

This document is an extract of a larger publication.

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California Grand Jurors Association

Napa Chapter, California Grand Jurors Association



# **Overview of the Napa County (Civil) Grand Jury**

## **A. Introduction to the Civil Grand Jury**

The following provides a broad overview of the Napa County (Civil) Grand Jury, its origins, what it does and how it functions.

### **1. Brief History of the Grand Jury**

The Napa County Grand Jury has its historical roots in the English grand jury system dating back to the twelfth century. The grand jury protected citizens from the arbitrary authority of the Crown. In California, the institution of the grand jury is preserved in section 23 of article 1 of the State Constitution, which requires one or more grand juries to be drawn and summoned at least once a year in each county. The principal function of a California civil grand jury is to inquire into the affairs of local government. The civil grand jury is an arm of the state judicial system. It is not a law enforcement agency.

### **2. Function of the Napa County (Civil) Grand Jury**

The responsibility of a civil grand jury is to conduct investigations into county and local government to ensure that they are being operated honestly and efficiently. A county grand jury does not have jurisdiction over federal or state agencies, and therefore has no authority to investigate federal or state agencies. A civil grand jury focuses on specific matters within its jurisdiction.

In their investigative work grand jurors are expected to be fair, show sound judgment and maintain absolute confidentiality. A grand jury is not a forum from which to express political ideals or viewpoints. The ultimate goal of the grand jury's work is to make recommendations that are useful and will improve governmental operations.

### **3. Final Reports of a (Civil) Grand Jury**

A civil grand jury may, but is not required to, issue a final report upon completion of an investigation. Following approval by the Supervising Judge, the grand jury provides a copy of the report to the governing body of

the affected agency or to an elected official. Affected agencies and elected officials are required to respond to a final report to the Presiding Judge of the Napa Superior Court.

#### **4. Response to Final Report - Findings**

The legal requirement for response to grand jury findings and recommendations are set forth in California Penal Code Section 933.05. For the assistance of respondents, Section 933.05 of the Penal Code is summarized below. The person or entity must respond in one of two ways:

- That they are in agreement with the finding or
- That they disagree, wholly or partially, with the finding. In which case the respondent shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

#### **5. Response to Final Report –Recommendations**

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

- The recommendation has been implemented, with a summary of the action(s) taken.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis. If the 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’s final report by which time the recommendation will be discussed.
- 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.

#### **6. Budgetary or Personnel Recommendations**

If a finding or recommendation deals with budgetary or personnel matters of a county department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond, if the grand Jury so requests.

While the response by the Board of Supervisors may be somewhat limited, the response by the department head must address all aspects of the findings and recommendations.

## **7. Time and to Whom to Respond**

The Penal Code provides two different response methods:

- Public Agency – The governing body (i.e. Board of Supervisors, a City Council, a Board of Directors, a Board of Governors of a Special District a School Board etc.) of a public agency must respond within 90 days of service of the Final Report. The response must be addressed to the Presiding Judge of the Superior Court.
- Elected Officer or Agency Head – All elected officers or heads of agencies that are required to respond must do so within 60 days of service of the Final Report. The response must be addressed to the Presiding Judge of the Superior Court.

## **8. More Information**

For an application for civil grand jury service, general questions, comments, or more information, please write, call or email:

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