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VI. Overview of the Napa County (Civil) Grand Jury

A. Introduction to the Grand Jury

The 2013-2014 Napa County Grand Jury served a one-year term, from July 2013 through June 2014. It is a civil grand jury. The following provides a broad overview of the Napa County 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. Composition of a Napa County Grand Jury

Historically, a grand jury consisted of twenty-three members. In California, the size of a grand jury is regulated by section 888.2 of the California Penal Code, which varies the size depending on a county's population. Based on its population, in Napa County the number of authorized grand jurors for a grand jury is nineteen (whether civil or criminal).

3. Function of the Napa County (Civil) Grand Jury

A civil grand jury is an independent body. Its primary role is one of oversight. It is the responsibility of a grand jury to conduct examinations into county and local governments within the county to ensure that they are being operated honestly and efficiently. The Supervising Judge of the Superior Court, County Counsel, the District Attorney, and the State Attorney General can, and on occasion do, provide advice, but they may not prevent a grand jury from acting within its jurisdiction.

A county grand jury does not have jurisdiction over federal or state matters, and therefore has no authority to investigate federal or state agencies. It also has no jurisdiction over the courts (a state agency) or over specific matters that are in litigation in court. In Napa County, the grand jury that is convened each year for a term of one year does not become involved in initiating criminal proceedings. The District Attorney has authority to impanel a separate special grand jury for this purpose. A civil grand jury focuses on specific matters within its jurisdiction. A grand jury member does not participate if a matter presents a conflict of interest or an appearance of a conflict of interest.

Matters that might be worthy of a civil grand jury investigation are brought to the attention of the grand jury in different ways. It reviews and evaluates complaints that are received from residents of Napa County. It pays close attention to governmental conduct that is reported in the news media. It may undertake an investigation that comes about from the observations of grand jurors. The grand jury is required by law to inspect the detention facilities in the county each year. It is also required by law to issue at least one report on Napa County operations.

Generally, California civil grand juries inquire into the operations, accounts, and records of local government agencies, as well as the methods and systems that are being employed in the performance of their duties. All non-State and non-Federal agencies within Napa County, including joint power agencies and special districts, as well as events involving those agencies, can be investigated by the Napa County Grand Jury. The Napa County Grand Jury is provided with a detailed Procedures Manual that sets forth “best practices” for a grand jury. It also contains a detailed listing of governmental agencies that are subject to investigation by the grand jury on a suggested five-year cycle.

4. Investigations by a (Civil) Grand Jury

Typically, the civil grand jury forms committees of five grand jurors to undertake an investigation into a specific matter. The committee members meet with management and staff of the agency under investigation. Relevant records and physical facilities of the agency are inspected, and committee members may also attend public meetings conducted under the auspices of the agency. The committee follows up on leads that might

provide relevant information. Eventually, the committee prepares a report, with findings of fact and recommendations for the agency. A supermajority of at least twelve grand jurors must approve the report at a full meeting of the grand jury prior to submitting the report to the county counsel and the court.

In their investigative work grand jurors are expected to be fair, show sound judgment, and maintain absolute confidentiality. They must at all times be dispassionate in their work. 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.

5. 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 the affected elected official. It is not publicly released by either the grand jury or the affected agency or elected official until after it has been in the possession of the agency or official for two working days. Copies of final reports are maintained by the Court Executive Office, and are published online at <http://www.napa.courts.ca.gov/general-info/grand-jury>. The Consolidated Final Report is published in local newspapers, is available online at the grand jury website, and is also available at public libraries in Napa County.

6. Response to Findings and Recommendations of a (Civil) Grand Jury

Affected agencies and elected officials are required to respond to a final report to the Presiding Judge of the Napa Superior Court. The responses must satisfy the particularized requirements as set forth in section 933.05 of the California Penal Code. The Napa County Grand Jury requests that the official signing the responses certify above his or her signature that the responses are in fact in conformity with section 933.05 of the Penal Code. Thus, it is imperative that each respondent become familiar with the legal requirements of section 933.05 and if in doubt consult with legal counsel before responding. A civil grand jury can, though is not required, to review the responses for conformity to section 933.05 of the Penal Code.

The 2013-2014 Napa County Grand Jury did so in its first published report, included in this Consolidated Final Report.

For the assistance of respondents, section 933.05 of the Penal Code is summarized below.

Response to findings: The responding agency or elected official must respond to *each* grand jury finding, and can do so in one of two ways: the respondent must state either agreement with the finding or disagreement with the finding. If in disagreement, the respondent must identify the specific area of dispute. Most importantly, the respondent must provide an explanation that sets out the reasons for disagreement.

Response to recommendations: The responding agency or elected official must respond to *each* grand jury recommendation. The respondent has four choices under section 933.05(b) of the Penal Code:

- The recommendation has been implemented. If the respondent so states, the respondent must also provide a meaningful summary describing the implementing action.
- The recommendation has not yet been implemented. If the respondent so states, the respondent must also provide the timeframe within which the action will be implemented.
- The recommendation requires further analysis. If the respondent so states, the respondent must also include an explanation that describes the scope and parameters of such a study or analysis. Further, the respondent must advise that such further study or analysis will be prepared for discussion within a timeframe not to exceed six months.
- The recommendation will not be implemented. If the respondent so states, the respondent must also state either that the recommendation is not warranted or is not reasonable, and must provide an explanation supporting the respondent's position.

Section 933.05(c) contains further response requirements if a recommendation is directed toward an agency or department headed by an elected officer and relates to budgetary or personnel matters.

Timing of Response: Affected agencies have 90 days to respond following receipt of a report and elected officials have sixty days to respond.

The response of agencies must be directed to the Presiding Judge. The response of an elected official must also be directed to the Presiding Judge, but with a copy to the Board of Supervisors.

B. Civil Grand Jury Service

1. Qualifications for Service

A grand juror must meet the following legal qualifications:

- Be at least 18 years of age
- Be a citizen of the United States
- Be a resident of Napa County for at least one year prior to the next July
- Be in possession of natural faculties, of ordinary intelligence, of sound judgment, and of fair character
- Possess sufficient knowledge of the English language
- Be not discharged as a grand juror of any California court within one year prior to the next July
- Never have been convicted of malfeasance in office or of any felony or other high crime
- Not currently be serving as an elected public officer

2. Term of Civil Grand Jury Service

Each July nineteen residents of Napa County are sworn as grand jurors for a period of twelve months. Civil grand jury service is generally considered to be a ten-hour per week commitment (weekly hours will fluctuate), with each grand jury establishing its own work schedule. Each person who is selected to serve must be fully cognizant of the time involved. Each prospective nominee should thoughtfully weigh any and all personal and business obligations before accepting the nomination. A grand juror can seek to hold over for one additional term. Typically, one or two members of a Napa County Grand Jury have served on the immediately prior grand jury.

3. Application for Civil Grand Jury Service

All residents of Napa County are offered the opportunity to volunteer for civil grand jury service by filing an application with the Napa Superior Court. The application form is available online, at www.napacourt.com/

[general-info/grand-jury](#) under “Eligibility Requirements & Questionnaire” with link to Grand Jury Questionnaire. Judges and friends of the court may also nominate county residents. The Court may also summons in County residents for civil grand jury service. Each grand jury is impaneled for one year from July 1 through June 30. Up to ten grand jurors in their initial term of service may volunteer to hold over for an additional year, though in practice the number of grand jurors holding over is well less than five.

Applications for service on the next grand jury may be submitted at any time during the year prior to April 15 for the term beginning the next July 1. A prospective grand juror can apply by completing the online questionnaire or by contacting the Court Administrative Assistant at the address listed below.

C. Other Civil Grand Jury Information

1. Communication with the Civil Grand Jury

Napa County residents seeking to bring matters about County and local governmental operations to the attention of the Napa County Grand Jury can do so by writing or emailing the grand jury through Court Administrative Assistant, at the address listed below. No specific form of communication is required. The 2013-2014 Grand Jury undertook to revise the complaint form. It is available online, in English and Spanish, at www.napacourt.com/general-info/grand-jury by clicking on “Complaint Form” or “Complaint Form – Spanish” under “CITIZEN COMPLAINTS.” Use of the complaint form is encouraged; again, it is *not* required; a letter will also work.

A duty of the grand jury is to review all correspondence received from the public. The grand jury responds in one of the following ways:

- Investigate the matter and prepare a final report
- Investigate the matter and decide not to follow up
- Decide not to follow up without investigation

A sitting grand jury will address matters brought to its attention well into its term. Due to time constraints, matters coming to its attention late in its term may be referred to the subsequent year’s grand jury.

2. More Information

For an application, general questions, comments, or more information, please write, call or email:

Ms. Connie Brennan, CCLS
Court Administrative Assistant
Superior Court of California
County of Napa
825 Brown Street, Napa, CA 94559
Telephone: (707) 259-8305
Fax: (707) 299-1250
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