**Choosing the Right Respondents**

Every grand jury report must specify which boards and individuals should respond to some or all of the report’s findings and recommendations. It’s important to choose the right respondents for three reasons:

* to ensure you get at least one response to your findings and recommendations
* to get a response from the board or individual who knows the most about the topic you investigated
* to get a response from the board or individual who has the authority to implement or direct a subordinate to implement your recommendations

Some respondents are mandated to respond, and others can be invited. Your report should ordinarily contain two separate sections – one for “Required Responses” and (if applicable) one for “Invited Responses.”

Respondents can be either boards or individuals. They must be directly connected to the entity you investigated. Do not direct or invite an “outsider” to step in to solve the entity’s problems. For example, don’t recommend that the county take action to solve the problems of a city or independent special district; these entities are autonomous, with separate governing boards and funding sources. Similarly, recommendations should not be directed to an agency of the state or federal government, or to a legislator, or a private individual or business; all of these are outside the grand jury’s jurisdiction.

The grand jury report should include as a respondent at least one governing board or elected county officer because these respondents are required to respond to your report.

**Mandated boards**: Only “governing boards” are mandated by Penal Code section 933 to respond to grand jury reports. County boards of supervisors, city councils, and the governing boards of special districts and school districts are all governing boards.

Subordinate boards, like planning commissions or art councils, are not governing boards and are therefore not mandated respondents, but can be invited to respond.

**Mandated individuals**: Only “county elected officers” are mandated individual respondents. These people are elected countywide to a position in county government. Depending on the county, there are usually only eight or ten county elected officers, such as the county clerk, DA, county treasurer, and sheriff.

An elected official of a city, such as a mayor or city clerk, is not elected countywide, so is not a mandated respondent, but can be invited to respond. The only exception is that the mayor of the city and county of San Francisco is explicitly mandated to respond.

And even though the members of most governing boards are elected, the individual board members are not considered “county elected officials” because board members can only wield power as a board. The board as a whole will submit one unified response to a grand jury report.

On rare occasions, a report concerns the actions of a single board member, usually when misconduct has been found. In this instance, the report can direct findings and recommendations to the individual member.

**Invited respondents:** You are not restricted to seeking responses from only elected county officers and governing boards.

Penal Code section 933 allows the grand jury to submit its report for comment to other “responsible” boards and individuals. CGJA interprets “responsible” to mean having some measure of responsibility over the activity your grand jury investigated. While they are not mandated to respond, most of them choose to do so.

These “responsible” respondents can include subordinate boards, elected city officers, appointed county or city officers, district managers, or other administrators or managers of the entity. The board or individual will be the one who will implement the report’s recommendations. List these subordinate boards and individuals in the section called “Invited Responses.”

Finally, if your report makes findings and recommendations to more than one entity, the grand jury can invite or require responses from each of them, but only if the jury has conducted a thorough investigation of each, including an interview of at least one person from each entity. In other words, do not investigate just one or two cities and then submit your report to all of the cities in the county.

Keep in mind the distinctions between mandated and invited respondents as you write your reports.

[See our related sample document, Required and Invited Respondents.]