**SHASTA COUNTY 2024-2025 GRAND JURY**

**PROCEDURES MANUAL**

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**Preface**

This Procedures Manual is offered as the Rules of Procedures for the Shasta County Grand Jury.

This manual will serve as a road map of the activities, responsibilities and powers of the grand jury. It sets forth the legal authority under which you operate, the laws which govern your activities and the resources available to you during your term of office. The manual covers such areas as suggested procedures for your meetings and investigations, the duties of officers and the role of suggested committees. Sample correspondence and record keeping formats are presented to allow for minimal organizational effort and to permit the grand jury to concentrate on the principal tasks of investigation and reporting. In addition, selected provisions of state law are included for your review.

You are urged to read through this manual before beginning your year’s work. The sooner the grand jury knows its functions, the quicker it can get started. You should also review the manual periodically throughout your term. If you have any questions regarding your functions, you are encouraged to seek the advice of the County Counsel or the District Attorney, through your Foreperson.

The original Shasta County Grand Jury Handbook was developed during the 1975/76 Grand Jury term. It was revised in 1979, again in 1982, and revised and retitled Shasta County Grand Jury Procedures Manual in 1989. The manual was revised and tabbed in 1991 and revised in 1995. It was re-written in 1997 and again in 2011. It was revised in 2012, 2015, 2016, and 2017. It was re-written in 2018 and revised in 2020, 2021, and 2024.

**Introduction**

As citizens of the United States of America, we enjoy many rights and privileges not common in most countries of the world. One of our rights is that we may be involved with and become a part of our governmental process. One of the most profound means of participation in our country can be as a juror on the grand jury.

The grand jury is an adjunct of the Superior Court, and in California it is endowed with broad powers, as an instrument of the judicial system.

The grand jury, accessible to all citizens of the County, acts as an ombudsman by receiving and investigating citizen complaints pertaining to the actions and performance of local public officials, and is an avenue of appeal independent of the usual public channels. The grand jury may instigate its own investigations, even in the absence of a complaint. In addition, the grand jury has important criminal responsibilities.

In order to function efficiently and productively, grand jurors must carefully familiarize themselves with the law and procedures applicable to grand jury service. They must also be willing and able to attend the meetings of the grand jury as a whole, as well as those of the committees of which they are members. The number of hours committed to this work may vary anywhere from five to thirty each week, depending on the workload at any one time.

The grand jury is charged with an important responsibility that calls for diligence, impartiality, dedication, and strict confidentiality.

Grand jury duty is unlike anything you have ever done before. Orienting yourselves to working within a diverse group of 19 people will be a major part of your first month. Some people are outspoken; others are quiet. Some want to move immediately; others want to collect a lot of data. Some work harder than others. Establish and enforce ground rules for behavior at meetings. Provide a positive atmosphere. Above all, be tolerant of differences.

To be selected to serve on the grand jury is one of the greatest honors a citizen can receive – one that provides an opportunity to make a contribution of unequaled value to the community.

**SHASTA COUNTY GRAND JURY**

**PROCEDURES MANUAL**

**2024-2025**

**Grand Jury Office**

P.O. Box 992086  
Redding, CA 96099-2086

Phone: (530) 225-5098

Fax: (530) 225-5626

Email: grandjury@shastacounty.gov

1. **ORGANIZATIONAL FORMS AND ACKNOWLEDGEMENTS**

**Introduction**

Welcome to the Grand Jury. Once the Presiding Judge swears you in you will begin your orientation and training sessions. This workbook (which should be brought with you to grand jury meetings as you get started) is to be used in conjunction with your orientation materials and the following manuals:

* Grand Jury Procedures Manual (Chapters 2-12 in this binder)
* Grand Jurors’ Training Manual (to be provided at the training seminar conducted by the California Grand Jurors’ Association (CGJA))
* Grand Jurors’ Report Writing Workshop Manual (to be provided at CGJA Report Writing Workshop)

Feel free to write in these manuals throughout the year. Plain paper can be added for note taking. Keep track of your training and documentation of required paperwork. A few forms will need to be completed by you and turned in to the Foreperson. You will receive contact lists and other handout materials that may be saved here for easy access and reference.

**The included forms/procedures are:**

*To be completed your first week:*

* Acknowledgement Form (keep in the front of your workbook for updates)\*
* Personal and Professional Information Form\*
* Computer Skills Questionnaire\*
* Form 700 Instructions (forms can be completed on line; you will do this three times during your Grand Jury year)
* Tax Form W-9 (form can be completed online, printed out and given to the Foreperson).

\*Copies of these forms are included in this manual for reference but copies to fill out and hand in to the Foreperson are included inside the front cover flap of this manual.

*Separate training will also be provided on these procedures:*

* Expense/Claim Form Guidelines for Reimbursement
* Webmail Instructions, User ID, Password and Log On
* Form 700 – Statement of Economic Interests

*Record Retention:*

* Record Retention Table
* Record Retention Checklists

*Required forms to be completed upon completion of your service*

* Grand Juror Exit Form
* Statement of Interest for Carryover Jurors and Foreperson
* Statement of Interest for Reserve Pool
* Form 700 (leaving office) and final claim form

**ACKNOWLEDGEMENT FORM**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ acknowledge that I have received the following:

\_\_\_\_\_ Shasta County Grand Jury Procedures Manual

\_\_\_\_\_ Key to the front door of the Grand Jury Office

\_\_\_\_\_ Training on the use of the County’s Webmail System

\_\_\_\_\_ Password and Log On to the County’s Webmail System

\_\_\_\_\_ Training on how to submit a reimbursement form for expenses

**Oath and Charge Acknowledgement**

I also acknowledge that I have read and understand the following, which are included in Chapter 2 of the Procedures Manual contained in this binder.

\_\_\_\_\_ The Juror’s Oath as stated in Penal Code §911

\_\_\_\_\_ The Presiding Judge’s Charge to the Grand Jury

\_\_\_\_\_ The need for secrecy as stated in Penal Code §924.1(a)

Further, I understand that violation of the above may result in my removal from the Grand Jury and that violation of §924.1(a) may subject me to misdemeanor charges.

Lastly, I understand that if I leave the Grand Jury prior to the end of my term, I will submit the **Grand Jury Exit Form** to the Court and return all materials to the Foreperson.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PERSONAL AND PROFESSIONAL INFORMATION**

Name:

Address:

Phone Numbers: Home: ( ) Cell/Work: ( )

Email Address:

Education:

Professional:

Experience/Occupations:

Are you currently employed? \_\_\_\_\_\_\_ If so, how many hours a day?

Do you have any planned vacations scheduled from now until July 2025? If yes, when? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Prior Grand Jury experience? □ Yes □ No

If yes: County of service/years of service: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Were you an officer? □Yes □ No If yes, position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Committee Assignments: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Were you employed by a local government (past or current)? □ Yes □ No

If yes: Entity/department or division: \_ Position(s) held and years: \_

Were any of these employments within the last three years? □ Yes □ No

Experience/skills you possess that may be of value to the Grand Jury. Check all that apply:

* Accounting
* Bookkeeping
* Interviewing
* Note taking
* Report Writing
* Editing
* Computer skills

Other: Local issues of interest to you that might be appropriate for Grand Jury review:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Officer position(s) you would like to be considered for (please list in order of preference). Read Chapter 4, Officers, for explanations of each position.

\_\_\_\_\_Foreperson Pro Tem

\_\_\_\_\_Recording Secretary

\_\_\_\_\_Corresponding Secretary

\_\_\_\_\_Financial Officer

\_\_\_\_\_IT Liaison

\_\_\_\_\_Social Chairperson

Areas of interest for investigative committees. List all topics of interest to you. See Chapter 5 for suggestions:

Describe any conflict or appearance of conflict of interest you might have regarding the investigation of any local government or special district entity (Review Recusal Information found in Chapter 3, section C.)

Using the table below, mark the times you are **NOT** available for meetings:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Monday | Tuesday | Wednesday | Thursday | Friday |
| 8:00 a.m. |  |  |  |  |  |
| 9:00 a.m. |  |  |  |  |  |
| 10:00 a.m. |  |  |  |  |  |
| 11:00 a.m. |  |  |  |  |  |
| 12:00 p.m. |  |  |  |  |  |
| 1:00 p.m. |  |  |  |  |  |
| 2:00 p.m. |  |  |  |  |  |
| 3:00 p.m. |  |  |  |  |  |
| 4:00 p.m. |  |  |  |  |  |
| 5:00 p.m. |  |  |  |  |  |
| 6:00 p.m. |  |  |  |  |  |
| 7:00 p.m. |  |  |  |  |  |
| 8:00 p.m. |  |  |  |  |  |
| 9:00 p.m. |  |  |  |  |  |

**COMPUTER SKILLS QUESTIONNAIRE**

**Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Which do you have:** □ desktop □ laptop □ tablet □ smartphone

Operating system: □ PC □ Apple □ Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Do you have high-speed internet access?** □ Yes □ No

**E-Mail:** □ Outlook □ Yahoo □ Gmail □ Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Please list your proficiency level in the following, using:***

1 (no knowledge) 2 (aware of but don’t use) 3 (can use the basics)

4 (can use the program effectively) 5 (skilled)

**Microsoft Word** (or other word processing program)

Create documents \_\_\_\_\_\_\_\_\_\_

Save documents \_\_\_\_\_\_\_\_\_\_

Edit \_\_\_\_\_\_\_\_\_\_

(Change fonts and sizes, colors, margins, spell correction, insert pictures, bullets, shapes, etc.)

Create graphs and charts \_\_\_\_\_\_\_\_\_\_

Track changes \_\_\_\_\_\_\_\_\_\_

**Excel**

Create documents \_\_\_\_\_\_\_\_\_\_

Save documents \_\_\_\_\_\_\_\_\_\_

Edit \_\_\_\_\_\_\_\_\_\_

Create graphs and charts \_\_\_\_\_\_\_\_\_\_

**PowerPoint**

Create documents \_\_\_\_\_\_\_\_\_\_

Save documents \_\_\_\_\_\_\_\_\_\_

Edit \_\_\_\_\_\_\_\_\_\_

Create graphs and charts \_\_\_\_\_\_\_\_\_\_

***Rate your proficiency using the above scores (1-3):***

**Email**

Compose \_\_\_\_\_\_\_\_\_\_ Create a folder \_\_\_\_\_\_\_\_\_\_

Open \_\_\_\_\_\_\_\_\_\_ Create a mailing list \_\_\_\_\_\_\_\_\_\_

Open attachments \_\_\_\_\_\_\_\_\_\_ Use CC and BCC \_\_\_\_\_\_\_\_\_\_

Attach documents \_\_\_\_\_\_\_\_\_\_ Create a signature \_\_\_\_\_\_\_\_\_\_

Insert a link \_\_\_\_\_\_\_\_\_\_ Use address book \_\_\_\_\_\_\_\_\_\_

**Using a Calendar program** \_\_\_\_\_\_\_\_\_\_

**Conducting Internet research**  \_\_\_\_\_\_\_\_\_\_

**Storing documents and transfer to other drives** \_\_\_\_\_\_\_\_\_\_

**Creating PDF documents** \_\_\_\_\_\_\_\_\_\_

**Downloading files from drives and internet** \_\_\_\_\_\_\_\_\_\_

**Using MS Word’s Review and Track Changes functions** \_\_\_\_\_\_\_\_\_\_

**Experience using Microsoft Teams**

\_\_\_\_\_\_\_\_

**OFFICE EQUIPMENT SKILLS QUESTIONNAIRE**

**Copier** \_\_\_\_\_\_\_\_\_\_

**Fax** \_\_\_\_\_\_\_\_\_\_

**Scanner** \_\_\_\_\_\_\_\_\_\_

***Please list any other computer experience or technology skills you have:***

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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***Please list any specific training you would like to receive****:*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Statement of Economic Interests (Form 700) Instructions**

As required by the Political Reform Act of 1974, Shasta County has adopted a CONFLICT OF INTEREST CODE. The law requires each grand juror, as a “Designated Employee”, to file a Statement of Economic Interests (Form 700), disclosing certain financial interests.

The Statement of Economic Interests (Form 700) must be submitted three times:

* upon taking office,
* at the end of the calendar year, and
* upon leaving office.

There are two ways to file:

* At the beginning of the term, the Clerk of the Board will send an email to every Juror’s personal email address with a link to file online through NetFiler.
* Paper copies of completed statements can also be submitted to the Clerk of the Board.

Disclosure includes:

1. Any reportable interests in real property. (Reportable interests include all real property within Shasta County except your personal residence.)
2. Any reportable investments and business positions held in business entities which have done business with the County government in the previous two (2) years.
3. Any reportable income from business entities which have done business with the County government in the previous two (2) years.
4. Any reportable income from individuals who are county employees.

Read the instructions included in each page in the Statement of Economic Interests (Form 700) for specific information as to what are reportable interests, investments, and income.

If you have further questions, contact the California Fair Political Practices Commission (FPPC) by phone Monday – Thursday, 9:00 a.m. – 11:30 a.m., or by email:

Phone: 1-866-ASK-FPPC  
(866) 275-3772 \*2

Email: Advice@fppc.ca.gov

**Note to Jury**: The CAO’s office will email a set of instructions with an electronic form at the beginning of your term. After the first of the year, a second set of forms will be emailed to you. This is due by April. If you are unable to complete the forms electronically, you may do so manually and send them to the administration staff in the CAO’s office. At the end of your term, you will be required to complete a third set of forms.

**GRAND JURY CLAIM FORM GUIDELINES**

Shown on page 12 is a blank copy of the “Grand Juror’s Monthly Record Sheet (Claim Form)”. Jurors wishing to be paid for grand jury related mileage or per diem, or for reimbursement for other expenses or purchases, must fill one out every month. The forms are turned into the financial Officer, who submits them to the County Administrative Office after signing them.

Shasta County Ordinance 623 allows a juror to be paid a per diem (daily stipend) of $15, plus mileage, for any day that the juror attends in person or virtually, at least one full panel or committee meeting, but only if a quorum is present at the meeting. The per diem is also payable for participation in an authorized facility tour or authorized witness interview.

Jurors are also allowed reimbursement for certain travel and out-of-county training expenses. Jurors may also be reimbursed for other routine expenses such as the purchase of office supplies or postage for the grand jury, upon submission of the Record Sheet and appropriate backup documentation (receipts). However, these supplies should be requested by the Foreperson or his/her designee from the County Administrative Office. Major purchases and equipment rental will be handled by the County Administrative Office on behalf of the grand jury.

Due to the grand jury’s limited finances, as many claimable activities as possible should be scheduled each day, to limit budget expenditures for per diem and mileage.

1. **Per Diem and Mileage**

As noted above, jurors are entitled to be paid a per diem of $15 for any day they attend a full panel or committee meeting during which a quorum is present. Neither a per diem or mileage is payable for the activities of the Social Committee. The per diem and mileage is payable for authorized inspections of facilities (such as a tour of the jail or Sugar Pine Conservation Camp) and for interviews that take place out of the grand jury office. Only one per diem is paid, even if jurors attend several activities on one day.

With regard to a claim for per diem and mileage, the juror must include on the Record Sheet the total mileage, whether the activity involved the full panel (“plenary”) or a committee, and a general description of the location of the activity. The location will be either “GJ Office” or will indicate a tour, inspection, or interview at a general location (such as “Redding” or “eastern Shasta County”).

Do **not** include the name or title of the person interviewed or the exact location of the activity, as that information would tend to reveal the identity of witnesses or the nature of the investigation.

In accordance with IRS regulations, the Shasta County Auditor-Controller requires verification of mileage claimed by jurors for reimbursement. The Auditor-Controller will allow mileage to be claimed in one of two ways:

* Record your beginning and ending odometer readings on the Record Sheet.
* Calculate the mileage via a mapping website (MapQuest, Google Maps) and attach a printout of the map which shows the round-trip mileage.

The map printout only needs to be provided once, and the County Administrative Office will keep a copy of the printout for future monthly claims with the same route.

Please note if you use this method, you will need to track your odometer readings or provide printouts for times when you perform grand jury duties at locations other than the Grand Jury office.

Note: Jurors are not entitled to receive per diem or mileage for activities except those described above. For example, no payments will be made to attend in-county training, to drive to the library to conduct research, to attend a ceremony at court (even upon a judge’s invitation), to attend an autopsy, to attending governing board meetings, to pick up the mail, etc. No payments will be made for activities of the Social Committee or for any related mileage.

1. **Meals**

Section 20.6.A.5. of the Shasta County Personnel Rules allows for limited meal cost reimbursement when traveling on authorized Grand Jury business away from the grand jury office, at the following maximum rates:

**Breakfast**: $12

(Necessary travel began not later than 7:00 a.m. and extended for at least four hours)

**Lunch:** $12

(Necessary travel began not later than 11:00 a.m. and extended for at least four hours)

**Dinner**: $25

(Necessary travel began not later than 5:00 p.m. and extended to after 7:00 p.m.)

Any meal costing over the maximum shall be reimbursed upon submission of a receipt. All costs for which reimbursement is sought must be “reasonable and necessary” under State law; efforts should be made to keep reimbursable expenses as low as possible.

For meetings in outlying areas such as Burney or Fall River Mills, meals will be reimbursed as long as a committee or team stays onsite and continues to conduct grand jury business (in a confidential manner) during the meal.

Jurors will be reimbursed for tips paid to servers of meals in restaurants, in the actual amount paid, not to exceed 15% of the cost of the food and non-alcoholic beverages. Reimbursement is not authorized for alcoholic beverages.

In order to obtain reimbursement for meals at the above rates or with a receipt, the Record Sheet must indicate the time the juror left for the meeting and the time the Juror returned.

1. **Training Expenses**

Jurors are **not** entitled to reimbursement for travel expenses related to in-county training.

A juror who is unable to attend the CGJA seminar in Redding might be able to attend a seminar in another location elsewhere in the state. In addition, some jurors will attend the CGJA’s Report Writing Workshop, which may be held out of county. Jurors shall be reimbursed for actual training expenses incurred in such out-of-county training pursuant to Shasta County Ordinance 623. This includes hotel accommodations, meals, mileage, parking fees, and any training fees. However, the $15 per diem cannot be obtained for any kind of training. All out-of-county CGJA training must be approved in advance by the Foreperson.

In order to seek reimbursement for the cost of a hotel, the juror must provide a hotel receipt. A juror may not claim any personal services related to out-of-county travel, such as telephone calls, room service, movies, etc. No matter when the training starts, even quite early in the morning, a juror may claim only one night of hotel accommodations for each training program.

If the grand jury has not already paid the training fee for the CGJA training, the juror will need to provide a copy of the completed registration form and a copy of the cancelled check in order to be reimbursed.

1. **Record Sheet**

Each juror must submit a Grand Juror’s Monthly Record Sheet (Claim Form) by the 10th of each month for costs incurred the preceding month, unless he or she has not incurred any allowable expenses or has chosen to waive reimbursement. **A new Record Sheet should be filled out for each month.**

The Financial Officer is required to review and approve each Record Sheet before it is submitted to the County Administrative Office. The financial Officer or the County Administrative Office Analyst may return a Record Sheet to a juror for clarification or correction. The analyst will insert onto the Record Sheet the necessary account numbers and other information allowing the Auditor-Controller’s Office to process payment.

Jurors are reminded that their failure to sign and/or date the Record Sheet or to insert all necessary information will delay the reimbursement process.

FOR FURTHER INFORMATION, CONTACT:

County Administrative Office

Attention: Erin Pillsbury

1450 Court Street, Room 308A

Redding, CA 96001

County Administrative Building, Third Floor

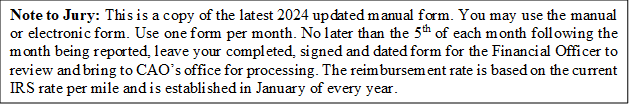
(530) 225-5811

e.pillsbury@shastacounty.gov

**Note to Jury**: Two versions of the claim form are available for your use. One is electronically fillable, and the other is a manual form. Both are acceptable. (Found in FORMS folder in the Grand Jury office)

A blank invoice with a number

Description automatically generated

****

***Rules set forth by the County of Shasta:***

Use one claim form for each month. Do not mix months on one form. Expect payment around the 15th of the month. Forms are available in both PDF format or electronic.

Per Diem

* Per diem is **$15 per day** regardless of the number of meetings and activities attended in any one day.
* Per diem can only be claimed for qualifying activities:
  + Full panel meetings (quorum present)
  + Standing or ad-hoc committee meetings (quorum)
  + Authorized inspections
  + Authorized Interviews

Per diem is NOT payable for other activities. Examples include:

* Attending trainings
* Picking up mail
* Delivering Grand Jury Reports
* Attending an autopsy
* Attending ceremonies – even at a judge’s invitation.

Per Diem is considered taxable income.

Mileage

* Current Mileage Rate: $0.67 per mile
* Mileage rate is determined by the IRS on an annual basis.
* Mileage reimbursement is limited to qualifying activities:
  + Full panel meetings (quorum)
  + Standing or ad-hoc committee meetings (quorum)
  + Authorized inspections
  + Authorized interviews

Two ways to report mileage. Your choice-but remember any new trip requires a map or mileage shown.

* On your first expense form attach a map showing your home to the Jury Room. After that, always use the same number of miles to and from your home.
* The second method is to list odometer readings, start and finish.
* Be sure to calculate round trips, not just one-way.

**Sample of expense form**

Claim forms should only contain one month worth of activities and reimbursements. **Months should not be combined.**

Graphical user interface, application, table, Excel

Description automatically generated

Both Excel and PDF forms contain embedded calculations. Use these forms for easy automatic calculations.

Don’t forget to provide original receipts when claiming other expenses.

**Note:** During your orientation period a staff member of the CAO’s office will come to train you on the forms. Keep this information handy as you complete the forms each month. Please note, this is optional, not all jurors choose to receive reimbursement. The electronic form will calculate mileage and rates for you. If you use the manual form, please check your math before you submit the form to the Foreperson.

Any questions, contact Erin Pillsbury, (530) 225-5811, epillsbury@shastacounty.gov

**Samples of Mileage Calculations**



**HOW TO USE COUNTY EMAIL - Easy Access from any electronic device**

**Graphical user interface, text, website

Description automatically generated**

Access Outlook Web Access

* Outlook Web Access (OWA) is web based email for official Shasta County email
* There are two ways to get to Outlook Web Access (OWA)

1. Via the direct web address: ***https://owa.scnet.co.shasta.ca.us***
2. Via a link from the Shasta County Internet site shown on the left

***www.co.shasta.ca.us***

Click on **Web Mail** in lower left corner

After clicking on Web Mail, a second login screen will appear.

Graphical user interface, text, application

Description automatically generated

Click on **Cloud Mail** to finish logging in to Outlook.

**My Password: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Password was changed on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Password Requirements:**

- Must be 8-15 characters in length

- Cannot be a dictionary word

- Must contain at least **three** of the following: **EXAMPLES:**

- Upper Case Letter H311oGJ!

- Lower Case Letter K1ttyC@t

- Alphanumeric Character (1,2,3) Gi@nt$r#1

- Special Character ( #,$,@)

**Note:** If you need help with changing your password you can call the IT Help Desk at (530) 245-7575. Usually the Foreperson or the IT Liaison will need to be there to approve the assistance.

**RECORD RETENTION TABLE**

|  |  |  |
| --- | --- | --- |
| **Document Type** | **Number of Years to Hold** | **Number of Copies to Hold** |
| Consolidated Year-End Final Reports | Permanently as Hard Copy and Web Archive | Keep 2 file copies permanently and  multiple copies of recent reports for distribution for up to 5 years |
| Responses to Reports | Permanently as Hard Copy and Web Archive | 2 Hard Copies |
| Sealed and Dated  Investigation Files\* | Files from potentially defamatory reports must be sealed (tabbed shut) and labelled with the name and date of the report and “Confidential: To be opened upon direction of Court or County Counsel only.” Retain those files, sealed, three years, and non-controversial files, sealed, for one year. | 1 original file  Highly sensitive files may be delivered to County Counsel’s office for retention |
| Procedures Manual and Training Manuals | Each grand jury approves its Procedures Manual and uses it for one year. Prior Procedure Manuals and Training Materials can be kept for 3 years | 1 electronic and  1 Hard Copy |
| Grand Jury Budget Documents | 1 year after close of fiscal year | 1 Hard Copy |
| Law Books & CGJA  Compendium | Until New Edition | 1 or more current Hard Copies |
| Complaints and Log | Log – Permanent  Complaints – end of the GJ Term | 1 Hard Copy |
| Public Domain Documents from entities (budgets, etc.) | Until obsolete | 1 Hard Copy |
| Non-confidential documents of historical interest (not related to report or investigation) | Until no longer of interest | 1 Hard Copy |

\*A file on an incomplete civil investigation may be passed to the next grand jury on a supermajority vote. Files on completed or abandoned reports (or those on incomplete investigations that are not being passed forward) should be sealed, held for one year, and then shredded, unless there is a potential for a defamation claim.

**At** **the end of the term, the Foreperson and Pro-Tem shall ensure that all materials are properly stored or destroyed.**

**RECORD RETENTION CHECK LIST**

**2024-2025 Shasta County Grand Jury Date:**

Committee:

Committee Chair:

Report Name:

⎕ Original complaint (if applicable)

⎕ All investigation proposals

⎕ All original documents from document requests, and actual document requests

⎕ Print out all official email correspondence (i.e., document requests or follow-up information requests received via email)

⎕ Any memos from County Counsel

Total Number of Interviews:

⎕ Paper copies of all interview notes (indicate which interviews were recorded on the notes)

⎕ All admonitions

Total Number of Report Drafts: \_\_\_\_\_\_\_\_\_\_

⎕ Print out all report drafts, including notes from County Counsel and the Presiding Judge

⎕ Print out final report

⎕ Media articles (if applicable)

Upon completion of the above, the collected documents are to be sealed, boxed, and stored in the grand jury room as described in the Records Retention Table. They must be kept for a minimum of three (3) years.

**Jury Note**: Call the CAO’s office to arrange for paper to be shredded. The bin remains unlocked in the office. When it is removed, it is locked. It may take up to a week to confirm a pick-up time. It may take 5 working days to coordinate, so plan ahead.

**Grand Juror Exit Form**

This form is to be completed by each grand juror at the conclusion of service on the Shasta County Grand Jury due to resignation, termination or expiration of term.

I certify that I have performed the following:

\_\_\_\_ Returned to the Foreperson all door or file keys issued to me, with a completed key return form.

\_\_\_\_ Completed and filed with the Clerk of the Board a “leaving office” Form 700.

\_\_\_\_ Completed and submitted a final expense claim.

\_\_\_\_ Destroyed or turned in to the Foreperson or Pro Tem all of my personal notes, computer files, and recordings relating to any confidential Grand Jury matters.

\_\_\_\_ Returned to the Grand Jury library any reference materials or unused supplies.

I further certify that I will forever keep secret whatever I or any other grand juror has said, the manner in which I or any other any other grand juror has voted on a matter before the Grand Jury, and any evidence adduced by the Grand Jury.

Foreperson only: \_\_\_\_ I certify that I have returned all members’ keys and key return forms, and the Foreperson’s lock box and key, post office key, and related key return forms, to the County Administrative Office.

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Accepted by Foreperson:

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SHASTA COUNTY GRAND JURY**

**STATEMENT OF INTEREST**

**FOR GRAND JUROR RESERVE POOL**

Any grand jurors interested in being considered by the Court to be included in the Grand Juror Reserve Pool are asked to complete this Statement of Interest and submit it to the Superior Court Executive Officer (1515 Court Street, Room 610) by the date of the jury’s discharge.

By completing this Statement of Interest, you are only indicating that you **may** be willing to be called to serve on the grand jury again, should the grand jury run out of alternates and require an additional member to be sworn in during a term. Your name and contact information will be added to a list maintained by the Court Executive Officer. You will be contacted yearly to determine your continued inclusion on this list. **You may remove your name at any time, for any reason.**

The decision as to which jurors will be added to the Grand Juror Reserve Pool shall be within the sole discretion of the Presiding Judge.

1. Describe the skills and aptitudes that make you a good candidate for being included in the Grand Juror Reserve Pool.
2. Describe any special experience or accomplishments you have had as a grand juror, such as any work as an officer or committee chair, or as the lead author of a report, which demonstrates leadership ability or a strong work ethic.
3. Which grand jurors, if any, requesting to be included in the Grand Juror Reserve Pool do you believe should **not** be included in the pool, and why?

Name: Date:

Email: Telephone:

**Note**: By mid-April or May consider if you are willing to do this. Send your form to the Court.

# OVERVIEW AND PRESIDING JUDGE’S CHARGE TO THE GRAND JURY

## A. History

The grand jury originated in medieval England; it was in use by the reign of Henry II (1154-1189). Although today it is a statutory body, it owes much of its development to the common law: that is, law based on judicial decisions as evolved in England and America. Initially, the grand jury both accused and tried suspects, but the functions were later separated. Its purpose was to prevent oppression by the English crown through a citizens’ hearing prior to actual prosecution.

In addition to this criminal function, at least ten states today have grand juries with a civil investigative function. California and Nevada have similar grand jury statutes: i.e., their grand juries are mandated to conduct civil investigations and audits of local governments, to ensure efficient and proper operation of all local government, and to detect and expose fraud and malfeasance. The California statutes that prescribe the powers and duties of the grand jury are found, for the most part, at sections 888 through 945 of the Penal Code.

Although the grand jury concept was abolished in England in 1933, it has established itself in America as an important component of our judicial system. Nonetheless, over the years the grand jury system has had its critics and dilution of prestige, and in some ways its significance has waned. It is of concern that some critics of the grand jury condemn it without understanding it.

No other local institution has been created with so many barriers to its effectiveness; it is composed of laypersons that, in a year’s time, must carry out complex tasks, often in ambiguous, unfamiliar circumstances with few resources. As one reviews grand jury achievements in American history and its achievements in California since statehood, it is surprising what it has accomplished, rather than what it hasn’t accomplished.

It is difficult to do other than argue for the grand jury’s retention and fuller development when the American system of representative government depends so critically on the constructive involvement of citizens in public affairs.

## B. Duties and Powers

## As part of the judicial branch of government, the grand jury does not have the functions of either the legislative or administrative branches, and it is not a police agency. The grand jury is an inquisitorial and an evaluative body, a part of the machinery of government whose object is the detection and correction of flaws in government (its civil function) and the exposing of willful misconduct in office or criminal conduct (its accusation and criminal functions) among its public officials.

Today, the primary function of the grand jury is the examination of statutorily designated aspect of city governments, county government, special districts, local agency formation commissions, housing authorities, joint powers agencies, and non-profit agencies established by or operated on behalf of a public entity; and the determination that monies of local governmental agencies are handled properly and that all accounts are properly audited – in general, assuring honest, efficient government in the best interests of the people (Penal Code §925, et seq.).

The grand jury has three ways to exercise its powers:

(1) Reports: Written reports evaluating the actions of governmental agencies with recommendations for improvement, when no crime is charged (Penal Code §925, et seq.).

1. Indictments: Formal written complaints charging a person with a crime.

(3) Accusations: Formal written complaints accusing a government officer or deputy officer of misconduct. These are similar to indictments except that conviction would result in removal of the public officer from office rather than criminal penalties.

These functions were described by the California Supreme Court in a case called *McClatchy* *Newspapers v. Superior Court* (1988) 44 Cal.3d 1162 at 1170, as follows:

“The California Grand Jury has three basic functions: to weigh criminal charges and determine whether indictments should be returned (§917); to weigh allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office (§922; see Gov. Code § 3060, et seq.); and to act as the public’s ‘watchdog’ by investigating and reporting upon the affairs of local government (e.g., §§919, 925, et seq.).

“Of these functions, the watchdog role is by far the one most often played by the modern Grand Jury in California. (Mar, The California Grand Jury; Vestige of Aristocracy (1970) 1 Pacific L.J. 36, 59 [estimating 85 percent of average grand jury’s time spent investigating county agencies]; note, some aspects of the California Grand Jury System (1956) 8 Stan.L.Rev. 631, 648 [estimating 83 percent of California Grand Jury proceedings spent in the watchdog role].) As noted by the California Supreme Court, “In California, unlike some other American jurisdictions, the grand jury’s role as a vigilant ‘watchdog’ over the operations of a variety of local governmental activities has a long and well respected heritage.” (*People v. Superior Court* (1973 Grand Jury) (1975), 13 Cal.3d 430, 436, fn. omitted.)

## C. Selection of Grand Jurors

Grand jurors in each county of California are selected by judges of the Superior Court. In Shasta County, announcements are run in local newspapers, and on local radio and television stations, inviting applications.

After 25 to 30 names are selected by the court for the candidate pool, interviews and background checks are conducted to determine competency (see below) and proper qualifications.

By state law, the candidates must be apportioned by population from each supervisorial district and a concerted effort is made to apportion the panel on the basis of sex, race, age and family income groups from among the applications received.

From the pool of candidates, names are chosen at random to fill the final panel of 19 grand jurors, less the number of grand jurors held over from the preceding year. In addition, up to ten alternates’ names are also drawn.

The grand jurors take their oath of office before the Presiding Judge of the Superior Court. If, during a juror’s term of office, the Presiding Judge determines that a grand juror is no longer competent to serve, the Presiding Judge may order the removal of the grand juror and appointment of an alternate in their stead.

**D. Qualifications for Grand Jury Service (Penal Code §893)**

1. Competency:

A person is competent to act as a grand juror only if he or she possesses each of the following qualifications:

(a) They are a citizen of the United States of the age of 18 years or older and has been a resident of the state and of the county or city and county for one year immediately before being selected.

(b) They are in possession of their natural faculties and is of ordinary intelligence, of sound judgment, and of fair character.

(c) They are possessed of sufficient knowledge of the English language.

2. Incompetency:

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 this state.

(b) The person has been discharged as a grand juror in any court of this state within one year.

(c) The person has been convicted of malfeasance in office or any felony or other high crime.

1. The person is serving as an elected public officer.

**E. Juror’s Oath**

Penal Code §911 sets forth the juror’s oath of office:

“I do solemnly swear (affirm) that I will support the Constitution of the United States and the State of California, and all laws made pursuant thereto 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, or the manner in which I or any other 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.”

This oath is effective for life. Confidential matters remain confidential forever.

**F. Presiding Judge’s Charge to the 2024-2025 Grand Jury**

Ladies and Gentlemen of the Grand Jury:

I would like to extend my congratulations and best wishes upon your selection to serve as grand jurors for the upcoming 12 months.

You are about to embark upon a great adventure, one filled with solemn responsibility and remarkable opportunity for public service. I anticipate that you will discharge your duties with distinction.

You have now been impaneled and sworn and constitute the Grand Jury for this County. It is my duty to instruct you concerning your functions and the law that applies to your work, and it is your duty to follow these instructions.

The Grand Jury, historically and currently, is composed of citizens of the County appointed by the Court, who are expected to exercise sound judgment independent of other governmental agencies and as prescribed by statute.

The duties and powers of the Grand Jury are delineated by the Penal Code and Government Code of the State of California. During your term of office, you will become familiar with these laws.

Essentially, your functions are investigatory. Although there is some overlap, these functions are often classified as civil and criminal.

You will spend the majority of your time this year investigating and issuing formal reports on local public agencies, programs, and transactions; this is referred to as your civil function.

The Grand Jury’s criminal function includes the inquiry into possible misconduct in office of public officers, and you may initiate judicial proceedings to remove a person from a local public office upon your finding of willful or corrupt misconduct in office.

In addition, at the request of the District Attorney, you may be called upon to determine whether to return indictments charging the commission of felonies. These tasks are referred to as your criminal function.

Before specifically detailing your functions, I will advise you of some organizational and administrative matters applicable to Grand Jury business.

Your foreperson, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, has been appointed by the Court for the full year of your tenure.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will, I am sure, competently guide you through your year’s work. He/she will be recommending to the full panel jurors to serve as officers and will be making committee assignments during the next several weeks.

Each Grand Jury must adopt its own rules of procedure. You may use the existing Grand Jury Procedures Manual as your rules, or you may modify those rules, so long as your modifications are in keeping with state law and my charge to you.

Of course, it will be some time before the Grand Jury is familiar enough with its duties to determine if your Manual should be modified. Whether or not you modify your manual, each of you should read it thoroughly within the next week or so and refer to it as frequently as necessary throughout your term.

Your rules of procedure, once adopted, become binding upon each of you. I direct you to faithfully follow those rules.

I will now describe your duties in more detail.

***THE CIVIL FUNCTIONS OF THE GRAND JURY***

The primary function of the Grand Jury is the examination of county government, city governments, special districts, school districts, and other local governmental entities within Shasta County.

The Grand Jury’s investigation of a public entity can be followed by the issuance of a formal report containing your findings and recommendations.

This investigation and reporting on local governments is sometimes referred to as the Grand Jury’s “watch dog” function.

State law requires that the Grand Jury investigate and issue at least one report on the operations or functions of County government each year.

However, because of the size and complexity of County government, it would be impossible to investigate all County operations, departments and functions each year.

You might review the final reports issued by the last several Grand Juries to help you determine which county departments or functions you would like to investigate. Your selection could also be based on a citizen’s complaint or on recent media coverage concerning a county department, program or function.

And as I mentioned a moment ago, the Grand Jury is also empowered to investigate the operations of other local government entities within the county, such as cities, special districts and school districts. It is up to the Grand Jury to decide what to investigate.

One important aspect of your investigation of local government is a determination whether public monies are being expended wisely and for appropriate purposes. In looking into fiscal matters, you are entitled to examine the books and records of all local public entities.

State law requires the Grand Jury to inquire into the condition and management of all of the public prisons within the County. In Shasta County, the only public prison is the Sugar Pine Conservation Camp.

In addition, our Grand Jury has routinely inspected two local correctional facilities within the county each year: the county jail and the juvenile hall. Grand jurors are entitled to free access to all of these public detention and correctional facilities.

As required by state law, I will now call your attention to certain statutory provisions related to your investigations, particularly:

* Government Code §§ 23000 through 23027, inclusive (concerning the powers of counties), §24054 (liability for illegal claims) and §26525 (recovery of illegal payments of county claims); and Welfare & Institutions Code §17006 (concerning the County’s welfare functions).

I instruct you to determine whether these provisions have been complied with and to note that determination in your final report.

The expenses of the Grand Jury that are properly incurred in your examination of local public entities must be paid by the Treasurer of the County from the funds available to the Grand Jury in its budget.

You should keep in mind that the Grand Jury operates within the confines of a limited budget. Your budget cannot be increased absent a court order or the agreement of and formal action by the County Board of Supervisors.

You should ask the County Counsel for legal advice during your investigations and while writing your reports. In addition, County Counsel should also review drafts of all of your reports.

The Presiding Judge’s approval is necessary before a report may be released to the public.

Individual reports, on any appropriate subject, may be submitted to me at any time during your term of office. Your reports will likely receive more public attention if they are released one at a time throughout the year, instead of releasing them all at the end of your term.

It has been the practice of the Shasta County Grand Jury to release a consolidated final report which contains all of its reports, including copies of any reports released mid-term, on the day that the succeeding Grand Jury is impaneled.

Those Grand Jury reports that contain recommendations for the improvement of local government are submitted for response to the governing board of the agency you have investigated, such as the Board of Supervisors or a city council, and, when appropriate, to an elected county official.

The recommendations in your reports will not necessarily be implemented. Elected officials and governing boards must respond to the reports, but they are expected to exercise their best judgment in deciding whether to follow the Grand Jury’s recommendations.

Because you cannot force acceptance of your recommendations, your reports must be as persuasive as possible, clearly demonstrating the merit of your position and offering practical suggestions for solving any problems the Grand Jury identifies in its findings.

The Grand Jury should make sure that each official or the governing board of a public entity that was the subject of a report by the preceding Grand Jury submits a response to any recommendations included in that report.

An inadequate response or the failure to respond to last year’s recommendations may suggest to you the need to conduct your own investigation of that department or public entity this year.

***THE CRIMINAL FUNCTIONS OF THE GRAND JURY***

The Grand Jury has two major criminal functions: The returning of an indictment charging a person with a felony, and the bringing of an accusation against a public official for willful or corrupt misconduct in office.

The District Attorney may ask you to consider an indictment against a person or persons charged with a felony committed or triable within the County.

The Grand Jury indictment proceeding is an alternative to a preliminary hearing before a judge. Both of these types of proceedings are designed to protect against groundless felony prosecutions.

It is not the function of the Grand Jury to determine the issue of guilt or innocence of the accused during the indictment proceeding. Instead, the Grand Jury determines whether the District Attorney has presented sufficient evidence to warrant a conviction by a trial jury.

If an indictment is returned, a trial jury will decide upon the acquittal or conviction of the indicted person.

In addition to considering indictments, the Grand Jury is required to inquire into allegations of willful or corrupt misconduct in office of public officers of every description within the County.

If you should determine that any local public officer has engaged in willful or corrupt misconduct in office, you may present an accusation in writing to the District Attorney, who will initiate legal action against that person to remove him or her from office.

The procedures that the Grand Jury will use for either the finding of an indictment or the issuance of an accusation are similar and will be explained to you by the District Attorney if either situation arises.

State law also allows you to inquire into all other public offenses, committed or triable within this County, which may be charged as a felony. The Grand Jury should promptly discuss with the District Attorney any possible criminal activity that it might uncover during its civil investigations.

I caution you as a judicial body against assuming broad or general criminal investigatory powers. You must be mindful that you are not a detective agency. It will be more proper for you to leave the detection of crime in the hands of the Sheriff, the police, and the District Attorney.

***Grand Jury Secrecy***

All grand jury proceedings are secret. This secrecy guards the public interest and protects the confidentiality of sources.

This rule of secrecy is of extreme importance, and justifies reading to you a portion of two sections of the Penal Code:

“Section 924.2: Each grand juror shall keep secret whatever he himself or any other juror has said, or in what manner he or any other juror has voted on a matter before them...”

“Section 924.1(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 any other grand juror has voted on a matter before them, is guilty of a misdemeanor.”

Your civil investigations are confidential, except to the extent that you report your findings and recommendations in an authorized final report. You must maintain the secrecy of your deliberations and any votes you or other grand jurors take during your meetings.

Matters before the Grand Jury should not be discussed outside the Grand Jury, even with closest friends, family members and associates.

A grand juror who willfully discloses any evidence adduced by the Grand Jury or anything a juror has said or the manner in which a grand juror has voted is guilty of a misdemeanor.

You may, however, discuss any aspect of your civil investigations with the County Counsel.

If you determine that the conduct of any official under investigation is or may be criminal, you should discuss those matters with the District Attorney.

***Approaching Your Investigative Functions***

There are distinct limitations as to what you may do in the course of your investigations and reporting.

The Grand Jury functions lawfully as a body.

An individual grand juror acting alone has no power or authority. In fact, most of the Grand Jury’s acts must be accomplished by the affirmative vote of at least twelve of you.

During your term, you may find that the Grand Jury is asked to examine some groundless or trivial complaints.

Attempts may be made to burden you with private grievances, real or imaginary.

A complainant may make false accusations against a public official. On occasion, a person who attempts to initiate accusatory proceedings is motivated by private animus or seek some sort of personal or political advantage.

The Grand Jury should refuse to engage itself in these investigations.

In addition, the Grand Jury should not attempt to substitute its own judgment as to matters related to the business and operations of public offices.

The Grand Jury is not intended to be a super-government for this county.

You may not interfere with or comment upon the discretionary policy-making of any elected or appointed public official or governing board. Your role is to evaluate the operations of local governments, and not to issue opinions as to the wisdom or merit of any particular policy.

Occasionally, some zealous grand juries have returned reports to the courts that contained unfounded criticisms, castigations, or innuendos of improper conduct on the part of those engaged in public service.

The publicity about these unfounded reports has at times resulted in tragic consequences to accused persons who had no forum to establish their innocence. Any such abuse of power impairs the integrity of the grand jury system.

You must be aware that any comments in your reports upon a private person or public official who has not been indicted are not privileged comments and could, if libelous, be the basis for a claim of defamation for which grand jurors may be sued individually.

Further, you must never, in your official duties, be influenced by mere sentiment, conjecture, sympathy, public feeling, passion or prejudice, and you must apply the same objective standards of conduct and responsibility to all persons, regardless of race, color, creed, gender, religion, or economic status.

I trust that in the majority of instances in which there has been an abuse of power by a Grand Jury, it has come about because of an insufficient explanation by the court in its charge to the grand jurors as to their powers and duties, and of a failure on the part of the Grand Jury to individually and collectively know the law and accept it as its guide.

The Presiding Judge, the County Counsel, and the District Attorney are all available to provide you the guidance you need. You should turn to any one of us whenever you need assistance.

Violation of the letter or spirit of the Grand Juror’s oath you have taken, or of my charge to you, would endanger the integrity and effectiveness of the entire Grand Jury.

If the court should be convinced that there is such violation which impairs the Grand Jury’s integrity or effectiveness, it would be obligated to act -- even to the extent, if necessary, of discharging the entire Grand Jury and impaneling another one.

Some of you may be apprehensive as you contemplate your Grand Jury service in the year ahead and the decisions you may be called upon to make, but you need not be uneasy.

No one is born to be a grand juror, or is educated specifically for the performance of the duties of a grand juror.

Citizens are by law given the opportunity as lay people to scrutinize the workings of the public agencies and the conduct of public offices maintained and supported by the taxes of the citizenry.

All that the public can expect -- and it is entitled to no less -- is that grand jurors shall diligently and impartially perform their duties, to the best of their ability, dedicating themselves to the furtherance of the general good.

You offer no guarantee that you will always be right, but you do have a solemn duty to do your best to be right.

This concludes my charge to you.

A copy of this charge has been placed in your Procedures Manual. You should refer to it from time to time during your term of office.

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**3. CONDUCT AND OPERATIONAL PROCEDURES**

Penal Code §916 requires each grand jury to “determine its rules of procedure.”

This Procedures Manual, including the workbook materials and text contained in Tab 1, constitutes the Shasta County Grand Jury’s rules of procedure.

These rules are based on various provisions of state law and on best practices developed in Shasta County over the past four decades. Each grand juror is obligated to understand and follow these rules.

**A. Penal Code Provisions**

The primary mandates and prohibitions contained in the California Penal Code (PC) are outlined in depth in training materials provided to you by the Civil Grand Jurors’ Association of California (CGJA). Key considerations for the grand jury to understand are:

* The grand jury’s “rules of procedure” (this manual) can only be amended by a supermajority vote. (Penal Code §916)
* All “public actions” of the jury (such as the determination to conduct a particular investigation, or the release of a report) require a supermajority vote. (PC §916)
* The jury must choose its own officers, except the Foreperson. (PC §916)
* The jury must investigate and report on at least one county officer, department or function each year. (PC §916)
* It must inquire into the condition and management of “public prisons” within the county, and any credible evidence of willful or corrupt misconduct of any public officer, but need not write a report on either type of inquiry. (PC §919)
* At least two jurors must attend each interview. (PC §916)
* A juror who has worked for a local agency in Shasta County within the past three years must inform the court and the Foreperson and recuse from any investigation of the employing agency or department. (PC §916.2)
* Only the Foreperson (or in the Foreperson’s absence, the Pro Tem) can administer an oath to a witness. (PC §939.2)
* The jury must meet with the subject of the investigation, unless relieved by the court, and must give the official or the agency referred to in the report the relevant portions of the report two business days before its release to the public. (PC §933.05)
* Each finding (conclusion or value judgment) in a report must be supported with documented evidence. (PC §916)
* If a problem is identified in a report, the report must recommend the means to resolve it and the recommendation(s) must include potential revenue sources. (PC §916)
* The grand jury cannot adopt the findings or recommendations of another grand jury or adopt an outsider’s report as its own. (PC §939.9)
* A juror may not disclose evidence, the discussions or votes of any juror, or the identity of witnesses, particularly whistleblowers. (PC §924.1, §929)
* A report cannot contain raw (unverified) evidence, unless approved by the court. (PC §929)
* No one other than jurors may be present during deliberations or the taking of a vote. (PC §939)
* The grand jury cannot exceed its budget, unless the proposed expenditure is approved in advance by the court, after giving notice to the board of supervisors. (PC §914.5)

The grand jury cannot amend this manual in a way that would be inconsistent with any of the foregoing provisions.

**B. Adoption and Amendment of These Rules**

Penal Code §916 requires each grand jury to “determine its rules of procedure.” It requires that the jury’s adoption of the rules, and any subsequent amendment to them, must be accomplished by a supermajority vote (12 affirmative votes). The procedures may be amended at any time.

Each year since 1976, the Shasta County Grand Jury has adopted this manual at the beginning of its term and used it to answer procedural questions as they arise. The grand jury may decide to adopt the entire manual at once, or only specific parts of the manual at one time. Whether adopted at once or part-by-part, these procedures (as they currently read or as modified by the jury) must be adopted by a supermajority as the jury’s rules of procedure, per PC §916.

It is recommended that soon after swearing in, the grand jury read over this chapter of the manual (dealing with its procedures) and adopt it as your general rules for conducting meetings.

Once the manual has been adopted, it can be amended any time 12 or more of the jurors decide to do so. Should a supermajority determine that one or more provisions of the manual need to be amended, the jury should discuss the proposed amendment(s) with County Counsel to confirm that the change would be legally proper. These rules cannot be amended to allow jurors to exceed their jurisdiction or relieve them of duties imposed on them by law, and County Counsel can ensure that the proposed amendment will not violate the law.

Further, each jury should define its meeting norms, often called “ground rules of behavior.” These rules should be posted and referred to during plenary meetings. They are listed in section I of this chapter, and other samples can be found on CGJA’s website (cgja.org.)

Each juror should become familiar with these procedures. During the first few months of the term, you should bring your procedures manual to each plenary meeting, because the jury will be studying this document, section by section. There is a place near the beginning of Chapter 1 to note the date of review and the section of manual covered. That chapter contains the forms you will need to use throughout the year.

**C. Conflicts of Interest, Bias, and Financial Disclosures**

It is essential that grand jurors preserve the credibility of the grand jury by scrupulously avoiding any real or perceived conflict of interest or bias.

In addition, no member of the grand jury should use their office for any kind of personal gain or advantage. Grand jurors must not identify themselves as grand jurors in matters other than those directly connected with grand jury business.

They must not use their status as grand jurors to influence or obtain favors during grand jury service. When conducting inspections, members of the grand jury should not accept gifts except for token gifts and other such mementos given to all visitors as a matter of standard procedure.

It is the responsibility of each grand juror to advise the Foreperson and/or the entire grand jury of any bias or potential conflicts of interest which exist at the beginning of the term of service or which may later develop during the year of service in connection with issues that come before the grand jury.

Bias is defined as either (1) prejudgment of essential facts that prevents the grand juror from considering the issue on its merits, or (2) publicly expressed support or opposition to specific aspects of a matter before the grand jury. The grand jury should take care to avoid any appearance of bias. Any member who could reasonably be perceived as having a grudge against or a special sympathy for a public official or agency should refrain from any investigation involving that official or agency, as well as from any grand jury discussions regarding that investigation, editing or reviewing the drafts of the report, or voting on accepting or rejecting the report.

Having an educated opinion on an issue should not be considered the same as having a bias. The same procedures that apply to potential or actual conflicts of interest apply to pre-existing bias.

Penal Code §916.2 requires a juror to advise the court and Foreperson if he or she has been employed by a local agency within the past three years and to recuse if that agency comes under review. For the purposes of PC §916.2, “agency” includes a department or operational unit of a county or city. This means, for example, that a juror who worked in a city’s Public Works Department need not recuse from an investigation of the Electric Utility Department, unless there is some other conflict.

The Political Reform Act (Government Code §81000 et seq.) prohibits all public employees, including grand jurors, from having a financial interest in decisions they make. This law requires a juror to recuse from any involvement in an investigation into a matter in which the juror has a financial stake. This might be due to a contractual relationship with the entity under investigation, or some other recent or anticipated financial connection.

In addition to the statutory basis for recusal, the state’s “common law” (case law) also requires recusal when an official, such as a grand juror, has a real or perceived conflict of interest or is biased for or against the entity or official.

A potential or perceived conflict of interest could be caused by a grand juror’s earlier employment with the public agency that is under investigation or the current or recent employment by the public agency of a relative or close friend. In addition, a juror may be perceived as having a conflict if he or she has been engaged in litigation against the entity or official under investigation or has actively campaigned for or against the elected official in question. A juror who is known as a staunch advocate of a particular position, or who has repeatedly and publicly criticized an official or entity might be seen as biased.

The test for determining common law bias is to ask, “Would a reasonable person knowing of the juror’s relationship or activity related to the entity, function, or official conclude that the juror might have a bias for or against the entity, function, or official?” For example, would the public be able to identify a real or perceived potential conflict of interest regarding the report? If the answer is yes, there is a perceived conflict of interest and the juror should recuse.

The recused juror must abstain from both discussion and voting on any aspect of the matter during committee meetings or in meetings of the entire grand jury. The juror must leave the grand jury room whenever that matter is under consideration, including during the review of draft reports. The recused juror may not see the resulting report until after the end of the term. If any grand juror expresses concern that any other grand juror may have a perceived conflict, it should be brought to the attention of the Foreperson, who will bring it to the full grand jury and/or discuss the issue with County Counsel.

Once a grand juror has been recused from a committee or a particular investigation because of a perceived or actual conflict of interest, that grand juror is permanently recused and the recusal cannot be revoked.

The Fair Political Practices Commission (FPPC) has advised that grand jury members are public officials and thus are subject to financial disclosure requirements contained in the Government Code and the regulations promulgated thereunder. Therefore, each grand jury member must file a Statement of Economic Interest. A statement is to be filed at the beginning of the term, one at the end of the calendar year, and another upon discharge. See Form W1, instructions for statement of economic interest, Form 700, in Chapter 1.

**D. Secrecy, Confidentiality, and Security**

There are both legal and practical reasons for secrecy of grand jury activities. Only fellow grand jurors, the presiding or supervising judge, and the jury’s authorized legal counsel are entitled to information about grand jury investigations, correspondence and deliberations. **These matters must never be discussed** with friends, relatives, business acquaintances or the news media, either during the grand jury’s term or at any time thereafter. A grand juror who willfully discloses, at any time, any evidence presented to the grand jury, or anything any grand juror has said, or how any grand juror has voted is guilty of a misdemeanor. (Penal Code §924.1)

The use of the grand jury office is for sworn jury members only. Guests are not allowed unless they have been requested to be present for grand jury business. Examples of approved business would be:

* County Counsel training
* SCGJA training/orientation
* Interviews for approved investigations
* Shredding of documents, per the jury’s request
* Building and equipment maintenance

At no time shall a non-juror be present during voting or deliberating of the plenary or committees (PC §939).

Grand jurors who happen to see each other outside the grand jury room should take care that they do not discuss grand jury business where they might be overheard.

Using email allows grand jurors to efficiently communicate throughout their term. However, care must be taken to safeguard email transmissions. Jurors should use their county email addresses for all confidential information. Each member will be trained on this email system. Any member having trouble must advise the Foreperson immediately. Further, a juror without a computer or smartphone/tablet which allows access to the grand jury email system must notify Foreperson and committee chairpersons immediately.

The grand jury’s computers contain confidential information and for security reasons, should never be removed from the grand jury’s room, or used for any purposes other than those of the grand jury. These computers are backed up daily by the County IT Department. Each chairperson will be trained on how to copy and store information on the shared drive.

Efforts should be made to prohibit or limit revealing any information about an investigation to non-jurors. For example, when conducting an on-site interview, the jurors should not wear their badges until they are in the room where the interview will take place, and they should remove the badges before walking out.

While conducting interviews or making field trips, jurors must never discuss or reveal any details regarding grand jury business, plans or investigations except to the extent necessary to conduct the investigation. There should be noreference made as to whether an investigation will result in a report, as this will be determined later by the full jury.

Grand jury findings of approval or disapproval of agencies must come only from the entire grand jury and appear only in official reports which legal counsel has reviewed before release. Names or identifying information of complainants and informants may not be revealed in reports.

Only the entire grand jury can reveal evidence, findings or similar information and only in its official reports. Unauthorized disclosure of the evidence presented to the grand jury or the vote of any grand juror is a misdemeanor (Penal Code §924.1) and is likely to result in the offending juror’s discharge from the grand jury.

Penal Code §933 requires the Foreperson or their designee to be available for 45 days after the end of the term to “clarify the recommendations of the report.” This is the only situation in which any juror may in any way elaborate on what is stated in a report, and it is limited to clarifying only the recommendations, not any other part of the report, such as a fact or finding.

Similarly, any “press release” cannot reveal any confidential information that does not appear in the report. “Confidential information” includes why the jury chose the topic, any evidence obtained by the grand jury, information about any sources of information relied on by the jury, or the jury’s deliberations and votes. The press release can summarize the report (but not include any additional information) or it can simply consist of the report’s summary. In addition, the press release may provide general information about the grand jury system. Any press release should be reviewed by County Counsel before it is distributed to ensure that grand jury secrecy is maintained.

Each committee chairperson must ensure that an investigative file is compiled and maintained on each investigation conducted by that committee. This file should contain one copy of all interview notes and documents related to the investigation and will be placed in the locked file cabinet. All duplicate copies of documents should be securely destroyed at whatever time they are no longer needed, but no later than the end of the grand jury term.

An individual grand juror should not retain any copies of any confidential material after the conclusion of their term of service. The materials should be brought to the grand jury meeting room for shredding.

Refer to Chapter 1 for procedures on how and when to shred documents.

**E. Compensation for Grand Jury Expenditures; the Grand Jury’s Budget;**

**Spending Limitations**

Compensation for Shasta County Grand Jury service is $15.00 per diem (regardless of the number of meetings and activities attended in any one day). The per diem is paid for attendance at regular grand jury plenary meetings, including indictment or accusation hearings, and committee meetings, as long as a quorum is present. Per diem is also paid for inspections and interviews authorized by the full grand jury. (PC §890 and §890.1 and Shasta County Ordinance No. 623).

The per diem is not payable for other meetings or for attendance at local entity board meetings not involving a quorum of either the full membership or a committee of the grand jury. The County reports the per diem to the Internal Revenue Service as taxable income to the grand juror.

In addition, grand jurors receive round-trip mileage from their place of residence or business to the meeting place (including an interview or site inspection location) at the same rate as Shasta County employees pursuant to Shasta County Personnel Manual section 12.04. (Shasta County Ordinance No. 623.)

Juror mileage and per diem are paid monthly and must be reported on the Expense Reimbursement Form (see Chapter 1for instructions on how to complete an expense form.)

Grand jurors should be mindful that the grand jury’s activities, like the activities of County departments, are limited by its budget, from which the grand jury must pay grand juror per diem and mileage, rent for the grand jury’s meeting room and equipment, costs for printing the consolidated final report, training expenses, utility costs and the costs for office equipment and supplies. The Foreperson should obtain a copy of the current year’s budget for the grand jury from the County Administrative Office in late August, and distribute it to and discuss it with the grand jury.

The County Auditor-Controller provides a monthly report showing how much the grand jury has spent so far during the fiscal year in each line item of its budget, and the percentage of the funds that remain. The grand jury should review this report each month to ensure that it does not run out of funds before all its work for the year is completed, because there is no obligation on the part of the Board of Supervisors to augment the grand jury’s budget without a court order (and courts are reluctant to order a county to modify its budget to accommodate over-spending by a grand jury).

In planning their finances, the jurors should keep in mind that most of its meetings will take place toward the end of the fiscal year, when the grand jury is revising and finishing its reports.

The best way to stay within its budget is for the grand jury to schedule as many meetings, interviews and other activities for the same day, to limit per diem and mileage payments. Careful scheduling can save thousands of dollars each year.

County funds may only be used by the grand jury to conduct its official business. Note that the grand jury cannot use its budget to pay for snacks or for coffee, creamer or sweetener. The jury may elect to appoint a snack coordinator and request funds to be contributed on a voluntary basis for those who wish to participate. It cannot use county funds to purchase gifts for jurors or anyone else.

Appropriate routine expenditures each year include costs of printing and publishing the grand jury’s consolidated Final Report, grand juror mileage and per diem, training of grand jurors and alternates by the California Grand Jurors’ Association, rent, and the purchase of office and cleaning supplies. These routine expenditures are coordinated through the analyst in the county administrative offices. Shasta County has a contract with Office Depot by which office and cleaning supplies can be purchased at low cost. The Foreperson or their designee should contact the CAO analyst assigned to the grand jury to obtain assistance in purchasing supplies. The analyst will also assist when equipment, such as a copier, needs to be replaced.

Payment for most expenses of the grand jury, including a juror’s per diem and mileage, is obtained through the submission of claims to the County Administrative Office. A copy of the form is in Chapter 1 of this manual and jurors will be sent an electronic form when sworn in.

Any questions about whether a particular expenditure can be reimbursed from County funds should be directed to the CAO analyst or the County Auditor/Controller. The analyst can also assist the grand jury by interfacing on its behalf with the Auditor-Controller or County IT.

**F. Orientation and Training**

The Shasta County Grand Jurors’ Association (SCGJA), a chapter of the Civil Grand Jurors’ Association of California (CGJA) works with the leadership team of the prior year’s grand jury to plan the Orientation Program.

The Orientation Program usually begins immediately following the impaneling ceremony. It is scheduled over a period of several weeks. Training is conducted by SCGJA, the prior year leadership team, carryover jury members, the foreperson, and County department representatives. This is an important time period for all members and alternates to become familiar with each other and with the operational procedures and the work of the grand jury.

The orientation program will ordinarily include:

* A presentation about the roles and responsibilities of a grand juror
* A discussion of the organization and operation of the grand jury
* A review of the Procedures Manual
* A presentation by the County Executive Officer concerning county government
* A presentation by a city official concerning city governments
* A presentation by the County Counsel on the laws related to the civil law functions of the grand jury, confidentiality, the availability of legal counsel, ethics, and conflicts of interest
* A presentation by the District Attorney on the criminal law functions of the grand jury, including indictments and accusations
* A presentation by the Sheriff regarding patrol operations and the jail functions
* A presentation by police chiefs
* A presentation by city managers
* A presentation by LAFCO on special districts
* A tour of the grand jury office
* A training session on all required administrative and financial forms

Additional administrative training sessions will be coordinated by the Foreperson and/or others to cover:

* County web mail, passwords and log-on
* General computer skill assessments
* Office orientation: equipment, files, library, and security
* Key distribution to jury members
* Mail boxes
* Telephones
* Communication logs
* Budget
* Copier and shredder
* Personal and Professional Information and Computer Skills Questionnaires

All jurors and alternates must also attend the annual two-day training seminar conducted by the Civil Grand Jurors’ Association of California (CGJA) held in July. The cost for this training will be covered by the grand jury budget. Further, the CGJA provides a one-day report-writing workshop in the fall, which jurors should plan on attending.

After the initial orientation, the grand jury usually receives training including a more detailed review of the Brown Act (summarized in Chapter 10) and other legal matters; a discussion on how to organize and begin an investigation; direction on proper and effective interview techniques; and a discussion on report writing. These trainings may be conducted by the County Counsel, prior year carryovers, and/or the Shasta County Grand Jurors’ Association (SCGJA).

The Foreperson Pro Tem acts as the training officer for the grand jury. He or she should ensure that training is conducted as described in this section and in the Annual Timeline of Grand Jury Activities (see section N of this Chapter, and as described in the Foreperson Pro Tem Duties section of Chapter 4). In addition, the Pro Tem should arrange for any additional training upon the jury’s request. The Pro Tem will also coordinate the field trips and on-site visits throughout the year. As alternates are sworn in, the Pro Tem will refresh their orientation and ensure their training needs are met.

**G. Initial Meetings**

The following are suggestions of activities that might be included in the new grand jury’s first few meetings:

1. Get acquainted. Organizations work best when the members know each other. The use of name plates could prove helpful at the beginning of the term. Note: Alternates cannot be included in meetings of the grand jury; be sure to include them only after they formally join the grand jury.

1. Discuss with the Foreperson and the carryover grand jurors how the grand jury operates, the roles of its officers and committees, and the practices employed by the preceding grand jury. Discuss and clarify information received during the orientation program. Discuss and set forward a plan how to best utilize the carryover grand jurors.

It is recommended that the carryover jurors be utilized as a resource to the plenary in a supportive role. They have chosen to participate for a second year and have valuable information that can help clarify various processes. Carryovers can be utilized to help lead the dialogue on the procedures manual. Their input is informational only; carryovers have the same decision-making power as all other jurors. Carryover members have an equal say in matters affecting the grand jury, not more or less.

Some examples in which carryovers may be helpful would be:

* As members and/or chairperson of Continuity and Editorial committees
* As mentors or trainers for new jurors
* Providing input to Pro Tem regarding on-site visits and training
* Setting time lines, deadlines, and due dates
* Describing how to propose an investigation
* How to begin the investigative process (see Chapter 6)
* How to conduct and document an interview (see Chapter 6)

1. Review this Procedures Manual and adopt it with any initial modifications to it, by a supermajority vote, before taking any other actions. (See section B, Adoption of Rules.)
2. Establish a regular meeting schedule. Most grand juries meet twice each month for the first several months and then meet weekly beginning in about March or April. (Committees meet more frequently. When possible, several committee meetings should be scheduled on the same day to limit mileage and per diem costs.)

5. Discuss the duties of each officer (Chapter 4).

6. After meeting with the new jurors and getting to know them during the orientation sessions, the Foreperson should review the Personal and Professional Information Form (found in Chapter 1) filled out by the jurors and then nominate officers, which will, with the committee chairs, become the Executive Committee. This leadership team consists of the following:

* Foreperson,
* Foreperson Pro Tem,
* Recording Secretary,
* Corresponding Secretary,
* IT Liaison
* Financial Officer, and
* Social Chairperson

Approval of this slate requires a super-majority vote. However, the grand jury can appoint any juror it wishes to any position (other than the Foreperson, who is appointed by the Court) by a majority vote.

7. Determine if any juror has been employed by a local public entity within the past three years; if so, the juror must inform the Foreperson and the Presiding Judge in writing of that employment, and then recuse from any involvement in an investigation or report concerning the agency the juror works or worked for. “Agency” means a city or county department, rather than the entire entity.

8. Discuss thoroughly the possibility of conflicts of interest that might become evident during the term. Establish a procedure to identify conflicts and excuse jurors from involvement in any discussion, investigation or voting related to such a conflict. The procedure could include routinely posing the question to jurors of potential conflicts of interest for each complaint received and each potential investigation considered by the jury. In addition, a regular agenda item could be dedicated to allowing discussion of any juror concerns regarding on-going or planned investigations where there is potential for a perception of conflict of interest to exist.

9. Establish policies for use of the grand jury meeting room and equipment. The office copier/printer vendor can conduct a training if desired. It is the responsibility of the grand jury to clean the office, dispose of trash, and inform the CAO office if any equipment is in need of repair

10. Discuss ground rules for meetings. They could include: raise your hand to be recognized by the Foreperson before speaking; speak so that everyone can hear you; keep it brief; focus on the issue; never undermine other jurors, either directly or indirectly; strive for consensus; work to resolve conflicts; etc.

11. Discuss and confirm attendance by members and alternates at the Civil Grand Jurors’ Association’s training seminar.

12. Begin the discussion of traditional standing committees, ad hoc committees, and investigation-driven work groups; and their structure, duties and differences. (See Chapter 5). The investigation proposal procedure should be reviewed. The role of the chairperson should be reviewed. This structure does not have to be organized in the first month of the grand jury. It can wait until the July training of the CGJA. This is a point at which the carryovers may offer insight.

13. If the grand jury decides it wants standing committees, the Personal and Professional Information Form can be used to help identify potential committee assignments based on interest level. Committee assignments are proposed by the Foreperson and approved by a majority vote. Ordinarily, each committee chooses its own chair after holding a few meetings; this allows the committee members to determine who would be the best choice for chair. It is important to review the roles of the chairperson so all expectations are understood.

14. Review the Annual Timeline of Grand Jury Activities (see section N in this chapter). The timeline should be reviewed by the entire jury no less frequently than every other meeting.

15. Brainstorming sessions can be held to discuss topic ideas for investigations. It’s a good idea to review the basic rules of how a brainstorming session should be conducted: One person should facilitate and one should be a recorder. No ideas are bad; no judgments should be made about any ideas that arise; and all members should be given the opportunity to provide input.

16. You may want to review the last ten years of grand jury reports to assist you in understanding investigation and reporting techniques and determining possible topics for investigations.

**H. Meeting Format**

For regular plenary meetings, the Foreperson should consider the following meeting format (unless the grand jury is considering an accusation or criminal indictment):

1. Convene promptly at the appointed time and place. Record the time.
2. Have the roll call taken by the Recording Secretary. Note the attendance by name and record late arrivals or departures.
3. Review the minutes of the previous meeting, correct if necessary, and vote to approve.
4. Approve the agenda.
5. Hear officer reports.
6. Hear administrative committee reports.
7. Hear the report from each investigative committee and discuss each committee’s progress.
8. Attend to any unfinished old business and confirm that assigned tasks have been completed.
9. Attend to new business, which may include:
10. Review incoming complaints previously reviewed by the Complaint Committee, confirm or vote to change the Complaint Committee’s recommendation, and assign the complaint to a standing or ad hoc committee if appropriate.
11. Consider any juror’s or committee’s proposals for new investigation topics.
12. Read any correspondence sent to the jury and take any necessary action.
13. Review any draft reports passed on from the Editorial Committee and either approve to send to the legal advisor or return to the originating committee with comments.
14. Any other new business.
15. During at least one meeting each month, discuss the following:
16. The annual timeline of grand jury activities;
17. The Auditor-Controller’s monthly report on the grand jury’s expenditures;
18. A training update by the Foreperson Pro Tem;
19. A chapter of this Procedures Manual
20. Round Table Discussion (all members)
21. Reminders and Announcements
22. Confirm any tasks now being assigned to a juror or committee, with the due date.
23. Announce the date, time, and possible agenda for the next meeting.
24. Adjourn.

As a courtesy to guest speakers, matters to be presented by them should be considered and concluded before proceeding to regular business, whenever this is possible. No witnesses or guest speakers should be present during any of the discussion or handling of grand jury business (Penal Code §939).

It is recommended that the Foreperson hold a brief pre-meeting with the committee chairs before the regular meeting begins. This can be an informal gathering, or a meeting of the Executive Committee, if one is formed.

**I. Meeting Procedures**

1. The Foreperson or Pro Tem should prepare an agenda for each plenary meeting. Any juror may add an item to the agenda by contacting the Foreperson at least 48 hours before the meeting. The agenda will be distributed to the jurors by the Foreperson by email at least 24 hours before the meeting. During the meeting, an item can be added to the agenda on a majority vote.
2. A quorum for conducting plenary business requires 12 grand jurors. For committees, a quorum is calculated to be half the approved membership plus one. The ex-officio committee members can count towards a quorum.
3. Twelve affirmative votes (a “supermajority”) are required for the adoption or amendment of this Procedures Manual and for all “public actions” of the grand jury. (Penal Code §916 and §940) “Public actions” includes authorizing an investigation or approving a report for public release. The number of votes needed for a supermajority is always 12, even if the number of jurors falls below 19.
4. Decisions or actions which are not public actions do not need 12 votes. Less formal motions, such as motion to reschedule a meeting, may be passed on a majority vote of those present. It may be decided by obtaining consensus unless the Foreperson or another juror requests a vote on the motion, which will require a majority vote to pass.
5. No “proxy votes” are allowed. Only members who are present at a meeting may vote. However, when necessary because of illness or other good cause, a juror may attend the meeting by conference call, as long as all of the jurors can hear each other throughout the entire meeting and nobody at the absentee’s end can hear any of the conversation.
6. Community and/or health concerns may require a virtual meeting format which is appropriate. However, the virtual format must be confidential, must not exclude any juror and ensure equal participation and voting.
7. The Foreperson must preserve harmony in meetings. The Foreperson may speak on points of order and will decide all questions of procedure, subject to appeal. Voting is the Foreperson’s choice; he or she may choose to vote on all motions or only when a tie occurs, or can choose not to vote.
8. A juror who doubts the decision of a vote may call for a roll call.
9. Any juror who wishes to speak must address the Foreperson and confine all comments to the topic under discussion.
10. A juror should not monopolize the discussion, but should defer to the right of every other juror to speak.
11. After every juror who wishes to speak on a motion has had the chance to speak at least once, if the discussion is becoming unnecessarily prolonged, any juror may “call for the question,” that is, ask that the motion be voted on.
12. A motion may be amended by the juror who made the motion; but he or she may decline to amend it and may instead call for a vote on it.
13. Cell phones should be turned off or silenced during plenary sessions and committee meetings.

Refer to Chapter 9 for the procedures to follow in indictment proceedings.

**J. Attendance Requirements**

Grand jurors are allowed to attend all committee meetings, even if not a member of the committee. In this way, the committee can have the benefit of more jurors’ input. Plenary (full panel) meetings are mandatory (except for excused absences; see below).

It is of great importance that attendance be regular and prompt, both for plenary meetings and for committee meetings. The importance of the work requires that each juror be present at, fully prepared for, and on time for all sessions except for the most significant reasons.

The Foreperson will discuss absences with any juror whose attendance does not appear adequate for a fair contribution to the work of the jury. In addition, the Foreperson will speak with the chairperson(s) of that juror’s committee(s) to determine the impact on the committee.

Good attendance is a commitment every individual juror makes for the term served with the understanding that life situations happen. The grand jury will work with members to accommodate personal needs. Members are required to communicate in a timely manner with the Foreperson regarding personal scheduling issues.

The plenary will discuss and set dates when the jury goes dark for holidays. This should be done early in the term so travel plans and family activities can be arranged. Suggested times for going dark may be Thanksgiving, the December holidays, and spring break.

In order to ensure the presence of a quorum, committee chairpersons should clearly communicate to their members the date, time and location of each committee meeting, using minutes, agendas, emails and calendar invites. It is incumbent on the members to inform their committee chairperson and/or the Foreperson if they are unable to attend.

**Excused Absences**

An excused absence is defined as a significant occurrence, such as personal or immediate family illness, personal business that cannot be arranged at a different time or day, or a death of a family member. If this type of situation occurs, the juror should notify the Foreperson and/or affected committee chair with as much advance notice as possible.

Pre-planned vacations should be addressed with the Foreperson and/or committee chairperson(s) at least four weeks prior to the absence. Jurors who plan to miss more than one committee meeting should discuss with the chairperson how it will impact the committee and make arrangements as needed. March through May are critical times and the jury needs all in attendance as much as possible to complete their work. Jurors should take this into account when making vacation plans.

Any absences over two weeks of time are considered an extended leave of absence (see below).

Multiple excused absences (five or more within a quarter) will be discussed between the Foreperson and the juror to review scheduling and personal conflicts that may have long term effects to the jury. The subject of the conversation will remain confidential.

The Foreperson may bring unresolved issues to the plenary for discussion. The plenary, on a supermajority vote and with the legal advisor’s input, may request that the Presiding Judge consider removal of a member for attendance issues. (See Resignations and Removals, below.)

**Unexcused Absences**

An absence that was not prearranged with the committee chairpersons or Foreperson is considered unexcused. All jury members are required to attend regularly scheduled meetings. Quorums are required to pass actions and participation is vital. Multiple unexcused absences (three or more within a quarter) will result in a conversation between the Foreperson and the juror concerning the jurors’ commitment and willingness to continue serving on the grand jury.

Only the court may discharge a grand juror. A supermajority vote of the plenary may request, with the legal advisor’s input, that the Presiding Judge consider removing a juror. The Foreperson may be asked to discuss the matter with the judge. (See Resignations and Removals, below.)

**Extended leave of absence**

Special circumstances may require a juror to request multiple weeks away from the jury. A request is required giving a reason why and a projected length of time the juror will need to be absent. The Foreperson will review the demands of the committees and shall inform all members of the juror’s request for leave at the next plenary meeting. Based upon the time of year, the Foreperson may need to evaluate asking the court to discharge the juror versus waiting for the juror’s return. The Foreperson will coordinate with the court and keep the plenary informed.

**K. Resignations and Removals**

Any grand juror who wishes to resign from the grand jury must do so in writing, addressed to the Presiding Judge, with a copy to the Foreperson.

The Presiding Judge may remove any juror for misconduct or failure to diligently undertake the duties of a grand juror. What constitutes sufficient grounds for removal is within the sole discretion of the court, but could include a statutory disqualification of a juror (for example, if a juror is convicted of a felony or moves out of the county), a violation of a provision of the Penal Code applicable to jurors (such as §924.1, which makes it a misdemeanor for a juror to disclose any grand jury evidence or vote), a juror’s abandonment of their office, or any conduct by a juror which significantly disrupts the efficient operation of the grand jury.

The grand jury cannot remove or replace jurors. However, after consultation with the jury’s legal advisor, the Foreperson can encourage a juror to resign, when necessary. If that proves unsuccessful, the Foreperson can speak to the Presiding Judge. Alternatively, on a supermajority vote, the jury can direct the Foreperson, Pro Tem, or some other juror to bring a juror’s misconduct or chronic absence to the attention of the Presiding Judge through the legal advisor.

Although not mandated by state or county law, it is the practice in this county to replace a juror who leaves, resigns or dies, with one of the alternate jurors as soon as possible. However, if the vacancy occurs near the end of the term, the vacancy is usually not filled.

The Presiding Judge ordinarily appoints replacement jurors from the alternates in the order their names were drawn at the time of impaneling, or if there are no remaining alternates, in the manner prescribed by the Penal Code.

**L. The Grand Jury as One Body**

Each individual grand juror has the right and the duty to speak and vote according to the dictates of their own judgment and conscience. It is also important that each juror fully and fairly states to fellow grand jurors what information he or she possesses about actual or possible subjects of inquiry, so that subjects may be discussed, appraised, and further investigated according to their relative importance, or, if of little or no consequence, discarded. One of the strengths of the grand jury is that people from different backgrounds and with a variety of skills can bring their knowledge forward to contribute to the group’s work.

The grand jury functions lawfully only as a body. Decisions are made by taking a vote, or achieving consensus. ***Individual grand jurors acting alone have no power or authority and should NOT represent themselves as speaking for the Grand Jury.*** Further, all interviews, contacts with agencies or individuals, or attendance at board meetings must be conducted by at least two grand jurors. (Penal Code §916)

The grand jury represents the public. Therefore, it is each juror's duty to think at all times, not in terms of their own or any particular group interest, or in terms of any personalities, but always in terms of the general public interest. Violation of the letter or the spirit of the grand juror's oath by any individual juror will endanger the integrity and the effectiveness of the grand jury as a whole.

**M. Discharge of the Grand Jury**

The grand jury has a one-year term, beginning when the jurors are sworn in and ending when they are discharged by the Presiding Judge. The ceremony for the impaneling of the new grand jury and discharge of the old ordinarily takes place in late June or the first week in July.

At or before the last meeting of the term, the members must fill out the Grand Jury Exit Form contained in the Chapter 1, and turn in all keys, lanyards and similar items issued to them during their term of grand jury services.

In the event that one or more door keys are not returned, the lock to the door of the grand jury’s meeting room must be changed (which is very expensive), and the outgoing and incoming Forepersons must make every effort to secure the premises and its contents until that is accomplished.

**N. Annual Timeline of Grand Jury Activities**

The grand jury undertakes the same general responsibilities and activities each year. This is a suggested timeline of many of those activities based on the grand jury term coinciding with the Shasta County fiscal year.

Late June or early July:

* Impaneling (some years, the term starts in early July)
* *Grand Jury* *Orientation* – a multi-day program for jurors and alternates.
* First grand jury meeting is held.
* Jury reviews and adopts this manual, with amendments if needed.
* Jurors complete Personal and Professional Questionnaire and submit it to the Foreperson.
* Using the questionnaires, the Foreperson nominates officers and makes tentative committee assignments and submits them to the entire grand jury for consideration.
* Jurors complete the Computer Skills Questionnaire. The Information Technology Committee and Pro Tem arrange for a basic tutorial and mentoring by computer-savvy juror(s), as needed.
* The Foreperson and Pro Tem meet with the County Counsel (or other legal advisor) and Presiding Judge to discuss roles and relationships.

July:

* The orientation program continues.
* Twice monthly grand jury meetings begin.
* All jurors complete and submit Form 700 (financial disclosures).
* All jurors submit W-9 information to the Auditor/Controller’s office in order to be eligible to receive per diem payments.
* Grand jury reviews the reports of the prior grand jury and any carryover Investigation files.
* Committees start to meet, discuss their duties, appoint chairs and secretaries, and discuss possible topics for investigations.
* All jurors and alternates attend the two-day *Training Seminar* by the California Grand Jurors’ Association (CGJA), and Foreperson and Pro Tem attend the CGJA Foreperson Workshop.
* The Foreperson and the Continuity Committee meet with the legal advisor and the Shasta County Grand Jurors’ Association (SCGJA) regarding the Continuity Committee’s duties.

August:

* *Legal Issues Training* (based on the CGJA Training Manual) by County Counsel or a CGJA trainer scheduled by the Pro Tem.
* Committees present initial investigation ideas to the full grand jury.
* Grand jury begins authorizing investigations by supermajority vote; foreperson confirms jurisdiction and scope of the investigation with County Counsel.
* Committees begin investigations, starting with research, and then conducting site visits (if appropriate).
* *Interviews and Investigations* *Training* (presented by SCGJA)
* Committees begin interviews, each attended by at least two jurors.
* Criminal Justice Committee or the full grand jury begins the inspections of local correctional facilities.
* Foreperson obtains grand jury’s budget from CAO and distributes it to jurors for discussion.
* Foreperson begins checking with the court for responses to last year’s reports; obtain copies for the Continuity Committee.

September:

* Committees continue investigations to triangulate facts and begin formulating findings and recommendations.
* The jury begins submitting legal questions through the Foreperson to the legal advisor as necessary.
* IT Committee reviews the website and updates it as necessary with the assistance of County IT.
* Jury schedules CGJA’s *Report Writing Workshop*, ordinarily held in November or December

October:

* All responses to last year’s reports should be received by the court by October
* Send letters to any boards or elected officials that have not responded.
* If a response to a grand jury report contains a future date for a response or the implementation of a recommendation, calendar the date.
* Jury may forward the responses to SCGJA to review.
* Continuity Committee (and SCGJA, if used) reviews the responses, reports to the full grand jury as to their legal sufficiency and arranges with IT Officer to have the responses posted on the grand jury’s website.
* Committees continue to review complaints and ideas for investigations, and present their recommended topics to the full jury for authorization.
* Committees continue investigations and meet with and interview the subject of each report, unless excused by the court.

November:

* If needed, arrange for additional report writing training (presented by a CGJA trainer or the jury’s legal advisor), scheduled by the Pro Tem.
* Committees begin writing reports.
* Continuity Committee may draft a report about responses to last year’s reports, upon jury’s approval (or grand jury may initiate a new investigation).

December

* After each report is reviewed by the Editorial Committee and re-written, the full panel reviews it and provides input.
* Begin sending draft reports to the jury’s legal advisor, and follow up on any suggestions.

January:

* For reports nearing completion, committees hold exit interviews to confirm findings.
* Jury reviews the budget, projects its expenditures for the remainder of the term, and Foreperson contacts the CAO if funding or expenditure problems are identified.
* Forward any reports that will be released mid-term to the Presiding Judge following legal advisor’s review and jury’s supermajority vote.

February - May:

* For mid-term releases, after legal advisor review, exit interview and judge’s approval, provide subject of report a copy of the relevant portion(s) of it at least two working days before its release, with the letter in the Appendix.
* Forward mid-term report(s) to a newspaper of general circulation (the newspaper) and other media outlets with press release after Presiding Judge or jury provides report(s) to County Clerk.
* Post released reports on the jury’s website through the IT Department as soon as they are released. Calendar the due date for any required responses.

March:

* Foreperson and Pro Tem meet with CAO or designee regarding budget requests for next year, which might include updating equipment or furnishings.
* Enter into a contract through the CAO with a media outlet to print and distribute the jury’s consolidated final report as an insert (if desired) or a summary of the reports, and confidentiality agreements with County IT to post the report on the website (see Appendix). County Counsel and CAO’s office will assist with the contracts.
* Each juror submits “Annual” Form 700 by the end of the month.

April:

* As time permits, Continuity Committee or one or more jurors intending to apply to be held over may assist SCGJA in preparing for the upcoming orientation of the next grand jury.
* Jurors who wish to be considered as carryover jurors or Foreperson submit a Statement of Interest to the Court Executive Officer (see Chapter 1).
* Foreperson makes recommendations to Presiding Judge through the County Counsel regarding carryovers and next Foreperson, with reasons for recommendations.
* Have legal advisor review final drafts of all reports by the end of the month.
* Forward any procedures manual changes to County Counsel.

May:

* Make sure committees have had exit interviews with the subject of all reports to discuss and confirm findings by the first week of May.
* Forward any as-yet unapproved reports to the Presiding Judge at least 20 days before the newspaper’s submission date, if an insert will be used.

June:

* Deliver an electronic version of the consolidated Final Report to the printer; get 43 bound copies for distribution as per the Master Distribution List.
* Deliver an electronic version of the consolidated Final Report to the newspaper to prepare insert, if used. The grand jury must deliver copies of the inserts to the County Clerk on the day of impaneling, retaining approximately 100 copies.
* Deliver an electronic version of the consolidated Final Report to County IT to post on website to “go live” at 9:30 a.m. on the day the jury is discharged.
* Determine if there are any matters to refer to the next grand jury; if so, compile file materials.
* A review of all files and library materials for retention or confidential destruction will be done by the IT Officer, who then makes sure that confidential information is deleted from the computers’ hard drives.
* Foreperson collects keys (except from carryovers) and delivers them to the CAO per Keys Instructions (see Appendix).
* Each juror completes a Grand Jury Exit Form (see Chapter 1).
* Each juror submits “Leaving Office” Form 700.
* About three working days before the end of the term, Foreperson or designee delivers five bound copies of the consolidated Final Report to the County Clerk.
* Make sure relevant portions of reports are distributed to the subject persons or entities two working days in advance of public release, with a letter describing response obligation (see Appendix).
* Foreperson takes 50 copies of the insert to the impaneling ceremony for the incoming jurors and alternates. The outgoing jurors receive a spiral bound copy.
* Foreperson ensures that the other copies of the bound report and the insert are distributed per Chapter 7.
* All jurors attend impaneling of incoming jury, at which time this jury will be formally discharged and thanked by the court.

July:

* Foreperson or designee must be available for 45 days after release of report to “clarify recommendations.”

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**4. OFFICERS**

This chapter describes the grand jury’s officers and their typical duties. A supermajority of the grand jury can change these duties (except those required by law) by amending this manual.   
**Note:** For incoming grand juries, members of the Shasta County Grand Jurors’ Association and carryover grand jury members will be available for officer training if needed.

**A. Foreperson** (by statute appointed by the Presiding Judge)

1. Calls plenary meetings of the grand jury; presides at such meetings.

2. Prepares and distributes the agenda for plenary meetings.

3. Nominates officers for the jury’s consideration and vote; the plenary may, however, propose and elect any juror for any officer position, except Foreperson.

4. Proposes committee assignments for consideration and vote.

5. Is an “ex-officio” member of all committees; however, the Foreperson shall not usurp the duties of the committee chairperson. The Foreperson’s attendance will go toward the quorum requirement, but the Foreperson shall only vote in case of a tie. The Foreperson should attend as many committee meetings throughout the year as possible.

6. Ensures committee coordination through on-going consultations with committee chairs. This can be done by establishment of an Executive Committee.

1. Brings correspondence (in coordination with the Corresponding Secretary) to the grand jury’s attention at plenary meetings; signs all communications approved by the grand jury (including committee requests for information). However, the Corresponding Secretary may sign routine form letters with the Foreperson’s approval.
2. Consults with the Presiding Judge, County Counsel and the District Attorney when desirable or at the direction of the grand jury. Individual grand jurors shall not communicate with the Presiding Judge, County Counsel or the District Attorney, unless accompanied by the Foreperson; except that upon a super- majority vote (12 votes), a standing or ad hoc committee may meet with the County Counsel, with or without the Foreperson.
3. Invites the County Counsel or District Attorney to appear before the grand jury or a standing or ad hoc committee, as requested by the grand jury.
4. Coordinates with the Continuity Committee to ensure all copies of responses to the previous year’s reports are received from the court.
5. Contacts the court, beginning in October, for the responses to reports not yet received.

12. Seeks input from County Counsel as to each draft report and when the grand jury has questions regarding legal matters.

1. Submits all reports to the Presiding Judge for review and approval prior to release.
2. Penal Code §933, subdivision (a), requires that the Foreperson and their designees shall, upon reasonable notice, be available for 45 days after the end of the term to clarify recommendations in the jury’s reports.
3. The Foreperson acts as the *only* official spokesperson for the grand jury. The Foreperson cannot reveal any confidential information, including any evidence adduced before the grand jury, how any juror votes, or what any juror said during any grand jury proceeding.
4. Administers oaths and admonitions. Only the Foreperson, or in his/her absence, the Pro Tem, can administer an oath that the witness tell the truth (PC 939.4). Any juror can administer admonitions to maintain the secrecy of the investigation.

17. Requests subpoenas of the Presiding Judge or District Attorney when needed.

18. Signs all indictments and accusations and presents them to the Court.

19. Obtains all books, keys, software licenses and other materials related to the grand jury from members who resign.

20. Provides orientation for replacement jurors throughout the year and coordinates training needs with the Pro Tem.

21. Oversees the scheduling and coordinating of meeting space as needed for all grand jury meetings, committee meetings, and interviews.

1. With the Financial Officer, monitors expenditures to ensure that the jury remains within its budget and discusses this each month with the entire jury. After consulting with the plenary, makes budget recommendations to the County Administration Office.
2. Makes recommendations to the Presiding Judge (with a copy to the legal advisor) as to which jurors should be carried over to a succeeding term, and who should be appointed as the next Foreperson, and why.

Some of the above responsibilities may be delegated to the Pro Tem by the Foreperson.

The Foreperson’s most important responsibility is to make sure the grand jury as a whole and each committee functions effectively and efficiently. To this end, the Foreperson should be in frequent consultation with the various committee chairs and should require regular progress reports as to the work being handled by each committee. This can be accomplished by the use of an Executive Committee. In addition, the Foreperson should attend as many committee meetings as possible throughout the year.

To a large extent, the success of the jury will be dependent upon the Foreperson’s skill in organizing and conducting meetings. The jury must function as a body rather than as individuals. Since jurors have diversified experience, interests, and philosophies, this is not an easy task. It is the Foreperson’s responsibility to try to prevent contentious factions from forming among jurors. If such should occur, he or she must devote every effort to maintain a friendly "unity of spirit." The Foreperson should strive to preside with tact, restraint, consideration, common sense, firmness, and a sense of humor, always keeping open communication between him or her and the other jurors.

**B. Foreperson Pro Tem**

1. The Pro Tem, in the temporary absence or recusal of the Foreperson, assumes the duties of the Foreperson. In case of a prolonged or permanent disability or ineligibility of the Foreperson, the Pro Tem will undertake all of the duties listed in section 4.A, above, until a new Foreperson has been named by the court.

2. The Pro Tem assists and counsels the Foreperson on matters concerning meeting procedures, personnel problems, committee needs and the well-being of the jury.

3. The Pro Tem is an “ex-officio” member of all committees along with the Foreperson. The Pro Tem shall not usurp the duties of the committee chairperson. The Pro Tem’s attendance will go toward quorum requirement, but the Pro Tem shall only vote in case of a tie. The Pro Tem will attend as many committee meetings throughout the year as possible.

1. The Pro Tem is the jury’s training officer and is in charge of the continuing education needs of the grand jury; arranging for the periodic training sessions presented by jurors, SCGJA, CGJA, and/or County Counsel; and leading the jury’s monthly review of this manual and the CGJA Training Manual.
2. The Pro Tem trains and mentors alternate jurors as they are brought on to replace seated jurors.
3. The Pro Tem schedules the plenary’s site visits.
4. The Pro Tem assists the Foreperson in any other way, at the Foreperson’s request.
5. **Recording Secretary**

1. Keeping of Minutes

It is the duty of the Recording Secretary to keep an accurate record of every plenary meeting in the form of minutes. These minutes should show:

(a) The hour and minute of convening.

(b) Call and recording of the roll.

(c) Jurors absent from the meeting.

(d) Names of persons other than jurors who may be in the room at any time during meetings, such as speakers, witnesses, the County Counsel, District Attorney, a translator, or a court reporter.

(e) The name of any person entering or leaving the jury meeting and the exact time of such entrance and exit at any time during the meeting.

(f) The exact hour and minute when tardy jurors may appear, and the hour and minute any juror leaves the meeting and time of their return.

(g) A record of all motions made and seconded and the jury's action thereon, omitting names of jurors making and seconding such motions. The minutes should not reflect the votes of individual members. No unanimous vote on any matter should be recorded in the minutes of any meeting, thereby permitting absolute secrecy as to the votes of each and every juror.

(h) That only members of the jury remained in the room during deliberations on or voting of indictments.

(i) That a quorum of at least 12 is present at all times.

(k) A record of reports submitted by the various committees and the jury's action thereon.

The Recording Secretary should provide an electronic copyof the minutes via county secure email at least 24 hours before the next regular meeting so each grand juror can review them and be prepared to vote on them for approval.

The minutes of a meeting, properly recorded, will be the best evidence that the procedure followed by the grand jury is a proper one. A sample set of minutes is contained in the Appendix.

2. Other Responsibilities of the Recording Secretary

(a) The Recording Secretary shall keep a record of attendance at all plenary meetings, as part of the regular minutes.

(b) The Recording Secretary informs members of the plenary the date of the next meeting via the minutes.

(c) The Recording Secretary shall file all plenary minutes and plenary meeting documents on the shared drive that each juror has access to in the grand jury office.

(d) The Recording Secretary should inform the Foreperson:

(1) Of the presence of anyone other than the grand jurors during deliberations or voting.

(2) If, at any time, the number of jurors present is less than twelve.

(e) The Recording Secretary should ensure that a court reporter is present during all phases of indictment or accusation proceedings except during jury deliberations and voting; and should also see that each count on an indictment bill or accusation is considered separately and that each juror is polled individually for discussion during deliberations.

**D. Corresponding Secretary**

1. The Corresponding Secretary is responsible for keeping and organizing all grand jury correspondence, other than that kept by the Recording Secretary.
2. The Foreperson or Corresponding Secretary will pick up the grand jury’s mail twice each week at the downtown post office and the Clerk of the Board’s office.
3. The Corresponding Secretary regularly checks telephone messages, post office mail box, county department mail, and electronic messages.
4. The grand jury’s communication log should be maintained by the Corresponding Secretary. This includes telephone calls, email requests and a Complaint Binder and log (on the grand jury’s shared drive) of all complaints or requests for investigation received by the grand jury, and their disposition. (See Appendix, Communications Log)
5. Correspondence should be placed on the agenda for the full jury’s consideration. All correspondence should be kept in a correspondence file in the locked file cabinet and in the computer shared drive.
6. The Corresponding Secretary should prepare all letters of correspondence approved by the grand jury using the form letters contained in the Appendix, if appropriate, and obtain the Foreperson’s signature before mailing. The corresponding secretary may sign the basic form letter acknowledging receipt of their complaint.
7. Upon receipt of a letter or telephoned requesting a request for investigation form, the Corresponding Secretary should promptly forward the form. (See example in Appendix)
8. Every complaint or completed request of information form received by the grand jury is assigned a number, scanned, and forwarded to the Complaint Committee by the Corresponding Secretary. The Complaint Committee discusses the merit of each complaint and makes a recommendation to close, investigate, or get more information. The Committee Chair forwards the complaints with the Committee’s recommendation to plenary.
9. The Corresponding Secretary may be instructed by the Complaint Committee or the full jury to send a follow-up letter to the complainant asking for further information or re-quest the complainant to complete and return a SCGJ Request for Investigation form.
10. The Corresponding Secretary should prepare and may sign the appropriate form letter to be sent to the person filing the complaint to acknowledge its receipt. (See Appendix for suggested letters).
11. The Corresponding Secretary will update the communication log with an outcome.
12. The Corresponding Secretary will ensure that all confidential correspondence, evidence and draft reports are kept in a locked file cabinet in the grand jury office.
13. All correspondence to complainants should be mailed in plain envelopes which do not identify the grand jury, but which do include the return address, PO Box 992086, Redding, CA 96099-2086. Other business correspondence can be mailed with a full return address.

General Secretarial Responsibilities:

Secretarial responsibility should be assumed by capable persons who are willing to devote extra time to these offices. Both the Corresponding and Recording Secretaries can serve on substantive committees. Each can assume the duties of the other, as necessary. Therefore, individuals in these duties should be cross-trained for each secretarial assignment.

**E. Financial Officer**

1. Collects, reviews, signs and submits jurors’ expense claims and financial disclosure forms on a timely basis to the county administrative office. Signs claims for purchases of supplies and other items for the grand jury.
2. With the Foreperson, monitors expenditures to ensure that the jury remains within its budget and discusses this each month with the entire jury. After consulting with the plenary, makes budget recommendations to the County Administration Office.

**F.** **IT (Information Technology) Officer**

This position requires a degree of familiarity and competency with Microsoft Office software and network/intranet functions. This position and the Foreperson are the only grand jury members that may coordinate with the county IT department. All requests for change and services must be coordinated through the office of the County Administrative Office CAO.

The IT Officer will assist grand jury members in creating, transmitting and receiving information necessary to support its daily operations. IT Officer tasks are:

1. Ensure that all electronic equipment is functioning properly. Report discrepancies to the Foreperson for action.
2. Assess the computer training and mentoring needs of the grand jurors and with the Foreperson Pro Tem, arrange for training and mentoring.
3. With the concurrence of the Foreperson, act as liaison when necessary, between Shasta County IT and the grand jury.
4. Coordinate with the office of the CAO/County IT to ensure that all computers and supporting networking equipment are operational.
5. Periodically review grand jury files stored on the grand jury computer. Ensure that the grand jury computer is routinely backed up. Discuss questionable storage issues with the Foreperson and the responsible chairperson. Delete all information deemed inappropriate.
6. Ensure that jurors are properly trained in the use of assigned equipment. When necessary conduct training or obtain training from county resources if available. Coordinate an in-service with the copy machine vendor when needed.
7. Periodically review procedures for the handling and storage of all grand jury information and case files, in conformance with the IT Memorandum of Understanding.
8. Support the Continuity Committee to ensure that responses to the prior year’s grand jury report are posted to the grand jury website at (www.co.shasta.ca.us) when the responses are available.
9. Support the Editorial Committee in posting the current Grand Jury Final Report to the grand jury website (www.shastacounty.gov) to go live at 9:30 a.m. on the day of the impaneling of the next grand jury.
10. Check the grand jury shared drive frequently, to ensure all committee chairs are adding required data for their committee folders throughout the year. If needed, notify the committee chair to update the committee’s files.

**5. COMMITTEES**

**A. General**

State law does not require grand jury committees. However, the grand jury cannot be effective if the jury as a whole tries to handle everything, so the grand jury ordinarily establishes committees. The accomplishments of the grand jury as the watchdog of local government will depend to a great extent upon the work of its committees.

There are two types of committees, standing and ad hoc. The chairperson of a committee is responsible for that committee, which requires extra work in documentation, leadership, and report writing. Therefore, no one person should chair more than one committee. Chairpersons should have the time to devote to this leadership position.

All grand jury members should serve on one or more committees during the term of the jury, but they should ordinarily not serve on more than three committees at the same time. The only exception to this would be membership on the Executive Committee. The Foreperson and Pro Tem are ex-officio members of each committee, but may not usurp the duties of the committee chairperson. The chairperson is responsible for presiding over the committee’s meetings.

Grand jury members should not serve on a committee on which there is likelihood or perception of a potential conflict of interest or appearance of bias.

**B. Selection and Membership**

At the beginning of the term, the Foreperson should collect the completed *Personal and Professional Information Questionnaire* found in Chapter 1 from each juror and alternate.

Using the questionnaire, the Foreperson and jury members will get an idea of common areas of interests, talents and experience which may help steer them towards particular committees or investigation topics.

There is no need to rush into committee assignments. Let each juror get to know one another and learn how the plenary functions as a collegial body. Once members decide which committees they want to join, whether standing or ad hoc, the final decisions must be made by majority vote of the full jury. Consideration should be given to avoiding the potential for conflicts of interest when making committee assignments, balancing work teams with leadership and carryovers, and accommodating individual jurors’ interests.

If at any time during the year, a juror desires a change in assignment, that juror should discuss the matter with the committee chairperson who will then discuss the matter with the Foreperson. A change in a committee can be granted by the Foreperson, with the agreement of the committee chair(s), when a juror has a substantial interest or can make a material contribution to the committee's work. The Foreperson will inform all members at the next plenary meeting. The same is true if a member wants to leave a committee.

Each committee will select a chairperson from among its members. The committee might want to have two or three meetings before selecting a chairperson, to be better able to pick the best juror for that position. Often, the juror who comes up with the investigation idea for an ad hoc committee would be the natural choice as chairperson. The functions of the chair are:

* Provide leadership
* Manage projects
* Set agendas, preside over committee meetings, and take the minutes (or assign someone else to do so)
* Prepare letters and requests for documents
* Serve on the Executive Committee
* Serve as liaison and spokesperson to the Foreperson and plenary
* Report investigation status to the plenary
* Ensure all documents are properly maintained
* Be willing to be a lead writer of the report.

At times, it may be necessary to change the chairperson for a committee. While the committee may elect/specify the new chairperson, the replacement will be made or approved by the Foreperson and is final unless a juror calls for a vote of the plenary.

**C. Duties of Investigative Committees**

The functions of the investigative committees are to:

1. Review any complaints or potential investigation topics assigned to the committee by the plenary, conduct any necessary general research (but do not conduct any interviews or inspections), and recommend to the plenary which complaints and topics, if any, should be accepted for investigation (acceptance requires a supermajority vote). See the Investigation Proposal form, located in the Appendix. The jury is not required by law to investigate complaints, but it has been customary to at least consider them. Not only do citizens benefit, but committees often receive useful information from complaints. More information on how to process complaints is located in Chapter 6.
2. Conduct the investigations approved by the plenary. The investigations selected by the plenary will depend upon juror interest, past grand jury reports and recommendations, or current topics of interest in Shasta County. The jury should prioritize investigations according to the importance of the topics and the likelihood that the jury will be able to offer recommendations that can improve the local government it investigates.
3. Produce a draft report on a completed investigation. The committee will create a number of drafts of each report. Each draft will be consecutively numbered and saved on the shared drive in the investigation folder. The plenary will adopt a file-naming convention at the beginning of the year. After the committee has completed and approves their report, it will be sent to the Editorial Committee for review. Members of the investigative committee may attend editorial review sessions to provide input and clarification. Committees must use the report format adopted by the plenary. See Chapter 7.
4. Begin investigations as early in the year as possible in order to allow sufficient time for a thorough investigation and the careful and deliberate writing, editing and re-writing of each of the individual reports. A committee, with plenary approval, may submit a report for release early in the year.
5. The chairperson will prepare a summary report of the committee’s activities. It is normally presented at each regular plenary meeting.

***(Note: Investigations require a proposal, approved by a supermajority vote, prior to conducting any investigative activity that results in contacting a non-juror, such as an interview, a request for documents, or a facility tour. Prior to such approval, the committee members may only conduct on-line or library research.) A sample “Topic for Investigation Proposal Form” is included in the Appendix.***

All investigative committees should:

1. Protect the confidentiality of citizens who bring complaints to the grand jury and of witnesses who are called to provide information.
2. Gather and study background information about any agency being investigated or reviewed and arrange a tour if appropriate.
3. In groups of no fewer than two grand jurors, interview managers, staff, and users of the department or entity under study. It is essential to solicit information from the head of the department or agency under investigation with regard to each finding and recommendation. No investigation can be considered complete or unbiased unless the grand jury elicits information from all of the “major players.” State law requires the jury to meet with the “subject of the investigation” (the board or official in charge of the activity under investigation) unless relieved by the court. (PC §933.05.)
4. Consider interviewing the complainant for additional information or for clarification of the subject of the complaint.
5. Review state laws and the ordinances and resolutions of the entities under study.
6. Attend board meetings and obtain meeting minutes, if appropriate. During their investigations of governing bodies, grand jurors should be alert to possible violations of the Ralph M. Brown Act, the state’s “open meeting” law. (The Act is summarized in Chapter 10 and a copy of the Act is kept in the grand jury library.)
7. Study the final reports of recent previous grand juries relevant to topics of interest. They can be found on the grand jury’s website and in its library. These can be of great assistance in determining what aspects of an entity or department to investigate. Responses to previous grand jury reports should also be studied in detail.
8. Conduct their business as efficiently as possible to enable the grand jury to release at least some of its reports before the end of the term, should it choose to make one or more early releases.

**D. Organization and Operation of Committees**

Each committee should be structured with a chairperson, vice chair or co-chair, and/or secretary and members.

The chairperson will prepare the agenda. The co-chair or secretary will record attendance, take written minutes, and maintain committee documents (written and electronic). A copy of the agenda, minutes, electronic files and investigation draft reports will be kept on the shared drive. The Foreperson and Pro Tem must be copied on all agenda materials as ex-officio members of the committee. The chairperson will inform absent committee members of the next meeting and will post and update the grand jury calendar of meeting dates, times and locations. After each meeting, site visit or interview, the chairperson or designee will ensure that all communications are filed on the shared drive.

Each committee should structure its meetings in the same general format as the meetings of the plenary. Action should be taken only after a motion has been made, seconded, discussed and voted upon. A quorum is more than fifty percent of the full committee membership. Action can only be taken if a quorum is present and a favorable vote shall be considered anything approved by a majority of the committee members present.

In the event that a vote of the quorum results in a tie, the Foreperson or Pro Tem may vote to break the tie. If the Foreperson or Pro Tem abstains, the matter under consideration by the committee may be reconsidered by the committee or brought to the full grand jury for consideration.

All investigations by committees must be approved in advance by the full grand jury and all action taken by committees shall be reported to the full grand jury.

Committees should establish regular meeting times and should ordinarily meet with greater frequency than the grand jury as a whole. Although committee meetings usually are more informal than those of the entire grand jury, they should be conducted by the chairperson in such a way as to assure order.

When matters concern more than one committee, members of the other committees, or the entire grand jury should be invited to attend such meetings. Any grand juror should be free to attend any grand jury committee meeting in which he or she is interested.

Any committee may create sub-committees of at least two people from among its own members to facilitate the carrying out of assigned tasks.

Each committee should create and maintain a file on every project, complaint, and matter assigned to it. Written records should be kept of inspections, tours and interviews and all matters pertaining to a complaint.

**E. Suggested Committees**

It is recommended that the grand jury establish the standing committees listed below. However, the grand jury can, without amending this manual, modify or combine committees as desired or necessary and can form subcommittees and ad hoc committees to satisfy additional needs as they arise.

Alternatively, an ad hoc committee can be formed around a single investigative topic or complaint instead of assigning the topic to an already-named “standing committee.” The chairperson of an “investigative-led” committee might be the juror who came up with the topic idea.

The following committees have been established by prior grand juries.

**Standing Committees**

**1. Audit and Finance Committee**

The Audit and Finance Committee investigates, when deemed desirable, the activities of the County Assessor, Treasurer-Tax Collector, and Auditor-Controller and the financial departments and officers of cities and other local governments.

Penal Code §925 requires the grand jury to annually investigate and report on the operations, accounts and records of the county. It usually examines the “accounts” in connection with its investigation of some aspect of county operations, but the jury may focus an investigation solely on county finances and accounting if it wishes. In addition, Government Code §25250 requires the Board of Supervisors to conduct an annual audit of all County accounts. This audit is conducted by an “outside contract auditor” pursuant to Government Code § 31000. In Shasta County, this has traditionally led to the grand jury meeting with the contract auditor and reviewing the audit conducted by them. The grand jury usually meets with the contract auditor early in the review cycle to review the audit findings and financial records of the County.

The Grand Jury Audit and Finance Committee will have independent access to the contract auditor and may request additional audits of county agencies within the applicable laws and contract restrictions. It is suggested that the grand jury Foreperson, in concert with the Audit and Finance Committee, obtain legal advice from County Counsel prior to addressing additional audit requests with the contract auditor.

County Audit Procedures:

1. Upon plenary approval, the Foreperson will inform the CEO and Auditor Controller that the grand jury will review the audit documents for the current year.
2. The timeline to conduct this audit/review, based on the grand jury term coinciding with the Shasta County fiscal year, is as follows:
   * At the beginning of the grand jury term, the committee or Foreperson will obtain a copy of the annual contract between the County and the outside auditing firm. The contract requires the outside auditor to provide a stated number of hours of service to the grand jury for education, review, and technical assistance as may be required to fulfill the grand jury’s responsibility as referenced in Penal Code §925. The current contract is for twenty (20) professional hours.
   * The Foreperson will identify a juror interested in chairing the Audit and Finance Committee to begin this audit review process. The plenary should approve this appointment at a regular meeting in **July**.
   * The committee will meet with Auditor-Controller’s office to review last year’s audit reports and get familiar with the audit documents, funds and financial statements of the County. This should be done in **July**.
   * The committee will meet with the outside auditor staff when they are in the field doing their walk through with the various county departments. This should be done in **August-September**.
   * The CAO (County Administrative Office) will forward a full set of the draft documents to the Foreperson in November or within 45 days of the scheduled review by the Board of Supervisors. The Foreperson will forward the documents to the committee.
   * The grand jury should meet with the outside auditor in **November** to review the draft audit documents.
   * The committee chairperson should make a presentation to the plenary in late November or early **December**. If the plenary decides that a report should be drafted, the committee will conduct a full investigation, verifying the information it obtained from the outside auditor and other sources, and process the draft report in the manner used for other reports.
   * The Audit and Finance Committee should plan an exit interview with the outside auditor immediately following the completion of the audit and prior to issuance of any audit report. The exit interview, which ordinarily takes place in December, allows for distribution of timely information regarding the County’s financial and operational situation and a review of any potential findings that may appear in the final audit report.
   * The Audit Finance Committee can establish an outline of questions to be used for their education by the Auditor Controller’s office and the outside auditor. Some suggested questions are:
     1. Explain the steps of a county audit.
     2. Explain what internal controls consist of
     3. What happens to funds that are not used?
     4. What are reserves?
     5. What is an entity fund and what are the restrictions?
     6. What is the difference between a budget and a financial statement?

**2. County Government Committee**

The County Government Committee should concern itself with the investigation of the offices, departments and functions of county government that do not fall under the categories listed in any other committee description below.

This would include:

* Administrative branches of county government
* County airports
* County service areas
* Planning Department
* Public Works Department
* Public libraries within the county
* Health and Human Services Agency (the departments of Mental Health, Public Health, and Social Services).

Penal Code §925 requires the grand jury to investigate and report on “the operations, accounts and records of the officers, departments or functions” of the County (but not cities or districts) every year. Section 925 allows the investigation to be on a selective basis each year. **This is the jury’s only mandatory investigation and report.**

The committee should review the Final Reports of the past five years or so to help determine which County departments or functions should be investigated.

While the County Government Committee ordinarily conducts all of the investigations of County departments, the grand jury may suggest an investigation be referred to another standing committee or form an Ad Hoc committee to conduct the investigation.

**3. City Government Committee**

Penal Code §925a authorizes grand jury investigations of cities located within the county. Therefore, in addition to investigating the County, the grand jury should consider looking into the operations or functions of one or more city departments or functions each year.

Investigations of the cities of Redding, Shasta Lake or Anderson might focus on:

* administrative branches of city government
* city airports and other transportation departments
* city parks and recreation departments
* city planning, zoning and building departments
* city utility departments

**4. Local Agencies and Districts Committee (LAD)**

Penal Code §§925a and 933.1 allow the grand jury to investigate and report on any joint powers agency in the county, and Penal Code §933.5 allows the grand jury to examine the books and records of the local agency formation commission (LAFCO) or any special-purpose assessing or taxing district (“special district”) located wholly or partly in the county.

The Local Agencies and Districts Committee can investigate:

* Special districts, including public school districts and college districts
* County office of education
* Joint powers agencies
* Local agency formation commission (LAFCO)
* Non-profit corporations established by or operated on behalf of any public entity over which the grand jury has jurisdiction.

However, the scope of any investigation into special districts, including school districts, cannot involve the review of the district’s policy decisions (fundamental decisions requiring the exercise of the discretion by the district’s board or officials) such as the evaluation or assignment of personnel or school district curriculum decisions. (*Board of Education v. Leach* (1968) 258 Cal. App.2d 281). The jury’s legal advisor can assist the jury in determining if an investigation would involve an improper review of policy matters.

The committee should consider conducting a fiscal review of any district or agency that it investigates.

A list of the special districts and school districts in Shasta County can be found in the Appendix.

**5. Criminal Justice / Public Safety Committee**

Penal Code §919(b) requires that the grand jury “inquire” into the condition and management of “public prisons” within the county. A “public prison” is a state-operated correctional facility. In Shasta County, the only such facility is Sugar Pine Conservation Camp. While an inquiry into the condition and management of public prisons is required, the grand jury is not required to write a report following its inquiry.

The Foreperson or Pro Tem will coordinate a site visit at the conservation camp, which all jury members are invited to attend. This committee may find items to review in greater detail and open an investigation. For the past few years, the site visit has been scheduled in early January to avoid conflicts with fire season. Be aware of this in terms of timing needed for investigations and reports.

For many years, this committee has also toured all detention facilities located within the County, including the jail and the juvenile hall, and not just Sugar Pine Conservation Camp. A tour could lead to a full investigation and report. Penal Code §921 provides that the grand jury is entitled to free access at all reasonable times to all such facilities. (The CGJA website contains guidelines for inspections of detention facilities.)

This committee also considers all matters concerning law enforcement and public safety. As deemed necessary, the committee may investigate and report on:

* District Attorney
* County Probation Department
* Public Defender
* Sheriff-Coroner’s Office
* Animal Control
* County Fire Department
* City of Redding Police and/or Fire Department
* City of Anderson Police and /or Fire Department
* City of Shasta Lake contracted public safety functions
* SHASCOM (Countywide emergency communication system).

The grand jury may be invited to attend an autopsy and/or death review at the discretion of the Sheriff-Coroner. On cases where the grand jury is invited to participate the Foreperson will coordinate the attendance of at least two jurors.

**Procedures for Attending Autopsies:**

* The Coroner’s office calls the Foreperson to invite the grand jury to view an autopsy and then provides via email a Shasta County Grand Jury – Critical Incident Death Report Form, which contains as much information as is available at the time.
* The Foreperson will reach out to members and will identify two or more who can attend the autopsy. The form will be shared via email. If none of the jurors wishes to attend, the Foreperson will notify the Sheriff.
* At the time of the autopsy, a staff member of the Coroner’s Office will ordinarily be present to brief the jurors. The case facts will be reviewed. Jury members will be able to ask questions regarding the circumstances surrounding the death. It is understood that not all information may be available at the time of the autopsy. The jurors may leave pertinent questions for the Coroner staff or physician, to be answered at a later time via the form.
* The jurors will enter the data elements into a log kept in the grand jury room.
* When the death reports are completed, the Coroner’s Office will forward them to the Foreperson, who will distribute them to the jurors who observed the autopsy. Those forms are:
  + Autopsy Summary
  + Verdict of Death
  + Pathology Reports
  + Coroner’s Report
* On a quarterly basis (or as needed) the Foreperson will arrange a meeting with the Assistant Coroner to update all un-closed cases on the log. Two or more jury members will attend this meeting. At that time, the additional questions that were asked may be answered. Any new findings will be shared and the log will be updated.
* The plenary will review the log at a regular scheduled meeting. When all information is received, the Foreperson will ask plenary to close the case. If any juror feels that there is additional information needed to close a case, a request will be made to the appropriate official. If any trends or issues are apparent, a proposal to investigate will be developed. The grand jury will follow its normal investigation procedures once a proposal is approved.
* If a death review is to be held, the Sheriff may invite grand jury members to the review. This allows for greater transparency of all agencies involved. The cases that might fall into this category are officer-involved deaths or public agency-involved deaths. They tend to go on for longer than the grand jury’s one-year term so this may become an issue for either carryover or the new jury to consider if they want to participate.
* Prior to the end of the grand jury term, the Foreperson will review the log and send an updated copy to the Assistant Coroner and Sheriff. The Sheriff will verify that all in custody deaths were recorded (matching the internal jail log and the grand jury log). A copy of the grand jury log, along with instructions, will be left for the incoming grand jury to continue the review process. Any shared reports will be maintained on the grand jury shared drive; the case number and name of the report will identify them.

The Critical Incident Death Report Form is found in the Investigations section of the Appendix.

**6. Continuity/Editorial Committee**

Because the work related to continuity efforts is conducted early in the term and editing reports is done later, these two responsibilities are assigned to a single committee. ConEd should consist of a chairperson and at least two members. It is recommended that a carryover juror chair this committee.

**Continuity Responsibilities**

The Continuity/Editorial Committee (“ConEd”) is responsible for ensuring, to the extent possible, the seamless transition from the current grand jury to the succeeding grand jury. The Continuity/Editorial Committee is one of the Standing Committees that should be appointed early on. Further, it is suggested that a carryover member be on this committee to help organize the responses from the prior year.

The responsibilities of this committee are:

* The Foreperson and the chairperson of ConEd monitor the filing of responses to the previous year’s grand jury reports, and advise the plenary if those responses were submitted to the court on time per PC §933 and included the language required by PC §933.05. (Those Code sections can be found at pages 119-120 of this manual). The plenary will send a letter to the Presiding Judge advising the court of any failure to comply with these provisions.
* If the responses are not posted on the grand jury’s website by the end of October, the Foreperson or IT Officer contacts the CAO’s office assistant and County IT to ensure posting.
* ConEd can prepare a “compliance” report, which identifies any required responses to the prior year’s grand jury reports that did not meet the legal requirements.
* Reviews complaints forwarded by the prior jury to determine if the complaint should be presented to the plenary to approve an investigation
* Assesses all files and written documents from the prior year to ensure proper storage and/or disposal
* Reviews this procedures manual and, if required, recommend changes to the Foreperson and full panel.
* Ensures the previous grand jury reports are consolidated into one document, the end-of-term consolidated Final Report, on the grand jury website.

**Editorial Responsibilities**

ConEd acts as editor for drafts of the investigative committees’ reports, suggesting changes for ease of reading, uniformity of style and organization, grammar and punctuation, and coordination of the report as a whole. The editing should not include changing the meaning of the reports.

The committee uses the Grand Jury Report Review Checklist, (see Report section of Appendix) as a guide when editing reports. The committee should be trained in the use of the Review function (including redline or Track Changes and comments) in Word.

The committee suggests further investigation or confirmation of facts if it has questions as to the accuracy of a report’s facts or findings. The chair returns an edited version of the report to the investigating committee with its edits and suggestions. ConEd does not approve reports – that is the function of the plenary.

Early in the term, the committee should recommend a report format to the plenary. The format will be used for all reports (except a “continuity report”) to ensure consistency. (See the Report Writing Template form in the Report section of the Appendix).

Each report will go through several drafts. Using standard formats helps ensure that the report contains all of the necessary elements and flows logically from point to point. This report format will be used for all individual reports, which will all be part of the annual consolidated report.

In addition, the plenary will approve a file naming convention for all committees to use, including the editorial committee.

Once the investigative committee has completed its first full draft of a report, and as major revisions are made thereafter, the report will be sent to ConEd for editing. This process is summarized below.

* ConEd will use the Grand Jury Report Review Checklist for each review of a report, and will send a copy of it to the investigative committee with its edits to and comments about the draft report. The report, using Microsoft Word will have edits and comments made in “Track Changes.”
* All drafts must be dated and follow the file naming convention that plenary approved
* At the end of the term, all drafts should be destroyed in a confidential manner (preferably by shredding) and only the final report should be maintained. A final copy of the report is maintained in the consolidated final report file on the shared drive.
* The electronic files should be deleted off the shared drive by the Chairperson.

ConEd can give input as to the content and organization of the consolidated final report, which will be recommended to the full grand jury for approval. ConEd along with the IT Officer can assist committees with photographs and graphics for the consolidated final report. They will need to be placed in a PDF file for final production.

The Foreperson should request assistance from County Counsel and the CAO analyst in entering into a contract with the newspaper for publication of the consolidated final report or the summaries from the reports. The contract should be finalized by March. The Foreperson may choose to take a member of the ConED or another Executive Committee member to review the contract and set due dates for publications with the newspaper staff. ConED shall work with the newspaper on the printed version of the consolidated report. The newspaper requires an electronic version created in Word and a printed PDF version of the consolidated report.

The County’s Information Technology Department should be given a complete copy of the consolidated final report so the report can be posted to the grand jury webpage on the report release date. The process for doing this is that the CAO should be asked to instruct the IT Department to accept the report directly from the Foreperson and post it on the morning of impaneling. A sample confidentiality agreement between the grand jury and the Information Technology Department can be found in the Foreperson’s Guide.

* ConEd is also responsible for producing the Procedures Manual for the next term grand jury. This will incorporate changes that the current jury deem necessary, as well as add changes or revisions to the applicable Penal Code sections. The final Procedures Manual requires approval of the supermajority of the plenary. The final approved draft will be submitted to County Counsel for review no later than May 1, to allow time for reproduction of the manual before the end of the grand jury term.

**7. Complaint Committee**

Each complaint or request for investigation submitted to the grand jury is assigned a complaint number, scanned, and forwarded through the Corresponding Secretary to the Complaint Committee Chairperson.

This Committee discusses the merit of each complaint. The Committee acts as a “filter” for the plenary to determine complaints that are without merit or do not fall under grand jury purview, such as,

* The matter involves a federal or state agency or institution and the grand jury has no jurisdiction in the matter.
* The matter does not fall under the jurisdiction of the grand jury as defined in the California Penal Code.
* The matter is before the courts or is being litigated.
* The complaint contains insufficient information or evidence to warrant study by the grand jury.
* The matter is a private dispute and therefore not within grand jury jurisdiction.

The Committee recommends to the plenary to close or investigate, or the Committee requests more information from the complainant for clarification. The Committee Chair forwards the complaints, with the Committee’s recommendation, to plenary.

Plenary discusses each complaint and votes to accept or reject the Complaint Committee’s recommendation. The plenary may choose to assign an accepted complaint to a standing or ad hoc committee at this time.

The Corresponding Secretary may be instructed, by the Complaint Committee or the plenary, to send a follow-up letter asking for further information or request complainant to complete and return a SCGJ Request for Investigation form.

The Corresponding Secretary prepares and signs the appropriate form letter to be sent to the person filing the complaint acknowledging receipt (See Appendix for suggested letters).

**8. Executive Committee**

The grand jury should establish an Executive Committee made up of the Foreperson, Pro Tem, Recording Secretary, Corresponding Secretary, IT Officer and the committee chairpersons. If a committee is disbanded, the chairperson will no longer be on the Executive Committee.

The purpose of the committee is to ensure that information is freely shared among all committees and groups within the jury, that tasks are being completed in a timely manner, and that any internal issues are being properly addressed. The Executive Committee fosters teamwork and collegiality, and ensures that the work of the grand jury is progressing and it is meeting its charge.

The Executive Committee should initially meet for sixty minutes immediately before each plenary meeting as the jury is getting organized. Thereafter, any member of the Executive Committee may ask to schedule an Executive Committee meeting. Regular meetings are not required; they are held when information needs to be exchanged.

**9. Ad Hoc Committees**

Ad hoc committees should be formed as needed with jurors volunteering to be on the committee focused on one specific topic that needs investigation, approved by passage of a supermajority vote at plenary. Often, an investigation will lead into a new ad hoc investigation and a new team may be developed to cover that topic.

The members of this committee should be interested in the topic to be investigated.

Any member of the jury can suggest a topic to investigate. This person will ordinarily be named the chair and will ask for the number of members deemed necessary to complete the work.

**Note:** Grand jurors who have a particular interest in a topic must be vetted by the grand jury to ensure that the reason for their strong interest is not because they have an ax to grind or have a pre-determined desire for a particular outcome. Jurors with a real or perceived conflict of interest should not be assigned to a committee that might investigate the topic in question.

**6. CIVIL INVESTIGATIONS AND INTERVIEWS**

1. **Investigations of Public Agencies**

The primary duty of the grand jury is to inquire into the operations of local governments (cities, the county, special districts, school districts, etc.) and any willful or corrupt misconduct of the officials who run or oversee those local agencies or their divisions or departments. (See Penal Code §§925, 925a, 933.1, 933.5 and 933.6, in the Statutory and Case Law section of this manual, for the types of agencies the grand jury may investigate.)

At least one investigation must be about some aspect of county government. (Penal Code §925) In addition, the grand jury is expressly authorized (but not required) to investigate and report on the salaries of elected county officials (Penal Code §927) and the need to abolish or create county offices (Penal Code §928).

All grand jury investigations, inspections and reviews must be based on verified information, reflecting no personal bias. A juror must be excused from participation in any investigation in which he or she has any real or perceived conflict of interest or bias. A juror’s recusal is mandatory from an investigation of an agency which employed him or her within the past three years (Penal Code §916.2; see Chapter 3 regarding juror conflicts).

Many citizens do not understand that it is the statutory responsibility of the grand jury to examine the conduct of city and county governments and other local agencies, and that such civil investigations do not necessarily imply malfeasance by government officials. Similarly, the appearance of public officials before the grand jury does not in itself suggest wrongdoing. Because of this misunderstanding, it is important to conduct civil investigations confidentially and with extreme caution.

When a juror takes the oath of office, he or she becomes not only a responsible officer of the court, but also an accountable critic of local government. Consequently, grand jurors should examine governmental operations as seriously, efficiently and scrupulously as they expect their government to be administered by its officers and employees. The result of such an investigation is ordinarily a formal public report with findings and recommendations. The public entity’s governing body must respond in a timely manner to the findings and recommendations in the report. If findings and recommendations are directed to an elected county officer, that person must respond. In cases of willful or corrupt misconduct, an accusation may be brought against the public official who is responsible. (See Chapter 9, Criminal Functions.)

Penal Code §921 provides that the grand jury is entitled to examine, without charge, all **public** **records** in the possession of any local governmental entity within the county. If a public officer or employee claims that a document prepared by their agency is not a “public record,” the Foreperson should seek the advice of County Counsel regarding access to the document.

The grand jury alone decides which governmental entities and issues to investigate within the statutory limits (although it must investigate at least one aspect of county government each year). The previous grand jury may pass on citizen complaints and civil investigation files that can be the starting point for possible investigations by the current jury. Grand jurors themselves might suggest possible issues for investigation, but if the juror’s personal experience has led to the suggestion, or if there is some other reason that members of the public might believe the juror is biased for or against the entity, official or topic being investigated, the juror should remove himself or herself from participating in any part of the actions of the grand jury with respect to the issue.

Approval of at least twelve members of the grand jury (a supermajority) is required to begin an investigation. While some background research can be done by a committee before the grand jury approves an investigation, no interviews, site inspections or records requests can be undertaken until the investigation is formally approved.

The investigative committee assigned to an investigation should gather and study background information and organize how the investigation will be conducted before conducting site inspections or interviews. Interviewing techniques should be reviewed by the committee (see section E of this chapter and the CGJA Training Manual).

In addition, the investigative committee should refer to the Grand Jury Report Review Checklist (Chapter 11, Document V) when planning its investigation, as that document lists all the components that will be included in any report that might be written about the investigation.

**B. Investigations Resulting from Complaints**

The grand jury may decide to conduct an investigation based on a resident’s complaint or request for investigation. Each complaint is discussed by the Complaint Committee which convenes as needed. Complaints and the Committee’s recommendations are forwarded to plenary. Each complaint is reviewed by the entire grand jury, which will decide by a supermajority vote if it should be rejected or accepted for investigation. County Counsel can be consulted if there is any question as to whether the topic is within the grand jury’s jurisdiction.

An inquiry must be made if the grand jury receives a complaint alleging that a local official has engaged in willful or corrupt misconduct in office if (1) the complaint provides credible evidence of misconduct, and (2) the official is still holding a local public office.

A complaint may be referred by the jury to an ad hoc or investigative committee for preliminary research before the jury considers whether to conduct an investigation (however, there must be no contact with anyone outside the grand jury unless and until the jury votes to conduct an investigation). The committee should report back to the grand jury with a recommendation as to whether or not to investigate the complaint. If it is determined that an investigation will proceed, a Topic for Investigation Proposal Form (Chapter 11, Document L) needs to be completed and presented to plenary for approval. A preliminary investigation arising from a complaint may result in the investigation of some aspect of a department or agency, but not necessarily the one referred to in the complaint.

The grand jury is not required by law to accept or act on the complaints it receives. The reasons for rejection of a complaint may include:

1. Complaint is outside the grand jury’s jurisdiction.
2. Complainant should seek legal advice or advice through other channels.
3. Complaint has no merit.
4. Complaint appears to be politically motivated.
5. Complaint involves issues in a current election campaign.
6. Complaint involves matters subject to current litigation.
7. Complaint requires more resources than the grand jury has available.

This list is not exhaustive; the grand jury needs no particular reason to decide not to conduct an investigation based on a complaint. It might simply be of no interest to the jurors.

Following a preliminary review of a complaint, the grand jury may decide to send correspondence to the complainant, acknowledging the complaint or rejecting it if it is outside the jury’s jurisdiction (but no other reason for rejection other than the lack of jurisdiction may be stated). This proposed letter must be presented to the full grand jury for approval and should be signed by the Foreperson. (See Appendix for sample letters.)

The Corresponding Secretary will keep a Complaint Binder and a log (on the grand jury’s shared drive) of all complaints received by the grand jury, and their disposition. Depending on the complainant and the nature of the complaint, the grand jury may decide to send a courtesy copy of the final report to the complainant after it is made public.

**C**. **Investigatory and Legal Assistance**

The grand jury will need legal advice during its term. Penal Code §934 provides that the County Counsel, District Attorney and California Attorney General are all advisors to the grand jury.

The county Counsel usually advises the jury about legal matters related to its internal operations and investigations and the District Attorney provides assistance concerning the indictment and accusation processes. However, the DA can also provide legal services to the grand jury on internal matters and civil investigations and reports. While the California Attorney General is also a legal advisor for the grand jury, that office rarely acts as the jury’s attorney.

The grand jury can ask any any of these three advisors for legal assistance on civil matters. Only the DA and AG provide assistance on criminal matters and the accusation.

In the event that the employment of special (outside) counsel appears necessary, a written request should be made to the Attorney General of the State of California. If the Attorney General refused to help, the grand jury can ask the court to hire private counsel. It should be understood that jurors cannot reveal any information about an investigation to an expert or private counsel until after the court has authorized that person’s retention; for that reason, all contacts with a prospective counsel must wait until after the court approval has been obtained.

In investigations of alleged misconduct of a public official, it can be difficult to determine if the jury should use the County Counsel or District Attorney as its advisor. Before the Foreperson asks either office for assistance in investigating complaints about public officials, the grand jury should answer the following questions:

* Is the complaint a civil matter, a criminal matter or one involving an official’s willful or corrupt misconduct? If it is a civil matter the grand jury should consult the County Counsel or the District Attorney. The District Attorney provides advice on criminal matters (indictments) and those involving official misconduct (accusations).
* Has there been an identical complaint made to the County Counsel or District Attorney about the official? If so, the grand jury should determine if the matter has been resolved or if the County Counsel or District Attorney can provide input to the grand jury.
* Is the matter currently in litigation? If so, the grand jury should consider deferring its investigation until the conclusion of the litigation. Even then, the litigation itself (what happens in court or pre-trial activities) cannot be investigated. The grand jury may only concern itself with the operations of local governments, and may not become embroiled in litigation. To investigate matters that are being litigated is to investigate or “second guess” the decisions and responsibilities of the state court system.

See Chapter 8, Advisors to the Grand Jury, for more on getting legal help.

The grand jury is authorized to employ auditors and other experts, upon prior court approval, to aid in the jury’s duties related to its investigations of the county, cities, joint powers agencies, districts, and LAFCO. However, the grand jury may not spend money nor incur indebtedness in excess of the amount budgeted by the Board of Supervisors, unless the proposed expenditure has been approved in advance by the Presiding Judge, following notification to the Board of Supervisors. (The grand jury should make every effort to operate within its budget.)

**D. Inspections and Tours**

State law requires that all fact-finding forays (tours, inspections, or interviews) must be made in groups of at least two or more jurors. (Penal Code §916) Such contacts are ordinarily undertaken by either a full committee, or by the entire grand jury.

As a self-educational device, committees may want to arrange tours to various county, city, or district facilities to see their operations first hand. These should be scheduled early in the term, as such visits often indicate areas requiring greater depth of study or investigation. Before each tour, the grand jury should discuss the goals of the tour. Suggestions as to improvement of the department should be solicited from the department or agency head, supervisors and staff during the visit. All committee members should take notes.

Whenever possible, committee chairpersons should coordinate inspections so that the same department or physical plant will not be visited more frequently than necessary.

Each year, the grand jury must inquire into the condition and management of the county jail and the Sugar Pine Conservation Camp.; the inquiry can consist of a tour, a interview of the facility’s administrator, or research. For many years, the jury has toured those detention facilities and the Juvenile Hall. The full grand jury may take part in these tours. In order to issue a report, the jury must conduct a full investigation, which would include at a minimum, research and interviews. The CGJA website contains guidelines for inspecting correctional facilities.

During inspection tours, jurors should be properly attired. They should make every effort to comport themselves with the decorum appropriate to the position they hold.

**E. Interviews**

Conducting interviews is an essential part of all investigations.

Penal Code section 933.05€ requires the jury to interview the person in charge of the activity the grand jury is investigating. This is ordinarily the department head in a county or city or the general manager of a district or superintendent of a school district. Sometimes, it will be a member of the entity’s governing board.

In addition, Penal Code section 933.05(d) allows the jury to conduct exit interviews to confirm the accuracy of a report’s findings before the report is made public. One or more exit interviews should be conducted for every report, other than a compliance report.

At least two jurors must be present during any interview. No grand juror should ever act alone or enter into discussions about grand jury business except during an authorized investigation and with other jurors present.

The law and best practices for conducting interviews are described in CGJA’s Training Manual at Tab 5 (for regular interviews) and Tab 8 (for exit interviews.) Exit interviews are also discussed in Tab 5 of CGJA’s Report Writing Workshop Manual. Investigative techniques are demonstrated in videos shown at at CGJA’s trainings.

The members of the investigating committee should conduct one or more mock interviews before conducting their first interview.

**F. Closing Investigation Files**

At the end of a committee’s investigation, the following procedures should be followed for each of its investigations:

1. The committee chair, with coordination with the IT Officer, should collect all paper and electronic documents, notes from interviews, recordings, photos, drafts, and other materials from all committee members and put together a file with *one* copy of everything. This file, including every individual’s notes, must be kept until the end of the next term, or longer if, after consultation with the appropriate legal advisor, it is determined that litigation is threatened or pending. All other copies should be shredded.
2. The committee chair must fill out the Record Retention Check List found in Chapter 1 and submit it to the Foreperson by June 10.
3. A file should also be turned in for any investigation that did not result in a report.

4) Each committee should also maintain a file containing copy of agendas, minutes, or any other committee papers. All duplicates should be shredded.

At the end of the term, all grand jurors should remove all confidential documents and emails from their personal computers and turn in any confidential grand jury papers in their possession for filing or shredding.

Pursuant to Penal Code §924.4, the grand jury can pass forward to the next grand jury a civil investigative file if the current grand jury has not been able to write a report on the investigation, either because of a lack of time to do so, or a lack of resources. This is done via the current Foreperson with a supermajority vote of the plenary. The succeeding grand jury is allowed to review the contents of that file (except any materials related to a criminal investigation or materials which could form part or all of the basis for an indictment). The succeeding grand jury is not obligated to conduct an investigation on that matter, but if it so chooses, it must re-verify and re-triangulate each piece of evidence that is contained in the file.

If there is concern that an investigation or report may result in a claim of defamation, the investigative file should be reviewed by the legal advisor; it may be maintained by the County Counsel, who would defend against any litigation, until the statute of limitations runs or the matter is otherwise resolved.

The current grand jury may pass to the succeeding grand jury confidential records and documents related to one or more of the jury’s civil investigations. (Penal Code §924.4). This is usually done because the jury did not have time to complete an investigation on that topic. Those civil investigative files that are not passed forward should be sealed and held in a locked file for one year or forwarded to the grand jury’s legal advisor so that they can be available for the court to pass forward on its own directive, or for the legal advisor to defend against a possible defamation lawsuit. All other confidential documents, such as meeting minutes, should be shredded at the end of the term. Public domain documents may be kept in the grand jury's library for the use of succeeding juries.

Note that this manual is not a confidential document; however, any added notations or papers that reflect confidential information should be removed from the binder and shredded.

**7. REPORTS AND PUBLICITY**

1. **Writing and Processing Reports**

Not every investigation will result in a report.

Only one report about some aspect of County government is required each year. While many Shasta County grand juries have issued a dozen or more reports during their terms, it should be kept in mind that a small number of important reports is preferable to a larger number of inconsequential ones.

If it appears that a report should be written, the committee conducting the investigation will appoint one or two primary writers. Before starting the report’s first draft, the writers will identify the likely findings and use them to prepare a Report Logic Matrix (available on CGJA’s website under Jury Resources, Sample Documents). The matrix should be started as soon as the committee has a fairly clear picture of the issues, findings, and recommendations. The writers must share the matrix with the full panel to obtain approval of the general content of the report before beginning to write the first draft. (See the CGJA Training Manual for more information about using the matrix.)

The draft report should follow the format described in section B of this chapter, *Report Format,* and utilize the Grand Jury Report Review Checklist (see the appendix for a copy).

The most important components of a report are **facts and findings**.

A “fact” is a piece of information that has been verified or confirmed as being true. While information in an official government report or publication does not ordinarily need to be confirmed, statements made during interviews or in correspondence should always be triangulated (that is, confirmed by two other information sources, such as other interviews or documents). Newspaper accounts and information from nongovernmental websites must also be triangulated because they are unreliable.

Every report must contain findings whether or not it contains any recommendations. A “finding” is a judgment or conclusion (which can be neutral, complimentary or critical) based on one or more of the verified facts that are in the report. A finding bridges the analytical gap between facts and any recommendations.

Some investigations will result in findings that the agency or department is well run and may have no negative findings. If a report is written, it will not contain any recommendations. On the other hand, if one or more problems are identified in the findings, the report must contain one or more recommendations to address each identified problem.

Penal Code §916 requires that any negative findings identified in the report be “accompanied by suggested means for their resolution, including financial, where applicable.” Because of this requirement, if the report contains recommendations with any significant cost, the grand jury should attempt to estimate the cost of each such recommendation and suggest a legal and practical source of funding. The jury should avoid recommending an expenditure that cannot realistically be funded.

The investigative committee should refer to the Grand Jury Report Review Checklist (see checklist in the Appendix) as it conducts the investigation and writes its report. The checklist follows the standard report format and lists all of the required or recommended report components.

As the investigative committee discusses each draft, the report will be revised as necessary. Each draft should be dated and labeled as approved by the plenary in the file naming convention.

The Editorial Committee will edit several drafts of each report. The committee will send a file of its input and the review checklist form to the investigating committee, using the Microsoft Word “Track Changes” and “New Comment” features of Review. The IT Liaison will coordinate a training for the chairs and any other interested member on how to use the Review function.

When editing is complete, the chairperson of the investigative committee will electronically forward the report to the plenary for review at the next session. This should be done a minimum of five days prior to the session, to allow time for all of the members to become familiar with the report. The report will be discussed by the plenary, who will either approve it by a supermajority vote or refer it back to committee for additional work.

Upon the plenary’s acceptance of the report by a supermajority vote, it will be electronically forwarded to legal advisor for review. The legal advisor will return the report with suggestions for changes or ask to meet with the investigative committee to review the report. The County Counsel, if requested by the investigative committee or the plenary, may review several revisions of a report before approving the final version.

After the legal advisor’s final review and approval, the investigative committee should conduct one or more “exit interviews.” Penal Code §933.05 allows the grand jury to request a subject person or governing board to meet with the grand jury to discuss the findings in the report that relate to that person or board, in order to verify the accuracy of the report’s findings. To ensure fairness and accuracy, the grand jury should always conduct an “**exit interview**” to confirm the information contained in its proposed findings with the “subject” – the manager or official who is responsible for that aspect of the department’s operations.

The exit interview must be conducted by two or more jurors in person or, if circumstances require, using a speaker phone. If done by phone, the grand jury must confirm that nobody else can hear the discussion at the interviewee’s end. Jurors may discover, when talking to the person in charge of the investigated operations, that their findings are off-target, outdated, incomplete, or even incorrect. The exit interviews may give them information they need to follow up with additional research or interviews, and/or to correct the report. (See Chapter 6 for more on exit interviews.)

After the exit interview, any corrections/revisions that may have been necessary from the interview information, a final vote from the plenary and final review by the legal advisor, the report must be submitted to the Presiding Judge for review. The grand jury should indicate in a cover letter whether the report is to be released immediately or held till the end of the term. Every report must be provided to the subject of the report at least two working days before its release to the general public. See Section 7.D, below.

See the Flow Chart for Final Reports, which can be found in the Appendix.

The jury should be aware of the Court’s right to refuse to release nonconforming reports, such as those on matters that the jury itself has not investigated or reports concerning activities not within the grand jury’s jurisdiction. (*People v. Superior Court (Santa Barbara)* (1975) 12 Cal.3d 430

The judge may also prohibit the grand jury from including in its report “raw evidence” such as a District Attorney’s legal memorandum to the grand jury, or transcripts of witnesses’ testimony; the rationale is that the jury is obligated to sift through the evidence and verify the facts and develop findings, rather than just give untested evidence to the public. The judge may also refuse to accept a minority report or a report that adopts the recommendations of some other, perhaps partisan organization (Penal Code §929). Although the court cannot quash or alter a report except to the extent that it exceeds the grand jury’s powers as set forth in the Penal Code, the judge might offer suggestions, to which the grand jury should give due consideration.

Prior to the release of the report (by posting it on the jury’s web page), it must not be shown to anyone other than the jury’s legal advisor and the Presiding Judge (and the printer and/or publisher of the released reports, whose contract(s) will contain a confidentiality requirement). However, two working days prior to its scheduled public release the report must be provided to the subjects of the individual reports (see section 7.D, below). All reports must be kept confidential and in safe storage until they are approved for release by the court.

At the end of the term, all of the approved reports (including any that were released mid-term) are compiled into a “consolidated final report.” The consolidated final report can contain additional information such as a cover letter to the Presiding Judge, a roster and group photo of the jurors, a description of grand jury activities for that session, and information on how readers can apply for grand jury service or submit a complaint. The consolidated final report usually has a photograph on its cover. The Foreperson will present the consolidated report to the plenary; once it’s approved by a supermajority vote, it is reviewed by the legal advisor and then the judge before it can be posted.

The jury usually prepares a limited number of spiral-bound versions of the consolidated report to distribute to the outgoing jurors, local libraries, and officials. The Foreperson or designees should obtain three bids from local printers and with the help of the CAO analyst assigned to the jury, enter into a contract with the chosen printer.

See Section D about printing the consolidated final report or the summaries of some or all of the individual reports in the newspaper chosen.

1. **Report Format**

Every report should use CGJA’s format, summarized here:

***Summary*:** The summary is a concise recounting of the report. This section contains a brief overview of the most important issues, findings and recommendations. This is the one section that everyone who sees the report will read, so it should “tell the story” to encourage the reader to read the entire report. It may be easier to write this section after you have written all other sections.

***Background****:* This section describes the circumstances and events that led to the investigation, answering the unspoken question, “Why did the grand jury choose to conduct this investigation?” It often includes much of the background or general information the reader would need to know to understand the report. Writing the discussion first might help you understand what might be missing that should be noted in the background.

***Methodology:*** This section consists of a list of investigative techniques used in the investigation, including the number of persons interviewed, meetings attended, and any site visits made. In order to protect the identity of those interviewed, neither the names nor titles of interviewees should be included. For example, you would not list the department head by name or position; instead, state that the jury interviewed administrators and managers of the department.

***Discussion:*** This section contains the **verified** **facts** as determined by the investigative committee, clearly organized in a logical order by topic. Except for reliable government information (such as data from an adopted budget or a published report of a nonpartisan state or federal agency) all information must be verified by as many sources as needed for the jury to be certain the information is true. this will often require three sources; a combination of interviews, documents (official records and/or reliable publications) or site visits. If the evidence from various sources is in conflict, credibility must be assessed (the jury can choose to believe one source’s information over that from another source). All findings must be the result of facts found in your discussion. Once you know what findings, you will know what facts need to be verified and included in the discussion. The discussion is the story of how you got the findings.

***Findings:*** Findings are the conclusions or judgments that flow from the verified facts contained in the discussion section of your report. You must be able to trace every finding back to a fact in the discussion. A finding describes what the entity is doing wrong or right, and the impact on its customers or the general public. The findings confirm the issues identified in the Summary and Discussion. Every report must have findings (Penal Code §916). Findings should be numbered F1, F2, etc. Findings along with recommendations are the crucial part of the report. Everything else is there to support these core elements. Findings imply approval or disapproval or describe a problem. They contain a single idea and show the need for action.

***Recommendations:*** Recommendations are required only when the findings identify a problem. Each recommendation must be based on and flow logically from one or more findings. It should state what should be done, by whom, and within what time frame in order to mitigate or fix the problems identified in the findings. The recommendations must be specific, practical and financially feasible. If a recommendation includes financial suggestions the report must include ways to finance the solution. Recommendations should be numbered R1, R2, etc. The “who” in the recommendation should be the entity’s governing body or an elected county official, not a specific department or function. (Example: Board of Supervisors, City Council or County Clerk.)

***Required Responses:*** Here, the report will identify who must respond to specified findings and recommendations, which are referred to by number. Only governing boards and elected county officials can be required to respond. For example, the report might indicate that the city council “**shall** respond to findings F1 and F2 and recommendation R1.”

***Invited Responses:*** The jury can invite elected city department heads or appointed department heads and other top administrators to respond to specific findings and recommendations (for example, “The City Clerk is invited to respond to findings F4 through F7 and recommendations R5 and R6.”) Invited officials almost always submit responses but are not required to.

***Bibliography:*** This section is optional. It references the most significant documents and websites used during the committee’s investigation.

***Appendix:*** This section is optional. It can contain maps, excerpts from statutes, relevant contract provisions, a glossary, or other information not essential to the text of the report. It may not contain “raw evidence” (unverified information, such as a transcript of an interviewee’s testimony).

***Disclaimer(s):***This a statement that a juror recused because of a real or perceived conflict of interest. The general nature of the relationship requiring recusal should be stated. For example: “One juror recused from all aspects of the investigation and report wring process due to a family relationship with an employee of the agency.”

**C. Defamation**

Defamation is a false statement about an identifiable person or corporation which damages the person’s or corporation’s reputation. Written defamation is referred to as “libel” and oral defamation as “slander.”

Penal Code §930 states, "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." In *Gillett-Harris-Duranceau & Associates, Inc. v. Kemple* (1978) 83 Cal.App.3d 214, the court held that section 930 meant that grand jury members were not immune from a suit in which the plaintiff claimed that he was defamed by statements in the grand jury report that he had been negligent, incompetent and wrong in performance of his duties for county and special districts.

A more recent case, *McClatchy Newspapers v. Superior Court* (1988) 44 Cal.3d 1162, held that a grand jury's comments regarding any person or official who had not been indicted were not deemed to be privileged and, therefore, an action for libel was possible against individual grand jurors for statements made in the grand jury report.

Because grand jurors can be held personally liable for damages for defamation of persons or corporations wrongly disparaged in grand jury reports, it is critical that the grand jury be certain of the accuracy of any statement which accuses a person of a crime (such as a violation of the Brown Act or the violation of a Penal Code provision) or a claim that a person investigated by the grand jury is corrupt or incompetent. While there are some legal safeguards (defenses and immunities) which protect grand jurors, it is best to avoid claims of defamation whenever possible.

Because the truth of the supposedly libelous statement is always a defense, the best way for the grand jury to avoid a defamation lawsuit is to make sure that every sentence in its report is true. Every fact must be adequately verified and every finding must be based on verified facts.

Stick to the facts; let the reader draw their own conclusions. Litigation is more likely if the plaintiff feels insulted. Reports should not be sarcastic in tone. Jurors should avoid making sweeping condemnations of any identifiable person (or corporation). Do not mention a person’s supposed motives, morality or personal life, or their “professionalism.” Do not label anyone’s conduct. Reports should be factual and maintain civility.

**D. Release of Reports**

Grand juries may release one or more individual reports earlier than at the completion of its term and are encouraged to do so. The purpose of these “early release reports” is to allow for more serious consideration of the individual report findings and recommendations.

Penal Code §933.05(f) requires the grand jury to provide a copy of the grand jury report relating to a specific person or entity to that person or entity two working days prior to the report’s public release, and after approval by the Presiding Judge. This allows the person or entity to prepare for potential media inquiries that may arise when the report is made public. By law, the person or entity is prohibited from disclosing any of the contents of the report prior to its public release. The Appendix contains a letter to accompany the report that explains the secrecy obligation and summarizes the requirements for responding to the report.

The grand jury also releases all of the individual reports together at the end of the term in a “consolidated final report.” The grand jury hands a bound copy of the consolidated final report to the Presiding Judge during the impaneling ceremony, at which time the outgoing jury is then discharged.

Note that any report released by the grand jury after the jury is discharged would have no legal effect. Even if the court approved it for release, there would be no apparent legal compulsion for officials to respond to it.

For many years, the grand jury has had its consolidated final report published in the *Record Searchlight* at the end of the term. If the budget permits, the grand jury may choose to have a report that is released individually before the end of the term (or just the summary of it) published in the newspaper as well, but in the past its budget has not been sufficient to cover multiple publications. Therefore, an early-release report is ordinarily just sent to media outlets with a press release and is not printed in the newspaper (the press release should refer the public to the grand jury’s website, where the report should be posted at the same time as the press release). All early release reports are also included in the consolidated final report.

If the grand jury wants to publish its consolidated final report in the newspaper, the individual reports should be submitted to the Presiding Judge at leasta month prior to the chosen newspaper’sdeadlinefor publication. Reports may be submitted to the judge for review individually or in a packet (although providing them as soon as each is finished gives the judge more time to review them).

Publishing the full reports as an insert in the *Record Searchlight* is the best way to inform the public about the jury’s analysis of the operations of local government. However, the jury is not obligated to publish any of its reports in the newspaper. It can choose to publish some, but not all, of them. Or it can publish just the summaries of its individual reports. For example, the 1998-1999 and 2011-2012 grand juries published only the summaries to save money. The 2018-2019 Grand Jury had nothing printed in the paper, choosing to send only a press release with the link to the on-line consolidated final report. The intent was to not only save money, but to also preclude the end-of-the year crunch that comes from having to meet the newspaper’s publication deadline.

Whether or not the consolidated report is printed in full in the *Record Searchlight*, the printer will produce 300 copies of a newsprint version of the report for distribution to members of the public.

Spiral-bound copies of the consolidated final report (not the newsprint version) are printed by a local printer pursuant to a confidentiality agreement drafted with the help of County Counsel. The copies must be distributed to the jurors and to each “master agency” identified below. The Foreperson must be sure to deliver a copy of the report to the printer in time to have the copies available for distribution on the day of the jury’s discharge.

On the day the grand jury is discharged and the new jury is impaneled, the Foreperson or their designee must deliver 5 of the bound copies and 50 or more of the newsprint version of the report to the County Clerk. The Clerk will keep one bound copy for the County’s official records, send one copy to the State Archivist, and have newsprint copies available for the public. The Clerk should be reminded not to release any of the copies until after the Presiding Judge releases the report at 9:30 on the morning the new jury is impaneled.

At 9:30 a.m. on the day of the impaneling ceremony, County IT will post the full consolidated report on the jury’s website. The Foreperson must make sure IT has the report in advance of when it is scheduled to “go live” and remind IT of the release date and time. Note that IT will have already entered into a confidentiality agreement with the grand jury.

Thirty or more copies of the newsprint version of the consolidated final report should be taken by the Foreperson (or their designee) to the impaneling ceremony, so that the new jurors and alternates can review the consolidated final report or summaries during the Orientation Program. The additional newsprint copies can be placed in the grand jury room’s reception area, taken to the CGJA training in July, and delivered to various public institutions around the county.

It is up to the outgoing Foreperson to ensure that the spiral-bound and the newsprint versions of the consolidated final report are distributed in accordance with this section. In addition, the Foreperson must ensure that the reports are distributed to the officials and governing boards that are entitled to them.

The Foreperson must ensure that the *individual reports* are mailed to each official or governing board that was the subject of the report, even if the official or board had been given the report two days earlier pursuant to Penal Code §933.05(f), discussed above. In addition, the Foreperson should ensure that a bound copy of the consolidated final report is sent to each of the City Clerks for Redding, Anderson, and the City of Shasta Lake with a cover letter.

MASTER AGENCY LIST (for distribution of bound copies of the consolidated final report)

Number of Copies

Shasta County Clerk (delivered in advance) 5

City Clerk, City of Redding (by mail) 1

777 Cypress Avenue

Redding, CA 96001 (225-4055)

City Clerk, City of Anderson (by mail) 1

1887 Howard Street

Anderson, CA 96007 (378-6646)

City Clerk, City of Shasta Lake (by mail) 1

1650 Stanton Drive

Shasta Lake, CA 96019 (275-7400)

Outgoing Jurors (distributed during the impaneling ceremony) up to 19

Presiding Judge (during the ceremony) 1

Court Executive Officer (during the ceremony) 1

Board of Supervisors/Clerk of the Board (during or after the ceremony)\* 6

County Administrative Officer (during or after the ceremony)\* 1

County Counsel (during or after the ceremony)\* 1

District Attorney (during or after the ceremony)\* 1

Grand Jury library (during or after the ceremony) \* 1

Public library branches in Redding, Anderson, and Burney 3

CGJA 1

TOTAL 43

\* By hand delivery during the ceremony, or to the recipients’ offices that afternoon.

Members attending the CGJA regional training seminar should take newspaper copies of the Final Report to exchange with other grand juries.

**E. Responses to Grand Jury Reports**

Penal Code §933 allows the grand jury to require *elected county officials* and *governing bodies* of a county, city or other agency to respond to the grand jury’s reports. The elected county officials to whom the grand jury directs its recommendations are required to respond to the reports’ findings and recommendations within 60 days. The governing bodies have 90 days to respond. Responses are submitted to the Presiding Judge.

The grand jury may not *require* individuals other than elected county officials to respond to reports. However, nothing prohibits the grand jury from *inviting* a response from an appointed county department head or official or an elected or appointed city official, or a district manager and most grand juries do this. The “invited” officials almost always respond but are not required to do so.

Penal Code §933.05 requires that responses contain specific information. The respondent must:

* State whether he or she agrees or disagrees with each finding. Disagreement with all or part of a finding must be explained.
* State, with regard to each recommendation, the extent to which the recommendation has been implemented, or when it will be implemented, or why the department or public entity will not implement the recommendation. (See Penal Code §933.05 for a more thorough description of the information that must be contained in the response.)

When both an elected county department head and the Board of Supervisors are directed to respond to the same report, the Board may address only those budgetary and personnel matters over which it has some decision-making authority. The elected county department head must respond to all aspects of the findings and recommendations. (PC §933.05(c))

The grand jury, through its Continuity Committee, should monitor the responses to the prior year’s reports to determine if each of the boards and elected officials has responded on time and in accordance with section 933.05. This review is very specific and only covers the required information for each response. The Continuity Committee cannot investigate the response content, only that they are in the correct format.

If a board or elected official fails to respond to one or more findings or recommendations, or does not include the required wording, the jury may send a letter advising the board or official of the requirements of section 933.05.

In recent years, the grand jury has usually prepared as one of the reports contained in the consolidated final report, a “compliance report” that discusses whether the required respondents have complied with the requirements in Penal Code §933.05 as to timeliness of the responses and the required wording.

Compliance reports can take many hours to compile and can be of only limited value. They should be written only if the jury determines that the responses to one or more reports are seriously deficient – for example, when a required (not invited) respondent fails to respond at all or fails to include the wording required by Penal Code §933.05. The jury should not refer in a compliance report any report to which the responses are in substantial compliance with the law.

A board or official’s responses, if inadequate, may prompt the succeeding grand jury to conduct a follow-up investigation of the agency. The succeeding jury must conduct its own investigation and cannot rely on any of the facts or findings of the original jury but must instead conduct its own research and interviews.

**F. Public Statements and Press Releases**

Two statutes allow for public statements by the grand jury.

Penal Code §939.91 allows a grand jury to issue a statement, at the request of a witness before the grand jury, which would state that an indictment was not found against such person, or that the person was called only as a witness in an investigation that did not involve a charge against such person.

Penal Code §933(a) provides that the Foreperson, their designee, must be available for 45 days after the end of the term to “clarify the recommendations of the report.” Section 933 does not indicate to whom these clarifications may be made, so presumably the Foreperson and designee can discuss the recommendations (but not the findings or the investigation generally) with any person who requests clarification. Section 933 does not authorize the release of background information, votes or information about deliberations, or evidence adduced by the grand jury. The Foreperson and designee may not “clarify” the facts or findings in the report.

There is no statutory authority for “press releases” or other types of public statements. Should the grand jury wish to publicize the release of a grand jury report, it should consult with the jury’s legal advisor to prepare the press release and discuss how to handle media questions.

It is important to remember that a grand juror who willfully discloses any evidence presented to the grand jury, or anything any grand juror has said or how any grand juror has voted, is guilty of a misdemeanor. (PC §924.1)

The final reports of completed investigations is the avenue through which the public will know the grand jury is performing its civil watchdog duties. It is the grand jury’s means of educating the public. Except for the purpose of “clarifying recommendations,” neither the Foreperson nor any other grand juror should comment in the news media (or to anyone else) as to anything that is not explicitly contained in the final report, nor as to any aspect of the grand jury’s investigations.

Many matters requiring grand jury action can be successfully completed only if absolute secrecy is maintained throughout the inquiry. With regard to watchdog investigations, whistleblowers will not come forward unless they can be confident that their identities will be safeguarded.

It is considered a breach of oath for a grand juror to discuss any criminal case after an indictment has been returned, prior to or during the trial of any person indicted. Any such public utterances can prejudice the defense of the defendant when their case comes to trial. Any such statements made by a grand juror can properly be ruled as contempt of the trial court that is endeavoring to guarantee the defendant a fair and impartial trial.

**G. The Grand Jury’s Website**

The grand jury has a page on the County’s website, www.shastacounty.gov/grand-jury. The web page is maintained by the County’s Information Technology Department (“County IT”).

The page contains general information about the grand jury, reports and responses from previous years, and copies of the request for investigation form and grand juror application form.

Each year, the grand jury, through the Foreperson, should enter into a confidentiality agreement with the County IT regarding the posting of any reports released mid-term and the posting of the consolidated final report. The latter posting should “go live” on the website at 9:30 on the morning that the grand jury is discharged.

If any reports are released to the public (after approval by the Presiding Judge) before the end of the grand jury’s term, those “mid-term reports” should be promptly posted on the website, with the IT confidentially contract in place.

**8. ADVISORS TO THE GRAND JURY, AND THE SHASTA COUNTY GRAND JURORS’ ASSOCIATION**

In the performance of its duties, the grand jury may, through the Foreperson, ask the advice of the Presiding Judge, the County Counsel, or the District Attorney. Unless advice is asked of the Presiding Judge or County Counsel as to civil matters, they shall not be present during the sessions of the grand jury. (Penal Code §934)

In Shasta County, the Presiding Judge provides administrative guidance to the grand jury about its membership and operations, but does not provide legal advice. The grand jury will receive its legal advice from one of the attorneys described below.

**A. The District Attorney/Attorney General**

In Shasta County, the County Counsel usually acts as the primary legal advisor to the grand jury on civil matters while the District Attorney’s involvement has been limited to advising on criminal matters and accusations and assisting the grand jury on civil matters on which the County Counsel’s Office has recused (see section 9.B, below). However, the DA may act as the the jury’s sole civil legal advisor or may provide services on some but not all of the jury’s civil investigations.

If the DA acts as the primary legal advisor, the grand jury should establish a relationship with the assigned deputy and receive training from them as described in the next section (regarding County Counsel).

Three Penal Code sections refer to the DA with regard to the jury’s watchdog function. Penal Code section 939.2 allows the DA to issue subpoenas for witnesses. The District Attorney may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter pertinent to the grand jury, and may interrogate witnesses before the grand jury whenever he or she thinks it necessary. (PC §935) In addition, at any time the grand jury concludes that money is due to the County and not collected, it may order the District Attorney to institute legal action for its collection.

During any civil investigation, if the grand jury uncovers evidence of criminal activity, the Foreperson, usually accompanied by the Pro Tem and the committee chair, should promptly consult with the District Attorney.

The Attorney General of the State of California is also available for advice and assistance, but should only be solicited if the District Attorney has a conflict of interest or is otherwise unavailable to assist the grand jury with regard to a criminal matter (including an accusation for the removal from office of a public official). A request for the Attorney General’s aid may be made by the grand jury in writing. (Penal Code §936)

**B. County Counsel**

The County Counsel, and their deputies, usually act as the primary civil legal advisor to the grand jury, although the jury may also (or instead) use the District Attorney. The County Counsel or DA assigns a deputy to provide legal services to the grand jury. The terms “County Counsel” and “DA” refer to any attorney in the office who provides services to the grand jury.

If the jury is using the County Counsel as its primary advisor, the Foreperson should establish a working relationship with County Counsel early in the term, and should feel free to contact the attorney at any time.

County Counsel will provide training during the Orientation Program and later during the term (see section 3.E). They will answer questions about the jury’s jurisdiction (what the jury is required or allowed to investigate) or procedures. County Counsel will conduct legal research, at the jury’s request, about the local governments and officials the jury is investigating. County Counsel can file a motion to obtain confidential public records, such as Juvenile Court records, or obtain a subpoena from the court to require the production of other records. Finally, County Counsel will review the jury’s draft reports for legal sufficiency.

The County Counsel is the attorney for the County Board of Supervisors, and all County departments, officers, and commissions, and will occasionally provide limited legal services to a special district or school district. Members of the County Counsel’s legal staff are familiar with the operations of local governing bodies and the types of transactions which may be the subject of inquiry by the grand jury. In addition to giving the grand jury general legal advice on County matters, County Counsel may be able to assist the grand jury by providing an analysis of the law regarding any of the agencies the jury is investigating.

The Penal Code expressly authorizes the grand jury to request the advice of County Counsel with regard to any aspect of its civil investigatory powers, even as those investigations relate to governmental agencies for which the County Counsel is legal advisor.

Issues may arise about which the County Board of Supervisors or a county department head, as well as the grand jury, are seeking or have obtained legal advice. This would create a conflict of interest for the particular attorney in the County Counsel’s office who provided advice to the board or official. Should that occur, the County Counsel will arrange to have a disinterested attorney in the office advise the grand jury. An “ethical wall” will prohibit the sharing of any files or other information. If all of the attorneys in the office have been involved in providing those legal services, the entire office will recuse, and the jury will go to the District Attorney for legal assistance.

Inasmuch as County Counsel acts as legal advisor to the grand jury, the office is bound by the secrecy restrictions on grand jury matters and the confidentiality of the attorney-client relationship.

**C. Accessing the Advice of the County Counsel or District Attorney**

If at any time the grand jury has questions regarding a civil or criminal investigation, the Foreperson should solicit County Counsel's or the District Attorney's opinion. All written opinions must be shared by the Foreperson with the entire grand jury unless the attorney requests the Foreperson to restrict the distribution of the opinion (for example, in the case of an opinion that concerns a juror “personnel issue.”) The grand jury should treat any opinions from either office as confidential unless authorized to release the contents by County Counsel or the District Attorney; the attorney’s advice should not be alluded to in the jury’s report without authorization.

The Foreperson, or the grand jury, on a majority vote, may invite County Counsel to be present during plenary sessions or committee meetings in order to give legal advice to the full panel or the committee. However, County Counsel may not be present during jury deliberations or votes.

**D. Shasta County Grand Jurors’ Association (SCGJA)**

In 2002, an informal association of former grand jurors organized itself into the Shasta County Past Grand Jurors’ Association, for the purpose of promoting grand jury service in this County. In 2010, the Past Grand Jurors’ Association became a chaptered member of the California Grand Jurors’ Association (CGJA) and changed its name to the Shasta County Grand Jurors’ Association (SCGJA). In 2024, the state-wide association changed its name to the Civil Grand Jurors’ Association of California; the chapter’s name did not change, however.

The purpose of SCGJA is to help the Shasta County Grand Jury in any way it can, without compromising the secrecy of grand jury proceedings.

Each year, SCGJA collaborates with the Shasta County Superior Court to publicize the activities of the grand jury and to encourage citizens to volunteer for grand jury service. It produces brochures, media information packets and public service announcements, and it hosts an Open House for prospective jurors. Chapter members are available to speak to civic groups and others about the functions of the grand jury.

SCGJA assists the court with screening grand juror applications, interviewing the applicants, and providing information to prospective jurors.

SCGJA helps with the grand jury’s orientation and training. Members give presentations to new grand jurors on a number of topics during the Orientation Program that takes place immediately following the jury’s impaneling. They also coordinate CGJA’s two-day regional training seminar. Finally, SCGJA provides training sessions on investigations and report writing as the jury begins its work.

The grand jury may ask SCGJA to review the responses the jury has received to the prior year’s grand jury reports in order to provide input as to whether the responses (which are public documents) are in compliance with Penal Code §933.5. The jury can use this input in determining whether to demand additional responses, or to launch a follow-up investigation.

In addition, SCGJA is available to assist the grand jury in administrative matters, such as reviewing and reproducing this Manual each year, and answering questions of a general nature (as long as information about specific complaints or investigations is not divulged).

Jurors are offered free memberships in both SCGJA and CGJA during their term on the grand jury. Membership keeps jurors informed of local and statewide matters of interest to the grand jury. SCGJA can more effectively be of service to the grand jury if current jurors join the local association.

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**9. OATHS, ADMONITIONS, AND CRIMINAL FUNCTIONS**

**A.** **Oaths**

The Oath to Grand Jurors is administered by the Court to all grand jurors when they are impaneled. See Section 2-E.

Oaths are rarely used in civil investigations because they can intimidate the interviewee. Use them only if there is a reasonable possibility that the interviewee will be the subject of an accusation or indictment.

Oaths, should they be administered, are administered by the Foreperson (PC §939.2), or in their absence or recusal, the Pro Tem. At the request of the interviewee, an oath may be modified to change the word "swear" to "affirm."

Oath to a witness:

"Do you solemnly swear (affirm) that the testimony that you are about to give upon the investigation now pending before this grand jury shall be the truth, the whole truth, and nothing but the truth?"

Oath to a court reporter:

When an investigation involves the question of an accusation, or an investigation is of a nature serious enough to require that the testimony be recorded, a court reporter should be retained through the District Attorney. The reporter is required to take the following oath:

"Do you solemnly swear (affirm) that you will faithfully perform the duties of stenographic reporter for this grand jury, and that you will well and truly report the proceedings had before this grand jury, and when called upon to do so, will furnish a full, true and correct transcript of your notes within the time prescribed by law, and that you will not divulge any of the matters concerning which the grand jury is conducting an investigation, the names of any witnesses, or the testimony given by them, until you have been ordered to do so by this grand jury?"

Oath to an officer charged with custody of prisoner witness while prisoner is testifying:

"Do you solemnly swear (affirm) that you will perform the duties required of you for this grand jury, and that you will not reveal to any person, except as directed by the court, what questions were asked or what responses were given or any other matters concerning the nature or subject of the grand jury's investigation which you learned during your attendance here unless and until such time as the transcript of this grand jury proceeding is made public?"

Oath to an interpreter:

"Do you solemnly swear (affirm) that you will well and truly interpret (foreign language) into English and English into (foreign language), in the cause now pending before this grand jury with your best skill and judgment?"

**B.**  **Admonitions**

An admonition can be given by any grand juror. The admonition instructs the witness (interviewee) not to reveal anything they learn during the interview, including the questions they were asked. An admonition form, which can be signed by the interviewee at the investigative committee’s request, is included in the Appendix.

Admonition to all witnesses and any court reporter for an interview in a civil investigation:

"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 which 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."

Additional admonition to a witness in a civil investigation whose testimony may result in a criminal indictment or an accusation (consult with the DA before the interview about the wording of this admonition):

"You are advised 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, and you can refuse to answer any such questions, stating that the answer may tend to incriminate you.

"You also are advised that anything you say can and will be used against you in a court of law; that you have the right to talk to a lawyer; and that, if you cannot afford a lawyer, one will be appointed to represent you before any questioning, if you wish one.

"Do you understand each of these rights? Having these rights in mind, are you willing to testify at this time?"

**C. Indictments**

An indictment is a proceeding used by the District Attorney in lieu of a preliminary hearing. Evidence of one or more alleged crimes is presented to the grand jury behind closed doors and the jury determines whether that evidence would warrant a conviction by a trial jury. If so, the defendant’s case is set for trial.

The reasons cited by the District Attorney for using the indictment proceeding rather than a preliminary hearing are:

1. It allows the prosecution to toll the statute of limitations in the case of an absent defendant. The statute of limitations is automatically tolled when it can be proven that the defendant has fled the local jurisdiction for purposes of avoiding prosecution.
2. It saves time in narcotics cases when a single agent has made many purchases; in complex fraud cases; in cases involving multiple defendants; and in murder and kidnap cases, because the grand jury hearing is not open to the defense counsel for cross-examination.
3. It permits the continuation of a complex indictment hearing over a long period of time.
4. The District Attorney can use grand jury subpoenas, although no formal court proceedings have been started.
5. The secrecy and non-adversary nature of the grand jury hearing protects witnesses from embarrassing cross-examination, which would occur during a preliminary hearing, e.g., children, rape victims (however, witnesses will be subject to cross-examination during jury trial); protects an informant or undercover agent's identity; protects witnesses from harm and intimidation (however, this protection is granted only until delivery of the indictment transcript to the defendant, which includes a list of witnesses and their testimony); and protects an innocent defendant when no indictment is returned or accusation presented.

Should the District Attorney decide to present a criminal case to the grand jury, jurors will be provided written and oral instructions on the procedures they must follow.

**D. Accusations**

The grand jury is required to investigate allegations of misconduct in office of local public officials and, where appropriate, the jury may choose to initiate proceedings to remove officials from office.

According to Penal Code §919(c), “the grand jury shall inquire into the willful or corrupt misconduct of public officers of every description within the County.” Penal Code §922 states that the grand jury must follow Government Code § 3060 with regard to the removal from office of a district, county or city officer. Government Code § 3060 provides:

“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. An accusation may not be presented without the concurrence of at least twelve grand jurors.”

The penalty for willful or corrupt misconduct in public office is removal from office. Just what constitutes willful or corrupt misconduct justifying removal from office may present a rather technical question upon which the grand jury should seek legal advice from the District Attorney. Generally speaking, if an official commits a crime in connection with the operation of their office, or willfully or corruptly fails or refuses to carry out a duty prescribed by law under which the officer holds their position, or when the officer’s conduct in office is below the standard of decency rightfully expected of a public official such as a gross and repeated failure to carry out their official routine in a timely and appropriate manner, the official may be removed from office as a result of an accusation. *People v. Hale* (1965) 232 Cal.App.2d, 212, 219.

There is no clear cut statutory classification of an accusation as either criminal or civil in nature, but the courts have treated accusations as criminal in nature for many purposes. Further, the statutes dealing with accusations make it appear more appropriate to classify the grand jury’s responsibilities with regard to accusations against public officials as falling under its criminal, rather than its civil, functions. For example, interviews of witnesses must be taken down by a court reporter. (PC §938, §938.1)

The accusation itself is a written statement presented by the grand jury and delivered to the District Attorney, charging the public official with willful or corrupt misconduct in office. It is distinguished from an indictment, which is a written accusatory statement charging either a private citizen or a governmental official with a public offense or crime. The penalties differ. Conviction under an indictment may result in either incarceration or a fine, or both. But a conviction under an accusation can result only in the defendant’s removal from office.

If the grand jury uncovers evidence that a public official has committed a criminal offense or has engaged in willful misconduct in office, it should consult with the District Attorney as soon as possible. The District Attorney might recommend that the jury refer the matter to the appropriate law enforcement agency for a criminal investigation, or help the jury bring an accusation against the official. In the alternative, it may be decided that the jury will simply finish its investigation and issue a report. Finally, it could be decided that no action be taken at all by either the grand jury or law enforcement.

**10. STATUTORY AND CASE LAW PERTAINING TO THE GRAND JURY**

**A. Summary of Code Sections Governing Civil Investigations**

The following is a **summary** of many of the Penal Code and Government Code §s that deal with the **civil functions** of the grand jury. Note that the laws concerning the grand jury’s criminal functions (except for the bringing of accusations) are not included here.

**1. Penal Code Sections**

The Grand Jury:

888 Shall investigate County matters of civil concern, such as the needs of County officers, including the abolition or creation of offices; the purchase, lease or sale of equipment; or changes in the methods of performing the duties of County officers and departments.

914.1 Shall ascertain by a careful and diligent investigation of County affairs whether the provisions of law commencing with Sections 23000, 24054 and 26525 of the Government Code have been complied with and note the result of such investigation in its report. In addition, the grand jury shall undertake the duties set forth in Penal Code §s 888, 925, 934 and 3060 and Welfare & Institutions Code §17006.

[Government Code Sections 23000-23070 define a county as a legal subdivision of the State, with certain legal responsibilities and duties. Government Code §24054 makes certain county officers personally *liable for* *illegal* *allowances of claims*. Government Code §26525 provides for *recovery* by the District Attorney of *illegal payments of county funds* by instituting suit in the name of the county. The other Code §s are summarized in this appendix.]

916 Shall adopt *rules of procedure* that include guidelines to ensure that all findings in its reports are *supported by documented evidence* including experts’ reports, official records or interviews attended by at least *two jurors* and that all problems identified in the report are accompanied by suggested means for their resolution, *including financial*, when applicable. Adoption of its rules and final reports require the affirmative vote of 12 jurors.

916.2 Any juror who has been employed by a local governmental agency located within the county at any time during the past three years shall inform the judge and Foreperson and recuse from any investigation of that agency.

919 May (a) inquire into the case of every person *imprisoned in the jail* of the county on a criminal charge and *not indicted*.

Shall (b) inquire into the *condition and management of the public prisons* within the county.

Shall (c) inquire into the *willful or corrupt misconduct in office* of public officers of every description within the county. (See also Government Code § 3060.)

920 May investigate all sales and transfers of land, and the ownership of land, which, under state law might or should *escheat* to the State of California.

Shall direct that escheat proceedings be commenced when, in the opinion of the grand jury, the evidence justifies such proceedings.

921 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.

924.1 A member who willfully discloses any evidence adduced or vote by the grand jury is guilty of a misdemeanor. This also applies to an interpreter who assists a disabled juror.

924.2 Each shall keep secret whatever he or she, or any other member juror, has said.

924.4 May provide the succeeding grand jury any records, information or evidence acquired during a civil investigation.

925 Shall investigate and report upon the operations, accounts, and records of the officers, departments, or functions of the *county* including those operations, accounts, and records of any district in the county for which the officers of the county are serving in their ex-officio capacity as officers of the district. 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 for the Board of Supervisors pursuant to Section 25250 of the Government Code (the “outside audit”).

925a May examine the books and records of any incorporated *city* or *joint powers agency* located in the county.

May investigate and report upon operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any city or joint powers agency and make such recommendations as it may deem proper and fit.

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 agencies’ duties. A copy of any report shall be transmitted to the governing body of any affected agency.

May employ one or more *experts* for the purposes of Sections 925, 925(a), 928, 933.1 or 933.5, after court approval.

926 May employ experts, upon prior Court approval, for the purposes of sections 925, 925a, 928, 933.1 or 933.5, under certain conditions.

927 May investigate upon the needs for *increases or decreases in* and report on the *salaries of the county’s elected officials.* Arequested copy of such report shall be transmitted to the Board of Supervisors.

928 May investigate and report upon the *needs of all county officers* including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices. A copy of such report shall be transmitted to each member of the Board of Supervisors of the county.

929 May make available evidentiary material relied upon by the jury to the public in its report, provided that the Presiding Judge approves the release, the material is not privileged, and the name or facts leading to the identity of any person who provided information are not released.

932 May order the District Attorney to *institute* *suit to recover any money* that may be due the county following investigation of books and accounts of the various officials of the county.

933 Shall submit no later than the end of each fiscal year, a *Final Report* of its findings and recommendations that pertain to county government matters to the Presiding Judge, who will determine whether the report is in compliance with the Penal Code. One copy shall be filed with the County Clerk. A report may be submitted to the Presiding Judge at any time during the grand jury’s term.

The Foreperson or designee shall be available for 45 days after the end of the term to clarify the recommendations of the report.

[Subsection (c) of Section 933 requires *elective department heads* to respond to recommendations within 60 days and *governing bodies* within 90 days.] [See also section 933.05, subsection (a)]

933.05 May request a subject person or board to come before the grand jury to *read and discuss the findings* in the report to verify the accuracy of the findings before the report is released.

Shall provide a *copy* of the portion *of the report* relating to a person or entity to the entity *two working days* before its public release and after the Presiding Judge’s approval.

Shall meet with the subject of an investigation, during the investigation, unless the court determines that the meeting would be detrimental.

[Subsections (a) and (b) of section 933.05 require a person responding to a grand jury recommendation to include specified information in the response.]

933.1 May examine at any time the books and records of any *redevelopment agency, housing authority*, or *joint* *powers agency*. (note that redevelopment agencies no longer exist in this state, as of 2012.)

May investigate and report upon the method or system of performing the duties of such agency or authority.

933.5 May examine at any time the books and records of the Local Agency Formation Commission (LAFCo) or any special-purpose assessing or taxing district (*special district*) located wholly or partly in the county.

May investigate and report upon the method or system of performing the duties of such district or LAFCo.

933.6 May examine at any time 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.

May investigate and report upon the method or system of performing the duties of such nonprofit corporation.

934 May ask for the *advice* of the Presiding Judge, District Attorney, County Counsel or Attorney General at any time. The Attorney General may deny a request for advice.

939 Only may be present during the expression of the opinions of grand jurors or the giving of their votes.

939.1 May jointly request the court, with the DA or AG, to hold a *public session* if the matter affects the general public welfare and involves the alleged *corruption,* misfeasance or malfeasance in office or *dereliction of duty* of public officials or employees.

939.11 May request the Presiding Judge to appoint an interpreter for a grand juror who has a hearing, sight or speech disability.

939.2 May request *issuance of subpoena(s)* by the DA or Superior Court requiring attendance of witnesses whose testimony is material to an investigation.

939.4 The Foreperson may administer oaths to witnesses appearing before the grand jury.

939.9 Shall make no reports, declaration, or recommendation on any matter *except on the basis of its own investigation*.

939.91 Shall report or declare when requested by a person investigated in a criminal matter but not indicted, that based on insufficient evidence, *no grounds for indictment exist.*

Shall report or declare at the request of a person called as a witness in an investigation which did not involve a charge against such person, that he or she was *called only as a witness* in the matter.

**2. Government Code Sections**

3060 May present *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*.

3061 Shall state the offense charged in ordinary and concise language, and without repetition.

3062 Shall deliver any accusation voted by the grand jury to the District Attorney.

**B. Text of Pertinent California Code Sections**

This section of the Procedures Manual is focused on the grand jury’s watchdog activities. It does not contain most of the Code §s related to indictments. In addition, provisions not directly pertinent to Shasta County are not included. For the Code §s in their entirety, review the appropriate code book in the Law Library or see the reprint of the sections in the CGJA Training Manual.

**CONSTITUTION OF CALIFORNIA**

ARTICLE 1, §23. One or more grand juries shall be drawn and summoned at least once a year in each county.

**PENAL CODE**

**General Provisions**

§888 GRAND JURY DEFINED; INVESTIGATION INTO COUNTY MATTERS OF CIVIL CONCERN

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.

§888.2 REQUIRED NUMBER DEFINED

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.

§889 INDICTMENT DEFINED

An indictment is an accusation in writing, presented by the grand jury to a competent court, charging a person with a public offense.

§890 FEES OF GRAND JURORS; MILEAGE

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 fifteen dollars ($15) a day for each day's attendance as a grand juror, and the mileage reimbursement applicable to county employees for each mile actually traveled in attending court as a grand juror.

§890.1 PAYMENT OF FEES AND MILEAGE

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.

§891 RECORDING, LISTENING TO OR OBSERVING GRAND JURY PROCEEDINGS

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.

§893 COMPETENCY; INCOMPETENCY

(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 this 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.

§894 EXEMPTIONS; EXCUSES

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**

§895 ESTIMATE OF NUMBER OF JURORS NEEDED; ORDER

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.

§896 SELECTION AND LISTING BY COURT; INVESTIGATION; JURORS

1. Immediately after such order is made, 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, possesses such qualifications, in order for his name to be listed he shall sign a statement declaring that he will be available for jury service for the number of hours usually required of a member of the grand jury in that county.
2. 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 (Los Angeles County only), 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 county clerk.

§899 PROPORTIONATE SELECTION OF NAMES; SEPARATE LIST

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 list. 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.

§900 FILING OF LIST; PUBLICATION; PREPARATION OF GRAND JURY BOX

On receiving the list of persons selected by the court, the county clerk shall file it in his office and have such 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 county clerk 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 on the list.

§901 REGULAR JURORS; PERIOD OF SERVICE; SELECTION

(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.

§902 DRAWINGS OF NAMES OR MARKERS FROM GRAND JURY BOX; PERSONS NOT SERVING; LISTING FOR SUCCEEDING YEAR

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.

**Impaneling the Grand Jury**

§904 ORDER DIRECTING DRAWING OF GRAND JURY; NUMBER OF JURORS

Every superior court, whenever in its opinion the public interest so requires, shall make and file with the county clerk an order directing a grand jury to be drawn. Such order shall designate the number of grand jurors to be drawn, which shall not be less than 29 or more than 40 in counties having a population exceeding four million and not less than 25 nor more than 30 in other counties.

§904.6 COUNTY OR CITY AND COUNTY; ONE ADDITIONAL GRAND JURY; EQUAL OPPORTUNITY; JURISDICTION

(a) In any county or city and county, the presiding judge of the superior court may order and direct the impanelment, at any time, of one additional grand jury pursuant to this section.

(b) The presiding judge 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. 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.

§905 ANNUAL DRAWING

In all counties there shall be at least one grand jury drawn and impaneled in each year.

§905.5 SERVICE DURING FISCAL OR CALENDAR YEAR

(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 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.

§906 DRAWING AND SUMMONING; REPLACING NAMES NOT DRAWN IN GRAND JURY BOX

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.

§907 FAILURE TO OBEY SUMMONS; ATTACHMENT AND FINE

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 juror to be heard.

§908 NUMBER OF PERSONS CONSTITUTING JURY; PROCEEDINGS WHEN TOO MANY OR TOO FEW PERSONS PRESENT

If the required number of the persons summoned as grand jurors are present and not excused, such required number shall constitute the grand jury. If more than the required number of such persons are present, the clerk shall write their names on separate ballots, which he 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 such persons is present, the panel may be filled as provided in Section 226 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 above provided.

§908.1 FILLING OF VACANCIES

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, such vacancies within an existing grand jury may be filled, so as to maintain the full membership at the required number of persons, by the clerk of the superior court, 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 226 of the Code of Civil Procedure. No person selected as a grand juror to fill a vacancy pursuant to this section shall vote as a grand juror on any matter upon which evidence has been taken by the grand jury prior to the time of his selection.

§908.2 SELECTION OF GRAND JURORS; PERIOD OF SERVICE

1. 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 clerk shall write the names of each such person on separate ballots. The clerk shall fold the ballots so that the names cannot be seen, place them in a box, and draw out half of such 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.
2. 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. No person shall serve on the grand jury for more than one year.
3. The provisions of subdivisions (a) and (b) shall not be applicable to the selection of grand jurors for an additional grand jury authorized pursuant to Sections 904.5 (Los Angeles County), 904.6, 904.7 (San Mateo County), 904.8 (Contra Costa County), and 904.9 (Marin County).

§909 ACCEPTANCE OF JUROR; FINDING AS TO QUALIFICATIONS; EXCUSE

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 1 (commencing with Section 190), Title 3, Part 1 of the Code of Civil Procedure.

§910 CHALLENGES; RESTRICTION

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.

§911 OATH

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 have voted on any matter before the grand jury. I will keep the charge that will be given to me by the court."

§912 FOREPERSON; APPOINTMENT; SUBSTITUTE FOREPERSON

From the persons summoned to serve as grand jurors and appearing, the court shall appoint a Foreperson. The court shall also appoint a Foreperson when the person already appointed is excused or discharged before the grand jury is dismissed.

§913 ATTORNEY GENERAL; POWER TO DEMAND IMPANELING

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 or her, it shall be their duty to do so.

**Powers and Duties of Grand Jury**

§914 CHARGE OF THE COURT

(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.

§914.1 INVESTIGATION OF COUNTY, CITY, DISTRICT AND HOUSING AFFAIRS; CHARGE

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 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 1 (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 1 of the Government Code, and Section 17006 of the Welfare and Institutions Code.

§914.5 EXPENDITURES WITHIN BUDGET; EXCEPTION; PROCEDURE

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.

§915 PRIVACY; INQUIRY INTO OFFENSES AND CIVIL MATTERS; DISCHARGE

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.

§916 CHOICE OF OFFICERS; RULES OF PROCEEDING; CONCURRENCE OF JURORS

Each grand jury shall choose its officers, except the Foreperson, 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.

§916.1 FOREPERSON PRO TEMPORE

If the Foreperson 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 Foreperson pro tempore, who shall perform the duties, and have all the powers of the regularly appointed Foreperson in his absence or disqualification.

§916.2 GRAND JUROR CONFLICT OF INTEREST; RECUSAL

(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.

§917 INQUIRY INTO PUBLIC OFFENSES; PRESENTMENT BY INDICTMENT

The grand jury may inquire into all public offenses committed or triable within the county and present them to the court by indictment.

§918 PUBLIC OFFENSES WITHIN JUROR'S KNOWLEDGE

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.

§919 CASE OF PRISONER NOT INDICTED; PRISON CONDITIONS; MALFEASANCE OF PUBLIC OFFICER

(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 of public officers of every description within the county.

§920 INVESTIGATION OF OWNERSHIP; TRANSFER OR SALE OF REALTY SUBJECT TO ESCHEAT; ORDER DIRECTING INSTITUTION OF PROCEEDINGS

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.

§921 ACCESS TO PRISONS AND PUBLIC RECORDS

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.

§922 PROCEEDINGS FOR REMOVAL OF DISTRICT, COUNTY OR CITY OFFICERS

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.

§924 SECRECY OF DELIBERATIONS AND VOTING; COURT ORDER FOR DISCLOSURE OF TESTIMONY

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.

§924.1 WILLFUL DISCLOSURE OF EVIDENCE; STATEMENT OF JUROR OR INTERPRETER OR VOTE; MISDEMEANOR

(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.

(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.

§924.2 SECRECY OF DELIBERATIONS AND VOTING; COURT ORDER FOR DISCLOSURE OF TESTIMONY

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 before the grand jury by any person, upon a charge given against such person for perjury in giving his testimony or upon trial therefor.

§924.3 IMMUNITY FROM QUESTIONING EXCEPT FOR PERJURY

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.

§924.4 FURNISHING SUCCEEDING GRAND JURY WITH INFORMATION OR EVIDENCE; EXCEPTION

Notwithstanding the provisions of Section 924.1 and 924.2, any grand jury or, if the grand jury is no longer impaneled, the presiding or sole 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.

924. 6 DISCLOSURE OF TESTIMONY UPON COURT ORDER

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.

**Investigation of County and District Affairs**

§925 COUNTY OFFICERS, DEPARTMENTS OR FUNCTIONS; OPERATIONS, ACCOUNTS AND RECORDS; INVESTIGATIONS AND REPORTS

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 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.

§925a CITIES OR JOINT POWERS AGENCIES; EXAMINATION OR INVESTIGATION AND REPORT UPON FISCAL MATTERS OR NEEDS

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 fiscal matters 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.

§926 EXPERTS AND ASSISTANTS; EMPLOYMENT; COMPENSATION; AUDITORS AND APPRAISERS EMPLOYED IN EXAMINATION OF RECORDS

(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.

(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 a 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.

§927 SALARIES OF COUNTY-ELECTED OFFICIALS; REPORT

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.

§928 NEEDS OF COUNTY OFFICERS; REPORT

Every grand jury shall 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.

§929 GRAND JURY EVIDENTIARY MATERIAL OR FINDINGS; RELEASE TO PUBLIC OF NON-PRIVILEGED MATTER; APPROVAL OF JUDGE

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 of 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 of materials of a defamatory or libelous nature.

§930 COMMENTS IN REPORT UPON PERSONS NOT INDICTED

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.

§931 EXPENSES

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 the superior court of the county.

§932 SUIT TO RECOVER MONEY DUE COUNTY; GRAND JURY'S ORDER AS AUTHORITY

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 Foreperson of the grand jury and filed with the county clerk of the county, shall be full authority for the district attorney to institute and maintain any such suit.

§933 FINDINGS AND RECOMMENDATIONS; COMMENT OF GOVERNING BODIES, ELECTIVE OFFICERS, OR AGENCY HEADS

(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 other than fiscal 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. One copy of each report found to be in compliance with this title shall be placed on file with the county clerk and remain on file in the office of the county clerk. 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 county clerk and remain on file in the office of the county clerk. The county 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 such 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.

933.05 RESPONSES TO FINDINGS AND RECOMMENDATIONS

(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.

(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 time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame 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 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 relate 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.

§933.1 REDEVELOPMENT AGENCIES, HOUSING AUTHORITIES, OR JOINT POWERS AGENCIES; EXAMINATION OF BOOKS AND RECORDS; PERFORMANCE OF DUTIES

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 1 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.

§933.5 SPECIAL-PURPOSE ASSESSING OR TAXING DISTRICT; LOCAL AGENCY FORMATION COMMISSION; EXAMINATION OF BOOKS AND RECORDS; PERFORMANCE OF DUTIES

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 district or commission.

§933.6 NONPROFIT CORPORATIONS ESTABLISHED BY OR OPERATED ON BEHALF OF A PUBLIC ENTITY; EXAMINATION OF BOOKS AND RECORDS; INVESTIGATION AND REPORT ON PERFORMANCE OF DUTIES

A grand jury may at any time examine 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 Assistants for Grand Juries**

§934 ADVICE FROM JUDGE, DISTRICT ATTORNEY OR COUNTY COUNSEL

(a) The grand jury may, at all times, request the advice of the court, or the judge thereof, or of the district attorney, or of 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 session 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 staffing resources.

§935 PRESENCE OF DISTRICT ATTORNEY; RIGHT TO ADVISE JURY AND INTERROGATE WITNESSES; RESTRICTION WHEN CHARGE MADE INVOLVING DISTRICT ATTORNEY OR ASSISTANT

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 any one 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.

§936 EMPLOYMENT OF SPECIAL COUNSEL AND INVESTIGATORS

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.

§936.5 EMPLOYMENT OF SPECIAL COUNSEL BY PRESIDING JUDGE

(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-comptroller 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.

§937 SERVICES OF INTERPRETER; COMPENSATION

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.

§938.4 MEETING ROOMS FOR GRAND JURY; COSTS

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**

§939 PRIVATE SESSIONS

No person other than those specified in Article 3 (commencing with Section 934), and in Sections 939.1, 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 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.

§939.1 PUBLIC SESSIONS; MATTERS AFFECTING GENERAL PUBLIC WELFARE; REQUEST COURT ORDER; CONDUCT OF EXAMINA- TION; SECRECY OF DELIBERATION AND VOTING; INDICTMENT

The grand jury acting through its Foreperson 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.

§939.11 INTERPRETER; REQUEST BY JUROR; INSTRUCTION; OATH

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 of 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.

§939.2 SUBPOENA OF WITNESSES; ISSUANCE

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.

§939.4 FOREPERSON MAY ADMINISTER OATH

The Foreperson may administer an oath to any witness appearing before the grand jury.

§939.9 REPORT OR RECOMMENDATION ONLY AFTER OWN INVESTIGATION

A grand jury shall make no reports, declaration, or recommendation on any matter except on the basis of its own investigations 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.

§939.91 DECLARATION THAT EVIDENCE DID NOT SUPPORT INDICTMENT; DECLARATION THAT PERSON WAS WITNESS

1. 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, and in no event beyond the end of the grand jury's term.
2. 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.

**GOVERNMENT CODE**

**Accusation by Grand Jury**

§3060 ACCUSATION BY GRAND JURY

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 eight 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.

§3061 FORM OF ACCUSATION

The accusation shall state the offense charged in ordinary and concise language, and without repetition.

§3062 DELIVERY OF ACCUSATION TO DISTRICT ATTORNEY

The accusation shall be delivered by the Foreperson of the grand jury to the district attorney of the county, unless he is the officer accused.

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.

§3073 PROCEEDINGS FOR REMOVAL OF DISTRICT ATTORNEY

The same proceedings may be had on like grounds for the removal of a district attorney, except that the accusation shall be delivered by the Foreperson of the grand jury to the clerk, and by him to a judge of the superior court of the county. The judge shall appoint a person to act as prosecuting officer in the matter, or place the accusation in the hands of the district attorney of an adjoining county, and require him to conduct the proceedings.

§3074 REMOVAL FOR WILLFUL OR CORRUPT MISCONDUCT IN OFFICE: LIMITATION

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.

**Audit of Accounts**

§25250 EXAMINATION AND AUDIT OF OFFICERS' ACCOUNTS

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.

**C. Summary of Brown Act Open Meeting Requirements**

(Government Code §s 54950-54962 as of May 1, 2012)

During their investigations and review of governing bodies, grand jurors should be alert to possible violations of the Ralph M. Brown Act, sometimes referred to as California’s “open meeting law.” Following are pertinent highlights of the Act:

**1. PURPOSE OF THE BROWN ACT:** To maximize public access to the deliberative processes of the governing boards of local public agencies by (1) prohibiting communications about board matters among a quorum of the board except at noticed meetings; (2) requiring agendas for all meetings, with clear agenda item descriptions; and (3) encouraging public input at meetings.

**2. APPLICATION:** The Act applies to all local legislative bodies, which are defined as:

A. Governing boards of local agencies (such as counties, cities or special districts); and

B. Any commission or committee of the local agency, created by the board of the local agency, whether permanent or temporary, decision-making or advisory, **except:**

Advisory committee composed solely of **less than a quorum** of governing board members, **unless** the committee is a standing committee with continuing subject matter jurisdiction or a fixed meeting schedule; and

C. Boards of nonprofit corporations which (1) were created by a local agency and are exercising delegated authority of the agency, or (2) receive funds from the agency and have on their boards a voting member appointed by the local agency. (Note that the grand jury cannot investigate a nonprofit unless it was created by or is operating on behalf of a local government; being subject to the Brown Act does not, by itself, bring a nonprofit under the jurisdiction of the grand jury.)

D. A person elected as a member of a governing board who has not yet taken office is considered a member of the Board with regard to communications with seated or elected Board members.

**3**. **NOTICE AND AGENDA REQUIREMENTS:**

A. An agenda must be **posted** at least 72 hours before a **regular meeting**, or 24 hours before a **special meeting**.

B. The agenda must contain the time and location of the meeting (including each teleconference location) and a **brief but thorough description of each item** to be discussed or acted upon in open **or** closed session.

C. The agenda must be posted in a location **freely accessible** to the public 24 hours per day, including each teleconferencing location. Also, every legislative body or its presiding officer must post an agenda for each regular or special meeting on the local agency’s Internet Web site, if the local agency has one, in addition to the other agenda notice requirements.

D. **No action or discussion** **is allowed on any** **item not appearing on the posted agenda**.

During regular meetings the board **may add a matter** to the agenda **if** (1) an emergency exists (crippling disaster or work stoppage), or (2) the board finds on a two-thirds vote (or a unanimous vote if fewer than two-thirds are present) that the matter arose subsequent to posting of the agenda and it cannot wait until the next regular meeting. A board may not add items to the agenda of a special meeting.

E. **Special meetings** may be called by the presiding officer or majority of members by special notice. Notice of special meeting must be receivedby each member of the board unless the member files a written waiver or actually attends the special meeting.

**4.** **MEETING DEFINED:**

A. Any **congregation of a majority** of board members (in person or by video or audio teleconferencing) to **hear, discuss or deliberate** upon any item under the agency's jurisdiction, even if no vote is taken, or

B. Any direct communication, by personal intermediaries or technological devices, including e-mail, employed by a majority of members to develop a **collective concurrence** to take action ("**serial meeting**"). (Ordinarily involves a board member or staff B individual constituents may contact a quorum, so long as no concurrence is sought.)

C. **Exceptions:** Attendance of a majority of board members is not prohibited at:

1) **Conferences open to the public** to discuss issues of general interest to the public or public agencies, provided that a majority does not discuss specific business involving their agency;

2) **Open and publicized meetings** to address a topic of local community concern, conducted by someone other than the agency, provided that members do not discuss the topics or issues among themselves or take part in reaching a concurrence on action to be taken;

3) Purely **social or ceremonial** events; or

4) A noticed **meeting of one of the agency’s standing committees** or a **meeting of another local agency**, as long as the members do not take part in the meeting or discuss business among themselves.

**Any congregation of a quorum of the board at which business is discussed and which is not properly noticed and agendized as a regular or special meeting is *illegal* unless one of these four exceptions applies.**

The Brown Act does not prohibit board members from giving testimony in private before a grand jury, either as individuals or as a body.

**5. PUBLIC INPUT:**

A. At **regular and special** meetings, **the public is entitled to address agenda items**, before or during the governing board's consideration of the item.

B. At **regular** meetings, the board must also provide opportunity for public to address **non-agenda** items that are within the jurisdiction of the board.

C. Public input may be prohibited on matters over which the board lacks jurisdiction.

D. The board **may not consider or take any action on items not appearing on or appropriately added to the agenda,** except to the extent necessary to agendize the issue for a subsequent meeting, respond to questions, refer the matter to staff, or ask the speaker or staff a question for clarification.

E. The board may adopt **reasonable regulations** limiting the amount of time for public input by topic or individual speaker.

F. The board **may not prohibit public criticism** of the policies, procedures, programs, or services of the agency or of the acts or omissions of the board or its employees (even if the comment is defamatory).

G. The board may not require members of the public to register or to provide any information as a condition of attending the meeting.

H. Members of the board or staff may make **brief announcements or reports** on activities without the specific announcements or reports appearing on the agenda.

I. **Written materials** that are provided to all or a majority of board members **are public records** and must be made available to the public upon request.

J. **Closed session materials are generally exempt** from public disclosure.

K. The agency must **mail a copy of the agenda** and all documents comprising the agenda packet (except closed session materials) to any person who makes an annual written request for them and pays a fee that covers, but does not exceed, the cost of this service. Upon request, the documents must be made available in alternate formats to persons with a disability.

L. Each board or commission shall provide the time and place for holding **regular meetings** by adoption of an ordinance, resolution or by-laws. A meeting of a committee which is posted at least 72 hours in advance is a “regular meeting.”

M. The public may **tape-record, videotape or film** meetings or review or obtain copies of the agency’s tapes.

N. The meeting place must be **accessible** to all persons.

O. No secret ballots are allowed.

**6. CLOSED SESSIONS:**

A. The board may meet in closed session to **consult** **with legal counsel** concerning **pending litigation:**

1) Includes litigation which has been **formally initiated**; or

2) Where the board is meeting to decide whether to **initiate litigation**; or

3) Where, **upon advice** from legal counsel, a **significant exposure to litigation** exists based upon limited grounds defined in the act.

4) Prior to closed session, **the board** **must state or the agenda refer to the statutory basis** and, if it involves a pending lawsuit, the legislative body must normally identify the case.

5) **Must report in open session** if counsel is instructed to defend, or seek or refrain from seeking appellate review or to appear as amicus. If instructed to initiate a lawsuit, must be announced and particulars given at that meeting or after suit is filed or service of process completed. When litigation is settled, it must be reported after the settlement is final.

B. The governing board may **consider the appointment, employment, evaluation, discipline, or dismissal** of a public employee.

1) Closed session may **not** be held to discuss **an elected official.**

2) An independent contractor may be considered to be an employee if he or she functions as an officer or an employee of the agency.

3) Closed session and the nature of the item must be included on the **agenda** and, except for disciplinary matters or dismissal, **must identify the position** of the employee in question.

4) An **action taken** in closed session **must be reported** in open session at the same meeting, provided that any action to dismiss an employee need not be announced until the first meeting following exhaustion of all administrative remedies.

C. The board may use a closed session to **hear complaints or charges** brought against a public employee, provided:

1. Employee must be given **written notice** at least 24 hours in advance of the proposed closed session **and** given the **right** to have the complaints or charges discussed in **open session;**

2) If notice is not given to the employee, any disciplinary action is null and void.

D. The board may meet in closed session with its representatives prior to or during **labor negotiations** with represented and unrepresented employees to review the agency’s position and instruct representatives. The agency’s representatives must be listed on the agenda. Salaries of elected officials may not be discussed in closed session.

E. Closed session is permitted to allow the board to meet with its negotiator concerning the **purchase, sale, exchange, or lease of real property:**

1. To give instructions regarding price and terms of payment.

2) Prior to closed session, the chair **must identify** in open session **the property** and persons to be negotiated with.

3) The board **must report** in open session on **any agreement** to acquire real property.

F. Closed session is permitted in order to discuss a **claim for liability losses** or **workers' compensation** liability.

G. The board may meet in closed session to determine whether an applicant with a criminal record has been rehabilitated.

H. The board may hold a closed session on matters posing a threat to the security of essential public services or of the public’s right of access to services for facilities.

I. **Closed session procedural requirements:**

1) A **brief general description** of each item to be discussed must be **on the agenda** and must be disclosed in open session prior to closed session; the sample agenda descriptions in Government Code § 54954.5 should be used.

2) Only those items disclosed in an agenda item description may be considered in closed session.

3) The board **must publicly report if a specified action was taken** in closed session and if so, the vote, at the same meeting or as otherwise specified (section 54957.1).

4) The board must provide any **approved documents** (such as employment or settlement contracts) **to the public**, upon request.

5) Closed sessions cannot be semi-closed (open to some members of the public, but not others; staff with an official role may be present).

[Note: The agenda and reporting requirements for closed session are very detailed. Do not rely on this brief outline. Refer to the Act or contact counsel if you have any question about how closed sessions should be agendized.]

**7. LEGAL PENALTIES**

A. A **violation** of the Brown Act, **with wrongful intent** to deprive the public of information to which it is entitled, **is a misdemeanor**.

B. Any person may petition the court to prevent violations of the Brown Act. If the Court determines that there has been a violation of the Brown Act, it **may order** the board to **tape record its closed sessions.**

C. Any interested person may sue in court to **nullify a past board action** taken in violation of the Act; however, the person must:

1) Present a **written demand to correct** the illegal action within 90 days of action if it was taken in closed session or 30 days if in open session;

2) **Allow** the board **30 days to cure** or correct; and

3) Bring suit within 15 days thereafter.

D. The board may be required to pay **attorneys’ fees** **and costs** to anyone bringing suit if the court determines that there was a violation.

E. Actions against a board member who breaches confidentiality of closed session might include: misdemeanor prosecution for failure to perform duties; barring member from future closed sessions; obtaining an injunction against future disclosures; or filing an accusation for willful or corrupt misconduct in office (all of which may be difficult to win.)

Note: This is a **general summary** of the provisions of the Brown Act as of May 1, 2012. The Act is lengthy and complex and contains many special rules and exceptions. Refer to the Brown Act itself, the Attorney General’s handbook, or legal counsel if you have any specific questions about application of the Act.

**D. Summaries of Relevant Cases**

See your CGJA Training Manual, Tab 2, for summaries of the cases and Attorney General opinions related to the civil functions of the grand jury.

**11**. **APPENDIX**

**Index of Samples and Forms**

**Attachments related to Chapter 3, Conduct and Operational Procedures**

1. Sample Code of Ethical Conduct
2. Sample Code of Collegiality
3. Sample Ground Rules and Meeting Rules for Plenary and Committee Meetings

**Attachments related to Chapter 4, Officers**

1. Sample Plenary Meeting Agenda
2. Sample Grand Jury Meeting Minutes
3. Communications Log
4. Sample Letters to Complainants

G-1. Response to Request for Complaint Form

G-2. Response to Email Request for Complaint Form

G-3. General Response to Complainant

G-4. Alternative General Response to Complainant

G-5. Complaint Rejected for Reason Marked

G-6. End of Term, Complaint Passed to Incoming Grand Jury

**Attachments related to Chapter 5, Committees**

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5. List of Shasta County Special Districts

**Attachments related to Investigations and Interviews (Chapter 6)**

1. Resources and References
2. Topic for Investigation Proposal Form
3. Telephone Script for Scheduling Interviews
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**Attachments related to Reports and Publicity (Chapter 7)**

1. Flow Chart for Reports
2. Narrative Version of Flow Chart for Reports
3. Report Template
4. Grand Jury Report Critique Checklist
5. Sample Letter Submitting Report to Judge for Approval
6. Sample Letter for Delivering Report to Subject of Investigation
7. Sample Letter to City Clerks for Delivering Report
8. Press Releases
9. Media Contact List
10. Consolidated Final Report Checklist
    * + 1. **SAMPLE CODE OF ETHICAL CONDUCT**

This Code of Ethical Conduct is intended to provide standards of conduct for members of the grand jury. This code supplements but does not supersede the Grand Jury Rules of Procedure.

**Professionalism**

As an officer of the court, each grand juror is obligated to faithfully comply with all of the laws related to the grand jury and with the charge given to the jury by the judge at the impaneling ceremony. They should always conduct themselves both legally and professionally.

Statutes and case law dictate that a jury functions lawfully only as a body. Grand jurors may not, as individuals, conduct grand jury business or interview persons regarding grand jury matters. By working in pairs or in teams, jurors avoid being misquoted or misrepresented. This practice also emphasizes that jurors are not operating as individuals; instead, they are on official grand jury business.

All persons who are contacted by the grand jury are entitled to respectful and professional treatment. All interviews and hearings of the grand jury should be conducted with dignity and decorum. Interviewees must be given the opportunity to fully answer the questions posed to them and give their side of the story. Under no circumstances should jurors – by word, gesture, or expression – reveal their thinking as to the testimony being given.

Grand jury members will:

* be open minded, impartial, nonpolitical, and unprejudiced in all grand jury investigations
* exercise discretion and diligence in conducting the business of the grand jury
* treat witnesses in a dignified and courteous manner
* be familiar with the judge’s charge to the grand jury and review it periodically to make certain that they are functioning within the limits of the grand jury’s jurisdiction

At all meetings and activities, and especially during deliberations, all grand jurors have equal standing; no one, even the foreperson, is the “boss.” Each has the right and obligation to be heard on matters before the grand jury. No juror should attempt to control or squelch the voicing of a relevant opinion of any other juror.

Grand jury members will:

* participate in developing common goals early in the term and will work cooperatively to meet them
* seek to establish a bond of trust and confidence with fellow grand jurors
* not exert undue pressure on other grand jurors to change their minds
* not monopolize meetings or other activities
* treat fellow jurors courteously
* be respectful and not “cross talk,” have side conversations, or speak out without raising their hand while other members have the floor

**Attendance**

Jurors’ attendance must be regular and prompt, both for grand jury panel meetings and for committee meetings. The importance of the work requires that each juror be present at all sessions, except for significant reasons such as illness or serious personal demands. The unexpected lack of a quorum diminishes the effectiveness of the grand jury and places an unfair burden on the other jurors.

A juror who is unable to attend a session or desires to be excused must notify the foreperson in advance via phone or email regarding the needed absence. The foreperson will discuss absences with any juror whose attendance does not appear adequate for a fair contribution to the work of the grand jury. Three consecutive unexcused absences from any meeting may be considered cause for a referral to the presiding judge for removal of the member from the grand jury.

**Secret Sessions**

Because of the confidential nature of the work in a grand jury, meetings and interviews must be conducted in closed session. Members of a grand jury are sworn to secrecy to assure that all investigations will be handled in an entirely confidential manner. No one may be present during the sessions of a grand jury with limited exceptions specified by law for interviews or legal consultation, but never during deliberations or voting. The minutes of meetings may not be inspected by anyone, nor can the records be subpoenaed. There is an exception for a criminal case when the court may order that the testimony taken before the grand jury shall be produced to determine whether the witness has committed perjury. (Penal Code sections 891, 924.1, 924.2, 934, 939)

**Secrecy**

The law requires every juror to keep secret all evidence brought before the grand jury, anything said by a juror, and how any juror 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 grand jury proceedings.

Except during consultations with the jury’s legal advisor, a grand juror must not confide any information concerning testimony of witnesses or the actions of the jury to anyone – even to a spouse or close friends. Leaks concerning grand jury proceedings inevitably will impair or even destroy the effectiveness of grand jury efforts.

**Technology**

Care should be taken when using cell phones, video conferencing, and email for discussing confidential grand jury business. When communicating by email, all confidential information should be placed in a password-protected attachment rather than in the body of the email itself. Only County email (and NOT personal email) shall be used for discussing confidential grand jury business.

Grand jury members will not discuss any grand jury matters or issues on social media platforms such as blogs, Facebook, Twitter, etc.

**Confidentiality**

The importance of confidentiality is emphasized in numerous Penal Code sections. When read together, these sections state that under no condition may anyone except jurors attend any session during deliberations and voting. Only fellow grand jurors are entitled to information about grand jury deliberations and votes.

Jurors must never reveal confidential information outside the jury. The only exception is that confidential information may be shared with the jury’s authorized legal advisors and the presiding or supervising judge.

Each grand juror shall maintain strict confidentiality concerning grand jury information and proceedings at all times.

During field trips or while conducting interviews, jurors must not discuss or reveal any details regarding grand jury business or investigations. Only the entire grand jury can reveal such information in its final reports.

All inquiries regarding grand jury matters must be directed to the foreperson. Only the foreperson or a designated spokesperson can make statements to the media, and those statements may not reveal any confidential information.

Grand jury members will not:

* discuss grand jury matters with friends, relatives, business acquaintances, or members of the news media
* make public statements concerning grand jury matters that approve or disapprove of agencies, departments, or public issues
* discuss grand jury matters with fellow grand jurors outside the jury room except where privacy is assured

The grand juror’s oath of confidentiality is binding for life. Grand jurors must further understand that violation of the oath can be punished as a misdemeanor offense. The oath of confidentiality pertains particularly to the exposure of comments made by jury members during meetings or of testimony given by those individuals interviewed during grand jury investigations. Materials published as final reports or in the public domain are exempt of the oath of confidentiality.

**Financial Conflicts of Interest**

Grand jurors will not use or appear to use their position for private gain.

It is the responsibility of each grand juror to advise the grand jury of any potential financial conflict of interest which exists at the beginning of the term of service or which may later develop during the year of service in connection with issues that come before the jury. Jurors may have a financial conflict of interest when they:

* make, participate in, or use their position to influence a decision that might affect the grand juror’s economic interest
* have a personal relationship with an individual who may be financially affected by a grand jury investigation or report recommendation

The California Fair Political Practices Commission at [www.fppc.ca.gov](about:blank) provides a detailed interpretation of California law regarding economic conflicts of interest. Grand jury members:

* will excuse themselves from voting or participating in any grand jury proceedings or deliberations when a real or potential conflict of interest occurs that would affect their objectivity, disinterest, or fairness in the conduct of grand jury business
* will not accept money, gifts, favors, or other considerations from any person or agency under investigation or subject to an investigation

**Other Conflicts of Interest: Bias or the Appearance of Bias**

Bias is (1) the prejudgment of essential facts that prevent the grand juror from considering an issue on its merits, (2) the publicly expressed support for or opposition to specific aspects of a matter before the grand jury, or (3) a current or past relationship or experience with the official or entity that is being investigated that could give rise to a conclusion by a reasonable person that the juror is biased for or against the official or entity. The same notification and recusal procedures that apply to potential financial conflicts of interest apply to bias or the appearance of bias.

The relationships that can result in the appearance of bias include the juror or a member of the juror’s family or the juror’s business associate having a personal or financial relationship with an official or employee of a local entity; having engaged in litigation with an entity or official; having worked on an official’s election campaign or the campaign of the official’s opponent; or having taken a strong public stance for or against the entity or topic. Whether the activity or relationship constitutes a conflict or apparent conflict of interest will be determined on a case-by-case basis, based on the specific facts related to the involvement with the agency or official.. Any improper refusal to recuse oneself will be reported to the judge.

Grand jurors must be fair in considering evidence and testimony. Conjecture, sympathy, passion, political leanings, and other subjective sentiments are not the proper basis for decisions as a grand juror. On the other hand, having an educated opinion about an issue is not to be considered a bias.

While grand jurors do not lose their rights as citizens to engage in the political process, they should not announce their status as a grand juror when making political statements or imply that their position has something to do with their grand juror status or information gained during confidential grand jury proceedings.

Grand jurors should avoid taking public stances on political candidates or issues during their term of service to avoid perceived conflicts of interest or potential allegations of bias.

A grand juror will:

* consider every issue on its merits, showing no favoritism toward any group or individual
* whenever a new topic is discussed by the panel or a committee, immediately reveal any bias or significant relationship with a local entity or official and recuse as necessary

**Statutory Conflict of Interest: Government Employment**

Penal Code §916.2 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 recuse from all aspects of investigating and reporting on of that agency. For purposes of §916.2, “agency” includes a department or organizational unit of a city or county; therefore, the juror who is or was employed by a city or county may (unless there is another ground for recusal) take part in the investigation and reporting on a department other than the one by which the juror is or was employed.

**Recusal**

Jurors who believe that their participation in a particular investigation could possibly present an appearance of bias or a conflict of interest must recuse from all aspects of investigating and reporting related to that topic or official, including deliberations and voting, and must leave the room when the topic is discussed. Whether to recuse is normally an individual’s decision. However, if the grand jury believes that a juror should recuse and has not done so, the grand jury may vote that person’s recusal**.** Such a recusal reinforces the grand jury as a completely objective, neutral body.

**The undersigned has read and understands the content and intent of this Code of Ethical Conduct:**

SIGNATURE\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PRINTED NAME\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* + - 1. **SAMPLE CODE OF COLLEGIALITY**  
           
         LISTEN ATTENTIVELY  
         SPEAK THOUGHTFULLY  
           
         PREPARE DILLIGENTLY  
           
         SHOW UP PROMPTLY  
           
         QUESTION ASSERTIVELY  
           
         COLLABORATE RESPECTFULLY  
           
         PREVAIL GRACIOUSLY  
           
         CONCEDE CHEERFULLY
      2. **SAMPLE GROUND RULES AND MEETING RULES**

**FOR PLENARY AND COMMITTEE MEETINGS**

**2024-25 Shasta County Grand Jury**

**General Rules**

1. Courtesy and respect will be maintained at all times.
2. Raise your hand to be recognized by the Foreperson or Chairperson.
3. Members will not interrupt others, cross talk, or carry on “side bar” conversations.
4. Members are encouraged to speak freely, but do not monopolize the floor. Allow others to express their viewpoints.
5. Members will stay focused and on topic, with no extra stories or digressions. The Foreperson/Chairperson will use discretion to limit time if necessary.
6. The Foreperson/Chairperson may choose to place an item in the “parking lot” for future discussion.
7. Be respectful of each other, avoid put downs or personal attacks, and be patient with one another. Agree or disagree but once the grand jury decides on a course of action (with a formal vote) accept it and move on.
8. Refrain from any political or religious discussion, reference, or comment unless pertinent to the grand jury business at hand.
9. Give all members a chance to speak and have input. Only the Foreperson will recognize members to speak.
10. Grand Jury members will try to keep their comments as short and succinct as possible. Rambling will not be permitted and, if noted, the Foreperson will step in and open the floor to another member.
11. Cell phones should be off or on vibrate during meetings. No texting or surfing.
12. The dress code for interviews and site tours is business casual. For plenary sessions, it is at the juror’s choosing, (casual) unless the plenary or a committee is conducting interviews or having a guest speaker, where appropriate dress is required.
13. Come to meetings prepared, ready to work and have some fun.
14. Members will clean up after themselves. We do not have a janitor and want to keep our grand jury room as presentable as possible at all times. Be sure the coffee pot is turned off and all doors are locked if you are the last person out of the office.
15. Members agree to follow the conduct and procedures, as set forth in the approved Procedure Manual, Chapter 3.

**Plenary Meetings**

1. The Foreperson will oversee the meetings and will ensure all meeting norms are honored.
2. The Recording Secretary will call roll at the beginning of each plenary session and will note in the official record if any member leaves early.
3. The Recording Secretary will take minutes of the meeting, recording all formal actions and major points of discussion.
4. An agenda with minutes from the previous session will be sent to each juror via County email by 24 hours in advance of the meeting.
5. Any member who wants to place an item on the agenda will send their request with supporting documents by 48 hours in advance of the meeting.
6. Meetings will begin on time and end on time.
7. As the scheduled end time approaches and discussion on an agenda item is not completed, the Foreperson will ask for a majority vote to agree to extend the meeting. The agreed time extension will be in 15-minute allotments. If the vote fails, the discussion on that item will be carried over to the next meeting.
8. Members will be on time and prepared for the meeting.
9. Members will be respectful of the Foreperson, whose job it is to keep the meeting running smoothly.
10. Members will be prepared for grand jury meetings to achieve productivity. All homework assignments will be done ahead of time and materials presented with the agenda package.
11. Members agree to be organized, prepared and ready to take on the tasks at hand. Productive meetings require committee work to be done in advance and presented clearly for all Grand Jurors to review.
12. Members will be active listeners by paying attention and clarifying before responding.
13. In the absence of the Foreperson, the Pro Tem will lead the meeting.
14. Votes and/or proposals will be preceded by a formal motion and seconded by grand jury members. A supermajority vote is required.

**Committee Meetings**

1. The committee chairperson will chair the meeting and maintain official records.
2. The members of the committee(s) will select their own chair and recording secretary.
3. The Foreperson and the Pro Tem will be invited to attend and participate in each committee meeting.
4. The committees will post their scheduled meeting dates on the GJ calendar on County Outlook.
5. Meeting notices with materials will be sent to each committee member via County email by 24 hours in advance of the meeting.
6. While the meeting norms will be the same in committee meetings as the plenary

meetings, the committees may choose to omit certain formalities based on size of the committee. For example, a small working committee may omit the requirement of raised hands.

1. All members will be treated with respect.
2. All members will come on time and be prepared for the work to be done.
3. If the committee chair feels a member of the team is not prepared or working in concert with the group, coaching may occur and the Pro Tem or Foreperson will be notified.
4. It is the role of the committee to make recommendations to the plenary on dispositions of complaints, letters or any other correspondence received.

**The undersigned has read and agrees to abide by these Ground Rules and Meeting Rules:**

SIGNATURE\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE\_\_\_\_\_\_\_\_\_\_\_\_

PRINTED NAME\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* + - 1. **SAMPLE GRAND JURY PLENARY MEETING AGENDA**

**2023-24 SHASTA COUNTY GRAND JURY**

**AGENDA – PLENARY MEETING # \_\_\_\_**

**Date and time: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Convene promptly at the appointed place and time*.***

**Roll Call: (Recording Secretary)**

*(List each name of those not present and note absences excused by the Foreperson)*

*(List those arriving late or leaving early and the time)*

**Minutes: (Attached with emailed agenda)**

*(Recording Secretary makes corrections if necessary, and the jury votes to approve)*

**Committee Reports:**

*(Hear the report from each committee chair and discuss each investigating committee’s progress on their project management plans for their investigations).*

**Old Business:**

Confirm that any previously assigned tasks were completed

Attend to any other unfinished old business

**New Business:**

Attend to new business, which may include:

1. Review of incoming complaints and either reject the complaint or assign the complaint for investigation by a standing or ad hoc committee, if appropriate.
2. Consider any juror’s or committee’s proposals for new investigation topics.
3. Read any correspondence sent to the jury, discuss, and take any necessary action.
4. Review any draft reports passed on from the Editorial Committee and either approve to send to the legal advisor or return to the originating committee with comments.
5. Any other new business.

**During at least one meeting each month, discuss the following:**

1. The annual timeline of grand jury activities;
2. The Auditor-Controller’s monthly report on the grand jury’s expenditures;
3. A training update by the Foreperson Pro Tem;
4. A chapter of this Procedures Manual or the CGJA Training Manual.

**Round Table Discussion (all members)**

**Reminders and Announcements**

Confirm any tasks now being assigned to a juror or committee, with the due date.

**Adjourn**

* + - 1. **SAMPLE GRAND JURY MEETING MINUTES**

**SHASTA COUNTY GRAND JURY MEETING MINUTES**

**September 15, 2022**

1. Meeting called to order by Foreperson Smith.

2. Roll call at 5:30 P.M. **ABSENT:** Linda Carl, John Wills

3. Foreperson Smith introduced special guest speaker Sherry Chesney, former Yuba County G.J. foreperson. Ms. Chesney gave a presentation on interviewing techniques. Ms. Chesney left the meeting at 6:25 p.m.

4. Minutes read and approved as distributed.

5. **CORRESPONDENCE**: Foreperson Smith

A. Memo from County Counsel regarding required contents of reports – read and discuss

B. Newsletter from California Grand Juror’s Assoc. -- distributed

\*6:00 P.M. G.J. John Wills arrived\*

6. **COMMITTEE REPORTS:**

A. Audit/Finance - no report

B. Criminal Justice

1. Sugar Pine Conservation Camp tour scheduled 9/17 - sign-up sheet distributed

\*6:10 P.M. John Wills excused - conflict of interest\*

2. Main Jail - Televisions - (Complaint #1) - ongoing

To interview complainant

To meet with County Counsel

\*6:30 P.M. John Wills returned to meeting\*

C. County Committee

1. Department of Child Support Services

Motioned/seconded/approved – reject complaint.

Acknowledgement letter.

\*7:10 P.M. - Break, resumed at 7:20 P.M.\*

D. City Committee - no report

7. **COMPLAINTS:** Foreperson Smith

A. Department of Social Services - Delays in Investigating Welfare Fraud - (Complaint #4)

M/S/A to HESS Committee

M/S/A to send Letter #4 to complainant

B. Redding Police Dept. - Traffic Violation - (Complaint #5)

M/S/A to reject - adjudicated thru court system.

M/S/A to send Letter #6 to complainant.

8. **UNFINISHED BUSINESS:** Foreperson Smith

Discussed revision to G.J. application - to review final draft next meeting.

9. **NEW BUSINESS:** Foreperson Smith

Discussed deadlines for drafts of reports.

10. Next meeting: **September 19th, 5:30 p.m.**

11. Meeting adjourned 8:10 p.m.

Date:

Recording Secretary

* + - 1. **SHASTA COUNTY GRAND JURY COMMUNICATIONS LOG**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Date | Contact Name/Address & Phone | Complaint No | Subject | Plenary Date | Action Taken/Response/Notes | Date |
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1. **SAMPLE LETTERS TO COMPLAINANTS**

**G-1. RESPONSE TO REQUEST for COMPLAINT FORM**

**SHASTA COUNTY GRAND JURY**

P. O. BOX 992086

REDDING, CA 96099-2086

(530) 225-5098

(Date)

(Name)

(Address)

(City, State, Zip)

Dear \_\_\_\_\_\_\_\_\_\_:

The Grand Jury Complaint Form you requested is enclosed along with instructions which we feel may be helpful to you. Please complete all information and return the complaint form and all supporting information to the Shasta County Grand Jury, P.O. Box 992086, Redding, CA 96099-2086. Additional forms may be downloaded from the Shasta County Grand Jury web page at www.co.shasta.ca.us.

Please be aware that the grand jury will not return any of the supporting documentation you submit. Therefore, it is imperative that you retain original copies of all information submitted for your files.

Your complaint and the supporting information will be reviewed and presented to the full grand jury. As a whole, the grand jury will decide what, if any, action will be taken. Because of the confidentiality restrictions applicable to grand juries, we will not be able to inform you whether or not an investigation will be commenced.

Thank you for bringing your concerns to the grand jury.

Sincerely,

(Signature)

(Typed Name), Foreperson

2023-24 Shasta County Grand Jury

**G-2. RESPONSE TO EMAIL REQUEST for COMPLAINT FORM**

**SHASTA COUNTY GRAND JURY**

P. O. BOX 992086

REDDING, CA 96099-2086

(530) 225-5098

(Date)

(Name)

(Address)

(City, State, Zip)

Dear (Name):

Thank you for your email of (date) regarding a possible complaint. We request that any complaint be submitted on our complaint form (along with any additional documentation). A complaint form (along with instructions) is attached to this email. Please complete all information and return the complaint form and all supporting information to the Shasta County Grand Jury, P.O. Box 992086, Redding, CA 96099-2086. Additional forms may be downloaded from the Shasta County Grand Jury web page at www.co.shasta.ca.us.

The grand jury’s jurisdiction is limited to the investigation of local governments within this county. We cannot investigate federal or state agencies or the actions of private individuals.

Please be aware, the grand jury will not return any of the supporting documentation you submit. Therefore, it is imperative that you retain original copies of all information submitted for your files.

Your complaint and the supporting information will be reviewed and presented to the full grand jury. As a whole, the grand jury will decide what, if any, action will be taken. Because of the confidentiality restrictions applicable to grand juries, we will not be able to inform you whether or not an investigation will be commenced.

Thank you for bringing your concerns to the grand jury.

Sincerely,

(Typed Name),Foreperson

2023-24 Shasta County Grand Jury

**G-3. GENERAL RESPONSE TO COMPLAINANT**

**SHASTA COUNTY GRAND JURY**

P. O. BOX 992086

REDDING, CA 96099-2086

(530) 225-5098

(Date)

(Name)

(Address)

(City, State, Zip)

Dear (Name):

The Shasta County Grand Jury has received your correspondence or complaint form dated (date), which will be considered by the full grand jury.

By law, the grand jury is precluded from communicating the results of its investigations, except in one of its formal public reports. Therefore, you will not be receiving any further written correspondence from the grand jury. All communications and evidence are considered, but may not result in any action or report by the grand jury.

The grand jury cannot investigate all complaints; therefore, you may also wish to pursue other avenues to resolve your concerns.

Be assured that your complaint will be known only to the grand jury. We are sworn to secrecy to ensure confidentiality of your identity and any information you have supplied to us.

Sincerely,

(Typed Name), Foreperson

2023-24 Shasta County Grand Jury

**G-4. ALTERNATIVE GENERAL RESPONSE TO COMPLAINANT**

**SHASTA COUNTY GRAND JURY**

P. O. BOX 992086

REDDING, CA 96099-2086

(530) 225-5098

(Date)

(Name)

(Address)

(City, State, Zip)

Dear \_\_\_\_:

The Shasta Court grand jury has received your recent correspondence regarding concerns and issues you would like reviewed for possible investigation and corrective action. The information you provided will be considered to assist the grand jury in determining if further inquiry can be undertaken.

Issues that are not within the grand jury's authority to investigate are matters involving federal, state agencies or institutions, the courts or private disputes. No grand jury investigation can be undertaken or completed if the topic of your complaint is the subject of litigation.

If the matter is within the legal scope of the grand jury's authoritative powers and would warrant further inquiry, the grand jury will review pertinent documents and contact individuals who may be able to provide additional information.

The grand jury will ensure confidentiality in its review or your information and any subsequent interviews or actions it may take to investigate this matter. If an investigation is deemed appropriate, all information and evidence will be fully reviewed and considered. However, this review might not result in any further action or formal written report by the grand jury.

The California Penal Code, which governs the grand jury investigations, prohibits the release of any information regarding the status of the review of your complaint or any subsequent investigation or results of such investigation until the final grand jury report is issued in July of each year.

Sincerely,

(Typed Name), Foreperson

2023-24 Shasta County Grand Jury

**G-5. COMPLAINANT REJECTED FOR REASON MARKED**

**SHASTA COUNTY GRAND JURY**

P. O. BOX 992086

REDDING, CA 96099-2086

(530) 225-5098

(Date)

(Name)

(Address)

(City, State, Zip)

Dear \_\_\_\_\_\_\_\_\_\_:

This letter is to acknowledge receipt of your correspondence dated (insert date). Thank you for taking the time to provide this information to the grand jury regarding a matter that concerns you.

Upon completing our review, we have determined that no further action will be taken for the following reason(s):

\_\_\_\_ This matter involves a federal or state agency or institution and the grand jury has no jurisdiction in this matter. You may wish to contact the agency involved or seek legal counsel.

\_\_\_\_ This is a private dispute and therefore not within our jurisdiction. Another course of action such as contacting your local law enforcement agency or seeking legal counsel may be in your best interest.

\_\_\_\_ This matter does not otherwise fall under the jurisdiction of the grand jury as defined in the California Penal Code, and therefore no further action will be taken.

\_\_\_\_ This matter is before the courts or in litigation.

\_\_\_\_ Your complaint contains insufficient information or evidence to warrant study by the grand jury. Unless you can support allegations with specific information including dates, names and a full description of the alleged acts or occurrences, we consider this matter closed.

Based on the California Penal Code, all information and documents submitted with this complaint are now a permanent part of the grand jury files and as such may not be released to any entity. Once again, thank you for demonstrating your interest in our local government.

Sincerely,

(Typed Name), Foreperson

2023-24 Shasta County Grand Jury

**G-6. END of TERM, COMPLAINT PASSED TO INCOMING GRAND JURY**

**SHASTA COUNTY GRAND JURY**

P. O. BOX 992086

REDDING, CA 96099-2086

(530) 225-5098

(Date)

(Name)

(Address)

(City, State, Zip)

Dear \_\_\_\_\_\_\_\_\_\_:

This is to acknowledge receipt of your correspondence. Thank you for taking the time to provide this information to the Grand Jury regarding a matter that concerns you.

As the current term of the Grand Jury will be ending in June, we will not have sufficient time to adequately investigate the facts of your complaint to determine if an in-depth investigation would be appropriate. We will, therefore, forward your complaint for consideration by the newly impaneled Grand Jury who will convene on July 1 of this year.

The information you provided will be carefully reviewed to assist the Grand Jury in deciding what further action, if any, to take. If the matter is determined not to be within the Grand Jury’s authority to investigate (e.g., matter involving federal, state agencies or institutions, the courts, or a private dispute), there will be no further contact by the Grand Jury.

If the matter is within the legal scope of the Grand Jury’s authoritative powers and would warrant further inquiry, the Grand Jury will confidentially contact those individuals who may be able to provide additional information.

During the investigation, all information and evidence will be considered; however, this review might not result in any action or report by the Grand Jury.

The California Penal Code, which governs Grand Jury investigations, prohibits the release of any investigation results until the final Grand Jury report is released to the public.

Sincerely,

(Typed Name), Foreperson

2023-24 Shasta County Grand Jury

***Note:*** As with all of the other sample letters, this one should be modified to fit the intended purpose.

1. **SAMPLE COMMITTEE MEETING MINUTES**

**2023-24 SHASTA COUNTY GRAND JURY**

**CON/ED COMMITTEE MINUTES #1**

**JULY 25, 2022**

**Call to Order:** Temporary Chairperson (Alice Doe ) @ 3:00 pm

**Roll Call:** Secretary

Absent: John Black (excused) Left Early: None

**New Business:**

1. **Discussion of Committee Duties:**  
   The temporary chair, Alice Doe, led a brief discussion of the duties and responsibilities of the Continuity and Editorial Committees (Con/ED).
2. **Election of Officers:**  
   The committee members voted and elected the slate of officers for the Con/Ed Committee:  
   Chair: Alice Doe  
   Vice-Chair: James B. Herbst  
   Recording Secretary: Jack Buck
3. **Meeting Days/Times:** Set for Tuesdays from 3:00 to 5:00 pm
4. **Responses Received: Discussion and Matrix**Alice reviewed the responses to last year’s grand jury reports. She provided a matrix listing the responses required and received so far. As of the meeting date, 12 out of 30 required responses have been received. The first required responses are due in August with the last due in September. Alice indicated the Grand Jury response report should be completed by October.

**5. Assignments:**

Alice asked the committee members to review last year’s response report, read Penal Code sections 933 and 933.05 regarding responses to Findings and Recommendations before the next committee meeting.

**Next Con/Ed Committee Meeting:** August 1 (Tuesday) at 3:00 pm.

**Adjournment:** 4:40 pm

**Note:**  This is a sample of a standing committee’s minutes. Each meeting should have an agenda. The committee secretary should create the minutes for each meeting and circulates them to all the committee members and the Foreperson and Pro Tem. The records must be stored on the Shared Drive.

1. **GRAND JURY COMMITTEE ACTIVITY NOTES**

COMMITTEE:

NAME OF INVESTIGATION: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

COMMITTEE MEMBERS PRESENT:

DATE OF SITE VISIT, PUBLIC MEETING, OR INTERVIEW: \_\_\_

REGARDING AGENCY/DEPARTMENT:

LOCATION OF SITE VISIT OR PUBLIC MEETING ATTENDED:

PERSON INTERVIEWED (name and title):

PURPOSE OF SITE VISIT OR INTERVIEW:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

BACKGROUND (attach pertinent materials):

NEW INFORMATION OBTAINED (use back of page if necessary):

FURTHER ACTIVITIES:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PROPOSED FINDINGS:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PROPOSED RECOMMENDATIONS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MATRIX MODIFIED TO INCLUDE NEW INFORMATION?

PROJECT MANAGEMENT TASKS OR DUE DATES MODIFIED?

Date: Signature:

(Place this report in the investigation file.)

1. **COMMITTEE REVIEW OF POSSIBLE AREA OF INVESTIGATION**

**Committee:**

Suggested Subject for Investigation:

**QUESTIONS:**

Prior and current studies of this specific topic**:** (especially by other grand juries or by the auditor):

Has this investigation been done before? By whom?

Is it worth doing again? Why?

Is this one of those “media” issues that is already being studied by several other agencies?

**Time:**

How much time will this take? How many jurors should be assigned?

Is this a significant issue worth our time?

Are there any jurors who might have a conflict of interest?

**Scope:**

Is the scope too global? ­ Too limited?

Can we ask specific questions to refine the scope?

**Significance and Impact:**

If we embark on this investigation, will the result be important in terms of money or citizen impact? How? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Jurisdiction:**

Is this subject within our jurisdiction?

Do we need to consult with County Counsel before deciding?

1. **CRITICAL INCIDENT DEATH REPORT FORM**

Decedent’s Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date of Death:\_\_\_\_\_­­\_\_\_\_\_\_\_

Coroner Case #:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ M F Age:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Type of Critical Incident: ☐ Death in Custody ☐ Officer-Involved Death ☐ Other\_\_\_\_\_\_\_\_

Brief Summary of Incident: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Initial Presumption of Death (Note: This may change after investigation and Coroner releases Verdict of Death)

☐ Natural Causes ☐ Suicide ☐ Homicide ☐ Accidental Death ☐ Other ☐ Unknown

List all Agencies Involved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Autopsy: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Coroner Staff Present to Brief: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

GJ Members Present: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Critical Questions to ask at time of Autopsy:

1.

2.

3.

Follow Up Questions to ask of the Coroner Staff:

1.

2.

3.

Log case into Critical Incident Database – Date Done: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Case Reviewed Post Investigations/Report Production - Date:\_\_\_\_\_\_\_\_\_\_\_ By:\_\_\_\_\_\_\_\_\_\_\_\_\_

Were all questions answered: ☐ YES ☐NO

Final Cause of Death: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Final Manner of Death: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Documents Reviewed:

☐ Verdict of Death ☐ Coroner Report ☐ Toxicology Reports ☐Pathology Reports

☐ Other (List)

Will there be a Death Review?: ☐YES ☐NO

1. **LIST OF SHASTA COUNTY SPECIAL DISTRICTS**

**Special Districts and Other Local Agencies by Category**

***Cemetery Districts***

Anderson C.D.

Burney C.D.

Cottonwood C.D.

Halcomb C.D.

Manton Joint C.D.

Millville Masonic & Odd Fellows C.D.

Pine Grove/Fall River Mills C.D.

## Community Services Districts

Centerville C.S.D.

Clear Creek C.S.D.

Fall River Mills C.S.D.

Igo-Ono C.S.D.

Mountain Gate C.S.D.

Shasta C.S.D.

## Fire Protection Districts

Anderson FPD

Buckeye FPD

Burney FPD

Castella FPD

Cottonwood FPD

Fall River Mills FPD

Happy Valley FPD

McArthur FPD

Millville FPD

Shasta Lake FPD

## Mosquito/Abatement Districts

Burney Basin

Pine Grove

Shasta Vector

## Soil Conservation Districts

Fall River

Western Shasta

## Hospital Districts

Mayers Memorial Hospital

***Water Irrigation Districts***

Anderson-Cottonwood

Bella Vista

Burney

Cottonwood

Tucker Oaks

## Shasta County School Districts

Anderson Union High

Bella Vista Elementary

Black Butte Union Elementary

Cascade Union Elementary

Castle Rock Union Elementary

Columbia Elementary

Cottonwood Union

Enterprise Elementary

Fall River Joint Union

French Gulch-Whiskeytown Union Elementary

Gateway Unified

Grant Elementary

Happy Valley Union Elementary

Igo-Ono-Platina Elementary

Indian Springs Elementary

Junction Elementary

Millville Elementary

Mountain Union Elementary

North Cow Creek Elementary

Oak Run Elementary

Pacheco Union

Redding Elementary

Shasta Union Elementary

Shasta Union High

Shasta-Trinity Regional Occupation Program

Whitmore Union Elementary

***Other***

## Redding Area Bus Authority (RABA)

## Shasta Area Safety Communications Agency (SHASCOM)

## Shasta County Air Quality Management District

**Note:** This is a listing of all special districts and other local agencies in Shasta County. The Grand Jury may investigate any of these. Review the list to see if you have a conflict or would like to review them. Read prior year reports to see what has been investigated.

1. **RESOURCES AND REFERENCES**

**Printed Materials:**

CGJA Training Manual (distributed to each juror during July seminar)

CGJA Report Writing Manual (distributed during fall workshop)

Past Shasta County Grand Jury reports (in the grand jury’s library)

Other references that should be found in the grand jury’s library:

* Audit Reports concerning local entities
* Shasta County Accounting Procedures Manual
* Recent county, city and district budgets
* A Citizen's Guide to Local Government in Shasta County
* Shasta County Counsel Opinion Memoranda
* The Brown Act (booklet by California Attorney General)
* Compendium of California Grand Jury Law (CGJA)
* Other background materials from recent Grand Jury investigations

**Website of the California Grand Jurors’ Association** www.cgja.org

The Jury Resources tab of CGJA’s website is often the place to start when beginning your research.

That tab has a link to hundreds of grand jury reports from around the state – just type in your topic and up will pop a number of reports that can contain useful background information, a summary of the law related to your topic, and the issues and problems discovered by the earlier grand jury, plus its recommended solutions; while anything reported by a other grand jury needs to be verified by this jury’s own investigation, these prior reports are valuable sources of I formation.

Links to reliable websites about local entities are described under Local Government Information and Other Useful Links. Under Sample Documents are dozens of checklists, guidelines, and fillable forms and correspondence that can make your job easier.

**On-Line Resources:**

Shasta County

California Government Codes

California Grand Jurors' Association California State Assn. of Counties

League of California Cities

California Special Districts Assn. Fair Political Practices Commission

[www.co.shasta.ca.us](http://www.co.shasta.ca.us/)/ www.leginfo.ca.gov/

www.cgja.org

www.csac.counties.org

[www.cacities.org](http://www.cacities.org/) www.csda.net

www.fppc.ca.gov

1. **TOPIC FOR INVESTIGATION PROPOSAL FORM**

**Plenary review date: GJ Complaint # (if applicable):**

**Contact Name(s)/Committee:**

**Person(s), title(s), department(s), or agency(ies) responsible for the area of the proposed investigation:**

**Briefly summarize of the issues or reasons to consider an investigation:**

**Has this issue been the subject of a prior grand jury investigation? (yes or no)**

**If yes, what circumstances have changed to warrant a new investigation?**

**Is this issue currently in litigation or the subject of an upcoming election? (yes or no)**

**Identify any measurable outcomes or objectives to be met:**

**Regardless of anticipated outcomes, how will this investigation impact the affected community?**

**Identify any areas where the jury’s legal advisor may need to be consulted:**

**Anticipated duration of investigation:**

**Any additional comments?**

**Plenary Action Taken: Accepted \_\_\_\_ Declined \_\_\_\_ Tabled \_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**List of jurors interested in working on this investigation and without a conflict requiring recusal. Minimum of three jurors required.**

**1. 5.**

**2. 6.**

**3 7.**

**4. 8.**

1. **Telephone Script for Scheduling Interviews**

Good morning, this is \_\_\_\_\_\_\_\_\_\_\_. I’m calling on behalf of the Shasta County Grand Jury.

As you may know, the Civil Grand Jury is tasked with conducting investigations and making recommendations about various governmental institutions in 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 on a variety of subject areas in our county.

A few members of our grand jury would like to interview you at our office on \_\_\_\_\_at \_\_\_\_\_\_\_\_. The interview should last no longer than \_\_\_\_\_\_\_\_\_\_\_\_\_.

Would you able to be interviewed at this time? *(Provide alternate dates and times if needed.)*

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

***Possible questions that might come up:***

Question: Why am I being interviewed? What is this about? (Or 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: What information do you want? What information do I bring? (Assuming no list provided by the investigating committee)

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

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 form 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 form 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: Can I bring someone with me? A coworker, union rep, attorney?

Reply: Grand jury interviews are confidential, so you are the only person allowed to be present in the interview room. The interview is not an evaluation of you or your office, it is simply a way for the committee to gather information.

1. **SAMPLE 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:**

Thank you for meeting with us today for this interview. I’m \_\_\_\_\_\_\_ . And let me introduce the other members of our committee. (*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 and in some instances, writes a report about its findings. The investigation is ordinarily based on research and a number of interviews.

If the grand jury identifies any problems with the entity’s operations and chooses to write a report, the report must provide recommendations about how those operations might be improved.

Unless a report is written and approved by the court, all aspects of our investigations will remain confidential.

Under state law, grand jury reports cannot directly or indirectly identify any witnesses. The grand jurors are sworn to secrecy for life and witnesses are also obligated to maintain secrecy until after a report is issued.

Do you have any questions about confidentiality?

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:**

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 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).)*

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.

**Q. INSTRUCTIONS FOR GIVING ADMONITION**

Have two copies of the Admonition form available at the interview.

State the following:

*“As you know, everything we discuss today is confidential. I am required to read this confidentiality agreement to you.”*

Read the Admonition to the interviewee.

State the following:

*“Please print your name and sign at the bottom of both forms. Thank you.”*

At the end of the interview, give one of the signed copies of the form to the interviewee and remind them of the need to maintain confidentiality.

**R. ADMONITION**

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

**S. FLOW CHART FOR REPORTS**

**Diagram

Description automatically generated**

**T. NARRATIVE VERSION OF FLOW CHART FOR REPORTS**

**Committee** generates draft report based on its Report Logic Matrix, using the

approved Report Format and the Report Critique Checklist (App. T).

Committee submits an early draft to legal advisor to check for jurisdiction and legal citations, and then committee submits it to the Editorial Committee

**Editorial Committee** reviews draft report for

format; accuracy, style; grammar, punctuation,

facts, findings and recommendations, using the Checklist (App. T)

**Editorial Committee** returns draft report and its Checklist

to the **Committee** for revisions

**Editorial Committee** meets with **Committee** to

review comments and suggested edits and write modifications; additional

research and interviews might be needed

(The above three steps will repeat as necessary.)

Early and last drafts of report sent via secure email to **full Grand Jury panel** no fewer than

two days prior to scheduled panel session to allow time for review

**Full panel** reviews draft reports. With regard to committee’s proposed last draft, either makes

recommendations and returns the draft to the committee, or approves

the draft and entertains a motion to submit draft to legal advisor

Draft report sent via secure email to **legal advisor**

Draft report returned to **Committee** for final review and approval

and modifications as suggested by legal advisor (additional investigation may be needed)

Draft report returned to **legal advisor** if substantive modifications

are made or at request of legal advisor

(all reports are due to legal advisor by third week of May; submit as early as possible)

**Exit interview** and any needed further investigation, report modification, and legal advisor review

If no further changes are recommended, Grand Jury

adopts the report by supermajority vote and submits it to **Presiding Judge**

(due by the first week in June)

Deliver relevant section of report by hand

to relevant boards and individuals two business days before its public release

**U. REPORT TEMPLATE**

**REPORT TITLE**

[date and draft #]

**SUMMARY**

Highlight and type over this line to enter material.

**GLOSSARY (if needed; can also be placed at the end of the report)**

Highlight and type over this line to enter material.

**BACKGROUND**

Highlight and type over this line to enter material.

**METHODOLOGY**

Highlight and type over this line to enter material.

**DISCUSSION**

Highlight and type over this line to enter material.

* Type here to use bullets, as needed. (*Additional bullets will be added automatically when you hit return or enter.)*
* Type here to use dash, as needed for another level of indentation. (*Additional dash will be added automatically when you hit return or enter.)*

**Use Subheads as Appropriate (Heading 2, in caps & lower case)**

Highlight and type over this line to enter material.

**FINDINGS**

F1. Type findings here. (*They will be numbered automatically after you hit enter or return.)*

F2.

**RECOMMENDATIONS**

R1. Type recommendations here. (*They will be numbered automatically after you hit enter or return.)*

R2.

**Required RESPONSES**

Pursuant to Penal Code §s 933 and 933.05, the grand jury requests responses as follows:

From the following elected county officials within 60 days:

* Type titles of individuals here and list the findings and recommendations (by number) to which each individual must respond. (*Bullets will be added automatically when you hit return or enter.)*

From the following governing bodies within 90 days:

* Type names of governing bodies here and list the findings and recommendations (by number) to which each board must respond.

**Invited responses**

* Type titles of local government officials (other than elected county officials) here and list the findings and recommendations (by number) to which each individual is invited to respond.

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** or **RESOURCES** (if needed)

**APPENDIX** (if needed)

**DISCLAIMER** (if needed)

**V. GRAND JURY REPORT CRITIQUE CHECKLIST**

Name of Report:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date/Draft Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_ Within the grand jury’s jurisdiction – affairs of local government?

\_\_\_\_ Approved format, using report writing template?

\_\_\_\_ **Readability**

\_\_\_\_ Use of Active vs Passive Voice

\_\_\_\_ Average Sentence Length

\_\_\_\_ Flesch Reading Ease Score (the higher the score, the easier to read: should be 60-70)

\_\_\_\_ Flesch-Kincaid Grade Level Score (should be 10-12)

\_\_\_\_ **Summary**

\_\_\_\_ Overview of important issues: who, what, when, why, where

\_\_\_\_ Overview of important findings and recommendations

\_\_\_\_ Can it act as a Press Release?

\_\_\_\_ Does it grab the readers’ attention?

\_\_\_\_ **Background**

\_\_\_\_ Description of issues – fleshed out from Summary

\_\_\_\_ Why did the grand jury start this investigation (complaint, news, etc.)

\_\_\_\_ Events that led up to investigation (are previous GJ Reports mentioned?)

\_\_\_\_ **Method of Investigation** (note: List resources in References)

\_\_\_\_ Outlines steps (using bullet points) taken to develop facts, findings and recommendations

\_\_\_\_ Lists who was interviewed (general description w/o violating PC 929)

\_\_\_\_ Lists site visits

\_\_\_\_ Lists meetings attended

\_\_\_\_ **Discussion** (or Narrative)

\_\_\_\_ All facts verified (triangulated) unless based upon reliable government info

\_\_\_\_ Organized in logical order by topics

\_\_\_\_ Avoids “wiggle language” (no subjective or off-hand remarks)

\_\_\_\_ If evidence from sources conflicts, explains how credibility was assessed

\_\_\_\_ **Findings** (conclusion or judgment flowing from verified facts)

\_\_\_\_ Separately identified as F1, F2, etc.

\_\_\_\_ Supported by verified facts set forth in the Discussion

\_\_\_\_ Not a fact itself

\_\_\_\_ Confirms or refutes issue identified in the Summary or Discussion

\_\_\_\_ Every report must have findings—can be a commendation (PC 916)

\_\_\_\_ Findings require response from government entity (PC 933/933.05)

\_\_\_\_**Recommendations**

\_\_\_\_ Separately identified as R1, R2, etc.

\_\_\_\_ Required if findings identify a problem

\_\_\_\_ Each recommendation flows logically from one or more findings

\_\_\_\_ Each recommendation describes a **single** action

\_\_\_\_ States what should be done and who is responsible for doing it

\_\_\_\_ Timing of mitigation (when do the identified problems need to be fixed)

\_\_\_\_ Specific, practical and financially feasible

\_\_\_\_ Cost, if any, identified source to fund

\_\_\_\_ **Request for Responses**

\_\_\_\_ Governing bodies/elected officials are “Required” to respond

\_\_\_\_ Specifies correct timing of response

(60 days for elected county officials/90 days for governing boards)

\_\_\_\_ Identifies which findings and recommendations to be responded to

\_\_\_\_ Include governing board if there is a significant cost issue

\_\_\_\_ Other officials may be “invited” to respond if related to/impacted by issues

\_\_\_\_ **References**

\_\_\_\_ List of documents

\_\_\_\_ List of Websites

\_\_\_\_ **Glossary** (Optional)

\_\_\_\_ **Appendix** (Optional)

\_\_\_\_ Data, maps, glossary, etc., but no “raw evidence”

\_\_\_\_ May contain “disclaimer” if juror(s) were recused--do not name jurors

**Legal/Other Issues**

\_\_\_\_ Are there any potentially defamatory allegations?

\_\_\_\_ Double check all legal citations

\_\_\_\_ Acronyms and technical terms defined the first time used

\_\_\_\_ Clear/fair/no sarcasm

\_\_\_\_ Exit interviews completed (When findings are complete)? (PC §933.05(d))

**Reviewers Comments or Concerns:**

**W. SAMPLE LETTER FOR SUBMITTING REPORT**

**TO JUDGE FOR APPROVAL**

**SHASTA COUNTY GRAND JURY**

P. O. BOX 992086

REDDING, CA 96099-2086

(530) 225-5098

(Date)

To the Honorable Judge \_\_\_\_\_\_\_\_\_ :

Enclosed herewith is a final report from the Shasta County Grand Jury entitled:

**(insert title of report)**

for your review and approval. Upon receipt of your approval the grand jury has voted to release the report to the public, after providing the requisite advance copies to the subject of the investigation.

Should you find the enclosed report to be ready for release and publication, please advise the grand jury of your approval through the Foreperson **(insert name)** and/or Foreperson Pro Tem **(insert name)** of the Grand Jury**.**

Your consideration of this matter is appreciated.

Sincerely,

(Typed Name), Foreperson

2023-24 Shasta County Grand Jury

**X. SAMPLE LETTER FOR DELIVERING REPORT**

**TO SUBJECT OF INVESTIGATION**

**SHASTA COUNTY GRAND JURY**

P. O. BOX 992086

REDDING, CA 96099-2086

(530) 225-5098

(Date)

**(insert name)**

**(insert address)**

Re: Enclosed Report: **(insert title of report)**

Dear **(insert name)**:

On behalf of the **(insert term years)** Shasta County Grand Jury, I am providing to you the following report: **(insert title of report)**

The report will be released to the general public, including the media and will be published on the Grand Jury website in two working days. The report is being provided to you in advance of its general release pursuant to Penal Code §933.05, subdivision (f), which provides:

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.*

Please be sure to comply with this confidentiality requirement.

The Penal Code also prescribes the obligations of a governing board or elected county official with regard to responding to the grand jury’s findings and recommendations.

If the report contains one or more recommendations directed to you as an elected county official or to the governing board of which you are a member, you or the board must respond to those recommendations and to the supporting findings, as directed in the report. The time within which to respond is prescribed by subdivision (c) of Penal Code §933, which states in relevant part:

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 such comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.

The Penal Code also prescribes the content of your responses. Subdivisions (a) through (c) of Penal Code §933.05 state:

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.

(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 therefore.

**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:**

(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 time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame 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 therefore***.

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 department head and the board of supervisors shall respond if requested by the grand jury, but the response to 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 their agency or department.

The grand jury’s reports, and the responses to them, will be posted on the grand jury’s website (www.shastacountygrandjury.org). We would appreciate receiving a signed hard copy of your response (send to Shasta County Grand Jury, P.O. Box 992086, Redding, CA 96099-2086), as well as an electronic copy (to grandjury@shastacounty.gov).

Sincerely,

**(insert name)**, Foreperson

2024-25 Shasta County Grand Jury

**Y. SAMPLE LETTER TO CITY CLERKS FOR DELIVERING REPORTS**

**SHASTA COUNTY GRAND JURY**

P. O. BOX 992086

REDDING, CA 96099-2086

(530) 225-5098

(Date)

Redding City Clerk

777 Cypress Avenue

Redding, CA 96001

Anderson City Clerk

1887 Howard Street

Anderson, CA 96007

City of Shasta Lake City Clerk

1650 Stanton Drive

City of Shasta Lake, CA 96019

Re: Shasta County [**FY]** Grand Jury Final Report

Dear City Clerks:

As you know, each year in July, the Grand Jury releases its final report concerning investigations it has conducted during the preceding fiscal year.

This year, the Grand Jury’s final report will be released to the public on [**date**]. The report will promptly be posted on the Grand Jury’s website at www.shastacountygrandjury.org. In addition, the Grand Jury’s final report will be published in the ***[name of newspaper chosen]*** on or about [**date**].

A number of local officials are entitled to receive a bound copy of the Grand Jury’s final report. Among those officials are the city clerks of each city within Shasta County. If you wish to receive a bound copy of the final report, or copies of the newspaper’s insert, they may be obtained from the Shasta County Clerk at 1643 Market Street, Redding, on [**date**], or thereafter.

Sincerely,

**(insert name),** Foreperson

2024-25 Shasta County Grand Jury

cc: Shasta County Clerk

**Z. GRAND JURY PRESS RELEASES**

Civil grand juries depend upon news media to get the widest distribution of their investigative reports. Every grand jury can and should craft press releases that will inform the public of its investigations, encourage citizens to bring concerns before the grand jury for possible review, and interest citizens in grand jury service.

**Format and style:**

* **Headline –** Summarize in one line of 14-point type (Helvetica, Calibri, or other sans-serif font), boldface and centered.
* **Text –** Use 12-point Times New Roman, Georgia, or other serif font, flush left.
* **Style –** The Associated Press Stylebook (a digital version costs $30/year) is widely accepted by media on grammar, punctuation, capitalization etc.

**Press release tips:**

* Keep it short (1 typewritten page max), but with plenty of substance.
* Do not include any confidential information that is not in the report itself.
* Remember that you are writing for two audiences: media and the public.
* Include Grand Jury in the headline and focus on a single or overall finding.
* Capitalize “Grand Jury” throughout.
* Try to make the headline and lead paragraph attention-grabbers.
* Include a date for the press release.
* Quote often from the report to get as much as possible out there unfiltered.
* Introduce the name of the report early.
* Include where the media or public can access the report.
* Briefly explain what a civil grand jury is and what role it plays.
* Explain, preferably in direct quotation, why the Grand Jury investigated.
* Summarize findings and recommendations succinctly. It’s not necessary to include all of them.
* Including information about response due dates reminds media to follow-up.
* Whenever possible include a photo.
* Include the foreperson’s Grand Jury email for media contact. (Don’t provide the foreperson’s private email or phone number, lest it be widely publicized.)
* Use each release to solicit citizen requests for investigations and to recruit grand jurors.

**General suggestions:**

* Have the draft press release edited by another juror or committee appointed to do this work.
* Have your press release ready when the report is posted.
* Work with your county or court public information officer (PIO) on distribution.
* Writing a press release yourself and giving it to the PIO, helps ensure it includes what you want and not someone else’s rewrite.
* Do not give the press release to the PIO in advance to preserve confidentiality.
* The foreperson or designee should work with the PIO on all press releases.
* Consider having the PIO address the entire Grand Jury as part of the early orientation process.

*Sample press release:*

FOR IMMEDIATE RELEASE

**Grand Jury Concludes Garfield Road Repair Program Needs Fixing**

(May 20, 2023)

After a seven-month investigation, the 2022-2023 Garfield County Grand Jury concluded that “the City of Garfield road repair program is unable to serve the community’s basic needs because of a combination of fiscal, administrative, and political issues.”

The report, “Many Bumps in Garfield’s Road Repair Program,” was published today at GJreports@jeffcocourts.us.ca.gov by the Superior Court, which annually appoints 19 county residents as grand jurors to serve as citizen watchdogs over local government.

The Grand Jury review was initiated by “citizen complaints about crumbling roads and a lack of city response in some parts of Garfield, while road repairs were made near the homes of well-connected people.”

Among the Grand Jury’s findings:

* The Garfield City Council frequently “has not allocated as much road repair money as requested by the Garfield Public Works Department” and some funds authorized for roadwork “were diverted to other city needs or went unspent.”
* “There is no long-term, sustainable schedule of road repairs.”
* The department missed opportunities to cut material and equipment costs.
* “There are no policies about responding to or tracking citizen complaints about road conditions.”
* Privately maintained streets in Garfield were repaired more frequently than those maintained by the city.

The Grand Jury recommends that within six months, the city develop a sustainable, well-funded street-repair program that includes written policies for responding equitably to all residents’ concerns and for saving costs of material and equipment.

Under California law, the Garfield City Council must respond to the Grand Jury report within 90 days.

The Garfield County Grand Jury encourages the public to share concerns about county, municipal, school, and special-district operations at citizenalert@jeffcograndjury.com.

The Superior Court lists qualifications for Grand Jury service and encourages applications at [GJinterest@jeffcocourts.us.ca.gov](mailto:GJinterest@jeffcocourts.us.ca.gov).

###

Media contact: Grand Jury Foreperson, John Q. Citizen, at john@jeffcograndjury.com.

**AA. MEDIA CONTACT LIST (as of May 2024)**

**Email is the preferred way of receiving press releases**

**NAME CONTACT PHONE/FAX EMAIL**

KRCR [news@krcrtv.com](mailto:news@krcrtv.com)

Action News 530 342-0141 [4news@actionnewsnow.com](mailto:4news@actionnewsnow.com)

Jefferson Public Radio [jprinfo@sou.edu](mailto:jprinfo@sou.edu)

KQMS 530 221-1400

KIXE Ken Simmons 530 243-5493 [ksimmons@kixe.org](mailto:ksimmons@kixe.org)

Intermountain News Craig Harrington 530 725-0925 [Intermountain.news@icloud.com](mailto:Intermountain.news@icloud.com)

Redding Record Searchlight Damon Arthur [Damon.Arthur@redding.com](mailto:Damon.Arthur@redding.com) & [rrsedit@redding.com](mailto:rrsedit@redding.com)

A News Café Doni Chamberlain [doni.anewscafe@gmail.com](mailto:doni.anewscafe@gmail.com)

Shasta Scout Annelise Pierce [editor@shastascout.org](mailto:editor@shastascout.org)

**BB.** **CONSOLIDATED FINAL REPORT CHECKLIST**

□ Set up insert quote presentation from a newspaper of general circulation (the newspaper) to plenary at least two months before the end of the grand jury term.

Consolidated Final Report due-by date:

□ Prepare Report Distribution List and Letters (see Chapter 7)

Formatting the consolidated final report in Word:

□ Front Cover design

□ Table of Contents, with page numbers

□ Letter to Presiding Judge

□ Grand Jury Member List

□ Summary of Full Grand Jury Activities

□ Sites and Facilities Visited

□ Grand Jury Committee List

□ Summary of Committee Activities

□ The Shasta County Grand Jury “It Matters”, including all disclaimers

□ Investigative Reports List, with page numbers

□ Back Cover design (group picture, credit, description, pictured list)

□ Each individual report should have:

□ Same formatting (except a “continuity report” may be in a matrix format)

□ Final graphics/design

□ Individual release dates at the bottom (if the report was released mid-term)

□ Create and **proofread** PDF version of bound copy to be:

□ Delivered to the Opportunity Center by

□ Delivered to the newspaper by

□ Delivered to County IT to be uploaded to the website on

□ First review of the newspaper insert on

□ Plenary approval of final newspaper insert format

□ Final review of the newspaper insert on