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NOTE TO RESPONDENTS

GENERAL

The legal requirements for response to Grand Jury findings and recommendations are set forth in California Penal Code, Section 933.05. Each Respondent should become familiar with those legal requirements and if in doubt should consult with legal counsel before responding. For the assistance of Respondents, Section 933.05 of the Penal Code is summarized below:

HOW TO RESPOND TO FINDINGS

The responding person or entity must respond in one of two ways:

1. That there is agreement with the finding.
2. That there is disagreement, wholly or partially, with the finding. In such a case, the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

HOW TO REPORT ACTION IN RESPONSE TO RECOMMENDATIONS

Recommendations by the Grand Jury require action. The responding person or entity must report action on each recommendation in one of four ways:

1. The recommendation has been implemented, with a summary of the implemented action.
2. The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. If a Respondent replies in this manner, the law requires a detailed explanation of the analysis or study and a time frame not to exceed six months from the date of publication of the Grand Jury Final Report by which the recommendation will be discussed.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation as to why it is not warranted or reasonable.