

Emails sent should include the following Confidentiality Notice below the signature line:

Confidentiality Notice: The Grand Jury is a fact-finding body that can make recommendations to improve local government. This can facilitate change in our County. The Grand Jury is empowered by the judicial system.

If you are asked to provide or volunteer information, your identity and testimony will be kept confidential by the Grand Jury. It is a misdemeanor for a grand juror to violate that confidentiality. (Penal Code Section 924.1)

Butte County Grand Jury Guidelines for a Treasurer

This appendix is intended as a convenient reference resource for the Grand Jury Treasurer. No guidelines have been submitted for this officer.

Butte County Grand Jury Guidelines for a Technology Officer

This appendix is intended as a convenient reference resource for the Grand Jury Technology Officer. No guidelines have been submitted for this officer.

Butte County Grand Jury Guidelines for a Parliamentarian

This appendix is intended as a convenient reference resource for the Grand Jury Parliamentarian. No guidelines have been submitted for this officer.

Butte County Grand Jury Guidelines for an Audit and Finance Committee

This appendix is intended as a convenient reference resource for the Grand Jury's Audit and Finance Committee. These guidelines were prepared by the 1997-98 Butte County Grand Jury Audit and Finance Committee, and updated by the 2022-23 Butte County Grand Jury.

Purpose

The grand jury “shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county” (Penal Code § 925), and “may at any time examine the books and records of any incorporated city or joint powers agency located in the county” (Penal Code § 925a). These and other mandates are the primary function of an Audit and Finance Committee, which the grand jury delegates to act on its behalf. The examination of operations, books, and records of the following agencies fall within the purview of an Audit and Finance Committee:

- County (PC § 925)
- County Service Areas (PC § 925)
- Cities (PC § 925a)
- Joint Powers Agencies (PC § 925a)
- Housing Authorities (PC § 933.1)
- Independent Special Districts (PC § 933.5)
- Local Area Formation Commission (PC § 933.5)
- Nonprofit Corporations Established by or Operated on Behalf of a Public Entity (PC § 933.5)

In Butte County, an Audit Committee has been established to assist the Board of Supervisors oversee the integrity of financial statements, the systems of internal controls, the qualifications of the external auditor, and the performance of both internal and external auditors. The Audit Committee selects the external auditor (also known as the independent accountant), with approval by the board, and decides whether or not to engage additional auditors for specific requests. Members of an Audit and Finance Committee are invited to observe meetings of the Audit Committee, but cannot vote, and are encouraged to report activities to the full panel.

The mandate in Penal Code § 925 can be satisfied by creating a report on some aspect of the operations, accounts, and records of the county. The grand jury cannot duplicate the work performed by the Auditor, but can review audit reports and other financial reports prepared for specific agencies.

Examples of such reports include:

- Annual Comprehensive Financial Reports
- Single Audit Reports
- Independent Auditor's Reports and Financial Statements
- Final Property Tax Audit Report

An Audit and Finance Committee, with approval of the full grand jury, may hire experts, and assistants to those experts, with the approval of the court, to assist with the examination of reports.

Determination of Audit Topics for Investigation

Audit and Finance topics for investigation are determined from past grand jury Final Reports, citizen complaints and committee member interests. The decision to open an investigation may require a preliminary inquiry and homework. Never open an investigation based on the personal knowledge of one person. That knowledge may be extremely biased.

Scope of Investigations

Investigations may include:

- Evaluations of the effectiveness, strengths and weaknesses of internal financial and accounting controls;
- Reviews, tests and checks to determine whether county or city departments, areas or functions are receiving the revenues to which they are entitled, and are recovering obtainable reimbursable costs;
- Examinations of selected documents supporting expenditures, whether money is being spent legally and for the purposes for which appropriations were approved;
- Reviews of the safeguards and controls over physical property and the procedures for disposal of surplus property;
- Investigations of areas in which there are potential revenue increases or cost savings;
- Reviews of management policies, procedures, goals and effectiveness;
- Follow-up of open items from prior year's grand jury reports;
- Cash or security counts;
- Code compliance reviews; and/or
- Special projects as required by the grand jury.

All investigations should be conducted in such a way as to determine whether or not an organization is conducting its affairs with competence, effectiveness and cost-consciousness.

Use of Experts

The grand jury is authorized to employ experts, such as a qualified auditing firm or appraiser, to examine the accounts and records of any county officers, the needs, including the abolition or creation of offices and equipment for, and the method of operation of the several offices. The grand jury is also authorized to employ experts to examine the fiscal books and records of incorporated cities, joint powers agencies, special districts, and LAFCO. In addition, the grand jury may, with the consent of the Board of Supervisors, employ expert auditors or appraisers to assist in the examination of the books, records, accounts and documents maintained and processed by the County Assessor. Investigations using the assistance of experts are often called contract audits.

The engagement of experts should be accomplished as early in the grand jury's term as possible, as the hiring of experts may be time-consuming. An Audit and Finance Committee solicits and evaluates proposals, interviews representatives of auditing firms, negotiates the final contracts and generally directs the focus of the expert's efforts.

Audit Budget

Although the grand jury is clothed with broad investigatory powers, its resources are limited. Requests for expert assistance by the various committees may exceed the available funds. The Audit and Finance Committee must carefully review each request for expert assistance to determine priorities. Any investigation requiring the use of experts must be voted on and approved by a majority vote in a general session before it is undertaken.

Penal Code § 926 provides that expenditures for the services of experts and assistants should not exceed the sum of \$30,000 annually, unless such expenditures are first approved by the Board of Supervisors.

Selecting and Hiring Expert Auditors

The following steps should be followed in order to select a suitable expert and enter into an employment agreement with that expert:

1. Obtain a current list of public accounting/auditing firms that may be available for your investigation, particularly firms that are experienced in conducting contract audits, pursuant to provisions of Penal Code § 926.
2. Request the assistance of the County Counsel's office in drafting a "Request for Proposal" (RFP), defining the scope and extent of the requested contract audit.

County Counsel should have a sample of these from previous grand jury audits on file.

3. After an RFP has been drafted to suit the grand jury's requirements, mail it to all identified accounting/auditing firms.

The RFP will provide a meeting between the Audit and Finance Committee, and the selected proposer, to discuss further the proposed bids, and to select and to agree with the proposer as to the actual cost.

4. Following an agreement with the selected proposer, County Counsel can draft an actual proposed contract with the selected proposer, subject to approval of funding by the Board of Supervisors and the Presiding Judge of the Superior Court.

No compensation may be paid and/or committed to any auditor until a written contract has been entered into and executed by both parties after approval by the Presiding Judge.

All contracts are subject to review by the County Counsel unless the grand jury waives the review.

No solicitation for services shall be made except through procedures established by the Presiding Judge after approval of the general body of the grand jury.

The grand jury and the Board of Supervisors may enter into a joint contract to employ the services of an expert pursuant to Penal Code § 926.

In the context of "working as a body", a majority vote of the grand jury is required on each contract.

Other Experts

Most public accounting firms are quite diversified and provide a wide range of services other than fiscal auditing. They have divisions that specialize in management auditing and consulting, as well as task groups that are expert in fields, such as data processing.

In addition to public accounting firms, the grand jury can draw on a wide range of specialized consulting resources. Some of these are firms that specialize in providing research into specific areas, such as medical care or social services. Other resources are universities that can provide specialized information and research on a 'for fee' basis. Still other resources are non-profit organizations that exist to provide research in particular areas.

Butte County Grand Jury Guidelines for a Law Enforcement Committee

This appendix is intended as a convenient reference resource for the Grand Jury's Law Enforcement Committee. No guidelines have been submitted for this committee.

Butte County Grand Jury Guidelines for a County Committee

This appendix is intended as a convenient reference resource for the Grand Jury's County Committee. No guidelines have been submitted for this committee.

Butte County Grand Jury Guidelines for a Cities Committee

This appendix is intended as a convenient reference resource for the Grand Jury's Cities Committee. No guidelines have been submitted for this committee.

Butte County Grand Jury Guidelines for a Districts Committee

This appendix is intended as a convenient reference resource for the Grand Jury's Districts Committee. No guidelines have been submitted for this committee.

Butte County Grand Jury Guidelines for a Response Committee

This appendix is intended as a convenient reference resource for the Grand Jury's Response Committee. These guidelines were prepared by the 2022-2023 Butte County Grand Jury.

Purpose

A Response Committee provides continuity via reviewing the responses to prior Grand Jury Reports.

Goals

- Let the community know that someone is watching.
- Publicize the responses, giving credit where due or admonishing an agency for non-response or non-completion of agreed upon tasks.
- Keep the public informed about the continuous nature of grand jury work.

Tasks

- Review previous Compliance and Continuity Reports to understand what to look for and how to present information.
- Receive and review each written response to the previous Grand Jury Reports.
- Create a table with rows representing required respondents and columns representing each allowed response to findings and recommendations. Fill the table with the identifiers in the appropriate cell. Use the table created by the previous grand jury as a model.
- Create a table with rows representing invited respondents and columns representing each allowed response to findings and recommendations. Fill the table with the identifiers in the appropriate cell. Use the table created by the previous grand jury as a model.
- Contact agencies that have not responded within the allowed time (90 days for governing bodies or boards, 60 days for individuals), admonishing them for legal non-compliance.
- Discuss progress on recommendations that were responded as "implemented" or "will be implemented."
 - Follow up with the agency as necessary.
 - Monitor for compliance and note any exceptions.
 - Evaluate for further investigation.

- Create a compliance and continuity report. Include the two tables previously created.

Butte County Grand Jury Guidelines for an Editorial Committee

This appendix is intended as a convenient reference resource for the Grand Jury's Editorial Committee. These guidelines were prepared by the 1997-98 Butte County Grand Jury Editorial Committee and updated by the 2022-23 Butte County Grand Jury.

Purpose

An Editorial Committee oversees the compilation, reproduction and distribution of the Butte County Grand Jury Final Report. Grand jury committees contribute reports to the Final Report, and it is important for these reports to have a similar style and format. The committee's purpose is to ensure the timeliness, quality, clarity and consistency in style and format of the Final Report.

Goals

- The Grand Jury Final Report appears to have one author. There is no individual "pride of ownership" in the Final Report and is the work of many people and committees.
- The Grand Jury Final Report protects sources and individual's privacy. Witness confidentiality is essential throughout the report writing process.
- The Grand Jury Final Report follows editorial standards to ensure consistency of style, structure, grammar, and use of punctuation. Simple, substantive, and grammatically correct writing will determine the effectiveness of each committee's work and the quality of the Final Report.

Guiding Principles

- Individual reports are drafted by committees, as much as possible, using the editorial standards determined by the Editorial Committee.
- Individual reports are reviewed by the Editorial Committee to identify issues affecting clarity, consistency, and cohesiveness, without changing the essence of any report.

Editorial Standards

The 2022-23 Butte County Grand Jury adopted the editorial standards used for the 2020-2021 San Francisco Civil Grand Jury. These standards cover the following topics:

- Formatting
- Grammar
- Punctuation

- Special Characters
- References
- Report Structure
- Suggested Content for Each Section
- Collaborative Editing

All reports submitted for review should be checked by the Editorial Committee for adherence to these standards. Minor corrections may be made by the committee, but major corrections should be made by the investigating committee to ensure that the intent of the report is not changed.

The Review Process

The Editorial Committee will likely see a draft report several times before it is approved by the full grand jury. It is important for the committee to keep track of each draft to ensure changes are not lost. The committee should collaborate with the primary author of each report on all major changes to the report. The committee should understand the Report Approval Process.

Compiling the Consolidated Final Report

The Editorial Committee is heavily involved in the creation of the Consolidated Final Report, which is the last official document delivered by the grand jury. The committee needs to do the following:

- Collaborate with the investigating committees to ensure that report titles are acceptable to the full grand jury
- Receive the transmittal letter from the foreperson
- Decide the order of individual reports within the document
- Create an interesting cover page for the document
- Assemble the document into a single digital file
- Deliver the document to the foreperson

Once all (or most) of the reports are in draft form, the editorial committee should prepare a draft table of contents for the full grand jury to approve.

Butte County Grand Jury Guidelines for a Procedures Manual Committee

This appendix is intended as a convenient reference resource for the Grand Jury's Procedures Manual Committee. No guidelines have been submitted for this committee.

Butte County Grand Jury Guidelines for a Social Committee

This appendix is intended as a convenient reference resource for the Grand Jury's Social Committee. These guidelines were prepared by the 2022-23 Butte County Grand Jury.

Purpose

The Social Committee provides members of the grand jury opportunities to bond and boost morale. The committee oversees the planning of extracurricular activities and/or events that create or give an inclusive and welcoming atmosphere. These ideas don't necessarily involve working, they establish positive dynamics between and amongst grand jury members. Sometimes, just providing snacks for meetings when everyone can attend.

Goals

- Hold a summer icebreaker event soon after the formation of the grand jury that allows members of the grand jury (and possibly their families) to meet and talk about themselves and their interests
- Hold a winter social event for members of the grand jury and their families
- Hold a spring social event for members of the grand jury and their families
- Hold a final social event for members of the grand jury and their families
- Ensure that refreshments are available for long meetings

Butte County Grand Jury Guidelines for Creating Well-Written Reports

This appendix is intended as a convenient reference resource for authors, editors, and reviewers of grand jury reports. These guidelines were prepared by the 1997-98 Butte County Grand Jury Editorial Committee and updated by the 2022-23 Butte County Grand Jury.

Purpose

Creating a well-written report is not a simple task. A well-written report presents information (such as purpose, background, facts, findings, and recommendations) that informs of problems, promotes government transparency and accountability, and/or exposes misconceptions. A well-written report is fair, objective, timely, and persuasive. Conversely, a poorly written report may not have a positive impact on readers and can imply sloppy investigative techniques. Guidelines provide authors and reviewers guardrails that increase the likelihood that a report is well-written.

Guiding Principles

- Good reporting requires good documentation. Sources must be recorded, and all sides of any issue must be considered and explored before drawing conclusions and writing the consequent report. Interviews should be promptly transcribed along with interview notes.
- Good reporting requires structure and style, and requires adherence to editorial standards, which are just rules that all report authors and the Editorial Committee agree to use. Using a standardized report template also helps committee members in compiling and organizing facts, findings, and recommendations gathered during an investigation into a report.
- Good reporting requires good training. All report writers, editors, and reviewers should attend a report writing workshop,

Know Your Audience

While the Final Report is a matter of public record, individual reports should be directed to the agencies who must respond to the report. Reports should also be readable, and understandable, by the general public.

The Writing Process

A report is divided into several major sections:

- Summary
- Background

- Methodology
- Discussion and Analysis
- Findings
- Recommendations
- Required and Invited Responses

Writing a report should be done “bottom-up”. This means that the most important sections, Findings and Recommendations, should be written first. Next, the discussion and analysis section, which presents facts and evidence, should be written. Next, the methodology section, which describes how the facts and evidence were gathered, should be written. Next, the background section, which provides the purpose of the report, and any historical context on the topic covered by the report, should be written. Finally, the summary section, which summarizes the report into a short press release covering the major findings and recommendations, should be written. Additional sections, such as a glossary or bibliography can be added to the report.

A strong report clearly:

- States the problem or condition
- Identifies the source of the problem or condition and the criteria (i.e., the laws or standards that were violated)
- Describes the situational context of the problem (how it manifests)
- Identifies adverse consequences

Recommendations for Writing Reports

1. Remember your intended audience.
2. Remember your deadlines. Expect to write, rewrite, and rewrite again. Allow enough time to complete the report before it needs to be approved.
3. Assign one committee member as primary author. The primary author should attend a report writing workshop, review the investigative materials, give the report a working title, and lead the writing of the report. Other contributors should collaborate with the primary author.
4. Review the editorial standards before you start to write. Keep referring to the editorial standards as you write the report.
5. Date, and assign a version number to all drafts of the report. This will help prevent issues caused by using old data.
6. Mark all draft reports as “Confidential” to remind reviewers of the sensitivity of the contained material.

7. Use the Report Logic Worksheet (see Appendix 10 page 164, Report Logic Worksheet) to keep track of the relationships between facts, findings, and recommendations.
8. Keep track of all witnesses contacted by the committee, facilities visited, and documents received during your investigation, so you know where your facts come from.
9. Write sections in the following order:
 - a. Findings
 - b. Recommendations
 - c. Discussion and Analysis
 - d. Methodology
 - e. Background
 - f. Summary
 - g. Glossary
 - h. Bibliography
10. Check that all facts are verified using two or more sources. Check the accuracy of figures and the date(s) they were valid.
11. Avoid using quotes from interviews. A quote often indicates a single source.
12. Avoid using statistics to validate facts. Don't rely on the volume of data received. Just because four people said the same thing doesn't necessarily mean it is true.
13. Avoid vagueness and exaggerations.
14. Qualify facts and findings with specific dates. Examples: "The number of employees in XYZ Department was 35 as of December 1, 1997." "As of June 15, 1998, the issue remained unresolved.
15. Understand that findings may be negative (a problem or concern) or positive (a significant win or success).
16. Ensure that every negative finding links to one or more recommendations, and every recommendation links to one or more negative findings.
17. Include positive findings only when they are significant. Don't link them to any recommendations.
18. Provide recommendations that are realistic and achievable within the real world of budgets, headcounts, and procedures. Do not recommend that money, or people, be thrown at the problem.
19. Ensure that the summary section can stand by itself. Some readers may not continue reading the report if they become confused.

20. Limit the summary section to one page. Don't try to put everything in the report into the summary section.
21. Use the background section to state the purpose of the investigation, and provide a historical perspective of the topic, if necessary. Don't spend too many words, and your reader's time, on background material. Don't include methodology or discussion material (particularly evidence) in the background section.
22. Use the methodology section to identify the methods used to gather data during the investigation. Don't include background or discussion material (particularly evidence) in the methodology section.
23. Use the discussion section to present facts and evidence. Don't include background or methodology material in the discussion section.
24. Check that readers have the right context for the presented information. Don't fall into the "familiarity" trap—assuming that a reader knows everything about the report's topics. Tell readers a story with a beginning, middle, and end.
25. Look for irrelevant material in the report and remove it. Facts and evidence that don't lead to findings just clutter up the report. Don't be afraid to "whack and hack" to remove extraneous material.
26. Don't refer to individuals by name or position. Protect the confidentiality of individuals and other sources.
27. Be simple, clear, and concise. Basically, use short words and short sentences.
28. Use an active voice, rather than a passive voice, whenever possible. Example:
The cat caught the rat (active). The rat was caught by the cat (passive).
29. Define acronyms and technical words the first time you use them.
30. Capitalize position titles before names—Superintendent Jerry McGuire—and after departments—Public Works Director. Do not capitalize titles used after names—Tom Lando, city manager. Don't capitalize titles of widely held or common jobs—Janitor.

APPENDIX 5

GLOSSARY OF TERMS RELATING TO THE GRAND JURY

The following terms relating to the grand jury are used within the Butte County Grand Jury Procedures Manual.

ADMINISTRATIVE COMMITTEE - A committee appointed to oversee specific functions within the grand jury; see also **RESPONSE COMMITTEE**, **EDITORIAL COMMITTEE**, **REVISION COMMITTEE**

ADMONISHMENT - Instructions given to witnesses relating to their conduct relating to an investigation

ADVISOR - A person who provides help to the grand jury; see also **COUNTY COUNSEL**, **DISTRICT ATTORNEY**, **COURT CLERK**

AGENCY - A local unit of government or its subordinate department organization

CARRY-OVER GRAND JUROR - See **HOLDOVER GRAND JUROR**

COMMENDATION - See **POSITIVE FINDING**

COMMITTEE - A small group of grand jurors appointed for a specific function; see also **INVESTIGATIVE COMMITTEE** and **ADMINISTRATIVE COMMITTEE**

COMMITTEE CHAIRPERSON - A committee member who facilitates open discussion and decision-making during committee meetings; they may have additional responsibilities

COMMITTEE MEETING - A meeting open to all members of a committee

COMMITTEE SECRETARY - A committee member who keeps the minutes of committee meetings

COMPLAINT - A statement of unsatisfactory or unacceptable behavior by an agency

COMPLAINT LOG - A document identifying every complaint received by the grand jury

CORRESPONDENCE SECRETARY - An officer of the grand jury who corresponds with the public, such as receiving complaints; see also **COMPLAINT LOG**

CONFLICT OF INTEREST - A situation where a grand juror may unduly influence an investigation based on personal experience or potential benefit

CONSOLIDATED REPORT - A document published by the grand jury containing all the reports (continuity report, status reports, investigative reports) produced by the grand jury

CONTINUITY REPORT - A document containing a summary of the responses to the reports published by the previous grand jury; see also **RESPONSE**

COUNTY COUNSEL - A legal advisor for the County

COURT CLERK - An employee of the Superior Court authorized to assist the grand jury

CRIMINAL MATTERS – A hearing of the full grand jury to determine whether an indictment can be made

DISTRICT ATTORNEY - A public official who acts as prosecutor for crimes in the County

DRAFT REPORT - A report that has not yet been approved by the grand jury

EARLY REPORT - An investigative report that is published by itself because of its importance or timeliness

EDITORIAL COMMITTEE - The administrative committee appointed to oversee the editorial review of draft reports; see also **DRAFT REPORT**

EVIDENCE - Testimony or documentation that proves the existence of a fact; see also **RAW EVIDENCE, FACT**

EXIT INTERVIEW - A meeting between grand jurors and other individuals for the purpose of reading and discussing the findings of any Grand Jury Report that relates to those individuals in order to verify the accuracy of the findings prior to their release

FACT - A statement of truth that can be verified through evidence; it is neither opinion, rumor, nor hearsay; see also **RAW EVIDENCE, EVIDENCE, FINDING, RECOMMENDATION**

FINAL REPORT - see **CONSOLIDATED REPORT**

FISCAL MATTERS - Topics relating to public revenues or treasury, such as budgets, financial reports, audit reports

FINDING - An assertion, opinion, or judgment based on one or more facts; it is not just an observation; see **POSITIVE FINDING** or **NEGATIVE FINDING**; see also **POSITIVE FINDING, NEGATIVE FINDING, FACT, RECOMMENDATION**

FOREPERSON – An officer of the grand jury who facilitates open discussion and decision making during plenary meetings; they may have additional responsibilities

FOREPERSON PRO TEM - An officer of the grand jury who may act as foreperson in their absence; they may have additional responsibilities

GOVERNING BODY - A group of people legally responsible for overseeing and running a local unit of government, such as a county, city, town, or special district

GRAND JUROR - A duly sworn-in member of the grand jury; see also HOLDOVER GRAND JUROR

GRAND JURY LIBRARY - A collection of public documents held by the grand jury, including past Grand Jury Reports and Responses, County/City/Special District Budgets and other financial documents, General Plans

HOLDOVER GRAND JUROR - A grand juror who has served on the previous grand jury

INQUIRY - A preliminary search for information, which may lead to an investigation

INTERVIEW - A meeting between grand jurors and other individuals, for the purpose of gathering information or verifying facts; see also EXIT INTERVIEW, INTERVIEW SCRIPT

INTERVIEW SCHEDULING SCRIPT - A script used by an interview scheduler to schedule an interview with a potential witness

INTERVIEW SCRIPT - A script used by a lead interviewer to conduct an interview; it ensures that all the elements of a good interview are covered

INVESTIGATED AGENCY - An agency that the subject of an investigation by the grand jury

INVESTIGATING COMMITTEE - A committee that is investigating an agency

INVESTIGATIVE COMMITTEE - A committee appointed to conduct investigations into one or more kind of agency

INVESTIGATIVE REPORT - A written and published final account of an investigation made by the grand jury

INVESTIGATION - A search for truth through a formal systematic gathering of facts

INVESTIGATION MATRIX - A table showing the investigations by Grand Juries over time for various agencies; it is often used to select agencies for future investigations

LEAD INTERVIEWER - A grand juror who leads an interview; see also INTERVIEW

MAY - A word used to describe an optional action or activity; see also SHALL, SHALL NOT, SHOULD

MEETING - A gathering of grand jurors or committee members; see also PLENARY MEETING, COMMITTEE MEETING

NEGATIVE FINDING - A finding that identifies a problem with an investigated agency; see also POSITIVE FINDING

OFFICER - A grand juror who has one of the following roles: FOREPERSON, FOREPERSON PRO TEM, CORRESPONDING SECRETARY, RECORDING SECRETARY, TREASURER, SERGEANT AT ARMS; additional officers may be appointed to oversee other functions of the grand jury

ONE VOICE - A rule that states that the grand jury expresses a single, unified opinion

PENAL CODE - The California Penal Code, which contains statutes that concern the grand jury

PLENARY MEETING - A meeting that is open to all grand jurors

POSITIVE FINDING - A finding that praises the work of an investigated agency; it acknowledges something that goes beyond the usual expectation; see also NEGATIVE FINDING

POWER OF TWO - A rule which states that all public activities of the grand jury require at least two grand jurors to attend

PROCEDURES MANUAL - A document written and used by the grand jury to conduct its business, including juror rules and responsibilities, organization and operation of committees, investigations, and report writing

PUBLIC ACTION – A public action is any action taken by the grand jury that might be seen by the public, such as publishing a report, or subpoenaing a witness

PUBLIC OFFICIAL - A person who has been elected or appointed to serve as an official of a federal, state, or local unit of government

RAW EVIDENCE - Information that has not been verified from multiple sources; see also FACT

RECOMMENDATION - A course of action addressed to a specific agency based on one or more negative findings; see also FACT, FINDING

RECORDING SECRETARY - An officer of the grand jury who keeps the minutes of plenary meetings

REPORT - A document produced by the grand jury; see also INVESTIGATIVE REPORT, CONTINUITY REPORT, STATUS REPORT, DRAFT REPORT

RESPONSE - A written answer to findings and recommendations from a requested agency

RESPONSE COMMITTEE - The administrative committee appointed to review the responses to the reports published by the previous grand jury; see also CONTINUITY REPORT

REVISION COMMITTEE - The administrative committee appointed to review and update documents used by the grand jury to conduct its business, such as the procedures manual; see also PROCEDURES MANUAL

SCRIPT - A written guide for communicating with people to ensure consistency and completeness during an interview or conversation; see also INTERVIEW SCRIPT, INTERVIEW SCHEDULING SCRIPT

SECRETARY - An officer of the grand jury or one of its committees who keeps the minutes of meetings; see RECORDING SECRETARY, CORRESPONDING SECRETARY, and COMMITTEE SECRETARY

SERGEANT AT ARMS – An officer of the grand jury who maintains order and security during indictment hearings

SHALL - A word used to describe a mandatory action or activity; see also MAY, SHALL NOT, SHOULD

SHALL NOT - A word used to describe a prohibited action or activity; see also MAY, SHALL, SHOULD

SHOULD - A word used to describe a recommended action or activity; see also MAY, SHALL NOT

STATUS REPORT - A written and published account of the current state of an agency or situation

STYLE GUIDE - A document used by the grand jury to ensure that reports meet standards of structure, tone, fairness, etc.

SUPERMAJORITY - A specific number of votes (12) needed to take certain actions of the grand jury, such as opening an inquiry or investigation, selecting officers, or approving a report

TESTIMONY - Information provided by a witness; see also RAW EVIDENCE

TIMELINE - A calendar showing when major events are expected to take place, such as breaks, milestones and deliveries, and court sessions

TREASURER – An officer of the grand jury who oversees the budget of the grand jury and monitors its expenses

WITNESS - An individual who is interviewed by grand jurors, usually on behalf of a committee

APPENDIX 6

ACRONYMS OF INTEREST TO THE GRAND JURY

This appendix contains a list of acronyms that may be used in reports published by the Butte County Grand Jury.

ACA	Affordable Healthcare Act
ADA	Americans with Disabilities Act
ADA	Average Daily Attendance
AFDC	Aid to Families with Dependent Children (now TANF)
AFN	Access and Functional Needs
ALUC	Airport Land Use Commission
ASD	Adult Services Department
BASS	Butte Anti-Drug Special Supervision
BCAC	Butte County Auditor-Controller's Office
BCAG	Butte County Association of Governments
BCAO	Butte County Assessor's Office
BCAQMD	Butte County Air Quality Management District
BCBH	Butte County Department of Behavioral Health
BCBT	Butte College Board of Trustees
BCDA	Butte County District Attorney's Office
BCDA	Butte County Department of Agriculture
BCDBH	Butte County Department of Behavioral Health

BCDDS	Butte County Department of Development Services
BCDESS	Butte County Department of Employment & Social Services
BCDPW	Butte County Department of Public Works (see also BCPW)
BCEA	Butte County Employees Association
BCEC	Butte Community Employment Center
BCEOP	Butte Operational Area Emergency Operations Plan
BCFA	Butte County Fair Association
BCGJ	Butte County Grand Jury
BCHR	Butte County Department of Human Resources
BCL	Butte County Library
BCLEA	Butte College Law Enforcement Academy
BCMVCD	Butte County Mosquito and Vector Control District
BCOE	Butte County Office of Education
BCPD	Butte County Probation Department
BCPHD	Butte County Public Health Department
BCPW	Butte County Public Works (see also BCDPW)
BCSO	Butte County Sheriff's Office
BCT	Butte County Transit
BCTBID	Butte County Tourism Business Improvement District
BINTF	Butte Interagency Narcotics Task Force
BIP	Behavioral Intervention Plan
BOE	California Board of Education
BOS	Board of Supervisors
Butte CoC	Butte Countywide Homeless Continuum of Care Council

CAL FIRE	California Department of Forestry and Fire Protection
CalOES	California Office of Emergency Services
CalPERS	California Public Employees Retirement System
Caltrans	California Department of Transportation
CAC	County Audit Committee
CAC	California Association of Counties
CAFR	Comprehensive Annual Financial Report
CAO	Chief Administrative Officer
CARB	California Air Resources Board
CARD	Chico Area Recreation and Park District
CCC	Community Counseling Center
CDBG	Community Development Block Grant
CDDA	Chief Deputy District Attorney
CDF	California Department of Forestry
CDFW	California Department of Fish and Wildlife
CDPW	California Department of Public Health
CDSS	California Department of Social Services
CEC	California Energy Commission
CEC	Community Employment Center
CFO	Chief Financial Officer
CHP	California Highway Patrol
CHS	Chico High School
CLIC	Community Legal Information Center

CLUP	Comprehensive Land Use Plan
CMSP	County Medical Service Program
COLA	Cost of Living Adjustment
CPA	Certified Public Accountant
CPC	California Penal Code
CPD	Chico Police Department
CPS	Child Protective Services (now CSD)
CPUC	California Public Utilities Commission
CSA	County Service Area
CSD	Community Service District
CSD	Children's Services Division (formerly CPS)
CSEA	California State Employees Association
CSEP	Child Support Enforcement Program
CSP	Commitment to Success Program
CSS	Children's Support Services
CSUC	California State University, Chico
CTCAC	California Tax Credit Allocation Committee
CUSD	Chico Unified School District
CVSO	County Veterans Service Office
CWPP	Community Wildfire Protection Plan
CY	Calendar Year
CYA	California Youth Authority

DARE	Drug Abuse Resistance through Education
DCSS	Department of Child Support Services
DEA	Drug Enforcement Agency
DEC	Drug Endangered Children
DESS	Department of Employment & Social Services
DHCS	California Department of Health Care Services
DHHS	Department of Health and Human Services
DHS	Department of Homeland Security
DMAD	Durham Mosquito Abatement District
DOC	Department Operations Center
DOWC	Del Oro Water Company
DWR	California Department of Water Resources
E911	Emergency 911
EDAC	Economic Development Assistance Committee
EDD	Employment Development Department
EDT	Electronic Data Interchange
EMS	Emergency Medical Services
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
ESL	English as a Second Language
ESP	Electronic Surveillance Program

FEHA	Fair Employment and Housing Act
FEMA	Federal Emergency Management Agency
FERP	Faculty Early Retirement Program
FFA	Future Farmers of America
FFA	Foster Family Agencies
FHA	Federal Housing Administration
FLF	Family Law Facilitator
FFP	Federal Financial Participation
FMLA	Family and Medical Leave Act
FSD	Family Support Division
FTE	Full Time Equivalent Employee
FY	Fiscal Year
GASB	Government Accounting Standards Board
GIS	Geographic Information Systems
HACB	Housing Authority of the County of Butte
HCD	California Department of Housing and Community Development
HERE	Homeless Emergency Runaway Effort
HMGP	Hazard Mitigation Grant Program
HOME	HOME Investment Partnerships Program
HOPE	Helping Organize Parents Effectively
HPSV	High Pressure Sodium Vapor
HR	Human Resources

HUD	Housing and Urban Development
IA	Independent Auditor
IDEA	Individuals with Disabilities Education Act
IEP	Individual Education Plan
IHMT	Interagency Hazardous Materials Team
ILP	Independent Living Program
IRS	Internal Revenue Service
IS	Information Services
ITP	Individual Transition Plan
JPA	Joint Powers Authority
LAFCO	Local Area Formation Commission
LCSW	Licensed Clinical Social Worker
LEA	Local Education Agency
LED	Light Emitting Diode
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual, and More
LHMP	Local Hazard Mitigation Plan
LLAD	Landscape and Lighting District
LOAPUD	Lake Oroville Public Utility District
LPHS	Las Plumas High School

MAD	Mosquito Abatement District
MHSA	Mental Health Services Act
MFT	Marriage Family Therapist
MOU	Memorandum of Understanding
MSR	Municipal Service Review
NACO	National Association of Counties
NCCS	North County Community School
NCP	Non-Custodial Parent
NCPA	Northern California Power Authority
NENA	National Emergency Number Association
NRRWF	Neal Road Recycling and Waste Facility
OA	Operational Area
OCC	Oroville City Council
OEM	Office of Emergency Management
OH	Orthopedically Handicapped
OHS	Oroville High School
OMAD	Oroville Mosquito Abatement District
ORO	City of Oroville
OUHSD	Oroville Union High School District
P&P	Policies and Procedures
PCI	Pavement Condition Index

PG&E	Pacific Gas and Electric Company
PIC	Private Industry Council
PID	Paradise Irrigation District
PPM	Policies and Procedures Manual
POST	California Commission on Peace Officers Standards and Training
PODS	Performance Outcome Data System
PRD	Permanent Road Division
PSAP	Public Service Answering Points
QIC	Quality Improvement Committee
RCD	Resource Conservation District
RFP	Request for Proposal
ROP	Regional Occupational Program
SAWS	Statewide Automated Welfare System
SBFCA	Sutter Butte Flood Control Agency
SCCS	South County Community School
SED	Severely Emotionally Disturbed
SELPA	Special Education Local Planning Area
SEU	Special Enforcement Unit
SFIS	Statewide Fingerprint Image System
SNAP	Special Needs Awareness Program
SNAP	Supplemental Nutrition Assistance Program

SOAR	School of Applied Resources
SOC	System of Care
STARS	Sheriff's Team of Active Retired Seniors
SWAP	Sheriff's Work Alternative Program
TANF	Temporary Assistance for Needy Families (formerly AFDC)
TWSC	Thermalito Water and Sewer District
WDTIP	Welfare Data Tracking Information Program
WFU	Welfare Fraud Unit
WIC	Women Infants and Children
WRAP	Waste Reduction Awards Program
WTC	Work Training Center
WTW	Welfare to Work program
WUI	Wildland Urban Interface

APPENDIX 7

MISCELLANEOUS INFORMATION

This appendix contains miscellaneous information of interest to the grand jury.

History of the Grand Jury

Mission Statement, Core Values, Basic Procedures

History of the Grand Jury

A grand jury derives its name from the fact that it usually has a greater number of jurors than a trial (petit) jury. One of the earliest concepts of Grand Juries dates back to early Greece where the Athenians used an accusatory body. In early Britain, the Saxons also used something similar to a grand jury system. During the years 978 to 1016, one of the Domesday (laws) stated that for each one hundred men, twelve were to be named to act as an accusing body. They were cautioned, "not to accuse an innocent man nor spare a guilty one."

The grand jury can also be traced to the time of the Norman conquest of England in 1066. There is evidence that the courts of that time summoned a body of sworn neighbors to present crimes that had come to their knowledge. Since the members of that accusing jury were selected from small jurisdictions, it was natural that they could present accusations based on their personal knowledge.

Historians agree that the Assize [court session or assembly] of Clarendon in 1166 provided the groundwork for our present grand jury system. During the reign of Henry II (1154-1189), in an effort to regain for the crown the powers usurped by Thomas Becket, Chancellor of England, twelve "good and lawful" men in each village were assembled to reveal the names of those suspected of crimes. It was during this same period that juries were divided into two types, civil and criminal, with the development of each influencing the other.

The oath taken by these jurors provided that they would carry out their duties faithfully, that they would aggrieve no one through enmity nor deference to anyone through love, and that they would conceal those things which they had heard.

By the year 1290, these accusing juries were given the authority to inquire into the maintenance of bridges and highways, defects of jails, and whether the Sheriff had kept in jail anyone who should have been brought before the justices. "Le Grand Inquest" evolved during the reign of Edward III (1327-1377), when the "accusatory jury" was increased in number from twelve to twenty-three, with a majority vote necessary to indict anyone accused of crime.

In America, the Massachusetts Bay Colony impaneled the first grand jury in 1635 to consider cases of murder, robbery and wife beating. As early as 1700, the value of the grand jury was recognized in opposing the Royalists. These colonial Grand Juries expressed their independence by refusing to indict leaders of the Stamp Act (1765), and refusing to bring libel charges against the editors of the Boston Gazette (1765). The Philadelphia Grand Jury supported a union with other colonies to oppose British taxes in 1770.

By the end of the Colonial Period, the grand jury had become an indispensable adjunct of Government. "They proposed new laws, protested against abuses in government,

and wielded the tremendous authority in their power to determine who should and should not face trial.”

Although originally the Constitution of the United States made no provision for a grand jury, the Fifth Amendment, ratified in 1791, guaranteed that:

“...no person shall be held to answer to a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger...”

Public support for Grand Juries, sustained through the Revolutionary Period, began to wane in the early 1800s. Adoption of the fourteenth Amendment in 1868, made it illegal to “deprive any person of life, liberty or property without due process of law.” As interpreted by some states, this amendment no longer required prosecution of crimes by grand jury indictment nor prohibited direct accusation by a prosecutor. California is still one of the states that allows prosecution to be initiated by either grand jury indictment or judicial preliminary hearing.

The first California Penal Codes contained statutes providing for a grand jury, to be empaneled quarterly, at the same time as the trial jurors were drawn. Early Grand Juries investigated local prisons, conducted audits of county books and pursued matters of community interest. The role of the grand jury in California is unique in that by statutes passed in 1880, their duties include investigation of county government. Only seven other states provide for investigation of county government by a grand jury beyond alleged misconduct of public officials. Only California and Nevada mandate that Grand Juries be impaneled annually to function specifically in a watchdog capacity over county government.

Butte County Grand Jury Mission Statement

In the rich, historic tradition of the American legal system, our mission is to perform diligently and impartially the sworn duties of the Butte County Grand Jury. We endeavor to carry out our mission in pursuit of the highest common good and with the intent of improving local government. To the best of our individual abilities, we strive to execute fairly, fearlessly, and lawfully our proscribed criminal and civil functions. Within the distinct limits of the jury's authority, we investigate incidents of misconduct and corruption as they come to light; we scrutinize the operations of Butte County's public offices, departments, and districts; we investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of incorporated cities and joint powers agencies in the County; and we use complaints to identify policies that need improvement. Correspondingly, we present and report our findings and recommendations in a timely and responsible manner.

Core Values All Grand Jurors Agree to Uphold

- We recognize the importance of applying—to all individuals—the same objective standards of conduct and responsibility, without regard to race, color, creed, religion, sex, sexual preference, or economic status.
- We recognize that others may be more skilled than we in matters regarding the business of public office and government. Consequently, our own sound judgment, in itself, is not a viable substitute for others' expertise, nor for their reasonable but differing views.
- We respect and do not seek to interfere with the discretionary policy-making or operational powers of public officials.
- We recognize the importance of maintaining accuracy and integrity in our activities. The grand jury's reports, therefore, are factual and confined to matters within the scope and power of our inquiry.
- We recognize the importance of communicating clearly and effectively among ourselves and with our constituency.
- We respect individuals' right to privacy, and we operate within the confines of strict confidentiality.
- We recognize that the grand jury functions lawfully as a legal entity. Accordingly, no single grand juror, when acting alone, has any power or authority to represent the jury.
- We acknowledge the importance of remaining vigilant to detect and avoid any personal conflicts of interest that may arise during performing the business of the grand jury.

- With the specific purpose and intent of improving our local government, we value the opportunity and privilege of serving on the grand jury.

Basic Procedures All Grand Jurors Agree to Follow

- We require all citizens to submit complaints, in writing, to the grand jury, in the care of Butte County Superior Court. The grand jury provides a form that we encourage citizens to use in registering their concerns and complaints.
- We acknowledge receipt of all written citizen concerns. Other than confirming receipt and assuring due consideration of the complainants' concerns, letters of acknowledgment do not commit the jury to any course of action.
- After the acknowledgment, the foreperson (or foreperson pro tempore) refers all documented citizen concerns to the appropriate committee chairperson for committee review and proper action.
- The foreperson is the only official spokesperson for the grand jury. Accordingly, the foreperson initiates all initial business-related inquiries or contacts with the offices of the presiding judge, County Counsel, and District Attorney.
- We conduct all interviews and official inquiries only in the company of two or more jurors.
- We take official action on behalf of the jury must have the advanced approval of at least 12 grand jurors.
- We agree that all grand jury meetings are closed to the public.
- Grand jurors are sworn to secrecy. Therefore, all testimony, deliberations, decisions, and every manner of grand jury business are secret in accordance with common sense, personal responsibility, individual ethical behavior, and the law.
- We agree to freely and immediately disclose any personal prejudice that might preclude fair and impartial consideration of matters before the grand jury, whether criminal or civil in nature. In this case, such jurors will forthwith retire from deliberations regarding those matters.

Supplies and Inventory

Butte County Grand Jury Supplies and Equipment				
Item	Location	Own/Lease	SN#	Asset#
Copier	Entryway of GJ Room	Lease		
Copy Paper	File Cabinet in Entryway of GJ room	Own		
Copy Toner	File Cabinet in Entryway of GJ room	Own		
Stamps & Envelopes	File Cabinet in Entryway of GJ room	Own		
Shredder- Fellows PowerShred	Entryway of GJ Room	Own		
Shredder- Staples	Inner Room	Own		
Keurig Coffee Maker	Inner Room	Own		
Supplies (pens, markers, etc)	File Cabinet in Entryway of GJ room	Own		
ThinkPad Laptop	Inner Room-Bottom R drawer of file cabinets	Own	PF30QRCN	Lost
ThinkPad Laptop	Inner Room-Bottom R drawer of file cabinets	Own	PF2N31HM	021993
ThinkPad Laptop	Inner Room-Bottom R drawer of file cabinets	Own	PF30Q431	022022
ThinkPad Laptop w case	Inner Room-Bottom R drawer of file cabinets	Own	PF2N1N0Q	021994
Voice Recorders (5)	Inner Room-Bottom R drawer of file cabinets	Own		

APPENDIX 8 CONTACT INFORMATION

This appendix contains contact information for agencies and people of interest to the Butte County Grand Jury.

California Grand Juries

California Superior Courts

Local Newspapers, Television Stations, and Radio Stations

Butte County Officials

CALIFORNIA GRAND JURIES

ALAMEDA COUNTY GRAND JURY
1401 Lakeside Dr., Suite 1104
Oakland, CA 94612

ALPINE COUNTY GRAND JURY
P.O. Box 518
Markleeville, CA 96120

AMADOR COUNTY GRAND JURY
P.O. Box 249
Jackson, CA 95642-0249

BUTTE COUNTY GRAND JURY
P.O. Box 110
Oroville, CA 95965

CALAVERAS COUNTY GRAND JURY
P.O. Box 1414
San Andreas, CA 95249

COLUSA COUNTY GRAND JURY
532 Oak St.
Colusa, CA 95932

CONTRA COSTA GRAND JURY
P.O. Box 431
Martinez, CA 94553-0911

DEL NORTE COUNTY GRAND JURY
981 H Street
Crescent City, CA 95531

EL DORADO COUNTY GRAND JURY
P.O. Box 472
Placerville, CA 95667

FRESNO COUNTY GRAND JURY
1100 Van Ness, Rm 102
Fresno, CA 93724-0002

GLENN COUNTY GRAND JURY
P.O. Box 1023
Willows, CA 95998

HUMBOLDT COUNTY GRAND JURY
Humboldt County Courthouse
825 Fifth Street
Eureka, CA 95501

IMPERIAL COUNTY GRAND JURY
P.O. Box 2011
El Centro, CA 92244

INYO COUNTY GRAND JURY
P.O. Box 401
Independence, CA 93526

KERN COUNTY GRAND JURY
Superior Court
1415 Truxton, Ste 600
Bakersfield, CA 93301

KINGS COUNTY GRAND JURY
P.O. Box 1562
Hanford, CA 93230

LAKE COUNTY GRAND JURY
P.O. Box 1078
Kelseyville, CA 95451-1678

LASSEN COUNTY GRAND JURY
Hall of Justice
2610 Riverside Dr.
Susanville, CA 96130

LOS ANGELES COUNTY GRAND
JURY
13-303 Criminal Courts Building
210 West Temple Street, 11th Floor, Rm
11-506
Los Angeles, CA 90012

CALIFORNIA GRAND JURIES
(CONTINUED)

MADERA COUNTY GRAND JURY
P.O. Box 534 Madera, CA 93639

MARIN COUNTY GRAND JURY
3501 Civic Center Dr., Rm 275
San Rafael, CA 94903

MARIPOSA COUNTY GRAND JURY
P.O. Box 789
Mariposa, CA 95338

MENDOCINO COUNTY GRAND JURY
P.O. Box 939
Ukiah, CA 95482

MERCED COUNTY GRAND JURY
P.O. Box 2034
Merced, CA 95340

MODOC COUNTY GRAND JURY
205 S. East St.
Alturas, CA 96101

MONO COUNTY GRAND JURY
P.O. Box 3994
Mammoth Lakes, CA 93546

MONTEREY COUNTY GRAND JURY
P.O. Box 414
Salinas, CA 93902

NAPA COUNTY GRAND JURY
1754 Second St., Ste D
Napa, CA 94559

NEVADA COUNTY GRAND JURY
950 Maidu Ave.
Nevada City, CA 95959

PLACER COUNTY GRAND JURY
11532 B Ave.
Auburn, CA 95603

PLUMAS COUNTY GRAND JURY
P.O. Box 784
Quincy, CA 95971

RIVERSIDE COUNTY GRAND JURY
P.O. Box 829
Riverside, CA 92502

SACRAMENTO COUNTY GRAND
JURY
720 Ninth Street, Rm 611
Sacramento, CA 95814

SAN BENITO COUNTY GRAND JURY
P.O. Box 1624
Hollister, CA 95024-1624

SAN BERNARDINO COUNTY GRAND
JURY
172 West Third St., 2nd Floor
San Bernardino, CA 92415

SAN DIEGO COUNTY GRAND JURY
550 W. C St, Ste 860
San Diego, CA 92101-2432

SAN FRANCISCO COUNTY GRAND
JURY
City Hall, Room 482
1 Dr. Carlton B. Goodlott Place
San Francisco, CA 94102

SAN JOAQUIN COUNTY GRAND
JURY
Courthouse, Room
303 222 East Weber Avenue Stockton,
CA 95202

CALIFORNIA GRAND JURIES
(CONTINUED)

SAN LUIS OBISPO COUNTY GRAND
JURY
P.O. Box 4910
San Luis Obispo, CA 93408

SAN MATEO COUNTY GRAND JURY
400 County Center
Redwood City, CA 94063

SANTA BARBARA COUNTY GRAND
JURY
1100 Anacapa Street
Santa Barbara, CA 93101

SANTA CLARA COUNTY GRAND
JURY
Courthouse
191 North First Street
San Jose, CA 95113

SANTA CRUZ COUNTY GRAND JURY
701 Ocean Street, Rm 318-1
Santa Cruz, CA 95060

SHASTA COUNTY GRAND JURY
P.O. Box 992086
Redding, CA 96001

SIERRA COUNTY GRAND JURY
P.O. Box 476
Downieville, CA 95936

SISKIYOU COUNTY GRAND JURY
P.O. Box 488
Yreka, CA 96097

SOLANO COUNTY GRAND JURY
600 Union Ave.
Fairfield, CA 94533

SONOMA COUNTY GRAND JURY
P.O. Box 5109
Santa Rosa, CA 95401

STANISLAUS COUNTY GRAND JURY
P.O. Box 3387
Modesto, CA 95353

SUTTER COUNTY GRAND JURY
P.O. Box A
Yuba City, CA 95991

TEHAMA COUNTY GRAND JURY
P.O. Box 1061
Red Bluff, CA 96080

TRINITY COUNTY GRAND JURY
P.O. Box 2308
Weaverville, CA 96093

TULARE COUNTY GRAND JURY
5963 S. Mooney Blvd.
Visalia, CA 93277

TUOLUMNE COUNTY GRAND JURY
41 W. Yaney St.
Sonora, CA 95370

VENTURA COUNTY GRAND JURY
800 South Victoria Ave., L #3751
Ventura, CA 93009

YOLO COUNTY GRAND JURY
P.O. Box 2142
Woodland, CA 95695

YUBA COUNTY GRAND JURY
215 Fifth St.
Marysville, CA 95901

CALIFORNIA SUPERIOR COURTS

ALAMEDA COUNTY
1221 Oak St, 3rd & 4th Floors
Oakland, CA 94612

ALPINE COUNTY
PO Box 518 (Mailing)
14777 CA-89 (Main)
Markleeville, CA 96120

AMADOR COUNTY
500 Argonaut Lane
Jackson, CA 95642

BUTTE COUNTY
One Court Street
Oroville, CA 95965

NORTH BUTTE COUNTY
1775 Concord Avenue
Chico, CA 95928

CALAVERAS COUNTY
400 Government Center Drive
San Andreas, CA 95249

COLUSA COUNTY
532 Oak Street (Mailing)
547 Market St (Main)
Colusa, CA 95932

CONTRA COSTA COUNTY
725 Court Street
Martinez, CA 94553

DEL NORTE COUNTY
450 H Street
Crescent City, CA 95531

EL DORADO COUNTY
2850 Fairlane Court, Suite 110
Placerville, CA 95667

FRESNO COUNTY
1100 Van Ness Avenue
Fresno, CA 93724

GLENN COUNTY
526 West Sycamore Street
Willows, CA 95988

HUMBOLDT COUNTY
825 Fifth Street
Eureka, CA 95501

IMPERIAL COUNTY
939 Main Street
El Centro, CA 92243

INYO COUNTY
168 North Edwards Street
Independence, CA 93526

KERN COUNTY
1415 Truxtun Avenue
Bakersfield, CA 93301

KINGS COUNTY
1640 Kings County Drive
Hanford, CA 93230

LAKE COUNTY
255 N. Forbes Street, 4th Floor
Lakeport, CA 95443

LASSEN COUNTY
2610 Riverside Dr
Susanville, CA 96130

LOS ANGELES COUNTY
111 North Hill Street
Los Angeles, CA 90012

CALIFORNIA SUPERIOR COURTS
(CONTINUED)

MADERA COUNTY
200 South "G" Street
Madera, CA 93637

MARIN COUNTY
3501 Civil Center Drive
San Rafael, CA 94903

MARIPOSA COUNTY
P.O. Box 28
Mariposa, CA 95338

MENDOCINO COUNTY
100 North State Street
Ukiah, CA 95482

MERCED COUNTY
627 W 21st Street
Merced, CA 95340

MODOC COUNTY
205 South East Street
Alturas, CA 96101

MONO COUNTY
278 Main St (Main), Post Office Box 537
Bridgeport, CA 93517

MONTEREY COUNTY
118 W. Gabilan Street
Salinas, CA 93901

NAPA COUNTY
825 Brown Street
Napa, CA 94559

NEVADA COUNTY
201 Church Street
Nevada City, CA 95959

ORANGE COUNTY
8141 13th St
Westminster, CA 92683

PLACER COUNTY
PO Box 619072
10820 Justice Center Dr (Main)
Roseville, CA 95661

PLUMAS COUNTY
520 Main Street #104
Quincy, CA 95971

RIVERSIDE COUNTY
4050 Main Street
Riverside, CA 92501

SACRAMENTO COUNTY
720 Ninth Street
Sacramento, CA 95814

SAN BENITO COUNTY
450 Fourth Street
Hollister, CA 95023

SAN BERNARDINO COUNTY
247 W. Third Street, 11th Floor
San Bernardino, CA 92415

SAN DIEGO COUNTY
325 S. Melrose Dr.
Vista, CA 92081

SAN FRANCISCO COUNTY
400 McAllister Street
San Francisco, CA 94102

SAN JOAQUIN COUNTY
180 E. Weber Ave.
Stockton, CA 95202

CALIFORNIA SUPERIOR COURTS
(CONTINUED)

SAN LUIS OBISPO COUNTY
1050 Monterey St
San Luis Obispo, CA 93408

SAN MATEO COUNTY
400 County Center
Redwood City, CA 94063

SANTA BARBARA COUNTY
PO Box 21107
1100 Anacapa St (Main)
Santa Barbara, CA 93121

SANTA CLARA COUNTY
191 N. First Street
San Jose, CA 95113

SANTA CRUZ COUNTY
701 Ocean Street
Santa Cruz, CA 95060

SHASTA COUNTY
1500 Court Street
Redding, CA 96001

SIERRA COUNTY
100 Courthouse Square
Downieville, CA 95936

SISKIYOU COUNTY
311 4th St, Room 206
Yreka, CA 96097

SOLANO COUNTY
321 Tuolumne St
Vallejo, CA 94590

SONOMA COUNTY
600 Administration Drive, Room 107J
Santa Rosa, CA 95406

STANISLAUS COUNTY
800 11th Street
Modesto, CA 95354

SUTTER COUNTY
1175 Civic Center Blvd
Yuba City, CA 95993

TEHAMA COUNTY
1740 Walnut St
Red Bluff, CA 96080

TRINITY COUNTY
PO Box 1258
11 Court Street (Main)
Weaverville, CA 96093

TULARE COUNTY
221 S Mooney Blvd
Visalia, CA 93291

TUOLUMNE COUNTY
41 West Yaney Avenue (3rd floor)
Sonora, CA 95370

VENTURA COUNTY
P.O. Box 6489
Ventura, CA 93006-6489

YOLO COUNTY
1000 Main St, 3rd floor (Room 3605)
Woodland, CA 95695

YUBA COUNTY
215 Fifth Street
Marysville, CA 95901

NEWSPAPERS

CHICO ENTERPRISE RECORD
OROVILLE MERCURY REGISTER
400 East Park Avenue
Chico, CA 95928
530-877-7210

GRIDLEY HERALD
650 Kentucky St.
Gridley, CA 95948
530-846-3661

CHICO NEWS AND REVIEW
353 East Second Street
Chico, CA 95928
530-894-2300

PARADISE POST
5399 Clark Rd.
Paradise, CA 95969
530-877-4413 / 530-876-3014

TELEVISION STATIONS

KNVN
3460 Silverbell Road
Chico, CA 95926
530-343-1212

KRCR – TV 7R
755 Auditorium Dr.
Redding, CA 96001
530-243-7782

KHSL – TV 12
3460 Silverbell Road
Chico, CA 95926
530-343-1212

KCVU – FOX
755 Auditorium Dr.
Redding, CA 96001
530-243-7782

RADIO STATIONS

KCEZ
856 Manzanita Court
Chico, CA 95926
530-342-2200

KFMF / KALF / KPPL
1459 Humboldt Road, Ste A
Chico, CA 95928
530-899-3600

KQPT – FM 107.5
1459 Humboldt Rd., Ste A
Chico, CA 95928
899-3600

KCHO- CSUC
35 Main St.
Chico, CA 95928
530-898-5896

KPAY / KHSL
3460 Silverbell Road
Chico, CA
530-343-1212 / 530-345-5371

NAMES AND ADDRESSES OF BUTTE COUNTY OFFICIALS

Supervisors

District 1: Bill Connelly	5280 Lower Wyandotte Rd, Oroville, CA 95966	538-6834
District 2: Debra Lucero	269 E. 3 rd Street, Suite 100, Chico, CA 95928	891-0685
District 3: Tami Ritter	196 Memorial Way, Chico, CA 95926	891-2800
District 4: Tod Kimmelshue	239 Sycamore Street, Gridley, CA 95948	552-3354
District 5: Doug Teeter	6585 Clark Rd., Suite 200, Paradise, CA 95969	762-2186

Department Heads

Agricultural Commissioner	Louie Mendoza	316 Nelson Ave., Oroville, CA 95965	538-7381
Assessor	Diane Brown	25 County Center Dr., Ste 100, Oroville, CA 95965	552-3757
Auditor-Controller	Graciela Gutierrez	25 County Center Dr., Ste 120, Oroville, CA 95965	552-3599
Behavioral Health Director-Interim	Scott Kennelly	3217 Cohasset Rd., Chico, CA 95973	879-3839
Chief Administrative Officer	Andy Pickett	25 County Center Dr. Ste 200, Oroville, CA 95965	552-3305
Child Support Services Director	Sean Farrell	78 Table Mountain Blvd., Oroville, CA 95965	538-6578
Clerk-Recorder	Candace Grubbs	155 Nelson Ave., Oroville, CA 95965	538-7654
Development Services Director	Paula Daneluk	7 County Center Dr., Oroville, CA 95965	552-3700
District Attorney	Michael Ramsey	25 County Center Dr., Ste 225, Oroville, CA 95965	538-7503
Employment & Soc. Serv. Director	Shelby Boston	202 Mira Loma Dr., Oroville, CA 95965	538-7891
Farm, Home & 4-H Director	Luis Espino	2279-B Del Oro Ave., Oroville, CA 95965	538-7200
Fire Chief/Warden	John Messina	176 Nelson Ave., Oroville, CA 95965	538-7111
General Services Director	Grant Hunsicker	2081 2 nd St., Oroville, CA 95965	552-3471
Human Resources Director	Sheri Waters	25 County Center Dr., Oroville, CA 95965	552-3565
Information Systems Director	Dino Cabal	308 Nelson Ave., Oroville, CA 95965	552-3200
Chief Probation Officer	Wayne Barley	41 County Center Dr., Oroville, CA 95965	538-4390
Library Director	Melanie Lightbody	1820 Mitchell Ave., Oroville, CA 95965	538-7240
Public Health Director	Danette York	202 Mira Loma Dr., Oroville, CA 95965	552-4000
Public Works Director	Joshua Pack	7 County Center Dr., Oroville, CA 95965	538-7681
Sheriff-Coroner	Kory Honea	5 Gillick Way, Oroville, CA 95965	538-7291
Treasurer-Tax Collector	Troy Kidd	25 County Center Dr., Ste 125, Oroville, CA 95965	552-3745
Water & Resource Conservation Dir.	Paul Gosselin	308 Nelson Ave., Oroville, CA 95965	552-3590

Superior Court of California, County of Butte

Stephen E. Benson, Judge	1775 Concord Ave, Chico, CA 95928	532-7013
Michael P. Candela, Judge	1 Court Street, Oroville, CA 95965	532-7013
Corie J. Caraway, Judge	1 Court Street, Oroville, CA 95965	532-7013
Michael R. Deems, Judge	1 Court Street, Oroville, CA 95965	532-7013
Clare Keithley, Judge	1775 Concord Ave, Chico, CA 95928	532-7013
Kristen A. Lucena, Judge	1 Court Street, Oroville, CA 95965	532-7013
Sandra L. McLean, Judge	1775 Concord Ave, Chico, CA 95928	532-7013
Kimberly Merrifield, Judge	1 Court Street, Oroville, CA 95965	532-7013
Tamara L. Mosbarger, Judge	1775 Concord Ave, Chico, CA 95928	532-7013
Jesus A. Rodriguez, Judge	1 Court Street, Oroville, CA 95965	532-7013
Virginia L. Gingery, Commissioner	1775 Concord Ave, Chico, CA 95928	532-7013
Kurt W. Worley, Commissioner	1775 Concord Ave, Chico, CA 95928	532-7013
Kimberly Flener, Court Executive Officer	1 Court Street, Oroville, CA 95965	532-7013

APPENDIX 9 FORMS

This appendix includes forms commonly used by the Grand Jury.

Form W-9 (Rev. October 2018) – Internal Revenue Service

Form 700 (Statement of Economic Interests)

Butte County Grand Jury Meeting Claim Form

Butte County Employee Claim Form

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 5.	<p>1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.</p> <p>2 Business name/disregarded entity name, if different from above</p> <p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p><input type="checkbox"/> Individual/sole proprietor or single-member LLC</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____</p> <p><input type="checkbox"/> Other (see instructions) ▶ _____</p> <p><input type="checkbox"/> C Corporation</p> <p><input type="checkbox"/> S Corporation</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Trust/estate</p> <p><small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small></p>	<p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p>
	<p>5 Address (number, street, and apt. or suite no.) See instructions.</p> <p>6 City, state, and ZIP code</p> <p>7 List account number(s) here (optional)</p>	<p>Requestor's name and address (optional)</p>

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number				
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> </tr> </table>				
or				
Employer identification number				
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> </tr> </table>				

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶ _____	Date ▶ _____
------------------	----------------------------------	--------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

Please type or print in ink.

NAME OF FILER	(LAST)	(FIRST)	(MIDDLE)
	Pickford	Mary	L

1. Office, Agency, or Court

Agency Name (Do not use acronyms)
Butte County
 Division, Board, Department, District, if applicable
Grand Jury Your Position
Grand Juror

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: _____ Position: _____

2. Jurisdiction of Office (Check at least one box)

- | | |
|---|---|
| <input type="checkbox"/> State | <input type="checkbox"/> Judge or Court Commissioner (Statewide Jurisdiction) |
| <input type="checkbox"/> Multi-County _____ | <input checked="" type="checkbox"/> County of <u>Butte</u> |
| <input type="checkbox"/> City of _____ | <input type="checkbox"/> Other _____ |

3. Type of Statement (Check at least one box)

- | | |
|---|---|
| <input type="checkbox"/> Annual: The period covered is January 1, 2018, through December 31, 2018 | <input type="checkbox"/> Leaving Office: Date Left ____/____/____ (Check one) |
| -or-
The period covered is ____/____/____ through December 31, 2018 | <input type="checkbox"/> The period covered is January 1, 2018, through the date of leaving office. |
| <input checked="" type="checkbox"/> Assuming Office: Date assumed <u>06/25/2018</u> | <input type="checkbox"/> The period covered is ____/____/____ through the date of leaving office. |
| <input type="checkbox"/> Candidate: Date of Election _____ and office sought, if different than Part 1: _____ | |

4. Schedule Summary (must complete) ► Total number of pages including this cover page: 1

Schedules attached

- | | |
|---|--|
| <input type="checkbox"/> Schedule A-1 - Investments - schedule attached | <input type="checkbox"/> Schedule C - Income, Loans & Business Positions - schedule attached |
| <input type="checkbox"/> Schedule A-2 - Investments - schedule attached | <input type="checkbox"/> Schedule D - Income - Gifts - schedule attached |
| <input type="checkbox"/> Schedule B - Real Property - schedule attached | <input type="checkbox"/> Schedule E - Income - Gifts - Travel Payments - schedule attached |

-or-

- None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS (Business or Agency Address Recommended - Public Documents)	STREET	CITY	STATE	ZIP CODE
PO Box 1234		Chico	CA	95927
DAYTIME TELEPHONE NUMBER	EMAIL ADDRESS			
(530) 555-9876	mpickfordonjury@gmail.com			

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed 7-1-18 Signature Mary Pickford
(month, day, year) File the originally signed statement with your filing official)

Grand Jury Meeting Claim Form

This is to certify that the following Grand Jury members were present at the Plenary City Government

Committee Meeting of the 19/20 Grand Jury held on the 25th day of October, 2019/2020.

Judy Garland 10-30-19
Foreperson - Ms. Judy Garland Date

Mary Pickford 10/25/2019
Committee Chairperson Date

Instructions:

Place a ✓ in the "present" column for each member who is present and enter total mileage accrued by each juror in relation to this meeting in "miles" column. If a member has attended any previous Grand Jury meetings the same day, write PM (Previous Meeting) in "present" column (to avoid double-payment of Per Diem/Jury Fee). To waive mileage for a specific juror, indicate "Waived" in the Miles column. To waive Jury Fee, indicate "Waived" in Jury Fee column and cross out Per Diem/Jury Fee amount. Do not make any entries in "Mileage Fee" or "Total Fee" Columns. Court staff will complete computations of totals.

All claim forms must be signed by the Foreperson prior to submission to the Court. Claim Forms related to Committee Meetings at which the Foreperson is not present should be signed by the Committee Chairperson prior to submission to the Foreperson.

All claim forms must be submitted to the Court within two weeks of the meeting.

NAME	MILES	PRESENT	MILEAGE FEE	PER DIEM JURY FEE	TOTAL FEE
Ms. Gracie Allen	25	✓		36.00	
Mr. George Burns	0	PM		36.00	
Mr. Charles Chaplin	Waived	✓		36.00	
Ms. Mary Pickford	30	✓		36.00 Waived	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
				36.00	
TOTALS:					

Above fees and totals calculated and verified by:

Authorized Deputy (Court Staff)

APPENDIX 10 WORKSHEETS

This appendix provides worksheets for helping the grand jury with its business.

Formation Worksheets

- Computer Literacy Questionnaire
- Committee Preference Worksheet
- Grand Jury Timeline

Investigation Worksheets

- Investigation Proposal Worksheet
- Investigation Checklist
- Investigation Timeline and Status Report
- Interview Scheduling Script
- Interview Planning Worksheet
- Interview Script
- Facility Inspection Worksheet
- Report Logic Matrix

Miscellaneous Worksheets

- Plenary Meeting Agenda
- Correspondence Log
- Complaint Status Summary

Butte County Grand Jury Computer Literacy Questionnaire

This questionnaire assesses your computer and smartphone skills so that additional training can be offered.

* Indicates required question

Do you have a computer at home? *

- Yes, I have a computer that only I use
- Yes, I have a computer that I share with other people
- No

Is your computer protected from software viruses? *

- Yes
- No
- I'm not sure

How often do you check email?

- Twice (or more) each day
- Once a day
- Every few days
- Less often

What internet browser(s) are you familiar with?

- Microsoft Edge
- Google Chrome
- Apple Safari
- Other:

What document editor(s) are you familiar with?

- Microsoft Word
- Google Docs
- Apple Pages
- Other:

How would you rate your document editing skills?

Novice 1 2 3 4 5 Expert

What spreadsheet tool(s) are you familiar with?

- Microsoft Excel
- Google Sheets
- Apple Numbers
- Other:

How would you rate your spreadsheet skills?

Novice 1 2 3 4 5 Expert

Does your computer support Zoom?

- Yes
- No
- I'm not sure

How would you rate your Zoom skills?

Novice 1 2 3 4 5 Expert

Have you used Google Drive? *

- Yes, quite often
- Yes, sometimes
- Yes, rarely
- No

How would you rate your Google Drive skills

Novice 1 2 3 4 5 Expert

Do you have a document scanner at home?

- Yes
- No

How would you rate your document scanning skills?

Novice 1 2 3 4 5 Expert

What computer-related skills would you most like to improve?

Do you have a smartphone? *

- Yes
- No

How often do you send and receive text messages on your smartphone?

- Multiple times each day
- Once a day
- Less often

Which of the following applications are installed on your smartphone?

- Google Docs
- Google Sheets
- Google Drive
- Microsoft Word
- Microsoft Excel
- Microsoft OneDrive
- Zoom

What smartphone-related skills would you most like to improve?

Butte County Grand Jury Committee Preference Worksheet

Name: _____

(See next page for list of Committees)			
Investigative Committee Choices In order of Preference	Willing to Be Chairperson?		My Interests or Experiences which might be helpful in this area are:
	Yes	No	
1 st Choice:			
2 nd Choice:			
3 rd Choice:			
4 th Choice:			
Administrative Committee Choices in order of preference			
1 st Choice:			
2 nd Choice:			

I WOULD BE WILLING TO SERVE AS:	Yes	No
Foreperson Pro Tempore		
Recording Secretary		
Corresponding Secretary		
Treasurer		
Parliamentarian		
Technology Officer		

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COMMITTEE WORK	
Investigative Committees	POSSIBLE AREAS OF REVIEW
AUDIT & FINANCE/ ADMINISTRATION	Administration; Assessor; Auditor / Controller; Audit Report; Internal Service Funds; Salary Adjustments; Treasurer / Tax Collector
COUNTY OFFICES	Board of Supervisors; Clerk / Recorder; County Counsel; Information Systems; Human Resources; Public Administrator / Public Guardian; Purchasing; Veterans' Service Office; Public Defender's Consortium
HEALTH / EDUCATION & SOCIAL SERVICES	Behavioral Health; County Library; Drug Control Resource Center; Farm and Home Advisor; Hospital Care; Public Health; School Districts; Social Services; Superintendent of Schools;
EMERGENCY SERVICES / LAW ENFORCEMENT	Animal Control; City Police; Civil Disaster / Emergency Services; County Jail; District Attorney; Fire Departments; Fish and Game; Juvenile Hall; Probation; Sheriff / Coroner;
DISTRICTS & COMMISSIONS	Air Quality Management; Agric./Water Commission, Weights & Measures; Butte County Fair; Cemetery Districts; Drainage Districts; Irrigation Districts; Lighting Districts; Local Agency Formation Commission (LAFCO); Memorial Halls; Mosquito Abatement Districts; Reclamation Districts; Recreation & Parks Districts; Water Districts
PUBLIC WORKS	Administration; Development Services: Building Inspections/ Planning; General Services; Land Development; Public Transit; Road & Bridges; Solid Waste; Yard & Stores
CITY GOVERNMENTS	City Offices: Biggs, Chico, Gridley, Oroville, Paradise
Administrative Committees	POSSIBLE AREAS OF REVIEW
Response	Collects and reviews responses from the previous grand jury's Final Report
Editorial	Compiles draft copies for final report and publishes report
Procedures Manual	Maintains Grand Jury Library and Procedures Manual.

Butte County Grand Jury Timeline

The Jury Timeline is best viewed as a spreadsheet. The following image is just a sample.

		Bi-Monthly Period														
		July		Aug		Sept		Oct		Nov		Dec		Jan		
Task / Activity		End Date (see Note 1)	1 to 15	16 to 31	1 to 5	6 to 31	1 to 5	6 to 30	1 to 5	6 to 31	1 to 5	16 to 30	1 to 5	6 to 31	1 to 5	6 to 31
Form Committee		30-Jul	xxxx	xxx												
	Select committee members															
	Select Officers															
	Discuss meeting dates															
Perform Preliminary Research		14-Aug		xxxx	xx											
	Review mail & holdover complaints															
	Review Matrix (Appendix 2)															
	Review Prior GJ Reports															
	Solicit ideas from full panel															
Select initial candidate projects		15-Aug			x											
Conduct Investigations		10-														

Butte County Grand Jury Investigation Proposal Worksheet

This worksheet should be filled out for each inquiry or investigation conducted by the Grand Jury. Replace bracketed text with responses.

Possible subject for investigation (be somewhat specific):

[subject]

Origination of this possible subject:

[origin]

When? [date]

Possible benefit(s) to the county:

[benefit(s)]

Is this subject within the jurisdiction of the Grand Jury? [Yes | No | Unknown]

Concerns regarding jurisdiction:

[concerns]

Should we consult with our legal advisor regarding jurisdiction? [Yes | No]

Have previous grand juries reported on this specific subject before? [Yes | No | Unknown]

When? [date]

Is the scope too large? (Yes | No | Unknown]

Is the scope too limited? (Yes | No | Unknown]

Concerns regarding scope:

[concerns]

Time estimate for completing this investigation:

[duration]

Concerns regarding time estimate:

[concerns]

Committee to be assigned to this investigation:

[committee]

Additional comments:

[comments]

Butte County Grand Jury Investigation Checklist

(Keep a copy of this document in each investigation file and refer to it frequently as your investigation progresses.)

Preliminary activities:

- Panel or committee suggests a topic, based on a complaint, a required investigation, or juror interest; if there is any question about jurisdiction or the law, consult legal advisor
- Committee conducts online research (without contacting anyone outside the jury)
- Committee decides if an inquiry or investigation is warranted – look to the nature and seriousness of the topic and likelihood of effecting positive change in government operations
- Committee prepares an Investigation Proposal and submits it to the plenary for approval

After the topic is approved by a supermajority vote of the plenary:

- Committee reviews existing information: complaint, passed-forward file, online research
- Committee plans the investigation: determines process, timeline, and member assignments

Investigation process (by committee):

- Conduct further research and gather documentary evidence: public records, emails and correspondence, meeting agendas and minutes, other grand jury reports on topic, etc.
- Review relevant law, and the entity's ordinances, policies, and procedures
- Have legal advisor confirm jurisdiction and committee's understanding of the law
- Conduct interviews: determine who will be interviewed, develop questions, assign roles of jurors, and schedule and conduct the interview
- Conduct site visits and attend public meetings (remember the Rule of Two)
- Evaluate the evidence: determine the quality of the evidence, credibility of the sources, and the need for additional information or verification
- Formulate draft findings and recommendations

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- Review the big picture to determine if writing a report is warranted: if adopted, could the recommendations result in important, concrete improvements to the operations of the entity – and thereby be of real benefit to local residents?
- Confirm the committee's adopted timeline – try to release report before end of term

Report writing:

- Committee assigns the topic to the primary writers
- Writers write initial draft of report
- Committee and writers edit and redraft the report several times; send an early draft to the legal advisor to check any legal citations or comments about the law
- Committee refers clean drafts to the editorial committee; send back and forth several times
- Plenary reviews selected draft reports to give feedback and direction
- Committee finalizes draft of report and requests the plenary obtain legal review of the final draft
- Committee conduct exit interviews; conducts further investigation and revises the report if needed
- Committee submits final draft of report to plenary for approval

After the report is approved by a supermajority vote of the plenary:

- Plenary obtains court approval of the report, delivers it to the entity, and then publicly publishes it two working days later

[reprinted from CGJA website:

https://cgja.org/sites/default/files/investigation_checklist_may_21.docx]

Butte County Grand Jury Investigation Timeline and Status Report

This worksheet should be created for each investigation started.

Investigation Timeline and Status Report			
Entity and/or Topic			
Name, Title, Position of Interviewees	Target date	Date completed	Comments
Other Information Sources (documents, site visits, etc.)			
Information sought	Date(s) requested	Date(s) provided	Comments
Investigation Plan and Calendar			
Investigation Plan and Calendar	Target Date	Date Completed	Comments
Conduct online research and study entity's website			
Obtain and review initial documents			
Complete initial round of interviews			
Review additional documents obtained from interviewees			
Complete additional research and interviews			
Committee discusses above with plenary and recommends: terminate investigation or begin drafting report			
Committee writes/reviews/edits/approves drafts of report			
Editorial Committee reviews/edits drafts (several times)			

Butte County Grand Jury Interview Scheduling Script

This script can be used to schedule an interview with the grand jury over the telephone. Insert the appropriate information in the spaces indicated.

Good morning, this is [name]. I'm calling on behalf of the Butte County Grand Jury.

As you may know, the grand jury is tasked with conducting civil investigations and making recommendations to improve the operations of various governmental agencies within our county. In order to do this, we often ask people to be interviewed to help us in our fact-finding role. These interviews are one method the grand jury uses to gather information.

A few members of our grand jury would like to interview you on [date] at [time]. The interview should last no longer than [duration]. Would you be able to be interviewed at this time? *(Provide alternate dates and times if needed.)*

Do you have access to a conference room that would hold [number of expected GJ members + 1] people? *(Suggest alternative locations, if needed.)*

Could you give me your email address so that we can confirm this appointment with you?

Thank you for meeting with the grand jury. We look forward to meeting you on [date].

Possible questions that might come up during the conversation:

Question(s): Why am I being interviewed? What is this about? Did you receive a complaint about my department?

Reply: The topic of the interview is confidential at this time, but the grand jury believes you could help provide some information on a matter that we're looking into. You are not the subject of a criminal investigation; the interview is part of our fact-finding role and to help us gather information as part of a civil investigation.

Question(s): What information do you want? What information do I bring? What is the nature of your questions? *(Assuming no list provided by the investigating committee)*

Reply: There is nothing you need to do to prepare for the interview. Our members will ask questions of you and if they determine they need more information, they will ask you to provide that later.

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Question: What do I tell my supervisor?

Reply: Simply tell your supervisor that you've been asked to be interviewed by the grand jury and that's all you know at this time. After the interview you will be given a copy of an Admonishment Statement that will explain to you and others (including your supervisor) that proceedings of the grand jury are confidential, and you are not at liberty to discuss the subject area of the interview nor any of the questions asked. You may show this document to anyone you wish. If your supervisor doesn't understand this or will not allow you to attend the interview, please have him or her call County Counsel.

Question(s): Can I bring someone with me? A coworker, supervisor, union rep, attorney?

Reply: Grand jury interviews are confidential, so you are the only person allowed to be present at the interview. You may speak with your attorney or union rep before the interview. The interview is not an evaluation of you or your office, it is simply a way for the committee to gather information.

Question: I'm too busy/I don't have time. Can I postpone the interview?

Reply: We can be flexible in the scheduling of the interview, but we feel it would be in your best interest to cooperate with the grand jury. If you are worried that someone else knows you are meeting with the grand jury, we can meet at a neutral location, away from your office and ours.

[originally from CGJA website:

https://cgja.org/sites/default/files/phone_script_for_scheduling_interviews.docx]

Butte County grand jury Interview Planning Worksheet

Purpose. Carefully define what you want to find out. Will it make a difference to the county, city, or special district?

Make a list of who would or could know about the subject.

Make an advance list of questions.

Explore costs and/or cost savings.

Analyze the data. Cross-check facts to be sure they agree.

Interpret the findings (part of final report)

Butte County Grand Jury Interview Script

These are the standard introductory comments, the admonition, and the ending questions an investigating committee might ask during a routine interview.

(At the beginning of the interview, say the following)

Thank you for meeting with us today for this interview. I'm _____. And let me introduce the other members here today. *(Introduce them or ask them to introduce themselves.)*

As a standard practice, we record all of our interviews so we can be sure that our notes are complete and accurate. Do I have your permission to record this interview?

(If yes, start the recorder and then say the following:)

For the record, today's date is _____ and the time is _____.

Please state your name and spell your last name.

Please acknowledge that you agree that this interview may be recorded.

Have you ever met with a grand jury before?

(If no, or if further explanation is needed:)

Let me tell you a little about what we do. Each county in California has a grand jury. Each year, the grand jury looks into the operations of local governmental entities. The grand jury conducts research and gathers facts during a number of interviews. In some instances the grand jury may identify problems with the entity's operations and choose to write a report. The report must identify the operational problems and provide recommendations about how those operations might be improved. Unless a report is written and approved by the court, all aspects of the grand jury's activities, including information shared during interviews, remain confidential.

All grand jury interviews are confidential. As grand jurors, we are required by law, under oath, to preserve this confidentiality forever. We may never discuss any aspect

Butte County Grand Jury Procedures Manual

of our investigations, including naming anyone we interview. So you should feel free to speak openly and honestly, knowing that your identity and statements are fully protected. You are also obligated to maintain secrecy about the questions and responses given today.

Do you have any questions about confidentiality?

(if yes, try to answer any questions the interviewee has.)

I am now going to administer an admonition that obligates you to keep secret anything that any of us says during this interview.

(Read the admonition aloud. At in-person interviews, have the witness sign two copies; at the end of the interview, you will give one of them to the witness. At remote interviews, say that you will email them a copy of the admonition immediately after the interview.)

I will be conducting the interview, based on a list of questions we've prepared. The other jurors might ask clarifying questions as we go along or follow-up questions at the end.

(The lead interviewer asks the questions from your list, plus any follow-up questions needed to clarify or expand the witness's answers.)

(After the lead interviewer has asked all the questions on the list and any follow-up questions:)

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I'm now going to turn this over to the other jurors so they can ask any follow-up questions they might have.

(Invite each juror to ask additional questions. Go around the table twice to be sure that all questions are asked (so you won't need to come back for a second interview). Make sure you have fully explored any operational problems or shortcomings the witness has information about and any solutions the witness might suggest.)

(Final standard questions:)

Is there anything else we should know about this topic?

Is there anyone else we can speak with who has pertinent information about this topic? *(If so, get the person's full name, title, and contact info.)*

(If relevant:)

You said you would provide us with some documents. *(Give the witness a list that has been kept by one of the jurors during the interview. Keep a list for the jury as well.)*

When and how can we get those documents?

Are there any (other) documents that relate to this topic? *(If so, have the witness describe them, and determine how the committee will get copies of them.)*

That concludes our interview.

At this point, I need to remind you of the admonition you signed. *(Provide one of the signed copies to the witness (at an in-person interview) or say you will email them a copy (if the interview is conducted remotely).)*

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Please remember that you cannot reveal to anyone any of the information you learned today, or any of our questions or any of your answers.

Do you agree to maintain confidentiality?

Thank you very much for meeting with us. We will get back in touch if there is anything additional we need from you.

(stop the recorder.)

Butte County Grand Jury Facility Inspection Worksheet

GRAND JUROR _____

DATE OF TOUR _____

FACILITY _____

PRESENTER(S)

PRESENTATION

AREAS OF SPECIAL CONCERN

OBSERVATIONS

Butte County Grand Jury Plenary Meeting Agenda

1. Call to Order
2. Roll Call
3. Minutes from the last meeting
4. County Counsel (optional)
5. Officer Reports
 - a. Foreperson
 - b. Pro Tempore
 - c. Treasurer
 - d. Corresponding Secretary
 - e. Recording Secretary
 - f. Technology Officer
6. External Committee Reports
 - a. County
 - b. City
 - c. Districts
 - d. Law Enforcement
 - e. Audit
7. Internal Committee Reports
 - a. Response
 - b. Procedural Manual
 - c. Editorial
 - d. Social
8. Additional Discussion Items
9. Next Meeting
10. Adjourn

Butte County Grand Jury Complaint Status Summary

COMPLAINT NUMBER: _____ DATE OF LETTER: _____

SUBJECT:

DATE RECEIVED BY CORRESPONDING SECRETARY: _____

DATE ACKNOWLEDGMENT SENT: _____

DATE COMPLAINT REFERRED TO COMMITTEE: _____

COMMITTEE COMPLAINT ASSIGNED:

DATE OF ACTION: _____

SUMMARY OF ACTION TAKEN BY COMMITTEE:

DATE COMPLAINT CONSIDERED CLOSED:

RETURN DOCUMENT TO CORRESPONDING SECRETARY

APPENDIX 11

SAMPLE DOCUMENTS AND TEMPLATES

This appendix provides sample documents and templates for the grand jury to communicate with agencies and interviewees.

Formation Documents

New Grand Juror Welcome Letter

Investigation Documents

Interview Request Template

Admonishment Statement

Documents Request Template

Report Template

Miscellaneous Documents

Letterhead

Complaint Response Letter

Final Report Transmittal Letter

New Grand Juror Welcome Letter Template

BUTTE COUNTY GRAND JURY
Post Office Box 110
OROVILLE, CALIFORNIA 95965

<Date>

<Mr./Ms.> <First Name> <Last Name>

<Address>

<City>, <State> <ZIP Code>

Dear <Mr./Ms.> <Last Name>,

Welcome to the Butte County Grand Jury. If you have not served on a grand jury before, I think you will find the experience both demanding and rewarding. If you have served before, then you know what lies ahead.

We have a substantial amount of work to accomplish in a relatively short time. By starting now, we will avoid the pressure of waiting until spring as well as minimize the disruption to the agencies we review.

As a reminder, if you haven't turned in your Form 700, Computer Literacy Questionnaire or Committee Preference Sheet, please do so at your earliest convenience. These forms will be useful in making committee assignments. You may mail, fax, hand carry, overnight, or use any other reasonable means to get these to me; the sooner the better.

Our next meeting will take place at <Time> on <Day, Date> at <Place>. I expect this meeting will be a long one; please plan accordingly.

If you have any questions, please contact me.

Sincerely,

<Foreperson>

Interview Request Template



Butte County Grand Jury

P.O Box 110
Oroville, CA 95965

<Date>

<Mr./Ms.> <First Name> <Last Name>

<Address>

<City>, <State> <ZIP Code>

Dear <Mr./Ms.> <Last Name>,

The Butte County Grand Jury is tasked with conducting civil investigations and making recommendations to improve the operations of various governmental agencies within our county. To do this, we often ask people to be interviewed to help us in our fact-finding role. These interviews are one method the grand jury uses to gather information.

A few members of our grand jury would like to interview you. This interview should last no longer than [duration].

z will contact you via phone by _____ to arrange for the transfer of documents and to coordinate the interviews with the officers you select.

Sincerely,

<chairperson>

<term> Butte County Grand Jury.

Admonishment Statement

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 this 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 a final report of this grand jury proceeding 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

Documents Request Template

<Date>

<Mr./Ms.> <First Name> <Last Name>

<Agency>

<Agency address>

Dear <Mr./Ms.> <Last Name>:

The Butte County Grand Jury is reviewing <Agency]>s finances, policies, and procedures.

The Grand Jury is requesting the following documents:

1. <Document Name>
2. <Document Name>
3. <Document Name>

We would appreciate it if you could provide these documents to us no later than <Expected Date>. Please either hold for pickup at your office any hard copies or transmit by reply email to <Grand Jury Member Email address> any digital copies.

Please be advised that Grand Jury proceedings are confidential, and you should not reveal any matters concerning the existence and/or nature of the Grand Jury's investigation. If you have any questions, please contact the Grand Jury office at <Grand Jury Member Phone Number> as soon as possible.

Respectfully,

<Grand Jury Member name>

Butte County Grand Jury

Report Template

*This template may be used to create the first draft for a report. Replace the text beginning and ending with ***** with the appropriate text.*

***** Title *****

***** Date ***** (***** Version *****)

SUMMARY

***** Start of instructions:

Highlight and type over this section to enter material.

A clear concise description of major issues, findings & recommendations – Not more than one page. Avoid explanations of methodology & limit background to brief description of most significant issues or problems.

End instructions – you may highlight and type over this section to retain the formatting but remove these directions now. *****

GLOSSARY (IF NEEDED)

***** Start of instructions:

Highlight and type over this section to enter material.

This is where you define acronyms or terms that may not be familiar to the reader.

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ALL items to be listed alphabetically by the acronym/term and tab (not spaces!) to enter the description. The acronym/item will be bolded while the description will be regular. An example follows:

BCGJ	Butte County Grand Jury
FOREPERSON	The head body in charge of this group
SECRETARY	They keeper of the notes, the scribe.
ZOOM	A friendly of attending meetings with your pets

End instructions – you may highlight and type over this section to retain the formatting but remove these directions now. *****

BACKGROUND

***** Start of instructions:

Highlight and type over this section to enter material.

To include the rationale for conducting the investigation. Place issues in context and provide insight to why those issues (as noted in Summary) were important to prompt an investigation.

Also, may include general/historical information re: topic or entity that helps in understanding the report as given.

End instructions – you may highlight and type over this section to retain the formatting but remove these directions now. *****

METHODOLOGY

***** Start of instructions:

Highlight and type over this line to enter material.

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This section states how the investigation was conducted. Describes in general terms the research, interviews, and site visits. All to be listed WITHOUT revealing the identity of any person who provided information.

This section must be comprehensive enough to demonstrate that the grand jury conducted a thorough investigation.

End instructions – you may highlight and type over this section to retain the formatting but remove these directions now. *****

WEBSITES

***** Start of instructions:

Highlight and type over this line to enter material.

Please include hyperlinks of active website and include the date that this was accessed on the website. Test link after added to report.

End instructions – you may highlight and type over this section to retain the formatting but remove these directions now. *****

DISCUSSION

***** Start instructions here:

Highlight and type over this line to enter material. Use caution to not type over MORE than you intended. This section allows for sub-sections so please use caution here.

The discussion section presents a detailed narrative of information gathered and verified during the investigation – the facts! Please note that “RAW DATA” may not be included (this is unverified information). Facts should be logically connected to issues.

This section previews both the findings and the recommendations. It proves the findings. It contains the rationale for and estimated cost of the recommendations. Similar to a magazine or journal article – think Readers Digest!

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May contain several sub-sections, organized by topic, and graphics, pictures, etc. may be put here.

Use Subheads as Appropriate (repeat and/or delete as needed)

- Type here to use bullets, as needed. *(Additional bullets will be added automatically when you hit return or enter.)*

- Type here to use m dash, as needed for another level of indentation. *(Additional m dash will be added automatically when you hit return or enter.)*

End instructions – you may highlight and type over this section to retain the formatting but remove these directions now. *****

FINDINGS

*****Instructions begin here:

Findings are required by the Penal Code §.

These are conclusions or value judgements based on facts and rationale contained in the Discussion.

They are single-issue statements, one or two sentences in length, that describe a problem or shortcoming in the entity’s operations (or what they have done well).

Limit to matters of consequence.

Findings bridge the gap between facts and recommendations.

They MUST be numbered as shown (F1, F2, F3 – they will self number until you manually move to the next section.

The only thing in finding is the list of findings and no “paragraph” needs to exist.

- F1. Type finding here.
- F2. Type finding here.
- F3. Type finding here.

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End instructions – you may highlight and type over this section to retain the formatting but remove these directions now. *****

RECOMMENDATIONS

*****Instructions start here:

Recommendations are REQUIRED by the Penal Code if problems are identified in the findings.

They must be numbered (R1, R2, R3 etc.) and put in the same general sequence as findings – if possible.

They should state what should be done, by whom, and by when to correct or alleviate any problems identified in the findings.

Each recommendation should address a single activity.

Recommendations should be reasonable as to cost and time for implementation.

The corrective action due date should always be at least one month after the response due date.

The only thing in recommendations is the list of recommendations and no “paragraph” needs to exist.

R1. Type recommendation here. *(They will be numbered automatically after you hit enter or return.)*

R2. Type recommendation here.

End instructions – you may highlight and type over this section to retain the formatting but remove these directions now. *****

REQUIRED RESPONSES

*****Instructions start here:

This section directs governing boards or elected officials to respond to specific (numbered) findings and/or recommendations.

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ONLY a governing board or elected county department head can be directed to respond.

This section should specify the appropriate response period (60 days for county officials, 90 for governing bodies). End instructions – you may delete this instructions section now. *****

The following responses are required pursuant to Penal Code § 933 and 933.05:

From the following individuals:

- Type titles of individuals here and list the findings and recommendations (by number) that each individual must respond to. (*Bullets will be added automatically when you hit return or enter.*)

From the following governing bodies:

- Type names of governing bodies here and list the findings and recommendations that each board must respond to.

INVITED RESPONSES

***** Start instructions here:

This is an OPTIONAL section and may be removed from the report if appropriate.

This section is used to invite other officials, board or commission employed by or related to the entity or entities to respond to specific (numbered) findings and/or recommendations. This section would specify any appropriate response period (most juries allow 60 days).

Type titles of individuals here and list the findings and recommendations (by number) that each individual is invited to respond to.

End instructions – you may highlight and type over this section to retain the formatting but remove these directions now. *****

The Grand Jury invites the following responses:

The following box must be included at the end of each report

Reports issued by the Grand Jury do not identify individuals interviewed. 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.
--

BIBLIOGRAPHY (IF NEEDED)

***** Start instructions here:

This is an optional section, omitted if not needed.

This is a listing of published reference works and non-confidential public records consulted during the investigation which may be of interest to the reader. Include only the most relevant sources.

End instructions – you may highlight and type over this section to retain the formatting but remove these directions now. *****

APPENDIX (IF NEEDED)

***** Start instructions here:

This is an optional section, omitted if not needed.

An appendix can contain public domain materials referred to in the report, such as code section, excerpts from a contract, or a map, if considered important to the understanding of the report. Unverified “RAW EVIDENCE” (such as interview transcripts) may not be included.

End instructions – you may highlight and type over this section to retain the formatting but remove these directions now. *****

DISCLAIMER (IF NEEDED)

***** Start instructions here:

This is an optional section, omitted if not needed.

A disclaimer can be used when a juror has a conflict of interest, real or perceived) related to an investigation. End instructions – you may highlight and type over this section to retain the formatting but remove these directions now. *****

Letterhead



Butte County Grand Jury

P.O Box 110

Oroville, CA 95965

Complaint Response Letter Template

BUTTE COUNTY GRAND JURY
POST OFFICE BOX 110
OROVILLE, CA 95965

<Date>

<Mr./Ms.> <First Name> <Last Name>

<Address>

<City, State, Zip Code>

RE: <Letter and/or complaint> of <Date>

Dear <Mr./Ms.> <Last Name>:

Thank you for sending the above-referenced correspondence. We are distributing confidential copies of your information to all Butte County Grand Jurors. Your expressed concerns will receive due consideration and appropriate attention.

State law prohibits the grand jury from publicly disclosing any aspect of our deliberations. Accordingly, you *may not* receive any further communication from us directly. When warranted, however, our specific findings and subsequent recommendations appear in the public Grand Jury Report at the close of our term.

Not all issues presented to the grand jury fall under our jurisdiction, we respectfully suggest you consider additional remedies and avenues as this body reviews your concerns.

Sincerely,

<Grand Jury Member Name>

Corresponding Secretary

<Term Year> Butte County Grand Jury

Final Report Transmittal Letter

<Date>

The Honorable Corie J. Caraway
Butte County Superior Court
1 Court Street
Oroville, CA 95965

Dear Judge Caraway:

The 2022-2023 Butte County Civil Grand Jury respectfully submits our final report to Butte County and the Butte County Superior Court in accordance with California Penal Code §933.05.

The Grand Jury was recruited through a letter sent to 7,500 randomly selected residents of Butte County. A list of volunteers responding to the letter was further pared down to nineteen individuals through an interview process by Butte County Superior Court. After empanelment, the Grand Jury was sworn in, completed a two-day training program, and attended a subsequent Report Writing Workshop. Education was provided by trainers from the California Grand Jury Association and funded by the Butte County Superior Court.

The Grand Jury completed the mandatory inquiry of the Butte County Jail and Butte County Juvenile Hall Detention facilities. Tours were offered to any interested jurors. Staff answered questions and provided valuable information. Three jurors participated in the Butte County Election Division's Logic and Accuracy Testing and observed election night vote tabulation.

The Grand Jury received a total of 14 complaints. Jurors reviewed each of the complaints and gave them careful consideration. In all, the Grand Jury completed numerous inquiries resulting in 10 investigative reports. The members of the Grand Jury spent considerable time collecting information, researching laws, conducting interviews, and evaluating evidence for each report.

We appreciate the support and guidance provided by the Butte County Superior Court, yourself, Court Services Staff, County Staff, and County Counsel.

Butte County Grand Jury Procedures Manual

Respectfully Submitted,

Connie Huyck

Foreperson,

2022-2023 Butte County Grand Jury

APPENDIX 12

CODE SECTIONS RELATING TO THE GRAND JURY

This appendix contains citations from various state codes that relate to grand juries in California.

CALIFORNIA PENAL CODE (PEN)

GENERAL PROVISIONS

Section 888. Grand Jury. (Amended 1988 Ch. 1297, Sec.1.)

A grand jury is a body of the required number of persons returned from the citizens of the county before a court of competent jurisdiction, and sworn to inquire of public offenses committed or triable within the county.

Each grand jury or, if more than one has been duly impaneled pursuant to Sections 904.5 to 904.9, inclusive, one grand jury in each county, shall be charged and sworn to investigate or inquire into county matters of civil concern, such as the needs of county officers, including the abolition or creation of offices for, the purchase, lease, or sale of equipment for, or changes in the method or system of, performing the duties of the agencies subject to investigation pursuant to Section 914.1.

Section 888.2. "Required Number" Defined. (Amended 1994 Ch. 295, Sec. 1.)

As used in this title as applied to a grand jury, "required number" means:

- (a) Twenty-three in a county having a population exceeding 4,000,000.
- (b) Eleven in a county having a population of 20,000 or less, upon the approval of the board of supervisors.
- (c) Nineteen in all other counties.

Section 889. Indictment. (Enacted 1959 Ch. 501)

An indictment is an accusation in writing, presented by the grand jury to a competent court, charging a person with a public offense.

Section 890. Fees of Grand Jurors; Mileage. (Amended 2001 Ch. 218, Sec.1. Operative July 1, 2002)

Unless a higher fee or rate of mileage is otherwise provided by statute or county or city and county ordinance, the fees for grand jurors are [1] fifteen dollars (\$15) a day for each day's attendance as a grand juror, and [2] the mileage reimbursement applicable to county employees for each mile actually traveled in attending court as a grand juror.

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Section 890.1. Payment of Fees and Mileage. (Enacted 1959, Ch. 501.)

The per diem and mileage of grand jurors where allowed by law shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court of the county.

Section 891. Attempting to Record or Observe Grand Jury Proceedings. (Enacted 1959, Ch. 501.)

Every person who, by any means whatsoever, willfully and knowingly, and without knowledge and consent of the grand jury, records, or attempts to record, all or part of the proceedings of any grand jury while it is deliberating or voting, or listens to or observes, or attempts to listen to or observe, the proceedings of any grand jury of which he is not a member while such jury is deliberating or voting is guilty of a misdemeanor.

This section is not intended to prohibit the taking of notes by a grand juror in connection with and solely for the purpose of assisting him in the performance of his duties as such juror.

Section 892. Proceeding Against Corporation. (Amended 1973, Ch. 249.)

The grand jury may proceed against a corporation.

FORMATION OF GRAND JURY

QUALIFICATIONS OF GRAND JURORS

Section 893. Qualifications of Grand Jurors. (Amended 1973, Ch. 416)

- (a) A person is competent to act as a grand juror only if he possesses each of the following qualifications:
 - (1) He is a citizen of the United States of the age of 18 years or older who shall have been a resident of the state and of the county or city and county for one year immediately before being selected and returned.
 - (2) He is in possession of his natural faculties, of ordinary intelligence, of sound judgment, and of fair character.
 - (3) He is possessed of sufficient knowledge of the English language.
- (b) A person is not competent to act as a grand juror if any of the following apply:
 - (1) The person is serving as a trial juror in any court of the state.
 - (2) The person has been discharged as a grand juror in any court of this state within one year.
 - (3) The person has been convicted of malfeasance in office or any felony or other high crime.
 - (4) The person is serving as an elected public officer.

Section 894. Exemptions and Excuses From Service. (Amended 1989, Ch. 1416, Sec.37)

Sections 204, 218, and 219 of the Code of Civil Procedure specify the exemptions and the excuses which relieve a person from liability to serve as a grand juror.

LISTING AND SELECTION OF GRAND JURORS

Section 895. Estimate of Number of Grand Jurors Needed. *(Amended 1974, Ch. 393)*

During the month preceding the beginning of the fiscal year of the county, the superior court of each county shall make an order designating the estimated number of grand jurors that will, in the opinion of the court, be required for the transaction of the business of the court during the ensuing fiscal year as provided in Section 905.5.

Section 896. Court to Select and List Grand Jurors. *(Amended 2003, Ch.149, Sec. 69.)*

- (a) immediately after an order is made pursuant to Section 895, the court shall select the grand jurors required by personal interview for the purpose of ascertaining whether they possess the qualifications prescribed by subdivision (a) of Section 893. If a person so interviewed, in the opinion of the court,
- (b) possesses the necessary qualifications, in order to be listed the person shall sign a statement declaring that the person will be available for jury service for the number of hours usually required of a member of the grand jury in that county.
- (c) The selections shall be made of men and women who are not exempt from serving and who are suitable and competent to serve as grand jurors pursuant to Sections 893, 898, and 899. The court shall list the persons so selected and required by the order to serve as grand jurors during the ensuing fiscal year of the county, or until a new list of grand jurors is provided, and shall at once place this list in the possession of the jury commissioner.

Section 898. Number on List in County of First Class. *(Amended 1963, Ch. 259.)*

The list of grand jurors made in a county having a population in excess of four million shall contain the number of persons which has been designated by the court in its order.

Section 899. Selection by Judicial Districts-List Separate From Trial Jurors. *(Amended 1969, Ch. 64)*

The names for the grand jury list shall be selected from the different wards, judicial districts, or supervisorial districts of the respective counties in proportion to the number of inhabitants therein, as nearly as the same can be estimated by the persons making the lists. The grand jury list shall be kept separate and distinct from the trial jury list. In a county of the first class, the names for such list may be selected from the county at large.

Section 900. Names Deposited in "Grand Jury Box." *(Amended 2003, Ch. 149, Sec. 70.)*

On receiving the list of persons selected by the court, the jury commissioner shall file it in the jury commissioner's office and have the list, which shall include the name of the judge who selected each person on the list, published one time in a newspaper of general circulation, as defined in Section 6000 of the Government Code, in the county. The jury commissioner shall thereupon do either of the following:

- (a) Write down the names on the list onto separate pieces of paper of the same size and appearance, fold each piece so as to conceal the name thereon, and deposit the pieces in a box to be called the "grand jury box."
- (b) Assign a number to each name on the list and place, in a box to be called the "grand jury box," markers of the same size, shape, and color, each containing a number which corresponds with a number with a number of the list.

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Section 901. Jurors Serve for One Year-Provisions. *(Amended 1988, Ch. 886, Sec. 1.)*

- (a) The persons whose names are so returned shall be known as regular jurors, and shall serve for one year and until other persons are selected and returned.
- (b) If the superior court so decides, the presiding judge may name up to 10 regular jurors not previously so named, who served on the previous grand jury and who so consent, to serve for a second year.
- (c) The court may also decide to select grand jurors pursuant to Section 908.2.

Section 902. Names Drawn During Year May Be Placed on List for Succeeding Year. *(Amended 1974, Ch. 393.)*

The names of persons drawn for grand jurors shall be drawn from the grand jury box by withdrawing either the pieces of paper placed therein pursuant to subdivision (a) of Section 900 or the markers placed therein pursuant to subdivision (b) of Section 900. If, at the end of the fiscal year of the county, there are the names of persons in the grand jury box who have not been drawn during the fiscal year to serve and have not served as grand jurors, the names of such persons may be placed on the list of grand jurors drawn for the succeeding fiscal year.

JURY COMMISSIONERS

Section 903. 1. Commissioner to Furnish Names of Qualified Persons. *(Amended 1974, Ch. 393.)*

Pursuant to written rules or instructions adopted by a majority of the judges of the superior court of the county, the jury commissioner shall furnish the judges of the court annually a list of persons qualified to serve as grand jurors during the ensuing fiscal year of the county, or until a new list of jurors is required. From time to time, a majority of the judges of the superior court may adopt such rules or instructions as may be necessary for the guidance of the jury commissioner, who shall at all times be under the supervision and control of the judges of the court. Any list of jurors prepared pursuant to this article must, however, meet the requirements of Section 899.

Section 903.2. Investigation of Qualifications of Prospective Jurors. *(Amended 2008, Ch. 179, Sec. 179)*

The jury commissioner shall diligently inquire and inform himself or herself in respect to the qualifications of persons resident in his or her county who may be liable to be summoned for grand jury duty. He or she may require a person to answer, under oath to be administered by him or her, all questions as he or she may address to that person, touching his or her name, age, residence, occupation, and qualifications as a grand juror, and also all questions as to similar matters concerning other persons of whose qualifications for grand jury duty he or she has knowledge.

The commissioner and his or her assistants, referred to in Sections 69895 and 69896 of the Government Code, shall have the power to administer oaths and shall be allowed actual traveling expenses incurred in the performance of their duties. Those traveling expenses shall be audited, allowed, and paid out of the general fund of the county.

Section 903.3. Return to Judges of Recommended List. *(Enacted 1959, Ch. 501.)*

Pursuant to the rules or instructions adopted by a majority of the judges of the superior court, the jury commissioner shall return to the judges the list of persons recommended by him for grand jury duty. The judges of the superior court shall examine the jury list so returned and from such list a majority of the judges

Butte County Grand Jury Procedures Manual

may select, to serve as grand jurors in the superior court of the county during the ensuing year or until a new list of jurors is required, such persons as, in their opinion, should be selected for grand jury duty. The persons so selected shall, in the opinion of the judges selecting them, be persons suitable and competent to serve as jurors, as required by law.

Section 903.4. Judges Need Not Select Jurors from List. (Amended 2011, Ch. 296, Sec. 214. [AB 1023])

The judges are not required to select any name from the list returned by the jury commissioner, but may, if in their judgment the due administration of justice requires, make every or any selection from among the body of persons in the county suitable and competent to serve as grand jurors regardless of the list returned by the jury commissioner.

IMPANELING OF GRAND JURY

Section 904. Order for Grand Jury to Be Drawn. (Amended 2003, Ch. 149, Sec. 72.)

Every superior court, whenever in its opinion the public interest so requires, shall make and file with the jury commissioner an order directing a grand jury to be drawn. The order shall designate the number of grand jurors to be drawn, which shall not be less than 29 nor more than 40 in counties having a population exceeding four million and not less than 25 nor more than 30 in other counties.

Section 904.4. Additional Grand Jury Impanelment in Counties of Specified Populations. {Enacted 1991, Ch. 1109, Sec. 1.}

- (a) In any county having a population of more than 370,000 but less than 400,000 as established by Section 28020 of the Government Code, the presiding judge of the superior court, upon application by the district attorney, may order and direct the drawing and impanelment at any time of one additional grand jury.
- (b) The presiding judge may select persons, at random, from the list of trial jurors in civil and criminal cases and shall examine them to determine if they are competent to serve as grand jurors. When a sufficient number of competent persons have been selected, they shall constitute the additional grand jury.
- (c) Any additional grand jury which is impaneled pursuant to this section may serve for a period of one year from the date of impanelment, but may be discharged at any time within the one year period by order of the presiding judge. In no event shall more than one additional grand jury be impaneled pursuant to this section at the same time
- (d) Whenever an additional grand jury is impaneled pursuant to this section, it may inquire into any matters that are subject to grand jury inquiry and shall have the sole and exclusive jurisdiction to return indictments, except for any matters that the regular grand jury is inquiring into at the time of its impanelment.
- (e) If an additional grand jury is also authorized by another section, the county may impanel the additional grand jury authorized by this section, or by the other section, but not both.

Section 904.6. Additional Grand Jury Impanelment. (Amended 2005, Ch. 25, Sec. 1.)

- (a) In any county or city and county, the presiding judge of the superior court, or the judge appointed by the presiding judge to supervise the grand jury, may, upon the request of the Attorney General or the district attorney or upon his or her own motion, order and direct the impanelment, of one additional grand jury pursuant to this section.

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- (b) The presiding judge or the judge appointed by the presiding judge to supervise the grand jury shall select persons, at random, from the list of trial jurors in civil and criminal cases and shall examine them to determine if they are competent to serve as grand jurors. When a sufficient number of competent persons have been selected, they shall constitute the additional grand jury.
- (c) Any additional grand jury which is impaneled pursuant to this section may serve for a period of one-year from the date of impanelment, but may be discharged at any time within the one year period by order of the presiding judge or the judge appointed by the presiding judge to supervise the grand jury. In no event shall more than one additional grand jury be impaneled pursuant to this section at the same time.
- (d) Whenever an additional grand jury is impaneled pursuant to this section, it may inquire into any matters which are subject to grand jury inquiry and shall have the sole and exclusive jurisdiction to return indictments, except for any matters which the regular grand jury is inquiring into at the time of its impanelment.
- (e) It is the intent of the Legislature that all persons qualified for jury service shall have an equal opportunity to be considered for service as criminal grand jurors in the county in which they reside, and that they have an obligation to serve, when summoned for that purpose. All persons selected for the additional criminal grand jury shall be selected at random from a source or sources reasonably representative of a cross section of the population which is eligible for jury service in the county.

Section 905. At Least One Grand Jury a Year. *(Amended 1982, Ch. 1408, Sec. 3.)*

In all counties there shall be at least one grand jury drawn and impaneled in each year.

Section 905.5. Serving During County Fiscal Year. *(Amended 1984, Ch. 344, Sec.1)*

- (a) Except as otherwise provided in subdivision (b), the grand jury shall be impaneled and serve during the fiscal year of the county in the manner provided in this chapter.
- (b) The board of supervisors of a county may provide that the grand jury shall be impaneled and serve during the calendar year. The board of supervisors shall provide for an appropriate transition from fiscal year term to calendar year term or from calendar year term to fiscal year term for the grand jury. The provisions of subdivisions (a) and (b) of Section 901 shall not be deemed a limitation on any appropriate transition provisions as determined by resolution or ordinance; and, except as otherwise provided in this chapter, no transition grand jury shall serve more than 18 months.

Section 906. Drawing Names. *(Enacted 1959, Ch. 501.)*

The order shall designate the time at which the drawing will take place. The names of the grand jurors shall be drawn, and the list of names certified and summoned, as is provided for drawing and summoning trial jurors. The names of any persons drawn, who are not impaneled upon the grand jury, may be again placed in the grand jury box.

Section 907. Penalty for Failure to Attend. *(Enacted 1959, Ch. 501.)*

Any grand juror summoned, who willfully and without reasonable excuse fails to attend, may be attached and compelled to attend and the court may also impose a fine not exceeding fifty dollars (\$50), upon which execution may issue. If the grand juror was not personally served, the fine shall not be imposed until upon an order to show cause an opportunity has been offered the grand jury to be heard.

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Section 908. Determining Members Constituting Grand Jury. *(Amended 2003, Ch. 149, Sec. 73.)*

If the required number of the persons summoned as grand jurors are present and not excused, the required number shall constitute the grand jury. If more than the required number of persons are present, the jury commissioner shall write their names on separate ballots, which the jury commissioner shall fold so that the names cannot be seen, place them in a box, and draw out the required number of them. The persons whose names are on the ballots so drawn shall constitute the grand jury. If less than the required number of persons are present, the panel may be filled as provided in Section 211 of the Code of Civil Procedure. If more of the persons summoned to complete a grand jury attend than are required, the requisite number shall be obtained by writing the names of those summoned and not excused on ballots, depositing them in a box, and drawing as provided above.

Section 908. 1. Manner of Filling Vacancies. *(Amended 2003, Ch. 149, Sec. 74.)*

When, after the grand jury consisting of the required number of persons has been impaneled pursuant to law, the membership is reduced for any reason, vacancies within an existing grand jury may be filled, so as to maintain the full membership at the required number of persons, by the jury commissioner, in the presence of the court, drawing out sufficient names to fill the vacancies from the grand jury box, pursuant to law, or from a special venire as provided in Section 211 of the Code of Civil Procedure. A person selected as a grand juror to fill a vacancy pursuant to this section may not vote as a grand juror on any matter upon which evidence has been taken by the grand jury prior to the time of the person's selection.

Section 908.2. Selection of Grand Jurors. *(Amended 2003, Ch. 149)*

- (a) Upon the decision of the superior court pursuant to Section 901 to adopt this method of selecting grand jurors, when the required number of persons have been impaneled as the grand jury pursuant to law, the jury commissioner shall write the names of each person on separate ballots. The jury commissioner shall fold the ballots so that the names cannot be seen, place them in a box, and draw out half of the ballots, or in a county where the number of grand jurors is uneven, one more than half. The persons whose names are on the ballots so drawn shall serve for 12 months until July 1 of the following year. The persons whose names are not on the ballots so drawn shall serve for six months until January 1 of the following year.
- (b) Each subsequent year, on January 2 and July 2, a sufficient number of grand jurors shall be impaneled to replace those whose service concluded the previous day. Those persons impaneled on January 2 shall serve until January 1 of the following year. Those persons impaneled on July 2 shall serve until July 1 of the following year. A person may not serve on the grand jury for more than one year.
- (c) The provisions of subdivisions (a) and (b) do not apply to the selection of grand jurors for an additional grand jury authorized pursuant to Section 904.6.

Section 909. Qualification and Swearing in of Jurors. *(Enacted 1959, Ch. 501.)*

Before accepting a person drawn as a grand juror, the court shall be satisfied that such person is duly qualified to act as such juror. When a person is drawn and found qualified he shall be accepted unless the court, on the application of the juror and before he is sworn, excuses him from such service for any of the reasons prescribed in this title or in Chapter I (commencing with Section 190), Title 3, Part 1 of the Code of Civil Procedure.

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Section 910. No Challenge Except for Want of Qualification. (Enacted 1959, Ch. 501.)

No challenge shall be made or allowed to the panel from which the grand jury is drawn, nor to an individual grand juror, except when made by the court for want of qualification, as prescribed in Section 909.

Section 911. Oath. (Amended 1983, Ch. 111, Sec. 4.)

The following oath shall be taken by each member of the grand jury:

“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 public offenses against the people of this state, committed or triable within this county, 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, nor the manner in which I or any 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.”

Section 912. Foreman. (Enacted 1959, Ch. 501.)

From the persons summoned to serve as grand jurors and appearing, the court shall appoint a foreman. The court shall also appoint a foreman when the person already appointed is excused or discharged before the grand jury is dismissed.

Section 913. Demand for Impaneling by Attorney General. (Enacted 1959, Ch. 501.)

If a grand jury is not in existence, the Attorney General may demand the impaneling of a grand jury by those charged with the duty to do so, and upon such demand by him, it shall be their duty to do so.

POWERS AND DUTIES OF GRAND JURY

Section 914. Charge by Court: Training for Juries Considering Civil Matters. (Amended 1997, Ch. 443, Sec. 3.)

- (a) When the grand jury is impaneled and sworn, it shall be charged by the court. In doing so, the court shall give the grand jurors such information as it deems proper, or as is required by law, as to their duties, and as to any charges for public offenses returned to the court or likely to come before the grand jury.
- (b) To assist a grand jury in the performance of its statutory duties regarding civil matters, the court, in consultation with the district attorney, the county counsel, and at least one former grand juror, shall ensure that a grand jury that considers or takes action on civil matters receives training that addresses, at a minimum, report writing, interviews, and the scope of the grand jury's responsibility and statutory authority.
- (c) Any costs incurred by the court as a result of this section shall be absorbed by the court or the county from existing resources.

Section 914.1. Instructions as to Investigation of County Government. (Amended 1988, Ch. 1297, Sec. 2.)

When a grand jury is impaneled, for purposes which include the investigation of, or inquiry into, county matters of civil concern, the judge of the superior court of the county, in addition to other matters requiring

Butte County Grand Jury Procedures Manual

action, shall call its attention to the provisions of Chapter 1 (commencing with Section 23000) of Division 1 of Title 3, and Sections 24054 and 26525 of the Government Code, and instruct it to ascertain by a careful and diligent investigation whether such provisions have been complied with, and to note the result of such investigation in its report. At such time the judge shall also inform and charge the grand jury especially as to its powers, duties, and responsibilities under Article I (commencing with Section 888) of Chapter 2, and Article 2 (commencing with Section 925), Article 3 (commencing with Section 934) of this chapter, Article 3 (commencing with Section 3060) of Chapter 7 of Division 4 of Title I of the Government Code, and Section 17006 of the Welfare and Institutions Code.

Section 914.5. Investigative Activities Budgeted. *(Enacted 1970, Ch. 740.)*

The grand jury shall not spend money or incur obligations in excess of the amount budgeted for its investigative activities pursuant to 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.

Section 915. Inquiry Into Offenses and Matters of Civil Concern. *(Amended 1988, Ch. 1297, Sec.3.)*

When the grand jury has been impaneled, sworn, and charged, it shall retire to a private room, except when operating under a finding pursuant to Section 939.1, and inquire into the offenses and matters of civil concern cognizable by it. On the completion of the business before the grand jury or expiration of the term of prescribed service of one or more grand jurors, the court shall discharge it or the affected individual jurors.

Section 916. Selection of Officers-Setting Rules of Procedure. *(Amended 1988, Ch. 1297, Sec. 4.)*

Each grand jury shall choose its officers, except the foreman, and shall determine its rules of proceeding. Adoption of its rules of procedure and all public actions of the grand jury, whether concerning criminal or civil matters unless otherwise prescribed in law, including adoption of final reports, shall be only with the concurrence of that number of grand jurors necessary to find an indictment pursuant to Section 940. Rules of procedure shall include guidelines for that grand jury to ensure that all findings included in its final reports are supported by documented evidence, including reports of contract auditors or consultants, official records, or interviews attended by no fewer than two grand jurors and that all problems identified in a final report are accompanied by suggested means for their resolution, including financial, when applicable.

Section 916.1. Foreperson Pro Tempore. *(Enacted 1959, Ch. 501)*

If the foreman of a grand jury is absent from any meeting or if he is disqualified to act, the grand jury may select a member of that body to act as foreman pro tempore, who shall perform the duties, and have all the powers of the regularly appointed foreman in his absence or disqualification.

Section 916.2. Recusal From Participating in Any Grand Jury Civil Investigation; Conflict of Interest for Grand Jurors. *(Amended 2012, Ch. 867, Sec. 21. [SB1144])*

- (a) Notwithstanding any other provision of law, a grand juror who is a current employee of, or a former or retired employee last employed within the prior three years by an agency within the investigative jurisdiction of the civil grand jury shall inform the foreperson and court of that fact and shall recuse himself or herself from participating in any grand jury civil investigation of that agency, including any discussion or vote concerning a civil investigation of that agency.
- (b) This section shall be in addition to any local policies or rules regarding conflict of interest for grand jurors.

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- (c) For purposes of this section, “agency” means a department or operational part of a government entity, such as a city, county, city and county, school district, or other local government body.

Section 917. Presentation of Offenses by Indictment. *(Amended by Stats. 2015, Ch. 175, Sec. 1. [SB227])*

- (a) The grand jury may inquire into all public offenses committed or triable within the county and present them to the court by indictment.
- (b) Except as provided in Section 918, the grand jury shall not inquire into an offense that involves a shooting or use of excessive force by a peace officer described in Section 830.1, subdivision (a) of Section 830.2, or Section 830.39, that led to the death of a person being detained or arrested by the peace officer pursuant to Section 836.

Section 918. Grand Juror May Report Public Offenses Known to Him. *(Amended 1976, Ch. 895.)*

If a member of a grand jury knows, or has reason to believe, that a public offense, triable within the county, has been committed, he may declare it to his fellow jurors, who may thereupon investigate it.

Section 919. Subjects of Inquiry. *(Amended by Stats. 2015, Ch. 175, Sec. 2. [SB227])*

- (a) The grand jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted.
- (b) The grand jury shall inquire into the condition and management of the public prisons within the county.
- (c) The grand jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within the county. Except as provided in Section 918, this subdivision does not apply to misconduct that involves a shooting or use of excessive force by a peace officer described in Section 830.1, subdivision (a) of Section 830.2, or Section 830.39, that led to the death of a person being detained or arrested by the peace officer pursuant to Section 836.

Section 920. Inquiries Into Land Transfers. *(Amended 1976, Ch. 895.)*

The grand jury may investigate and inquire into all sales and transfers of land, and into the ownership of land, which, under the state laws, might or should escheat to the State of California. For this purpose, the grand jury may summon witnesses before it and examine them and the records. The grand jury shall direct that proper escheat proceedings be commenced when, in the opinion of the grand jury, the evidence justifies such proceedings.

Section 921. Access to Prisons and Public Records. *(Enacted 1959, Ch. 501.)*

The grand jury is entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the county.

Section 922. Removal of Public Officers. *(Enacted 1959, Ch. 501.)*

The powers and duties of the grand jury in connection with proceedings for the removal of district, county, or city officers are prescribed in Article 3 (commencing with Section 3060), Chapter 7, Division 4, Title 1, of the Government Code.

Section 923. Convening on Demand of Attorney General. (Amended 2012, Ch. 568, Sec. 2. [SB 1474])

- (a) Whenever the Attorney General considers that the public interest requires, he or she may, with or without the concurrence of the district attorney, direct the grand jury to convene for the investigation and consideration of those matters of a criminal nature that he or she desires to submit to it. He or she may take full charge of the presentation of the matters to the grand jury, issue subpoenas, prepare indictments, and do all other things incident thereto to the same extent as the district attorney may do.
- (b) Whenever the Attorney General considers that the public interest requires, he or she may, with or without the concurrence of the district attorney, petition the court to impanel a special grand jury to investigate, consider, or issue indictments for any of the activities subject to fine, imprisonment, or asset forfeiture under Section 14107 of the Welfare and Institutions Code. He or she may take full charge of the presentation of the matters to the grand jury, issue subpoenas, prepare indictments, and do all other things incident thereto to the same extent as the district attorney may do. If the evidence presented to the grand jury shows the commission of an offense or offenses for which jurisdiction would be in a county other than the county where the grand jury is impaneled, the Attorney General, with or without the concurrence of the district attorney in the county with jurisdiction over the offense or offenses, may petition the court to impanel a special grand jury in that county. Notwithstanding any other provision of law, upon request of the Attorney General, a grand jury convened by the Attorney General pursuant to this subdivision may submit confidential information obtained by that grand jury, including, but not limited to documents and testimony, to a second grand jury that has been impaneled at the request of the Attorney General pursuant to this subdivision in any other county where venue for an offense or offenses shown by evidence presented to the first grand jury is proper. All confidentiality provisions governing information, testimony, and evidence presented to a grand jury shall be applicable except as expressly permitted by this subdivision. The Attorney General shall inform the grand jury that transmits confidential information and the grand jury that receives confidential information of any exculpatory evidence, as required by Section 939.71. The grand jury that transmits information to another grand jury shall include the exculpatory evidence disclosed by the Attorney General in the transmission of the confidential information. The Attorney General shall inform both the grand jury transmitting the confidential information and the grand jury receiving that information of their duties under Section 939.7. A special grand jury convened pursuant to this subdivision shall be in addition to the other grand juries authorized by this chapter or Chapter 2 (commencing with Section 893).
- (c) Whenever the Attorney General considers that the public interest requires, he or she may, with or without the concurrence of the district attorney, impanel a special statewide grand jury to investigate, consider, or issue indictments in any matters in which there are two or more activities, in which fraud or theft is a material element, that have occurred in more than one county and were conducted either by a single defendant or multiple defendants acting in concert.
 - (1) This special statewide grand jury may be impaneled in the Counties of Fresno, Los Angeles, Sacramento, San Diego, or San Francisco, at the Attorney General's discretion. When impaneling a special statewide grand jury pursuant to this subdivision, the Attorney General shall use an existing regularly impaneled criminal grand jury within the period of its regular impanelment to serve as the special statewide grand jury and make arrangements with the grand jury coordinator in the applicable county, or with the presiding judge or whoever is charged with scheduling the grand jury hearings, in order to ensure orderly coordination and use of the grand jurors' time for both regular grand jury duties and special statewide grand jury duties. Whenever the Attorney General impanels a special statewide grand jury, the prosecuting attorney representing the Attorney General shall inform the special statewide grand jury at the outset of the case that the special statewide grand jury is acting as a special statewide grand jury with statewide jurisdiction.

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- (2) For special statewide grand juries impaneled pursuant to this subdivision, the Attorney General may issue subpoenas for documents and witnesses located anywhere in the state in order to obtain evidence to present to the special statewide grand jury. The special statewide grand jury may hear all evidence in the form of testimony or physical evidence presented to the special statewide grand jury, irrespective of the location of the witness or physical evidence prior to subpoena. The special statewide grand jury impaneled pursuant to this subdivision may indict a person or persons with charges for crimes that occurred in counties other than where the special statewide grand jury is impaneled. The indictment shall then be submitted to the court in any county in which any of the charges could otherwise have been properly brought. The court where the indictment is filed under this subdivision shall have proper jurisdiction over all counts in the indictment.
 - (3) Notwithstanding Section 944, an indictment found by a special statewide grand jury convened pursuant to this subdivision and endorsed as a true bill by the special statewide grand jury foreperson, may be presented to the court, as set forth in paragraph (2), solely by the Attorney General and within five court days of the endorsement of the indictment. For indictments presented to the court in this manner, the Attorney General shall also file with the court or court clerk, at the time of presenting the indictment, an affidavit signed by the special statewide grand jury foreperson attesting that all the jurors who voted on the indictment heard all of the evidence presented by the Attorney General, and that a proper number of jurors voted for the indictment pursuant to Section 940. The Attorney General's office shall be responsible for prosecuting an indictment produced by the special statewide grand jury.
 - (4) If a defendant makes a timely and successful challenge to the Attorney General's right to convene a special statewide grand jury by clearly demonstrating that the charges brought are not encompassed by this subdivision, the court shall dismiss the indictment without prejudice to the Attorney General, who may bring the same or other charges against the defendant at a later date by way of another special statewide grand jury, properly convened, or a regular grand jury, or by any other procedure available.
 - (5) The provisions of Section 939. 71 shall apply to the special statewide grand jury.
 - (6) Unless otherwise set forth in this section, a law applying to a regular grand jury impaneled pursuant to Section 23 of Article I of the California Constitution shall apply to a special statewide grand jury unless the application of the law to a special statewide grand jury would substantially interfere with the execution of one or more of the provisions of this section. If there is substantial interference, the provision governing the special statewide grand jury will govern.
- (d) Upon certification by the Attorney General, a statement of the costs directly related to the impanelment and activities of the grand jury pursuant to [3] subdivisions (b) and (c) from the presiding judge of the superior court where the grand jury was impaneled shall be submitted for state reimbursement of the costs to the county or courts.

Section 924. Disclosing Information or Indictment Before Arrest. *(Enacted 1959, Ch. 501.)*

Every grand juror who willfully discloses the fact of an information or indictment having been made for a felony, until the defendant has been arrested, is guilty of a misdemeanor.

Section 924.1. Disclosing Evidence, Proceedings, or Votes. *(Amended 1986, Ch. 357, Sec. 1.)*

- (a) 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 she or any other grand juror has voted on a matter before them, is guilty of a misdemeanor.

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- (b) Every interpreter for the disabled appointed to assist a member of the grand jury pursuant to Section 939.11 who, except when required by a court, willfully discloses any evidence adduced before the grand jury, or anything which he or she or any member of the grand jury has said, or in what manner any grand juror has voted on a matter before them, is guilty of a misdemeanor.

Section 924.2. Disclosing Testimony on Order of Court. *(Enacted 1959, Ch. 501.)*

Each grand juror shall keep secret whatever he himself or any other grand juror has said, or in what manner he or any other grand juror has voted on a matter before them. Any court may require a grand juror to disclose the testimony of a witness examined before the grand jury, for the purpose of ascertaining whether it is consistent with that given by the witness before the court, or to disclose the testimony given before the grand jury by any person, upon a charge against such person for perjury in giving his testimony or upon trial therefor.

Section 924.3. Immunity From Questioning Except for Perjury. *(Enacted 1959, Ch. 501.)*

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, except for a perjury of which he may have been guilty in making an accusation or giving testimony to his fellow jurors.

Section 924.4. Providing Information to Succeeding Grand Jury. *(Amended 2002, Ch. 784, Sec. 536)*

Notwithstanding the provisions of Sections 924.1 and 924.2, any grand jury or, if the grand jury is no longer impaneled, the presiding judge of the superior court, may pass on and provide the succeeding grand jury with any records, information, or evidence acquired by the grand jury during the course of any investigation conducted by it during its term of service, except any information or evidence that relates to a criminal investigation or that could form part or all of the basis for issuance of an indictment. Transcripts of testimony reported during any session of the grand jury shall be made available to the succeeding grand jury upon its request.

Section 924.6. Disclosing Testimony If No Indictment is Returned. *(Amended 2017, Ch. 204, Sec. 1. [AB 1024])*

- (a) If no indictment is returned, the court that impaneled the grand jury shall, upon application of either party, order disclosure of all or part of the testimony of a witness before the grand jury to a defendant and the prosecutor in connection with any pending or subsequent criminal proceeding before any court if the court finds following an in camera hearing, which shall include the court's review of the grand jury's testimony, that the testimony is relevant, and appears to be admissible.
- (b) If a grand jury decides not to return an indictment in a grand jury inquiry into an offense that involves a shooting or use of excessive force by a peace officer described in Section 830.1, subdivision (a) of Section 830.2, or Section 830.39, that led to the death of a person being detained or arrested by the peace officer pursuant to Section 836, the court that impaneled the grand jury shall, upon application of the district attorney, a legal representative of the decedent, or a legal representative of the news media or public, and with notice to the district attorney and the affected witness involved, and an opportunity to be heard, order disclosure of all or part of the indictment proceeding transcript, excluding the grand jury's private deliberations and voting, to the movant, unless the court expressly finds, following an in camera hearing, that there exists an overriding interest that outweighs the right of public access to the record, the overriding interest supports sealing the record, a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed, the proposed sealing is narrowly tailored, and no less restrictive means exist to achieve the overriding interest.

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INVESTIGATION OF COUNTY, CITY, AND DISTRICT AFFAIRS

Section 925. Investigation of County Operations, Accounts, and Records. *(Repealed and added by Stats. 1977, Ch. 107.)*

The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex-officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts and records of the officers, departments, or functions of the county. The grand jury may enter into a joint contract with the board of supervisors to employ the services of an expert as provided for in Section 926.

Section 925a. Authority to Examine Records of City or Joint Powers Agency. *(Amended 1983, Ch. 590, Sec. 1.)*

The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit.

The grand jury may investigate and report upon the needs of all joint powers agencies in the county, including the abolition or creation of agencies and the equipment for, or the method or system of performing the duties of, the several agencies. It shall cause a copy of any such report to be transmitted to the governing body of any affected agency.

As used in this section, "joint powers agency" means an agency described in Section 6506 of the Government Code whose jurisdiction encompasses all or part of a county.

Section 926. Employment of Experts and Assistants-Auditors or Appraisers-Length of Contracted Services. *(Amended 1988, Ch. 1297, Sec. 4.5.)*

- (a) If, in the judgment of the grand jury, the services of one or more experts are necessary for the purposes of Sections 925, 925a, 928, 933.1, and 933.5 or any of them, the grand jury may employ one or more experts, at an agreed compensation, to be first approved by the court. If, in the judgment of the grand jury, the services of assistants to such experts are required, the grand jury may employ such assistants, at a compensation to be agreed upon and approved by the court. Expenditures for the services of experts and assistants for the purposes of Section 933.5 shall not exceed the sum of thirty thousand dollars (\$30,000) annually, unless such expenditures shall also be approved by the board of supervisors.
- (b) When making an examination of the books, records, accounts, and documents maintained and processed by the county assessor, the grand jury, with the consent of the board of supervisors, may employ expert auditors or appraisers to assist in the examination. Auditors and appraisers, while performing pursuant to the directive of the grand jury, shall have access to all records and documents that may be inspected by the grand jury subject to the same limitations on public disclosure as apply to the grand jury.

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- (c) Any contract entered into by a grand jury pursuant to this section may include services to be performed after the discharge of the jury, but in no event may a jury contract for services to be performed later than six months after the end of the fiscal year during which the jury was impaneled.
- (d) Any contract entered into by the grand jury pursuant to this section shall stipulate that the product of that contract shall be delivered on or before a time certain to the then-current grand jury of that county for such use as that jury finds appropriate to its adopted objectives.

Section 927. Need for Salary Adjustments-Report Thereon to Board of Supervisors. (Amended 1976, Ch. 481.)

A grand jury may, and when requested by the board of supervisors shall, investigate and report upon the needs for increase or decrease in salaries of the county-elected officials. A copy of such report shall be transmitted to the board of supervisors.

Section 928. Needs of County Officers. (Amended 1981, Ch. 800, Sec. 5.)

Every grand jury may investigate and report upon the needs of all county officers in the county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices. Such investigation and report shall be conducted selectively each year. The grand jury shall cause a copy of such report to be transmitted to each member of the board of supervisors of the county.

Section 929. Public Release of Grand Jury Report Containing Unprivileged Material and Findings. (Enacted 1998, Ch. 79, Sec. 1.)

As to any matter not subject to privilege, with the approval of the presiding judge of the superior court or the judge appointed by the presiding judge to supervise the grand jury, a grand jury may make available to the public part or all of the evidentiary material, findings, and other information relied upon by, or presented to, a grand jury for its final report in any civil grand jury investigation provided that the name of any person, or facts that lead to the identity of any person who provided information to the grand jury, shall not be released. Prior to granting approval pursuant to this section, a judge may require the redaction or masking of any part of the evidentiary material, findings, or other information to be released to the public including, but not limited to, the identity of witnesses and any testimony or materials of a defamatory or libelous nature.

Section 930. Comments of Officials Not Privileged. (Enacted 1959, Ch. 501.)

If any grand jury shall, in the report above mentioned, comment upon any person or official who has not been indicted by such grand jury such comments shall not be deemed to be privileged.

Section 931. Expenses. (Enacted 1959, Ch. 501.)

All expenses of the grand jurors incurred under this article shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of superior court of the county.

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Section 932. May Order District Attorney to Sue to Recover Money Due County. (Amended 2002, Ch. 784, Sec. 537.)

After investigating the books and accounts of the various officials of the county, as provided in the foregoing sections of this article, the grand jury may order the district attorney of the county to institute suit to recover any money that, in the judgment of the grand jury, may from any cause be due the county. The order of the grand jury, certified by the foreman of the grand jury and filed with the clerk of the superior court of the county, shall be full authority for the district attorney to institute and maintain any such suit.

Section 933. Comments and Reports on Grand Jury Recommendations. (Amended 2002, Ch. 784, Sec. 538)

- (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.
- (b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.
- (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.
- (d) As used in this section "agency" includes a department.

Section 933.05 Response to Grand Jury Recommendations--Content Requirements; Personal Appearance by Responding Party; Grand Jury Report to Affected Agency. (Amended 1997, Ch. 443, Sec. 5.)

- (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.

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- (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 time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Section 933.06. Investigation of County, City, and District Affairs. *(Amended 2001, Ch. 854, Sec. 40.)*

- (a) Notwithstanding Sections 916 and 940, in a county having a population of 20,000 or less, a final report may be adopted and submitted pursuant to Section 933 with the concurrence of at least 10 grand jurors if all of the following conditions are met:
 - (1) The grand jury consisting of 19 persons has been impaneled pursuant to law, and the membership is reduced from 19 to fewer than 12.
 - (2) The vacancies have not been filled pursuant to Section 908.1 within 30 days from the time that the clerk of the superior court is given written notice that the vacancy has occurred. A final report has not been submitted by the grand jury pursuant to Section 933.
- (b) Notwithstanding Section 933, no responsible officers, agencies, or departments shall be required to comment on a final report submitted pursuant to this section.

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Section 933.1. Examination of Operations of Redevelopment, Housing, and Joint Powers Agencies. (Amended 1986, Ch. 279, Sec. 1.)

A grand jury may at any time examine the books and records of a redevelopment agency, a housing authority created pursuant to Division 24 (commencing with Section 33000) of the Health and Safety Code, or a joint powers agency created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title I of the Government Code, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such agency or authority.

Section 933.5. Examination of Books of Special District or Commission. (Amended 1979, Ch. 306.)

A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such districts or commission.

Section 933.6. Examination of Operations of Nonprofit Corporation Established by or Operated on Behalf of a Public Entity. (Enacted 1986, Ch. 279, Sec. 2.)

A grand jury may at any time examine the books and records of any nonprofit corporation established by or operated on behalf of a public entity the books and records of which it is authorized by law to examine, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such nonprofit corporation.

LEGAL AND OTHER ASSISTANCE FOR GRAND JURIES

Section 934. Advice of Judge, District Attorney, or County Counsel. (Amended 1998, Ch. 230, Sec. 3.)

- (a) The grand jury may, at all times, request the advice of the court, or the judge thereof, the district attorney, the county counsel, or the Attorney General. Unless such advice is requested, the judge of the court, or county counsel as to civil matters, shall not be present during the sessions of the grand jury.
- (b) The Attorney General may grant or deny a request for advice from the grand jury. If the Attorney General grants a request for advice from the grand jury, the Attorney General shall fulfill that request within existing financial and staffing resources.

Section 935. Appearance of District Attorney Before Jury. (Enacted 1959, Ch. 501.)

The district attorney of the county may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by the grand jury, and may interrogate witnesses before the grand jury whenever he thinks it necessary. When a charge against or involving the district attorney, or assistant district attorney, or deputy district attorney, or anyone employed by or connected with the office of the district attorney, is being investigated by the grand jury, such district attorney, or assistant district attorney, or deputy district attorney, or all or anyone or more of them, shall not be allowed to be present before such grand jury when such charge is being investigated, in an official capacity but only as a witness, and he shall only be present while a witness and after his appearance as such witness shall leave the place where the grand jury is holding its session.

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Section 936. Special Counsel and Special Investigators-Attorney General May Employ. (Enacted 1959, Ch. 501.)

When requested so to do by the grand jury of any county, the Attorney General may employ special counsel and special investigators, whose duty it shall be to investigate and present the evidence in such investigation to such grand jury.

The services of such special counsel and special investigators shall be a county charge of such county.

Section 936.5. Special Counsel and Special Investigators-Superior Court Judge May Employ.
(Enacted 1980, Ch. 290, Sec. 2.)

- (a) When requested to do so by the grand jury of any county, the presiding judge of the superior court may employ special counsel and special investigators, whose duty it shall be to investigate and present the evidence of the investigation to the grand jury.
- (b) Prior to the appointment, the presiding judge shall conduct an evidentiary hearing and find that a conflict exists that would prevent the local district attorney, the county counsel, and the Attorney General from performing such investigation. Notice of the hearing shall be given to each of them unless he or she is a subject of the investigation. The finding of the presiding judge may be appealed by the district attorney, the county counsel, or the Attorney General. The order shall be stayed pending the appeal made under this section.
- (c) The authority to appoint is contingent upon the certification by the auditor-controller of the county, that the grand jury has funds appropriated to it sufficient to compensate the special counsel and investigator for services rendered pursuant to the court order. In the absence of a certification the court has no authority to appoint. In the event the county board of supervisors or a member thereof is under investigation, the county has an obligation to appropriate the necessary funds.

Section 937. Subpoena of Interpreter-Compensation. (Amended 1976, Ch. 1264.)

The grand jury or district attorney may require by subpoena the attendance of any person before the grand jury as interpreter. While his services are necessary, such interpreter may be present at the examination of witnesses before the grand jury. The compensation for services of such interpreter constitutes a charge against the county, and shall be fixed by the grand jury.

Section 938. Reporter in Criminal Investigations. (Amended 1975, Ch. 298.)

- (a) Whenever criminal causes are being investigated before the grand jury, it shall appoint a competent stenographic reporter. He shall be sworn and shall report in shorthand the testimony given in such causes and shall transcribe the shorthand in all cases where an indictment is returned or accusation presented.
- (b) At the request of the grand jury, the reporter shall also prepare transcripts of any testimony reported during any session of the immediately preceding grand jury.

Section 938.1. Transcript of Reporter's Notes. (Amended 2002, Ch. 784, Sec. 539.)

- (a) If an indictment has been found or accusation presented against a defendant, such stenographic reporter shall certify and deliver to the clerk of the superior court in the county an original transcription of the reporter's shorthand notes and a copy thereof and as many additional copies as there are defendants, other than fictitious defendants, regardless of the number of charges or fictitious defendants included in the same investigation. The reporter shall complete the certification and delivery within 10 days after the indictment has been found or the accusation presented unless

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the court for good cause makes an order extending the time. The time shall not be extended more than 20 days. The clerk shall file the original of the transcript, deliver a copy of the transcript to the district attorney immediately upon receipt thereof and deliver a copy of such transcript to each such defendant or the defendant's attorney. If the copy of the testimony is not served as provided in this section, the court shall on motion of the defendant continue the trial to such time as may be necessary to secure to the defendant receipt of a copy of such testimony 10 days before such trial. If several criminal charges are investigated against a defendant on one investigation and thereafter separate indictments are returned or accusations presented upon said several charges, the delivery to such defendant or the defendant's attorney of one copy of the transcript of such investigation shall be a compliance with this section as to all of such indictments or accusations.

- (b) The transcript shall not be open to the public until 10 days after its delivery to the defendant or the defendant's attorney. Thereafter the transcript shall be open to the public unless the court orders otherwise on its own motion or on motion of a party pending a determination as to whether all or part of the transcript should be sealed. If the court determines that there is a reasonable likelihood that making all or any part of the transcript public may prejudice a defendant's right to a fair and impartial trial, that part of the transcript shall be sealed until the defendant's trial has been completed.

Section 938.2. Salary or Fees of Reporter. *(Amended 1975, Ch. 298.)*

- (a) For preparing any transcript in any case pursuant to subdivision (a) of Section 938.1, the stenographic reporter shall draw no salary or fees from the county for preparing such transcripts in any case until all such transcripts of testimony in such case so taken by him are written up and delivered. Before making the order for payment to the reporter, the judge of the superior court shall require the reporter to show by affidavit or otherwise that he has written up and delivered all testimony taken by him, in accordance with subdivision (a) of Section 938 and Section 938.1.
- (b) Before making the order for payment to a reporter who has prepared transcripts pursuant to subdivision (b) of Section 938, the judge of the superior court, shall require the reporter to show by affidavit or otherwise that he has written up and delivered all testimony requested of him in accordance with that subdivision.

Section 938.3. Services Charge Against County. *(Amended 1987, Ch. 828, Sec. 56.)*

The services of the stenographic reporter shall constitute a charge against the county, and the stenographic reporter shall be compensated for reporting and transcribing at the same rates as prescribed in Section 69947 to 69954, inclusive, of the Government Code, to be paid out of the county treasury on a warrant of the county auditor when ordered by the judge of the superior court.

Section 938.4 Room and Other Support. *(Enacted 1997, Ch. 443, Sec. 6)*

The superior court shall arrange for a suitable meeting room and other support as the court determines is necessary for the grand jury. Any costs incurred by the court as a result of this section shall be absorbed by the court or the county from existing resources.

CONDUCT OF INVESTIGATIONS

Section 939. Persons Permitted to Be Present During Sessions. *(Amended 1998, Ch. 755, Sec. 1)*

No person other than those specified in Article 3 (commencing with Section 934), and in Sections 939.1 and 939.11, and 939.21, and the officer having custody of a prisoner witness while the prisoner is testifying, is permitted to be present during the criminal sessions of the grand jury except the members and witnesses

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actually under examination. Members of the grand jury who have been excused pursuant to Section 939.5 shall not be present during any part of these proceedings. No persons other than grand jurors shall be permitted to be present during the expression of the opinions of the grand jurors, or the giving of their votes, on any criminal or civil matter before them.

Section 939.1. Public Sessions on Request Under Court Order. *(Enacted 1959, Ch. 501.)*

The grand jury acting through its foreman and the attorney general or the district attorney may make a joint written request for public sessions of the grand jury. The request shall be filed with the superior court. If the court, or the judge thereof, finds that the subject matter of the investigation affects the general public welfare, involving the alleged corruption, misfeasance, or malfeasance in office or dereliction of duty of public officials or employees or of any person allegedly acting in conjunction or conspiracy with such officials or employees in such alleged acts, the court or judge may make an order directing the grand jury to conduct its investigation in a session or sessions open to the public. The order shall state the finding of the court. The grand jury shall comply with the order.

The conduct of such investigation and the examination of witnesses shall be by the members of the grand jury and the district attorney.

The deliberation of the grand jury and its voting upon such investigation shall be in private session. The grand jury may find indictments based wholly or partially upon the evidence introduced at such public session.

Section 939.11 Interpreter for Disabled Grand Juror. *(Enacted 1986, Ch. 357, Sec. 3.)*

Any member of the grand jury who has a hearing, sight, or speech disability may request an interpreter when his or her services are necessary to assist the juror to carry out his or her duties. The request shall be filed with the superior court. If the court, or the judge thereof, finds that an interpreter is necessary, the court shall make an order to that effect and may require by subpoena the attendance of any person before the grand jury as interpreter. If the services on an interpreter are necessary, the court shall instruct the grand jury and the interpreter that the interpreter is not to participate in the jury's deliberations in any manner except to facilitate communication between the disabled juror and the other jurors. The court shall place the interpreter under oath not to disclose any grand jury matters, including the testimony of any witness, statements of any grand juror, or the vote of any grand juror, except in the due course of judicial proceedings.

Section 939.2. Subpoenas for Witnesses. *(Amended 1971, Ch. 1196.)*

A subpoena requiring the attendance of a witness before the grand jury may be signed and issued by the district attorney, his investigator or, upon request of the grand jury, by any judge of the superior court, for witnesses in the state, in support of the prosecution, for those witnesses whose testimony, in his opinion is material in an investigation before the grand jury, and for such other witnesses as the grand jury, upon an investigation pending before them, may direct.

Section 939.21. Minor or Dependent Person Witness for Prosecution Authorized to Bring Support Person to Grand Jury Proceeding. *(Amended 2018, Ch. 423, Sec. 82. [SB 1494])*

- (a) Any prosecution witness before the grand jury in a proceeding involving a violation of Section 243.4, 261, 273a, 273d, 285, 286, 287, 288, 288.5, or 289, subdivision (1) of Section 314, Section 368, 647.6, or former Section 288a or 647a, who is a minor or a dependent person, may, at the discretion of the prosecution, select a person of his or her own choice to attend the testimony of the

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prosecution witness for the purpose of providing support. The person chosen shall not be a witness in the same proceeding, or a person described in Section 1070 of the Evidence Code.

- (b) The grand jury foreperson shall inform any person permitted to attend the grand jury proceedings pursuant to this section that grand jury proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings. The foreperson also shall admonish that person not to prompt, sway, or influence the witness in any way. Nothing in this section shall preclude the presiding judge from exercising his or her discretion to remove a person from the grand jury proceeding whom the judge believes is prompting, swaying, or influencing the witness.

Section 939.3. Refusal to Answer or Produce Evidence. *(Enacted 1959, Ch. 501.)*

In any investigation or proceeding before a grand jury for any felony offense when a person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated thereby, proceedings may be had under Section 1324.

Section 939.4 Foreman May Administer Oath. *(Enacted 1959, Ch. 501.)*

The foreman may administer an oath to any witness appearing before the grand jury.

Section 939.5. Prejudice of Grand Juror. *(Enacted 1959, Ch. 501.)*

Before considering a charge against any person, the foreman of the grand jury shall state to those present the matter to be considered and the person to be charged with an offense in connection therewith. He shall direct any member of the grand jury who has a state of mind in reference to the case or to either party which will prevent him from acting impartially and without prejudice to the substantial rights of the party to retire. Any violation of this section by the foreman or any member of the grand jury is punishable by the court as a contempt.

Section 939.6. Evidence Admissible; Law Enforcement Officer Testimony as to Hearsay. *(Amended 1998, Ch. 757, Sec. 4.)*

- (a) Subject to subdivision (b), in the investigation of a charge, the grand jury shall receive no other evidence than what is:
 - (1) Given by witnesses produced and sworn before the grand jury;
 - (2) Furnished by writings, material objects, or other things presented to the senses; or
 - (3) Contained in a deposition that is admissible under subdivision 3 of Section 686.
- (b) Except as provided in subdivision (c), the grand jury shall not receive any evidence except that which would be admissible over objection at the trial of a criminal action, but the fact that evidence that would have been excluded at trial was received by the grand jury does not render the indictment void where sufficient competent evidence to support the indictment was received by the grand jury.
- (c) Notwithstanding Section 1200 of the Evidence Code, as to the evidence relating to the foundation for admissibility into evidence of documents, exhibits, records, and other items of physical evidence, the evidence to support the indictment may be based in whole or in part upon the sworn testimony of a law enforcement officer relating the statement of a declarant made out of court and offered for the truth of the matter asserted. Any law enforcement officer testifying as to a hearsay statement pursuant to this subdivision shall have either five years of law enforcement experience or have completed a training course certified by the Commission on Peace Officer Standards and Training

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that includes training in the investigation and reporting of cases and testifying at preliminary hearings.

Section 939.7. Evidence to Be Considered. *(Enacted 1959, Ch. 501.)*

The grand jury is not required to hear evidence for the defendant, but it shall weigh all the evidence submitted to it, and when it has reason to believe that other evidence within its reach will explain away the charge, it shall order the evidence to be produced, and for that purpose may require the district attorney to issue process for the witnesses.

Section 939.71 Duty to Inform Grand Jury of Exculpatory Evidence. *(Enacted 1997, Ch. 22, Sec. 1.)*

- (a) If the prosecutor is aware of exculpatory evidence, the prosecutor shall inform the grand jury of its nature and existence. Once the prosecutor has informed the grand jury of exculpatory evidence pursuant to this section, the prosecutor shall inform the grand jury of its duties under Section 939.7. If a failure to comply with the provisions of this section results in substantial prejudice, it shall be grounds for dismissal of the portion of the indictment related to that evidence.
- (b) It is the intent of the Legislature by enacting this section to codify the holding in *Johnson v. Superior Court*, 15 Cal. 3d 248, and to affirm the duties of the grand jury pursuant to Section 939.7.

Section 939.8. Finding of Indictment. *(Enacted 1959, Ch. 501.)*

The grand jury shall find an indictment when all the evidence before it, taken together, if unexplained or uncontradicted, would, in its judgment, warrant a conviction by a trial jury.

Section 939.9. Grand Jury to Act Only on Basis of Its Own Investigation. *(Enacted 1959, Ch. 501.)*

A grand jury shall make no report, declaration, or recommendation on any matter except on the basis of its own investigation of the matter made by such grand jury. A grand jury shall not adopt as 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, as required by this section.

Section 939.91. Required Reports or Declarations. *(Enacted 1975, Ch. 467.)*

- (a) A grand jury which investigates a charge against a person, and as a result thereof cannot find an indictment against such person, shall, at the request of such person and upon the approval of the court which impaneled the grand jury, report or declare that a charge against such person was investigated and that the grand jury could not as a result of the evidence presented find an indictment. The report or declaration shall be issued upon completion of the investigation of the suspected criminal conduct, or series of related suspected criminal conduct, and in no event beyond the end of the grand jury's term.
- (b) A grand jury shall, at the request of the person called and upon the approval of the court which impaneled the grand jury, report or declare that any person called before the grand jury for a purpose, other than to investigate a charge against such person, was called only as a witness to an investigation which did not involve a charge against such person. The report or declaration shall be issued upon completion of the investigation of the suspected criminal conduct, or series of related suspected criminal conduct, and in no event beyond the end of the grand jury's term.

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Section 940. Finding and Endorsement. *(Amended 1994, Ch. 295, Sec. 2.)*

An indictment cannot be found without concurrence of at least 14 grand jurors in a county in which the required number of members of the grand jury prescribed by Section 888.2 is 23, at least eight grand jurors in a county in which the required number of members is 11, and at least 12 grand jurors in all other counties. When so found it shall be endorsed, "A true bill," and the endorsement shall be signed by the foreman of the grand jury.

Section 943. Indorsing Names of Witnesses. *(Enacted 1872.)*

When an indictment is found, the names of the witnesses examined before the grand jury, or whose depositions may have been read before them, must be inserted at the foot of the indictment, or indorsed thereon, before it is presented to the court.

Section 944. Presentment to Court. *(Amended 1974, Ch. 695.)*

An indictment, when found by the grand jury, must be presented by their foreman, in their presence, to the court, and must be filed with the clerk. No recommendation as to the dollar amount of bail to be fixed shall be made to any court by any grand jury.

Section 945. Bench Warrant for Accused. *(Enacted 1872.)*

When an indictment is found against a defendant not in custody, the same proceedings must be had as are prescribed in Sections 979 to 984, inclusive, against a defendant who fails to appear for arraignment.

OTHER PENAL CODE SECTIONS

Section 1010. Custody of Accused Pending Resubmission. *(Amended 1998, Ch. 931, Sec. 384.)*

When an indictment or information is dismissed after the sustaining of a demurrer, or at any other stage of the proceedings because of any defect or insufficiency of the indictment or information, if the court directs that the case be resubmitted to the same or another grand jury or that a new information be filed, the defendant shall not be discharged from custody, nor the defendant's bail exonerated nor money or other property deposited instead of bail on the defendant's behalf refunded, but the same proceedings must be had on such direction as are prescribed in Sections 997 and 998.

Section 1117. Discharge of Jury for Lack of Proof—Discharge of Accused. *(Amended 1935, Ch. 657.)*

If the jury is discharged because the facts as charged do not constitute an offense punishable by law, the court must order that the defendant, if in custody, be discharged; or if admitted to bail, that his bail be exonerated; or, if he has deposited money or if money has been deposited by another or others instead of bail for his appearance, that the money be refunded to him or to the person or persons found by the court to have deposited said money on behalf of said defendant, unless in its opinion a new indictment or information can be framed upon which the defendant can be legally convicted, in which case it may direct the district attorney to file a new information, or (if the defendant has not been committed by a magistrate) direct that the case be submitted to the same or another grand jury; and the same proceedings must be had thereon as are prescribed in section 998; provided, that after such order or submission the defendant may be examined before a magistrate, and discharged or committed by him as in other cases.

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Section 1324. Compelling Evidence—Immunity from Prosecution. (Amended 1996, Ch. 302, Sec. 1.)

In any felony proceeding or in any investigation or proceeding before a grand jury for any felony offense if a person refuses to answer a question or produce evidence of any other kind on the ground that he or she may be incriminated thereby, and if the district attorney of the county or any other prosecuting agency in writing requests the court, in and for that county, to order that person to answer the question or produce the evidence, a judge shall set a time for hearing and order the person to appear before the court and show cause, if any, why the question should not be answered or the evidence produced, and the court shall order the question answered or the evidence produced unless it finds that to do so would be clearly contrary to the public interest, or could subject the witness to a criminal prosecution in another jurisdiction, and that person shall comply with the order. After complying, and if, but for this section, he or she would have been privileged to withhold the answer given or the evidence produced by him or her, no testimony or other information compelled under the order or any information directly or indirectly derived from the testimony or other information may be used against the witness in any criminal case. But he or she may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing, or failing to produce, evidence in accordance with the order. Nothing in this section shall prohibit the district attorney or any other prosecuting agency from requesting an order granting use immunity or transactional immunity to a witness compelled to give testimony or produce evidence.

Section 2621. Production as Material Witness. (Amended 1998, Ch. 931, Sec. 430.)

When the testimony of a material witness is required in a criminal action, before any court in this state, or in an examination before a grand jury or magistrate in a felony case and such witness is a prisoner in a state prison, an order for the prisoner's temporary removal from such prison, and for the prisoner's production before such court, grand jury or magistrate, may be made by the superior court of the county in which such action or examination is pending or by a judge thereof; but in case the prison is out of the county in which the application is made, such order shall be made only upon the affidavit of the district attorney or of the defendant or the defendant's counsel, showing that the testimony is material and necessary; and even then the granting of the order shall be in the discretion of said superior court or a judge thereof. The order shall be executed by the sheriff of the county in which it is made, whose duty it shall be to bring the prisoner before the proper court, grand jury or magistrate, to safely keep the prisoner, and when the prisoner is no longer required as a witness, to return the prisoner to the prison whence the prisoner was taken; the expense of executing such order shall be a proper charge against, and shall be paid by, the county in which the order shall be made. Such orders shall recite the purposes for which said person is to be brought before the court, grand jury or magistrate, and shall be signed by the magistrate or judge making the order, and sealed with the seal of the court, if any.

Such order must be to the following effect:

County of _____ (as the case may be).

The people of the State of California to the warden of _____.

An order having been made this day by me, that A. B. be produced in this court as witness in the case of _____, you are commanded to deliver the prisoner into the custody of _____ for the purpose of (recite purposes).

Dated this _____ day of _____, 19_____.

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When a prisoner is removed from a state prison under this section the prisoner shall remain the constructive custody of the warden thereof. During the prisoner's absence from the prison, the prisoner may be ordered to appear in other felony proceedings as a defendant or witness in the courts of the county from which the original order directing removal issued. A copy of the written order directing the prisoner to appear before any such court shall be forwarded by the district attorney to the warden of the prison having protective custody of the prisoner.

CALIFORNIA ELECTIONS CODE (CEC)

Section 15640. Petition for Election Recount by district attorney. (Enacted 1994, Ch. 920, Sec. 2.)

- (a) When requested by the board of supervisors or the grand jury, the district attorney may petition the superior court for an order directing a public recount to be made of ballots tabulated by a voting system in any precincts in the county that it designates for any election occurring not over 25 days before the request. The request and petition shall be made only on one or more of the following grounds, and the order may be issued only with a finding that there is probable cause to believe that one or more of the grounds exist:
 - (1) Misconduct by anyone sufficient to make it likely that the result of the election was affected as to the successful candidates or propositions or tie holders, including any of the conduct specified in Section 16100.
 - (2) Errors or failures, whether electronic, mechanical or otherwise, in the safekeeping, handling, tallying, counting, recording, or certification of the ballots or votes cast, sufficient to make it likely that the result of the election was affected as to the successful candidates or propositions or tie holders, or sufficient to cast substantial doubt on the substantial accuracy of the results without regard to affecting any result.

The petition shall be set for hearing and may be opposed by any interested party.

- (b) The court may order any further recounts that it may deem proper based on the results of the recounts provided for in subdivision (a) or in Section 15645, and shall declare the results of all the recounts, and shall determine and order corrected the results of any election affected by any recount.
- (c) The court may order payment of the costs of any such recount in whole or in just proportion by any person or any public agency, or both, who petition for a recount. In the case of public agencies the costs shall be provided for and paid pursuant to Section 19212.

CALIFORNIA GOVERNMENT CODE (GOV)

ACCUSATIONS

Section 3060. Accusation by Grand Jury; Willful or Corrupt Misconduct. (Amended 2012, Ch. 134, Sec. 1. [SB 1357])

An accusation in writing against any officer of a district, county, or city, including any member of the governing board or personnel commission of a school district or any humane officer, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for, or in, which the officer accused is elected or appointed. The grand jury presenting the accusation may also be the additional grand jury impaneled pursuant to Section 904.4, 904.6, or 904.8 of the Penal Code. An accusation may not be presented without the concurrence of at least 12 grand jurors, or at least 8 grand jurors in a county in which the required number of members of the grand jury is 11, or at least 14 grand jurors in a county in which the required number of members of the grand jury is 23.

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Section 3061. Form of Accusation. (Enacted 1943, Ch. 134.)

The accusation shall state the offense charged in ordinary and concise language, and without repetition.

Section 3062. Delivery of Accusation to District Attorney. (Enacted 1943, Ch. 134.)

The accusation shall be delivered by the foreman of the grand jury to the district attorney of the county, unless he is the officer accused.

Section 3072. Judgment of Removal: Entry: Contents. (Enacted 1943, Ch. 134.)

Upon a conviction and at the time appointed by the court it shall pronounce judgment that the defendant be removed from office. To warrant a removal, the judgment shall be entered upon the minutes, and the causes of removal shall be assigned therein.

Section 3074. Time Limits for Accusations. (Enacted 1971, Ch. 702.)

Any officer subject to removal pursuant to this article may be removed from office for willful or corrupt misconduct in office occurring at any time within the six years immediately preceding the presentation of an accusation by the grand jury.

COUNTY POWERS

Section 23000. Definition of County. (Enacted 1947, Ch. 424.)

A county is the largest political division of the State having corporate powers.

Section 23001. Division of State into Counties. (Enacted 1947, Ch. 424.)

The State is divided into counties, named, bounded, and constituted as provided in this title.

Section 23002. Counties as legal Subdivisions. (Enacted 1947, Ch. 424.)

The several existing counties of the State and such other counties as are hereafter organized are legal subdivisions of the State.

Section 23003. County as Body Corporate and Politic: Express and Implied Powers. (Enacted 1947, Ch. 424.)

A county is a body corporate and politic, has the powers specified in this title and such others necessarily implied from those expressed.

Section 23004. Powers. Enumeration. (Amended 1947, Ch. 829.)

A county may:

- (a) Sue and be sued.
- (b) Purchase, receive by gift or bequest, and hold land within its limits, or elsewhere when permitted by law.
- (c) Make contracts and purchase and hold personal property necessary to the exercise of its powers.

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- (d) Manage, sell, lease, or otherwise dispose of its property as the interests of its inhabitants require.
- (e) Levy and collect taxes authorized by law.

Section 23005. Powers. Exercise Through Agents and Officers. *(Enacted 1947, Ch. 424.)*

A county may exercise its powers only through the board of supervisors or through agents and officers acting under authority of the board or authority conferred by law.

Section 23006. Invalidity of Contracts, etc.: Made in Violation of Law. *(Enacted 1947, Ch. 424.)*

Any contract, authorization, allowance, payment, or liability to pay, made or attempted to be made in violation of law, is void, and shall not be the foundation or basis of a claim against the treasury of any county.

Section 23007. Giving or Loaning Credit to or in Aid of Person or Corporation. *(Amended 2019, Ch. 442, Sec. 10. [AB 857])*

Except as specified in this chapter, a county shall not, in any manner, give or loan its credit to or in aid of any person or corporation that is not a public bank, as defined in Section 57600. An indebtedness or liability incurred contrary to this chapter is void.

Section 23008. Supplying Goods or Services to District or Municipality. *(Enacted 1947, Ch. 424.)*

Whenever it is economical and satisfactory to do so, a county may lease equipment, perform work, or furnish goods for any district or municipal corporation within the county, if before the work is done or the goods are ordered or furnished by the county, an amount equal to the cost, or an amount 10 percent in excess of the estimated cost, is so reserved from the funds of the district or municipal corporation to be charged that it may be transferred to the county, when the work is completed or the goods are supplied.

Section 23009. Charges for Work Done or Goods Supplied. *(Enacted 1947, Ch. 424.)*

In such event, charges for work done or goods supplied may be made by claims and warrants upon the district or municipal corporation or by properly approved bill, in such form and manner as the auditor directs, from the department, division, or account supplying the goods or service to the district or municipal corporation supplied, and payment may be made by transfer of funds upon the books of the auditor and treasurer, on order of the board of supervisors, without the formality of claim and warrant.

Section 23010. Loan of Funds to Certain Districts: Borrowing Power. *(Amended 2020, Ch. 371, Sec. 14. [SB 1473])*

- (a) Pursuant to a resolution adopted by its board of supervisors, a county may lend any of its available funds to any community services district, county waterworks district, mosquito abatement district, pest abatement district, fire protection district, flood control and water conservation district, recreation and park district, resource conservation district, regional park district, regional park and open-space district, regional open-space district, resort improvement district, or public cemetery district located wholly within the county, if its funds are or when available will be in the custody of the county or any officer of the county, in order to enable the district to perform its functions and meet its obligations. The loan shall not exceed 85 percent of the district's anticipated revenue for the fiscal year in which it is made or for the next ensuing fiscal year, and shall be repaid out of that revenue before the payment of any other obligation of the district.

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- (b) (1) Pursuant to a resolution adopted by its board of supervisors, a county may loan any of its available funds to a special district, in order to enable the district to perform its functions and meet its obligations. The loan shall not exceed 85 percent of the special district's anticipated property tax revenue projected to be generated for the fiscal year in which it is made or for the next ensuing fiscal year within that portion of the district's territory that is located within the county. The loan shall be repaid out of any available revenue of the special district before the payment of any other obligation of the district.
- (2) For purposes of this subdivision, "special district" means a special district, as defined in Section 54775, that is located in more than one county.
- (c) (1) The board of supervisors may borrow funds from the county or from other garbage disposal districts, not to exceed 85 percent of the district's anticipated revenue for the fiscal year in which they are borrowed or for the next ensuing fiscal year. In levying taxes or prescribing and collecting fees or charges as authorized by this division, the board of supervisors may raise sufficient revenues to repay the loans.
- (2) The board of supervisors may lend available district funds to another garbage disposal district, subject to the terms and conditions set forth in this section.
- (3) Nothing contained in this section shall prohibit the board of supervisors from borrowing funds from banks or other financial institutions when the best interests of the district are served thereby.
- (d) Notwithstanding any other law, funds, when borrowed by a garbage disposal district pursuant to subdivision (c), shall forthwith increase the appropriations of the district for which they are needed. The governing body of the entity from which the funds are borrowed may specify the date and manner in which the funds shall be repaid. The loan shall not exceed 85 percent of the district's anticipated revenue for the fiscal year in which it is made or for the next ensuing fiscal year, and shall be repaid out of that revenue before the payment of any other obligation of the district.
- (e) The district shall pay interest on all funds borrowed from the county at the same rate that the county applies to funds of the district on deposit with the county.

Section 23010.1. County Fire Protection Districts: Loans: Purposes: Repayment. (Amended 1967, Ch. 540.)

Pursuant to a resolution adopted by its board of supervisors, a county may lend any of its available funds to any fire protection district located wholly within the county if the funds of the fire protection district are or, when available, will be in the custody of the county treasurer, for the acquisition of real or personal property and the construction of structures needed for district purposes.

The board of supervisors in the resolution shall specify the date and manner in which the funds shall be repaid. The resolution may require the repayment of the loan in equal annual installments. The loan shall be repaid within the time specified in the resolution which shall not in any event exceed 10 years.

Section 23010.2. Loans to Cities Incorporated Less Than One Year: Repayment. (Added by renumbering Section 25828 by Stats. 1961, Ch. 84.)

The board of supervisors may loan to any city within its limits which has been incorporated for less than one year an amount not exceeding eighty-five percent (85%) of the city's anticipated revenues for the fiscal year in which such loan is made. Such loans shall be repaid within the fiscal year in which made.

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Section 23010.3. Conveyance Works in Connection with Sewer or Drainage Improvements.

(Amended 1983, Ch. 704, Sec. 1.)

Upon adoption of an authorizing resolution by the board of supervisors, in connection with the construction of any sanitary sewer, storm sewer, or drainage improvements, a county may expend any of its available funds for any additional cost of construction of any conveyance works in excess of the construction required for the current project, or for a portion of the cost of conveyance works directly benefiting properties in an area outside the area to be served by the current project, if the board of supervisors first finds and declares in that resolution, that there is an area outside the area to be served by the current project which may in the future utilize the conveyance works; that additional construction of conveyance works for the current project is necessary to serve the outside area in the future; and that the board of supervisors will have the right in the future to use, or to permit the use of, the conveyance works and the additional construction which will benefit the outside area. In lieu of a county contribution of funds for additional construction or for a portion of the cost of the conveyance works where an outside area is directly benefited, the board of supervisors may agree to reimburse, from future connection fees, any entity or person described in subdivisions (a) to (g), inclusive.

The provisions of this section shall be applicable in cases in which improvements are to be constructed by any of the following:

- (a) A county pursuant to the "The Improvement Act of 1911", Division 7 (commencing with Section 5000) of the Streets and Highways Code.
- (b) A county pursuant to the "Municipal Improvement Act of 1913", Division 12 (commencing with Section 10000) of the Streets and Highways Code.
- (c) A county in any other manner.
- (d) Any district which is governed by the board of supervisors of the county in which the work is to be performed.
- (e) Any district, not governed by the board of supervisors of the county in which the work is to be performed, with which the board of supervisors has contracted so as to assure the right of the county to use the conveyance works and the additional construction, for the future benefit of the outside area.
- (f) Any incorporated city with which the board of supervisors has contracted so as to assure the right of the county to use the conveyance works and the additional construction, for the future benefit of the outside area.
- (g) Any person, if the works when completed are to be dedicated or conveyed to the county or to a district governed by the board of supervisors of the county in which the work is to be performed.

The board of supervisors may impose a connection fee upon any person or district in the outside area to be paid to the county as a condition to connecting to any conveyance works which have been augmented by additional construction, or which have been found by the board of supervisors to directly benefit the outside area, pursuant to this section. The connection fee shall be a prorated share of the total cost of the additional construction, or of the portion of the costs of the conveyance works where an outside area is directly benefited. The fee may include a reasonable amount for administrative costs associated with the collection of the fee and to provide reimbursement to an entity or person described in subdivision (a) to (g), inclusive. In computing the total cost of the additional construction, or of the portion of the costs of the conveyance works where an outside area is directly benefited, the board of supervisors shall include an amount attributable to interest from the date of completion of the construction to the date of connection and, in the event the board of supervisors agrees to reimburse, from future connection fees, any entity or person described in subdivisions (a) to (g), inclusive, all accrued interest shall be payable to that entity or person.

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This section shall not decrease or limit any other power vested in counties or boards of supervisors.

Section 23011. Designated Name as Corporate Name. Use in Action or Proceeding. (Amended 1963, Ch. 282.)

The name of a county designated in this chapter is its corporate name, and it shall be designated thereby in any action or proceeding touching its corporate rights, property, and duties.

Section 23012. Names of Counties. (Enacted 1947, Ch. 424.)

The names of the counties of the State are: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba.

Section 23013. Department of Corrections: Establishment Jurisdictions: Joint Department of Corrections in Two or More Counties. (Enacted 1957, Ch. 243.)

The board of supervisors of any county may, by resolution, establish a department of corrections, to be headed by an officer appointed by the board, which shall have jurisdiction over all county functions, personnel, and facilities, or so many as the board names in its resolution, relating to institutional punishment, care, treatment, and rehabilitation of prisoners, including, but not limited to, the county jail and industrial farms and road camps, their functions and personnel.

The boards of supervisors of two or more counties may, by agreement and the enactment of ordinances in conformity thereto, establish a joint department of corrections to serve all the counties included in the agreement, to be headed by an officer appointed by the boards jointly.

Section 23014. Establishment of Revolving Fund. Resolution: Appropriation: Use: Reimbursement. (Amended 1985, Ch. 985, Sec. 1.5.)

Pursuant to a resolution adopted by its board of supervisors by a four-fifths vote of all of the members of the board of supervisors, a county may appropriate any of its available moneys to a revolving fund not to exceed five hundred thousand dollars (\$500,000) to be used by any county sanitation district, county flood control district, or county maintenance district, located wholly within the county for the acquisition of real or personal property, environmental impact studies, fiscal analysis, engineering services, or the construction of structures or improvements needed in whole or in part for district purposes. The revolving fund shall be reimbursed from service fees, connection charges, tax revenues or other moneys available to the district, and no sums shall be disbursed from the fund until an agreement with a term not exceeding 10 years has been made between the board of supervisors and the governing board of the district encompassing the method by, and the time within, which the district is to reimburse the fund. Reimbursement of the fund from tax revenue shall not exceed in any one fiscal year an amount equal to one cent (\$0.01) on the tax rate or twenty-five thousand dollars (\$25,000), whichever is less. The district shall reimburse the fund for any amount disbursed to the district within 10 years after disbursement, together with interest at the current rate per annum received on similar types of investments by the county as determined by the county treasurer.

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Section 23015. Conduct or Participation in Training, Education or Rehabilitation of Wards or Offenders: Contracts: Expenditures. (Enacted 1970, Ch. 1026.)

A county may conduct or participate in programs for the training, education or rehabilitation of wards or offenders, including, but not limited to, programs in which state or federal funds are granted or reimbursable. In connection therewith, a county may contract with federal, state or local public agencies, private persons, corporations and other business entities, and may make such expenditures of county funds as may be required for the conduct of, or participation in, such programs.

Section 24054. Liability for Illegal Allowance of Claims. (Enacted 1947, Ch. 424.)

Any officer authorizing, aiding to authorize, auditing, allowing, or paying any claim or demand upon or against the treasury of any county, or any fund thereof, in violation of law or of the constitution is liable personally and upon his official bond to the person damaged by such illegal action, to the extent of his loss by reason of the nonpayment of his claim.

Section 25250. Examination and Audit of Financial Accounts and Records of Officers. (Amended 1981, Ch. 800, Sec. 3)

At least biennially the board of supervisors shall examine and audit, or cause to be audited, the financial accounts and records of all officers having responsibility for the care, management, collection, or disbursement of money belonging to the county or money received or disbursed by them under authority of law. The audit shall encompass the immediately preceding two-year period, or any portion thereof not included in a prior audit. This financial examination or audit may be performed in coordination with the investigations conducted by the grand jury under Section 925 of the Penal Code, or the board of supervisors may resolve to accept reports delivered pursuant to Section 933 of the Penal Code in lieu of its own separate examination if such reports are found to fulfill some or all of the requirements of this section. In connection with the requirements of this section and Section 25253, the board of supervisors may employ the services of an independent certified public accountant or licensed public accountant to perform an examination of the financial statements in accordance with generally accepted auditing standards.

Section 26525. Recovery of Illegal Payments of County Funds: Injunction to Restrain Payment Order. (Enacted 1947, Ch. 424.)

If the board of supervisors without authority of law orders any amount paid as salary, fees, or for any other purposes and the money is actually paid, or if any county officer draws any warrant in his own favor or in favor of any other person without authorization by the board or law and the warrant is paid, the district attorney shall institute suit in the name of the county to recover the money paid, and 20 percent damages for use thereof. If the money has not been paid on the order or warrants, the district attorney upon receiving notice thereof shall commence suit in the name of the county to restrain the payment. An order of the Board is not necessary in order to maintain the suits.

APPENDIX 13 INDEX TO CODE SECTIONS

This appendix contains an index to various state codes by subject.

Code Sections

BP = Business and Professional Code

CCP = Code of Civil Procedures

Evid = Evidence Code

GOV = Government Code

PEN = Penal Code

RTC = Revenue and Taxation Code

WIC = Welfare and Institutions Code

Description	Code Section
Abolition or creation of offices	PEN 888 & 928
Acceptance of person drawn	PEN 909
Accounts and records of county officers, investigators	PEN 925
Accusations against public officers	PEN 919(c), 922 & GOV 3060
Acting foreman	PEN 916.1
Additional grand jury	PEN 904.6
Adoption of recommendations of another grand jury	PEN 939.9
Advice of court	PEN 934
Age, qualifications	PEN 893
Annual drawing	PEN 905
Appeal and review, special counsel, and special investigators	PEN 936.5

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APPENDIX 14 CRIMINAL MATTERS

This appendix discusses the role of the grand jury during the investigation of public offenses that could result in the presentation of indictments. This rarely occurs, and the District Attorney will provide details when required.

Background

The conduct of criminal investigations and the return of indictments is the smaller part of a grand jury's function in California. In some states, and Federal Courts, all persons accused of felonies must be indicted by a grand jury before being tried. In California, most criminal cases are presented to the court, at a preliminary hearing, on a complaint issued by the District Attorney. Occasionally, cases may be presented to a Grand Jury by the District Attorney when special situations arise, such as:

- Cases having multiple defendants
- Cases with special witnesses such as children, out-of-state witnesses, informers, or undercover agents
- Cases involving public officials or employees
- Cases in which adverse publicity could hurt the suspect, such as rape, murder or kidnap
- Cases in regard to which the Statute of Limitations is about to expire

Unlike a trial (petit) jury, a grand jury does not pass upon the guilt or innocence of the person accused. Its duty is to decide whether the evidence warrants charging a person with a triable offense.

Hearings of Criminal Cases

A grand jury, according to Penal Code §§ 888 and 888.2, is a body of persons (19 in Butte County), selected from the citizens of a county before a court of competent jurisdiction, and sworn to inquire into public offenses, committed or triable within the county, and to present them to the Court by indictment.

An indictment is an accusation in writing, presented by the grand jury to a competent court, charging a person with a public offense. (Penal Code § 889.) When grand jurors return an indictment, they present a charge against him/her upon which he/she will be brought to trial in court, with all the protection of trial procedures. Nevertheless, the

presentment of charges through an indictment is something that cannot and should not be hastily or carelessly done.

The law requires that in the investigation of a charge, the grand jury can receive only legally admissible evidence. (Penal Code § 939.6.)

The grand jury is not required to hear evidence for the defendant, but it shall weigh all the evidence submitted to it, and when it has reason to believe that other evidence within its reach will explain away the charge, it shall order the evidence to be produced, and for that purpose may require the District Attorney to issue process for the witnesses. (Penal Code § 939.7.)

Under our law, the test of the sufficiency of the evidence for the return of an indictment is stated as follows: "The grand jury shall find an indictment when all the evidence before it, taken together, if unexplained or uncontradicted, would, in its judgment, warrant a conviction by a trial jury." (Penal Code § 939.8.) This does not mean a grand juror must be convinced from the evidence that a suspect is actually guilty, or that the evidence shows the suspect's guilt beyond a reasonable doubt, but that the suspect is more probably guilty than not. Sympathy, public opinion or public feeling must not sway the grand jurors. A decision should be returned on the evidence presented and only that evidence alone. Further, the grand jury may request the District Attorney to present additional evidence.

Before the grand jury considers a charge against any person, the District Attorney will state to those present a summary of the matter to be presented and the reason for bringing the case before the grand jury and shall also state the names of the persons involved and the charges.

The Foreperson shall then direct that any member of the grand jury who has a state of mind in reference to the case or to the persons involved, which will prevent him or her from acting impartially and without prejudice to the substantial rights of the persons involved, to leave the jury room. Any violation of this provision by the Foreperson or any member of the grand jury is punishable by the Court as a contempt of court. (Penal Code § 939.5.)

The District Attorney and the Presiding Judge (or the Presiding Judge's designee) are the advisors to the grand jury and, normally, the grand jury will consider only matters presented to it by the District Attorney. However, if a member of the grand jury knows or has reason to believe that a public offense has been committed, he or she may declare the same to his or her fellow jurors, who may thereupon investigate the same. (Penal Code § 918.)

The grand jury may at times ask the advice of the Presiding Judge (or designee) or the District Attorney, concerning criminal matters, [and the County Counsel concerning civil or

governmental matters] but unless such advice is asked, the judge [or County Counsel] must not be present during sessions of the grand jury. (Penal Code § 934.)

The District Attorney may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by the grand jury, and may interrogate witnesses before them whenever he or she thinks it necessary. (Penal Code § 935.) should the District Attorney, or one of his or her deputies, be the subject of investigation, the State Attorney General may advise the grand jury and interrogate the witnesses.

Investigations that might lead to an indictment or accusation must be done under the auspices of the District Attorney or the Attorney General.

Preparing for a Hearing

Normally the District Attorney and County Counsel will speak to the grand jury during its first regular meeting after its impanelment. The District Attorney will give general instructions relative to the role the grand jury plays in hearing criminal cases. The District Attorney and County Counsel will explain the difference between an investigation by the jury into county government and an investigation by the jury into a matter that could possibly lead to an indictment or accusation.

The District Attorney will normally give at least one week's notice to the grand jury Foreperson before presenting a criminal case along with a realistic estimate of the time required. The Foreperson or recording secretary must contact each of the jurors to determine how many of the jurors will be present. The Foreperson must advise the District Attorney as soon as possible if it is unlikely that a sufficient number of grand jurors can be present to hear the case. It is preferred that at least fifteen jurors should be in attendance for all criminal presentations to insure the required minimum of twelve valid votes for an indictment. This allows for the possibility of members of the grand jury having to disqualify themselves for having a state of mind that would prevent an unbiased decision.

The grand jury also needs to appoint a Sergeant-at-arms, who has specific duties and responsibilities.

Sergeant at arms -

This officer is appointed at the option of the grand jury and is a required officer at indictment hearings.

Duties and Responsibility -

- Maintains order and decorum in the full panel sessions and at indictment hearings.

- Sees that no unauthorized person is present in the jury room during jury sessions or during deliberations or voting.
- Admits authorized persons, including witnesses, when authorized by the foreperson.

The Sergeant-at-arms seats witnesses and escorts them from the room when they have been dismissed.

- Checks to see that tape recorders are not brought into the jury room. This applies even to the District Attorney or County Counsel, unless permitted by the grand jury to do so.

Whenever criminal cases are being heard, a competent stenographic reporter shall be present. The District Attorney will arrange for the reporter's presence. The reporter shall be sworn and shall report in shorthand the testimony in such cases and shall transcribe the shorthand in all cases where an indictment is returned or accusation presented. (Penal Code § 938(a).) Also, at the request of the grand jury, the reporter shall prepare transcripts of any testimony reported during any session of the immediately preceding grand jury. (Penal Code § 938(b).)

Receiving Physical Evidence

During presentation of a criminal case, the District Attorney will often present physical evidence for the consideration of the grand jury. This evidence is entered in the record at the proceeding and is turned over to the Clerk of the Court upon presenting the indictment.

When the District Attorney presents physical evidence to the grand jury, he or she will request that it be properly identified and numbered for the record. The following information should be written on the evidence tags:

1. Exhibit number;
2. The words "Grand Jury";
3. Date of presentment;
4. Signature of the Foreperson; and
5. The name of the person accused, if the evidence does not contain the name; or a grand jury investigation number.

Physical evidence may be stored in the grand jury filing cabinet or a courtroom exhibit closet. The Foreperson and secretary are the only people to have keys to the grand jury filing cabinet located in the Jury Commissioner's Office. The Court requires that if there is anything in the filing cabinet that has been left by prior juries that it not be opened without

an order of the Court.

Rights and Privileges of Witnesses

The grand jury must always remember the constitutional privilege of every person against self-incrimination. If a person's case is pending in court, the person may not be called as a witness without his or her consent. However, if there is no case pending at the time a matter is presented to the grand jury, the person is not a defendant, but only a suspect. As such, the person can be required to appear before the grand jury and can be required to take an oath.

Thereafter, he or she, like any other witness, may refuse to answer questions on the ground that it may tend to incriminate him or her. If a suspect does assert the privilege to refuse to answer in order to avoid self-incrimination, that cannot be held against the suspect when considering an indictment nor can it be considered evidence in support of an indictment. Any person, whether a witness or a suspect, may refuse to answer questions which would incriminate him or her or defame his or her character. A witness may not refuse to answer a question because he or she determines it irrelevant or immaterial. This is the determination of the Court. Nor may a person claim self-incrimination in an attempt to shield others. The credibility of testimony given by a witness is a question solely for the grand jury to determine.

Questioning of Witnesses by the Grand Jurors

When the District Attorney is finished with each witness the Foreperson will ask the grand jurors if they have any written questions to submit. Under no circumstances should a juror question the witness directly or engage in argument. The Sergeant-at-arms collects the questions and brings them to the Foreperson and District Attorney who will scan them to determine their pertinence to the case and whether they can be legally asked. All questions asked by the District Attorney will be on the record. Seldom will the District Attorney refuse to ask a pertinent question but, if this occurs, and the Foreperson feels that the information is necessary to the jury, the Foreperson should adjourn with the District Attorney and discuss the jury's concern.

The District Attorney should not be asked questions off the record nor will the District Attorney speak off the record. The jurors should understand that this is unfair to the suspect and may constitute material error.

Voting

When the grand jury has heard the District Attorney's presentation and received all of the evidence in the case, the Foreperson excuses the District Attorney and the court reporter.

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The Foreperson should again remind the jurors that it is their responsibility to protect the rights of all persons and the jurors are charged to return an indictment (also called a "True Bill") only if there is sufficient evidence - i.e., the grand jury may find an indictment when all the evidence before it, taken together, if unexplained or uncontradicted, would in its judgment warrant a conviction by a trial jury.

Only grand jurors who have heard the entire case may participate in the deliberation. The Foreperson shall read each count with any additional attached allegations. The Foreperson will then ask for a discussion of the count. Following the discussion, the Foreperson asks for a vote on that count. Voting should be open and oral and is never by secret ballot. A juror may request a roll call vote. Twelve jurors must vote to return an indictment or accusation. Failing twelve affirmative votes, the count is deemed denied. In case of eleven affirmative votes, the Foreperson must cast the deciding vote. A count can be amended by this same method. The Foreperson should go through the above procedures with each of the counts. When the Foreperson has finished reading all of the counts and has received an affirmative vote of at least 12 jurors on all of them, the Foreperson will announce to the jury that the indictment is returned. If a count failed to receive twelve affirmative votes, then the Foreperson will announce to the jury that the indictment is not returned.

When the results of the grand jury's vote have been determined, the Foreperson will request the Sergeant-at-arms to inform the District Attorney of the action, and if a true bill, will ask the Sergeant-at-arms to inform the supervising judge so that a presentation of the indictment may be made in Court as quickly as is convenient. The judge should also be informed when an indictment is not returned so that the judge does not remain in chambers unnecessarily.

Script for Hearing of a Typical Criminal Offense

Note: This script is applicable to the cases most likely to be heard in Butte County. As hearings can be quite lengthy, remember to take a ten-minute break every 1 and 1/2 hours. Text in italics is direction only and not spoken.

Foreperson:

Good morning: the Butte County Grand Jury is now in session. The secretary will please call the roll.

We are here this morning to hear of a criminal offense to be presented by the [Deputy] District Attorney, [Mr./Ms.] [District Attorney]. Will the Sergeant-at-arms bring in [Mr./Ms.] [District Attorney] please.

This is [Mr./Ms.] [District Attorney], [Deputy] District Attorney for Butte County. [Mr./Ms.]

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[District Attorney], is there anything that you wish to say before we bring in the court reporter?

The District Attorney may give the reason for bringing the case before the grand jury and remind the jurors that any questions for the witness must be in writing.

Foreperson:

Will the Sergeant-at-arms bring in the court reporter please.

This is [Mr./Ms.] [Court Reporter], the court reporter, who will keep a record of the proceedings.

[Mr./Ms.] [Court Reporter], do you solemnly swear that you will truly report the testimony given before this grand jury, and when called upon to do so, will furnish a true and correct transcription of your notes as prescribed by law, and that you will not otherwise disclose matters learned by you while present in this grand jury room unless ordered to do so by the grand jury or the Court?"

[Mr./Ms.] [District Attorney], will you please give us a summary of the case to be presented giving the names of the defendants, victims, witnesses, and charges?

The District Attorney has described the nature of the matter to be heard and given you the names of the people involved. Do any of you know socially, or have any of you heard anything about this matter or any of the persons named which would cause you not to render an unbiased decision?

Any member of the grand jury who has a state of mind in reference to the case or to the persons involved which will prevent him or her from acting impartially and without prejudice to the substantial rights of the persons involved shall retire from this hearing.

Note: At this point a juror should freely disclose any prejudice that might prevent him/her from being fair and impartial. The Foreperson should then ask the juror to retire.

Foreperson:

[Mr./Ms.] [District Attorney], will you please proceed with the hearing.

Will the Sergeant-at-arms bring in [Mr./Ms.] [Witness], the first witness.

Note: At the District Attorney's request, for the first and successive witnesses, ask the Sergeant-at-arms to bring in the witness. The Sergeant-at-arms should ask the witness to leave anything that might contain such things as tape recorders outside before bringing the witness into the jury room.

Foreperson:

[Mr./Ms.] [Witness], "Do you solemnly state, under penalty of perjury, that the evidence that you shall give in this matter shall be the truth, the whole truth, and nothing but the truth?"

Notes:

1. *A witness may not refuse, on the grounds of self-incrimination, to take this oath.*
2. *If a witness must be accompanied into the jury room for security, health, or other reasons (but never to be accompanied by his or her attorney) the accompanying person should be sworn to secrecy as follows:*

"You are admonished not to discuss or disclose at any time outside of this jury room anything that you have heard or seen. A violation of these instructions on your part may be the basis for a charge against you of contempt of court."

3. *If an interpreter is necessary, swear the interpreter in. If the interpreter is to be present for any length of time, provide a chair for the interpreter. The interpreter must take this oath:*

"Do you solemnly swear that you will make a true interpretation to this witness before the grand jury in a language that the witness understands, and that you will make a true interpretation of the witness's answers to the questions to the grand jury in the English language, with your best skill and judgment?"

4. *Advice to witness regarding his or her rights:*

The District Attorney will advise the Foreperson when this admonition should be given to a witness.

"You are advised under the Fifth Amendment to the Constitution of the United States, and also under Article 1 of the California Constitution that you have a privilege against self-incrimination, that is to say; you do not have to answer any questions which may tend to incriminate you, or subject you to punishment for any crime, or to degrade your character, and you can refuse to answer any such questions stating that the answer may tend to incriminate you or degrade your character. Do you understand?"

When the District Attorney is finished with the witness, ask the jurors if they have any written questions to submit. The Sergeant-at-arms collects the questions and gives them to the Foreperson and District Attorney. The Foreperson and District Attorney scan the questions.

When the witness is finished, admonish the witness:

Foreperson:

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You are admonished not to discuss or disclose at any time outside of this jury room the questions that have been asked of you or your answers until authorized by this grand jury or the Court. A violation of these instructions on your part may be the basis for a charge against you of contempt of court. This does not preclude you from discussing your legal rights with your own attorney.

[Mr./Ms.] [Witness], what I have just said is a warning not to discuss this case with anyone except the Court, your lawyer, or the District Attorney.

Thank you [Mr./Ms.] [Witness] for giving up your time to appear before this jury.

[Mr./Ms.] [District Attorney], may the witness be excused?

The Sergeant-at-arms escorts the witness from the room. Make sure that the District Attorney has introduced all the exhibits into evidence.

Foreperson:

The court reporter is excused.

Will [Mr./Ms.] [District Attorney] summarize this case for us please?

Thank you [Mr./Ms.] [District Attorney]. The District Attorney is excused.

Fellow jurors, it is our responsibility to protect the rights of all persons and the jury is charged to return an indictment only if there is sufficient evidence. In reference to the sufficiency of evidence, the grand jury may find an indictment when all the evidence before it, taken together, if unexplained or uncontradicted, would in your judgment warrant a conviction by a trial jury.

I will read each count, I will then ask for discussion, then I will ask for an oral vote on each count.

The vote is taken orally. There is no secret ballot. Twelve jurors must vote to return an indictment. If only eleven vote to return an indictment, the Foreperson must cast the deciding vote.

Foreperson:

An [amended] indictment [is/is not] returned.

Will the Sergeant-at-arms notify the District Attorney that we [do not] have a true bill.

If a true bill, the Foreperson signs the indictment.

Probable Procedure in Presenting the Indictment

The legality of an indictment depends in part upon the manner in which it is presented to the Court. The law is mandatory in its requirement that an indictment must be presented to the Court in session by the Foreperson, (or in the case of his or her absence or disability, by the Foreperson pro tempore) in the presence of the grand jury or in the presence of at least all the grand jurors who were present when the indictment was voted. The indictment is usually returned as a secret one and is usually not open to public scrutiny until after the defendant has been arrested.

When the judge is ready to convene court, the bailiff will notify the grand jury and escort them to the courtroom. As a matter of convenience, it is suggested that the jury enter through the jury box door to the courtroom in the following sequence:

1. Recording Secretary
2. District Attorney
3. Foreperson
4. Foreperson pro tempore
5. Sergeant-at-arms
6. Chairperson of the law enforcement committee, and then the rest in any order.

This will save anyone having to stumble over another to get properly seated.

Script for Announcing an Indictment

Note: This script is typical but may vary depending upon the Presiding Judge. Text in italics is direction only and not spoken.

After the judge has entered the courtroom, the probable procedure is as follows:

Judge:

I understand, [Mr./Ms.] Foreperson, that the grand jury has an indictment to present to the Court. Is that correct?

Foreperson:

Yes, your Honor.

Judge:

Thank you.

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The judge then asks the clerk to call the roll of the grand jurors. Each juror answers as his or her name is called.

Judge:

It appears that a quorum of the grand jury is present.

[Mr./Ms.] Foreperson, does the grand jury have an indictment to present to the Court at this time?

Foreperson:

Yes, we do, your Honor.

Judge:

[Mr./Ms.] Foreperson, would you bring the indictment to the Bench.

The Foreperson takes the indictment to the Bench.

Judge:

The Foreperson has handed to the Court an indictment which reads as follows:

The Judge proceeds to read the indictment.

Judge:

The Court has now completed reading of the indictment which was handed to the Court by the Foreperson and the Court would ask the Butte County Grand Jurors here present, and would you answer audibly yes or no as the case may be, is this the indictment found by the grand jury?

Grand jurors in unison:

Yes, your Honor.

Judge:

Thank you. [Mr./Ms.] Foreperson, the Court would inquire of you, as the Foreperson of the grand jury of this county, four questions: First, did all of the grand jurors present now, hear all of the testimony taken?

Foreperson:

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Yes, your Honor.

Judge:

Thank you. Second, was this the indictment found and returned by the concurrence of at least twelve grand jurors?

Foreperson:

Yes, your Honor.

Judge:

Thank you. Third, are the names of all witnesses examined before the grand jury endorsed on the indictment?

Foreperson:

Yes, your Honor.

Judge:

Thank you. And lastly, did you personally sign the indictment endorsed thereon "A TRUE BILL"?

Foreperson:

Yes, your Honor.

Judge:

Thank you, [Mr./Ms.] Foreperson.

[Mr./Ms.] Foreperson, were there any exhibits received in evidence during the proceedings?

Foreperson:

[Yes/No], your Honor.

If yes, the judge continues:

Judge:

[Mr./Ms.] Foreperson, would you like to have the District Attorney hand them to the Clerk

of the Court?

Foreperson:

Yes, your Honor.

The District Attorney takes the exhibits to the clerk and identifies each item for the record. At the conclusion, the Judge continues:

Judge:

[Mr./Ms.] District Attorney, have you now delivered to the clerk of this Court, all of the exhibits that were received in evidence and upon which the grand jury returned this indictment?

District Attorney:

Yes, your Honor.

Judge:

Thank you. It appears that the indictment has been properly found and returned by the grand jury and presented to the Court all in the form and manner required by law. Therefore, the indictment is ordered filed with the clerk now in the presence of the grand jury.

At this point the Judge asks the District Attorney if the defendant is in custody; the Court sets bail and the proceedings come to a close. The responsibility of the grand jury does not extend beyond the determination of whether or not there is sufficient evidence to justify putting the defendant on trial. The grand jury is not responsible for the eventual prosecution, conviction, and punishment of the defendant.