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Juries each year. Some counties impanel a separate Criminal Grand Jury only when needed. The Butte County Grand Jury serves in both capacities. As constituted today, the Grand Jury is a part of the Judicial Branch of Government and an arm of the Court. The Grand Jury does not have the functions of either the legislative or the administrative branches and it is not a police agency or political group. It is an investigative body with the objective of detecting and correcting flaws in government.

The primary civil function of the Grand Jury, and the most important reason for its existence, is the examination of all aspects of county and city government, including special districts and joint powers agencies. The Grand Jury sees that the public's monies are handled judiciously and that all accounts are properly audited. In general, the Grand Jury assures honest, efficient government in the best interest of the people.

THE GRAND JURY'S POWERS

The Grand Jury has three ways to exercise its power:

- By reports and recommendations regarding county government, cities, special districts and joint powers agencies.
- By indictment, bringing charges against an individual for criminal offense.
- By civil accusation of an official or employee where the result, on conviction, would be removal from office.

A large portion of the public wrongly believes that the appearance of an individual, particularly a public official, before the Grand Jury suggests guilt of malfeasance, misfeasance or nonfeasance. It is the constitutional responsibility of the Grand Jury to review the conduct of government each year. This entails having public officials appear before the jury for the purpose of providing information relative to their departments or offices. While it is a part of the judicial system, a 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 Grand Jury except on issues of legality. The Grand Jury is not accountable to elected officials or governmental employees.

Due to the confidential nature of a Grand Jury's work, most, if not all, of that work must be conducted in closed sessions. Members of a Grand Jury are sworn to secrecy, thus assuring all who appear before it that their testimony will be handled in strict confidence. No one may be present during the sessions of a Grand Jury except those specified by law, and the minutes of its meetings may not be inspected by anyone, nor can its records be subpoenaed.

The Grand Jury serves as an ombudsman for citizens of the county. The Grand Jury may receive and investigate complaints by individuals regarding the actions and performances of county or other public officials. The Grand Jury is tasked with oversight of all local government. Additionally, the California Penal Code specifies that the Grand Jury shall inquire into the conditions and management of the public prisons, jails and juvenile detention facilities within the county.

The members of the Grand Jury are collectively granted special powers and privileges to aid them in carrying out their duties. The Grand Jury, in its official capacity, is permitted, with limited exceptions, access to and the right to inspect government facilities, and to review official books and records to which other citizens are denied access. The Grand Jury may issue subpoenas as necessary. The Grand Jury findings and recommendations are to be unbiased and impartial.

HOW IS THE GRAND JURY SELECTED?

Each fiscal year the Butte County Superior Court summons a large number of qualified citizens who have resided in the county for over a year and are at least 18 years of age. The court makes it clear that service on the Grand Jury is voluntary. Potential jurors should be reasonably intelligent, of good character and must possess a working command of the English language. From the pool of willing candidates, the court makes a good faith effort to select qualified men and women who are diverse in age and socio-economic, ethnic and educational backgrounds, and who represent the varied geographic areas of the county.

Superior Court judges and staff interview the body of qualified and willing candidates and choose thirty potential jurors. Nineteen members make up a full jury. At the discretion of the Presiding Judge, as many as ten members from the previous year's jury may "holdover" or serve a second term. In order to constitute the full panel of nineteen, names are drawn at random to serve a term of twelve months beginning in July. Over the course of the year, as necessary, alternates are called in sequential order from the pool of remaining potential jurors.

HOW DOES THE GRAND JURY WORK?

The Presiding Judge appoints a Foreperson to preside at meetings. The Grand Jury organizes itself into officers and committees. It then determines which of the various departments and functions of county, city and joint powers government it will review. It also reviews compliance with the recommendations of previous Butte County Grand Juries.

Inquiries on the part of the Grand Jury, letters and complaints from citizens and dictates of the California Penal Code collectively determine the Grand Jury's work. The Grand Jury aims to identify policies in government that may need improvement. All actions of the jury, including any communication from the public and all deliberations and votes, are completely confidential. The Grand

Jury publishes a report of its significant findings and recommendations near the end of its term.

The Grand Jury's Final Report typically reflects only a small part of its actual endeavors over the course of its term. State law requires specific and detailed responses from departments upon which the jury renders findings and recommendations. Elected officials have sixty days to respond; public agencies have ninety days.

The work of a Grand Jury is demanding. Members can expect to invest approximately 500 hours of time to Grand Jury work. Gratifying and personally rewarding service leads one to a much improved understanding of the organization and business of local government. In addition, there is the personal satisfaction of having contributed to its improvement. The Grand Jury experience provides a unique and valuable opportunity for community service.

The 2012-2013 Grand Jury wishes to thank those who responded to last year's Final Report and recognizes their contribution to the community and to the Grand Jury process. The time and effort taken to review the 2011-2012 Grand Jury Final Report and to prepare and submit responses to the Presiding Judge are appreciated.

May 29, 2013

The Grand Jury Final report has been submitted for filing on this date pursuant to California Penal Code section 933.

Final Reports, Responses and Government Entities

§ 933.

- a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government 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. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.
- b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.
- 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 governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.
- d) As used in this section, "agency" includes a department.

Responses to Findings and Recommendations

§ 933.05.

- 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:
 - 1) The respondent agrees with the finding.
 - 2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - 1) The recommendation has been implemented, with a summary regarding the implemented action.
 - 2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - 3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - 4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- d) A grand jury may request 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.
- e) 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.
- f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall

disclose any contents of the report prior to the public release of the final report.

Added by Stats.1996, c.1170 (SB1457), § 1. Amended by Stats.1997, c.443 (AB829), § 5.