**Sample Follow-up Letters to Respondents**

The Penal Code does not explicitly authorize grand juries to communicate with boards or officials who are required to respond to the findings and recommendations in grand jury reports. For this reason, the grand jury should get the approval of its presiding or supervising judge before communicating with respondents about their responses. Letters should be sent to required respondents only.

**Noncompliant (Unclear Response**):

(Date)

(Official’s name and title

(Entity)

(Entity’s address)  
  
Re: Your Response to (Title of grand jury report and its release date)

Dear (Name of official):

The Grand Jury received your response to the above-titled report and finds that it does not comply with the requirements of Section 933.05 of the California Penal Code in the following respects:

* Response to Recommendation (insert number): The response is unclear. It cannot be determined that it comports with one of the four responses permitted by Section 933.05. If the intended response is “further analysis is required” or “will be implemented,” then a date is required to be furnished by which that action will be completed, as provided by Section 933.05. No such date was provided. If the intent is that the recommendation will not be implemented, then that should be stated explicitly, along with an explanation of why.

An excerpt from Penal Code Section 933.05 is quoted below for your reference.

The Grand Jury requests that you resubmit your response in its entirety within ten days of the date of this letter, following the directions contained in the original letter of transmittal.

(Optional language that can be added to any letter: We would also like you to be aware that it is our policy to indicate on the Grand Jury’s website those responses that are past due or non-compliant. This status will be changed once a response is received or amended.)

Sincerely,

(Signature)

(Name), Foreperson

2019-2020 (Name) Grand Jury

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| Subdivision (b) of §933.05 of the California Penal Code (excerpt, emphasis added)   1. 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 **timeframe** for implementation.    3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a **timeframe** 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 **timeframe 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. |