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Formation and Organization of the Sacramento County Grand Jury

The California Constitution, Article I, Section 23, provides that “One or more grand juries shall be drawn and summoned at least once a year in each county.” The law governing Grand Jury formation, authority, powers and proceedings, is found in Part 2, Title 4 of the California Penal Code, §§ 888-939.91.

The Sacramento County Grand Jury is comprised of qualified citizens of the County who have volunteered or been selected at random, and who have been nominated by a Superior Court Judge. Before June 30 of each year, a new Grand Jury of 19 such individuals is chosen by lot and impaneled and sworn by the Superior Court. Each new Grand Jury is a distinct and separate entity and must establish its own organization and rules of procedure. By law, any action taken by the Grand Jury must be authorized by 12 of the 19 jurors.

The Grand Jury is sworn to inquire of “public offenses committed or triable within the county,” and to investigate or inquire into “county matters of civil concern.” The Sacramento County Grand Jury exercises both criminal and civil investigative authority. Its civil authority extends to reviews of the functions and operations of the county, and of cities, school and special districts, and specified private nonprofit organizations with the County of Sacramento.

Criminal matters are presented to the Grand Jury by the Sacramento County District Attorney or by the California Attorney General. If it is determined that there is probable cause to believe an accused person(s) has committed a felony, the Grand Jury will return an indictment, to which the accused must enter a plea in Superior Court.

The 2007-2008 Grand Jury had five investigative committees: Administrative and Municipal Affairs; Education; Criminal and Juvenile Justice; Environment, Public Works and Special Districts; and Health and Human Services. “Ad hoc” committees may be established to consider subjects which transcend more than one of the above. Two such “ad hoc” committees were formed during the 2007-2008 Grand Jury Year: the Isleton Ad Hoc Committee and the Sacramento Public Library Ad Hoc Committee. There were also two “in-house” committees: Continuity and Editorial. Continuity was responsible for the coordination of internal processes and for the interrelationship of processes with predecessor and successor Grand Juries. Editorial was responsible for the accuracy and integrity of the Grand Jury’s reports.

The proceedings of the Grand Jury are held in strict confidence. Witnesses are prohibited from disclosing any proceedings of the Grand Jury.

Any individual may file a complaint with the Sacramento County Grand Jury. A complaint form may be found on the back page of this report, at www.sacgrandjury.org, or obtained by calling the Grand Jury office at (916) 874-7578. Sacramento County residents interested in serving on the Grand Jury can find an application at www.sacgrandjury.org.

The Making of a Grand Jury Report

On June 30 of each year, the Sacramento County Grand Jury issues its Final Report, a compilation of all its reports, including those previously issued during the course of the Jury's term. The process by which a Grand Jury report is formulated is a tradition carried over from year to year.

The subject of a Grand Jury report may derive from a citizen complaint, or an idea self-generated by an investigative committee. Each complaint is assigned according to subject matter to a committee, where it is initially examined to determine if a potential problem exists that justifies opening an investigation.

Once a committee has decided to open an investigation, it must secure the approval of the full Grand Jury to continue. If the investigation is approved, the investigative committee is then responsible for collecting documentary and testimonial evidence and writing a report. All Grand Jury reports are based on the review of documents, other pertinent evidence, and interviews. Each interview is attended by a minimum of two grand jurors.

When the investigation is complete, the committee drafts a report detailing the material facts, findings, and recommendations for corrective action. The draft is reviewed and revised as necessary by the committee to ensure that it complies with all the substance and format requisites of a Grand Jury report. The draft report is then forwarded to the Editorial Committee for further review and analysis to ensure that the findings are supported by evidence, that the recommendations are responsive to the findings and that the proper investigative procedures have been followed.

Grand Jury reports are not based on conjecture or opinion, but on documentary evidence and testimony. The Grand Jury is precluded by law from disclosing the source of such evidence except upon the specific approval of the presiding judge, or other judge appointed by the presiding judge, of the Superior Court (Pen. C. §§ 911, 924.1(a), 929).

Ultimately, the proposed report is referred to the full Grand Jury for review. The Grand Jury has plenary authority, by a vote of 12 or more of the 19 jurors, to approve, revise, or reject the proposed report. It is then returned to the Editorial Committee for processing. Approved reports are forwarded to the Grand Jury's Advisor judge for jurisdictional review and to the County Counsel for review as to compliance with legal requirements. Their approval does not connote an agreement with the substance or merit of the report, or with its finding or recommendations.

Every member of the Grand Jury is directly involved in the formulation of all reports. Every report is considered to be a product of the entity as a whole, and not the work of any individual juror or committee. The 2007-2008 Sacramento County Grand Jury is satisfied that the reports contained in this volume are fully qualified for publication. Copies of Grand Jury Final Reports are available at www.sacgrandjury.org.