**Code of Ethical Conduct – xxxx County Grand Jury**

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.

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 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. 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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_