

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
COORDINATION AND SUBMISSION OF RESPONSES TO REPORTS OF THE COUNTY CIVIL GRAND JURY	A-75	1 of 3

POLICY:

It is the policy of the Board of Supervisors that all responses to a report by the civil grand jury by any county department or agency headed by a non-elected department official are coordinated through the Executive Office. This will provide uniform and timely responses in compliance with Penal Code Section 933 et seq. Responses by elected officers of a county department or agency as it relates to this policy and the Board of Supervisors are also specifically called out in this policy.

PURPOSE:

The purpose of this policy is to ensure compliance with California Penal Code Section 933 et seq. in the preparation and submission of formal responses to reports of the County civil grand jury.

BACKGROUND:

Riverside County is served by a civil grand jury empowered by law to perform an oversight function into the operation of county and municipal governments. Reports can be a result of an inquiry, or an investigation initiated by the civil grand jury in performance of their “watchdog” duty over the operations, accounts, and records of a city, county, special district, or joint powers authority. A grand jury may request that a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release. During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

Reports include both findings and recommendations. All reports are submitted to the presiding judge prior to transmitting to all responsible officers, agencies, or departments. A report may be issued at any time before the end of the civil grand jury’s term of one year which begins at the start of the fiscal year. The grand jury shall provide to the responsible officers, agencies, or departments a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. During this confidential period, no officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

PROCEDURES FOR RESPONSES TO THE CIVIL GRAND JURY REPORT

California Penal Code Section 933 et seq. mandates specific requirements for responding to civil grand jury reports.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
COORDINATION AND SUBMISSION OF RESPONSES TO REPORTS OF THE COUNTY CIVIL GRAND JURY	A-75	2 of 3

- A. Any department/agency headed by a non-elected department official shall immediately notify the Executive Office and County Counsel of receipt of a civil grand jury report. A copy shall be provided to both entities upon request notwithstanding the confidential period.
- B. County Counsel shall assign a deputy county counsel to assist the responsible department/agency headed by a non-elected department official on the response to ensure compliance with the Penal Code requirements. An elected department officer may request assistance from the County Counsel's Office.
- C. The Executive Office shall:
 - a. Provide a copy to the Clerk of the Board for distribution to the Board of Supervisors.
 - b. Assign an analyst to track and coordinate with County Counsel and the responsible department/agency headed by a non-elected department official on the response.
 - c. Draft the transmittal (Form 11) to the Board of Supervisors, with the response attached. The Form 11 shall include a motion directing the Clerk of the Board (COB) to immediately forward the Board's finalized responses to the civil grand jury, presiding judge of the Superior Court, and to the county clerk-recorder.
- D. The response shall be made to both the findings and to the recommendations of the civil grand jury. The process is outlined below:
 - a. For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity **shall indicate one of the following:**
 - i. The respondent agrees with the finding.
 - ii. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
 - b. For the purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity **shall report one of the following actions:**
 - i. The recommendation has been implemented, with a summary regarding the implemented action.
 - ii. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - iii. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
COORDINATION AND SUBMISSION OF RESPONSES TO REPORTS OF THE COUNTY CIVIL GRAND JURY	A-75	3 of 3

This timeframe shall not exceed six months from the date of publication of the grand jury report.

- iv. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- c. If a finding or recommendation of the civil grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the civil grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- E. Pursuant to Penal Code 933(c), elected officers of a county department/agency must respond directly to the presiding judge within sixty (60) days of receipt of the report. An informational copy of the elected officer's response to the findings and recommendations must be sent to the Board of Supervisors by filing a copy with the Clerk of the Board.
- F. The Board of Supervisors must respond directly to the presiding judge within ninety (90) days of receipt of the report. As noted in Section C herein, the County Executive Office will provide the support necessary to meet this requirement.

Reference:

Minute Order 3.52 of 01/24/2023