



# SUPERIOR COURT OF CALIFORNIA

COUNTY OF SONOMA

## YOUR SONOMA COUNTY GRAND JURY

“Watchdog” . . . “Ombuds Agency” . . . “Forum of Last Resort” . . . all of these terms correctly describe the Grand Jury. Under State law the Grand Jury is an independent institution that oversees the legislative and administrative departments that make up county, city and special district governments. The Grand Jury has the power to investigate them to ensure that they are efficient, honest, fair and dedicated to serving the public and individual citizens.

Many people associate grand juries with indictments in criminal cases, perhaps because the Fifth Amendment of the U.S. Constitution provides that no person can be prosecuted for a federal crime except upon indictment by a grand jury. Today in California there are two types of grand juries, civil and criminal. They are separate bodies and are governed by different rules. In Sonoma County, criminal grand juries are rarely used, because alternative methods are available to the District Attorney to bring criminal charges. This brochure describes the civil Grand Jury.

### HISTORY

The civil grand jury is an ancient institution. In England, the Magna Carta decreed by King John in 1215 provided for the election of 25 barons who were given the responsibility “to maintain and cause to be observed, the peace and privileges which we [the King] have granted to them.” They had the power to investigate misconduct by the King’s officials and “to distrain and oppress” the King by taking his “castles, lands and possessions ... until amends have been made according to their judgment.” California has used grand juries since it became a state, and every county has a civil grand jury, although they are not so powerful as the barons composing England’s civil grand jury.

### CITIZEN COMPLAINTS

Any individual who feels unfairly treated by the county, a city or a special district, or who believes that any agency, or any officer or employee thereof, is acting improperly, may file a written complaint with the Sonoma County Grand Jury. All complaints are held in strict confidence. Complaint forms may be obtained by calling the Grand Jury at 707-565-6330 or online at <http://sonoma.courts.ca.gov>. Completed forms should be mailed to P.O. Box 5109, Santa Rosa, CA 95402. (Only the Grand Jury has access to this postal box.)

### FUNCTION AND OPERATION

The principal function of the Grand Jury is to exercise oversight of all aspects of county and city government and special districts within Sonoma County to ensure that the best interests of its citizens are being served.

Although investigations are usually begun on the basis of citizen complaints, the Grand Jury also acts on its own initiative. A minimum of 12 of the

19 Grand Jurors must authorize the undertaking of an investigation. In conducting its investigations, the Grand Jury is authorized to:

- Inspect and audit books, financial expenditures of county and city departments and special districts to ensure that public funds are properly accounted for and legally spent.
- Inquire into conditions of jails and the treatment of inmates.
- Inquire into the performance of any county, city, or special district public official or employee.

The Sonoma County Grand Jury has four standing committees that carry out authorized investigations: Law and Justice, Human Services, County, and Cities and Special Districts. Ad hoc committees are created as circumstances warrant. Under the supervision of the full Grand Jury, the committees interview and in some cases obtain sworn testimony from witnesses.

The committees also evaluate the procedures, methods, and systems used by the various agencies to determine whether they are conducting their operations in a fair, efficient and economical manner and in compliance with applicable laws and regulations. They then prepare draft reports of the results of their investigations for consideration by the full Grand Jury.

## SECRECY

By law Grand Jurors are prohibited from disclosing the evidence obtained in their investigations and revealing the names of complainants or witnesses. Similarly, witnesses are prohibited from disclosing any proceedings of the Grand Jury.

## GRAND JURY REPORTS

The results of most Sonoma County Grand Jury investigations are contained in reports that set forth findings concerning the problems investigated and make recommendations for solutions. These documents are published either as Interim Reports during the year or in the Grand Jury's Final Report at the expiration of its term of office. A minimum of 12 of the 19 Grand Jurors must approve the content of any report. Once approved, all reports are reviewed by County Counsel and the Presiding Judge for compliance with the law before being released to the public.

By law, the governing body of any agency that is the subject of a Grand Jury report must comment on the findings and recommendations of the report within 90 days of its publication date, except that every elected county officer or agency head must comment within 60 days. The comments must be submitted to the Presiding Judge and must specify what action, if any, has been or will be taken by the department or agency in regard to the recommendations or explain why no action has been taken. This requirement gives the sitting Grand Jury or its successor the opportunity to track the results of investigations.

Copies of the Final Report of the Sonoma County Grand Jury are distributed in July as an insert of the Santa Rosa Press Democrat and are sent to the regional branches of the Sonoma County Library. Additional copies may be obtained by calling the Grand Jury at 707-565-6330 or online at <http://sonoma.courts.ca.gov>.

## GUIDANCE

The Grand Jury may call upon the following officials for advice and guidance in discharging its responsibilities:

- The Presiding Judge of the Superior Court for any type of advice and counsel it deems necessary for its efficient functioning.
- The County Counsel in connection with its operation and the rights, duties and obligations of grand jurors generally.
- The District Attorney in connection with possible criminal conduct uncovered in the course of an investigation.

## TIME COMMITMENT

In Sonoma County, the full Grand Jury usually meets weekly throughout the year at its offices in the county's Los Guilicos facility. In addition to those meetings, the committees of the Grand Jury meet as required, and their members spend additional time interviewing witnesses and reviewing documents. Typically, Grand Jury membership involves a time commitment of some portion of two or three days a week.

## SELECTION

The Sonoma County Grand Jury is composed of 19 members selected annually under the supervision of the Presiding Judge of the Sonoma County Superior Court with the assistance of the court's Administrative Office. By law, a Grand Juror must be a U.S. citizen 18 years of age or older, a resident of Sonoma County for at least one year, have knowledge of the English language, and have no convictions for malfeasance in office or any felony or any other high crime. In addition to meeting the statutory requirements, a Grand Juror should:

- Be able to fulfill the time commitment required to be an effective Grand Juror.
- Be in good health.
- Have the ability to work with others and be tolerant of their views
- Have a genuine interest in community affairs.
- Have investigative skills and an ability to write reports.

Each spring, applications for the new Grand Jury are solicited from the public. (Application forms may be obtained at the Administrative Office of the Sonoma County Courts, 600 Administration Drive, Room 107-J, Santa Rosa, CA 95403, telephone 707-521-6501 or online at <http://sonoma.courts.ca.gov>.) From the applicant pool, the judges of the Superior Court nominate 30 prospective Grand Jurors. In addition, several members of the existing Grand Jury are selected to serve another one year term in order to provide institutional continuity.

The prospective Grand Jurors are summoned to appear before the Presiding Judge of the Superior Court in a public session. At this time, the clerk of the court draws individual names at random. They are added to the holdover members until a total of 19 is reached; that body constitutes the Grand Jury for the next fiscal year. All 19 members then take the oath of office and are "charged" by the Presiding Judge concerning their duties and responsibilities. These citizens begin their one-year term in July.

## ORIENTATION

New members of the Grand Jury participate in a comprehensive orientation and training program organized by the holdover members. This program includes a review of investigative procedures, techniques of report writing, visits to county and city facilities, and meetings with various county and city administrators and law enforcement officers, as well as members of the previous Grand Jury.

## WHY BECOME A GRAND JUROR?

Those who serve on the Sonoma County Grand Jury feel privileged to be selected. They enter their service with interest and curiosity in learning more about the administration and operation of the government in the county in which they live. They give generously of their time for the betterment of government which, ultimately, belongs to them and to their fellow citizens of Sonoma County.