



## CGJA News

### New Attorney General Opinion Issued

March 15, 2022

To CGJA members, current grand jurors, and legal advisors:

The California Attorney General has just issued an opinion (No. 18-103, dated March 10, 2022) stating that the term “public prisons” in Penal Code section 919(b) includes “local detention facilities,” defined as facilities that confine prisoners for more than 24 hours. A county or city jail is a typical example of such a local detention facility.

Penal Code section 919(b) requires grand juries to inquire into the condition and management of “public prisons” within the county. The term “public prisons” is not defined in the Penal Code and until now, it was unclear exactly what facilities section 919(b) covered.

The Attorney General has concluded that each grand jury must inquire into the “local detention facilities” located within their county — but the Penal Code does not require the jury to conduct an investigation or write a report about the inquiry. In fact, a report cannot be written on an inquiry; instead, a full investigation is needed so that all the facts can be verified. (PC §939.9).

To fulfill the requirement to inquire into a detention facility, a grand jury can schedule a tour, conduct an interview with the warden or jail commander, or simply request and review the most recent report on the facility from the California Board of State and Community Corrections ([www.bscc.ca.gov](http://www.bscc.ca.gov)).

To read the entire opinion, click here:

<https://oag.ca.gov/system/files/opinions/pdfs/18-103.pdf>.

CGJA is pleased that there is finally a clear interpretation of the meaning of “public prisons.” We recommend that all grand juries discuss this opinion with their legal advisor, who should be able to answer any questions that grand jurors have about this recent development.

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