**Sample Report Transmittal to Entity**

**with Request for Responses**

*(This form instructs or invites an investigated entity or official on how to respond to a grand jury report, and includes an enclosure of pertinent excerpts from the Penal Code. This form may be downloaded.)*

[Date]

[Name and address]

RE: [Report Title]

Report Date: [ \_\_\_\_\_\_\_ ]

Dear [ \_\_\_\_\_\_\_\_ ]:

Enclosed please find a copy of the above report by the [ \_\_\_\_\_ ] County Grand Jury.

Attached is a copy of excerpts from Penal Code sections 933 and 933.05. Please note that subdivision (f) of Penal Code section 933.05 specifically prohibits any disclosure of the contents of a grand jury report by a public agency or its officers or governing body prior to its release to the public, which will occur [ \_\_\_ ] days after the date of this letter.

Penal Code section 933.05 requires that you respond separately to specified Findings and Recommendations contained in the report. Subdivisions (a) and (b) of Penal Code section 933.05 mandate the content and format of responses.

Penal Code section 933 mandates the deadline for responses.

You are required (“invited” if the addressee is not a governing board or elected county official) to submit your response within [60/90] days as follows:

 Hard copy to: [Name and address of Presiding Judge]

Please also send a hard copy or electronic copy of your response to:

Foreperson, [Name and address of grand jury]

Responses are public records. The clerk must maintain a copy of your response.

Should you have any questions, please contact me at [phone number] or at the above address.

Sincerely,

[Name]

Foreperson, [ , \_\_\_\_\_ ] County Grand Jury

Enclosures: Penal Code sections 933 and 933.05 (excerpts)

**§ 933. Findings and Recommendations (Excerpt)**

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 of these 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........

As used in this section “agency” includes a department.

**§ 933.05. Responses to Findings (Excerpt)**

1. 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.

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.

1. 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 agency or 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.
2. 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.(emphasis added)