

California's Civil Grand Juries

History
Law
How They Operate

4th Edition

California Grand Jurors' Association



The California Grand Jury System
Fourth Edition

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Foreword

Judge Quentin L. Kopp (Ret.)

April 13, 2021

THE CALIFORNIA GRAND JURY SYSTEM

Throughout my legal career, I have vigorously supported the grand jury in all its noble endeavors. The grand jury constitutes citizen participation in its most idealistic and practical way.

Established in the state constitution in 1850 and codified by the California legislature in 1872, grand juries devote hours of time and attention to city, county, school district and special district administration and governance in an effort to secure effectiveness, governmental efficiency and understanding of taxpayer expenditures and public office holder and entity integrity.

The California Grand Jurors' Association represents further commitment of time, energy and civic selflessness by former and present county grand jury members, including the generous devotion of county grand jurors, past and present. As a state senator, I sponsored legislation to require entities to respond to all grand jury recommendations in a specified way.

As a county supervisor, I championed the San Francisco Civil Grand Jury's reports and recommended them to colleagues and constituents. As a superior court judge, I oversaw grand jury appointments, responsibilities and actions, interviewed grand jury applicants to assess their commitment to time and effort as a grand juror, rather than ambition to hold the office. I was never disappointed by my selections. In his first inaugural address in New York City in 1789, President George Washington, after proclaiming his desire to serve without pay, embraced the noble principle that "...office holding ought to be understood as a responsibility assumed rather than an opportunity exploited." That's what grand jurors practice.

This book comprises an education in the operation and objectives of the civil grand jury. I recommend to all California citizens its

reading and its information. The time in doing so will be rewarded with faith in our principles of law and honest local governmental entities.

Yours truly,

Judge Quentin L. Kopp (Ret.)



Editor's note: Quentin Kopp served on the San Francisco Board of Supervisors from 1971 to 1986 and in the California Senate from 1986 to 1994. In 1998, he was appointed by the governor to the San Mateo County Superior Court, where he served until his retirement in 2004. Judge Kopp has been a steadfast supporter of California's civil grand juries.

Chapter I. Introduction

What does the average person think of when hearing the term “grand jury?” Probably this: A group of citizens meeting in secrecy to hear evidence presented by a district attorney to determine if there is sufficient evidence for a person accused of a crime to be held over for trial. That image is accurate for grand juries in all 50 states as well as for federal grand juries.

But in California it is only part of the picture, because in this state, every year the 58 county grand juries also investigate and report on the operations of local governments within the county – a process called the “watchdog” function.

Watchdog reports shine a light on what local governmental entities do and how well they do it. These reports contain the grand jurors’ findings as to any operational problems they have uncovered, and include practical recommendations for solving them, thus promoting good government at the local level.

The investigative role of California’s grand juries is not well understood by most residents of the state. This book explains this role in sufficient detail so that readers can understand and appreciate the service of grand jurors and be motivated to seriously consider applying to be a grand juror.

What kinds of people make competent grand jurors? Individuals who can take a careful, unbiased look at the way government works. They are able to write cogent, analytical reports of what the grand jury discovered in its investigations. They also possess strong personal initiative and the high energy level needed to handle a heavy and time-limited workload.

Grand jurors come from all backgrounds and bring their life experiences to the process. This diversity enhances the quality of the grand jury’s work product and can help bring the concerns of underrepresented communities to the attention of local governing boards and officials.

This book, written by members of the California Grand Jurors' Association (CGJA), can help grand jurors explain to their friends and family what they have volunteered to do and how their time will be spent on their county's grand jury.

CGJA is a nonprofit, all-volunteer organization of current and past grand jurors and other persons who are dedicated to the advancement of the California grand jury system.

CGJA supports the grand jury in its role of investigating and reporting about local government, primarily through its training programs and website resources.

The association does not provide training to grand juries about the criminal indictment function other than to note that in some counties the grand jury also handles requests for indictments brought to the jury by the district attorney. This book will explain the indictment process briefly to offer a complete picture of the role and the authority of grand juries in California.

Chapter II. History of the Grand Jury

The grand jury is one of the oldest governmental institutions in our jurisprudence, originating in England in the 12th century. It was brought to America with English colonization; and was later moved westward to California.

Why go back nearly a thousand years into early English history? Because the grand jury system evolved to reflect basic principles that have matured over the centuries.

As early as 1066, a group of 12 “leading citizens” was formed in each English community to bring charges against persons accused of committing crimes.

In about 1176, “grand inquests” by a body of 24 knights first were convened by county sheriffs to determine if criminal trials should take place; the cases were heard by a 12-man petit (trial) jury. Grand juries were formally recognized in the Magna Carta in 1215.

The grand jury’s watchdog function developed during the same period. While the primary role of the inquest in early England was as a means of apprehending and punishing criminals, records from the Grand Inquest state, “The inquest was required to present those whose duty was to keep in repair bridges, causeways and highways, for neglect of duty; to inquire into defects of gaols [jails] and the nature thereof, who ought to repair them and who was responsible for any escapes which had occurred...” Centuries later, California grand juries still investigate the local government agencies responsible for infrastructure and inquire into the condition and management of jails.

By the end of the 17th century, grand juries were independent of the crown, and the practice of conducting their proceedings in secret had evolved. This model of an independent county grand jury remains with us to this day.

On this continent, the Massachusetts Colony established the first formal grand jury in 1635. By 1683, grand juries in some form

were in all the colonies. For the most part, they were involved in indictment proceedings, but some of them started to recommend public improvements.

While the original U.S. Constitution contained no reference to the grand jury, the 5th Amendment provides that “No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury...” Therefore, in the federal judicial system, all felonies must be charged by grand jury indictment. Under the 14th Amendment, most provisions of the Bill of Rights were made applicable to the states. This, however, is not true of the guarantee of indictment by a grand jury.

Over time, more grand juries were given civil investigatory powers. For example, a Pennsylvania statute of the late 1890s provided that public buildings and bridges could not be built within the county unless approved by two successive grand juries. Similar statutes of the period required Georgia grand juries to act as boards of revision of taxes and to fix tax rates. Mississippi grand juries were required to examine tax collectors’ accounts. Alabama and Tennessee grand juries were charged with investigating the sufficiency of the bonds of all county officers.

After World War II, most states stopped using the grand jury for civil matters. To the best of CGJA’s knowledge, only seven states now have grand juries with any type of watchdog function at all. In Nevada a grand jury is convened (usually for a specific purpose) a minimum of three times a decade and only when the court decides one is needed.

California is the last state with an on-going, comprehensive grand jury watchdog function.

On the criminal side, four states require a grand jury indictment for all crimes; 14 states and the District of Columbia require grand jury indictments for all felonies; six states mandate grand jury indictments only for capital crimes; 25 states, including California, make grand jury indictments optional; and in a single state, Pennsylvania, the grand jury lacks the power to indict.

Grand juries have existed in California since the original constitution of 1849-50. The 1879 constitution included this provision, now found in Article 1, section 23: “One or more grand juries shall be drawn and summoned at least once a year in each county.” Article 1 also states, at section 14, that crimes are prosecuted either by grand jury indictment or by the filing of a set of charges called an “information.” These are the only constitutional provisions related to the grand jury. The remainder of grand jury law is found in state statutes.

The codification of grand jury law in California first came about in 1851 with the adoption of the Criminal Practice Act, and it continued in 1872 with adoption of the Penal Code, where most all grand jury law resides. During the state’s early years, this code authorized grand juries to inquire into local prisons, audit the county’s books and examine matters of community interest.



An early California grand jury. Since there are more than 19 people, it must also include court personnel or alternates.

In 1881, the Penal Code was amended to authorize the grand jury to investigate the operations of county government, not just audit

its financial records. Later amendments expanded the grand jury's jurisdiction to include investigations of city governments and special districts. Additional provisions have since granted grand juries the power to investigate other local governmental agencies and certain types of nonprofit corporations.

While the civil investigative authority of grand juries gradually has increased, the criminal indictment role has diminished. The Penal Code now allows superior courts to impanel a separate criminal grand jury to perform the indictment function, and most do so rather than relying on the regular grand jury to handle criminal matters.

The watchdog function is recognized as vital to informing the public about local government operations.

In 2008, Governor Arnold Schwarzenegger declared March to be Grand Jury Awareness Month. In 2018, the California Legislature adopted a similar resolution (see the next page). Many county boards of supervisors and city councils duplicate this declaration by issuing their own proclamations of support.

Over the years, amendments to the Penal Code have broadened the jurisdiction of the grand jury and modified its procedures. Grand jury law will be examined in the next chapter.

Assembly Concurrent Resolution No. 189
CHAPTER 37

Relative to Civil Grand Jury Awareness Month.

[Filed with Secretary of State April 13, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 189, Gallagher. Civil Grand Jury Awareness Month.

This measure would proclaim the month of March 2018 to be Civil Grand Jury Awareness Month in California, would recognize those who volunteer to serve on civil grand juries, and would encourage all Californians to learn about the role of civil grand juries in our government.

DIGEST KEY

Fiscal Committee: no

BILL TEXT

WHEREAS, California's civil grand jury system is a unique component of our state's government, composed of citizens selected by the superior courts serving in each of the state's 58 counties; and

WHEREAS, A number of California counties have grand juries that perform only civil functions; and

WHEREAS, Civil grand juries perform the vital functions of overseeing our local government, reporting on local government operations, and investigating public corruption and misconduct; and

WHEREAS, Our civil grand juries, which exist through the dedication of the people, help to ensure that our local governments are maintaining the highest legal and ethical standards; and

WHEREAS, The hard work done by our civil grand juries has had great impact throughout our communities and has helped to make California a better place; and

WHEREAS, These accomplishments have only been possible through the outstanding dedication and tenacity of those who volunteer to serve as grand jurors; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims the month of March 2018 to be Civil Grand Jury Awareness Month in California; and be it further

Resolved, That the Legislature recognizes those who volunteer for service on a civil grand jury, encourages all Californians to learn about the great role of the civil grand jury in our system of government, and applauds those who have made the civil grand jury a successful institution; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

State Assembly Proclamation of Grand Jury Awareness Month

Chapter III. Grand Jury Law

The law is a composite of published rules and the formal interpretations of those rules. The hierarchy of state laws related to the grand jury consists of:

1. The Constitution – The California Constitution says this about the grand jury at Article 1, section 23: “One or more grand juries shall be drawn and summoned at least once a year in each county.” Section 14 of that article refers to the grand jury’s criminal power, stating that “felonies shall be prosecuted as provided by law, either by indictment or ...by information.”
2. Statutes – Statutes are laws enacted by the legislature or adopted by referendum or initiative. A code is a collection of statutes dealing with a particular topic, divided into numbered sections. Most of the law governing grand juries is in the Penal Code; a few additional provisions are in other codes.
3. Judicial opinions or “case law” or “decisional law” – The published decisions of the California Supreme Court and courts of appeal interpret statutes. In general, these judicial opinions, or cases, are just as binding as statutes. While there are numerous cases that interpret the statutes that relate to grand juries, most of those cases deal with indictments. Relatively few cases concern the grand jury’s civil functions.
4. Attorney general opinions – The California Attorney General’s Office issues formal interpretations of statutes and case law. While not binding, these opinions are authoritative interpretations of state law and are often cited as authority in published court decisions. Several published attorney general opinions deal with the grand jury’s civil watchdog function.

California Penal Code section 888 (“PC §888”) defines the grand jury this way:

A grand jury is a body of ... citizens of the county ... sworn to inquire of public offenses committed or triable within the county ... [O]ne grand jury in each county shall be charged and sworn to investigate or inquire into matters of civil concern...

This section succinctly sets forth the two functions, criminal and civil, of grand juries in California. The California grand jury’s dual authority has been upheld by both case law and attorney general opinions.

Following are some key sections of California’s grand jury law.

Criminal Indictments

As mentioned in Chapter I, CGJA does not train jurors about the criminal indictment function.

Penal Code section 889 defines an indictment as “an accusation in writing, presented by the grand jury to a competent court, charging a person with a public offense.”

A criminal indictment results in an accused being bound over for trial. It is similar to a preliminary hearing, but there are significant differences between these procedures. In both, the process is initiated by the district attorney, who presents the prosecutor’s evidence. The standard of proof is “probable cause” which is a lesser standard of proof than the “preponderance of evidence” governing civil trials or the “beyond a reasonable doubt” standard in criminal trials.

Unlike a criminal trial, an indictment proceeding is conducted in complete secrecy. The only persons present other than the grand jury are the district attorney or a deputy district attorney, a court reporter, who is sworn to secrecy, and witnesses, who testify one at a time. The accused person is not allowed to have an attorney present, but may consult with an attorney outside the hearing room to seek legal advice. Since there are no attorneys present other than

the prosecutor, there is no cross examination. All testimony is taken under oath.

The grand jury foreperson presides and one of the jurors takes the role of a court clerk by calling witnesses, keeping track of evidence, and performing other similar duties.

Jurors may ask questions, but they are written and submitted to the prosecutor conducting the hearing to determine that they meet the rules of evidence. The prosecutor is required to introduce exculpatory evidence, which is evidence in favor of the accused that might mitigate the likelihood of an indictment.

An indictment, endorsed as a “true bill,” may be submitted to the court only if at least a supermajority of the grand jurors concurs. (PC §940). “Supermajority” will be explained in the next section of this book.

By contrast, a preliminary hearing is conducted in open court, presided over by a judge. Witnesses are entitled to attorneys, and cross-examination is allowed. The judge decides whether to hold the defendant over for trial.

Some people feel that the grand jury indictment process is one-sided in favor of the district attorney. Those in favor of indictments like it because of the secrecy, allowing the case to be made without revealing the complete case to be presented at trial. It also encourages witnesses to be more open with their responses to questions.

It is important to note that either process results only in an accused being bound over for trial, where the defendant is entitled to a jury of peers and to all other rights guaranteed in the Constitution.

In California today, more than three-quarters of the state’s superior courts convene a special grand jury from the general juror pool for criminal indictment proceedings. In the other counties, the regular grand jury is used for criminal indictments in addition to civil grand jury activities.

Grand Jury Organization and Procedures

The Penal Code gives the grand jury significant latitude in determining its organization and operating procedures when conducting its watchdog functions.

Among other things, the grand jury is authorized to adopt and later amend its own rules of procedure (commonly referred to as its “procedures manual”) (PC §916); select its own officers, except for the foreperson, who is appointed by the court (PC §912 and §916); and seek legal assistance from its statutory legal advisors and the court. (PC §934)

The adoption or amendment of the grand jury’s rules requires an affirmative vote of a supermajority of the jury: 12 affirmative votes in a 19-member grand jury, 8 in an 11-member jury and 14 in a 23-member jury. A supermajority vote is also required to release a report or to take a “public action,” such as conducting an inquiry or investigation or issuing a report. The number of votes that constitute a supermajority is constant; it does not decrease because of juror absences or recusals. (PC §916 and §940)

Each grand jury determines its own organization and may create standing or ad hoc investigative committees to conduct the investigations and draft the resulting reports, and administrative committees, such as an executive committee and an editorial committee.

The Penal Code specifies three basic and two additional advisors to the grand jury. The presiding or supervising judge ordinarily provides administrative rather than legal support. The county counsel and the district attorney are the legal advisors to the grand jury. Most juries use the county counsel as their primary legal advisor.

A grand jury may also request legal assistance from the California Attorney General. And in certain circumstances, the court may agree to a jury’s request to hire outside counsel.

Secrecy and Confidentiality

Secrecy and confidentiality have been hallmarks of the grand jury system since its earliest years.

All grand jury proceedings are closed. The law requires that the grand jury “retire to a private room and inquire into the offenses and matters of civil concern cognizable by it.” (PC §915)

Although the county counsel and district attorney can meet with the grand jury to give advice, only grand jurors are permitted to be present for deliberations or a vote on any criminal or civil matter. (PC §939)

The grand juror’s oath is set forth in Penal Code section 911. It requires grand jurors to keep secret any evidence brought before the grand jury as well as the discussions and votes of jurors. Violating the confidentiality provisions of the oath is a misdemeanor. (PC §924.1)

Most grand juries use an admonition when interviewing witnesses in civil investigations, instructing them not to disclose information learned during the interview. The California Attorney General has authorized the wording of an admonition. (86 Ops.Cal.Atty.Gen. 101, 2003) Violation of a grand jury admonition may constitute contempt of court.

Very few juries administer an oath to a witness in a civil interview, although the foreperson is authorized to do so by Penal Code section 916.1. The violation of an oath is punishable as perjury.

A witness has no right to have counsel present during an interview or other proceeding before the grand jury. (*Farnow v. Superior Court* (1990) 226 Cal.App.3d 481) However, there is no legal prohibition against a witness leaving the room during an interview to consult with counsel.

The evidence gathered in the course of a grand jury civil investigation must ordinarily remain confidential unless it is included in an authorized final report.

An exception to this rule of confidentiality is that the grand jury may pass forward to the succeeding grand jury any records, information or evidence acquired during the course of an investigation, except any information or evidence that could be the basis for the issuance of an indictment. (PC §924.4)

Civil investigation files are frequently passed forward by the outgoing jury; often the files consist of complaints or requests for investigation received late in the term.

Another exception to the rule of confidentiality is that the grand jury may reveal its report's findings to the subject of the investigation during an exit interview. (PC §933.05) CGJA recommends that juries routinely conduct exit interviews to ensure the accuracy and timeliness of their reports' findings.

Watchdog Jurisdiction

State law gives the grand jury the authority (also referred to as "jurisdiction") to investigate and report on the operations of local governmental entities within the county and the entities' governing boards, departments, commissions, committees, functions, programs, financing, and officials.

Not all government in California is "local" – in fact, many government functions are the responsibility of the state or federal government. Ordinarily, the grand jury has no jurisdiction over state or federal agencies, private businesses, or private individuals. Superior courts and their facilities and personnel are part of state government and are, therefore, outside the jury's purview.

The only exceptions to this limitation to investigating local governmental entities are (1) the grand jury's authority to inquire into the condition and management of any state prison located within the county and (2) its limited authority to investigate certain nonprofit corporations.

The grand jury will usually investigate only those entities located wholly within its county. However, it may investigate a multi-

jurisdictional governmental entity as long as a part of it is located within the county. For example, the grand jury may investigate a special district that straddles the county line or a public facility located outside the county but owned by a governmental entity within the grand jury's county.

Although the grand jury has broad discretion as to what it will investigate, it is required by state law to investigate and report on some aspect of county government each year. (PC §925)



CGJA's demonstration interview of a government official

In addition, grand juries are required to inquire into the condition and management of any public prisons within the county and into the willful or corrupt misconduct of public officers (PC §919); however, they are not required to write a report about their inquiry.

The grand jury has broad discretion to investigate and report on other local governments such as cities or joint powers agencies (PC §925a); special districts, including school districts; the local agency formation commission (PC §933.5); and housing authorities (PC §933.1).

While the grand jury can investigate and report on all of these local governmental entities, there is a significant limitation on that

power: the grand jury may not ordinarily investigate or report on the merit, wisdom, or expediency of an entity's policy determinations.

Instead, grand juries must limit their investigations and reports to the operational procedures or the methods and systems by which the entities perform their activities.

It is within the sole discretion of an entity's governing board and top administrators to make major discretionary determinations that often are political in nature or involve personnel or budgetary matters. The grand jury may not seek to substitute its judgment for that of the persons who were elected or appointed to make those decisions.

As noted earlier, the grand jury's jurisdiction does not extend to the state government. For example, the courts are state institutions; and the courts, judges, and court personnel cannot be investigated.

However, one of the very few things that a grand jury is required to do involves a state function. Penal Code section 919(b) requires the grand jury to "inquire into the condition and management of the public prisons within the county." This provision is generally acknowledged to apply to state-operated adult correctional facilities.

While almost all investigations focus on one or more governmental entities, the grand jury may also investigate and report on a nonprofit corporation that was created by or is operating on behalf of the county or a city or district within the county. Few nonprofits meet this definition.

Investigations

State law says very little about how grand juries are to conduct their civil investigations; the relevant code sections are discussed here. Chapter V describes how investigations are carried out.

The law requires that a juror who harbors a bias, has a conflict of interest or is reasonably perceived to have a conflict of interest with a topic of investigation, to recuse (take no part in) that investigation and any report that might come from it. (PC §916.2; and see Code of Civil Procedure §170.1)

The grand jury must interview at least one representative of the entity being investigated (referred to as the “subject of the investigation”), unless the court finds that the interview would be detrimental to the investigation. (PC §933.05)

As noted earlier, the grand jury may also conduct exit interviews with a representative of the investigated entity to confirm the findings’ accuracy just before the report is made public. (PC §933.05)

During most investigations, the grand jury interviews several witnesses. A minimum of two jurors must be present during any interview. (PC§916).

Witnesses are interviewed separately. Only the grand jurors and the witness may be present during an interview, except for an interpreter, when needed. (PC §935 and §939)

Reports

During the past decade, the median number of reports produced by grand juries has been six or seven, but they often conduct several investigations that do not result in a report.

The reports are posted on the grand jury’s website as public records, along with the responses to the reports’ findings and recommendations submitted by the investigated entities’ governing boards or officials.

While state law requires that grand jury reports contain findings and recommendations (PC §933), there is little statutory or case law guidance on what else reports should contain.

The report's findings (the grand jury's conclusions about the quality of the investigated entity's operations, customer service, transparency efforts, etc.) must be based on documented (verified) evidence. (PC§ 916)

Governing boards and elected county officers are required to respond to the findings and recommendations directed to them. (PC §933). The law mandates the form and content of their responses. (PC §933.05)

It is through the reporting and response process that problems in governmental operations are brought to the attention of local boards and officials and the general public. When public entities implement the grand jury's recommendations, local governmental operations can be significantly improved.

The value of the civil grand jury's watchdog function was described by a California appellate court as follows:

In our system of government, a grand jury is the only agency free from possible political or official bias that has an opportunity to see the operation of the government on any broad basis. It performs a valuable public purpose in presenting its conclusions drawn from that overview. The public may, of course, ultimately conclude that the jury's fears were exaggerated or that its proposed solutions are unwise. But the debate which reports, such as the one before us, would provoke could lead only to a better understanding of public governmental problems. They should be encouraged and not prohibited. (*Monroe v Garrett* (1971), 17 Cal App 3d 280)

Chapter V discusses the content of grand jury reports and how they are written, edited and released.

Accusations

As noted earlier, Penal Code section 919(c) requires the grand jury to inquire into the willful or corrupt misconduct in office of public officers within the county. If that investigation leads the grand jury

to conclude that a public officer has engaged in willful or corrupt misconduct in office it may initiate an accusation proceeding in the superior court to remove that person from office. (Government Code §3060 - §3072).

The basis for an accusation is the officer's intentional misconduct or intentional failure to act that violates a law, rule or duty of office. Both the regular grand jury and a criminal grand jury have accusation authority. (Government Code §3060) Because returning an accusation has the same legal requirements as returning an indictment, the district attorney should be involved with the accusation proceeding to ensure that it is properly handled.

The grand jury issues the accusation, a list of charges, by presenting it to the district attorney, who must file it to start the removal proceeding. After filing the accusation, the DA may object to the accusation and seek an order for its dismissal. The trial is conducted before a regular jury, not the grand jury.

If convicted, the defendant is immediately removed from office.

Chapter IV. Selection and Training of Grand Jurors

Each of California's 58 counties impanels a new grand jury annually, as required since 1880.

For many years, all of the grand juries operated on a July-June fiscal-year term, but the COVID-19 pandemic in 2020 led several of them to change (at least temporarily) to a calendar-year term.

The size of the jury depends on a county's population. Most have 19 members, but if the county's population is less than 20,000, there can be 11 members if approved by the board of supervisors. In any county of over four million, the jury has 23 jurors (only Los Angeles County meets this population threshold).

Well over 150,000 California citizens have served their counties as grand jurors.

Qualifications for serving as a grand juror are simple: the applicant must be a citizen of the United States; 18 years or older; a resident of the county for one year immediately prior to being selected; in possession of their natural faculties; of ordinary intelligence, sound judgment and fair character; and possessed of sufficient knowledge of the English language. (PC §893(a)) These criteria are applied during the vetting and interview process.

Persons are disqualified for grand jury service if they are serving as a trial juror in any state court, have been discharged as a grand juror within one year, have been convicted of malfeasance in office or any felony or other high crime, or are serving as an elected public officer. (PC §893(b))

To select grand jurors, most courts conduct extensive outreach for volunteers, while others send summonses or letters to persons in the trial jury pool. Some courts employ a combination of these approaches.

Most grand jury or county websites contain information about grand jury service and an application form. Applications are vetted

by court staff or a committee of judges. Former grand jurors are asked to participate in the vetting process in some counties. Courts are required to conduct personal interviews of the vetted applicants, and the former grand jurors can also be part of the interview panel.

The number of names in the pool is required to be 25-30 for grand juries with 19 or 11 members. (PC §904) The names of the persons who will serve as grand jurors are drawn randomly. If the judge has selected any “holdovers” from the previous jury, they constitute the first of the jurors selected. The court may hold over up to 10 jurors for one additional year. (PC 901)

Any pool members whose names are not drawn for the panel become alternates. They will fill those seats that may be vacated by sitting jurors during the year. The most common reasons for a juror leaving are health issues, grand jury workload and moving out of the county. On occasion, the judge removes a sitting juror for cause. Unlike in a trial jury, an alternate grand juror has no role until selected and sworn in to replace a juror who has left.

The success of courts’ recruiting efforts varies. Many courts routinely have more than enough volunteers to fill their pool, while others have such significant difficulty that they randomly select from the trial jury pool.

In several counties, recruitment videos are posted on the county or court’s website and available in DVD format for use in local community settings. CGJA has a generic video available on its website.

CGJA chapters often assist the court in grand juror recruitment by speaking to civic organizations, using social media, distributing informative pamphlets or hanging banners throughout the county.

Due to the jury’s workload, the majority of applicants are retired people. In many counties, the juries do not reflect the local demographics. And since English fluency is a requirement, citizens with limited English skills are automatically excluded.

The courts try to seat as diverse a grand jury as possible, and make special efforts to reach out to underrepresented communities.

Geographical diversity can also be an issue; to address this, some courts select six persons from each supervisorial district for the grand jury pool of 30.

The courts are required to collect and report demographic data.

Although the grand jury is known as an “arm of the superior court,” the court pays for only the recruitment and selection of jurors. Each jury’s operational funding, including the costs of training, comes directly from the county’s budget – not from the court’s budget. Budgets vary widely, not only in absolute amount but in dollars per citizen. (See the chart on page 26.)

Once selected, the jurors need to be trained.

In most counties, court staff, the local CGJA chapter, or the outgoing grand jurors conduct a local orientation program of one to several days. The program typically includes a review of local rules and practices; a description of the protocols for the jury’s interactions with county, court and local officials; and presentations by the jury’s advisors and local officials.

Nearly all of California’s grand juries take part in CGJA’s training program. The initial seminar covers all the essentials: the grand jury’s organization; the jury’s independence, collegiality, confidentiality and continuity; local government structure, transparency and ethics; grand jury law; investigations; interviewing; and an introduction to report writing. Alternates as well as seated jurors attend this seminar.

CGJA also offers report-writing workshops a few months into the jury’s term, when the jurors are beginning to draft their reports. Specialized workshops are available for forepersons and pro tems and for the jury’s legal advisor.

CGJA uses interactive exercises and videos to supplement its training manuals. CGJA also provides extensive practice guides for the grand jury’s legal advisor and for the courts.

Since 2020, these seminars and workshops have been presented both in person and remotely.



CGJA’s grand jury training using virtual technology



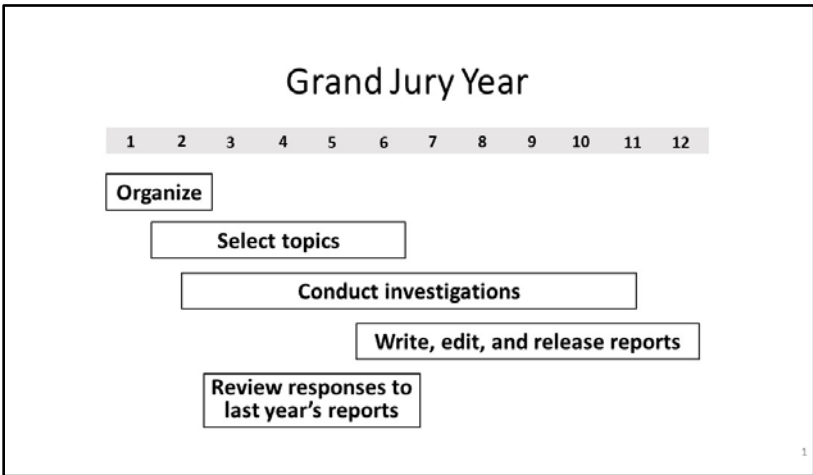
In-person training by CGJA

Chapter V. How the Grand Jury Does its Job

Getting Organized

Once a new grand jury is sworn in, the jurors must carry out the mandates of state law regarding the jury’s organization, operations, investigations and reports. Jurors also must comply with the charge given to them by the judge when the jury was impaneled.

One thing CGJA has learned is that grand jury operations vary from county to county – there are about 58 ways to do just about everything.



Typical timetable for a grand jury’s term

Once the grand jury has been impaneled, the sole input of the court into a jury’s organization is the court’s selection of the foreperson.

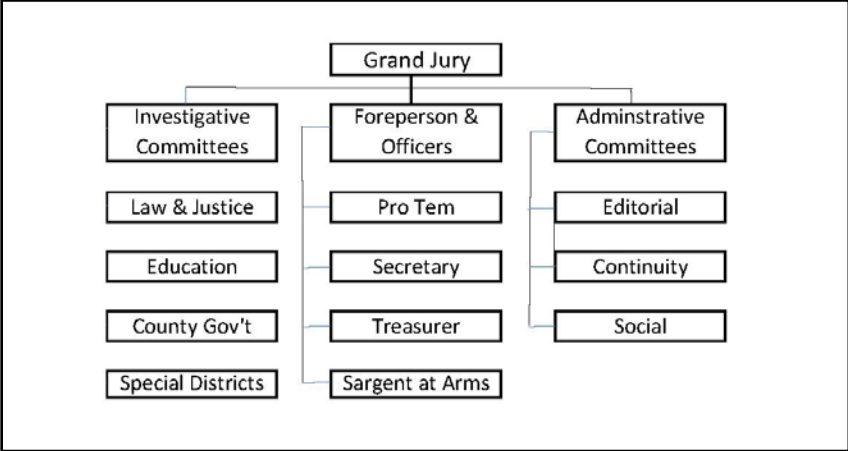
The foreperson has only a few statutory powers or responsibilities, such as the signing of certain documents and remaining available for 45 days following the jury’s dismissal to answer questions about the recommendations in the jury’s reports.

Other than the few code-specified tasks, the foreperson has no more rights than any other juror, except as are conferred by each

jury’s own Rules of Procedure. The foreperson votes with all other jurors and is not a “tie-breaker.” Usually, the foreperson does not sit on an investigative committee, but will operate as a coordinator and assume the usual duties of a chairperson for the conducting of meetings of the full jury.

All other officers a jury might have – a foreperson pro tem, secretary, sergeant-at-arms, parliamentarian – are selected by the jurors. This is usually done within the first few weeks after the jury is impaneled.

The other, nearly simultaneous, task necessary for the jury to function is the adoption of its procedures manual.



Typical grand jury organization. Each grand jury must adopt its own rules of procedure and organizational structure

Penal Code section 916 requires each individual jury to adopt its own Rules of Procedure. Most juries inherit a set of Rules of Procedure (a procedures manual) from the previous grand jury, and adopt that manual as their own. However, the grand jury may decide to make changes or even completely rewrite the manual. The court has no input into these rules.

The procedures manual will ordinarily specify the jury's officers and their duties; which committees may be formed; how committee chairs are selected; general rules for conducting meetings (*Robert's Rules of Order, Revised* is often the fallback for non-specified matters); protocols for communicating with the court and the jury's legal advisor how grand jury mail is to be handled; the Editorial Committee's authority; and everything else involved with the jury's watchdog activities.

Across the state, grand juries' budgets (see the chart on the next page), their facilities, and their hours of work vary tremendously.

Jurors receive a per diem stipend anywhere from \$15 to \$60 (most at the low end); some are limited to one or two per diems per week while others have no limit.

In addition, jurors are entitled to the mileage reimbursement applicable to county employees when they are engaged in most grand jury activities. (PC §890)

A few grand juries occupy their own building. Some have separate offices for the foreperson and for the secretary, plus one to three interview rooms. Other juries lack sufficient space to meet or conduct business. Some counties provide a laptop for each juror, while others provide a single desktop for the meeting room.

Some juries meet five days a week with regular office hours. Others meet in plenary session as infrequently as twice a month, and their committees meet whenever they need to. Some juries conduct plenary or committee meetings remotely.

Some counties assign personnel to assist the jury. These assistants may schedule speakers, interviews, and site visits; arrange for report production and distribution; process claims for expense reimbursement; and provide other administrative support.

County	Grand Jury Expenditure 2019	Population	Expenditure per person (\$)
Alameda	\$619,188	1,656,754	0.37
Alpine	\$12,623	1,039	12.15
Amador	\$42,605	38,429	1.11
Butte	\$131,249	225,817	0.58
Calaveras	\$116,446	45,514	2.56
Colusa	\$24,328	21,454	1.13
Contra Costa	\$196,855	1,142,251	0.17
Del Norte	\$37,032	27,495	1.35
El Dorado	\$96,068	188,563	0.51
Fresno	\$59,000	984,521	0.06
Glenn	\$110,624	27,976	3.95
Humboldt	\$58,690	135,940	0.43
Imperial	\$13,810	180,701	0.08
Inyo	\$19,935	17,977	1.11
Kern	\$161,034	887,641	0.18
Kings	\$110,519	150,691	0.73
Lake	\$63,640	64,195	0.99
Lassen	\$13,332	30,818	0.43
Los Angeles	\$1,494,813	10,081,570	0.15
Madera	\$82,959	155,433	0.53
Marin	\$159,901	259,943	0.61
Mariposa	\$82,132	17,420	4.71
Mendocino	\$77,038	87,224	0.88
Merced	\$40,411	271,382	0.15
Modoc	\$8,434	8,907	0.95
Mono	\$7,919	14,310	0.55
Monterey	\$116,950	433,410	0.27
Napa	\$66,210	139,623	0.47
Nevada	\$116,159	99,244	1.17
Orange	\$582,929	3,168,044	0.18
Placer	\$257,641	385,512	0.67
Plumas	\$26,497	18,660	1.42
Riverside	\$315,995	2,411,439	0.13
Sacramento	\$296,000	1,524,553	0.19
San Benito	\$109	60,376	0.00
San Bernardino	\$602,698	2,149,031	0.28
San Diego	\$678,234	3,316,073	0.20
San Joaquin	\$187,339	742,603	0.25
San Luis Obispo	\$85,758	282,165	0.30
San Mateo	\$112,491	767,423	0.15
Santa Barbara	\$180,000	444,829	0.40
Santa Cruz	\$47,181	273,962	0.17
Shasta	\$88,102	179,212	0.49
Sierra	\$35,561	3,040	11.70
Siskiyou	\$25,726	43,468	0.59
Solano	\$122,454	441,829	0.28
Sonoma	\$76,220	499,772	0.15
Stanislaus	\$94,083	543,194	0.17
Sutter	\$28,804	96,109	0.30
Tehama	\$12,134	63,912	0.19
Trinity	\$16,718	12,700	1.32
Tulare	\$140,062	461,898	0.30
Tuolumne	\$32,710	54,045	0.61
Ventura	\$248,169	847,263	0.29
Yolo	\$167,030	217,352	0.77
Yuba	\$24,001	76,360	0.31

Source: CA State Controller's Office Website

Grand jury budgets and per capita cost for FY 2018-19

The law does not set forth what the general working relationship should be between the grand jury and the court, and it varies somewhat from county to county. Most superior courts are actively involved in the outreach and recruitment process. But once the jurors are selected, the court's involvement is usually limited to the removal of jurors for cause, the filling of vacancies, and the approval of final reports.

The day-to-day work of a grand jury – investigations and report writing – is performed by its committees as spelled out in the jury's rules of procedure.

Each grand jury determines how to divide up its work. Investigative committees can be established by topic, such as public safety, education and libraries, health and human services, environment and transportation or infrastructure. Or they can be formed to address particular local entities, such as the county, cities or special districts.

In addition to investigative committees, other tasks are usually undertaken by administrative committees such as an editorial committee and an executive committee.

The next step is assigning jurors to the committees. Usually the foreperson polls jurors as to their preferences and allocates committee slots accordingly. Most jurors will serve on at least two investigative committees. According to the agreed upon procedure, the foreperson appoints the chairs or each committee elects its own.

Selecting and Conducting Investigations

As a truly independent body, each grand jury, by a supermajority vote, is free to choose its investigative subjects. No one – not the court or any outside person or entity – can direct the jury to conduct or not conduct an investigation. The grand jury is probably the most independent of all local governmental bodies.

But there are limitations. Jurors must recuse themselves from participating in any investigation where there may have an actual or perceived conflict of interest.

The law requires jurors to disclose to the court and foreperson any employment within the prior three years by an agency the grand jury may investigate. The juror must be recused from any part of an investigation of or report on that agency. (PC §916.2)

In addition, jurors with a connection to a topic, entity or official that would give rise to the perception of a conflict of interest or a bias should recuse. The duty to recuse may arise due to a personal or family connection between a juror and a local official; a business relationship with the entity or official; or any other relationship that could cause a reasonable person to conclude the juror is likely biased for or against the entity or official.

Topics for investigation usually come to the jury by three basic avenues: a complaint or request for investigation from a member of the public; topics suggested through the committee process of the grand jury; or, occasionally, referral from the immediately preceding jury.

Some investigations are not limited to a single agency. These investigations might focus on topics such as the travel or credit card charges of several local entities, entities' information technology, Americans with Disabilities Act or Brown Act compliance or the use of Homeland Security funds.

While the grand jury is independent, it must maintain a balance between independence and responsibility. It must use its resources wisely and conduct meaningful investigations, yielding reports that will make a difference in local government. Its reports must be fact-based and unbiased. Not all reports are critical; sometimes a report dispels a perception of alleged wrong-doing and, in the end, commends the entity.

Most county websites have a complaint or request for investigation form that can be filled out and submitted to the jury. The jury is in

no way obligated to investigate any complaint or request. As a rule, juries will reply with a form letter stating that the matter has been received and taken under advisement. Some juries designate a member as a complaint coordinator or have a complaint committee to oversee this process.

While grand juries have no legal obligation to act on any complaint, they are well-advised to consider every complaint as a serious matter and give it full attention before deciding, on a supermajority vote, whether or not to investigate.

In many grand juries, the investigating committees brainstorm topic ideas. They choose the most promising topics, conduct some preliminary online research and then propose one or two investigations to the full jury for its approval by a supermajority vote.

The third source of investigations topics are files referred to the jury by the prior year's jury, as allowed by Penal Code section 924.4. The receiving jury can take up the investigation, but may not rely on any materials, such as research documents or interview transcripts, it may have received from the prior jury – it must conduct its own investigation.

There are four exceptions to the jury's independence in selecting topics:

- Each grand jury is required to investigate and report on at least one aspect of a county government function or operation.
- If the county board of supervisors asks the jury to investigate and report on the needs for an increase or decrease of the salaries of the county's elected officials, it must do so.
- Each grand jury is required to inquire into the "willful or corrupt misconduct" of public officers (if credible evidence of misconduct exists).

- Each grand jury is required to inquire into the condition and management of the public prisons within the county.

The term “prison” is not defined in the code sections related to the grand jury. It might mean only a state prisons – an exception to the jurisdictional rule that all investigations be aimed at local governments. The term can also be interpreted to include local jails and holding facilities. CGJA refers grand juries to their legal advisor for guidance on their inquiry responsibilities.

The term “inquire” is not defined in the Penal Code. CGJA believes that an inquiry is a limited preliminary examination of a topic. With regard to inquiries into prisons or other detention facilities, most juries take part in a tour during which jurors ask questions of the facility’s staff. However, full investigations of these facilities can be and frequently are done.

Inquiries can be made into any topic, allowing the jury to determine if it would be a good use of jurors’ time to conduct a full investigation. The jury must conduct a full investigation before writing a report. A simple inquiry does not provide sufficient verified evidence needed for a grand jury report.

Research, observations (site visits or facility tours) and interviews are the three primary investigative techniques used by grand juries.

Investigating committees ordinarily research all of the pertinent information available regarding their subject prior to any interviews or site visits.

They often look at the entity’s website first, to find the codes, regulations and ordinances under which the entity functions, information about the entity’s operations; budgets and other internal financial documents; audit reports; organizational charts; policies and procedures manuals; and meeting agendas and minutes.

Grand jurors can use CGJA’s website to find additional information about how that type of entity is governed and typically

operates. CGJA’s website also has a search engine that enables jurors to find reports on particular topics from grand juries around the state.



A grand jury working session

Grand juries are entitled to access the investigated entity’s public records under Penal Code section 921. The grand jury does not need to use a subpoena.

Almost every investigation will include several interviews. The law requires that a minimum of two jurors be present during any interview. (PC §916)

The jury is required to meet with the subject of the investigation. (PC §955.05(e)) The “meeting” is a formal interview. The “subject” is ordinarily the county or city department head or the district manager who is in charge of the function or office the grand jury is investigating – the person who has the authority to make the corrective action recommended by the grand jury in its report on the investigation.

Grand juries operate under a code of confidentiality, and are forbidden from divulging interviewees’ identities and source material. No information is ever revealed to an interviewee, and names are never published in reports. No juror is permitted to have any individual communication with a non-juror about an investigation.

Most local government employees will voluntarily submit to a grand jury interview. If the person is reticent, informing them that a subpoena may be issued is usually sufficient to obtain compliance with the request. If a subpoena is needed, the jury can obtain one from its legal advisor or the court.

Interviews are usually conducted at the jury's offices or at the entity's place of business. However, "whistle-blowers" may be wary of being identified. They may be reluctant to be interviewed at work or be seen walking into a building where the jury has its office. When this happens, the grand jury will find some other location to conduct the interview.

In order to ensure accuracy, interviews may be recorded if all of the parties to the interview consent.

Juries are encouraged to obtain their information from a variety of sources and to be extremely diligent in their efforts to ensure that all statements in their reports are fact-based.

Writing and Issuing Reports

Typically, California's 58 grand juries issue a total of 350-400 reports each year.

State law requires that all grand jury reports contain findings. (PC §933) Verified facts must support the findings, upon which the report's recommendations for corrective action will rest.

Penal Code section 916 requires that "all problems identified in a final report are accompanied by suggested means for their resolution, including financial, when applicable."

Thus, the jury should develop cost-effective and affordable recommendations that the investigated entity can implement to solve the problems identified in the findings.

Recommending that a financially challenged agency appropriate millions of dollars to solve the problem the investigation uncovered would likely cause the agency to disagree with that recommendation. If the jury cannot devise a less expensive

recommendation, it might recommend that the corrective action be taken in a series of steps over several years.

The only real authority of a grand jury is to conduct investigations and then issue reports that include findings and recommendations. The grand jury cannot require an entity to comply with its recommendations, but a well-written report can convince public officials that a problem exists and persuade them to take the jury's recommended corrective action.

Accordingly, producing a persuasive report is critical. Most grand juries use an editorial committee to edit the draft prepared by the investigative committee. The goal is a readable and convincing report that can be understood by the press and public as well as the agencies to which it is addressed. The reports can have additional impact through the power of the press and the public to pressure the agencies to take action.

The public release of a final report requires a supermajority vote of the grand jury as well as the approval of the court.

Final reports on individual investigations may be issued at any time during the jury's term. CGJA encourages juries to issue reports throughout the term to get greater public attention and to spread the workload for those who must review and approve the reports.

Grand juries also usually issue a consolidated report at the end of the term that includes all the reports issued during the term as well as those not released until the end of the term.

Confidentiality

One of the hallmarks of the grand jury going back to its beginnings in England is confidentiality, and it remains one of the most important principles in grand jury work. The successful performance of grand jury duties depends upon the secrecy of all proceedings.

Confidentiality provides assurance to government officials and employees that anything they say to a grand jury will remain confidential. Interviewees probably will not volunteer sensitive information if they fear being identified. This is particularly true of whistleblowers. Reports must be written in a way that interviewees cannot be identified.

Each grand juror swears to maintain complete confidentiality of the evidence it acquires during its investigations (PC § 911), except information released in a final report. The grand juror's oath of secrecy is binding for life. Jurors are also prohibited from revealing what any juror said or how any juror voted on any matter. (PC §924.2) By law, it is a misdemeanor to violate the secrecy of the grand jury room. (PC §891 and §924.1)

Any final report is a matter of public record, as are all agency responses. But any material developed in the investigation that is not in the final report remains confidential. A grand juror must not divulge any evidence concerning the testimony of witnesses or comments made by other grand jurors. "Leaks" concerning grand jury proceedings inevitably impair or even destroy the effectiveness of the grand jury.

While conducting interviews or making field trips, grand jurors must not discuss or reveal any information regarding grand jury business, plans or investigations.

Many juries read to interviewees a confidentiality statement, known as an "admonishment," directing them to preserve the confidential nature of the investigation. Compliance with confidentiality by witnesses is largely unenforceable, although a breach could lead to a contempt of court citation.

Witnesses may also be administered an oath to tell the truth, although few grand juries do this unless it appears that the witness will be hostile or if the jury has uncovered criminal activities.

To preserve privacy and confidentiality, the grand jury room should be locked at all times when it is not in use for meetings.

The minutes and records of grand jury meetings, including email and computer files, cannot be subpoenaed or inspected by anyone.

Sensitive, unwanted documents and computer files should be destroyed at the end of the term as provided by the grand jury's Rules of Procedure.

Confidentiality is also an aspect of collegiality since jurors can be confident that anything they say or write in the jury room will not be repeated outside the grand jury environment.

Collegiality

Penal Code section 916 provides that the grand jury, as a body, has the authority to make all decisions regarding its rules of proceeding and public actions. The grand jury, therefore, by definition, is a collegial rather than a hierarchical body.

“Collegial,” however, does not mean “unstructured.” Rather, it means “characterized by or having power or authority vested equally in each of a number of colleagues; equal sharing of authority.” (*Webster's Revised Unabridged Dictionary*)

A grand jury is a meeting of equals. Jurors come from all walks of life; some may have been members of the military or governing bodies, licensed professionals or corporate executive officers. Others come from more modest walks of life. In the grand jury, all are equal. Each juror has one vote and no one outranks anyone else.

An important element of a collegial body is "jurorship," the recognition that each juror brings with them a unique set of skills and perspectives and should not hesitate to speak up, question authority, question the answers, be tenacious, and agree or disagree as appropriate. Jurorship also includes being reasonable, polite and collegial; listening carefully to other jurors; and speaking as clearly and succinctly as possible.

Having a say is important. Jurors in the minority must be afforded the opportunity to share their views, voice their concerns and make

their case. Any jurors who keep their views to themselves and fail to comment when there is something to offer are not fulfilling their duty as grand jurors.

A benefit of collegial decision-making is that clashing thoughts can give birth to novel ideas that could not have been generated otherwise. The free flow of all views during jury deliberations, including expressions of honest and respectful disagreement, is essential to an effectively functioning, collegial process.

Continuity

Continuity is a subject not explicitly addressed in the Penal Code sections that define the duties and authority of the grand jury. However, a definition of continuity can be derived from both the law and grand jury practices.

Grand juries work in isolation from their predecessors and successors for reasons of confidentiality. The law generally prohibits jurors from sharing anything confidential with anyone outside their own jury, including persons who served on a prior grand jury or who will serve on succeeding ones.

However, a grand jury may pass to the next jury one or more of its civil investigative files. (PC §924.4) The succeeding jury has unfettered discretion to determine whether to initiate an investigation based on the information contained in the file. If the jury goes forward with an investigation, any report must be based solely on its own investigation. (PC §939.9) The passing forward of investigative files is the only authorized form of communication between separate juries.

The principal element of continuity is a grand jury's review of responses to the prior grand jury's reports. The successor jury can issue a report publicizing the responses, giving credit where credit is due or issuing critical findings if a board or official's responses are non-responsive. This helps keep the public informed about the continuous nature of grand jury work.

Continuity reports:

- Ensure that entities know subsequent grand juries will carefully study their responses, so they can't ignore reports.
- Provide assurance to the public that the entity did make the changes they stated they were going to make.
- Follow up on those recommendations that the entity said needed further analysis before deciding if they were going to implement them.
- Determine if there is information that justifies a new investigation to follow up on a prior grand jury's report.
- Provide summary information on which grand jury recommendations were implemented or not implemented.
- Prove that grand jury reports can lead to improvements in local government operations.

Benefits of Grand Jury Service

The grand jury is made up of ordinary citizens who have chosen to become extraordinary.

Honorable Christopher Wilson, Judge
Humboldt County Superior Court

Much good can come from grand jury investigations and reports, and more evidence of its benefit to the general public will be presented in the next chapter.

But there is another aspect of grand jury work almost as important: The benefit to the jurors themselves. Three former jurors described the immense satisfaction of serving on a grand jury:

Even after the greatest fire catastrophe in California history, ... grand jurors persevered and managed to continue moving

forward with their tasks ... I am honored to be a part of this great team of citizens. (San Mateo, 2018-19)

I was amazed to learn of the breadth of services offered by county and city governments and to learn more about county operations from a wide spectrum of public employees. (Humboldt, 2017-18)

I arrived as an illiterate philistine and left as a purveyor of much acquired learning and discovery. It was simply [a] fascinating life experience to see government forces at work. I'm thankful that I contributed to the group effort and gave back to the community. (Los Angeles, 2018-19)

Other tangible benefits that have been cited include:

- Learning how local government really works by visiting government facilities and interviewing department heads and other officials
- Developing new skills in areas such as organization and planning, interviewing, editing and leadership
- Working closely for a year with other bright, civically minded citizens
- Gaining personal satisfaction from having a visible, lasting impact on local government operations
- Developing lifelong friendships
- After grand jury service, remaining engaged in the system as a member of CGJA at both the state and chapter level.

These benefits can compensate for the full year of service to which all grand jurors commit — and these benefits often extend well beyond their term of service.

Chapter VI. Making a Difference

Many citizens familiar with the watchdog role of California's grand juries will ask, "What good have they done?" What can a group of average citizens with no particular expertise in government affairs accomplish in a year?

CGJA's 2021 review of 18 counties for which data was available found that for a three-year period, 58% of the grand juries' recommendations were either accepted or implemented.

Following are selected examples of corrective actions reportedly taken as a result of the grand juries' recommendations:

- The process of selecting and voting for special district boards was brought into compliance with the law.
- A public guardian was removed from office and criminally charged for violating the trust of those whose funds were under supervision.
- A recommendation to grade restaurants was implemented after 10 years of grand jury reporting.
- Additional funding was secured to implement a series of recommendations to improve the operations of the county coroner's office.
- As much as \$8 million of property-tax refunds was authorized to be made to property owners.
- County agencies were notified of their ability to take advantage of a commodity-procurement system to save money. The enrollment fee for this program was waived.
- Staff of a senior center reportedly abused employees, disrespected residents, neglected the facility and allowed programs to deteriorate. An excessive compensation package was paid to the executive director. The director resigned and the new director immediately implemented

improvements. Local media coverage amplified the grand jury's report and helped bring about change.

- A county auditor was deemed unfit for office and was forced to resign.
- A jury found that a county library system was poorly managed and that some officials committed fraud. Several officials resigned and some were convicted of fraud.
- A joint powers authority for wildfire prevention was created and a new tax was passed to fund it
- A city council reduced the city's unfunded liability gap by nearly \$350 million.
- The inordinate number of vehicles towed from public roadways by police was reduced despite the police chief's disagreement with the grand jury's findings.
- An entire school board was voted out of office and the superintendent of schools resigned after a grand jury report raised concerns about special-education needs.

Sometimes, it takes years and two or more reports before grand jury recommendations yield results – years before the entity agrees to take action and more years to implement the change. Thus, it may take persistence by grand jurors to accomplish change.

On the other hand, there are numerous examples of the mere presence of grand jurors observing a process or conducting an interview resulting in an entity recognizing a problem and taking corrective action without a report being released.

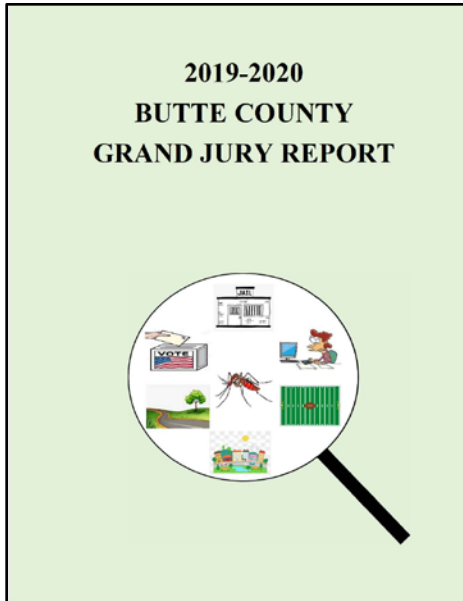
On occasion, an entity's failure to implement grand jury recommendations has led to serious consequences. For example:

- The failure of a city fire department to comply with recommendations by the grand jury to conduct investigations of business licenses may have contributed to a disastrous warehouse fire.

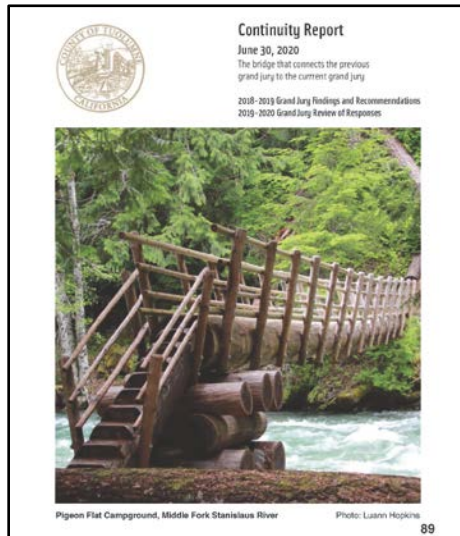
- The failure of a board of supervisors to fund the development of better fire escape routes in a mountainous section of the county, even though the board agreed with the grand jury recommendation, led directly to greater consequences of a major wildfire. In addition, allocated funds for studies to identify additional evacuation routes and improvements to existing roads had not been used by the time of the fire.

There are also examples of the successful use of the accusation authority by the grand jury.

- A mayor was removed from office for harassing a property owner who would not sell the mayor a piece of property.
- A sheriff was removed from office for not reporting alleged sexual harassment offenses.
- Sometimes the mere filing of an accusation will create the desired result: resignation of an official. A district attorney left office after the filing of a grand jury accusation and criminal charges concerning the misuse of campaign contributions.



A grand jury final report cover showing creativity of design



A continuity report, described as a bridge from one jury to the next

Chapter VII. The California Grand Jurors' Association

In 1982, a group of former grand jurors from several of California's 58 counties founded the California Grand Jurors' Association, a California nonprofit public benefit corporation recognized as tax-exempt under section 501(c)(3) of the Internal Revenue Code.

Today, CGJA members include hundreds of current and former grand jurors throughout California.

CGJA provides information to the general public about the contribution grand juries make in improving the effectiveness of local government entities within their counties.

CGJA directly supports grand juries through its training programs and online resources, described in the following sections, thereby helping jurors produce effective final reports on the operations of local government entities.

Training Seminars and Workshops

Since the late 1990s, CGJA has conducted training programs for new grand jurors and alternates throughout California. Over 90 percent of all sitting grand jurors participate in CGJA training programs each year.

CGJA training seminars are presented by experienced trainers with legal, investigative, writing, experiential and educational backgrounds.

CGJA also conducts separate workshops for forepersons and protems that focus on the leadership and organizational skills required to build a cohesive and competent panel of jurors.

CGJA offers report-writing workshops throughout the state about three to four months after the start of each grand jury term. The workshops provide intensive training and exercises in writing and editing reports.

CGJA’s legal trainers (practicing or retired attorneys) offer workshops for grand jury legal advisors from county counsel and district attorney offices and provide practice guides for the advisor and for the superior court.

CGJA’s Website

CGJA maintains a comprehensive website (<https://www.cgja.org>). It includes a Frequently Asked Questions page, links to reliable online resources about local government functions and operations, and dozens of forms, checklists, and sample correspondence.

The website is regularly updated to provide additional and updated resources and tools for grand jurors, their legal advisors and the courts.

Tracking and Analysis

CGJA tracks legislative and case-law developments and apprises juries and their legal advisors of any significant developments. The association also conducts periodic surveys of grand jury practices.

Outreach

CGJA conducts ongoing outreach to educate citizens, local officials and individual jurors about what the state’s 58 regular grand juries are doing.

CGJA distributes a bimonthly newsletter to members and to impaneled grand juries.

Its Legal and Legislative Resources Committee responds to inquiries from grand juries, media, and public officials about grand jury best practices.

CGJA documents and publicizes effective grand jury reports by giving media and grand jury “Excellence in Reporting” awards for grand jury reports that result in improvements to local government

CGJA has produced educational videos and brochures informing the public of the work and value of county grand juries and has distributed them to the media and public interest groups.

The association holds an annual conference where members hear from speakers on topics of interest to grand jurors and have the opportunity to meet face to face to exchange ideas.

CGJA’s Chapters

CGJA chapters operate in about half of the counties.

They assist the superior court by helping with grand juror recruitment through publicizing the functions and successes of the grand jury, giving talks at the meetings of civic organizations and other groups, running advertisements on local media, and hanging banners announcing that applications are being accepted for grand jury service.

Many chapters sponsor the jury’s local orientation program, which introduces the new jurors to local grand jury procedures and bring in local officials to make presentations to the jury. And some help the jury review the responses to grand jury reports to assess compliance with state law.



Panel discussion at a CGJA Annual Conference

CGJA’s Mission Statement

CGJA’s mission is to promote, preserve, and support the grand jury system through training, education, and outreach.

CGJA's Purpose Statement

1. To provide the general public with informational and educational materials and activities on the California grand jury system that will help increase public awareness of the valuable role the grand jury plays in our democratic system of government, and
2. To promote comprehensive training and orientation of all new grand jurors throughout the state, and
3. To promote adequate funding, office and meeting facilities, and other support as typically required by grand juries be provided to them in all counties throughout the state pursuant to fulfilling their lawful duties, and
4. To promote the preservation of all grand jury reports issued throughout the state during its history both in counties of origin and in a centralized state archival repository accessible to the public, historians, scholars, students and other researchers, and
5. To advocate publication of all grand jury reports and official responses to those reports in a public newspaper or other medium for community wide distribution to educate the public regarding the final grand jury investigative findings and recommendations and the official reactions to them, and
6. To advocate that social studies and history classes and texts in California secondary schools contain comprehensive information regarding the role of the grand jury in California, and
7. To publish a statewide informational newsletter to provide current information concerning issues, events and activities regarding the grand jury, and
8. To sponsor an annual statewide conference of grand jurors and others interested in matters pertaining to the preservation and enhancement of the California grand jury institution, and
9. To work toward the preservation and enhancement of the grand jury system by studying issues or legislation that specifically

pertains to the grand jury and to make recommendations based on non-partisan analysis to the appropriate body or legislature, and

10. To undertake any other efforts consistent with the foregoing that will increase the public knowledge of the grand jury system and the contributions it has made, and continues to make, to California's citizenry and toward good government.

Bibliography

Marianne Jameson, *The Grand Jury - A Brief Historical Overview*, California Grand Jurors' Association (available on CGJA's website)

Kennedy & Briggs, *Historical and Legal Aspects of the California Grand Jury System*, 43 California Law Review 251 (1955)

For additional information, see the California Grand Jurors' Association website, <https://www.cgja.org>, which contains a wide range of information that can help grand juries do their job.

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Any comments and suggestions for future updates to this book will be welcome.

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