

# *CIVIL GRAND JURY*



## ***PROCEDURES MANUAL***

2006

## **Forward**

Imperial County Superior Court is grateful to Napa County Superior Court for unselfishly sharing their Grand Jury procedures manual with us.

The manual was put together during the term of the 1996-1997 Napa County Grand Jury and later modified in June 2000.

The manual is repetitive by design. It is intended to be a reference manual, which intent dictates that each section stand-alone. Additionally, certain items mandate repetition, particularly:

1. No Grand Juror should maintain a hidden agenda.
2. Each Grand Juror should exhibit an absence of personal bias.
3. A successful Grand Juror must have a high level of commitment.
4. A Grand Juror must deal forthrightly and fairly with fellow Grand Jurors and the personnel of agencies being investigated.

Insofar as possible, the manual reflects a chronological approach to the task facing each Grand Jury. The fact that the manual is intended to be a stand-alone reference guide speaks to the extensive appendices and enclosures.

We have included “Helpful Hints to the Foreperson” where warranted.

This manual is intended to be a living document and nothing within its covers should be considered sacrosanct. If future Grand Jurors discover an area found wanting in this manual, they should propose the appropriate change to the Court Executive Officer. To this end, a Record of Changes page has been incorporated.

One word of advice to each grand juror who reads this manual:

**NOTHING IN THIS MANUAL PRECLUDES  
THE USE OF GOOD JUDGMENT!**

On behalf of our entire bench and court staff, we wish you a successful and enjoyable term.

Sincerely yours,

JOSE O. GUILLÉN  
Court Executive Officer

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# Imperial County Grand Jury Procedures Manual

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## Distribution of Report

Judges of the Imperial County Superior Court	9 copies
Court Executive Officer	1 copy
Board of Supervisors of Imperial County	5 copies
County Executive Officer	1 copy
County Counsel	1 copy
County Law Library	1 copy

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**SECTION I – OVERVIEW OF THE GRAND JURY**

**Introduction**

The Grand Jury is a judicial body comprised of nineteen citizens. It is impaneled to act as an “arm of the court,” as authorized by the State Constitution, to be a voice of the people and conscience of the community.

The present Grand Jury system evolved from earlier ecclesiastical courts beginning in 1164 when Henry II of England impaneled the first 16-man Grand Jury to remove criminal indictments from the hands of the church. In 1635 the first American Grand Jury was impaneled in the Massachusetts Bay Colony and by 1683 Grand Juries were present in all of the colonies. These early Grand Juries began the practice of returning “presentments,” which were primarily against public officials and different from criminal indictments. A more detailed discussion of Grand Jury development is contained in Appendix III – Reference Materials.

Forty-two states have some form of Grand Jury. California impanels county Grand Juries every year to conduct civil investigations of county and city government and to hear evidence to decide whether to return indictments.

**Selection & Qualification of Grand Jurors**

Grand Jurors are selected by the judges of the Superior Court. If a Juror becomes unable to perform their duties or if a Juror leaves the county for an extended period, they should, resign in fairness to the other Jurors, resign.

A person may not serve as a Grand Juror if they are already a trial juror, have been convicted of a felony, have been discharged as grand jurors within the past year, or are serving as elected public officials. People who are extremely opinionated or biased and who cannot or will not set aside their biases should not serve.

**Holdover Grand Jurors**

This term applies to members of the prior Grand Jury, typically about two to four, but as many as ten, who have offered to serve another term and have been approved by the presiding judge.

The primary duties and responsibilities of a holdover Grand Juror are the same as all other members of the panel. No special consideration or status should accrue to a holdover Grand Juror by virtue of having previously served on a Grand Jury.

Holdover Grand Jurors may assist the incoming panel during its initial orientation and organizational period, provide information and background

on county government, and accelerate the new panel's entry into the year's work.

While the presence of holdover Grand Jurors helps provide continuity, each new panel should establish its own objectives while giving attention to the work of prior juries.

**HELPFUL HINT TO FOREPERSON**

There is a tendency for holdover Grand Jurors to monopolize the Grand Jury and for new Jurors to defer to holdover Jurors. This is not in the best interests of the Grand Jury.

**Grand Jury Functions**

By law a Grand Jury has three distinct functions; indictments, accusations and investigation. *Indictment* is the act of bringing criminal charges against a person. *Accusation* is the act of bringing charges against an official of government or of a public agency, which may result in removal from office. By far the most frequently exercised function is that of *Civil Investigation* known as the "watch dog" function.

The primary function of the Imperial County Civil Grand Jury is to investigate the operation of city and county governments, as well as tax supported agencies and districts created by state law. Committees are formed to study citizen complaints or comments and to visit various county and city facilities. The Grand Jury may select additional areas for review. At the end of the year, the Civil Grand Jury publishes its findings and recommendations in a report, which is distributed to public officials, libraries, the media, and the public. Agencies or departments and their governing bodies which are the subject of investigations are required to comment on the findings and recommendations contained in the report within 60 to 90 days as specified in Section 933(c) of the California Penal Code. Section 904.6 of the Penal Code provides for the empanelment of one additional Grand Jury at any time. In Imperial County, this additional Grand Jury is usually impaneled to hear criminal complaints, although by law it is not restricted to just criminal matters

**Grand Jury Authority**

The authority of the Grand Jury derives from Sections 925 through 933.6 of the Penal Code, and Chapter 1, Division 1, Title 3, and Sections 24054 and 26525 of the Government Code of California. It is the Grand Jury's duty to ascertain whether or not the provisions of these sections have been complied with and to include in the Grand Jury report the result of such investigation. Applicable sections are contained in Appendix II – California Penal Code Title 4.

**Grand Jury Civil Powers and Duties**

The primary duty of the civil Grand Jury is to investigate areas of government to determine if it can function better, save money, reduce staffing, and generally examine the way governments conduct business, particularly with respect to any evidence of malfeasance, misappropriation or mismanagement.

**Organization of the Grand Jury**

The law requires that the court appoint the Grand Jury foreperson who will preside over full panel Grand Jury meetings and whose duty it will be to formulate Grand Jury committees and designate membership of these committees.

It is up to the Grand Jury to elect the rest of the officers, including a foreperson pro tempore to act in the absence of the foreperson, and a secretary who should keep the minutes and records of Grand Jury proceedings. This is discussed further in the next section.

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## SECTION II – FORMING A NEW GRAND JURY

### Meetings - General

The first two Grand Jury meetings will be of a character and format unlike succeeding meetings. They are, in effect, the most critical because leadership, organization, objectives, responsibility, authority, and the overall tone, which will pervade the panel, are established at these times.

### First Meeting

The Grand Jury's first meeting should take place immediately after swearing in. The first meeting is focused on items of orientation, acquaintance, and distribution of materials. This initial meeting will include alternates so that they become acquainted with the other jurors; get the opportunity to submit biographical sketches; participate in the orientation process; and as a result, when called, will be a more productive juror.

**Goals:** The foreperson should accomplish the following at the first meeting:

**HELPFUL HINT TO FOREPERSON**

If you have any opportunity before the start of the Grand Jury term, or as soon as possible thereafter, structure the first two meetings to accomplish as much organization as possible. This will pay dividends.

- Get acquainted use nametags.
- Select a temporary secretary and permanent sergeant-at-arms.
- Explain attendance requirements and roll call procedures, mileage, copy machine use, meeting room(s), and use of the Grand Juror identification card.
- Introduce a draft schedule for regular panel meetings and entertain comments. Grand Jury meetings will need to be scheduled weekly after the second month, and more frequently as the Grand Jury's calendar progresses. In conjunction with this, the Foreperson should establish attendance policy.
- Discuss possible conflicts of interest and distribute Form 730 — Statement of Economic Interests for Designated Employees for completion as soon as possible.

**HELPFUL HINT TO FOREPERSON**

Form 730 appears more intimidating than it actually is. Most sections will not apply. Push to get this done and turned in to Registrar of Voters as soon as possible.

- Discuss committee preference questionnaire. The Investigation Matrix, found in Appendix III – Reference Materials, is the driver for the formation of the appropriate committees. After discussion of committee functions, jurors will find it easier to complete this questionnaire. Questionnaires should be collected at the second meeting to enable the Foreperson to make committee assignments.
- Discuss the Grand Jury Resume Format form (Appendix V – Grand Jury Forms) used to provide information, which will assist the Foreperson in making committee assignments.

**Identification Card:** An identification card will be issued to each juror.

**Grand Jury Attendance:** Regular attendance at all full panel meetings and committee meetings is an essential part of a Grand Juror’s responsibility and commitment. The overall quality of the Final Report and all other grand jury work is dependent on the efforts and contributions of all nineteen Grand Jurors.

It is the responsibility of the individual Grand Juror to notify the foreperson, foreperson pro tempore, or secretary whenever he or she will be absent from a full panel meeting. Each juror should also notify the committee chair in the event of absence from a committee meeting.

It is the responsibility of the individual Grand Juror to contact either an officer or the committee chair for information about any missed meeting.

In case of excessive absenteeism, excused or not, the full panel *may* choose to ask for the removal of a juror. Such actions should be taken on a case-by-case basis.

**Conflicts of Interest:** The Grand Jury should discuss and understand conflicts of interest. Grand Jurors should examine personal conflicts of interest and the Grand Jury should establish procedures to excuse jurors from involvement in any investigations or votes related to such a conflict. Jurors shall complete the required conflict of interest form (Form 730) previously mentioned.

**HELPFUL HINT TO FOREPERSON**

A presentation on conflict of interest by County Counsel is one way to approach this subject.

**Political Activities:** Grand Jurors should discuss the possibility of conflicts of interest raised as outlined in Appendix 1 of the California Judicial Administration Standards, paragraph 17(e) wherein Judges are admonished not to nominate to the Grand Jury a spouse or immediate family member (first degree of consanguinity) of any judge, commissioner, referee, elected official, or department heads of any city, county or government entity subject to grand jury scrutiny.

**In addition:**

- Grand Jurors may not identify themselves as such when publicly endorsing in support of or opposed to any person seeking any office in the county or of a city or of a school district or special district within the county.
- Neither shall any member of the Grand Jury allow his or her name to be used, identifying that person as a Grand Juror, in support of or opposed to any ballot measure nor shall any Grand Juror so identify himself or herself when engaged in any fund raising activity for or on behalf of any candidate or ballot measure.
- No member of the Grand Jury shall participate on a campaign committee of any kind when his or her participation on that committee is based on or such person is identified thereon as a Grand Juror.
- None of the above shall apply to any campaign for Federal or Statewide Office, member of the Federal or State Legislature or for statewide ballot measures.

Grand Jurors must exercise appropriate discretion to be sure that there is no possibility that the Grand Jury can be construed to have an opinion on any election, person seeking office or any other election issue.

**Public Comments by Grand Jurors:** The Grand Jury must speak with one voice. Inevitably individual Grand Jurors will find themselves in the position of being asked to comment on Grand Jury investigations, procedures or findings. This opportunity should be sidestepped and all questions referred to the Foreperson for comment. In general, extenuating circumstances notwithstanding, public comment should be avoided and the written report allowed to speak for the Grand Jury.

**HELPFUL HINT TO FOREPERSON**

Your first hint that one of the jurors has spoken to the public should not be reading about it in the newspaper.

**Second Meeting**

The second meeting will focus on organization and committee appointments. Members have had the opportunity to read this procedures manual. Therefore, this meeting will establish the format and schedule of future meetings. (Please see Following Meetings.) Offices to be permanently filled are those of Vice-Foreperson, Secretary, and Sergeant-at-Arms.

The Foreperson, in conducting this meeting, establishes leadership, identifies the panel's objectives, and reviews various ground rules relating to schedules, confidentiality, communication, and attendance policy. As announced at the first meeting, the duration of sessions will be approximately three hours.

The Foreperson will establish the Parliamentary Rules of Order to be followed.

**HELPFUL HINT TO FOREPERSON**

Although an extensive appendix on Parliamentary Procedure is provided, the jury should be allowed as much freedom and lack of structure as can be accommodated. Remember, a typical Grand Jury is 19 highly motivated, individualistic, self-starters. Don't smother them with unnecessary restraints.

A proposed agenda for the second meeting is:

- Call to Order
- Roll Call
- Minutes of the first meeting
- Correspondence
- Old Business (Questions and comments related to first meeting)
- Selection of Foreperson Pro Tempore
- Selection of other Grand Jury Officers
- Committee Appointments
- County Counsel on Conflicts of Interest and Rules of Evidence
- Foreperson's Comments
- Adjourn

**Rules of Evidence:** An introduction to and clarification and interpretation of the Rules of Evidence should be provided by County Counsel as a guest speaker.

### **Third Meeting**

The third meeting will initiate a standard pattern for all succeeding meetings. These will follow more rigid guidelines than previous meetings. After the third meeting, the focus will be on agency investigation status. However, the Grand Jury will now be receiving correspondence, which requires and deserves the same attention being paid to committee investigative activities. If it is determined that a complaint warrants committee action, then it may take precedence over the original committee assignment.

**HELPFUL HINT TO FOREPERSON**

Track your in-coming and out-going  
correspondence very carefully.

### **Following Meetings**

At the fourth meeting, a schedule of all meetings is provided. This schedule will probably indicate that meetings will be held bi-weekly July through August; once a week September through February; and twice weekly March through May. Where possible, this schedule will indicate when members can expect meetings, which possibly will be longer than normal in duration.

Meetings shall start at the time established. Members who arrive after the meeting has started must have their arrival time noted as part of the minutes.

**HELPFUL HINT TO FOREPERSON**

Make sure the secretary routinely does this.  
Jurors are prohibited from voting on matters  
for which they were not present during  
discussion or testimony.

The agenda format can be expected to remain fixed until mid-February. At that time committee reports will change from status reports to oral reports. In order to devote sufficient time to each oral report, no more than four (4) oral reports should be presented per Grand Jury session. This will also be

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the time when jury members can expect to deal with staunch and oftentimes emotional establishment of positions.

### **HELPFUL HINT TO FOREPERSON**

Insist on only one person speaking at a time and encourage everyone to speak to controversial matters. Prevent domination of discussions by a few vocal Jurors.

It can never be over emphasized that the position established by collective individuals acting as a committee must be zealously defended. This defense is based on documented findings, an absence of personal bias or hidden agenda, and committee agreement. Failure to defend a committee's position creates a vacuum, which is the invitation for other jury members to establish a position, which may not be that which the investigating committee had intended.

## **Agenda**

An example of an agenda for this and following meetings is shown below. Agenda content and times are based on experience and are included as a matter of reference.

- Call to order 6:00 P.M
- Roll Call 6:05 P.M
- Minutes of Last Meeting 6:15 P.M
- Correspondence 6:25 P.M
- Old Business 6:45 P.M
- New Business 7:15 P.M
- Committee Status Reports 7:30 P.M
- Foreperson's Comments 8:30 P.M
- Adjourn 9:00 P.M

## **Training**

The Grand Jury may receive its briefings, training and orientation through a combination of events.

## **Orientation**

Orientation for the Grand Jury should include the following:

- Discussion of the role and function of the Grand Jury.
- Discussion of the Grand Jury Procedures Manual.

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- Distribution of the outgoing Grand Jury's Final Report.
- Discussion of the Grand Jury's civil investigatory function.
- Discussion of the organization of county government.
- Brief description of county departments.
- Discussion of the role of the Board of Supervisors in county government.
- Discussion of other information or issues judged to be relevant including how to use equipment and location of files and reference materials. Grand Jurors should be instructed that, while each Grand Jury is restricted to reporting only the results of its own investigations, the jury is not precluded from using agency reports or studies already acquired by earlier Grand Juries to begin their study of an area or a department.
- Tours of county facilities by full panel or committees, as needed.
- Discussion of how to conduct investigations.
- Discussion of how to write Grand Jury reports.
- Orientation meeting.

### **HELPFUL HINT TO FOREPERSON**

This orientation meeting is absolutely critical. It will, of necessity, be during the day. Insist on full participation by the jury. Take the judge acting as Grand Jury liaison to lunch. Get the County Administrator's office to do the logistics — they do a great job.

**Orientation Meeting:** After the “housekeeping” tasks of the first two meetings have been taken care of, the new Grand Jury will be ready to undertake an intensive orientation program that will help them fulfill their duties capably and with assurance. The foreperson is responsible for the orientation program.

An orientation meeting should take place as quickly as possible. Even though it will take the better part of a full day, the orientation will be used to educate the new jurors about the jury's responsibilities and the means by which they are accomplished. The orientation meeting should take place after the third Grand Jury meeting to allow committees to identify whom they will be investigating. This also allows the foreperson time to invite

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agencies to the orientation. The invitation should contain a statement of what general information the jury desires to receive from the agency during the orientation. Additionally, sufficient time will be needed to arrange a meeting place and, inasmuch as the orientation will probably be during the day, allow county personnel and jurors to arrange their schedule and county administration to prepare an agenda.

**Orientation of Replacement Jurors (Alternates):** With each year's Grand Jury, those jury candidates not selected to serve are designated as alternates. When a seated juror leaves the Grand Jury, the presiding judge must fill the vacancy. The judge will first try to fill the vacancy from among the alternates. Since there is a high probability that one or more jurors will depart during the term, it is deemed appropriate to separate training and orientation from regular Grand Jury sessions. As a result, training and orientation sessions should include the alternates as well as the seated jurors. This will reduce the confusion caused by introducing a new juror to the panel during the course of the term.

Care must be observed to assure that no actual Grand Jury matters are discussed at the training and orientation sessions.

When a new juror is introduced to the Grand Jury, the full panel may designate from among the members a "mentor" to work with the new member.

In addition, the chairperson of each committee to which the new member is assigned should meet with the new member individually to review each study area or investigation in progress and provide copies of all relevant documents.

### **Exchange Seminar**

This seminar is held yearly and attended by Grand Jury representatives from a number of California's fifty-eight counties. Various workshops are scheduled covering a variety of important topics for jurors.

### **Committee Assignments**

A preliminary discussion of areas of investigation for the year ahead should not take place until the Grand Jury feels capable of discharging its responsibilities.

As a starting point, the foreperson will establish committees based on the investigation matrix. A full discussion is found in Section VI — Committees.

As the term progresses, some committees may find that they have no purpose. These should be disbanded.

## Committee Preferences

At the first and second meetings of the Grand Jury, each juror should indicate several committees on which he or she feels they would like to serve, numbering these committees in order of their preference. The Grand Jury should discuss committee preferences. A questionnaire is available and should be filled out by each juror to indicate what areas are attractive to each juror. A sample of such a form is found in Appendix V – Grand Jury Forms. The foreperson will attempt to assign jurors to committees of their preference. In many cases this will be possible, but occasionally the foreperson must assign an adequate number of jurors to each committee even though not enough jurors indicated a preference for that particular committee.

The foreperson should balance the workload so that no juror is under-utilized or over-worked.

## Investigating Committees

**Selection of Issues:** The Grand Jury cannot be effective if everything is handled by the jury as a whole. Therefore, the accomplishments of the Grand Jury will depend to a great extent upon the work of its committees. In addition to the mandated agency reviews, jurors should review the holdover issues reported by the previous Grand Jury.

**Appointment of Committee Chairpersons:** All of the members should serve on more than one committee, and it is recommended that no member should be named chairperson of more than one committee. It is further recommended that all committees be limited to five members. Later, it may be found necessary to increase the membership of certain committees; the foreperson should be authorized, at the request of the committee chairperson, to designate additional members, either temporarily or permanently.

**HELPFUL HINT TO FOREPERSON**

Give everyone a shot at serving as committee chairperson - even those who profess “not to want to.” You’ll be pleasantly surprised by the quality work done by some of the less vocal jurors when given the opportunity!

Because of the nature of the foreperson’s duties, the foreperson is excused from appointment to any of the regular committees. The foreperson is, however, an ex-officio member of all committees and should attend their sessions whenever possible.

**Policies:** For efficient accomplishment of whatever objective may be adopted, the following policies should be considered:

1. The responsibility for handling a matter should be placed entirely upon the committee to which it is assigned.
2. Until a matter has been disposed of, the committee chairperson shall make progress reports. These reports will enable the jury as a whole to make further recommendations, if necessary. These reports should be written and as brief and to the point as possible, in order not to take up too much time from business meetings.
3. All investigations, inspections, and reports must be based on thoroughly documented, verified and corroborated facts and should not reflect the personal bias of any individual or group of individuals.

All investigations and inspections shall be made in groups of two or more for the jurors' own protection, as well as to assure accuracy and fairness in reports.

**Organization of Committees:** Each committee should operate in an organized manner. In order to do so, it must be structured with at least a chairperson and a secretary.

**Operation of Committees:** Each committee shall perform the duties assigned to it by the whole Grand Jury. Close contact should be maintained with the entire jury, through the foreperson and by regular reports of progress.

Although committee meetings can be, and usually are, more informal than those of the entire jury, they should be conducted with sufficient rules of order to assure efficient action.

All committee actions shall be presented to the total jury for approval.

Each committee shall keep a file on each project, complaint, and matter assigned to it. Interview reports shall be part of these files.

Committees may want to invite county government department heads to speak to them and answer questions. It is suggested that committees coordinate their efforts in this regard, so that department heads will not have to appear many times before different committees of the Grand Jury.

Another means of learning about county departments, which is highly recommended, is to send questionnaires to selected department heads. This should be done early in the jury term.

## IMPERIAL COUNTY GRAND JURY PROCEDURES MANUAL

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Each committee shall study the reports of previous Imperial County Grand Juries and, if possible, reports of the Grand Juries from other counties. These are a great aid in determining what aspects of each department warrant investigation or review. The response to previous Grand Jury reports shall also be studied in detail.

Each committee will want to make as many tours as possible of various county facilities to see first-hand the nature of their operation and problems. This should be attempted early in the term of the jury, as such visits often indicate areas of need and point out other areas where greater depth of study and investigation should be pursued.

### **HELPFUL HINT TO FOREPERSON**

Try and attend the initial meeting between the committee and the agency.

Following a thorough and careful investigation, a committee shall provide to the full body a report based on substantial fact. All findings shall be accompanied by recommendation for resolving or improving the deficiencies. It is reemphasized that there can be a finding only if a problem has been identified.

### **HELPFUL HINT TO FOREPERSON**

For each finding presented to the jury, ask, "what is the problem?" If there isn't a satisfactory answer, there probably isn't a finding.

Use of interim reports should not be overlooked. Recommendations in an interim report can often lead to correction of a problem before the jury's term is completed. It also gives the jury and the investigated department the opportunity to work together on accomplishing the correction. In the case of safety related items, immediate notification of the agency is required. An interim report is an excellent tool to hold the agency responsible for correcting the deficiency in a timely manner.

It should be noted, however, that, at the present time, the law does not address response to interim reports and, therefore, a period of time for response to an interim report is not specified. Section 933 of the Penal Code provides that response must be made to the final report by the Board of Supervisors and department heads within sixty (60) to ninety (90) days after the discharge of the Grand Jury. Therefore, to ensure a response, interim reports must be included in the final report, preferably verbatim.

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## IMPERIAL COUNTY GRAND JURY PROCEDURES MANUAL

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Each committee will participate in preparation of the final report by preparing the reports included in its area of investigation and responsibility, according to a format adopted by the jury as a whole.

**Investigations:** Chairpersons are authorized to call a meeting of their committee at any time. Committee meetings are conducted in much the same manner as meetings of the whole jury, except that the chairperson presides, and the foreperson, when present, is an ex-officio member of the committee.

### **HELPFUL HINT TO FOREPERSON**

Once you've appointed your committee chairpersons, hold them accountable for progress. May and then June will arrive before you know it.

**Tours:** Committees should inspect as many departments and installations of the county as possible, during their term of service. Whenever possible, unannounced visits or inspections should be considered in order that departments may be seen as they normally conduct business. Suggestions as to improvement of the department should be solicited from responsible officials. It is recommended that all committee members take notes. Committees shall take great care not to overstep the bounds of their own areas of inspection (visits) and investigation.

## **Internal Support Committees**

Internal support committees are established to support the requirements of the Grand Jury. They have no functions external of the Grand Jury. These committees are: Response, Editorial, and Social.

**Response Committee:** The purpose of this committee is to review the responses made to the findings of the previous Grand Jury and to determine their level of adequacy. The Response Committee will discuss the adequacy of these responses in its section of the report. If necessary, the report may also recommend additional action by the current Grand Jury or the succeeding one.

The members of this committee are appointed by the Foreperson. It is recommended that the committee consist of five (5) people and chaired by the Foreperson. If feasible, one (1) of its members should include a holdover. This will contribute to the maintenance of continuity and familiarity with the previous Grand Jury's activities.

Conversely, to ensure an unbiased review, the response committee should not be composed solely of holdover jurors.

## IMPERIAL COUNTY GRAND JURY PROCEDURES MANUAL

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The committee's report will be required to follow the same review and approval cycle as the Grand Jury's own report.

The committee should consider the following factors:

- Did the agency's response address the subject of the findings?
- Did the agency attempt to avoid the issue(s) raised by criticizing the Grand Jury or offering excuses?
- Did the agency's response indicate that it would take the necessary action to correct the problem?
- Did the agency provide a specific date by which it would take the necessary corrective action?

### **HELPFUL HINT TO FOREPERSON**

The best approach is to treat the Response Committee as another standing committee and publish its findings in the final report.

**Social Committee:** This committee plans for the social occasions, which are useful during the Grand Jury's term.

### **HELPFUL HINT TO FOREPERSON**

Do not overlook this important aspect of Grand Jury service. These functions should not be paid for with public funds, but having them nevertheless will pay substantial dividends when things get tough. Invite the spouses. (Caution: Remind Jurors not to discuss Grand Jury business at these or other social functions.)

**Editorial Committee:** The Foreperson shall appoint the members of the Editorial Committee. It is recommended that the committee consist of five (5) members with the foreperson as chairperson. This committee will receive the Grand Jury approved investigating committee final draft reports.

The reports received by the Editorial Committee shall be in the format of the Final Report. The committee will review each report for grammatical structure, syntax, and ease of reading and understanding. **The committee must not and shall not, under any circumstance, change or alter in any form the original intent of the findings of any report it is reviewing.** The Editorial Committee will present the final product to the Investigating Committee to ensure that intent and completeness have not been compromised prior to presentation to the Grand Jury for its approval.

## IMPERIAL COUNTY GRAND JURY PROCEDURES MANUAL

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Approval of each report by the Editorial Committee requires approval of the Grand Jury.

The Editorial Committee has the additional responsibility of determining whether a problem (which must exist to generate a finding) has been identified. If the Editorial Committee determines that the findings are flawed (e.g. lack of documented proof), it will bring this to the attention of the responsible investigating committee. Failure to agree requires that the investigating committee review its findings and provide documentation or revise the finding.

### **HELPFUL HINT TO FOREPERSON**

Pick good writers (who have PCs and a FAX or e-mail) for this committee. Electronic communication is the only way to go (unless you want to spend May and June in meetings).

**SECTION III - OFFICERS**

**FOREPERSON**

The court shall appoint the foreperson and reserves the right to appoint a vice foreperson from the persons summoned to serve as Grand Jurors and appearing.

**Duties and Responsibilities**

The foreperson has overall responsibility to see that the Grand Jury, and each of the committees, functions effectively and efficiently. The foreperson provides leadership and organization, and acts as group facilitator to build a cohesive, competent and dedicated panel of Grand Jurors.

**Meetings:** The foreperson:

- Prepares a written agenda for each full panel meeting and provides a copy for each member. (See sample agenda in Appendix V – Grand Jury Forms.)
- Presides at full panel meetings

**Committees:** The foreperson:

- Acts as ex-officio member to all committees.

**HELPFUL HINT TO FOREPERSON**

Go to Committee Meetings. Go frequently.  
Go unannounced. You get what you inspect,  
not what you expect!

- At the beginning of the term prepares a slate of committee assignments and committee chairs.
- Ensures committee coordination through frequent consultations with committee chairs.
- May meet with the Grand Jury or its officers to appoint standing and special committees and designate temporary committee chairpersons.
- Shall make changes in committee assignments when deemed advisable.
- Monitors progress of investigations to assure that committees are conducting there assigned duties.

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**Oaths:** The foreperson may administer an oath to any witness appearing before the Grand Jury.

The oath administered to a witness generally takes the following form:

*“In your testimony before the Grand Jury, do you swear to tell the truth, and nothing but the truth in response to questions asked by Grand Jurors present?”*

*You are further admonished not to reveal anything about your testimony, either testimony by you or questions asked by members of the Grand Jury. If you reveal such matters concerning a Grand Jury proceeding you may be prosecuted for contempt.*

*In addition you should be aware that a Grand Juror may not reveal anything about a grand jury proceeding as specified in Section 924.1 of the California Penal Code. Nor may any records of this proceeding be subpoenaed by any individual or court, except in the case of criminal proceedings when records of grand jury testimony may be produced to verify if there was perjury in the testimony given before the court.*

*If you believe that a question you are asked may tend to incriminate you, you have a constitutional right to refuse to answer that question unless ordered by a judge to do so.”*

**Communications:** The Foreperson Signs:

All external communications of the Grand Jury, including news releases.

With the approval of at least twelve members of the Grand Jury, all official reports of the Grand Jury, including the Final and any Interim reports.

**Other Duties:** The Foreperson:

- Consults with the presiding judge and reports back to the full Grand Jury.
- Invites the judge to appear before the full panel as requested by the Grand Jury

### FOREPERSON PRO TEMPORE

The Foreperson Pro Tempore:

- Assists and counsels the foreperson on matters concerning procedure, personnel problems, committee responsibilities; committee appointments, and the morale and efficiency of the jury.

## IMPERIAL COUNTY GRAND JURY PROCEDURES MANUAL

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- Serves as parliamentarian. The parliamentarian does not make a ruling, but serves in an advisory role only.

The foreperson pro tempore should be assigned as a regular member of Grand Jury committees.

### **HELPFUL HINT TO FOREPERSON**

Your foreperson pro tempore should be used like a well-honed tool. Remember the three rules to successful organization: 1) delegate; 2) delegate; 3) delegate.

## **SECRETARY**

Secretarial responsibility should be assumed by a person capable of and willing to devote extra time to this office.

### **HELPFUL HINT TO FOREPERSON**

Such services as typing correspondence and interim or final reports may be available from the court. If an outside person is employed in this job, that person must be sworn by a superior court judge to uphold the Grand Jury oath.

## **Duties and Responsibilities**

The secretary is responsible for:

- Writing the minutes of full panel meetings.
- Handling of incoming correspondence.
- Acknowledgment of correspondence received.

### **Minutes:**

The secretary keeps an accurate record of every Grand Jury full panel meeting in the form of minutes. These minutes should include:

- The place, the hour and minute of convening.
- The call and recording of the roll.
- Which jurors were absent from the meeting.

- Persons other than jurors who may be in the room at the time of convening, such as legal advisors or court reporters. Also the name of any person entering the jury room and the exact time of such entrance at any time during the jury meeting and the exact time of departure. The minutes of the meeting should reflect that only members of the jury remained in the room during deliberations or voting. The minutes of a meeting, properly recorded, will be the best evidence that the procedure followed by the jury is proper.
- The hour and minute any juror leaves the meeting and time of their return. It is important that the minutes reveal that quorum is present at all times during any hearing, investigation, deliberation, or vote, and the Secretary should advise the foreperson if, at any time, the number of jurors present is less than the required number.

A statement that each witness called is sworn and advised of their rights as a witness. The minutes should also reveal whether witnesses were admonished not to repeat or discuss any of the Grand Jury proceedings after leaving the Grand Jury room. The secretary should keep close watch on both of these matters and advise the foreperson if the matters have been overlooked.

- A record of all motions made and the jury's action. The secretary should not keep a record of 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 at every meeting.
- A record of reports submitted by the various committees and the jury's action thereon.
- A record of attendance at all Grand Jury meetings, separate from the regular minutes, to determine juror remuneration for mileage and meeting attendance.

**Correspondence:**      The Secretary:

- Logs in mail and makes copies for each juror in time for each full panel meeting, if appropriate.
- Acknowledges receipt of all correspondence received by the Grand Jury. Acknowledgment of correspondence may be signed by the secretary. (See sample acknowledgment letter in Appendix V – Grand Jury Forms.)

**HELPFUL HINT TO FOREPERSON**

Ensure the correspondence log is accurate and complete. You will make frequent reference to it.

- Insures any formal resolutions adopted by the Grand Jury are prepared with the assistance of the district attorney, county counsel, or the court for the signature of the foreperson. A copy of the resolution should remain in the file of the Grand Jury for reference.

**Expense & Mileage Claims:** The Secretary:

- Collects and processes expense and mileage claims for Grand Jury members. The office of the Court Executive Officer will provide details.

**Other Duties:** The Secretary:

- Prepares and distributes, early in the term, a list of all members, their addresses and telephone numbers.
- Prepares and distributes to every Grand Jury member a list of all committee assignments and chairs.

May be assigned other duties as need arises.

**HELPFUL HINT TO FOREPERSON**

Your secretary should be a Juror who demonstrates an affinity for detail and organization and has an aptitude for analytical skills.

## **SERGEANT-AT-ARMS**

This officer is appointed at the option of the Grand Jury members.

### **Duties and Responsibilities**

The sergeant-at-arms:

- Maintains order and decorum in the full panel sessions.
- Sees that no unauthorized person is present in the Grand Jury room during jury sessions or during deliberations or voting. (During

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presentation of a request for indictment by the district attorney, no persons other than jurors, the district attorney, court reporter, witnesses, interpreter and under special circumstances, a disability aide to the witness or guard to protect the jury shall be present. The judge or county counsel may be present only at the Grand Jury's request.)

- Admits authorized persons, including witnesses, when authorized by the foreperson. The sergeant-at-arms seats witnesses and escorts them from the room when they have been dismissed.

**Other Duties:**           The Sergeant-at-Arms:

- Obtains and sets up any special equipment that may be required.
- Sees that the jury room is secure at all times and makes recommendations regarding security matters. The Grand Jury is entitled to have a deputy sheriff stationed outside the jury room to preserve order and provide security, should there be such a need.
- Checks to see that tape recorders are not brought into the jury room. This applies even to the district attorney or county counsel, unless permitted by the Grand Jury to do so.
- Places "In Session" signs outside doors when jury is in session and removes them at conclusion of session.
- Takes responsibility for proper work environment such as room temperature and ventilation.

## SECTION IV – GRAND JURY PROCEDURES

### QUORUM

The Grand Jury should set a regular schedule for full panel meetings and establish an attendance policy. Illness or other compelling reasons may allow a juror to be excused. Continued absence is grounds for removal.

The Grand Jury may act only as a body. A quorum for a meeting or the transaction of Grand Jury business consists of twelve Grand Jurors. An individual Grand Juror has no authority.

**HELPFUL HINT TO FOREPERSON**

Reiterate this theme until it's second nature to all jurors.

### ABSENCE OF OFFICERS

#### **Absence of the Foreperson**

If the foreperson of a Grand Jury is absent, the foreperson pro tempore shall perform the duties, and have all the powers, of the foreperson, including authority to administer oaths and sign indictments, although no indictment shall be signed by the foreperson pro tempore unless the court has been previously notified.

In the case of prolonged or permanent disability of the foreperson, the court shall be notified. The foreperson pro tempore acts as foreperson until a new foreperson is named by the court.

#### **Absence of the Secretary**

There is no formal chain of succession for the position of secretary. For purposes of continuity (unless the Grand Jury enjoys a holdover who previously served as secretary), it is recommended that the foreperson pro tempore assume the duties of the absent secretary.

In the case of prolonged absence or permanent disability of the secretary, a new secretary should be selected.

#### **Absence of the Sergeant-at-Arms**

In the absence of the sergeant-at-arms, the foreperson should appoint another juror to fill this position.

## **VOTING**

In all matters that are to be made public, including reports that are before the Grand Jury, no action can be taken without the concurrence of a quorum. In matters private to the Grand Jury, decisions of the Grand Jury may be taken by a majority of members present.

The law provides that every Grand Juror must keep secret all evidence adduced before the Grand Jury, anything said by a grand juror or the manner in which any Grand Juror may have voted on a matter.

As pointed out in Section II - Forming a new Grand Jury, the Grand Jury should discuss and understand conflict of interest. Grand Jurors should examine personal conflicts of interest and the Grand Jury should establish procedures to excuse jurors from involvement in any investigations or votes related to such a conflict.

Every motion, including action taken, shall be recorded in the minutes.

When a question is under debate, no other motion or proposal shall be received except a motion to adjourn, to table, to postpone to a certain time, to refer to a committee, to amend, or to postpone indefinitely.

The foregoing rules may be suspended at any meeting by a vote of two-thirds of the members.

## **REMOVAL OF A GRAND JUROR**

There is no precise criteria for removal set forth in the statutes, however, upon showing good cause, a Grand Juror may be removed from service.

### **HELPFUL HINT TO FOREPERSON**

This may be your most difficult task. Not everyone makes a successful juror. Try and find another solution, but if it has to be, "prune early." Keep the court informed. Try and get the member to resign and get the resignation in writing.

Regular attendance at all full panel meetings and committee meetings is an essential part of a Grand Juror's responsibility. The overall quality of the final report and all other Grand Jury work is dependent on the efforts and contributions of all Grand Jurors. This is in line with the commitment made when each individual applied, was interviewed, was accepted, and selected as a Grand Juror.

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It is assumed that all jurors are prepared to devote as much time as is required to fulfill their duties. Within reason, jurors may be excused when pressing personal business or family matters require attention. An unexpected lack of a quorum in a formal proceeding causes particular inconvenience for officials, witnesses and other Grand Jurors.

In cases of excessive absenteeism, excused or not, the Grand Jury should seek removal of the juror. Such actions should be taken on a case-by-case basis.

Request for removal may be made by the judge of the court; by the foreperson of the Grand Jury, or by six members of the Grand Jury.

The request must be in writing and must provide reasonable detail of the circumstances justifying removal of the juror.

The request must be submitted to the Presiding Judge of the Imperial County Superior Court, who will review the request to determine whether all reasonable efforts have been made to resolve the problem with the particular Grand Juror.

If the judge determines that no formal measures can be taken to resolve the problem, they shall cause a copy of the written request to be delivered to the juror at least ten days prior to a hearing to be held as hereinafter provided.

A closed door hearing shall be attended by the juror, the foreperson or at least two members of the Grand Jury requesting removal of the juror, and the superior court judge. The foreperson or other members of the jury will be given an opportunity to explain the reasons for removal of the juror; the juror will be given an opportunity to answer or rebut any accusation.

The court may thereafter make any order appropriate to the circumstances. If the court determines that removal is appropriate, the juror will be given an opportunity to resign from the Grand Jury.

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**SECTION V – GRAND JURY CIVIL POWERS AND DUTIES**

The Grand Jury’s civil powers and duties can be summarized as follows: (Parenthesis indicates relevant sections of the California Penal Code). Note: When no penal code is shown at the end, the duty is commonly performed though not codified. The only duties required by law are the review of the jails and the county financial audit.

**Government Operations Generally**

To investigate and report on county government operations to be assured that the responsibilities are being fulfilled efficiently, honestly, and in the best interest of the public. (925)

**County Records and Accounts**

To audit books, records, and accounts of all county offices. (925)

**City Records and Accounts**

To examine the books and records of any incorporated city, and investigate and report upon the fiscal matters of the city, and to make recommendations regarding such fiscal matters. (925a)

**Special District Records and Accounts**

To examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county and to investigate and report on the method and System of performing the duties of such district. (925.a, 933.5)

**Government Audit**

To report and make recommendations on its own audit of county records and accounts; to report on county officials’ records and accounts as ex-officio officers of any district. (925)

**Return of Money**

To order the district attorney to sue for money which the jury feels is due and owing to the county. (932)

**Salaries of Elected Officials**

When requested by the board of supervisors, to investigate and report upon the need to increase or decrease salaries of the county-elected officials. The report shall be transmitted to the Board of Supervisors. (927)

**Follow-up of Responses**

To study the report of the previous Grand Jury and responses to this report, and to review the recommendations of recent Grand Juries for improvements.

**Ombudsperson**

To act as ombudsperson, receiving all letters from citizens or agencies and making inquiries and/or recommendations as to those matters referred to the jury.

**Unindicted Prisoners**

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

**Inspect Jails**

To inquire into the condition and management of the detention facilities within the county. (919b, 921)

**Land Transfers**

To investigate and inquire into all sales and transfers of land and into the ownership of land which, under the State laws, might escheat to the State. (920)

**Welfare and Institutions**

To inquire into welfare records pertaining to the investigation, supervision, relief and rehabilitation of welfare recipients. (California Government Code, section 17006.)

**Corporations**

To investigate any corporation, profit or non-profit. (892 and 933.6)

**Limits**

The Grand Jury does not have inherent power to establish its own investigatory apparatus for the detection of crime. A Grand Jury should not engage in fishing expeditions, hidden agendas, or indiscriminate meddling. The scope of inquiry is limited to those subjects that are founded upon knowledge, not by rumors and reports, but by information acquired from evidence before them or from their own observations. (936.5)

**Responsibility and Liability**

If a Grand Jury comments on a person that has not been indicted by that Grand Jury, any libel (false writing that may harm the person) or slander (false oral statement) can be the basis for a suit against individual jurors and/or the county.

**Final Report**

To issue a final report on the needs and operation of county departments as stated by law. (928)

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## **SECTION VI - COMMITTEES**

### **ORGANIZATION AND PROCEDURES**

The purpose of forming committees is to improve the effectiveness of the grand jury.

#### **Purpose**

The Grand Jury cannot be effective if everything is handled by the jury as a whole. Therefore, the Grand Jury is usually divided into committees to handle investigations and administrative work.

Note that the Grand Jury as a whole must approve anything the committees recommend before a report is made public. The public need not (and probably should not) know which Grand Jurors are on a particular committee. The Grand Jury speaks with one voice, not as a group of committees.

#### **Committee Formation**

Early in the term, Grand Jurors will be asked to indicate their committee preferences. This information and the Grand Jury Resume form (see Appendix V – Grand Jury Forms) will be used to form qualified and well balanced committees. With the exception of the foreperson, who serves as ex-officio member of all committees, jurors should not be assigned to serve on more than three to five investigative committees. Committees should contain no fewer than three members.

The foreperson is responsible for making committee assignments to balance skills and expected workload. Preferences of jurors will be considered, but should not override the need for even distribution of workload and talent among committees. The foreperson usually names the chair of each committee as well. The foreperson and Grand Jurors should avoid assignments where prejudice may be an issue. The foreperson shall be sensitive to the fact that excessive committee assignments for any individual Grand Juror may compromise the breadth, depth and quality of the committee's investigation.

#### **Committee Organization**

Once committee assignments have been made, each committee must make a number of organizational decisions, including:

- Selecting a permanent chair if one has not been named by the foreperson.

- Reading at least the last three-jury reports in the Grand Jury Final Reports.
- Keeping minutes of each of its meetings. Such records are important in preparing progress reports to the full panel and the committee's investigative reports.
- Meeting with whatever frequency is appropriate to accomplish the tasks before them.

**HELPFUL HINT TO FOREPERSON**

There is no one right way to organize a Grand Jury and do not pay too much attention to those holdovers who tell you "how we did it." The proof is in the pudding - if you produce a thorough, hard hitting, objective, well documented report without a wholesale mutiny, you've done a good job.

- "Option A" Organization. The Grand Jury will investigate those agencies identified by the matrix. Investigation must include those agencies with mandatory review requirements.

Under this system, six standing committees of six members each are formed as follows (each juror will serve on two of these committees):

Government Administration  
County/City Services  
Public Protection  
Social Services and Education  
Environment and Transportation  
Special Issues

Each committee will investigate those agencies listed under the appropriate category heading set forth in the matrix.

The Special Issues Committee will investigate those agencies specified for it in the matrix and will serve as a residual committee to investigate subjects that do not fall specifically into the purview of any other committee or will take on studies that other committees do not have time to pursue. Additionally it will provide administrative support for Grand Jury internal requirements.

- **“Option B” Organization.** The Grand Jury will be formed into separate committees to investigate each of the agencies in the year identified by the matrix. Investigation must include those agencies with mandatory review requirements.

Under this system, each Grand Juror has the opportunity to be a committee chairperson in addition to being a member of other committees. This should result in 18 committees or slightly fewer. Each committee conducts the investigation of its designated agency for the duration of the Grand Jury year.

- **“Option C” Organization.** The Grand Jury will investigate those agencies identified by the matrix. Investigation must include those agencies with mandatory review requirements.

Under this system, three committees of six jurors each are formed. Each committee conducts the investigation of two agencies for 4-5 months each. A report is prepared prior to commencing its second agency investigation.

At least six agencies are reviewed in depth during the Grand Jury year using this organization.

### **Subjects for Investigation**

A Grand Jury should establish what it would like to accomplish during its tenure. Each jury will have to determine how much it can accomplish; undertaking too broad an inquiry will probably cause the jury to fall short of its goals.

Not every complaint or suggested investigation can be undertaken. The Grand Jury will have to prioritize and select investigations that promise to bring the greatest value to the County and still remain within the Grand Jury's resources. In the absence of citizen complaints or specific direction, the jury is free to select subjects for review and investigation.

Within this guideline, the Grand Jury must ensure that the required annual investigations (audit, unindicted prisoners, etc.) and cyclic investigations are completed. Failure of any one Grand Jury to complete its fair share of investigations places an undue burden on following Grand Juries.

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**Investigation Matrix**

As an aid to scheduling, the following cyclic listing of agencies to be reviewed is provided on the following pages. The Cycle - Year relationship is:

- 1 - 2006/2007, 2011/2012
- 2 - 2007/2008, 2012/2013
- 3 - 2008/2009, 2013/2014
- 4 - 2009/2010, 2014/2015
- 5 - 2010/2011, 2015/2016

**Note: "Co." indicates a County of Imperial agency.**

<b>Year in 5 Year Cycle:</b>					
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Government Administration Group</b>					
City of Brawley (all depts.. except Police & Fire)				X	
City of Calexico (all departments except Police & Fire)					X
City of Calipatria (all departments except Police & Fire)	X				
City of El Centro Administration (including City Manager, City Attorney and City Clerk)		X			
City of El Centro City Council		X			
City of El Centro Finance Department			X		
City of El Centro Personnel Department			X		
City of Holtville (all departments except Police & Fire)	X				
City of Imperial (all departments except Police & Fire)			X		
City of Westmorland (all departments except Police & Fire)				X	
Co. Administration					X
Co. Auditor/Controller		X			
Co. Board of Supervisors					X
Co. Clerk of the Board of Supervisors				X	
Co. Counsel	X				
Co. Human Resources/Risk Management	X				
Co. Information Systems					X
Co. Purchasing Dept.			X		
Local Agency Formation Commission				X	

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<b>Year in 5 Year Cycle:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
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**County/City Services Group**

- City of El Centro Community Services Dept.
- City of El Centro Planning and Housing Department
- Co. Agricultural Commissioner
- Co. Assessor
- Co. Clerk-Recorder/Registrar of Voters
- Co. Library
- Co. Local Enforcement Agency
- Co. Office of Emergency Services
- Co. Office of Employment Training
- Co. Planning Dept. (including building inspection)
- Co. Treasurer/Tax Collector
- Imperial County Fairgrounds
- University of California - Cooperative Extension

X				
			X	
				X
		X		
			X	
			X	
	X			
				X
		X		
		X		
	X			
X				
				X

**Public Protection Group**

- City of Brawley Fire Department
- City of Brawley Police Department
- City of Calexico Fire Department
- City of Calexico Police Department
- City of Calipatria Fire Department
- City of Calipatria Police Department
- City of El Centro Fire Department
- City of El Centro Police Department
- City of Holtville Fire Department
- City of Holtville Police Department
- City of Imperial Fire Department
- City of Imperial Police Department
- City of Westmorland Fire Department
- City of Westmorland Police Department
- Co. Child Protective Services
- Co. Corrections Dept.
- Co. Environ. Health Dept. (including Animal Control)
- Co. Family Support Division
- Co. Fire Department
- Co. Probation Department
- Co. Public Administrator/Guardian
- Co. Public Defender
- District Attorney
- Jail inspection
- Juvenile Hall inspection
- Sheriff-Coroner

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
		X		
X				
	X			
				X
			X	
	X			
X				
		X		
				X
	X			
X				
		X		
				X
			X	
X	X	X	X	X
X	X	X	X	X
			X	

**IMPERIAL COUNTY GRAND JURY PROCEDURES MANUAL**

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<b>Year in 5 Year Cycle:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
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**Social Services and Education Group**

City of Brawley School Districts			X		
City of Calexico School Districts	X				
City of Calipatria School Districts				X	
City of El Centro School Districts		X			
City of Holtville School Districts					X
City of Imperial School Districts	X				
Co. Behavioral Health Services		X			
Co. Department of Social Services			X		
Co. DSS – Cal WORKS Program				X	
Co. Health Services					X
Imperial County Board of Education & ICOE				X	
Imperial Valley College					X
Housing Authorities			X		

**Environment and Transportation Group**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
City of El Centro Department of Public Works	X				
City of El Centro Redevelopment Agency			X		
City of El Centro Water Division					X
Co. Airport		X			
Co. Department of Public Works				X	
Imperial Valley Transit System	X				
Water Districts			X		

**Special Issues**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Cemetery Districts			X		
Imperial County Mosquito Abatement District				X	
Other special issues	X	X	X	X	X
Grand Jury administrative support.	X	X	X	X	X

**COMMITTEE CHAIRPERSON**

**Leadership**

The committee chairs are responsible for motivating and leading their committees. Because of the nature of the Grand Jury system, a chair is not able to take substantive action without consent of the Grand Jury as a whole. A committee chair should not arrange for interview appointments without

consulting with the full committee. Once the committee has decided to interview an individual, it is the chair's responsibility to see the appointment is made. Often committee chairs walk a fine line between being the leader and the servant of the committee.

## **Meetings**

Committee chairs have certain duties in the conduct of committee meetings.. Among these are:

- Prepare a written agenda for each committee meeting.
- Preside at each committee meeting in such a manner that all views are aired, and business is transacted efficiently.
- Arrange the time and place for each meeting with concurrence of committee members and reserve space as required.

## **Investigations**

Committee chairs coordinate investigations undertaken by the committee. This includes:

- Maintaining a schedule of events.
- Reading reports, files, newspaper clippings, and other reference materials from prior years to develop a broad base of knowledge.
- Ensuring the other committee members read relevant materials.
- Understanding the procedures to be followed in an investigation.
- Keeping the committee on track.
- Making sure the committee minimizes the time it spends interviewing government employees by researching the duties, activities and budget of a department through written records, including prior Grand Jury reports, as much as possible.
- Informing interviewees in advance, as much as possible, of the topics to be covered in an interview so they can have the necessary information available.

- Preparing concise questions designed to elicit the information needed from the interview.
- Assuring that there is a written record of the committee's activities and findings. This written record is the basis of the final Grand Jury Report.
- Setting a standard for impartial, objective and professional investigations.
- Assuring each investigation is completed as soon and as thoroughly as is practical.

### Reports

The committee chair assures that each investigative report is written immediately after the close of the investigation. Writing reports early has two benefits: first, the writing process often exposes areas which need further study or investigation; and second, writing without the pressure of an editing or printing deadline is easier and produces a more cogent report.

The committee chair provides the editorial committee with findings and conclusions based on evidence, not opinion.

The committee chair keeps the editorial committee advised of the completion date of the committee's report so that the editorial committee can schedule its work accordingly.

The committee chair considers the importance of the release date of each investigative report, and if the committee concurs, recommends to the full panel the release of an interim report.

### Communications

The committee chair keeps the foreperson and the Grand Jury informed of the progress of committee projects through oral or written progress reports.

The committee chair acts as liaison between other committees which have jurisdiction in related areas both to assure that work is not duplicated and to take advantage of information developed by other committees.

The committee chair stays alert to possible conflicts of interest and excuses committee members from investigations where a conflict exists.

## COMMITTEE OPERATING REQUIREMENTS

### Interference Between Committees

The Grand Jury should discuss and adopt procedures for all committees. Every committee must be aware of the areas other committees are investigating. Coordination and cooperation between committees are essential.

### Independence of Committees

The responsibility for handling an investigation should be placed entirely upon the committee to which it is assigned. The committee may ask for support and assistance, but the committee is in the best position to evaluate progress and what has to be done next. Any committee meeting is open to any member of the Grand Jury who is interested in attending.

### Record Keeping

Every committee should establish and maintain a file on every investigation it undertakes, including the evidence and interview materials. Minutes of committee meetings must be maintained and a copy made for the foreperson.

### Keeping the Full Grand Jury Informed

Committee chairs shall make periodic status reports to the whole Grand Jury. These will enable the jury to make further recommendations, if necessary. These status reports should be brief and to the point. A copy of the written status report should be given to the secretary to be filed with the minutes covering that meeting.

For each investigation assigned to the committee, the committee must eventually report either a recommendation that the investigation shows no promise and should be dropped, or that a report is forthcoming and provide a schedule for the report.

### Bias, Hidden Agendas, and Conflicts of Interest

All investigations, inspections, and reports must contain valid and truthful observations. They must not reflect the personal bias of any single person or group of individuals. A committee member must be excused from participating in any investigation in which they have a conflict of interest.

**HELPFUL HINT TO FOREPERSON**

Watch for this like a hawk. NOTHING can so easily undermine an otherwise successful Grand Jury as can one individual with a hidden agenda.

**Individual Investigations**

All investigations and inspections shall be made by two or more jurors to assure accuracy and fairness in reports and for the juror's own protection. No investigation or inspection should be undertaken without the prior assignment of a complaint or approval of the Grand Jury to conduct an investigation.

**Reports**

Each committee is responsible for writing a report of each investigation (see Section IX - Grand Jury Reports). All reports must be based on valid, accurate observations and must not reflect the bias of any single juror or group of jurors. Reports are not intended to be a one-person effort.

## SECTION VII – GRAND JURY INVESTIGATIONS

### OVERVIEW

#### The Most Important Part of Grand Jury Service

The critical element in the Grand Jury investigation process is an understanding that there is no more important part of the Grand Jury's job. No other activity will require a greater degree of planning and communication, or have as much impact on the success of the jury. From the outset, the organization, planning, and professionalism of each Grand Jury investigation will impact the effectiveness of the Grand Jury. The investigations cast a reflection upon the jury and how it is perceived by Imperial County, its municipalities and affected agencies. This has a direct effect on the level of cooperation obtained by the grand jury, and (inevitably) upon the type of response given the jury's findings.

Investigative visits shall adhere to the philosophy of a "Two-Person Rule"; i.e. a minimum of two (2) Grand Jury members shall be present at all times (other than during face-to-face requests for documentation).

Routine Investigations are initiated in one of three ways; the receipt of a complaint by the and Agency Reviews Grand Jury, the receipt of information warranting investigation, or the scheduled review of an agency. Agency reviews may be scheduled on a rotating basis or on a mandatory yearly schedule.

#### Complaint Process

Upon receipt of a complaint, the Grand Jury will determine whether further investigative action is warranted. Care must be taken to ensure that investigating the complaint is within the Grand Jury's jurisdiction. Regardless, acknowledgment of the complaint should be made promptly and should inform the complainant of the Grand Jury's decision. The letter of acknowledgment may also request additional information.

#### **HELPFUL HINT TO FOREPERSON**

There is some misinformation that a complaint, in order to be valid, must be in writing. Nothing is further from the truth. The Grand Jury is free to investigate anything (and everything) within its jurisdiction, no matter how it comes to the jury's attention.

## Obligation of the Grand Jury

An investigation resulting from a complaint may take precedence over agency investigations. Confidentiality about all aspects of this investigation, as with all Grand Jury activities, is required. Sample acknowledgement letter formats may be found in Appendix V – Grand Jury Forms.

In order for the investigation to be accurate and meaningful, Grand Jury members must remain unbiased. This neutrality must be demonstrated from the moment the agency or subject is identified. No single item can so effectively undermine an otherwise well-intentioned and competent investigation as can the mere **appearance** of bias.

Failure to maintain an unbiased approach will result in a justifiably harsh reaction from the agency and out-of-hand dismissal of the Grand Jury's findings.

Accuracy is another tenet of the successful investigation. Documented proof is the basis of an accurate report. Guessing is unacceptable, is easily challenged, and taints not only the investigation but the entire report.

The scope of the investigation shall be determined, as much as possible, at the beginning. Early and well-defined objectives will help to determine the scope of the investigation's sufficiency. However, if it is established that a greater depth is in order, there must be sufficient flexibility to either expand the investigative schedule, assign additional personnel, or recommend that a future Grand Jury continue the investigation.

## Non-Adversarial

The Grand Jury as a whole and each juror individually must ensure that a non-Process confrontational and non-adversarial approach is taken. When conducting an investigation, observe and learn; appreciate the efforts of agency personnel; ask questions, ensure minimal disruption of routine, and create an atmosphere of trust. Never ask rhetorical questions or questions that appear to be forms of entrapment. You are there to help in establishing a more efficiently run agency; cooperation among all concerned is a must.

**HELPFUL HINT TO FOREPERSON**

Having said this, ask direct and probing questions and hold the agency accountable for providing complete, accurate and non-evasive answers; but do so in a professional manner.

## **Communications With Agency**

Upon selection of an agency to be investigated, the assigned committee chairman shall communicate with the agency head and set a time to meet. The purposes of this meeting are to allow agency and committee personnel to meet each other; to establish the agenda; to agree upon mutually satisfactory procedures concerning schedules, access to personnel, documentation requirements; and to create an atmosphere of mutual respect and cordiality. Minutes of this meeting should be written and distributed to the agency and committee members.

## **Communications Within The Committee**

Committee meetings should be held frequently. Status, progress, and problems with the investigation are the typical subjects. If other major items (such as objectives) are discussed and changes are made thereto, each member present must be made aware how this may affect him/her. The need for intra-committee communications is emphasized here so that the committee speaks with one voice during the committee report presentations.

## **Communications With the Grand Jury**

Communications with the rest of the Grand Jury are via oral and written status reports.

## **Question**

When the committee objectives have been established and agreed upon, the foundation for the questions to be asked has been established. Such questions typically fall into three categories: agency organization, personnel, and operations. These categories establish a natural chronology for the type of questions to be asked as the investigation progresses. Before the committee goes into the field, questions should be written out and reviewed to ensure completeness, viability and the absence of any real or implied contradiction(s). Questions should be formulated to encourage succinct answers.

## **Formulation**

Thoroughness, knowledge, patience, respect, and reasonableness should be exhibited at all times. This will elicit accurate and complete answers. It is necessary to reinforce three themes to which every Grand Juror must adhere:

- No personal agenda and an absence of bias.
- No questions of entrapment.
- Good judgment at all times.

## Types and Ranges of Questions

There may be unique agencies being investigated but generally the types and of range questions tend to cover a finite spectrum of subjects:

- Adequacy of training for assigned responsibilities.
- Adequacy of activities including supplies and equipment.
- Effectiveness of communication within and without the agency, between and among peers, subordinates, and supervisory personnel (i.e., one way, two way, etc.).
- Correlation between written job descriptions and the actual duties performed.
- Existence of advancement and promotion opportunities.
- Sensitivity of management to recommendations for greater effectiveness and efficiency.
- Level of morale (particularly with respect to favoritism or bias issues).
- Adequacy and maintenance of physical plant.

## Integration With Other Committees

Every committee must be aware of other committees' objectives and progress. Wherever there is an indication of parallel or duplicate investigations, committee chairpersons should confer to coordinate and resolve any problems.

If the investigative paths of two committees merge, then it may be necessary to either merge the committees or identify the duplications in the committee reports.

As the investigation progresses, the body of work will expand. As information arrives, it should be incorporated into the report without delay. Reviews will then support integration of data, eliminate duplication, and identify contradictions.

## Moving Target

Government organizations change through reorganization, budgetary actions. Investigations changes in charter, elections, and the like. This directly affects the investigation. The committee analysis should indicate whether continuing the investigation is justified or whether the scope and focus should be modified in light of such reorganizations.

## **Committee Meetings**

Regardless of the purpose of the meeting, it is essential that minutes be kept. These should be treated as formal documentation, which will be entered in the Grand Jury minutes file. Additionally, absent members will thereby have a means of keeping abreast of proceedings. See also Section VI — Committees.

## **Objectives and Decisions**

A necessary part of the committee chairperson's duties is to make decisions and keep the committee focused. The objectives of the committee's investigation apply to each member. The committee's investigation is a team effort and leaves no room for individual actions.

Investigative objectives are established through committee effort. Objectives are developed upon receipt of the committee assignment. Formulated questions and areas of review are driven by these objectives. The decisions made at committee meetings apply to both the investigation and the report. The ability to make a decision allows for changes, which result in improvements to the process. These decisions must reflect the total committee effort.

## **Committee Members' Accountability**

The subject of the committee's investigation will be broken into narrower areas of committee interest, which will still satisfy the objectives. These areas should be small enough to allow for an in depth investigation either by assigned teams or the entire committee. Each member is accountable and responsible for implementing the investigative process in accordance with the directions provided by the charge of the court, Grand Jury foreperson, the committee chairperson, and guidance provided by this manual.

## **PREPARATION**

### **First Committee Meeting**

The objective of the first committee meeting is to review the assigned complaint or agency to be investigated. A call to the agency head should be made by the chairperson to notify the agency that they are the subject of a routine or special Grand Jury investigation. Additionally, an appointment with the agency head and staff should be made to permit introduction of all personnel involved, identification of general objectives, and securing of agency background information and data.

The committee chairperson should have read and have available previous Grand Jury reports and applicable responses for committee review prior to its initial visit.

## **Second Committee Meeting**

The second committee meeting should take place after the initial meeting with the agency or after additional information regarding a complaint is obtained. The committee should now establish goals and objectives, generate schedules, and make assignments.

Based on agency size, committee size, scheduling considerations, personnel considerations (vacations, etc.), the breadth and depth of the investigation will be established. It is critical to recognize at this time that limits must be established to ensure that a high quality investigation is being carried out. Depth and completeness are more important than breadth.

The committee's approach should now be established. This involves attendance at agency staff meetings; review of files, documentation, and correspondence; two-on-one interviews; observation of daily operations; physical plant inspection; and unannounced visits.

The committee must now determine which visits will be by full committee or by 2 or more member sub-committees.

If at this time it has been determined that it is necessary to request additional personnel resources, such a request should be made of the Grand Jury foreperson.

When making sub-committee assignments, committee members' expertise and expressed interest should be taken into consideration.

## **Subsequent Committee Meetings**

Subsequent meetings should focus on status of the investigation and will be the nucleus of the committee chairperson's oral and interim reports. This underlines the need for the committee to prepare a time line with identified milestones. This should be presented to the entire Grand Jury for concurrence. The consolidation of all committee time lines with milestones will establish the Grand Jury schedule for all oral, written, draft final, and final reports.

## **The Investigation**

The initial meeting of the committee with the agency allows both parties to prepare for the investigation. Generic goals are presented and the methods of investigation are addressed. While the committee should point out that it will make every attempt to conduct its investigation in a non-intrusive manner, some completion of its investigation. This initial meeting is also the opportunity to affirm a friendly, understanding, and open-minded approach to the agency review.

The committee will require various resources from the agency in addition to those previously identified in this section. Foremost a request should be

made for a detailed and up to date organization chart and complete position descriptions. Secondly a request should be made for orientation by various levels of the agency management. The committee should anticipate that assistance by knowledgeable agency personnel will be required from time to time. It should be made clear that although prior coordination with the appropriate supervisor will be made prior to a visit, interviews will be conducted with employees without their supervisors being present. Thirdly, the agency should be notified that both announced and unannounced visits will be made.

The chairperson will inform the agency staff at the initial meeting, that a letter will be prepared with the signatures of the foreperson and chairperson informing all agency personnel of the forthcoming investigation; their right to request an interview; assurance of privacy and confidentiality; and encouraging their participation. (See Appendix V – Grand Jury forms for a recommended format.) This letter should be sent after the initial meeting with the agency and should be distributed to all agency personnel. The committee and the agency having met, the letter is from a known source, which eliminates the ominous tone these types of announcements sometimes carry with them. The result should be a greater degree of response and cooperation.

The committee must always keep in mind that it is human nature to look upon an outside investigation of one’s organization with trepidation and a certain amount of resentment. The old saw that has some basis in fact is that the two biggest lies are (1) that the investigator is there to help and (2) that the agency is glad to have the assistance.

**HELPFUL HINT TO FOREPERSON**

Tour early in the year and tour frequently. Walk around (unescorted). Visit at 2 in the morning unannounced. Make “360 degree” observations. “Kick the tires.” You will be absolutely astounded at what you will find out!

**Physical Plant Tour**

A physical plant tour is essential early in the committee’s investigation. Committee members get a realistic picture of the physical environment in which management and staff work. Facility safety, security, and environmental conditions should be observed as well as whether or not the facility and its furnishings adequately support the mission of the agency. If, following the physical plant tour, the committee determines that a more detailed physical plant inspection is necessary, then expert assistance (such as fire safety, building construction, environment, industrial security, etc.)

may be requested. Unless this expertise is found within the committee or Grand Jury, there should be no attempt on the committee's part to render judgments beyond its capabilities.

**HELPFUL HINT TO FOREPERSON**

If an expert is brought in for a physical plant inspection, an agency representative should be encouraged to join the "tour."

### **Interviews (General)**

Suggested preparations for an interview include:

- a. Prepare in Advance:
  - By setting beginning and ending time, and explaining the purpose for the appointment.
  - By choosing a clear purpose and developing key questions.
  - By doing your homework and reading all pertinent materials; if necessary, request advance materials.
- b. Establish Rapport:
  - By introductions.
  - By sharing purpose.
  - By taking charge of format and setting.
  - By setting time for key elements.
- c. Ask Clear Questions:
  - By avoiding disguised statements.
  - By avoiding unnecessarily repetitive questions.
  - By building on previous questions.
- d. Listen Attentively:
  - By avoiding judgmental responses.
  - By summarizing periodically.
- e. Cross check for Accuracy:
  - By asking the question several times in different forms.
  - By comparing verbal statements with visual clues.
  - By comparing current information with prior experience and information.
- f. Focus:
  - By returning to key questions.
  - By asking same questions to different interviewees.

**How to Conduct a Routine Departmental Interview:** These guidelines are presented to help you feel more comfortable in an interviewing situation. Some of the questions can appear sensitive to the interviewee. Select only those questions that suit your purpose.

When interviewing a department, both staff and management should be interviewed to obtain as complete and unbiased an overview as possible.

Interview Basics:

- Start the interview with neutral questions.
- Move to controversial or more sensitive questions.
- Conclude the interview with neutral questions, summarize additional required information, and thank the interviewee for their time, effort and cooperation.
- Some language you might use:

“Let me see if I understand you correctly. What I think I heard you say was...”

“A while back we were talking about... Would you tell me more about that?”

“You used a word a while back that I didn’t understand. I think it was... Would you tell me more about what it means?”

“Yes, I can see why that would be. What did you feel or think about it at the time?”

“How do you know that’s true?”

“Who else might have information about this?”

“Did you see that happen yourself?”

“Were you there when that statement was made?”

“I notice you haven’t mentioned... yet. Is there a reason for this?”

“It’s obvious you’ve had some trying times. We’re not here to make things worse. We’re not trying to find fault, but we would like to find the facts, and you’re the best person we know of who can tell us the whole story.”

“Well, we’re glad to hear that you are experiencing no problems. Does this mean that there will be no requests for budget increase this year?”

“If you know of no problems in your organization, what kinds of problems do colleagues of yours in other local governments discuss at their professional meetings?”

“Do you have any final comments before we leave?”

“Well, we’ve covered a lot of ground. What are the two or three most important points you’d like us to understand?”

“You’ve given us a lot of information to consider. When we go over our notes, we may need to come back if we find anything we do not understand.”

Specific Questions: These are questions a Grand Jury may want answered, but may not be appropriate to ask of all employees:

Personnel:

- Is discrimination practiced as to sex, religion or race?
- Is there equal pay for equal work?

Operations:

- What is the general mission statement of the department?
- What hours is the department open to the public?
- Are there job descriptions for each position?
- Do they work with other departments on future planning?

Credit Cards:

- Who has custody of credit cards?
- What security measures are taken to safe guard them?

Vehicles:

- Number of vehicles assigned to department?
- Are vehicles used properly?
- What is the policy followed in the department on the use of vehicles and equipment?

- Is any employee allowed to take a vehicle home with them? On what authority? Where will the vehicle be garaged?
- Is any employee permitted to use a vehicle for private use? By what authority?
- What kind of training are employees given on vehicles and equipment for use on the job?

Safety:

- Are physical facilities adequate and in good condition?
- Has the department published safety regulations?
- Do management and staff work in a secure environment?
- What is the department policy for providing employees with safety equipment?

Cash Handling:

- How much money/revenues collected during fiscal year? How much cash?
- What accounting system does the department use? (Get copy of procedures and schedule of accounts.)
- Do they have any contracts or agreements in effect with any government, public or private parties? (Get copies.)
- Is there any handling or collection of cash by other than bonded employees? (Ask to examine daily cashbook or its equivalent.)
- How often is cashbook balanced?
- Is there a numbered receipt procedure for handling cash/checks?
- How long are cash/checks held before deposit?
- Do they ever cash a check for a private party?

Accounts Receivable/Payable:

- Do they have a purchase order system?
- Under what circumstances do they place items for bid?

- What are the procedures for telephone use?
- How are time records kept?
- Who has access to their post office box?
- Do they have an inventory control system?
- How do they purchase materials/supplies from vendors?
- Are checks paid by them verified by a second party?
- What is the overtime policy?
- Do they have a budget?
- Have they operated within their budget?
- What is the source of money for operations?  
Are there other sources available?

### **Interviews (Management)**

Interviews with management and supervisory personnel should start with general questions before leading into specific and more detailed areas. At this level the investigation will typically address subjects such as organizational structure, budgets, personnel policies, operating procedures, plans and their implementation, lines of authority, communication and responsibility, and physical plant.

The committee should not be surprised to hear that “other than the budget which has been provided and for which the organization has little control, things are functioning pretty well.” This is why careful development of investigation objectives and the careful structuring of questions are essential in obtaining a realistic picture. In fact, agencies do have control over their budgets (by increasing efficiency if not levels of funding). The paramount objective of Grand Jury investigation is to determine whether or not Government is operating in the best interests (financial or otherwise) of its constituency, not just “operating pretty well.”

The results of these initial interviews will influence the questions and other elements of the investigation at lower organizational levels. Remember, in the conduct of your interviews, that there should be:

- No personal agenda or bias.
- No entrapment.
- No self-fulfilling prophecy.

At least two committee members at all times.  
No interference with agency policy.  
Good judgment

### **Interviews (Functionaries)**

The focus of these interviews with non-management personnel will typically be back ground and job qualifications, job satisfaction, vertical and horizontal communications, length of time on the job, recognition, promotion, working conditions, concerns, and suggestions for improvement(s).

Agency personnel will often find it more comfortable to answer questions and discuss these matters in private. Accordingly, arrange for an off-site meeting place. This approach should not only be accommodated but should be exploited with respect to surfacing problems and eliciting comments. Recognizing that for every action there is an equal and opposite reaction, committee members, while hearing remarks under these conditions, must remember to subject the information to the test of accuracy that should be applied to all findings.

Recording devices of any kind are not permitted during any part of the Grand Jury process. Therefore, detailed note taking is a must. Besides the legal and ethical reasons for insisting on attendance of at least two jurors in any phase of the investigation, the pragmatic reason is that note taking is more accurate and complete. This is particularly underscored if an interview leads to an accusation or indictment.

### **Reports**

Committee meetings should be held within a few days of each facility inspection or interview. This is because events and actions are still fresh in the members' minds. As the information is discussed, two questions must be asked and answered. First, are there any contradictions either from what people said or what the notes state? Second, what is the proof of the committee's conclusion from the interview? The results of these committee meetings furnish the information for oral status reports to the entire jury and the structure of the initial draft report.

### **Review**

As the investigation progresses, it would be unreasonable to assume that information developed and conclusions drawn do not change. That is because additional information and comments of other Grand Jurors will require revisiting the subject, the site, and the conclusions and findings as they have been written.

## Question Assumptions

Although jurors are hopeful that the data and subsequent report are based on documented proof, questions will arise about the committee's assumptions. The committee may have inadvertently adopted a set or bias (positive/negative) if for no other reason than because of its experiences with the agency. Therefore, all findings must be minutely examined by the committee and the Grand Jury.

Having said this, assumptions and conclusions are not to be avoided. As an example, safety and security items will be corrected expediently when a conclusion shows that there is a clear and present danger unless corrective action is taken. But even with the foregoing example, it is necessary that documentation be provided to support the conclusion. In this case, a statement from a recognized authority/expert is appropriate.

## Document Interviews

Assumptions, findings, and conclusions, are equally invalid without documented proof. Although other aspects of the committee and Grand Jury report may be dismissed as superfluous, there is no such thing as excess documented proof.

## Preparing the Committee Report

The committee report's preparation should commence as each item is presented to the Grand Jury for its review and comments during the oral report phase. This report will be a draft and must be developed by the committee, never by a single individual.

BACKGROUND should include: a brief history of the agency and its place in the government organization, staffing, and charged responsibilities. Any other pertinent information should be briefly noted, including when the last Grand Jury review took place.

FINANCIAL DATA will include the current and previous year's budget including source(s) of funding, expenditures, and previous year's data.

PROCEDURES will describe the approach that the Grand Jury used in its investigation including interviews (no names), type of documentation, and any other procedures and resources used during the investigation.

COMMENDATION by individual name and/or activity are presented next. The citation must make it plain why this rare accolade is justified.

FINDINGS AND RECOMMENDATIONS section is made up of the Findings, Recommendation, and Response Required From. The Finding is

the problem. It must answer the question, "What is the problem?" If there is no problem, there is no finding.

The RECOMMENDATION, while succinct, cannot be simplistic. An example of what to avoid is the finding that "The budget is not sufficient" with the Recommendation to "Get more money." Depending on the particular problem, an effort must be made to provide direction for resolution of the problem.

RESPONSE REQUIRED FROM points to the responsible policy making individual (by title, not name) within government responsible for taking the recommended action for the problem's resolution and reporting or responding to the jury's report within the specified time.

### **Defending a Finding**

When the committee has presented its report to the grand jury, the latter should be prepared to review and comment no later than the next grand jury meeting. Thomas Paine could have had the Grand Jury process in mind when he wrote that "These are the times that try men's souls." Although the committee is the expert, it is not immune from corrections, suggestions, comments, and second-guessing of all types. The committee must be prepared to vigorously defend its position unless it is proven wrong beyond a reasonable doubt. Failure to adequately defend will create a "vacuum" where someone else's thoughts may be imposed. Each committee member must participate in turning aside these assaults. That is why it is critical that the complete committee participate in the report's development and writing.

If the committee has done its homework, gone about the investigation with an unbiased and open mind, documented its findings, limited itself to addressing "what the problem is," and made reasonable recommendations, questions from the Grand Jury as a whole should not be an area of concern.

An added advantage to this approach is that this does not evolve as a committee report. It is a Grand Jury report.

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## SECTION VIII - COMMITTEE PROGRESS REPORTS

### Periodic Progress Reports

Committees should make oral status reports on its investigation to the full Grand Jury on a scheduled basis. These progress reports should commence subsequent to the initial meeting with the affected agency.

Items that should be included in this report include:

1. Progress
2. Problems encountered or anticipated.
3. Significant findings.
4. Need for additional assistance.
5. Fieldwork since last report.
6. Interview and meetings to be held.

The purposes served by periodic committee progress reports are four-fold:

- They ensure investigations get off to a timely start.
- They force the committee to codify its work.
- They provide a forum for the remaining jurors to review the committee's work or suggest avenues of investigation the committee may have overlooked.
- They minimize the chance for duplication of effort between committees.
- Except in special circumstances, these reports should take no more than five minutes (i.e., about an hour and a half per meeting for all committee reports).
- In the event that progress is being made in a timely manner and no significant items have been uncovered by the committee since the last report, these reports can be made on a "by exception" basis (i.e., "only the following exceptions to the last report").

### Oral Final Reports

Because of the nature of the oral reports in the Grand Jury cycle, it should be expected that there will be areas of the investigation that are not yet complete and require further work.

Additionally (and a unique aspect of oral reports) is the need to address the underlying documentation for each of the committee's findings. Nothing can so easily undermine the work of the whole Grand Jury as a

report in which undocumented and incorrect findings are presented. Grand Jury members should be punctilious about questioning the basis for each finding laid before the jury.

During presentation of oral reports, members of the Grand Jury should refrain from making comments about the committee's report until after delivery of the report is complete. At that time, questions should be elicited from each member of the jury concerning completeness and accuracy of the report. In responding to these questions, the committee chairperson should take the opportunity to call upon the other committee members (depending on their area of expertise) to answer the question.

**HELPFUL HINT TO FOREPERSON**

During this and other Grand Jury sessions, ensure that discussions of committee oral and draft report, or indeed any Grand Jury discussions, remain focused on the subject at hand. Diversions are insidious and basically waste time.

Following presentation of the final oral report, there is no need (and indeed a good reason not) to vote on individual findings until they are reduced to writing by the committee. This ensures absolute accuracy as to the actual finding and recommendation accepted by the jury.

### **Written Draft Reports**

When the oral reports are deemed satisfactory by the Grand Jury, the committee should be directed to complete the remaining areas of its investigation and proceed with preparing a draft final written report. However, in completing the investigation, the committee must remain sensitive to the need for keeping the whole Grand Jury informed of any unique or significant developments, especially as they relate to findings and recommendations.

Once the committee's investigation is substantially complete (usually in late January or early February, in order to meet a June 30<sup>th</sup> final report publication date), the committee should make a written draft report for Grand Jury review and comment at the next Grand Jury meeting. This report should take the form of the Final Report, i.e.:

1. Background
2. Financial Data
3. Procedures
4. Commendations (if any)
5. Findings and Recommendations
6. Response Required

## SECTION IX - GRAND JURY REPORTS

### OVERVIEW

#### Significance of Grand Jury Report

California Penal Code Sections 933(a) and (b) require that, by June 30<sup>th</sup>, the Grand Jury submit a report to the presiding judge of the superior court no later than the end of the Grand Jury term. Section 933(a) pertains to reports about the county government organization and operation. Section 933(b) pertains to reports on fiscal matters of the county.

Although by law the Grand Jury must work in secret, it may announce its agenda to public and agency officials. However, jury deliberations and recommendations must not be divulged except in a Grand Jury report.

### When a Report should be Issued

The Grand Jury does not have to wait, and in specific cases should not wait until the end of its term to issue a report. If there is something of immediate importance and concern, then the Grand Jury should issue an interim report. Interim reports are the exception rather than the rule. The Grand Jury's work is published in the final report. Interim reports hold no legal obligation for response and should, therefore, be incorporated in the final report.

#### **HELPFUL HINT TO FOREPERSON**

There are good reasons to issue an interim report. For one thing, it proves and validates the process that will be used later for the final report. For another, it keeps the jury in the public eye. An interim report also gives a sense of accomplishment. Better yet, it might actually get something corrected in a timely manner.

### Report Audience

The final report should be prepared for a wide and general readership. Few citizens are cognizant of the details of county government affairs. A detailed background is worthwhile. Avoid long, wordy, complicated reports. Simple words, short direct sentences, clear antecedents, and a minimum of jargon are attributes of a good report.

### Report Approach

People will evaluate the Grand Jury by its final report. The report provides a written review of the agency and lists those items, which required correction. After a report is issued, there will inevitably be criticism and attacks on it. There is no prudent, safe way to defend or interpret a Grand

Jury final report, except to make the report complete, unbiased and accurate. Members of the Grand Jury are at risk when they attempt to amplify, explain or defend what was meant in a final report and, therefore, should refrain from doing so. The danger arises that some of the secret deliberations, evidence, or testimony of the Grand Jury will be revealed in an attempt to make the report clearer. The Grand Jurors must remain sensitive to the requirements of Sections 924.2 and 924.3 of the Penal Code.

**HELPFUL HINT TO FOREPERSON**

The words of Lord Acton provide useful guidance for the Grand Juror: “Never explain, never apologize.” Let the Grand Jury report make the statement. Make sure the statement is complete.

**REPORT ATTITUDE**

Every investigative report should be objective, truthful, free from bias, and direct. The following concepts should be observed:

**Dispassionate**

The tone of the Grand Jury report should be calm and rational. It must present facts and recommendations in a sensible and restrained form. Absence of emotion and emotion-packed words (“colored adjectives”) will help underline that the Grand Jury has presented a report based on fact.

**Clear**

Avoid being indirect or complicated. Do not use several words where one will do. Simple declarations are more effective than sly innuendoes. The report text should use as few words as possible. Use the simplest words that express the Grand Jury’s intent. Do not be redundant. Avoid repetition.

**Substantive**

A Grand Jury report should be precise. Everything in a Grand Jury report must support the conclusions and recommendations. Do not include any extraneous material, no matter how fascinating. If a sentence does not contribute to the final result, then get rid of it.

One of the best tests of a report is to find out if every recommendation is a direct result of findings and conclusions. Also make sure that every finding and conclusion leads to a recommendation or commendation. Finally, every finding should be able to answer the question “what is the problem?” If there is no problem, there is no finding.

## **INVESTIGATIVE REPORT CONTENTS**

An investigative report has a well-defined content, which will make it easy to read, easy to follow and make the recommendations easily understood and believable.

### **Reason for the Investigation**

Some investigations arise because of a citizen's complaint or comment. Others are the result of the Grand Jury's suspicions or the selection of a routine or mandatory subject to review. The reason for the investigation cannot be long or complicated. A brief statement is usually sufficient.

### **Report Background**

The state of the organization when the investigation started is the background. This includes the location of the department, officers and functions, what it was supposed to do, and how much it expends. These are the things that can be determined before the Grand Jury asks the first question. The purpose of the background is to ensure a reader of the report, unfamiliar with the specifics of the agency being reviewed will clearly understand each finding.

In some cases the background may be voluminous. The Grand Jury should strive to include as background only those things pertinent to understanding the investigation.

### **Investigation Procedure Followed**

This includes a list of members (by title, not name) of the organization interviewed, documents studied and visits and trips that occurred in pursuing the investigation. Keep people's names out of the report. Use job titles or positions. In most instances the Grand Jury is investigating the office or organization, not the people who hold the jobs. Protect the identity of witnesses before the Grand Jury. The names of elected officials might be used, but the identities of county employees who were interviewed must be protected. It is even advisable to refer to a "member of the department" rather than the "director's secretary"

<p><b>HELPFUL HINT TO FOREPERSON</b></p>
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<p>Attack problems, not people.</p>
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Report Findings In the Penal Code the word finding is synonymous with fact. The Penal Code implies that the facts shown are those learned by the investigation and were found to be true. Findings should only be included if they relate to the investigation.

A witness may testify that they heard something about someone else. This is hearsay or rumor and not a finding. If the hearsay can be corroborated

with hard evidence from another source, then it becomes fact. Lacking such corroboration, it remains hearsay and outside the arena of the Grand Jury.

In a long and complicated investigation there may be many findings. Do not make a long list of findings. Instead, group the findings into logical sets. Each set becomes a finding with several subsets of findings.

**HELPFUL HINT TO FOREPERSON**

Do not overlook a positive finding (referred to as a “commendation”). This has two useful purposes - it recognizes that the agency is doing something particularly well (above and beyond what the taxpayers have a right to expect) and it subtly counters the argument that all the Grand Jury does is find problems.

## **Report Conclusions**

If there is a finding, there may be a conclusion that can be drawn from it. A conclusion is the consequence of the finding. For example, if there is a finding that the cash drawer in a certain department is never locked, it might be concluded that security against theft is poor.

There is no need to have a conclusion for every finding. In some cases a combination of findings is required to yield in a conclusion. When the same conclusion is derived from several findings, group the findings together, but state the conclusion only once.

There is a simple test to distinguish a finding from a conclusion. No conclusion can be in the past. Findings can be in the past, but conclusions based on them should be current or future events.

## **Report Recommendations**

Since the most a Grand Jury can do is to suggest courses of action, the report must be very careful in the wording of recommendations. The words *shall* and *must* are not advisable. A Grand Jury does not have the power to demand action.

A recommendation must be a logical consequence of a set of findings and conclusions. Never offer a recommendation without sufficient evidence in terms of findings and conclusions to make the need for the recommendation compelling.

Do not recommend an impossible course of action (such as to double the budget of one department while maintaining funding for other

departments). Even one such recommendation may render the entire report meaningless in the eyes of the readers.

A recommendation must be carefully phrased, direct and precise. When the Grand Jury offers a loophole, it will probably be taken. If a specific action is recommended, assign a time frame. For example, the Grand Jury may recommend “the Board of Supervisors develop an action plan that will lead to completion of the general plan by December 31 of this year.” By limiting the implementation time with a deadline, the opportunity for delay is minimized. However, do not be unrealistic. In general, it takes several years for any good idea to sink in and be implemented.

The greatest force that a recommendation can have is to inform the public of a simple action that could solve a worrisome problem. In the long run, the citizens of the county exercise their power by voting. This fact is understood by elected officials.

When a Grand Jury has composed a set of recommendations, it pays to test them to discover if there could exist a reaction that answers the recommendation but allows the official to do nothing. If this is the case, revise the recommendation so it is less susceptible to avoidance.

The shorter the recommendation, the tougher it will be to ignore. Do not write a book when a sentence or two will suffice. Do not attach conditions to a recommendation with words like “should” or “if.”

## **Responses Required to Findings**

For every recommendation there will be at least one official or organization that must respond. Penal Code Section 933(c) specifies the time period allowed for a response and that those officials and organizations named by the Grand Jury must respond. Be careful to identify the exact official (by title, not name) or organization that must respond to the report.

When a response is received that states the respondent will not consider the recommendation, there is a good chance that such a response is not adequate. Seek legal counsel.

## **Report Amplification**

If the Grand Jury report must contain additional materials, then they should follow the formal part of the report. These might include:

- A tutorial to explain background or technicalities.
- Explanations to clarify or expand on findings.
- Tables of detailed data too extensive for the body of the report.

## WRITING A REPORT

### How a Report is Written

When the investigation is complete, the investigating committee needs to take the material from which the report will be derived and fit it to the format that has been established by the Grand Jury.

Brain storming one approach to drafting a report is the brain storming approach. This avoids the problems mentioned above in that all members contribute to the report.

1. Each committee member gives reasons for the investigation. Members can pass, but all should participate. Keep going until ideas run out (about ten minutes). No comments about the validity of correctness of ideas is allowed during this section. The idea is to play off one another's ideas and get as many reasons as possible in a short period of time.
2. The committee discusses each reason and either keeps it, modifies it, combines it with another idea, or throws it out. What is left is what will go into the report.
3. Use the same process for **BACKGROUND, PROCEDURE, FINDINGS, CONCLUSIONS, RECOMMENDATIONS, and RESPONSES REQUIRED.**

The advantage of brainstorming is that all committee members have some involvement in the outcome. No single word of a report belongs to any one juror. The entire Grand Jury owns the report.

For a simple short report this can be accomplished in one session. For a longer report it may take several sittings.

When the entire report has been outlined, the whole committee should review it to remove what is extraneous or add whatever is missing. The end result should be a well thought out report, which includes what needs to be said about the investigation and what will stand up to peer review by the Grand Jury.

### Report Review Process

Once the draft of a report is on paper, a series of reviews are undertaken. The first review is a critical reading by the committee of the draft they have produced. The questions to be answered include:

- Is it clear?
- Can it be misinterpreted?

- Does it leave the respondents any ways to avoid addressing the problems?
- Does each finding actually reflect a problem?
- Is this the best we can do?

### **Draft Report**

When the committee has satisfied itself that the report is ready, it is submitted to the full Grand Jury for peer review. The full jury will either accept the report or return it.

### **Reject or Return**

The full Grand Jury may decide to return the report to the committee and suggest that the committee consider re-doing the report to include or exclude certain ideas, or they may reject the report (again by twelve concurrences) and rule that it will not be included in the final report.

### **Accepting the Report in Substance**

In the event that a report is essentially complete but lacks a few details, the Grand Jury may approve (by twelve concurrences) to accept the report in substance.

### **Editorial Review**

When a Grand Jury approves a report in substance, the editorial committee is of Report charged with turning it into a final form that is consistent with other reports and is as forceful in language as possible.

The editorial committee puts the final report into the agreed upon format, tests the report against agreed upon measurement criteria, and makes sure the terminology is consistent with other reports. All jargon should be eliminated and exact titles used. Make sure the respondents are correctly identified. When this has been accomplished, the report is returned to the Grand Jury for final acceptance. With a positive vote (12 concurrences) the report is incorporated into the Grand Jury final report.

### **Prepare Report As Early as Possible**

To avoid the final publication crunch, each committee should prepare their report as soon as possible. Knowing when to cut off the investigation and prepare the report is difficult. The Time Line in Appendix V – Grand Jury Forms may be of assistance.

## REPORT APPROVAL CYCLE

- Step 1. The investigative committee prepares a draft of the report and presents it to the Grand Jury for general acceptability. It is convenient if the report is in the final report format.
- Step 2. The Grand Jury may then take one of these actions:
- Return the report to the originating committee to rework, revise or reconsider. The originating committee has the option of reworking the report as suggested by the Grand Jury, or recommending that the investigation be dropped. Such action must be concurred in by the entire jury.
  - Approve the report in substance. The report then goes to the editorial committee for final detailed editing.
- Step 3 The completed report is returned to the full Grand Jury for final approval. The Grand Jury has three options:
- The report can be returned to the originating committee for further work. If the report was generally accepted at the first reading, then it ought to be acceptable when edited
  - The Grand Jury may decide to not issue the report.
  - The Grand Jury may approve the report, either for immediate issuance as an interim report or the final report. Legal review (but not approval) by the County Counsel is required before it can be released.
- Step 4 After review by County Counsel, the report is ready for release. If it is to be published in the final report, then it is held by the editorial committee. If it is to be issued immediately, the foreperson prepares a transmittal letter and the editorial committee arranges for printing and release.
- Step 5 All of the reports are included in the final report, including interim reports.

## FINAL REPORT CONTENT

In addition to investigative reports, there are other items, which also constitute the Grand Jury final report.

### Report Transmittal Letter

Since the Grand Jury is preparing the report for the Presiding Judge of the Imperial County Superior Court, a letter transmitting the report to the judge is usually included. It is a standard letter that typically thanks the judge for support and guidance, tells the judge how good things were and how nice the cooperation of public officials was. It usually concludes with, "... this concludes the work of the 20xx - 20yy jury." The letter is

placed at the beginning of the report. (See Appendix V – Grand Jury Forms.)

### **Juror Credits in Report**

It is customary to include a list of jurors and officers of the Grand Jury. Do not identify Grand Jurors by committee; the Grand Jury, not a committee, is issuing the report.

### **Report Table of Contents**

A table of contents makes reading easier.

### **Non-Investigative Status Report**

These are mandatory, non-investigative reports. The California Penal Code requires, among other things, that the Grand Jury report on the fiscal matters of the county and inspects the jail facilities. If the Grand Jury does not issue an investigative report about fiscal budget matters, then a status report is required. These reports can be brief.

### **Response Analysis**

The Grand Jury report should include an evaluation of the responses to the previous final report. This is an important responsibility to the public.

### **Report Scheduling**

A final publication schedule can help the Grand Juror stay on track. A possible schedule might be:

May 1	All committee written draft reports are complete.
May 8	Grand Jury approves content of all reports.
May 15	The editorial committee completes review of all reports.
May 24	All finalized reports distributed to Grand Jury for last review.
June 1	Table of contents and other material complete. (If formatting is by an outside source, the page numbers may have to be inserted by the printer after formatting.)
June 8	The Grand Jury must approve the final form of the report by twelve votes, before the report goes to the judge. Individual Grand Jurors should have the report in their hands at least a week before this step so they can thoroughly and thoughtfully review it.
June 15	County Counsel receives report for review.
June 22	County Counsel returns report. Appropriate changes, if applicable, are made.

June 30      The report is due out on or before June 30. It takes 1-2 days to distribute it.

## **REPORT SPECIFICS**

### **Report Size**

Most Grand Juries publish a report on 8 1/2 x11 inch paper. In this format the report can be presented upright (portrait) or sideways (landscape).

The portrait format makes it difficult to place report elements (Background, Procedure, Findings, Conclusions, Recommendations, No Responses Required) side by side; therefore, each element of the report must follow the preceding element. Since Findings and Conclusions cannot be placed beside their corresponding part they should be numbered so as to correspond to each other. This is harder for the reader to follow, but easier for the Grand Jury to prepare.

The landscape format allows related report elements (especially Conclusions, Findings and Required Responses) to read across from related Recommendations. This may be the format of choice for early limited distribution before newspaper publication.

### **Box Format for Report**

A boxed format helps reading and organizing. Every box in a format contains only one kind of information. Thus, a Finding goes into a finding box and a Conclusion goes into a conclusion box.

### **Identification in Report**

When referring to the Grand Jury, always use “Grand Jury” instead of “we.” When referring to a particular person, always use their title such as “Sheriff” or “Clerk II in the District Attorney’s Office,” instead of their name.

### **Legal Limitations of Report**

The law requires that the Grand Jury shall make “no report, or recommendation on any matter except on the basis of its own investigation.” (Penal Code 939.9)

The Grand Jury should not criticize government officials except when a recommendation for improvement follows. Popular opinion to the contrary, the Grand Jury’s function is intended to be constructive, not destructive. The Grand Jury cannot dictate or interfere with agency policy.

**HELPFUL HINT TO FOREPERSON**

A final word on the Grand Jury Report - It should speak for itself, and having done so, should not be amplified upon verbally. This will be difficult to avoid - newspaper and radio stations (as well as the investigated agencies) will call to ask "what did you mean by..." Let the report speak for itself - if you did your job correctly it will, if you didn't, no amount of verbiage will correct it.

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## APPENDIX I – CHARGE OF THE COURT

Each year when the Grand Jury is impaneled, the presiding judge of the superior court will provide guidance to the newly sworn jurors in the form known as a charge. Since a judge of the superior court may prepare a new charge each year, the contents can vary from Grand Jury to Grand Jury.

The intent of the charge is to inform the new Grand Jury of its duties and responsibilities. It also sets out a challenge to perform well and truly.

No matter which judge prepares the charge, it is likely to contain some, if not all, of the following:

### Civil Duties of Grand Jury

The primary duty of the civil Grand Jury is to investigate areas of government to determine if there are ways it can function better, save money, improve the performance of its staff, and improve the way government conducts business.

### Inspecting Public Correctional Facilities

Various additional duties are specifically imposed upon the Grand Jury by law. These include an inquiry into the case of every person imprisoned in the county jail on a criminal charge and not indicted. An investigation into the conduct and management of jails within the county is also required.

### Auditing Books, Records and Accounts

The Grand Jury shall examine the books, records, and accounts of all the offices of the county, especially those books, records and accounts pertaining to revenue. The Grand Jury reports as to the facts, which are found, with such recommendations as the Grand Jury deems fit and proper. These examinations may be conducted on a selective basis each year.

After examination of such books, records and accounts, the Grand Jury may order the district attorney to institute suit to recover any monies that, in the Grand Jury's judgment, may (from any cause) be due the county.

### Assessing Needs of County Officials

The Grand Jury may also investigate and report upon the needs of all county officials, including the abolition or creation of offices, and the equipment for, and the method or system of performing the duties of the

several offices. The public may believe that appearance of an individual, particularly a public official, before the Grand Jury implies malfeasance. On the contrary, it is the constitutional responsibility of the Grand Jury to review the conduct of government. This entails having public officials appear before the jury to provide information concerning their departments or offices.

#### Reviewing Elected Officials' Salaries

Section 927 of the Penal Code sets forth the Grand Jury's duties in regard to the investigation and reporting upon the needs to increase or decrease of salaries of the county's elected officials.

#### Investigating Land Transfers

The Grand Jury may also investigate all sales and transfers of land and the ownership of land, which under the laws of the State, might or should escheat to the State, and to direct that proper escheat proceedings be commenced. "Escheat" is the reversion of land by the state by failure of persons legally entitled to hold the same.

#### Grand Jury as Ombudsperson

The Grand Jury serves as an ombudsperson for citizens of the county. The jury receives, and may elect to investigate, complaints by individuals regarding the actions and performance of public officials or public bodies. Complaints must either be in writing or presented in person before the Grand Jury. Letters addressed to the Grand Jury should be presented to the entire jury at a regular or special meeting, and, after appropriate discussion, assigned to the committee best suited to investigate the matter. Such complaints should be promptly acknowledged by letter.

#### Penal and Government Codes

Sections 925 through 933.6 of the Penal Code, and Chapter 1, Division 1, Title 3, and Sections 24054 and 26525 of the Government Code pertain to the Grand Jury. It is the Grand Jury's duty to ascertain whether or not the provisions of these sections have been complied with and to include in the Grand Jury report the results of such investigations. Applicable sections are contained in Appendix II - California Penal Code Title 4 and Appendix III - California Government Code Relating to Grand Jury.

Sources of  
Information and  
Limitations on  
Investigatory Power

In the judge's charge, the word investigative or investigation may be used in reference to the various duties of the Grand Jury.

Civil investigations, such as those that the Grand Jury conducts in examining government bodies or public organizations, are limited by a set of rules. The Grand Jury must protect any witnesses from exposure. Even though there is no criminal implication, witnesses will be reluctant to testify if they have reason to believe that what they say to the grand jury might be revealed publicly.

The Grand Jury must take great care to assure that records, transcripts of testimony, identity of witnesses, and actions of the Grand Jury be kept secret at all times. The only time that anything about a civil investigation can be made public is in a Grand Jury report, and even there, the identity of witnesses and the use of direct quotes is forbidden. An individual grand juror shall not embark upon a personal investigation or crusade.

Meetings

The Grand Jury will determine the time and place of meetings.

The Grand Jury may act only as a body. A quorum for a meeting or the transaction of Grand Jury business consists of twelve (12) Grand Jurors. An individual Grand Juror has no more authority than any other private citizen.

Secret Sessions

Because of the confidential nature of a Grand Jury's work, much of it must be conducted in closed session. Members of a grand jury are sworn to secrecy to assure that all complaints will be handled in an entirely confidential manner. No one may be present during the sessions of a Grand Jury except those specified by law (Penal Code 939), and the minutes of its meetings may not be inspected by anyone, nor can its records be subpoenaed. There is no exception. However, when a witness who has testified before the Grand Jury also testifies on the same subject in court in a criminal matter, the court may order that the testimony taken before the Grand Jury shall be produced to determine whether the witness has committed perjury.

Concurrence of  
Grand Jurors

In all matters that are to be made public, including reports, that are before the Grand Jury, no action can be taken without the concurrence of a

quorum. In matters private to the Grand Jury, decisions of the grand jury may be taken by a majority of members present.

#### Secrecy of Proceeding

The law provides that every grand juror must keep secret all evidence adduced before the Grand Jury, anything said by a grand juror or the manner in which any Grand Juror may have 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 the Grand Jury proceedings. A Grand Juror must not confide any information concerning testimony of witnesses or action of the jury even to a spouse or close friend. "Leaks" concerning Grand Jury proceedings inevitably will impair or even destroy the effectiveness of Grand Jury efforts.

#### Advice from the District Attorney, County Counsel Or Court

The district attorney in criminal matters, and the county counsel in civil matters, will be available to the Grand Jury to aid in the investigations and to give legal advice.

*If at any time you are uncertain either as to the law or procedure, do not guess or speculate; present your problem either to the district attorney (for criminal matters), county counsel or the court.* If it appears unwise to consult with the district attorney or county counsel, a judge of the superior court is at all times ready and required by law to advise and consult with the Grand Jury. In the final analysis, the California State Attorney General can provide guidance to the Grand Jury.

#### Civil Liability of Grand Jurors

Any comments in grand jury reports about an individual not indicted *are not privileged* and could, if libelous, be the basis for the charge of libel.

#### Prior Grand Jury Report

At the conclusion of its term, the Grand Jury will file a report covering its investigations and recommendations. The prior Grand Jury's report may contain recommendations to the present Grand Jury, which should receive attention. A copy of that report, as well as copies of reports by previous Grand Juries of this county, are all on file in the county clerk's office. By law the Grand Jury is also required to maintain the reports from the last five Grand Juries and the responses to those reports. A careful study of

those reports will be of inestimable value to the present Grand Jury, for they sum up many months of arduous and painstaking investigations and work.

#### Organization of the Grand Jury

The law requires that the court appoint the Grand Jury foreperson who will preside over full panel Grand Jury meetings and whose duty it will be to formulate Grand Jury committees and designate membership into these committees.

It is up to the grand jury to elect the rest of the officers, including a foreperson pro tempore to act in the absence of the foreperson, and a secretary who should keep the minutes and records of Grand Jury proceedings. In special situations, the court may reserve the right to appoint the foreperson pro tempore.

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**APPENDIX II – CALIFORNIA PENAL CODE TITLE 4**

CHAPTER 1.                    GENERAL PROVISIONS

888 — Grand Jury  
Defined;  
Investigations into  
County Masters  
Civil Concern

A Grand Jury is a body of the required number of persons returned from the citizens of the county before the 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 to 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, performing duties of the agencies subject to investigation pursuant to Section 914.1.

888.2 — Required  
Number of Grand  
Jurors Defined

As used in this title applied to a Grand Jury, “required number” means 19.

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 provided by statute or county or city and county ordinance (each Jury should verify the reimbursement schedule for the current year) the fees for Grand Jurors are ten dollars (\$15) a day for each day’s attendance as a Grand Juror, and thirty four cents (\$0.445) a mile, 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;  
Misdemeanor

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 any Grand Jury while it is deliberating or voting, or listens to or observes, or attempts to listen or observe, the proceedings of any Grand Jury of which they are 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 them in performance of their duties as a juror.

892 — Proceedings Against Corporations      The Grand Jury may proceed against a corporation. See 933.6.

CHAPTER 2.                      FORMATION OF GRAND JURY

QUALIFICATIONS OF GRAND JURORS

893 — Competency; Incompetency of Grand Juror      (a) A person is competent to act as a Grand Juror only if they possess each of the following qualifications:

(1) They are citizens 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) They are in possession of their natural faculties, or ordinary intelligence, of sound judgment, and of fair character.

(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 the 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 higher crime.

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 — Order for the Number of Jurors Needed      During the month preceding the beginning of the county's fiscal year, the superior court of the county shall make an order designating the estimated number of Grand Jurors that will be required for the ensuing fiscal year as provided in Section 905.5 of the Penal Code.

896 — Selection and Listing by Court; Investigations; Jurors      (a) Immediately after such order is made, the court shall select the required number of Grand Jurors by personal interview to ascertain whether or not they possess the requirements prescribed by subdivision (a) of Section 893. If a person so interviewed, in the opinion of the court possesses such qualifications, they shall sign a statement declaring that they will be available for the number of hours usually required of a member of the Grand Jury in that county.

(b) The selections shall be made of people who are not exempt from serving and who are suitable and competent to serve as Grand Jurors pursuant to Sections 893, 898, 899. The court shall list the persons so selected and required by order to serve as Grand Jurors during the ensuing fiscal year of the county, Clerk of the Court until a new list of Grand Jurors is provided, and shall at once place this list in possession of the county.

899 — Proportionate Selection of Names; Separate List      The names of the Grand Jury list shall be selected from different wards, judicial districts of supervisorial districts of the county in proportion to the number of inhabitants therein, as nearly as the same as can be estimated by the persons making the list. The Grand Jury list shall be kept separate and distinct from the trial jury list.

900 — Filling of List; Publication; Preparation of Grand Jury Box      On receiving the list of persons selected by the court, the Clerk of the Court shall file it in their 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 Clerk of the Court shall thereupon do one 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 called the "Grand Jury box."

(b) Assign a number of each name on the list and place in a box to be called the "Grand Jury box" markers of the same size and 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 decides, the presiding judge may name up to 10 regular jurors not previously so named, who served on the previous Grand Jury and who consent to serve for a second year.

(c) The court may also decide to select Grand Jurors pursuant to Section 908.2.

902 — Drawing 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 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 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.

## JURY COMMISSIONERS

903— Applicability of Article      This article applies in each county in which a jury commissioner is appointed pursuant to Section 195 of the Code of Civil Procedure and in each county in which the secretary of the judges of the superior court performs the duties of jury commissioner pursuant to Section 69893 of the Government Code.

903.1 — Furnishing Jury Lists; Instructions for Guidance; Supervision      Pursuant to written rules or instructions adopted by the judge of the superior court of the county, the jury commissioner shall furnish the judge annually with a list of persons qualified to serve as Grand Jurors during the ensuing fiscal year or until a new list of jurors is required. From time to time, a judge of the superior court may adopt rules or instructions as may be necessary for the guidance of the jury commissioner, who shall at all times be under the supervision and control

of the judge of the court. Any list of jurors prepared pursuant to this article must, however, meet the requirements of Section 899.

903.2 — Inquiry into Qualifications; Administration of Oaths; Traveling Expenses

The jury commissioner shall diligently inquire and inform themselves in respect to the qualifications of persons resident in their county who may be liable to be summoned for Grand Jury duty. They may require any person to answer, under oath to be administered to them, all such questions as they may address to such person, including their name, age, residence, occupation, and qualifications as a Grand Juror, and also ask questions as to similar matters concerning other persons of whose qualification for Grand Jury duty they have knowledge.

The commissioner and their assistants, referred to in Section 69895 and 69896 of the Government Code, shall have the power to administer oaths and shall be allowed actual traveling expenses incurred in the performance of their duties. Such traveling expenses shall be audited, allowed, and paid out of the general fund of the county.

903.3 — Examination of Lists; Selection of Jurors

Pursuant to the rules or instructions adopted by the judge of the superior court, the jury commissioner shall return to the judge the list of persons recommended by them for Grand Jury duty. The judge of the superior court shall examine the Grand Jury list so returned and from such list the judge may select to serve as Grand Jurors in superior court of the county during the ensuing fiscal year or until a new list of jurors is required, such persons as, in their opinion, should be selected for Grand Jury duty. The persons so selected shall, in the opinion of the judge selecting them, be persons suitable and competent to serve as jurors, as required by law.

903.4 — Selection of Names Not on Lists

The judge is not required to select any names from the list returned by the jury commissioner, but may, if in their judgment the due administration of justice requires, make all or any selections from among the body of the persons in the county suitable and competent to serve as Grand Jurors regardless of the list returned by the jury commissioner.

#### IMPANELING OF 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 Clerk of the Court an order directing the Grand Jury to be drawn. Such order shall designate the number of Grand Jurors to be drawn, which shall not be less than 25 nor more than 30.

904.6 — City and County; One Additional Grand Jury Jurisdiction

(a) In any county and city, the presiding judge of the superior court may order and direct the empanelment, 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 empanelment, but may be

discharged at any time within the one-year period by order of the presiding judge. In no event shall there be more than one additional Grand Jury 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 empanelment.

(e) It is not 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 an additional 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 the county may provide that the Grand Jury shall be impaneled and serve during a calendar year. The board of supervisors shall provide for an appropriate transition from fiscal year to calendar year term or from a calendar year term to a fiscal 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 provision or ordinance; and, except as otherwise provided in this chapter, no transition Grand Jury shall serve more than 18 months.

906 — Drawing and Summoning; Time; Manner; Replacing Names Not Drawn in Grand Jury Box

The order shall designate the time at which the drawing shall 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 again be 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 or 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 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 they 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 are present, the panel may be filled as provided in Section 226 of the Code of Civil Procedure. If more than the number of 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 provided above.

908.1 — Filling of Vacancies

When, after the Grand Jury consisting of the required number of persons has been impaneled pursuant to the 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 their selection.

908.2 — Selection of Grand Jurors; Period of Service

(a) 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 a 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 they names cannot be seen, place them in a box, and draw out half of such ballots, or in a court where the number of Grand Jurors is uneven, one more than half. The persons whose names are on the ballots shall serve for six months until January 1 of the following year.

(b) 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. Those persons impaneled on July 2, shall serve until July 2 of the following year. No person shall serve the Grand Jury for more than one year.

(c) 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, 904.6, 904.7, 904.8 and 904.9.

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 a Grand Juror. When a person is drawn and found qualified they shall be accepted unless the court, on application of the juror and before they are sworn, excuses themselves 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.

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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 — Grand Jury  
Oath

The following oath shall be taken by each member of the Grand Jury, "*I do solemnly swear that I will support the constitution of the United States and of the State of California, and all laws made pursuant and in conformity with, 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 that 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 impaneling of a Grand Jury by those charged with the duty to do so, and upon such demand by them, it shall be their duty to do so.

### CHAPTER 3. POWERS AND DUTIES OF GRAND JURY

#### GENERAL PROVISIONS

914 — Charge by  
Court

When a 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 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.

914.1 — Investiga-  
tion of County,  
City, District and  
Housing Affairs;  
Charge

When a Grand Jury is impaneled, for purposes which include 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 Section 24054 and 26525 of the Government Code, and instruct it to ascertain by a careful and diligent investigation where 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 925), Article 3 (commencing with Section 934) of this chapter, Article 3 (commencing with Section 3000) of Chapter 76 of Division 4 of Title 1 of the Government Code and Section 17006 of the Welfare and Institutions Code.

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- 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 board of supervisors unless proposed expenditure is approved in advance by the presiding judge of the superior court after the board of supervisors has been advised of this 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 select its officers, except the foreperson, and shall determine its rules of procedure. Adoption of its rules of procedure and all public actions of the Grand Jury, whether concerning criminal or civil matters unless otherwise prescribed by 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 they are 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 the foreperson's absence or disqualification.
- 917 — Inquiry into Public Offenses
- The Grand Jury may inquire into all public offenses committed or triable within the county and present them to the court by indictment.
- 918 — Individual Jurors; Declaration of Knowledge
- If a member of a Grand Jury knows, or has reason to believe, that public offense, triable within the county, has been committed, they may declare it to their fellow jurors, who may thereupon investigate it.
- 919 — Authorization to Inquire About Prisoners Not Indicted and Duty to Inquire as to County Prisons, and Corrupt Misconduct in Public Office
- (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 indicated.
- (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 in office of public officers of every description within the county.



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## IMPERIAL COUNTY GRAND JURY PROCEDURES MANUAL

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- 924.3 — Privilege of Juror to Statements and Vote; Exception in Case of Perjury      A Grand Juror cannot be questioned for anything they may say or any vote they may give in the Grand Jury relative to a matter legally pending before the jury, except for perjury of which they may have been guilty in making an accusation or giving testimony to their 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 judge of the superior court, may provide the succeeding Grand Jury with any 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 which relates to a criminal investigation or which could form part or all of a 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 — Indictment not Returned; Court Order for Disclosure Of Testimony      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 a Grand Jury to a defendant and the prosecutor in connection with any pending or subsequent criminal proceeding before the 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, CITY, 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 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 or for 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 of the Penal Code.
- 925a — Cities or Joint Power Agencies; Examination of Books And Records; Investigation and Report; Recommendations      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 operations, accounts, and the method or system of performing the duties of any such city or joint powers agency and make recommendations as it may deem proper and fit.
- The Grand Jury may investigate and report upon the needs of all joint power agencies in the county, including the abolition or creation of agencies and the equipment for and 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.

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## IMPERIAL COUNTY GRAND JURY PROCEDURES MANUAL

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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 the 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 purpose of Section 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 of the Penal Code 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 be performed later than six months after the fiscal year during which the Grand 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 adoption 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 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 may investigate and report upon the needs of 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. Such investigations 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 county board of supervisors.

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 privileged.

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## IMPERIAL COUNTY GRAND JURY PROCEDURES MANUAL

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- 931 — Payment of Expenses      All expenses of Grand Jurors incurred under this article shall be paid by the treasurer of the county out of the general fund upon warrants drawn by the county auditor upon written order of the judge of the superior court of the county.
- 932 — Order Directing District Attorney to Institute Actions for Recovery of Money Due County      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 Clerk of the Court shall be full authority for the district attorney to institute and maintain such suit.
- 933 — Findings and Recommendations; Comment by Governing Bodies; Elective Officers, Agency Heads      (a) No later than the end of each fiscal or calendar year of a county, each Grand Jury impaneled during that fiscal or calendar year 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 court executive officer and remain on file in the office of the court executive officer.
- (b) No later than the end of each fiscal or calendar year, each Grand Jury impaneled during the fiscal or calendar year shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to fiscal matters of county government during the fiscal or calendar year of the county.
- (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 government body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under control of the governing body, and every elective 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, the mayor shall also comment on the findings and recommendations. All such comments and reports shall be submitted to the 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 Clerk of the Court, or mayor when applicable, and shall remain on file in those offices. One copy shall be filed with the applicable final Grand Jury report by, and in the control of the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

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933.1 — Examinations of Books and Records of Redevelopment Agency, or Housing Authority      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 — Examination of Books and Records of Special Purpose District      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, of 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 — Examination of Books and Records of a Nonprofit Corporation      A Grand Jury may at any time examine the books and records of any non-profit 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 corporations.

### LEGAL AND OTHER ASSISTANTS FOR GRAND JURIES

934 — Grand Jury's Right to Seek Advice      The Grand Jury may, at all times, ask the advice of the court, or the judge, or the district attorney, or the county counsel. Unless such advice is asked, the judge of the court, or the county counsel as to civil matters, shall not be present during Grand Jury sessions.

935 — Participation of District Attorney      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 they think it necessary. When a charge against or involving the district attorney, or anyone employed by or connected with the office of the district attorney, is being investigated by the Grand Jury, the district attorney shall not be allowed to be present before the Grand Jury when such charge is being investigated, in an official capacity but only as a witness and after their appearance as such witness shall leave the place where the Grand Jury is in session.

936 — Special Counsel Investigators Investigators      When requested to do so by the county Grand Jury, the Attorney General may employ special counsel and investigators, whose duty it shall be to investigate and present evidence in such investigation to the Grand Jury. These services shall be charged to the county.

936.5 — Employment of Special Counsel and Investigators 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 investigators, whose duty it shall be to investigate and present evidence of the investigation to the Grand Jury.

(b) Prior to the appointment, the 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 they are the subject of the investigation. The finding of the judge may be appealed by the district attorney, county counsel or attorney general. The order shall be stayed pending the appeal.

(c) The authority to appoint is contingent upon certification by the county auditor-controller that the Grand Jury has funds sufficient to compensate the special counsel and investigator for the services rendered pursuant to the court order. In the absence of a certification the court has no authority to appoint. If the county board of supervisors or a member thereof is under investigation, the county has an obligation to appropriate the necessary funds.

937 — Interpreter      The Grand Jury or district attorney may require by subpoena the attendance of any person before a Grand Jury as interpreter. While their services are necessary, such interpreter may be present at the examination of witnesses before the Grand Jury. The compensation for these services constitutes a charge against the county and shall be fixed by the Grand Jury.

938 — Stenographic Reporter      (a) Whenever criminal cases are being investigated before the Grand Jury, it shall appoint a competent stenographic reporter. They shall be sworn and shall report in shorthand the testimony given in all cases where an indictment is returned or accusation presented.

(b) At the request of the Grand Jury, the reporter shall also prepare transcripts of any testimony reported during any session of the immediately preceding Grand Jury.

938.1 — Stenographic Record; Publication      (a) If an indictment has been found or accusation presented against a defendant, the stenographic reporter shall certify and deliver to the Clerk of the court an original transcription of their shorthand notes and with copies to the defendants. The reporter shall complete such certification and delivery within ten days after the indictment has been found or the accusation presented unless the court for good cause makes an order extending the time. The time shall not be extended more than 20 days. The county clerk shall file the original of the transcript, deliver a copy of the transcript to the district attorney immediately upon receipt and deliver a copy of the transcript to each defendant or their attorneys. If a copy of the testimony is not served as provided in this section the court shall on motion of the defendant continue the trial to such time as may be necessary to secure to the defendant receipt of a copy of such testimony 10 days before such trial. If several criminal charges are investigated against a defendant on one investigation and thereafter, separate indictments are returned or accusations presented upon several charges, the delivery of one copy of each investigation shall be delivered to the defendant or their attorney in compliance with this section for all indictments or accusations.

(b) The transcript shall not be open to the public until 10 days after its delivery to the defendant or their attorney. Thereafter the transcript shall be open to the public unless the court orders otherwise on its own motion or on a motion of a party pending determination as to whether all or part of the transcript should be sealed. If the court determines that there is a reasonable likelihood that making all or any part of the transcript public may prejudice a defendant's right to a fair and impartial trial, that part of the transcript shall be sealed until the defendant's trial has been completed.

938.2 — Compensation of Stenographic Transcript (a) For preparing any transcript in any case pursuant to subdivision (a) of Section 938.1, the stenographic reporter shall draw no salary or fees from the county for pre-work on the transcript in any case until all such transcripts of testimony in a case taken by them are written up and delivered. Before making the order for payment to the reporter, the judge of the superior court shall require the reporter to show by affidavit or otherwise that they have written up and delivered all testimony taken by them, in accordance with subdivision (a) of Section 938 and Section 938.1.

(b) Before making the order for payment to a reporter who has prepared transcripts pursuant to subdivision (b) of Section 938, the judge of the superior court shall require the reporter to show by affidavit or otherwise that they have written up and delivered all testimony requested of them in accordance with that subdivision.

938.3 — Fixing Rate of Compensation; Liability for Payment The services of the stenographic reporter shall constitute a charge against the county and the stenographic reporter shall be compensated by reporting and transcribing at the same rate as prescribed in Section 69947 to 69954, inclusive, of the Government Code, to be paid out of the county treasury on a warrant of the county auditor when ordered by the judge of the superior court.

#### CONDUCT OF INVESTIGATIONS

939 — Right of Persons to be Present at Grand Jury Sessions No person other than those specified in Article 3 (commencing with Section 934), and in Section 939.1 and 939.11, 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 as to Matter Affecting General Public Welfare The Grand Jury acting through its foreperson and the attorney general or 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 a 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 may make an order directing the Grand Jury to conduct an 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 the public session.

939.11 — Use of Interpreters for Grand Jury Members With Hearing, Sight, Or Speech Disabilities

Any member of the Grand Jury who has a hearing, sight or speech disability may request an interpreter when their services are necessary to assist the juror to carry out their duties. The request shall be filed with the superior court. If the court, or a 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

A subpoena requiring the attendance of a witness before the Grand Jury may be signed and issued by the district attorney, their 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 their opinion is material in an investigation before the Grand Jury, and for other witnesses as the Grand Jury, upon an investigation pending before them, may direct.

939.3 — Privilege Against Self-Incrimination

In any investigation or proceeding before a Grand Jury for any felony offense when a person refuses to answer a question or produce evidence of any other kind on the ground that they may be incriminated thereby, proceedings may be under Section 1324.

939.4 — Oath

The foreperson may administer an oath to any witness appearing before the Grand Jury.

939.5 — Statement by Foreperson; Retirement of Prejudiced Grand Juror

Before considering a charge against any person, the foreperson of the Grand Jury shall state to those present the matter to be considered and the person to be charged with an offense in connection therewith. They shall direct any member of the Grand Jury who has a state of mind in reference to the case to either party, which shall prevent them from acting impartially and without prejudice to the substantial rights of the party to retire. Any violation of this section by the foreperson or any member of the Grand Jury is punishable by the court as a contempt.

939.6 — Admissibility of Evidence

(a) Subject to subdivision (b), in the investigation of a charge, the Grand Jury shall receive no other evidence than as is:

(1) Given by witnesses produced and sworn before the Grand Jury;

(2) Furnished by writings, material objects, or other things present to the senses;

(3) Contained in a deposition that is admissible under subdivision 3 of Section 686.

(b) The Grand Jury shall receive nothing but evidence that would be admissible over objection at the trial of a criminal action, but the fact that evidence which

would have been excluded at trial was received by the Grand Jury does not render indictment void where sufficient competent evidence to support the indictment was received by the Grand Jury.

939.7 — Consideration of Exculpatory Evidence      The Grand Jury is not required to hear evidence for the defendant, but it shall weigh all the evidence submitted to it, and when it has reason to believe that other evidence within its reach will explain away the charge, it shall order the evidence to be produced, and may require the district attorney to issue process for the witnesses.

939.8 — Finding of Indictment      The Grand Jury shall find an indictment when all the evidence before it, taken together, if unexplained or uncontradicted, would in its judgment warrant a conviction by a trial jury.

939.9 — Jury's Action to be Based on Direct Investigation      A Grand Jury shall make no report, declaration, or recommendation on any matter except on the basis of its own investigation of the matter made by the Grand Jury. A Grand Jury shall not adopt as its own the recommendation of another Grand Jury unless the Grand Jury adopting the 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 an indictment, Declaration that a Person Called as a Witness was not Subject of an Investigation      (a) A Grand Jury which investigates a charge against a person, as a result thereof cannot find an indictment against such person, shall at the request of such person and upon approval of the court which impaneled the Grand Jury, report or declare that a charge against such a 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, or series of related suspected criminal conduct, and in no event beyond the end of the Grand Jury's term.

(b) 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 a 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.

940 — Finding and Endorsement      An indictment cannot be found without concurrence of at least 12 Grand Jurors. When found it shall be endorsed, "A true bill," and signed by the foreperson.

943 — Endorsing Names of Witnesses      When an indictment is found, the names of the witnesses examined before the grand jury, or whose depositions may have been read before them, must be inserted at the foot of the indictment, or endorsed thereon, before it is presented to the court.

944 — Presentment  
to Court

When an indictment is found by the Grand Jury, it must be presented by the foreperson, in their presence, to the court, and must be filed with the clerk. No recommendation as to the dollar amount of bail to be fixed shall be made to any court by any Grand Jury.

945 — Bench  
Warrant for Accused

When an indictment is found against a defendant not in custody, the same proceedings must be had as are prescribed in sections 979-984, inclusive, against a defendant who fails to appear for arraignment.

### APPENDIX III – REFERENCE MATERIALS

The following reference materials will be found useful in the day-to-day operation of the Grand Jury:

INVESTIGATION  
MATRIX (See  
Section VI)

Notwithstanding anything required by the Penal Code or other regulations, the Investigation Matrix contained in Section VI of this manual provides a suggested rotation, which will ensure that all mandatory Grand Jury reviews are accomplished and equalize the workload between successive Grand Juries.

EXAMPLE OF  
GRAND JURY  
WORK SCHEDULE  
(See Appendix V)

The perception is that the grand jury has an entire year to conduct its business and, therefore, need not “hit the ground running.” Nothing could be further from the truth. Typically the balance of July is used to get organized; most of December will be taken up by holidays; and May and June will be consumed by getting the final report drafted and published. Therefore, oral reports must usually start sometime in January and, for most committees, the brunt of the work must be completed between August and the end of November. The Imperial County Grand Jury Time Line contained in Appendix V -- Grand Jury Forms may be helpful in illustrating this point to the jury.

COMPLETED  
GRAND JURY  
INVESTIGATIONS

Particular attention should be paid to the last three Grand Jury reports to ensure that the present Grand Jury is cognizant of scheduled agency reviews that may not have taken place; may have had limited scope; or may have been accomplished ahead of schedule. For other investigations, it may be helpful to know when a particular agency was last (if ever) reviewed.

GRAND JURY  
BUDGET &  
EXPENDITURES

The Imperial County Grand Jury should participate in preparing the Grand Jury Budget for the forthcoming fiscal year. The preliminary budget will already have been submitted by the time the Grand Jury convenes, but the final input (usually due by October 31<sup>st</sup>) should be reviewed for adequacy.

HISTORY OF THE  
GRAND JURY

An abbreviated history of the Grand Jury is provided for reference.

GRAND JURY  
ADDRESSES

These are useful in communicating with other Grand Jurors.

## HISTORY OF THE GRAND JURY

A Grand Jury derives its name from the fact that it usually has a greater number of jurors than a trial (petit) jury. One of the earliest concepts of Grand Juries dates back to early Greece where the Athenians used an accusatory body. In early Britain, the Saxons also used something similar to a Grand Jury system. During the years 978 to 1016, one of the Domesday (laws) stated that for each one-hundred men, twelve were to be named to act as an accusing body. They were cautioned “not to accuse an innocent man nor spare a guilty one.”

The Grand Jury can also be traced to the time of the Norman conquest of England in 1066. There is evidence that the courts of that time summoned a body of sworn neighbors to present crimes which had come to their knowledge. Since the members of that accusing jury were selected from small jurisdictions, it was natural that they could present accusations based on their personal knowledge.

Historians agree that the Assize [court session or assembly] of Clarendon in 1166 provided the ground work for our present Grand Jury system. During the reign of Henry II (1154-1189), in an effort to regain for the crown the powers usurped by Thomas Becket, Chancellor of England, twelve “good and lawful” men in each village were assembled to reveal the names of those suspected of crimes. It was during this same period that juries were divided into two types, civil and criminal, with the development of each influencing the other.

The oath taken by these jurors provided that they would carry out their duties faithfully, that they would aggrieve no one through enmity nor deference to anyone through love, and that they would conceal those things which they had heard.

By the year 1290, these accusing juries were given the authority to inquire into the maintenance of bridges and highways, defects of jails, and whether the Sheriff had kept in jail anyone who should have been brought before the justices. “Le Grand Inquest” evolved during the reign of Edward III (1368), when the “accusatory jury” was increased in number from twelve to twenty-three, with a majority vote necessary to indict anyone accused of crime.

In America, the Massachusetts Bay Colony empaneled the first Grand Jury in 1635 to consider cases of murder, robbery and wife beating. As early as 1700, the value of the Grand Jury was recognized in opposing the Royalists. These colonial Grand Juries expressed their independence by refusing to indict leaders of the Stamp Act (1765), and refusing to bring libel charges against the editors of the Boston Gazette (1765). A union with other colonies to oppose British taxes was supported by the Philadelphia Grand Jury in 1770.

By the end of the Colonial Period, the Grand Jury had become an indispensable adjunct of Government: “they proposed new laws, protested against abuses in government, and wielded the tremendous authority in their power to determine who should and should not face trial.”

Although originally the Constitution of the United States made no provision for a Grand Jury, the Fifth Amendment, ratified in 1791, guaranteed that:

“. . . no person shall be held to answer to a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in

the land or naval forces, or in the militia when in actual service in time of war or public danger. . .”

Public support for Grand Juries, sustained through the Revolutionary Period, began to wane in the early 1800s. Adoption of the fourteenth Amendment in 1868, made it illegal to “deprive any person of life, liberty or property without due process of law.” As interpreted by some states, this amendment no longer required prosecution of crimes by Grand Jury indictment nor prohibited direct accusation by a prosecutor. California is still one of the states that allows prosecution to be initiated by either Grand Jury indictment or judicial preliminary hearing.

The first California Penal Codes contained statutes providing for a Grand Jury, to be empaneled quarterly, at the same time as the trial jurors were drawn. Early Grand Juries investigated local prisons, conducted audits of county books and pursued matters of community interest. The role of the Grand Jury in California is unique in that by statutes passed in 1880, their duties include investigation of county government. Only seven other states provide for investigation of county government by a Grand Jury beyond alleged misconduct of public officials. Only California and Nevada mandate that Grand Juries be empaneled annually to function specifically in a watchdog capacity over county government.

As constituted today, the Grand Jury is a part of the Judicial Branch of government — “an arm of the court.” It does not have the functions of either the legislative or administrative branches and it is not a police agency. Additionally, it does not mandate policy changes. It is an inquisitorial and an investigative body tasked with may making recommendations to improve systems, procedures and methods of operations in designated local government. The primary function of the Grand Jury, and the most important reason for its existence, is the examination of all aspects of county government (including special districts), seeing that the public’s monies are handled judiciously and that all accounts are properly audited — in general assuring honest, efficient government in the best interests of the people.

The Grand Jury has three ways to exercise its powers:

1. Reports: Written communications of unsatisfactory conditions where no crime is charged with recommendations for improvements where no crime is charged.
2. Indictments: Written complaints charging a person with a crime.
3. Accusations: Written complaints against a person whose conviction would result in removal from office rather than criminal penalties.

A large portion of the public believes that an individual appearing before the Grand Jury, particularly a public official, suggests malfeasance or misfeasance. It should be clearly understood that it is the constitutional responsibility of the Grand Jury to review the conduct of county government each year and this entails having public officials appear before the jury for the purpose of providing information to the jury relative to their departments or offices.

While Grand Jurors are a part of the Judicial System and are considered to be officers of the court, the Grand Jury is an entirely independent body. The Presiding Judge of the Superior Court, the District Attorney, the County Counsel, and the State Attorney General act as its advisors, but cannot prevent the actions of the jury except for illegality.

Because of the confidential nature of a Grand Jury's work, much of it must be conducted in closed session. Members of a Grand Jury are sworn to secrecy, thus assuring all who appear that their complaints will be handled in an entirely confidential manner. No one may be present during the sessions of a Grand Jury except those specified by law (Penal Code 939), and the minutes of its meetings may not be inspected by anyone, nor can its records be subpoenaed.

Penal Code 939 as amended effective January 1, 1989 requires that prejudiced jurors may not be present during any part of proceedings from which they have once been formally excused and no non-juror may be present during the expression of the opinions of Grand Jurors, or the giving of their votes, on any criminal or civil matter before them. An officer having custody of a prisoner witness may be present during criminal sessions of the Grand Jury while the prisoner is testifying but the officer shall be admonished to insure the secrecy of any Grand Jury proceeding heard.

The conduct of criminal investigations and the return of indictments is the smaller part of a Grand Jury's function in California. In some states all persons accused of felonies must be indicted by a Grand Jury before being tried. This is also true of the Federal Courts. In this state the vast majority of criminal cases are presented to the court, at a preliminary hearing, on a complaint issued by the District Attorney. Cases presented to the criminal Grand Jury by the District Attorney may include, but are not limited to:

- (a) Cases having multiple defendants,
- (b) Cases with special witnesses such as children, out-of-state witnesses, informers or undercover agents,
- (c) Cases involving public officials or employees,
- (d) Cases in which adverse publicity could hurt the suspect, such as rape, murder or kidnap, and
- (e) Cases in regard to which the Statute of Limitations is about to expire.

Unlike a trial (petit) jury, a Grand Jury does not pass upon the guilt or innocence of the person accused. Its duty is to decide whether the evidence warrants charging a person with a triable offense.

A Grand Jury is charged with a grave responsibility. The Grand Jury serves as an ombudsman for citizens of the county. The jury may receive and investigate complaints by individuals regarding the actions and performances of county or public officials. The attention of the entire county is centered upon an active Grand Jury, and its every act is a matter of public interest. Malevolent and unfaithful public servants are uneasy, while honest citizens and the conscientious public servants are reassured. Therefore, Grand Jury service calls for diligence, impartiality, courage and responsibility.

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**GRAND JURY ADDRESSES**

ALAMEDA COUNTY GRAND JURY  
1401 Lakeside Dr., Suite 1104  
Oakland, CA 94612

ALPINE COUNTY GRAND JURY  
P.O. Box 158  
Markleeville, CA 96120

AMADOR COUNTY GRAND JURY  
108 Court Street  
Jackson, CA 95642

BUTTE COUNTY GRAND JURY  
1 Court Street  
Oroville, CA 95965

CALAVERAS COUNTY GRAND JURY  
Government Center  
San Andreas, CA 95249

COLUSA COUNTY GRAND JURY  
210 Florimond Drive  
Colusa, CA 95932

CONTRA COSTA COUNTY GRAND  
JURY  
Courthouse  
Martinez, CA 94553

DEL NORTE COUNTY GRAND JURY  
Courthouse  
450 H Street  
Crescent City, CA 95531

EL DORADO COUNTY GRAND JURY  
El Dorado County Courthouse  
495 Main Street  
Placerville, CA 95667

FRESNO COUNTY GRAND JURY  
Superior Court Room 550  
Courthouse  
Fresno, CA 93721

GLENN COUNTY GRAND JURY  
Courthouse  
526 West Sycamore Street  
Willows, CA 95998

HUMBOLDT COUNTY GRAND JURY  
Humboldt County Courthouse  
825 Fifth Street  
Eureka, CA 95501

IMPERIAL COUNTY GRAND JURY  
Courthouse  
939 Main Street  
El Centro, CA 92243

INYO COUNTY GRAND JURY  
Courthouse  
Drawer F, P.O. Box 401  
Independence, CA 93526

KERN COUNTY GRAND JURY  
Superior Court  
1415 Truxton  
Bakersfield, CA 93301

KINGS COUNTY GRAND JURY  
Superior Court  
Government Center  
Hanford, CA 93230

LAKE COUNTY GRAND JURY  
Courthouse  
255 North Forbes  
Lakeport, CA 95453

LASSEN COUNTY GRAND JURY  
Courthouse  
Susanville, CA 96130

LOS ANGELES CO. GRAND JURY  
13-303 Criminal Courts Bldg.  
210 West Temple Street  
Los Angeles, CA 90012

MADERA COUNTY GRAND JURY  
Superior Court  
County Government Center  
Madera, CA 93617

MARIN COUNTY GRAND JURY  
Superior Court  
Civic Center  
San Rafael, CA 94903

MARIPOSA COUNTY GRAND JURY  
Mariposa CA 95338

MENDOCINO COUNTY GRAND  
JURY  
Courthouse Room 801  
Ukiah, CA 95482

MERCED COUNTY GRAND JURY  
Superior Court  
County Courts Building  
Merced, CA 95340

MODOC COUNTY GRAND JURY  
P.O. Box 1289  
Alturas, CA 96101

MONO COUNTY GRAND JURY  
Superior Court  
P.O. Box 537  
Bridgeport, CA 93517

MONTEREY COUNTY GRAND JURY  
240 Church Street  
Salinas, CA 93901

NAPA COUNTY GRAND JURY  
P.O. Box 5397  
Napa, CA 94581-0397

NEVADA COUNTY GRAND JURY  
Nevada County Courthouse  
Superior Court  
Nevada City, CA 95959

ORANGE COUNTY GRAND JURY  
Dept. 5 Superior Court  
700 Civic Center Dr., West  
Santa Ana, CA 92701

PLACER COUNTY GRAND JURY  
101 Maple Street  
Auburn, CA 95603

PLUMAS COUNTY GRAND JURY  
P.O. Box 10207  
Quincy, CA 95971

RIVERSIDE COUNTY GRAND JURY  
4075 Main St., Suite 310  
Riverside, CA 92501

SACRAMENTO COUNTY GRAND JURY  
County Courthouse, Dept. 5  
720 Ninth Street  
Sacramento, CA 95814

SAN BENITO COUNTY GRAND JURY  
Superior Court  
Room 206, Courthouse  
Hollister, CA 95023

SAN BERNARDINO COUNTY GRAND  
JURY  
Superior Court, Dept 5  
351 N. Arrowhead Ave.  
San Bernardino, CA 92415

SAN DIEGO COUNTY GRAND JURY  
1420 Kettner Rd., Suite 310  
San Diego, CA 92101-2432

SAN FRANCISCO COUNTY GRAND JURY  
City Hall, Room 165  
San Francisco, CA 94102

SAN JOAQUIN COUNTY GRAND JURY  
Courthouse, Room 370  
222 East Weber Avenue  
Stockton, CA 95202

SAN LUIS OBISPO COUNTY GRAND JURY  
Courthouse Annex Room 309  
1035 Pal Street  
San Luis Obispo, CA 93408

SAN MATEO COUNTY GRAND JURY  
Superior Court  
Hall of Justice  
Redwood City, CA 94063

## IMPERIAL COUNTY GRAND JURY PROCEDURES MANUAL

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SANTA BARBARA COUNTY GRAND  
JURY  
Courthouse, Anacapa Street  
Santa Barbara, CA 93101

VENTURA COUNTY GRAND JURY  
Courthouse  
800 South Victoria Avenue  
Ventura, CA 93009

SANTA CLARA COUNTY GRAND JURY  
Courthouse  
191 North First Street  
San Jose, CA 95113

YOLO COUNTY GRAND JURY  
Courthouse  
Woodland, CA 95695

SANTA CRUZ COUNTY GRAND JURY  
Court House  
701 Ocean Street  
Santa Cruz, CA 95060

YUBA COUNTY GRAND JURY  
Courthouse  
Marysville, CA 95901

SHASTA COUNTY GRAND JURY  
Courthouse  
Redding, CA 96001

SIERRA COUNTY GRAND JURY  
Superior Court  
P.O. Drawer 95  
Downieville, CA 95936

SISKIYOU COUNTY GRAND JURY  
Courthouse  
Yreka, CA 96097

SOLANO COUNTY GRAND JURY  
Hall of Justice  
Fairfield, CA 94533

SONOMA COUNTY GRAND JURY  
Superior Court Dept. 5  
2555 Mendocino Avenue  
Santa Rosa, CA 95401

STANISLAUS COUNTY GRAND JURY  
P.O. Box 1098  
Modesto, CA 95353

SUTTER COUNTY GRAND JURY  
Superior Court  
Courthouse  
Yuba, CA 95991

TEHAMA COUNTY GRAND JURY  
P.O. Box 278  
Red Bluff, CA 96080

TRINITY COUNTY GRAND JURY  
Superior Court  
P.O. Drawer R

Weaverville, CA 96093

TULARE COUNTY GRAND JURY  
Superior Court, Room 303  
Tulare County courthouse  
Visalia, CA 93277

TUOLUMNE COUNTY GRAND JURY  
2 So. Green Street  
Sonora, CA 95370

## APPENDIX IV – PARLIAMENTARY PROCEDURE

### WHAT IS PARLIAMENTARY PROCEDURE?

It is a *set of rules* for conduct at meetings. It allows *everyone* to be heard and to make decisions without confusion.

Parliamentary procedure is important because it is a time-tested method of conducting business at meetings and public gatherings.

Parliamentary procedure allows for:

- ◆ Democratic rule
- ◆ Flexibility
- ◆ Protection of rights
- ◆ A fair hearing for everyone.

### TYPICAL PARLIAMENTARY PROCEDURE AGENDA

1. Call to Order. The chairperson says, “The meeting will please come to order.”
2. Roll Call. Members say “present” as their names are called.
3. Minutes. The secretary reads a record of the last meeting.
4. Officers’ Reports. Often limited to a report from treasurer, but others may report at this time.
5. Committee Reports. First come reports from “standing” or permanent committees; then from “ad hoc,” or special committees.
6. Special Orders. Important business previously designated for consideration at this meeting.
7. Unfinished Business. Business left over from previous meetings.
8. New Business. Introduction of new topics.
9. Announcements. Informing the assembly of other subjects and events.

10. Adjournment. The meeting ends by a vote, or by general consent (or by chair's decision if time of adjournment was prearranged by vote).

## QUORUM

A quorum is the number of members that must be present for business to be conducted legally. The actual number is usually stated in the bylaws.

## MOTIONS

A motion is a proposal that the assembly *take a stand* or *take action* on some issue. Members can:

- ◆ Present motions (take a proposal)
- ◆ Second motions (express support for discussion of another member's motion)
- ◆ Debate motions (give opinions on the motion)
- ◆ Vote on motions (make a decision)

## GENERAL TYPES OF MOTIONS

Main Motions introduce subjects to the assembly for its consideration. They cannot be made when another motion is before the assembly. They yield to privileged, subsidiary and incidental motions.

Subsidiary Motions change or affect how the main motion is handled. (They are voted on before the main motion.)

Privileged Motions are most urgent. They concern special or important matters not related to pending business.

Incidental Motions are questions of procedure that arise out of other motions. They must be considered before the other motion.

## SOME QUESTIONS RELATING TO MOTIONS

Do I need a Second? Usually, yes. A second indicates that another member would like to consider your motion. It prevents spending time on a question which interests only one person.

Is It In Order? Your motion must relate to the business at hand, and be presented at the right time. It must not be obstructive, frivolous or against the bylaws.

Is It Debatable? Parliamentary procedure guards the right to free and full debate on most motions. However, some privileged and incidental motions are not debatable.

Can't It Be Amended? Some motions can be altered by striking out, inserting, or both at once. Amendments must relate to the subject as presented in the main motion.

Can It Be Reconsidered? Some motions can be debated again and re-voted to give members a chance to change their minds. The move to reconsider must come from the winning side.

May I Interrupt The Speaker? Some motions are so important that the speaker may be interrupted to make them. The original speaker regains the floor after the interruption has been attended to.

What Vote is Needed? Most require only a majority vote, but motions concerning the rights of the assembly or its members need a 2/3 vote to be adopted.

## HOW TO PRESENT A MOTION

### Obtain the Floor.

1. Wait until the last speaker is finished.
2. Rise and address the chair.  
Say, "Mr. (or Madam) Chairperson" or "Mr. (or Madam) President."
3. Give your name. The chair will recognize you by repeating it.

### Make Your Motion.

1. Speak clearly and concisely.
2. State your motion affirmatively.  
Say, "I move that we ..." instead of "I move that we do not..."
3. Avoid personalities and stay on the subject.

### Wait For A Second.

1. Another member will say, "I second the motion."
2. Or the chair will call for a second.
3. If there is no second, your motion will not be considered.

Chair States Your Motion. The chairperson must say, "It is moved and seconded that we..."

After this happens, debate or voting can occur.

Your motion is now “assembly property” and you cannot change it without consent of the members.

Expand On Your Motion.

1. Mover is allowed to speak first.
2. Direct all comments to the chairperson.
3. Keep to the time limit for speaking.
4. You may speak again after all other speakers are finished.
5. You may speak a third time by a motion to suspend the rules with a 2/3 vote.

Putting The Question.

1. The chairperson asks, “Are you ready for the question?”
2. If there is no more discussion, a vote is taken. The chairperson announces the results.
3. Or, a motion for a previous question may be adopted.

VOTING ON  
A MOTION

The method of voting on a motion depends on the situation and on the laws of your organization.

By Voice. The chairperson asks those in favor to say “aye” and those opposed to say “no.” (For majority votes only.) A member may vote for an exact count.

By Show of Hands. Members raise their hands as sight verification of or as an alternative to a voice vote. It does not require a count. A member may move for an exact count.

By Roll Call. If a record of each person’s vote is needed, each member answers “yes,” “no” or “present” (indicating the choice not to vote) as his or her name is called.

By Ballot. Members write their vote on a slip of paper. This is done when secrecy is desired.

By General Consent. When a motion is not likely to be opposed, the chairperson says, “If there is no objection...” Members show agreement by their silence.

If someone says, “I object,” the matter must be put to a vote.

Additional Information About Voting.

A question (motion is *pending* when it has been stated by the chair but not yet voted on. The last motion stated by the chair is the first pending. The *main motion* is always the last voted on.

A Motion To Table (lay on the table). This motion is used to lay something aside temporarily to take care of a more urgent matter. There is always the option to “take from the table” any motion for reconsideration by the assembly.

A Motion To Postpone Indefinitely. This is parliamentary strategy — it allows members to dispose of a motion without making a decision for or against. It is useful in case of a badly chosen main motion for which either a “yes” or “no” vote would have undesirable consequences.

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## **APPENDIX V – GRAND JURY FORMS**

Each Grand Jury will develop its own set of forms for completing the year-long task of organizing, investigating and reporting. Herein are examples of forms some previous County Grand Juries found useful.

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**ACKNOWLEDGMENT LETTER TO NEW GRAND JUROR**

<Date>

<m> <fname> <lname>

<street>

<city>, <state> <zip>

Dear <sal>,

Welcome to the \_\_\_\_\_ Imperial County Grand Jury. If you have not served on a Grand Jury before, I think you will find the experience both demanding and rewarding. If you have served before, then you know what lies ahead.

We have a substantial amount of work to accomplish in a relatively short time. By starting now, we will avoid the pressure of waiting until spring as well as minimizing the disruption to the agencies we review.

As a reminder, if you haven't turned in your Juror Profile, please do so at your earliest convenience. These profiles will be useful in making committee assignments. You may mail, fax, hand carry, overnight, or use any other reasonable means to get these to me; the sooner the better.

Our next meeting will be at \_\_\_\_\_ pm on \_\_\_\_\_ at 939 West Main Street, El Centro, in the Basement of the El Centro Courthouse. I'll post a sign on the door. I expect this meeting will be a long one, perhaps running as late as 10:00 p.m.

I've enclosed a copy of the Grand Jury roster for your use. Please review it and provide me any corrections/additions at the meeting.

If you have any questions, please contact me.

Regards,

<Foreperson>

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## **RESOURCES AVAILABLE TO IMPERIAL COUNTY GRAND JURORS**

1. Imperial County Grand Jury reports and those of other counties within the state.
2. Responses to Imperial County Grand Jury recommendations.
3. Imperial County Grand Jury budget reports.
3. Imperial County budget reports.
4. Roster of Imperial County committees, commissions, joint powers authorities, special districts, etc.

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**MEETING PLACES AVAILABLE TO THE GRAND JURY**

El Centro Courthouse  
Basement  
939 West Main Street  
El Centro, CA 92243

Contact: Judy Bird; 482-4257

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**GRAND JUROR RESUME FORM**

This is a suggested outline of the Grand Juror's personal background and committee preferences.

RESUME OF: \_\_\_\_\_

HOME  
ADDRESS \_\_\_\_\_

Telephone: (    )  
Answering Machine    Yes    No  
Best Time to Call

BUSINESS  
ADDRESS: \_\_\_\_\_

Telephone: (    )

EDUCATION:

FAMILY:

WORK  
EXPERIENCE:

INTERESTS & HOBBIES:

OTHER ACTIVITIES:

COMMITTEE PREFERENCE:

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SAMPLE GRAND JURY TIME LINE

July	Organization Committee Assignments Initial Committee Meetings
August	Data Gathering/Previous Grand Jury Report Review Start Investigation
September	Continue Investigation + short status report
October	Continue Investigation Review Responses to last year's report
November	Continue Investigation + short status report Publish Response Report (or wait to include in final report)
December	Continue Investigation
January	Continue Investigation Oral Reports to Grand Jury
February	Continue Investigation
March	Draft Written Report from committees (review by entire jury)
April	Final Written Report from committees (review by entire jury) Grand Juror Year-end Comments due to Court
May	Edit of Final Reports by Editorial Committee Review of Final Reports by Presiding Judge and County counsel
June	Publication:
June 17	Meet with Printer (Copy Corner - County has standing contract with them. Get request for duplication services from Barbara Kanego in County Administrator's Office.)
June 19	Final copy to Grand Jury for review.
June 24	Editorial Committee — last meeting.
June 25	Master copy of report to printer for duplication and binding. (County Central Duplicating used as Printer. Request for duplication services may be handled through Judy Bird, Court Services Specialist.) Print (approximately 70 copies)
June 28	File original Final Report with Court. Provide disk with report to Court for posting on website Distribute report.
June 30	Press release announcing completion of Final Report submitted to media.

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## **SUGGESTED MEETING FORMAT**

The following is a suggested format for meetings at which the Grand Jury is not considering a special investigation.

1. Convene promptly at the hour and place designated.
2. Call roll by the Secretary.
3. Read and approve, or correct and approve the minutes of the previous meeting.
4. Read communications and refer to appropriate committee for necessary action.
5. Hear reports of special committees, if any.
6. Hear reports of standing committees.
7. Attend to unfinished business.
8. Attend to new business.

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**SAMPLE AGENDA**

**MEETING AGENDA  
(Date)**

El Centro Courthouse, Basement, 939 West Main Street, El Centro, CA

- |    |                                   |            |         |
|----|-----------------------------------|------------|---------|
| 1. | Call to Order                     | Foreperson | 6:00 pm |
| 2. | Roll Call/Establish Quorum        | Foreperson | 6:00    |
| 3. | Read & Approve Minutes            | Sect'y     | 6:05    |
| 4. | Old Business                      |            | 6:15    |
| 5. | New Business                      |            | 6:20    |
|    | * Schedule of Oral Reports        |            |         |
|    | * Procedures Manual               |            |         |
|    | * Response Report                 |            |         |
| 6. | Brief Committee Reports w/Details | All        | 6:35    |
| 7. | Correspondence                    | Sect'y     | 8:15    |
| 8. | Announcements/Comments            | Foreperson | 8:45    |
| 9. | Adjournment                       | Foreperson | 9:20    |

**NEXT MEETING:** \_\_\_\_\_

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**GRAND JURY CORRESPONDENCE LOG**

No.	Date Recv'd	Correspondence	Subject	Committee Assigned	Date Ltr Sent	Action Taken	Date Closed
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							
16.							
17.							
18.							
19.							
20.							

Key:

C - Citizen  
 H - Hold Over Complaint  
 E - Employee  
 G - Government Agencies

GJ - Initiated by Grand Jury  
 FE - Former Employee  
 I - Inmate

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**GRAND JURY ACKNOWLEDGMENT LETTER**

Date:

Name:

Address:

City, CA Zip

RE: Grand Jury File #

This will acknowledge receipt of your letter of \_\_\_\_\_.

[Referral to Committee]

This matter has been referred to the appropriate committee for study. Any future correspondence from you regarding this matter should refer to the above file number.

[No Authority-Civil Grand Jury]

Because the nature of your complaint is one of a criminal manner, it is not properly within the province of the Imperial County Civil Grand Jury; hence, it can take no action in the matter.

[No jurisdiction (State or Federal)]

The Grand Jury does not have jurisdiction over the subject matter of your letter.

[Referral to another agency]

The Grand Jury does not have jurisdiction over the subject matter of your letter. You may wish to contact \_\_\_\_\_.

[Suggested for legal counsel]

The matter you describe in your letter dated \_\_\_\_\_ appears to be an issue, which requires you to obtain legal advice which the Grand Jury is not empowered to provide.

[Matter is before the courts]

The matter you refer to is pending before a court. If you believe that the court has incorrectly resolved the matter, you may consider appealing it to a higher court.

[Request for more specific information]

Your letter contained insufficient facts for the Grand Jury to consider. If you wish the Grand Jury to further review your letter, we will need more specific information.

Very truly yours,

Foreperson

Imperial County Grand Jury

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**GRAND JURY COMPLAINT STATUS**

COMPLAINT NUMBER: \_\_\_\_\_

NAME OF COMPLAINANT: \_\_\_\_\_

DATE OF LETTER: \_\_\_\_\_

SUBJECT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE LETTER RECEIVED BY GRAND JURY: \_\_\_\_\_

DATE LETTER GIVEN TO COMPLAINT REVIEW COMMITTEE: \_\_\_\_\_

DATE ACKNOWLEDGMENT LETTER SENT BY REVIEW COMMITTEE: \_\_\_\_\_

COMMITTEE ASSIGNED TO RESOLVE COMPLAINT: \_\_\_\_\_

DATE OF ACTION: \_\_\_\_\_

---

SUMMARY OF ACTION TAKEN BY COMMITTEE

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE OF RESPONSE TO COMPLAINT AND  
COMPLAINT CONSIDERED CLOSED: \_\_\_\_\_

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**GRAND JURY INTERVIEW PLANNING GUIDE**

1. Purpose? (Carefully defining what you want to find out-will it make a difference to the county, city, or special district.)

---

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---

2. Make list of who would or could know about the subject.

---

---

---

---

3. Make advance list of questions.

---

---

---

---

4. Explore costs and/or cost savings.

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---

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---

5. Analyze the data-cross check facts to be sure they agree.

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---

6. Interpret the findings (part of final report)

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---

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## GRAND JURY INTRODUCTION LETTER

<Date>

<m> <fname> <lname>  
<street>  
<city>, <st> <zip>

Dear <sal>,

The Imperial County Grand Jury will conduct an investigation regarding \_\_\_\_\_ . The Chairperson of this committee is \_\_\_\_\_ .

In order to fulfill the Jury's mandate to "investigate all branches of ... government to be assured that they are being administered efficiently, honestly, and in the best interest of Imperial County's citizens," \_\_\_\_\_ and his/her committee will be soliciting information from your staff as well as other personnel within your organization.

Staff input is an essential part of the Jury's review process and you and your staff should feel completely comfortable in speaking openly and honestly with us. Therefore, on behalf of the Grand Jury, I request your cooperation in this process by informing your staff that they should provide jurors with requested information, either written or verbal, as the situation dictates.

As with all grand juries, the participation and comments made by any citizen or agency employee during an Imperial County Grand Jury review is confidential. There should, of course, be no admonishment of, interference with, or inference drawn from an individual's appearance before the Grand Jury, nor should the individual be interrogated about or reprimanded for such appearance or because of any findings reported by the Grand Jury.

The Grand Jury is further tasked to "... investigate and report on the needs of county officers, including offices and equipment for ... performing the duties of county offices." Accordingly, the Grand Jury looks forward to learning more about your organization, and hopes that this review will be mutually beneficial.

Sincerely,

\_\_\_\_\_  
Foreperson  
2006-2007 Grand Jury

\_\_\_\_\_  
Chairperson  
(Committee Name)

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**GRAND JURY INTERVIEW GUIDE**

A. INTERVIEW INFORMATION

Committee \_\_\_\_\_

Subject \_\_\_\_\_

Interviewers \_\_\_\_\_

Agency being reviewed \_\_\_\_\_

Courtesy communication with agency head, if appropriate.

Name \_\_\_\_\_ Title \_\_\_\_\_

By whom (1) \_\_\_\_\_ (2) \_\_\_\_\_

Date \_\_\_\_\_ [ ] Phone \_\_\_\_\_ [ ] Letter [ ] Visit

Interview Date \_\_\_\_\_ Time \_\_\_\_\_

Address \_\_\_\_\_

Interviewees(s)

	Title	Phone
1 _____	_____	_____
2 _____	_____	_____

B. INTERVIEW OUTLINE

Show Grand Jury ID and/or Business Card

Introduce Members of Committee

Ask for Business Card of interviewee

Introduce subject and general area of questions

Admonition Statement - Read it and have it signed

Conduct Interviews. Members take notes.

At end of interview, recap what additional information or materials the interviewee will provide and when, or set up time for follow-up interview.

After interview, discuss results and next steps.

C. [ ] Admonition Statement filed with project notes.

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**QUESTIONS FOR LINE AND MID-LEVEL EMPLOYEES**

1. Describe the training you have received for your job.
2. Is there any additional training you would like that would help you to perform your job better?
3. Have you recommendations for making your job more effective?
4. Are there services or activities now being performed in your department that you believe could or should be eliminated or that should be assigned to a more appropriate agency?
5. How accessible are your immediate supervisors to you?
6. Please comment on the quality of supervision you receive and which is generally available to you.
7. Does communication flow easily and without distortion up and down all levels in your organization?
8. Describe the morale of your fellow employees as it is today in comparison to how it has been in the past during your employment.
9. What additional suggestions do you have about your department and how the Grand Jury can help improve it?

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**GRAND JURY FACILITY INSPECTION/REVIEW WORKSHEET**

GRAND JUROR \_\_\_\_\_

DATE OF TOUR \_\_\_\_\_

FACILITY \_\_\_\_\_

1. PRESENTER(S) \_\_\_\_\_

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

2. PRESENTATION \_\_\_\_\_

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

3. AREAS OF SPECIAL CONCERN \_\_\_\_\_

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

4. OBSERVATIONS \_\_\_\_\_

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

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**GRAND JURY JAIL COMMITTEE INSPECTION REPORT**

Date \_\_\_\_\_ Time \_\_\_\_\_ a.m./p.m.  
 Facility Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Operated by (city/county) \_\_\_\_\_ Name of Escort \_\_\_\_\_  
 Watch Commander \_\_\_\_\_ Year Constructed \_\_\_\_\_  
 Rated Capacity \_\_\_\_\_ Population Today \_\_\_\_\_ Undocumented Aliens \_\_\_\_\_  
 Visit by grand jurors (names) \_\_\_\_\_  
 This report by \_\_\_\_\_

RATING: 1-Very poor 2-Poor 3-Acceptable 4-Good 5-Very good	R A T I N G	COMMENTS AND RECOMMENDATIONS
NOISE LEVEL		For large groups, excess noise-restlessness (trouble - too quiet - something brewing. 3 if OK or NA
SANITATION		Plumbing, food, blankets, vermin, etc.
FIRE SAFETY		Sprinklers, hose, breathing apparatus, signs, check local fire department report if there is a problem.
LOCK UP SECURITY		Overall lockup; including sally ports
PROTECTIVE CUSTODY		Separation of inmate problem groups
VISITATION LEGAL/PERSONAL		Facilities for personal or lawyer; NA if short holding time.
TELEPHONE		Availability
FOOD		Full kitchen, TV snacks, brought in or none
MEDICAL ASSISTANCE		Inside clinic or paramedic response
EDUCATION/JOB TRNG.		For large institutions, or NA.
GENERAL APPEARANCE		Graffiti, paint, etc.
STAFF ETHNIC MIX		Including male and female
DATE OF LAST DISTURBANCE REASON & PREVENTIVE MEASURES		
ADDITIONAL COMMENTS		

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## JAIL INSPECTION QUESTIONNAIRE

### JAIL PROCEDURES AND TRAINING OF JAIL PERSONNEL

1. Have all jail personnel received the minimum 40-hour California P.O.S.T. training in jail procedures? Ask to see confirmation of such training of at least one person.
2. Is one person with P.O.S.T. training on duty in the jail on each watch? If not, explain.
3. Is there any update on the initial training, or other special training on such subjects as suicide prevention, fire evacuation, first aid? Ask to see the Jail Procedures Manual.
4. Which official(s) has received the 80-hour California P.O.S.T. training in jail management? When?
5. Are translators available for assistance with non-English speaking arrestees? Who are they and where are they located?
6. Upon booking, is the arrestee told of the charge and bail against him? Are the bail procedures explained? If not at booking, when?
7. Are phone rights and bail procedures in English and Spanish prominently posted in jail area? If not, explain.
8. Are arrestees offered use of a phone at time of booking? Are the dates and times of the offer and completion of a call recorded on any booking document?
9. Are portable phones available to prisoners in the cell area? If not, ask for the procedures on additional phone calls when requested by prisoners. Are phones operative?

### MEALS

1. Number of meals per day and what type — frozen dinners, local caterer, hot food from central facility, sack lunches?
2. In Type II and III facilities, ask to see the kitchen and ask number of calories served, menu, and whether approved by any dietitian.

### MAINTENANCE

1. Does this facility use trustees or civilian maintenance personnel? How many?
2. How often is the cell area cleaned, swept, mopped?
3. Is anti-graffiti paint used on the cell walls? If not, is graffiti a problem; how is it handled?
4. If trustees are used, as in most Sheriffs substations, ask to see their accommodations and dayroom.

### HEALTH AND SAFETY

1. At time of booking, is arrestee asked about any health problems such as heart trouble, hepatitis, VD or TB? What is the policy on arrestees with health problems?
2. In Type II and III facilities, is there a dispensary with a doctor or nurse on duty?
3. What is name and address of contract hospital? How far away?
4. What is location of nearest paramedic unit?
5. What are the procedures following discovery of a jail death? What officials are notified? What reports are written?
6. How often does the jailer check the prisoners? Is a record made of each check? What type of check — face-to-face, T.V. monitor?
7. Are prisoners isolated for any reason? What are the reasons? Are special precautions made for health and safety of isolated prisoners? Is the facility equipped with a safety/padded cell?
8. Are clean blankets, and mattress covers if needed, issued to each prisoner? Are soap and towels available?
9. Are clean jail clothes available? What is procedure on arrestees with unsanitary contaminated clothes?

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**JUVENILE SERVICES REPORT**

NAME OF FACILITY \_\_\_\_\_ DATE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ OPERATED BY \_\_\_\_\_  
 CONTACT PERSON(S) \_\_\_\_\_  
 CAPACITY OF FACILITY \_\_\_\_\_ AVERAGE LENGTH OF STAY \_\_\_\_\_  
 POPULATION TODAY \_\_\_\_\_ WAITING LIST \_\_\_\_\_  
 FUNDING (other than county) \_\_\_\_\_  
 COMMITTEE MEMBERS ATTENDING \_\_\_\_\_

RATING: 1-Very poor 2-Poor 3-Acceptable 4-Good 5-Very good	R A T I N G	COMMENTS AND RECOMMENDATIONS
GENERAL APPEARANCE		
GENERAL APPEARANCE OCCUPANTS		
GENERAL APPEARANCE PERSONNEL		
CLEANLINESS/SANITATION		
KITCHENS/FOOD		
MEDICAL ASSISTANCE		
EDUCATION		
RECREATION/PLAY AREA		
ACTIVITIES		
FIRE SAFETY/SECURITY		
VISITATION		
STAFF ETHNIC MIX		
REPEATERS		

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**GRAND JURY COMMITTEE INVESTIGATIVE PROGRESS REPORT**

COMMITTEE NAME \_\_\_\_\_

DATE \_\_\_\_\_ CHAIRMAN \_\_\_\_\_

SUBJECT OF INVESTIGATION, DEPARTMENT, OR UNIT \_\_\_\_\_

\_\_\_\_\_

YEARS PREVIOUSLY INVESTIGATED \_\_\_\_\_

PEOPLE CONTACTED REGARDING THE INVESTIGATION \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

FINDINGS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

GRAND JURY RECOMMENDATIONS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

COMMITTEE MEMBERS \_\_\_\_\_

\_\_\_\_\_

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**GRAND JURY FINDING DEVELOPMENT & REVIEW SHEET**

(For Committee's use in developing finding for final report)

Job No. \_\_\_\_\_

Number \_\_\_\_\_

Agency \_\_\_\_\_

By \_\_\_\_\_

Date \_\_\_\_\_

---

Finding

---

Condition (The existing situation, and whether isolated or widespread.)

---

Background (Case of the situation and what should be?)

---

Problem (In terms of cost, adverse performance or other factors. None, small, large? Services, dollars, people?)

---

Recommendation (What should be done? Who should do it? When should it be done?)

---

Response Required From

---

Committee Action:

---

Approved      Disapproved      Returned for further work

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**EXAMPLE OF COMPLETED “FINDING DEVELOPMENT & REVIEW SHEET”**

Job No.:  
Agency: Big Valley Men’s Farm (BVMF)

Number: 10  
By: J. Doe  
Date: 8/8/88

---

Finding

Work/training assignment at BVMF do not provide for institutional self-sufficiency.

---

Condition

The Vocational Education Program (VEP) has not trained inmates as skilled workers for employment in BVMF’s maintenance department. For example, BVMF’s carpentry, electrical, and plumbing shops have never hired an inmate trained with suitable skills from BVMF’s VEP. Yet, 26 of BVMF’s inmates have sentences over 15 years and thus would be available to the prison system as inmate workers for many years.

---

Background

Enabling legislation authorizes the department to ensure that all able-bodied prisoners work and achieve self-sufficiency for the institutions, and be taught marketable skills from inmate work programs.

The VEP does not offer most courses appropriate for skilled inmate employment in the maintenance department. It offers mill and cabinet work, but not maintenance carpentry; it offers electronics but not electrical maintenance; and it does not offer any type of plumbing course. According to the former supervisor of vocation instruction, he conducts local market surveys for appropriate vocational classes for the prison. The VEP is not required to create classes based on institutional needs for skilled inmates at BVMF or other prisons; however, the department has an approved list of 46 vocational courses in which institutions can select courses for their VEP.

---

Problem

Inexpensive and potentially useful labor is not being used to help solve maintenance problems. The Plant Maintenance Department is experiencing difficulty in maintaining BVMF in an optimal condition. The maintenance department is backlogged with daily work order requests, has not complied with all requirements in the Toussaint court order, has not adhered to environmental and health standards, and has not implemented a preventive maintenance program. Further, other prisons are experiencing difficulty finding skilled inmate help for their maintenance programs.

---

Recommendation

BVMF should assess its VEP courses to determine the appropriateness of retaining, deleting, or adding other classes which may better benefit both the prison and other prisons to which BVMF inmates may transfer.

---

Response Required From: Executive Director, BVMF

---

Committee Action: None

---

Approved                      Disapproved              Returned for further work

---

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## THE 9-STEP GRAND JURY FINAL REPORT PROCESS

1. **Oral Report** is presented to the Grand Jury for critique.
2. **Draft Written Report** is presented to the Grand Jury for critique.
3. **Draft Final Report** is submitted to the jury, incorporating draft critique comments. Individual findings are voted on by the Grand Jury at this point.
4. **Corrected Final Report** (incorporating any interim critique comments) is submitted to Editorial Committee.
5. **Edited Final Report #1** is returned to the investigating committee for any final clarifications and for review by the committee of editing changes made.
6. **Committee Accepted Final Report** is returned to the Editorial Committee incorporating any clarifications.
7. **Edited Final Report #2** is the edited version of the Committee Accepted Report and is simultaneously:
  - \* Returned to the investigating committee
  - \* Submitted to County Counsel for review.
8. **Legal Accepted Final Report** is the final report as reviewed by County Counsel (this may contain markups that need additional action by the investigating committee).
9. **Final Report** is the accepted version ready for printing. [Note: minor editorial changes may be made at this point to resolve any inconsistencies between individual reports, ensure the whole report reads in the same voice, etc.]

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## GRAND JURY REPORT WRITING RULES

1. Write tight.
2. Use short words.
3. Don't use semi-colons.
4. You need more than one sentence if:
  - \* Your sentence has more than two commas, or
  - \* Your sentence has more than 25 words.
5. Paragraph generously.
6. Use the active voice.
7. Avoid "I."

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## GRAND JURY ORAL REPORT FORMAT

Use outline format and make copies of for all jurors.

- I. Name of Agency
  - A. Background of agency  
when established  
to do what  
etc.
  - B. Budget
  - C. Employee totals and breakdown of types
  
- II. Investigative Process
  - A. People interviewed
  - B. Written materials reviewed
  - C. Other relevant data
  
- III. What you found
  - A. Positive findings
    - a. Why
  - B. Not so positive findings
    - a. Why
    - b. Documented (not just gut feeling)
  
- IV. Recommendations at this time

For the outline, use basic words and phrases. Limit to one (1) page and fill in more detail verbally. Be prepared for questions from the Grand Jury. This is when ideas are quantified and finalized.

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**VARIOUS GRAND JURY REPORT FORMATS**

(1) Title of investigation Reason for investigation Procedures followed Findings Conclusions Recommendations (if applicable) Response required (if applicable)	(2) Committee name Names of committee members Purpose Matters investigated/areas of concern Commendation Resources: Describe any agencies from which information was obtained (not always advisable)	(3) Purpose Background Method of Investigation Findings Recommendations Commendation
(4) Purpose & scope Areas of concern Introduction Findings Recommendations Commendation	(5) Responsibilities Description Introduction Findings Recommendations Commendation	(6) Summary Methodology Findings & recommendations Appendices Exhibits
(7) Committee interest Areas of responsibility Areas of study Recommendations Final observations	(8) Members Purposes Areas of review Analysis Conclusions	(9) Name of committee Testimony taken Findings Recommendations
(10) Purpose Areas of concern Conclusions Recommendations	(11) Introduction Procedures Findings Recommendations	(12) Purpose & scope Areas of concern Offices contacted Summary
(13) Purpose (with subheads) Focus of review Major findings & recommendations		

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**APPROVAL SLIP FOR GRAND JURY FINAL REPORTS**

**TITLE OF DOCUMENT** \_\_\_\_\_

**NAME OF COMMITTEE** \_\_\_\_\_

	<b>DATE</b>	<b>APPROVED BY</b>
1. ORAL REPORT		
2. COMMITTEE POSITION (written)		
3. DRAFT FINAL APPROVAL BY GRAND JURY		
4. EDITORIAL COMMITTEE		
5. COMMITTEE APPROVAL		
6. COUNTY COUNSEL (REVIEW ONLY)		
7. GRAND JURY APPROVAL		

**COMMENTS:**

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**FINAL REPORT TRANSMITTAL LETTER**

Date

To: County Counsel

From: Foreperson

Subject: Final Report for Review - <Date> Imperial County Civil Grand Jury

Subject: \_\_\_\_\_

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

The subject Final Report is submitted for your review. This report has been approved by the <Date> Imperial County Grand Jury. Should you have any comments or recommendations, please make them in the section provided on this page.

Please indicate your review by signing and dating this letter and returning with the report to me.

Comments/Recommendations:

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Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

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**FINAL REPORT “NO RESPONSE” LETTER**

Date

Dear

The 20\_\_\_\_-20\_\_\_\_ Grand Jury has not received your response to the 20\_\_\_\_-20\_\_\_\_ Grand Jury Final Report which was forwarded with the enclosed letter dated \_\_\_\_\_. Please respond immediately or the matter will be referred to the Presiding Judge of the Imperial County Superior Court for appropriate action.

Sincerely,

Foreperson

Enclosure(s)

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**DISTRIBUTION OF 2005-2006 GRAND JURY REPORT**

<u>Copies</u>	<u>Name</u>
5	County Board of Supervisors
1	County Counsel
1	County Executive Officer
1	Court Executive Officer
1	Imperial County Law Library
20	Incoming Grand Jury Members
20	Outgoing Grand Jury Members
9	Superior Court Judges

\*All agencies included in Final Report

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**GRAND JURY SUBPOENA**

Superior Court of California  
County of Imperial  
939 West Main Street  
El Centro, CA 92243

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IN RE: PROCEEDINGS BEFORE THE IMPERIAL COUNTY Grand Jury

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Grand Jury SUBPOENA

Duces Tecum

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THE PEOPLE OF THE STATE OF CALIFORNIA, TO:

1. YOU ARE ORDERED TO APPEAR at the date, time, and place shown in the box below UNLESS you make a special agreement with the person named in Item 3:

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a. Date: Time:

b. Address:

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2. AND YOU ARE

a. ordered to appear in person.

b. ordered to appear in person and to produce the records described in the accompanying declaration. The PERSONAL ATTENDANCE of the custodian or other qualified witness and the production of copies of the original records is REQUIRED by this subpoena. The procedure authorized by subdivision (b) of Section 1560, and Sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.

2. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name: Telephone Number:

Date Issued:

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Judge of the Superior Court

**PROOF OF SERVICE OF GRAND JURY SUBPOENA**

1. I served this Subpoena Subpoena Duces Tecum and supporting affidavit by personally delivering a copy to the person served as follows:
  - a. Person served (name):
  - b. Address where served:
  - c. Date of delivery:
  - d. Time of delivery:
  - e. Witness fees (check one):
    - (1) were offered or demanded  
And paid. Amount . . . . \$ \_\_\_\_\_
    - (2) were not demanded or paid.
  - f. Fee for service: . . . . . \$ \_\_\_\_\_
2. I received this subpoena for service on (date):
3. Person serving:
  - a. Not a registered California process server.
  - b. California sheriff, marshal, or constable.
  - c. Registered California process server.
  - d. Employee or independent contractor of a registered California process server.
  - e. Exempt from registration under Bus. & Prof. Code section 22350(b).
  - f. Registered professional photocopier.
  - g. Exempt from registration under Bus. & Prof. Code section 22451.
  - h. Name, address, and telephone number and, if applicable, county of registration and number.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff, marshal, or constable use only)

I certify that the foregoing is true and correct

Date:

Date:

➤ \_\_\_\_\_  
(SIGNATURE)

➤ \_\_\_\_\_  
(SIGNATURE)

**GRAND JURY SECRECY ADMONITION TO WITNESS**

You are admonished not to 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 investigation of the Grand Jury, which you learned during your appearance before the Grand Jury. This admonition continues until such time as the Grand Jury report on the subject of the investigation becomes public. Violation of this admonition constitutes a contempt of court and is punishable as such. (This does not prevent you from discussing this matter with your attorney who is advising you with respect to your appearance before the Grand Jury.)

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**GRAND JURY OATH FOR WITNESS**

TO: \_\_\_\_\_ (Grand Jury Witness)

Proceedings of the Grand Jury are, by law, secret. Any Grand Juror who discloses evidence presented to the Grand Jury is guilty of violating provisions of the Penal Code.

As witness before the Grand Jury, you also are required to strictly adhere to the requirement of confidentiality. If friends, relatives, supervisors, employers or others make inquiry about your testimony or any other aspect of this proceeding, you are directed to advise them that you are required to avoid any and all discussion of the matter.

In the event any person attempts to coerce or pressure you in an effort to gain information about this proceeding, please immediately contact the Grand Jury Foreman or the Chairperson of the Committee before which you are testifying.

DATE: \_\_\_\_\_  
Foreperson or Committee Chairperson

I have been read, understand and agree to abide by the requirements of confidentiality relating to my appearance before the Grand Jury this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Witness



# Imperial County Grand Jury

## GRAND JURY CITIZEN COMPLAINT FORM

TO: GRAND JURY  
COUNTY OF IMPERIAL  
939 WEST MAIN STREET  
EL CENTRO, CA. 92243

DATE: \_\_\_\_\_

### THIS COMPLAINT IS AGAINST:

NAME/TITLE

ORGANIZATION

ADDRESS

CITY

PHONE

### MY COMPLAINT AGAINST THE ABOVE IS:

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

(USE ADDITIONAL SHEETS IF NECESSARY)

### COMPLAINANT

(FOR GRAND JURY USE ONLY)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

**ALL COMMUNICATIONS TO THE GRAND JURY ARE CONFIDENTIAL**

I. The Grand Jury Citizen Complaint Form should be prepared after all attempts to correct a situation have been explored and were unsuccessful.

II. Instructions for preparing the Citizen Complaint Form:

1. **This Complaint is Against:**

- a. Include the name of the individual or organization the complaint is against. Ensure correct spelling of the name(s).
- b. If the complaint is against an individual in an organization, include the individual's title or position in the organization.
- c. Provide the street address (not a P.O. Box), city, state and zip code.
- d. The telephone number of the organization or individual cited should be included on the last line of this block.

2. **My Complaint Against the Above is:**

- a. Describe the problem in your own words.
- b. Be as concise as possible, providing dates, times and names of individuals involved.
- c. Cite specific instances as opposed to broad statements.
- d. Attach any available photographs, correspondence, or documentation which supports the complaint.
- e. If more room is required, attach extra sheets, and include their number on the last line of the sheet (i.e. 3 additional sheets attached).

3. **Complainant (YOUR CONFIDENTIALITY WILL BE RIGOROUSLY PROTECTED):**

- a. Include your name, street address, city, state, zip code and telephone number (area code also).
- b. Mail this complaint form to the address shown on the front.
- c. Please sign this complaint, (You may file an anonymous complaint if you desire; however, this may make it much more difficult for the Grand Jury to investigate the allegations.)

III. The Grand Jury may contact you during the conduct of an investigation.

