



The Sonoma County Civil Grand Jury

2023-2024

Policies and Procedures Manual

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[Superior Court of Sonoma County Civil Grand Jury Info](#)

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Introduction

To facilitate positive change in Sonoma County

The primary function of the Sonoma County Civil Grand Jury is to examine all aspects of local government, ensuring that the county is being governed honestly and efficiently and that county monies are being handled judiciously. Each grand jury is charged and sworn to investigate or inquire into matters of civil concern within the county. [Penal Code Section (PC § 888)].

The civil grand jury has two basic civil functions:

(1) to act as the public's watchdog by investigating and reporting upon the affairs of local government and

(2) to weigh the allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office as prescribed in Article 3, Section 3060, Chapter 7, Division 4, Title 1, of the Government Code (see Appendix F, Government Codes).

Policies and Procedures Manual

The purpose of this Policies and Procedures Manual is to provide written orientation for jurors concerning the fundamentals of the grand jury and the laws applicable to grand jury proceedings. It furnishes incoming jurors with information relevant to their roles and is a guideline for conduct throughout the phases of a grand jury term. The information and materials in this manual are a compilation of prior policy and procedures manuals used by Sonoma County Civil Grand Juries. This manual reflects best practices recommended by the preceding grand jury. **The sitting grand jury is urged to act, by a supermajority vote (12), to adopt this manual for its own purposes and to modify it from time to time as the plenary (full grand jury) may decide.**

Jurors are encouraged to note policies that should be revised to reflect the developments in technology and changes in the law.

Grand Jury Overview

The Sonoma County Civil 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; be a resident of Sonoma County for at least one year; have knowledge of the English language; and have no convictions for malfeasance in office, any felony, or any other high crime. In addition to meeting the statutory requirements, a juror will be most effective if able to commit at least 15 to 20+ hours per week, with potentially more time required from officers and committee chairs. Once committees begin writing their reports and administrative committees become active it may also increase the time commitment.

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Grand jurors need to demonstrate the ability to work cooperatively with others, be tolerant of all views and opinions, and have a genuine interest in making a positive impact on community affairs through local governance. They also need to have a working knowledge of computers for research, email, report writing, and communication.

Oath of Grand Jurors

I do solemnly swear (affirm) that I will support the Constitution of the United States and of the State of California and all laws made pursuant to and in conformity therewith, will diligently inquire into, and true presentment make, of all investigations carried on by the Grand Jury, of which the Grand Jury shall have or can obtain legal evidence. Further, I will not disclose any evidence brought before the Grand Jury, nor anything which I or any other Grand Juror may say, or the manner in which I or any other Grand Juror may have voted on any matter before the Grand Jury. I will keep the charge that will be given to me by the court.

Laws Governing the Grand Jury

The civil grand jury is a judicial body impaneled to act as an arm of the court to be a voice of the people. Section 23 of Article 1 of the California State Constitution requires that a grand jury be “drawn and summoned at least once a year in each county.” This constitutional mandate is supported by statutory provisions found in the following:

- Sections 888 through 940 of the California Penal Code (PC) relating to the selection and impaneling of grand jurors and the grand jury’s watchdog and indictment functions (See Appendix F, California Penal Codes).
- Government Code sections 3060 through 3075 cover the grand jury’s accusation process (See Appendix F, Government Codes).

The general category of the powers and duties of the grand jury is to investigate and report on various matters of county, city, and special district governments. Briefly, the grand jury’s powers and duties are:

- Investigate all branches of the county government to ensure they are being managed efficiently, honestly, and in the best interest of its citizens (PC §925).
- Issue a final report on the needs and operation of county departments, city governments, and special districts. Grand juries may issue reports during the year and do not necessarily have to wait until a consolidated final report (PC §§ 928, 933).
- Investigate and report on the operations, books, records, and accounts of county offices (PC § 925).
- Examine the books and records of any incorporated city or joint powers agency and investigate and report on the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency (PC § 925a).

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- Examine the books and records of any special purpose assessing or taxing district located wholly or partially in the county and investigate and report on the method and system of performing the duties of such districts (PC § 933.5).
- Report and make recommendations on its own investigation of county records and accounts, and report on county officials' records and accounts as ex-officio officers of any district (PC § 925).
- Order the district attorney to sue for money that the grand jury feels is due and owing to the county (PC § 932).
- Report on the need for increasing or decreasing salaries of county-elected officials (PC § 927).
- Meet with the subject of an investigation, during and 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 (PC § 933.05(e)).

The jury functions lawfully only as a body. Jurors, as individuals, may not conduct grand jury business or interview persons regarding grand jury matters.

In the following instances, the grand jury must obtain the concurrence of 12 or more jurors before it can (1) adopt rules of procedure, (2) conduct an inquiry into a request for investigative review, (3) conduct an investigation pursuant to an approved request for investigation (RFI), (4) carry over the investigative file of a case to the next grand jury, (5) send an official letter to a citizen or agency official, (6) recommend the removal of a juror to the presiding judge, or (7) adopt its final report. With a quorum being present, all other action taken by the grand jury may be agreed to by a majority of jurors.

The jury is required to submit a final report of its findings and recommendations to the Presiding Judge of the Sonoma County Superior Court. By law, governing bodies of public agencies and elected county officials must respond, either to agree or disagree with the findings, comply with the recommendations, or explain why no action or only partial action will be taken. While it has no authority to order or otherwise compel compliance with its recommendations, it is through its published report that the grand jury wields its power.

Quorum – Supermajority

The penal code sets the number of jurors for all counties with a population between 20,000 and 4,000,000 at 19 (PC §888.2). The supermajority for all those counties is always 12, no matter how many of the 19 jurors remain on the jury.

Committees also require a quorum or majority in attendance to receive a stipend. The only exception to this rule is an interview in which only two committee members are required.

Grand Jury Jurisdiction

While serious attention should be given to requests for investigative reviews, the grand jury's primary function is to investigate and report on the workings of Sonoma County, local city

governments, and special districts. The grand jury is effective in the investigation of local governments because it is an independent body, operationally separate from the entities and officials it investigates. It conducts its investigations under the auspices of the Superior Court and has broad access to public officials, employees, records, and information.

Confidential Proceedings

Good judgment requires that the utmost discretion be used by grand jurors in their committee inquiries into the policies, practices, and procedures of county and local governments. Grand jury statements or recommendations on public issues of any kind must come from the entire grand jury and appear only in official reports that legal counsel has reviewed. Oral recommendations are not to be made at any time, for any reason, by any member of the jury.

Historically, the requirement of confidentiality has shielded the investigations and deliberation of grand juries. This mandate serves to guard the jury's independence of action. Confidentiality protects witnesses called before the grand jury and encourages their full disclosure. Confidentiality also serves to protect the reputations of individuals and institutions investigated in matters for which the grand jury does not accuse or report.

Except under limited circumstances, proceedings before the grand jury must be conducted in complete confidentiality. Only members of the jury, witnesses being interviewed, and those persons specifically permitted by law may be present.

"Every grand juror who, except when required by a court, willfully discloses any evidence adduced before the grand jury, or anything which he himself or any other member of the grand jury has said, or in what manner he or any other grand juror has voted on a matter before them, is guilty of a misdemeanor." (PC § 924.1).

An interpreter, if needed, may be present during the examination of witnesses.

To assist jurors in carrying out their duty of confidentiality, the penal code provides jurors the privilege not to be questioned concerning grand jury matters.

"A grand juror cannot be questioned for anything he may say or any vote he may give in the Grand Jury relative to a matter legally pending before the jury, except for a perjury of which he may have been guilty in making an accusation or giving a testimony to his fellow jurors." (PC § 924.3).

Conflict of Interest and Impartiality

Conflict of Interest

Because of the grand jury's extraordinary fact-finding powers and the sensitivity of many of its activities, grand jurors must be careful to avoid involvement in areas where an actual or perceived conflict of interest might exist. Avoiding conflicts and the appearance of conflicts is important for several reasons. It protects the integrity of the investigation; it protects the investigation of the grand jury as an institution; and it protects individual grand jurors from civil and criminal penalties.

Recusal Policy

Grand jurors must inform the foreperson and recuse themselves from participating in any grand jury proceedings, deliberations, votes or writing when a real or perceived conflict of interest exists that might affect their objectivity, disinterest, or fairness in the conduct of grand jury business. Possible grounds for recusal include:

- Previous or present employment by entity being investigated.
- Volunteer or other working relationship with entity being investigated.
- Financial interest related to an investigation.
- Close and ongoing friendships or conflicts with interviewees.

Recusal Procedure:

- The foreperson should remind jurors the importance of recusal and review the grounds for recusal at the start of a new jury session.
- At the initiation of a new investigation, the foreperson should query the jury members if real or perceived conflicts of interest exist.
- Recused jurors must complete and submit the appropriate recusal form to the foreperson.
- The juror must recuse from any jury discussions by requiring the juror to either leave the meeting or by scheduling the discussion as the last item on the agenda and excusing the juror prior to the discussion.
- Minutes of each meeting should note that the juror was excused during any discussion of that topic.
- Notation of recusals must be added to any report where a juror was recused from participation in any discussions or actions regarding that particular subject (recommended language can be found on the CGJA website).
- The grand jury may consider adding a generic recusal notice at the end of each report (see Reports section of this manual).
- Include any recusal forms submitted by jurors with the documents sent to county counsel at the end of the term.

In accordance with Sonoma County's adopted Conflict of Interest Code, jurors are required to complete a Statement of Economic interests (Form CA 700) at the beginning of their service, at the beginning of a new calendar year, and upon termination of service. Jurors are prohibited from using their official positions to influence decisions in which they have a financial interest, an organizational responsibility, or where they have a personal relationship that would constitute a conflict of interest.

Bias

In addition to avoiding conflicts of interest, a grand juror must not have an identifiable bias regarding any actions that the grand jury may take. Bias is defined as a prejudgment of essential facts which prevents someone from considering the issue on its merits, or publicly expressed support or opposition to specific aspects of a matter before the jury. Having an informed opinion on an issue should not be considered the same as having a bias. The same procedures that apply to potential conflict of interest shall apply to bias.

Personal Gain

No member of the grand jury should use or appear to use the position for any kind of personal gain or advantage. Jurors should not accept gratuities except token gifts or mementos given to visitors as a matter of standard procedure. Transportation or moderately priced meals are not considered gifts if they are deemed necessary to conduct business in the field.

Conduct and Responsibility

The grand jury is a judicial body of the court. Jurors may act only through the grand jury as a body. Individually, jurors have no official standing, power, or authority.

A juror should:

- Participate in developing common goals early in their term and work cooperatively to meet them.
- Seek to establish a bond of trust and confidence with fellow jurors.
- Exercise discretion and diligence in conducting the business of the grand jury.
- Use the power of the grand jury only in the interest of the citizens of the county, not as a means of self-aggrandizement, gratification, or self-gain.
- Treat fellow jurors with courtesy and respect.
- Exercise caution in identifying themselves as jurors in matters other than those directly connected with grand jury matters. Juror badges should be worn appropriately.

A juror should NOT:

- Make public statements concerning grand jury matters.
- Discuss grand jury matters with anyone outside of the jury.
- Exert undue pressure on other jurors to change their minds on matters pending before the jury.
- Monopolize deliberations.
- Reach a conclusion on a matter until all sides of the question have been fairly considered.

A juror may take no action on behalf of the grand jury without the prior explicit approval and authorization of the entire jury. Unilateral action by a single juror can result in serious

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misperceptions by the public of the intentions and activities of the jury. A careless or reckless juror may harm the reputation of the entire jury. The jurors may form individual opinions about matters pending before the jury. However, the jury as a deliberative body must operate by consensus and express a collective opinion in its reports. Once consensus has been reached, all members shall support the decision.

Only the foreperson may act as official spokesperson for the grand jury. No other juror is permitted to make public statements about jury deliberations or operate as an individual in conducting grand jury business.

Because of their extraordinary powers, privileges, and responsibilities, jurors have a special obligation to exercise their authority and carry out their duties in a proper and responsible manner within the boundaries of the law. Jurors must never exploit or otherwise abuse their office.

The Code of Collegiality and Code of Ethical Conduct provide standards to help guide grand jurors in the areas of respectful working relationships and ethical behavior. The codes supplement but do not supersede the Grand Jury Rules of Procedure. The Code of Collegiality is described below, and the Code of Ethical Conduct can be found in the shared drive.

Code of Collegiality

- Assume goodwill.
- Listen actively.
- Speak thoughtfully.
- Prepare diligently.
- Show up promptly.
- Collaborate respectfully.
- Prevail graciously.
- Concede graciously.
- Strive for synergy and consensus.
- Follow the rules of order.

Holdovers

Under Penal Code § 901(b), the presiding judge may name up to ten jurors (holdovers) who served on the previous jury and who consent to serve for a second year. Holdovers are selected to help the incoming panel during its initial orientation and organizational period, to provide information and background on county and city government, and to accelerate the new panel's entry into the year's work. Historically, in Sonoma County, the presiding judge has limited the numbers of holdovers to no more than four. In the past, the presiding judge has approved a holdover to a third term when the juror was seated as an alternate during their first term.

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In or about February, the foreperson should discuss the holdover process with the jury and invite jurors who are interested and willing to serve another term to inform the foreperson of their interest. The presiding judge will make selections from those who have responded.

Although the presence of holdover jurors helps provide continuity, each new panel should establish its own objectives. A holdover grand juror has the added responsibility of helping to mentor incoming members, but they do not possess additional powers.

A holdover juror must not try to “take ownership” of any investigation that was initiated by the preceding grand jury. The role of the holdover grand jurors can be beneficial or detrimental. It is up to them and the other members of the new grand jury to work together to reap the benefit of the experience that the holdover jurors bring to the table. Due to confidentiality a holdover may not divulge information regarding prior investigations.

Removal of a Grand Juror

Only the presiding judge may remove a member of the grand jury. A departing grand juror must:

- Fill out the final form CA 700.
- Fill out the grand juror end of term form (see Appendix E). Foreperson retains it within a hard copy file folder.

Replacement

The plenary will discuss the need for a new juror and vote on it. If the plenary approves, the foreperson will contact the court to request a new juror. If approved by the presiding judge, the court shall summon or authorize the foreperson to summon the next available grand juror.

When a person is appointed by the court to fill a juror vacancy, the penal code sets a condition:

A person selected as a grand juror to fill a vacancy may not vote as a grand juror on any matter upon which evidence has been taken by the grand jury prior to the time of the person's selection. (PC § 908.1).

Operations and Organization

Orientation and Initial Meetings

Initially, the incoming grand jury will meet as often as needed for training in the functions, duties, and responsibilities of a grand jury.

As early as practicable in the term, members are assigned to standing committees and initial committee chairs are selected. At the conclusion of orientation and training, officers are selected in plenary session. **The policies and procedures manual shall be reviewed by the incoming jurors at an early meeting. The plenary can either approve the manual as is or they can vote to approve the manual chapter by chapter. Any changes to the policies and procedures manual shall be adopted prior to the end of the term.**

Technology is an important tool for each juror to accomplish the duties required. Early in the term, the incoming jurors will be issued a laptop computer (including case, power cord, mouse, cables, fob, flash drive and dongle.) In addition, each juror will receive a parking pass for use while at the county complex, key to grand jury meeting rooms at Los Guilicos, and county-issued identification badge with lanyard. These items will be returned at the end of their service.

Training

Training is an essential part of the learning process of new jurors. Experience indicates that the following are useful techniques:

- The foreperson will conduct an orientation for newly empaneled grand jury to discuss the duties and responsibilities of the jury, elect officers, discuss standing committees (investigative and administrative), discuss confidentiality, code of conduct and processes moving forward.
- Introductory training sessions are typically arranged through the California Grand Jurors' Association (CGJA) by the outgoing and incoming forepersons. In the past, other options included training conducted by the previous term's foreperson, the current term's foreperson, holdover jurors from the prior year, or other former grand jurors.
- The information systems department (ISD) provides special training on services and tools such as email accounts on the county network server.
- There may be additional software training to assure uniform skills in Outlook Email and Calendar, Word, Word's tools (track changes, compare, etc.), file naming conventions, control of editing changes, etc.
- "Meet and Greet" information seminars will be held to introduce the plenary to department administrators and functions within the county government. Leaders from cities, special districts, and joint powers agencies within the county may also be invited to present to the plenary. Tours of various facilities may also be scheduled.
- Participate in a report writing workshop organized by the CGJA.
- During the jury's term it can be meaningful to arrange "self-training" opportunities.

Parliamentary Practices and Rules of Order

Much of the grand jury's business is accomplished in plenary meetings and in committees. The goal is to hold orderly and expeditious meetings while operating informally, consistent with *CGJA Rules of Order Adapted for Grand Jurors*. If needed, *Roberts Rules of Order* shall prevail. A copy of the *CGJA Rules* is on the shared drive in the CGJA Resources folder.

Rules of order typically call for courtesy; these points are especially noted:

- The foreperson shall preserve order, may speak on points of order in response to members' inquiries, and shall rule on questions of order.
- When speaking, members shall take turns, address the jury, and confine their remarks to the question under discussion.
- When a motion is being discussed, no other motion or proposal shall be received except motions to adjourn, table, postpone to a certain time, refer to a committee, amend, or postpone indefinitely.

Typical motions during grand jury plenary proceedings, all of which require a supermajority to pass, are as follows:

- To start an investigation by having an RFI approved
- To publish a report
- To send an official letter to a citizen or to an agency official
- To recommend removal of a juror for cause and
- To change a standing rule of procedure.

Attendance

Regular attendance at all general meetings and committee meetings is an essential part of a grand juror's responsibility. The overall quality of the final report and all other grand jury work is dependent on the efforts and contributions of all 19 jurors. The plenary may wish to establish its rules for attendance early in the term. Absent jurors may impact the quorum requirement (12) to conduct the business of the jury.

It is the responsibility of the individual grand juror to notify the foreperson whenever they will be absent from a plenary meeting. Each juror should also notify the committee chairperson in case of an absence from a committee meeting.

The Sonoma County Civil Grand Jury's practice has been to meet weekly. In addition to attending general meetings of the plenary, each juror will serve as a member on one or more committees. These committees will meet as needed.

In cases of excessive absenteeism, excused or not, the plenary may choose to recommend the removal of a juror in accordance with the provisions under the Removal of a Grand Juror section. Such actions should be taken on a case-by-case basis. The foreperson will notify the

presiding judge of the Superior Court of any such recommendation. The judge will determine whether a sitting juror will be removed and whether an alternate juror will be appointed.

Digital Communication

Email

Much of the grand jury communication is handled through email using the county's Outlook system with a protected log-in. Jurors will need to become proficient with this system so they can receive/send documents and participate in grand jury dialogues that occur through email. Confidential information should not be sent to or from personal email accounts.

To print when not at the Los Guilicos location, documents can be printed to pdf and saved on the county-issued flash drive (also known as a thumb drive or USB drive). This drive can then be used to print a document. Jurors should keep in mind that the county-issued flash drives have no security (encryption), so deleting documents from the flash drive after printing is advised.

Email messaging between individual jurors regarding grand jury business is essential. Use of an encrypted email service will protect grand jury security. All such email shall include the following statement below the body of the message:

CONFIDENTIALITY NOTICE: *This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.*

Virtual Meetings

At times, the ability to meet face-to-face may not be possible. This could include plenary meetings and committee meetings. It is recommended at the beginning of the term the plenary agree, by a supermajority vote, to allow the use of virtual meetings or telephone meetings. Video and teleconferencing can be effective if security precautions are taken, and all participants can hear each other. It is vital to ensure proper security protocols such as protecting the virtual meeting room with a password.

Compensation and Reimbursement

Jurors will receive compensation and reimbursement for attending official grand jury-related functions/meetings, including mileage and incidental purchases. Jurors fill out monthly expense reports for meeting stipends, mileage, and reimbursement claims. These claims are submitted electronically to the treasurer via email and processed at the beginning of each month.

Questions or changes to this policy are addressed to the CAO by the treasurer or foreperson.

Expense Reports

At the beginning of the term and in January of a new year, the CAO will forward an individual Excel expense report to each juror for use in reporting their expenses. Jurors will fill out the

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expense report for each month noting the date and type of meeting (general meeting or committee meeting) and any incurred expenses or mileage.

At the end of each month, each juror enters their data into their electronic Excel expense report (named: juror last name, month, and year, e.g., Jones July 202X.xlsx) and emails it to the treasurer. The treasurer verifies that the meetings entered on each juror's expense report agree with the attendance data from the plenary minutes and All Committee Attendance worksheet. If any expenses have been entered that require a receipt, a scanned copy of the original receipt, in the form of a PDF file, should also be emailed to the treasurer (named: juror last name, month, year and receipts, e.g., Jones July 202X receipts.pdf). Committee chairpersons must contemporaneously log meeting attendance to the All Committee Attendance worksheet found under Officer/Treasurer/Expense Reports.

Current County Employees: Jurors who are also county employees are cautioned to carefully review county policies on grand jury compensation.

Stipends

Jury members will be paid for the following:

- General Meetings: (\$15.00 each) This stipend includes any meeting *after the swearing in* where a quorum of the jurors is present. This includes orientation, training, plenary meetings, tours, report writing class, etc.
- Committee Meetings: (\$12.50 each) This stipend includes any meeting where there is a quorum of committee members in attendance including: committee meetings, investigation interviews, a tour involving committee members only, etc. In addition, any meeting in the general category may be converted, with the approval of the foreperson, to a committee meeting stipend due to a lower number of participants. The description column on the expense report should reflect that it is a committee meeting for which a stipend is being claimed and should **not** refer to the investigation title. NOTE: If fewer than a majority of the committee members are in attendance only mileage can be claimed. A quorum is not required to claim stipends for interviews, but a minimum of two committee members is required.

Maximum - Only two stipends per day (in any combination) are reimbursable:

2 generals (\$30.00), 1 general and 1 committee (\$27.50), or 2 committees (\$25.00).

Important: When a third meeting takes place on the same calendar day, only the mileage associated with the third meeting (if any) is reimbursable.

Quorum: To claim a stipend for a committee meeting, a majority of the committee members must be in attendance. For committees of four or five, this means at least three members. Interviews only require two committee members to be present.

Caution: When claiming expenses for investigation interviews, DO NOT include the name of the person being interviewed on the expense form. Enter the line item as "Committee Meeting-Interview(s)." Also, do not identify the name of the investigation on the expense report.

Operations and Organization

Mileage

Jurors are paid mileage for the use of their personal vehicles while performing grand jury business. The rate of reimbursement is determined each January.

A juror's *normal* round-trip mileage is from their home to the primary plenary meeting location. It is important to recognize that this is where many errors are noted. When the plenary meeting location changes or there is an additional meeting on the same day at a different location, only the *additional* mileage is compensable not multiple round trips.

At the beginning of the term, the per-mile allowance will be entered on the individual expense claim form (for the current year at the prevailing rate) by the CAO administrative aide. The per-mile charge may change at the beginning of the following year, as determined by the IRS. The CAO administrative aide will provide each juror with an updated expense report template when the mileage allowance changes.

Other expenses

Expenses in this category may include, but are not limited to, lunch at the report writing class, restocking of office supplies, postage, lodging, printing, conference fees, etc.

Miscellaneous expenditures submitted for reimbursement on the monthly expense report must be authorized by the foreperson and include scanned original receipts. Any trips out of county and their related expenses are only reimbursable if approval was obtained from the foreperson.

Any expenses related to coffee, morning snacks, etc. are paid out of the money contributed by the jury members and monitored by the sergeant at arms. They are not the responsibility of the treasurer and are not submitted for reimbursement to the county.

Before purchasing any office or computer supplies, jurors should check with the sergeant at arms for local availability of required items.

Facilities

The Sonoma County Grand Jury meeting room is in the Los Guilicos complex at 365 Casa Manana Road, Unit K, Santa Rosa.

- Unit K includes three rooms for Jury use (see Appendix H, Map to Los Guilicos Facility). The jury room is equipped with a speakerphone system for incoming/outgoing calls.
- Main phone number: (707) 565-6330 Fax number: (707) 565-6328
- Mailing address: PO Box 5109, Santa Rosa, CA 95402.
- The grand jury also can reserve Classroom A or Classroom B for training or meetings. (See Appendix H for Sonoma Public Infrastructure contact information)

There is ample parking outside the facilities at Los Guilicos. Each juror will be issued a parking permit to place in their car when visiting the county complex on any type of official county business. The permit allows parking only in the designated parking area.

Operations and Organization

Each juror is provided a key to the facility and other keys as needed, which must be returned at the conclusion of the juror's term. No member of the public is allowed in the copier room or the computer room unless a juror is present.

The grand jury rooms, cabinets, and files are to be kept locked when the facility is unoccupied.

The sergeant at arms will secure the jury rooms at the end of each plenary meeting. However, the last juror to leave the building is responsible to see that all doors are locked, lights are off, and to ensure that the building is left in secure condition. A checklist is posted in the computer room.

Following are the recommendations for security of the jury meeting rooms:

	Copier Room	Computer Room	Main Room
Turn off:			
• Copier main switch	X	NA	NA
• Thermostat is in the off position	X	NA	X
• Lights	X	X	X
• Shredder is off (emptied if needed)	X	NA	NA
• Coffee/tea pots - cleaned & unplugged	NA	X	NA
Close blinds, lock all windows	X	X	X
Lock Doors:			
• Between Copier Room and Hall	X	NA	NA
• Between Copier and Computer Room	X	X	NA
• Between Computer and Main Room	NA	X	X
• Main Room outside door	NA	NA	X
Locks / Keys:			
• File Cabinets	X	NA	NA
• Keys in lock box – box locked	NA	X	NA
• Restroom key hung inside door	X	NA	NA
Garbage/Recycle bins - empty	X	X	NA
Refrigerator empty/clean	NA	X	NA

Officers and their Duties

The officers of the grand jury are foreperson, pro tempore (pro tem), corresponding secretary, recording secretary, treasurer, and sergeant at arms. Other officers may be added or created as necessary.

The current foreperson may recommend a member of the present jury to the presiding judge as the succeeding foreperson. Additional officers are filled on a volunteer basis from the jurors with approval of the plenary.

Foreperson

The primary responsibility of the foreperson is to facilitate and oversee the grand jury and committee functions to ensure they operate effectively and efficiently. To this end, the foreperson should be in regular consultation with the committee chairpersons and should require frequent progress reports on the work being handled by each committee.

The foreperson, with the approval of the plenary, represents and acts as the spokesperson for the jury to all outside persons and entities. The foreperson also has duties related to indictments and the accusation function, which the district attorney will discuss with the foreperson if the need arises.

Some foreperson duties are found in the penal code (§§ 916, 932, 933 (a), 933.05, 939.1, 939.4) See Appendix F for specific laws in the penal code and the government code that apply to the foreperson.

The foreperson:

- Oversees all activities of the grand jury and makes sure the jury conforms to all penal code requirements.
- Can vote on all matters and has the determining vote in a tie.
- Prepares agendas for and presides at plenary sessions and executive committee meetings.
- Checks the grand jury phone for messages each weekday (which come via email).
- Acts as the official spokesperson for the grand jury, handles media contacts and publicly represents the grand jury.
- Ensures grand jury recusal policy is followed (see Conflict of Interest section) and that no recused juror takes part in discussion, voting or writing of report in question.
- Serves as ex officio member of all committees.
- Monitors the progress of committees as they conduct investigations and draft reports to ensure all work is conducted in a timely manner to complete the final consolidated report by term's end.
- Ensures that jurors receive adequate training and orientation.
- May place witnesses (interviewees) under oath.

Operations and Organization

- Signs all grand jury reports and accusations (with prior approval of the supermajority).
- Signs correspondence and, with the court's approval, issues press releases.
- In coordination with the publications committee, develops a press release for investigative reports.
- In coordination with the publications committee, develops a press release for the compliance report regarding local government's responses to reports.
- Monitors jury expenditures to stay within budgeted funding: consults with county budget representatives if the budget needs to be increased or modified.
- Consults with the presiding judge, county counsel, and district attorney on administrative or legal issues; may be accompanied to meetings with these officials by the pro-tem.
- Initiates any formal request for legal advice or assistance, including private counsel.
- Reviews requests for investigative review with the grand jury for rejection or referral for initial review to the appropriate investigative committee.
- Participates in the resolution of personal differences between jurors.
- Receives and reports to the presiding judge and to county counsel any juror report of threats or harassment, including posting false information on social media.
- Initiates any request to the presiding judge for removal of any jurors for excessive absences or other good cause.
- Coordinates with presiding judge when needed for appointment of an alternate juror.
- Communicates with and orients the alternate juror called to serve.
- Coordinates with the court executive officer to ensure the grand jury webpage on the Sonoma County Superior Court's website posts information when appropriate and timely, including:
 - Final reports and consolidated final reports released by the grand jury.
 - Responses received from respondents to final reports.
- Remains available for 45 days after the term's end, to clarify recommendations made in the final report, and enlists other former jurors as needed.
- Remains available for consultation with the incoming foreperson for 60 days into the new term.
- Except for duties required by the penal code, may choose a designee or delegate duties to other officers when appropriate.
- Maintains the Excel spreadsheet list of all jury members. The list should reflect name, email address (personal) contact numbers, addresses, etc.

Pro Tem

The pro tem assists and advises the foreperson as needed. The primary responsibility of the pro tem is to step in and assume all the functions of the presiding officer when the foreperson is absent or recuses. In case of prolonged or permanent disability of the foreperson, the pro tem acts as foreperson until a new foreperson is appointed by the presiding judge.

The pro tem shall be fully informed and engaged in all functions of the foreperson duties to effectively assume those responsibilities as needed. The foreperson must ensure that the pro tem can rise to the occasion. It is best for the foreperson and pro tem to develop a strong collaborative working relationship. The foreperson shall keep the pro tem informed of administrative and personnel matters. They work closely together, allowing them to leverage their skills and knowledge.

The pro tem should be familiar with all sections of the penal code that relate to the grand jury's function. For purposes of reference, they shall have all such provisions available and in possession at all general meetings. They shall also provide trainings and/or co-facilitate as requested by the foreperson.

Corresponding Secretary

The corresponding secretary is the primary assistant to the foreperson in providing administrative support to the grand jury. The corresponding secretary is responsible for the receipt of mail addressed to the Sonoma County Civil Grand Jury, writing letters as directed by the plenary or the foreperson, and obtaining the foreperson's signature on all correspondence before mailing.

Some examples of essential job functions are:

- Weekly mail pickup from the Santa Rosa main post office.
- Date stamp mail received and deliver it to the appropriate juror including treasurer, foreperson, or committee chairperson as directed.
- Contact Juvenile Justice Center front desk, as needed, for any interoffice mail received in the grand jury mailbox.
- Purchase stamps as necessary for mailings and obtain reimbursement.
- Manage requests for investigative review:
 - Maintain the master calendar of investigations Excel spreadsheet listing all requests for investigative review received and stored within the jury shared folders.
 - Date stamp, assign a number, and record all requests for investigative review. File requests for investigative review in the requests for investigative review binder located in the locked file cabinet. Numbers are assigned as month, year and the number starting with 000. For example, July 2023, case #1 would be assigned as 0723-001. An "R" would be appended to rollover requests for investigative review.

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- Save a copy of all requests for investigative review and acknowledgement letters to complainants for items rolled over to the next jury term.
- Open a new master calendar of investigations for rollover requests for investigative review.
- Scan requests for investigative review into PDF files and store them in the requests for investigative review folder in the shared files
- Send to complainant “General Acknowledgement Letter”, as authorized by the plenary. Store electronic copy in the requests for investigative review folder within the shared drive.
- File original requests for investigative review according to the three-digit case number.
- Email file to entire plenary for review and discussion at next plenary.
- Critical Incident Reports – Received from the district attorney’s office
 - Scan all reports and save within the current year’s shared folders.
 - File original in a folder (stored in filing cabinets in copier room).
 - Notify plenary and designated committee of receipt.
 - Maintain a master log of all critical incident reports. This is an Excel report listing all critical incidents received and stored within the jury shared folders.
- Maintain the master log of all **requests for investigations** (RFIs). This information is contained in the requests for investigative review Excel master log on the shared drive. The log should note if the plenary approved the RFI for full investigation or a limited investigation.

Recording Secretary

The recording secretary shall keep minutes of every grand jury general meeting. The minutes should show:

- The time of convening and the names of absent jurors or, alternatively, the number of jurors present and absent (note if meeting is conducted electronically).
- The time of adjournment.
- When anyone, other than a grand juror attends or visits a plenary meeting, make note of the name of the guest, the time the guest arrives and the time that the guest departs. Do not discuss any grand jury business while a guest is present unless the guest has been admonished.
- Any jurors recusing themselves during plenary discussions. Note the juror’s name and the investigation that is being discussed.
- Any juror attending a meeting via speaker phone or other electronic media.

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- A record of all motions made, and the action taken on the motions. No names shall be recorded. In bold, use **M/S/A** (motion, second, approval), or **M/S/F** (motion, second, failed) to signify.
- A record of requests for investigations (RFIs), requests for investigative review and other matters brought to the grand jury, discussions concerning issues before the grand jury, and actions taken by the grand jury.

Familiarity with the grand jury rules of order is important whenever the foreperson moves to formal proceedings for agenda items.

After each plenary meeting, the recording secretary will put the minutes in the shared “Items to Review File”. The minutes will stay in the file until the next plenary meeting. Meeting minutes are formally approved at the following meeting. If needed, additions or corrections to the minutes, as determined at the following meeting, are inserted prior to permanently filing the minutes as a PDF in the Plenary/Minutes shared folder. The recording secretary will make every effort to have the minutes available, for review, within two-three days of the plenary meeting.

Treasurer

The treasurer is responsible for organizing, reviewing, tracking, reporting and delivery of various financial transactions and documents. Some of the activities include obtaining form signatures, tracking completion of CA 700 forms (in conjunction with the foreperson who receives filing confirmations from the CAO administrative aide), collecting electronic copies of monthly expense claims (including pdfs of reimbursable expenses), reviewing for accuracy, and forwarding electronic versions for payment; obtaining; reviewing and discussing budgets with foreperson and maintaining back-up files as needed.

At the beginning of the term, the treasurer should make an appointment to introduce themselves to the CAO administrative aide with whom they will be working closely over the coming year.

It is strongly recommended that the treasurer have a basic knowledge of spreadsheets and experience using Excel software. This will help in maintaining and providing the foreperson with any requested data.

Treasurer-related tasks

Juror Forms

Caution: Juror information is confidential-Do not share information with anyone other than the designated administrative aide and always maintain files in a secure location.

CA 700 Forms (Compliance Issue)

At the beginning of each term, The CAO administrative aide provides an electronic package of the current version (202X-202X) of CA 700, Attachments A-E, and instructions to each juror. Each juror **MUST** complete, sign, and electronically file the CA 700 form and any appropriate attachment(s). Note: All forms CA 700 must be filed electronically by the juror, and ***once filed, the CA 700 Form becomes a publicly available document***. The treasurer **does not receive or** retain copies of the CA 700 and attachments. Jurors who hold over from the prior term are not

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required to complete the end of term CA 700 for the previous term or start of term CA 700 for the new term. The foreperson receives CA 700 form filing confirmations from the CAO administrative aide. The treasurer, in consultation with the foreperson, should maintain a list of jurors who have not yet filed form CA 700 and provide this data to the foreperson. The CAO administrative aide will not process vendor registration forms (see below) or expense claims for jurors who have not completed the CA 700.

Note: (1) Use the P.O. Box address and phone number as shown on the sample that is included with the electronic package from the CAO administrative aide – NOT the juror’s personal address,

(2) Use the Sonoma County email address – NOT the juror’s personal email address.

Any juror who is seated as a replacement must complete the CA 700 as of the date that they assumed their role. The CAO administrative aide will email all forms to the new juror with a cc to the treasurer. The replacement juror should contact the CAO administrative aide if the CA 700 package is not received.

Any juror leaving jury service before the end of the term (regardless of reason) must complete another CA 700 form. The CAO administrative aide will email the form to the ex-juror. The foreperson receives confirmation of CA 700 filings from the CAO administrative aide. The treasurer should therefore confirm with the foreperson that the form CA 700 has been filed within a reasonable time and contact the ex-juror if it has not been.

Supplier Request Form

Jurors must complete a supplier request form at the beginning of the term to receive payments from the county. Each juror will receive a unique number and once a number is issued, the CAO administrative aide will email the juror an individualized expense claim form. Jurors must submit the supplier request forms directly, electronically to the CAO administrative aide.

Payee Data Record

All jurors must complete a payee data record form at the beginning of the term to receive payments from the county. Jurors must submit these forms directly, electronically to the CAO administrative aide.

Request for Direct Deposit

Any juror who would like to have direct deposit of their expense reimbursement must complete ACH vendor/payment enrollment form. A voided, cancelled check must be attached. The jurors must submit this form electronically to the CAO administrative aide.

Waiver of Expense Claims

A juror may wish to waive compensation and reimbursement for mileage and other expenses. The CAO administrative aide has a form for this and will provide it upon request. This form should be completed, signed, and returned to the treasurer who will forward it electronically to the CAO administrative aide. The treasurer retains an electronic copy in the online expense reports folder.

Expense Reports

The treasurer has the duty of monitoring expenses and informing the foreperson of the state of the budget. These two officers should consult quarterly at a minimum.

The treasurer must give the foreperson timely warning of possible budget deficiencies. The CAO administrative aide provides the treasurer with a monthly budget status report. However, because there is typically a significant time lag between the submission of expense reports and payment, the budget report does not reflect actual expenses submitted to date. It is highly recommended that the treasurer track juror expenses as expense reports are received, so that the budget report is up to date. A suggested format for tracking is the master expense spreadsheet stored in the treasurer's online folder in the shared grand jury folder.

The grand jury shall not spend money or incur obligations for more than the amount budgeted (Penal code § 914.5).

When the treasurer takes office, they need to set up individual monthly folders on the shared drive/202X-202X grand jury/officers. Recommendation: add a sub-folder to move expense reports to as they are submitted to the CAO administrative aide for payment. This helps to avoid duplicate submissions.

At the last meeting day of each month, the treasurer should remind the jurors to complete an Excel expense sheet for the previous month. The treasurer, using the All Committee Attendance worksheet, found within the treasurer's folder on the shared drive, will cross check each expense report for attendance and confirm that the meeting had a quorum (if required).

Expense reports received and verified no later than the 15th of each month will be submitted to CAO administrative aide for that month's processing. All other reports will be submitted in the following month.

The All Committee Attendance worksheet is used to document attendance at committee meetings and interviews. Committee chairpersons should enter attendees into the worksheet immediately following any committee meetings to document participation.

See Compensation and Reimbursement for additional detail regarding stipends and mileage.

At the end of each month, each juror emails the treasurer the electronic Excel version of their expense report (named: juror last name, month, and year, e.g., Jones July 202X.xlsx). If any expenses have been entered that require a receipt, a scanned copy of the original receipt, in the form of a PDF, should also be emailed to the treasurer (named: juror last name, month, year and receipts, e.g., Jones July 202X receipts.pdf). After verification of attendance data, including confirmation that meetings had a quorum (if required), the treasurer electronically submits the expense forms and any receipts to the CAO administrative aide. This process is done once each month.

Errors on previously submitted expense reports

If an error is discovered on a previously paid expense report, it should be discussed immediately with the CAO administrative aide.

Operations and Organization

If an expense was omitted from the previously submitted expense claim, add the omission to the next expense report if it is in the same calendar year. If it is in the previous year, create an additional expense claim and label it at the top “ADDENDUM.”

If the error resulted in an overpayment, create a claim for the single item that was incorrect, label it at the top “CORRECTION”, enter the dollar value to be taken back as a negative. For example: A plenary meeting was submitted at \$15.00 but it should have been a committee meeting at \$12.50. Use the correct date and description but reflect the net change of -\$2.50 (\$12.50 allowed less \$15.00 paid).

End of Year Form 1099

On or before January 31 in the new year, Sonoma County will issue a 1099 form to any juror who received taxable income (i.e., stipends) in an amount greater than \$600 in the previous calendar year. A Form 1099 for jurors with amounts less than \$600 is not required, but jurors should remember that all taxable income is reportable. Mileage and other reimbursed expenses are not taxable income.

Sergeant at Arms

The responsibilities of the sergeant at arms fall into three categories, security, protocol, and maintenance.

Security: The sergeant at arms is responsible for maintaining security and secrecy during grand jury plenary sessions.

- Monitor and work with all members to keep the grand jury offices secure.
- Coordinate the issuing of ID badges to jurors.
- Issue keys to jury members, maintaining a record of who was issued keys for files, doors, and mailboxes by number with the juror’s signature confirmation (Excel spreadsheet saved in sergeant at arms officer’s folder.)
- Maintain the grand jury key lockbox. Duties include:
 - Changing the batteries as required.
 - Changing the combination.
 - Maintaining the lockbox key (in case combination is lost).
 - Securing the lockbox at close of plenary.
 - Passing on the lockbox key and instruction manual to the next sergeant at arms.
- Juror resignation: Collect badges, keys, parking passes, executed copy of grand jury separation agreement, and county laptops from each resigning juror. Keys and parking passes will be held and issued to replacement jurors. Computers to be returned to county IT department unless otherwise directed.
- Adding new jurors: Issue keys, badges, and parking permits to new jurors per above.

Operations and Organization

- End of jury term: Collect flash drives, recording devices, keys, and parking passes and pass them on to a holdover juror. The keys and parking passes are to be given to the new sergeant at arms by the holdover juror. Collect laptops, computer bags, and IT related supplies to hand over to ISD. Collect badges to return to the CAO administrative aide. Have all jurors sign the juror exit form (see Appendix E).

Protocol: The sergeant at arms and the other grand jury officers ensure that visitors and speakers are briefed and follow grand jury protocols. The sergeant at arms also shares the responsibility to remove and recall recused members from a meeting during any deliberation on the specific investigation where there might be a conflict of interest.

The sergeant at arms arrives early on plenary/general meeting days to open doors, turn on lights, copier, HEPA devices, heater or air conditioning and answer the door during general meetings.

Maintenance: This officer is also responsible for making sure the equipment and facilities are serviceable and meet the needs of the grand jurors as outlined in procedures. A less formal responsibility is hospitality (coffee, tea, and snacks) that is a part of the many meetings at the grand jury office.

- Housekeeping is a shared responsibility with the sergeant at arms providing oversight and organization. Including but not limited to:
 - Ensuring kitchen area is kept clean with coffee pots emptied and washed.
 - Trash/recycling removed to the appropriate bins in the parking lot.
 - Refrigerator kept clean and free from old/expired items.
 - Securing any air purifiers that have been used during meetings and monitoring them for cleanliness.
- Buy kitchen supplies: coffee, filters, water, and paper/plastic serving supplies with petty cash collected from the jurors.
- Maintain and keep a log of interview recorders (four).
- Contact Sonoma Public Infrastructure for repair of items and meet repair/service personnel at grand jury facility, if necessary. Note: Due to the grand jury computer and copier rooms being locked, Sonoma Public Infrastructure does not have access without a member of the jury present. This includes yearly review of all fire extinguishers.
- Purchase office supplies (copy paper, staples, pens, wall calendars, etc.) and turn in receipts for reimbursement.
- Contact Sonoma Public Infrastructure for purchase or repair of fixtures and furniture (see Appendix H).

Advisors to the Grand Jury

In the performance of its duties, the grand jury may, at any time, seek legal advice from the presiding judge, the county counsel, the district attorney, or the attorney general. PC § 934(a).

Operations and Organization

All formal requests for assistance shall be made by the foreperson. The foreperson will forward a PDF copy of the grand jury's policy & procedure manual when a new presiding judge or county counsel occurs.

Superior Court Judge

The Presiding Judge of the Superior Court in Sonoma County oversees the functions of grand jury. The jury may request advice and assistance from the judge at any time on any matter, whether civil or criminal.

The presiding judge is authorized by law to withhold a jury report from public release if it exceeds the scope of the jury's investigative jurisdiction; the jury must secure the judge's review and approval of its reports prior to public release. In addition, the judge can be especially helpful on matters involving hearing procedures and organizational and administrative issues. Unless advice is requested, the judge of the court or county counsel as to civil matters, shall not be present during the sessions of the grand jury (PC § 934(a)).

County Counsel

The county counsel is the legal advisor on civil matters to the county and all its departments, commissions, and to several special districts. County counsel is not the jury's advocate. They are bound by confidentiality restrictions on jury matters and the confidentiality of the attorney-client relationship. However, since the office of the county counsel also represents the board of supervisors, all county departments, and some special districts, there is an inherent risk of a conflict of interest as issues arise in which those entities are also seeking legal counsel. County counsel will notify the foreperson of any potential conflict.

If the grand jury questions the legality of investigating a matter brought to its attention, it should ask the opinion of the county counsel or the district attorney before starting an investigation. Any opinion rendered by county counsel or district attorney should be secured in writing. In the unlikely event of any legal action against the jury, county counsel would be called upon to defend the suit. County counsel is available to the jury and its committees to aid in determining jurisdiction, drafting resolutions, preparing reports and related activities.

Any outside communication made at the direction of county counsel by the foreperson, or a member of the jury, must be reviewed and approved by counsel before distribution.

District Attorney

The district attorney acts as legal advisor to the jury in criminal matters. The grand jury may request the district attorney to issue a subpoena for witnesses, books, records, documents, and other evidence. At any point in an investigation where it appears a subject of the investigation may have committed a criminal offense, the district attorney should be immediately consulted. Failure to do so could jeopardize the jury's investigation, as well as any subsequent criminal proceedings.

The district attorney may appear before the jury to give information or advice relative to any matter pertinent to the jury.

Attorney General

The grand jury may request assistance from the attorney general through the presiding judge or by writing directly to the attorney general's office.

Upon request, the attorney general may employ special counsel and special investigators to assist the jury (PC § 936). In practice, the jury would usually call upon the attorney general for assistance only where both the district attorney and the county counsel are unavailable to serve as a legal advisor.

Private Counsel

The jury may retain private counsel in situations where the district attorney, the county counsel, and the attorney general are all unable to assist (PC § 936). The jury is not authorized to seek advice from private counsel informally (PC § 936).

California Grand Jurors' Association

The CGJA website can provide valuable information on general topics. While they can provide useful information, it is always a best practice to consult with the grand jury's legal advisors.

Committees

The grand jury is most effective when it conducts its work through collaborative groups of four to six jurors organized in committees. Committees are formed at the pleasure of the plenary to accomplish the purposes of the grand jury; they exercise only those powers granted to them by the plenary. No committee alone may act in place of the full plenary body in matters as defined in Penal Code § 916, other than public actions consisting of investigations authorized by the plenary. No committee will release or present anything to the public (reports, fact sheets, talks to community groups, etc.) that has not been approved by the plenary. Additionally, some documents and presentations may require approval by county counsel and/or the presiding judge. If unsure of the scope of this requirement, committee chairs should consult with the foreperson.

The definition and duties of committees shall be as determined by the plenary and may be modified as needed by the plenary. While experience shows that the committees described below will typically meet the jury's needs, it is ultimately up to the current jury to decide which committees are established in their term. These committee choices are only offered as a default until the jury votes on their committee adoption.

- There are two types of committees: investigative and administrative as defined below.
- Committees may meet more or less frequently than the plenary.
- A scribe may be appointed by each committee as needed and minutes may be maintained within the committee folder.
- When matters concern more than one committee, members may potentially attend other committee meetings in which they are interested. As a matter of courtesy this should be coordinated with the committee chair.

Jurors typically participate on more than one committee. Generally, jurors indicate their preference for a particular committee from a list of standing committees. The foreperson then assigns jurors to committees considering the members' expressed preference. If needed, the foreperson may rebalance the committee assignments in concert with the affected committee chairpersons. It is recommended that only one holdover jury member be assigned to each committee to spread holdover experience over as many committees as possible. The foreperson serves as an ex-officio member of all committees.

Chairpersons: Selection and Duties

Committee chairpersons may be appointed by the foreperson or elected by committee members. Committee chairpersons should be chosen for their ability and willingness to serve. The duties of the committee chairperson include:

- Prepare agendas and preside over meetings.
- Log meeting attendance of all committee members to the All-Committee Attendance worksheet found within the treasurer's folder on the shared drive.

Committees

- Prepare or guide in the preparation of a Request for Investigation (RFI), (see Appendix C, Request for Investigation) as decided on by the committee for the plenary approval.
- Ensure committee investigations maintain the focus approved by the plenary and detailed in the RFI.
- Provide the plenary with weekly progress reports.
- Consult with the foreperson about any problems that might impede committee work.
- Ensure the coordination and organization of witness interviews and activities (see Organizing the Interview in the Investigations chapter of this manual for additional information).
- Develop a press release for investigative reports in coordination with the foreperson.

Investigative Committees

Investigative committees pursue requests for investigative review or other topics of interest raised by members of the grand jury about local government. Investigations will include searching for facts, determining their significance, and reaching conclusions that lead to recommendations for improvement. If appropriate, an investigative committee will use what they have learned to write a report that, with plenary approval, will be part of the grand jury's final report. This is the grand jury's primary mission.

Cities and Special Districts Committee

This committee concerns itself with the operations of incorporated cities, special districts, and joint-power agencies which do not fall under the purview of other committees. When possible, random attendance at those organizations' meetings may help ensure that the interest of the public is being served, and that government code sections regarding open meetings are being followed.

Examples of Cities Operations

City Administrator
City Elections
City Planners
Recreation and Parks

City Clerks
City Engineers
Fire Districts

City Councils
City Manager
Mayors

Examples of Special Districts Operations

Air Pollution Control
Community Service
Memorial Buildings
Reclamation
Transportation

Ambulance Service
Fire Protection
Mosquito Abatements
Sanitation
Wastewater

Cemetery
Lighting
Public Utility
School Districts
Water Agency

County Agencies Committee

This committee concerns itself with offices of the county government. They may attend meetings to ensure that the interest of the public is being served, and that government codes regarding open meetings are being followed.

Committees

Examples of County Operations

Emergency Management	Economic Development Board	County Library
ISD (Information Systems Dept)	Sonoma County Open Space	Permit Sonoma
Clerk-Recorder-Assessor	Auditor-Controller-Treasurer	
Board of Supervisors		

(For a complete list, see <https://sonomacounty.ca.gov/view-all-departments>)

Health and Human Services Committee

This committee examines social and health services operating in Sonoma County.

Examples of Health and Human Services Subjects

Behavioral Health Services	Child Protective Services	Animal Services
Human Services	Veterans Services	Public Health
Housing and Community Development	Human Resources-Civil Service	

(For a complete list, see <https://sonomacounty.ca.gov/view-all-departments>)

Law and Justice Committee

This committee considers matters concerning public safety, the criminal justice system, and penal institutions.

Examples of Law and Justice Subjects

County Counsel	County Morgue	Critical Incidents
Detention Facilities	District Attorney	Jury Commissioner
Juvenile Detention Facilities	Police Departments	Probation Department
Public Defender	Safety Coordination	Sheriff-Coroner

Continuity Committee

The continuity committee builds a bridge between one term of the grand jury and another that **always** includes:

- Monitoring responses to the previous grand jury's consolidated report as defined by PC 933, to follow up on missing, tardy, or incomplete responses.
- Working with the Superior Court's Manager of Judicial Services (707) 521-6500 to ensure that all solicited responses from the prior year's report are posted to the Superior Court's website. <https://sonoma.courts.ca.gov/general-information/grand-jury/grand-jury-reports-responses>
- Evaluating responses to determine if they comply with penal code requirements. If deficiencies are present, and if the continuity committee deems it necessary, noncompliant respondents can be contacted in writing and given an opportunity to amend their original responses. Templated emails, created especially for this purpose, and authorized by the presiding judge, are available in this manual (see Appendix H) as well as on the jury shared drive.
- Writing a compliance report that summarizes the committee's review of the responses in table format. This table includes the original recommendations, the responses, and our observations to the responses. The committee may choose to include all responses in the table, or only those that the committee has deemed non-compliant with the

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penal code. These observations (or findings) meet the penal code requirement that states that every grand jury report must contain at least one finding. The completed report is submitted first to the editorial committee, and then to the plenary, county counsel, and court for their approval. Once approved, the compliance report is made ready for publication.

The work of the Continuity Committee **may** also include:

- Initiating a new investigation by submitting an RFI to the plenary. This investigation can review previous jury reports.
- Continuing the work of the preceding jury through a Penal Code §924.4 process. The preceding jury or the presiding judge may pass on investigative records for this purpose.
- Assisting with the training or orientation of new jurors if requested by the new foreperson. Since they would be acting as mentors, and not as sworn holdover jurors, these former jurors would not be privy to confidential information.

Administrative Committees

Administrative committees are non-investigating groups that support other committees and the grand jury with focused services including editing and publication of all grand jury reports. Some juries prefer to consolidate some of these functions with fewer committees:

- Editorial – supports report writing and editing.
- Publications – supports publication of the consolidated final report and other documents.
- Outreach – supports public relations and outreach to the community.
- Technologies – supports computer and communications needs.
- P&P Manual – supports annual updating and improvement of the grand jury's Policies and Procedures Manual.

Editorial Committee

Responsibilities, purposes, and functions

The editorial committee shall review and edit reports submitted by the investigative committees. The goal is to develop quality reports by working cooperatively. The committees share a responsibility for producing reports that deal meaningfully with matters consistent with the grand jury's purposes. When completed, reports are submitted to the plenary for review and approval.

Formation of the committee

The editorial committee consists of jurors with editing skills who have committed to proofreading and editing the reports presented to them. In contrast, jurors on the investigative committee have concentrated on discovering facts about a chosen topic, and now they need to communicate their findings in a report. The two emphases and fresh eyes combine to establish a new sharing of ideas - and a better report.

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- Grand juries have an option when they organize the editorial committee. Organizing the committee early in the term may facilitate the planning processes and communications with the plenary body. Delaying committee appointment allows the grand jury to assess the writing and editing skills of its members.
- Jurors serving on the editorial committee are highly encouraged to attend a one-day writing and editorial workshop taught by the California Grand Jurors' Association; other interested jurors often attend as well.
- Typically, the editorial committee consists of five members, with at least one representative from each of the investigative committees. Jurors interested in serving on the editorial committee are cautioned that during the report period (from mid-January through late May), they can expect to devote 12–15 hours per week in report review and meetings, in addition to their other committee work and meetings.

Plans for setting standards for editing and publications

The editorial committee, working in partnership with the publications committee, will:

- Define a plan for report standards that will be submitted to the plenary for approval.
- Define their strategy and process the committee plans to follow, including workflow processing and schedule, and submit it to the plenary for review and adoption. Define the modes and media targeted for public release of the consolidated report.
- Determine if the publication plan includes publishing both a consolidated report and (separately) an abstract of the consolidated report: Define the scope and content of the final report summaries as part of the publications plan approved by the plenary.

Report standards

The editorial committee establishes report standards that are consistent throughout each committee's report. These standards may include:

- How reports are to be organized (many juries use CGJA's report template, available at cgja.org under "Jury Resources").
- Use of features such as formats, fonts, and the software or templates (see CGJA's template) used in preparing the reports.
- Use of a specific style manual such as the Chicago Manual of Style or the AP Stylebook, or its own style guide that includes grammar, punctuation, spacing, etc.
- Processes and schedules for report preparation, approval, and release.
- Clarification if the report standards for the abstract section differ from the rest of the report, and how editorial will edit the final report summaries separately and/or differently than the rest of the report.

The editorial flow processes

The editorial flow process includes many steps:

- Editorial should meet with each investigative committee long before they submit a draft, preferably in person with all committee members present. The purpose of this meeting is to reach alignment on the report editing process and the basic capitalization and punctuation conventions. This also allows editorial to gain an understanding of the

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investigation that will assist them in reviewing the report draft for continuity, consistency, and tone.

- Investigative committee members with Word experience will write their committee's report directly into the structured writing template. If no one in the committee has word processing experience, the IT committee or other members of the plenary will be asked for assistance.
- When the investigative committee is satisfied with its draft report, it sends the report hyperlink to the editorial committee. A member of the investigative committee may attend the editorial committee's review sessions to aid in the process and answer questions.
- The editorial committee reviews the report for clarity, readability, completeness, content, and conformance to the approved format and editorial standards. The editorial committee returns the file to the investigative committee with suggestions and edits for further review.
- The investigative committee makes appropriate changes, clarifying what is needed, perhaps based on further research or interviews, and sends the report back for further editing.
- After several rounds of editing and revising, the final draft will be sent to the full plenary group for their review, input, and/or approval. The plenary's input may require the investigative committee to conduct additional investigation and revise the report before it is approved.

Editorial Practices and Timeline

- When an investigative committee has a rough draft that provides a good overview of the investigation, it should request a meeting with editorial, in person.
- Investigative committees should submit rough drafts of their proposed reports, including clear statements of facts and findings, to the editorial committee for general review and overall editorial suggestions. During this first review, the editorial committee should avoid line-by-line editing and wordsmithing. See Suggested Timeline under the Reports section of this manual.
- As the report writing continues, investigative committees will submit more polished reports to the editorial committee. Editorial will review each draft for adherence to the agreed-upon format; completeness; clarity; logic; and mechanical problems (formatting, sequence; organization, word usage, grammar, spelling, and punctuation).
- The editorial committee is also responsible for providing feedback to the investigative committee about the effectiveness of the report from the perspective of the intended audience. This may include questions on various aspects of the underlying investigations, verification of facts and sources, and evidentiary basis of conclusions.
- The editorial committee should not make changes that alter the meaning of the report without the consent of the committee that prepared the report.

Publications Committee

The grand jury may decide to either form this committee to complete the tasks necessary to publish and distribute reports or to integrate the publishing workload into the editorial

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committee. The final reports, the consolidated final report and the final report summaries are the responsibility of this committee.

The publications committee works in partnership with the editorial committee to develop a timeline. The goals with publishing, however, are very different than the purely editorial ones of content, writing style, and impact. Publishing goals are along visual lines, rather than text related.

Recruiting jurors with skills and experience in contract management, report design, and/or publication will help this committee achieve its goals.

Duties of the publications committee:

- Work with the foreperson and plenary to confirm and approve all information within the published reports
- Coordinate and manage the publication of the policies and procedure manual, report summaries and the grand jury's final report. Ensure all timelines are met.
- Create final report design.
- Create final report summaries insert for the local newspaper.
- Provide guidelines for the electronic distribution of reports.
- Work with the designated printer/publisher to establish a timeline for publication and distribution. This will include deadlines, copy format, artwork, and the number of copies needed.
- Work with the Continuity Committee to complete a 20XX-20XX GJ Report Responses/Continuity Excel report. This report will track all responses to the final reports.

For additional information regarding the publication of reports see the Reports section of this manual: Final Report Timeline, Suggested Procedures for Issuing Reports, and Final Report Distribution.

Information Technology & Training Committee

The grand jury is encouraged to establish a technology committee to assist with:

- Computer system requirements and improvements.
- Personal assistance and accommodation.
- Ongoing juror training to supplement initial Information Systems Division orientation to laptops and county network.

Specific assignments and goals may include the following:

- Establish a general awareness of computer and communications technologies useful to the grand jury. Recommend potential changes and improvements to the plenary when appropriate.
- Establish an understanding of the layout of all folders related to the grand jury and stored within the GJY network drive. Assist jurors on how to use folders and documents by establishing consistent procedures for document management to ensure that documents are secure and discoverable.

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- Maintain a general review of the overall computer system provided to the grand jury by the county. Communicate to all grand jurors about significant changes in computer system capabilities and functions including, when appropriate, advice for how to adapt to changes.
- Ensure that all jurors are prepared to change their password every 90 days per county requirement.
- Establish and maintain ongoing contact with designated personnel in the county's Information Systems Division and facilitate communications with them when needs arise. Encourage jurors to use info and tech committee members first for non-emergency issues.
- Assist individual grand jurors who may need help with computer and communications technologies including hardware, software, accommodation, and available services.
- Provide training or arrange for training of grand jurors, in a group or individually as needed, pertaining to computer and communications technologies, including software used by the grand jury.
- Assist the jury with technical questions that might arise.

Committee members should have prior skills and interests in computer and/or communications technologies. The committee chairperson should be chosen for these abilities. Representative skills and experience may include any of the following:

- Personal computers and their maintenance.
- Integrated computer systems, network drives, and directory structures.
- Web-based meeting communication, especially Zoom.
- Using a VPN and other "from home" usage issues.
- Windows 10 and Office; Outlook (email and calendar), Excel, and Word.
- Advanced Word features such as mail merge, tracking changes, and large document layout.
- Knowledge of sign-on, and Multi Factor Authorization (MFA). Familiarity with Enterprise Windows networks, basic security, password reset, file naming conventions, file retention, and basic Windows troubleshooting.

Outreach and Publicity Committee

The Superior Court has primary responsibility for recruitment for the grand jury. It is also the court's responsibility for all media advertising. At times the court may work in conjunction with the California Grand Jurors' Association (CGJA) and the current Sonoma County Civil Grand Jury.

The outreach committee members, as well as any other members of the grand jury, may meet with community members. When they do, they may provide information and speak about:

- How the grand jury functions.
- The jurors' personal experiences.
- How to apply to the grand jury.
- How to file a request for investigative review by the grand jury.
- How to access grand jury reports on the court's website.

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- The grand jury fact sheet.

All information shown to the public, such as slide presentations or printed material, must be either supplied by the court or approved by the presiding judge prior to use. At all times the proceedings and investigations of the current grand jury remain confidential and secret

Objectives of the outreach committee:

- Build strong awareness and positive public image for the grand jury's role in the community.
- Coordinate grand jury outreach with the court executive officer through the grand jury foreperson.
- Submit reports for recognition through the CGJA Excellence in Reporting Awards program.

Policies and Procedures Manual Committee

This is a committee of experienced jurors who understand the jury process. They utilize the Policies & Procedures(P&P) Manual committee folder to store the recommended updates. The formal review of the manual should begin as early as practical.

Throughout the jury term the plenary approves the updates and other revisions. A new manual is printed for the succeeding term.

Ad Hoc Committees

Ad hoc committees are formed for special purposes, as needed, with the approval of the plenary. Once they have concluded the assigned tasks, the committees are disbanded.

Ad hoc committees may be either investigative or administrative.

Investigations

How the grand jury conducts an inquiry or investigation can be as important as its findings and recommendations. The investigative process may influence the findings and recommendations, how the public perceives the report, and how the officials mentioned in the report react.

The purpose of a grand jury investigation is to produce a report that makes a meaningful contribution to the improvement of various public entities within Sonoma County. The grand jury is required by California statutes to conduct certain investigations. The investigative duties of the grand jury can be categorized as:

- **Mandated investigations**
- **Requests for investigative review**
- **Self-initiated investigations**

Mandated Investigations

Mandated investigations are those that the California Penal Code requires the grand jury to undertake.

According to the penal code, the grand jury must investigate the following:

- The accounts and records of local government officers and agencies operating within the county. Each jury has discretion as to which departments it will review and the scope. At least one government entity must be reviewed each term, on a selective basis, as part of the ongoing process. Every grand jury should perform its share of investigations, so that all agencies are reviewed regularly.
- The need for an increase or decrease in the salaries of the county elected officials, when requested by the board of supervisors.
- Penal code § 919 mandates an inquiry into the condition and management of public prisons. This mandate allows inquiry into certain prisoners in the county jail. The California Attorney General has opined that the term “prisons” includes local jails. There is no correct mandate as to the statutory duty regarding prisons. Some Sonoma County Grand Juries have chosen to investigate the local jails while other chose to tour a detention facility (Main Adult Detention Facility, North County Detention Facility or the Juvenile Hall). The CGJA believes that any investigation activity that provides information to the grand jury about the condition and management of the jail would be sufficient to constitute a required inquiry. Information may be obtained through interviews, reviewing public reports/documents, or doing further research. The purpose of an inquiry is to determine whether there may be issues or problems that the grand jury might wish to investigate and possibly write a report. An inquiry does not require a report. The CGJA website refers to a facility “inspection.” According to the CGJA, the purpose is not to imply that entry into a prison or jail is mandated, but if a tour is given, there are certain things that the jurors should look at to determine the facility’s condition, cleanliness, etc.

The second statutory mandate under Penal Code § 919 is to inquire into an allegation of willful or corrupt misconduct by a public official. This Code section uses the term “inquire”, not “inspect” or “investigate.” These terms are not interchangeable.

The grand jury may also self-initiate investigations with the same scope.

Requests for Investigative Review

Every grand jury receives communications regarding grievances. Although the grand jury is not required to accept or act on requests for investigative review, as a matter of policy, the jury encourages these requests and discusses them in plenary session. Not all requests for investigative review lead to investigations or reports, but the jury often chooses to investigate these as part of its watchdog function. Requests for investigative review forms can be found in English and Spanish on the county website at sonoma.courts.ca.gov. (see Appendix B, Request for Investigative Review). These requests are handled in strict confidence to protect the complainant's identity.

Requests for investigative review, whether or not acted upon, frequently assist the jury in identifying areas of county government in which citizens/residents have concerns. One request for investigative review investigation can uncover other additional issues.

All requests for investigative review, except those originating from the district attorney or the court, should be in writing or in an email, preferably on the standard form. Requests for investigative review cannot be accepted over the telephone. The request should include a return address, phone number, email (if available) and the signature of the complainant, although this is not required for a jury to start an investigation.

- Anonymous letters may be treated as valid requests for investigative review under special circumstances and with due discretion by the jury. The letters are filed pending additional information or a signed form; if nothing is received, the unsigned letters are destroyed at the end of the jury's term.
- A complainant can refuse to be interviewed and, in that instance, the plenary may decide to discontinue the review or investigation.

When a request for investigative review is received, it should be given prompt attention in accord with procedures adopted by the plenary:

- The corresponding secretary receives each request for investigative review and immediately logs it into the master calendar of investigations (master request for investigative review log), and files it (see corresponding secretary section of this manual).
- The corresponding secretary scans the request for investigative review and any attachments for the plenary. The originals are placed in the file cabinet. An electronic version is placed into the requests for investigative review master folder and the master calendar of investigations is updated. At the next plenary meeting, new requests for investigative review are discussed.

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- The plenary considers the information contained in the request for investigative review and decides if the request should be closed or assigned to the appropriate investigative committee as an inquiry to determine if it merits investigation.
- If the plenary votes to close the request for investigative review, the matter is not referred to an investigative committee for further action. If the plenary votes to refer the request to an investigative committee, it should do so as an “inquiry” for an initial evaluation. The decision of the plenary should be recorded in the minutes of the plenary meeting.
- Once the plenary votes to close the request for investigative review or initiate an inquiry, an appropriate general letter of acknowledgement is sent to the complainant upon approval of the plenary.
- If the complainant is an inmate within a county detention center, it should be noted that all correspondence to inmates from the grand jury may be inspected prior to delivery to the inmate. General letters of acknowledgements are vague and do not include confidential material.

All acknowledgement letters are signed by the foreperson. All correspondence regarding requests for investigative review that is not in the form prescribed in Appendix B, Acknowledgements -Request for Investigative Review, must be approved by county counsel before being sent to the public.

The grand jury may decline to act on any request for investigative review, without justification and without notice. By policy, the jury will typically decline action for any of the following reasons:

- The request for investigative review is not within the authority of the jury to investigate.
- The complainant has not sought remedy from the appropriate department or agency.
- The request for investigative review has been filed with another investigative agency.
- The issue of the request for investigative review is in litigation.
- The request for investigative review is redundant to another previously considered.
- The request for investigative review was received too late in the jury’s term to process satisfactorily.

If the request for investigative review is not closed, it is assigned to an investigative committee to inquire into the request, and report back to the plenary with either:

- An RFI (Request for Investigation) and motion to adopt it; or
- A motion to close the request for investigative review and discontinue further work on it, for whatever good reason the committee may assign.

Carryover Requests for Investigative Review

Requests for investigative review received too late in the year for adequate consideration will remain open and recorded on the master calendar of investigations for the successor grand jury. Rollover requests are identified with an “R” on its case number. A saved copy of all requests for investigative review and acknowledgement letters to the complainant should be retained in the request for investigative review shared folder.

The retiring grand jury may forward an investigative file to the successor grand jury, for any of its investigations, consistent with PC § 924.4. It may do so by supermajority vote of the plenary. Holdover jurors remain bound by PC § 911 (the oath of confidentiality) and PC § 924.1 (the confidentiality statute) not to disclose to the new grand jury the substance of any discussion or evidence adduced by the prior grand jury that is not contained within the investigative file.

Note: Persons communicating with the grand jury about requests for investigative review or other matters are not subject to the grand jury’s confidentiality requirements unless and until they are admonished as a witness in an investigation. They are free to disclose publicly any of the correspondence that was produced prior to that time, but are not allowed to disclose any discussions with the committee regarding such correspondence.

Self-Initiated Investigations

The grand jury’s primary role is to investigate. The fact that a county department or agency, or a city or special district, has been reviewed within the recent past does not preclude further investigations by the current grand jury. Jurors could refer to the master calendar of Investigations or prior years’ grand jury reports to determine the nature and scope of prior investigations. Careful consideration should be given to previous audits, reports, and responses.

Public concerns relating to agencies within the county may stimulate grand jury investigations. Other sources of cases are news stories and work by prior grand juries. Subjects of investigations carried over from previous years, or inadequate responses to prior report recommendations by an agency can be fruitful sources of new cases. However, self-initiated cases should not be investigated if the subject matter impacts a current grand juror. (See Conflict of Interest and Impartiality in the Introduction chapter.) If a committee wishes to commence an investigation, an RFI will be submitted to the plenary for consideration.

Critical Incident Reports

It has been the practice of most prior Sonoma County Civil Grand Juries to review critical incident reports received from the district attorney. The authority for these administrative reviews is derived from the Sonoma County Law Enforcement Employee-Involved Fatal Incident Protocol.

The district of attorney will periodically forward to the grand jury a critical incident log reflecting pending investigations in Sonoma County. Upon the completion of the district attorney’s investigation a copy of the full critical incident report is sent to the grand jury. It is at the discretion of the jury to investigate if the involved agency followed their procedures.

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Generally, at the end of each term, the jury's reports on these critical incidents are consolidated and may be included in the final report and labeled critical incidents. However, each jury, at its discretion, determines whether it will continue the practice of reviewing and reporting on these critical incidents.

The corresponding secretary maintains a critical incident report log. This is an Excel spreadsheet listing all critical incident reports received and stored within the grand jury shared folders.

The county's critical incident protocol can be located by using the search term "Critical Incident Protocol" in the main grand jury file folder for the current term.

Accusations

An Accusation is a formal charge of criminal wrongdoing. It is a statement that a person has engaged in an illegal or immoral act. California Government Codes GOV §§ 3060 – 3075 define the process.

The accusation is a written statement of the offense charged in ordinary and concise language and delivered to the district attorney by the foreperson, unless the DA is the officer accused. The grand jury may present an accusation against any officer of a district, county, or city, including any member of the governing board or personnel commission of a school district in which the officer accused is elected or appointed. To present the accusation, there must be a concurrence of a supermajority of 12 grand jurors. Any investigation in the matter would fall under the category of a request for investigative review or self-initiated investigation and the same procedures are required. "A grand jury shall make no report declaration, or recommendation on any matter except on the basis of its own investigation." Penal Code § 939.9

The grand jury would be required to conduct its own investigation and not rely solely on the results of a formal investigation by an outside entity nor allegations. GC §3060 grants the authority to file an accusation for misconduct while in office. The conduct must have occurred while the person was in the current term of office. It cannot be justified by any wrongful or improper act or omission of which the person may have been guilty prior to the commencement of their current term. Official misconduct requires a direct relationship of the alleged wrongdoing to the office held; the person's official capacity for the position held, or the performance of the person's duties in their official capacity, or a violation of any statute that would give rise to a charge of official misconduct.

Should the grand jury attempt to pursue this process against any official within the county, it should seek counsel from the district attorney and/or county counsel.

Investigative Processes

Penal Code §§ 925 and 925a allows the grand jury to investigate any of the operations, accounts, and records of the county, any special legislative district, other districts in the county created pursuant to state law or any incorporated city or joint powers located in the county. CGJA interprets this to mean any operation of any county board, commission, committee, department, office, or officer as long as the grand jury does not comment on the merit, wisdom

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or expediency of an entity's substantive policy determines. (78 Ops.Cal.Atty.Gen. 290) For example, if the county does not have a policy for responding to complaints, the grand jury can recommend that the entity develop a policy, but if a policy exists, the jury should not comment on the particulars of the policy.

The committee may follow these basic steps following a referral by supermajority vote to undertake an inquiry:

- Obtain and review applicable documents, including department or agency policies if publicly available.
- Research applicable statutes, ordinances, and regulations.
- Following its initial research pursuant to an inquiry, either draft an RFI for plenary approval or recommend to the plenary that the case be closed.

Initial Committee Review

Preliminary research by the committee is not only a helpful tool, but one that can highlight early issues that must be reviewed. The committee should consider the following:

- What is the issue?
- Does the grand jury have jurisdiction over the government body at issue?
- What are the objectives of the inquiry?
- Why is the inquiry being conducted?
- How will the agency or department be improved by the inquiry and the recommendations?
- Is the department in compliance with applicable governing laws and regulations?
- Is the department achieving acceptable cost-efficiency in its operations?
- Is the department meeting the needs of the public?
- Does this department interact cooperatively with other departments?
- Is the department employing appropriate financial and accounting procedures?
- What policy and procedures of the government body are available for immediate review to better understand the inquiry?
- Who are the government personnel mentioned in the request for investigative review and where are they identified in the personnel roster of the government body?
- Information needed for a request for investigative review should include the complainant, the subject of the request, and the dates of occurrence.
- Review historical reference log found under the general reference material for past investigations. Review if or when an entity was previously reviewed by the grand jury.

Much of the information may be available online. Some suggestions for research resources are:

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- Internet search engines (i.e., Google).
- State statutes and local ordinances.
- Organization charts, job descriptions, budgets, and manuals of procedure.
- Recent news coverage (i.e., archives of The Press Democrat).
- Web sites of grand juries in other counties and the California Grand Jurors' Association.
- Web sites of County agencies and boards (agendas, minutes, videos).
- Prior grand jury reports, Sonoma, and other counties.
- The grand jury library, digital and print.
- Public meetings a committee member can attend as a private citizen.

The Request for Investigation (RFI)

The RFI is the investigative roadmap. The RFI communicates to the plenary the nature of the investigation, the initial scope, and the investigative plan. It further informs the plenary of the investigative goals of the committee and the committee that continues throughout the grand jury term. A supermajority of 12 Jurors must vote to approve an investigation based on the RFI. As the committee investigation proceeds, any substantial changes in the investigative plan must be brought back to plenary for review and further approval (see Appendix C, Request for Investigation).

After the committee has reviewed the available information needed to evaluate the request for investigative review, the committee must obtain approval from the plenary for an RFI in order to continue with an investigation. The plenary may approve the RFI for full investigation or approve it with a limited scope. In order to expand on limited scope approvals, after the initial investigation, the committee would be required to draft an updated RFI and approval from the plenary in order to continue.

The steps to be followed in conducting an investigation following plenary approval of an RFI could include the following:

- Conduct interviews.
- Review documents.
- Conduct site visits.
- Validate research.
- Draft a report and submit to the plenary for review and approval.
- Conduct optional exit interviews with the appropriate agency head to review the findings developed during the investigation.
- If at any time during a committee's investigation, the committee determines the investigation has no merit, it should inform the plenary and the investigation may be closed. This should be documented within the request for investigations log.

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The corresponding secretary maintains a master log of all RFIs. The log should note if the plenary approved the RFI for full investigation or a limited one.

Organizing the Interview

All committee members should be involved in the interview process, so it is important that they are knowledgeable about effective interview techniques and practices. If the grand jury intends to make well-founded conclusions and recommendations, it will need to plan its interviews carefully with that goal in mind.

Things to consider and do before the interview (for interviews regarding an inmate in the county jail see the last bullet point of this section.):

- Research subject matter before the interview. The participants should clearly understand the goal of the interview.
- Attendance by all committee members is preferable. A minimum of two jurors is required at all interviews, including phone calls.
- Determine location of interview. Interviews may be conducted at the grand jury facility or in a private conference room or location that is private and secured at the worksite of the interviewee. Any such conference room or location must not have any recording devices in operation except for recording devices being used by the grand jurors conducting the interview. If an interview is held off site to accommodate the interviewee, instruct the interviewee at the time of setting up the interview of the prohibition against any recording devices in the room or location where the interview will be conducted and arrange to have the conference room or other selected location available for the interviewers for up to one hour after the interview to review the information obtained during the interview
- Interviews may be conducted via Zoom. Should this format be utilized, advise the interviewee that they are required to be in a private location during the interview and that the interview will be recorded. All committee members should log-onto the Zoom session at least 10 to 15 minutes prior to the start time. For additional security when setting up the Zoom meeting use the Waiting Room option. Turn on the “admit” option to control when the interviewee is allowed to enter the session.
- Initial contact with the interviewee should be via email or written communication to set up the interview. If telephone conversations with an interviewee become necessary, at least two jurors must be on the call. Should further preliminary communication be required, email is preferred so that a written communication record is created. *Sample language:*

My name is _____. I am a juror with the Sonoma County Civil Grand Jury. The grand jury investigates governmental institutions within our county to better understand how the departments and/or organizations function. The grand jury is conducting an investigation for which we believe you can provide both information and insight. We would like to schedule an interview with you. If you would

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like to learn more about the civil grand jury, you may review previous reports at:
<http://sonoma.courts.ca.gov/info/administration/grand-jury>

Are you available on (Day of week), (Date), (Year) at (Time) to meet? Grand jury interviews typically last an hour to an hour and a half and are conducted under strict rules of secrecy. We can meet at the grand jury offices at Los Guilicos or another location that would work for you. Wherever we meet must have a private meeting area where our discussions cannot be overheard, interrupted, or recorded.

Please note as directed by the California Penal Code all correspondence, emails, phone conversations and interviews are subject to confidentiality requirements. We are obligated to advise you through an admonishment agreement that we will both sign, detailing the nature of the confidentiality requirements. We cannot reveal who we interview, the subject matter of our interview, what we discussed, or any other aspect of the interview with anyone except members of the jury. Our reports cannot identify or quote anyone we interview. Interviewees are similarly subject to secrecy; we need to meet either in a private room such as a meeting room or office, or via Zoom as long as you are in a private location. You also cannot reveal any of the substance of our conversation.

Thank you.

- Any phone conversations with the interviewee should be limited to interview scheduling or housekeeping matters. Email is a preferable method to request additional documentation. Copies of all email communication should be saved in the investigation folder.
- Be sure to advise the interviewee that all aspects of the grand jury's inquiry are confidential and that they will be so admonished during their interview.
- If your e-mail signature contains your telephone number, remove your phone number from the electronic signature before sending an e-mail to any interviewee.
- Agree on the format or role each member will take in the actual interview. It should be decided prior to the interview how the questions will be asked. A single juror, or any and all jurors may ask questions.
- Prepare an outline of structured questions to ensure a thorough line of questioning. The phrasing of the questions should be designed to elicit a response. Follow-up questions allow the interviewee to expand or clarify an answer.
- One committee member should be designated as the lead interviewer. The duties of the lead interviewer can be alternated as the committee chooses.
- Committee members may keep written notes of their interviews. These accounts will be a valuable aid in the preparation of a report if one is written. Determine who will scribe the notes.

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- Each committee should review reports of previous grand juries and, if possible, relevant reports from other county grand juries. Committee members should also review responses to previous jury reports.
- Within the committee folder keep a copy of any correspondence sent to an interviewee, request for documents, the admonishment, recording of the interview, etc.
- **Scheduling an interview of inmates at the county detention facilities.** For practical and security reasons, coordinating interviews with the jail is necessary to interview inmates. The grand jury should advise the jail that the grand jury is conducting an inquiry or investigation and would like to meet with specific inmates without providing any information about the scope, nature, or subject matter of the investigation. Remind the jail contact that the meeting with the inmate is confidential and confirm that the inmate can be in a private area during the interview and the staff shall not record the interview. If there is push back from the jail staff, consult with county counsel.

If the interview is in person, bring the admonishment and have the inmate read and sign the admonishment before beginning the interview. If the interview is by Zoom or other video conferencing, ask the jail staff to coordinate having the inmate sign the admonishment before the interview. It is unnecessary to have the jail staff sign admonishments as well if the staff are not present at or listening to the interview. Remind the staff coordinating the interview that the grand jury meeting with inmates is confidential. The CGJA recommends that the grand jury interview more than one similarly situated inmate in order to try to prevent the entity from identifying the inmate. This is also consistent with the requirement that any fact be verified by multiple sources. If the grand jury contacts the public defender's office in order to obtain recommendations for inmates to interview revealing the nature and scope, etc. of the investigation, the public defender should sign an admonishment.

During the Interview

Never interview alone. There should always be a minimum of two jurors present at any interview.

- The lead interviewer or committee chair should introduce the committee members and state the purpose of the interview.
- Recording an interview is best practice. Inform interviewee that all recordings will be kept confidential.
- It is also helpful to explain the grand jury's function.
- Explain confidentiality issues and read the admonishment.
- The committee chair or lead interviewer shall obtain the interviewee's signature on two admonishment forms at the beginning of the interview. One executed copy should be retained for the investigative file and one executed copy handed to the witness. If the interview is conducted via Zoom, a signed admonishment should be emailed to the

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interviewee a few days prior to the interview to have it signed and returned prior to starting the interview. All admonishments must be saved within the investigation folder.

- Interviews conducted in person or via Zoom must use the admonishment - general form (see Appendix C).
- Confirm that the interviewee understands the conditions of the admonishment.
- Obtain the interviewees permission to record the interview. Also remind the interviewee that they are not permitted to record the interview and that any notes taken by the interviewee must be turned over to the committee at the end of the interview.
- Use the prepared questions. Never mention that you are looking for problems. You are fact finders, not fault finders.
- If the inquiry is the result of a request for investigative review, never mention the complainant's name. The grand jury promises confidentiality.
- Do not divulge the names of other witnesses or repeat what the grand jury has learned during an investigation.
- Ask the interviewee for appropriate documentation or corroborating evidence such as procedure manuals, organization charts, statistical report etc., and whether there are any other documents or records that would be useful to the committee. It is recommended that one member of the committee document what additional material is requested.
- The lead interviewer should ask each committee member if they have questions or anything else to add at the end of the interview. The interviewee should be asked if they have anything else to add, if there is anything else the committee should know or if there is anyone else the committee should interview.
- Confirm that the interviewee understands the admonishment and will abide by it.

After the Interview

- After each interview, committee members are encouraged to debrief and compare notes to ensure that details of the interview are accurately captured. Discuss the objectives of the interview, whether the objectives were achieved, what changes might be added in future interviews, and decide whom the committee needs to interview next.
- One committee member should write up the responses to coincide with the pre-discussed questions and distribute to the remainder of the committee for their records. A copy should be filed in the committee's electronic investigation file.
- If audio recordings are used, file a copy of the recording to the committee's electronic investigation file. Notes are never shared with the interviewee.

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- It is important to achieve consensus within the committee on what was said/meant during the interview. If a concern arises, contact the interviewee for clarification of what was said. When possible, witness corroboration should be obtained by e-mail. If corroboration by e-mail is not possible or feasible, the “rule of two” applies for phone corroboration.
- When corroborating information with a witness, review the admonishment first.
- Verify the information gained in the interview. Never base any finding or conclusion on information learned in a single interview.
- Committees are encouraged to prepare and keep a separate list of salient points learned during interviews. Once these salient points are verified, they will form the core of an investigative report. It is helpful to record them consistently.

Subpoena of Witness or Confidential Information

During the course of an investigation, a committee might find it necessary to issue a subpoena to interview a witness or to obtain documents. However, before requesting a subpoena, an effort must be made to get voluntary compliance.

If that effort is not successful, the plenary may vote to request the issuance of a subpoena. A request for issuance of a subpoena should be reviewed by county counsel. If the subpoena is for an interview, the email request should include the person’s name, title, department, and the date, time, and place of the interview. If it is for documents, the specific types of documents sought should be identified. The district attorney will then prepare a subpoena to be signed by the presiding judge.

County counsel may coordinate the serving of subpoenas, or the foreperson may serve them. If possible, use of outside process servers should be minimized.

Juvenile confidentiality laws protect juvenile information. Only certain individuals are permitted to have automatic access to information and files. The jury shared folder contains sample letters used to petition the juvenile court when requesting access to juvenile records. This petitioning procedure requires filing a petition, providing notice to the minor and the minor’s family and finally allowing the juvenile court to determine whether the need for disclosure outweighs the confidentiality policies. There may be other categories of information that are protected by confidentiality laws. If a claim of confidentiality is raised, refer the matter to county counsel or the DA for guidance on how to proceed.

Exit Interview

Each investigating committee may conduct final exit interviews to verify the accuracy of the findings before publication of its report. Exit interviews are not mandatory, but are a tool to be sure the findings are factually accurate so the report will not be challenged once it is officially released. **Penal Code § 933.05(d) states that the exit interview consists of reading and discussing ONLY the findings in the report to the affected department or agency.**

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During an exit interview, the interviewee should be reminded they are admonished as to confidentiality. The full written report is not to be disclosed or read. If the final consolidated report requires revision, the committee undertaking an exit interview is reminded that adequate time must be available in the term for report revisions, review by editorial, and vote again by the plenary.

An exit interview should not be conducted if the court, either on its own determination or upon request of the foreperson, determines that such a meeting would be detrimental. The grand jury shall not disclose any contents of the report prior to its publication. See California Grand Jurors' Association Training Manual for suggested guidelines.

Sample language when setting up an exit interview:

The YYYY1–YYYY2 Sonoma County Civil Grand Jury anticipates issuing a report involving your department. The California Penal Code allows the grand jury to meet with the subject of any investigation prior to the report being issued in order to discuss the findings associated with your department.

Reports

Reports are the most important contribution of the grand jury. The jury looks at local government operations, promotes accountability, and helps bring about positive change in the community. Reports serve to:

- Document an evaluation of governmental operations and, when problems are found, offer practical suggestions for improving them.
- Promote government transparency and accountability.
- Trigger media inquiries and public discussion of important issues.

Legal Requirements for Report Content

The penal code requires the grand jury to produce at least one final report. “Each grand jury shall submit to the presiding judge 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.” Penal Code § 933(a)

Reports consist of facts, findings, and recommendations. A finding is a determination or value judgement based on verified facts. Penal Code § 916 states that all findings must be “supported by documented evidence” and a recommendation must be based on at least one finding.

Recommendations require responses. Governing bodies and elected county officials are required by PC § 933(c) to respond to the findings and recommendations pertaining to them. The Penal Code also specifies a time frame and prescribes the format and content of the responses. (PC §§ 933(c) and 933.05(a) (b)).

The report’s primary audience is the official or governing board to whom the findings and recommendations are directed. However, the larger audience is the general public. The report should be understandable to the lay public who do not have the committee’s insights into the investigation.

The grand jury is reminded that PC § 939.9 states “A grand jury shall make no report declaration, or recommendation on any matter except on the basis of its own investigation of the matter made by such grand jury. A grand jury shall not adopt as its own, the recommendation of another grand jury unless the grand jury adopting such recommendation does so after its own investigation of the matter as to which the recommendation is made, as required by this section.”

This code section further mandates recommendations whenever problems or shortcomings have been identified. The grand jury should keep in mind that the recommendations should be specific (who is to do what and by when), logically related to the problem, achievable, financially feasible, and not in violation of any laws.

The law does not further define the report content. However, experience and practicality suggest that final reports should also:

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- Explain the purpose and scope of the investigation.
- Describe how the investigation was conducted.
- Discuss the facts that were discovered.

When describing “how” the investigation was conducted, neither individual names nor titles should be listed. Penal Code § 929 requires that reports of the grand jury **not** contain the name of any person, or facts leading to the identity of any person who provides information to the grand jury.

Prior to the issuance of any report:

- Grand jury will review and approve each report.
- County counsel will review the report and may submit suggestions or concerns.
- Presiding judge will approve the report for release.

See Final Report Timeline for additional information.

Comprehensive training is provided by the CGJA during the jury's term, along with a training manual containing valuable information on subjects such as report writing and releases.

IMPORTANT NOTE:

It is important to note that there is no legal immunity for jurors with regards to lawsuits for libel, which is a false statement of fact. There have been defamation suits against juries and their individual jurors. Defamation and how to avoid it are covered in the CGJA training manuals. The possibility of defamation can be lessened by keeping a professional tone and avoiding speculations as to motives or labeling an identifiable official by using emotionally charged language. Use of derogatory language or insinuations undermines the integrity of the report. Let the facts speak for themselves. Don't allow the reader to question the objectivity of the report's authors.

Early Release of a Single Report

An early release of a single report may be made to the media and to the Superior Court website at any time during the term. Using the same procedures as for a consolidated final report, county counsel must review the report and the presiding judge must approve the report prior to publication. Any report approved by the judge is a final report. An early released report must be incorporated into the consolidated final report. The report must be received by the respondent 48 hours before it is released to the public. At that time the 60- or 90-day response deadline begins. The continuity report should be published on the Superior Court website immediately following approval by the presiding judge. It must also be incorporated into the consolidated final report.

Continuity Responses

The grand jury may review responses from prior reports for compliance, content, and implementation. A continuity report looks back on the previous year's grand jury reports and may include a recap of the required and invited responses received. PC § 933 requires governing

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boards and elected county officials to submit responses to relevant findings and recommendations following the format required by PC § 933.05.

Responses are directed to the presiding judge with a copy to the grand jury. The court is responsible for logging responses into the Superior Court website soon after they are received. Historically the court has relied on cooperation from the grand jury to check the responses. A printed copy of the responses should also be placed on file in the grand jury office, “where it shall be maintained for a minimum of five years.”

The grand jury has no enforcement powers; only the court can mandate action. But after the first 60/90 days, the court may encourage the grand jury to initiate follow-up contacts for responses not yet received, and if necessary, exchange status reports with the court.

Tracking Responses – Superior Court website, Sonoma County Civil Grand Jury section

Tracking of all responses is strongly recommended. The prior year’s publications committee will complete a 20XX-20XX GJ Report Responses/Continuity Excel report. This report will assist the continuity committee in tracking all responses.

- At the start of the term the continuity committee should start reviewing the Superior Court website to ensure that all responses are uploaded into the prior year’s grand jury’s reports and responses section. Each response will be linked to the corresponding individual report.
- While the committee is reviewing the responses, it should request that the court add the current term’s section to their website. This may be done by sending the court an Excel template on how to add the grand jury’s reports and responses section (A sample may be found on the shared drive).
- When the continuity report has been completed and approved by the judge request that a PDF copy be saved on the court website.

Continuity Report

The continuity committee should summarize responses and share their observations (these are equivalent to findings) through the issuance of a continuity report. As with all reports, it will go through the editorial process, receive plenary approval, be reviewed by county counsel, and receive court approval prior to being issued. A continuity report should be issued immediately upon completion. It must also be included in the final consolidated report issued in June.

In accordance with PC § 933(a), 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 this report.

Allowable Responses to Findings

A response to each finding must state whether it:

- Agrees.
- Disagrees, wholly or partially, with an explanation for any disagreement.

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Allowable Responses to Recommendations

A response to each recommendation must include one of these:

- It has been implemented, with summary.
- It will be implemented, with schedule of implementation.
- It requires further analysis (described), and a time frame for a response (up to six months).
- It will not be implemented, with explanation.

Review for Compliance

For legally non-compliant responses the jury has three choices:

- It can contact the responders notifying of their non-compliance and give them the opportunity to amend their responses.
- It can initiate an inquiry or investigation and possibly issue a report.
- It can list all non-compliant responses in its yearly report.

If the jury chooses to contact respondents about penal code non-compliance, there are court approved letters in the shared drive for this purpose.

Look for Content (optional)

If the response is compliant but does not directly address the issues, is evasive, or unclear, the grand jury may request the court to intervene, or the grand jury may open a new investigation. If the response is legally compliant, the jury cannot request additional responses without the court's permission.

Verify implementation (optional)

- Did the entity follow through on its promised actions?
- May initiate a new inquiry or investigation to verify implementation, and may issue a new report if warranted.
- CGJA chapter members (or other former jurors) can follow up but have no investigative powers. As private citizens, they are allowed to send emails to respondents. They must include a disclaimer stating that they are not on the jury.

Format for Final Reports

A final report is the individual report written by an investigative committee. All final reports will be included within the consolidated final report at the end of the term.

Writing a report is a process that involves the investigative committee, editorial committee, full jury, county counsel, and presiding judge. The report may go back and forth within this group many times prior to a final report being completed. Adopting early editorial standards such as style and format for report writing is important for consistency amongst reports.

Early in the grand jury term the editorial committee should meet to discuss the editorial

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standards that will be used for all of the individual reports. Adopting editorial standards before an investigative committee starts drafting reports helps to ensure consistency. The editorial committee will also review and recommend templates, fonts, and the general format.

Early adoption of style and format will also assist the publications committee when it's time to print the consolidated final report and when reports are published on the Superior Court website.

The CGJA Training Manual and Report Writing Workshop Manual may assist the jury in writing a report. In recent years the grand jury has found that the guide suggested by the CGJA has been a useful template.

Below is the suggested format for an individual report. Before starting to write a report, it is vital to determine the target audiences.

Titles for Final Reports

The title and the subtitle (optional) should describe the investigation. It may also utilize "catchier" titles or subtitles for the report. The subject matter should be easily found using a search for a topic.

Summary

This synopsis of the entire report is meant to give the reader a brief overview of the reason for conducting the investigation, as well as the grand jury's findings, conclusions, and recommendations. Since only the summary will be published in local newspapers, special attention must be given to its completeness. It is imperative to recognize that the published summary will be read by a larger general audience than the report posted on the website.

Glossary

This section is *optional* and may appear near the beginning or the end of the report. It helps to define abbreviations, acronyms, or terms, that may not be familiar to the reader.

Background

This section is intended to be a brief summary of the events that led up to the investigation and explains why the topic is important. This information should give the reader a foundation to understand the rest of the report.

Methodology

This section describes the methods used in the investigation, such as research activity, meetings attended, tours undertaken, documents reviewed, and personnel interviewed. This description helps establish the credibility of the report by indicating the breadth of the inquiry. The report cannot contain the name of any person or any facts leading to the identity of any person who provided information to the grand jury.

It tells the reader that the jurors researched the issue and can verify the facts and findings in the report. Lengthy lists that may interfere with the flow of the report can be summarized here, with a list of the most pertinent documents placed in a bibliography list at the end of the report.

Discussion

This section constitutes the bulk of the report. This information should give the reader a factual foundation to understand the report's findings and recommendations, by outlining the specific evidence that was discovered during the investigation. The evidence or facts described must be objective and verifiable. Facts are not hearsay, rumor, innuendo, or opinion. They are real and demonstrable. They have been determined by analyzing the evidence and weighing the credibility of the sources of that evidence and have been verified by several sources (triangulation). Raw evidence is information the grand jury has not verified and is improper to place in the final report.

Conclusion

This *optional* section is used only if circumstances are necessary to tie the summary, background, and discussion together in a short conclusion. It could help carry more weight for the findings.

Commendations

This *optional* section is used only if circumstances warrant, such as when an agency, group, or individual has performed in an exemplary manner.

Findings

All findings must be supported by documented evidence. This section bridges the gap between facts and the resulting recommendations. **A finding should be concise, consisting of a single declarative sentence. It should state the conclusion or judgment based on fact(s), not just a restatement of the facts.**

Findings identify what needs to be improved, corrected, or complimented. Not all problems noted in the report need to be stated as findings. However, all facts should be introduced in the Discussion section. No new facts should be included in the findings.

Recommendations

This section **states what should be done, by whom, and when**. Recommendations should be specific, logical, achievable, financially feasible and within the law. Penal Code§ 916 requires recommendations whenever a problem or shortcoming is identified. A realistic time frame should be given to follow the recommendation. Example: a governing board be given at least two or three months after the response due date to implement the action.

Each recommendation should be directed to a specific agency or official, who will then be required to respond.

Every Recommendation must include at least one finding. However not all findings need accompanying recommendations (including positive ones). Recommend specific action.

Recommendations are not required if the findings are all positive and do not identify problems.

The grand jury cannot compel an official or board to comply with its recommendation. However, if the identified problem continues to exist, a later grand jury can conduct a new investigation, through an RFI, and report its own findings and recommendations.

Required Responses

This section addresses who is required to respond and to which recommendations (and associated findings). Penal Code §§ 933 and 933.05 requires that governing boards and elected county officials and agency heads respond to grand jury reports. All recommendations require a response. By requiring a response to a recommendation, the affected agency or official is held publicly accountable for their written commentary. **The report should state explicitly the title, agency, and/or department that must respond, and the specific finding or recommendation requiring the response.** A timeline for the response to the recommendation should be included.

(See Legal Requirements for Report Content above for additional information.)

- Within 60 days - elected county officials or agency heads, for whom the grand jury has responsibility, are required to respond. Example: elected county department heads such as sheriff and district attorney.
- Within 90 days - any public agency subject to grand jury review, the governing body of that public agency, is required to respond. Example: Board of Supervisors or a water district board.

Invited Responses

While the grand jury requires written responses only from governing boards and elected county officials consistent with PC § 933(c), the grand jury may *invite* additional responses, guided by the following principles:

- The grand jury must be able to identify an interest that the invited entity has, relevant both to the matters investigated and their significance in Sonoma County. Example: city managers and police or fire chiefs.
- The invited entity will usually have participated in some aspect of the investigation or can be expected to contribute through their response to further understanding of the matters addressed.
- The grand jury must maintain confidentiality, including care not to disclose implicitly through the invitation the identity of specific interviewees or other sources that are not already in the public domain.
- When mandated responses are posted for public view, the grand jury may choose to post or not post invited responses.

Bibliography

This section lists public domain documents that have a significance to the topic used to compile the report. This includes government reports, newspaper articles, books, trade journals, websites, and brochures.

Suggested Reading

This is an *optional* list of supporting documents, website addresses and other information for readers inclined to delve deeper into the subject. This may be used in place of or in addition to an extensive bibliography.

Appendix

This *optional* section is a good place to include information that is relevant and interesting but not critical to the report. Do not put unverified evidence in the appendix.

Disclaimers

The perception that a juror has a conflict of interest can be seen as tainting the impartiality of the investigation and the report derived from it. A juror with an actual or perceived conflict of interest or bias must completely recuse from all aspects of the investigation.

In order to inform readers of the juror's recusal, a disclaimer should be included in the report.

The disclaimer can be placed at either the beginning or the end of the report. Example:

This report was issued by the grand jury with the exception of a juror (or jurors) who is a former employee (or a known advocate or critic) of (name of entity) (or describe other reasons for recusal). This juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of the report.

Final Report Timeline

As the jurors become familiar with the responsibilities of the jury, and have begun their investigations, together they should propose a timeline by which all tasks should be accomplished, with the goal being the publication of the consolidated final report. This timeline will need to be revised as the year progresses, but it is a constant reminder to the jury of their goals.

By the middle of March, the foreperson, working with the editorial committee, should send copies of the estimated timeline to the presiding judge, county counsel, and the court administrator, so they all are aware of the jury's schedule and expectations. All will play an important part in meeting the jury's publishing schedule. The timeline should include dates by which county counsel and the presiding judge must approve the reports in order to meet the printer's timelines, and deadlines to forward the reports to each of them.

The grand jury should take into consideration the necessary steps with the external support needed to issue a report.

- The investigative committee works with the editorial committee to complete a report.
- A supermajority of 12 jurors must approve each report.
- County counsel: The foreperson will forward a copy of each report (with line numbers) to county counsel by email for review. This report version should be finalized to the point of including any charts, graphs or photos that will be included in the final published report. County counsel returns each report, by email, with comments, corrections, or suggestions. Unless there are legal concerns, the jury is under no obligation to follow this advice, but it is strongly recommended that it be considered. The jury would be wise to consider the suggestions carefully as county counsel has considerable experience in this process. The jury returns the revised report to county

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counsel without lines, and in a form marked FINAL.

- If required, any exit interview must be held prior to the release of a final report. (For more information see Exit Interview in the Investigations chapter).
- Presiding judge: The foreperson forwards the report to the presiding judge with a copy to the court executive officer. The judge must review all reports for liability and conformity with applicable law. This may be accomplished via U.S. Mail or through email.
- This back and forth process can take time, so plan accordingly. In addition, the judge's trial calendar may be full, and the judge may take several (or more) days to review the reports. When the judge has approved a report, a signed acknowledgement is returned to the foreperson, along with each final report.

Suggested Timeline

July - September	Continuity committee should review the court website to ensure all responses to the prior term's report are posted
July – November	Training, review of outstanding requests for investigative review, research into request-related or self-initiated ideas for investigation
August – December	Committees decide on their course of action; RFI submittal
August – January	Conduct ongoing investigations
January	Work with the court to build the current term's report placement to allow for the immediate posting of the continuity report
January - February	Committees prepare first draft of reports
February	Publications committee meets to establish report timeline and publication expectations
February	Investigative committees revise the reports and check facts
February	Investigative committees review and approve drafts
February - March	Back and forth with editorial committee
March	Submit the reports to plenary for review and approval
March – April	Reports go to county counsel for review
March – April	Conduct exit interviews (where appropriate)
April	Plenary approval of reports and submission to presiding judge
April – May	Review report distribution lists for county departments and media. (See index Appendix H – Grand Jury Resources)
April – May	Submit final report to printer
May – June	Send copies to affected entities with admonition that this is not yet a released report

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June

Release final report

It should be noted that early release reports will follow the above timeline, but the dates will vary. Any early release reports will also be included in the consolidated final report.

Consolidated Final Report

The consolidated final report and the final report summaries should be ready for printing by late May of the jury's term. By midterm the editorial committee should create a schedule for the consolidated final report; this schedule must be approved by the jury. The schedule provides the deadlines used by the committees when submitting their reports to the editorial committee. Although the editorial committee has responsibility for guiding and editing the reports, all jurors are responsible for their preparation and approval.

The editorial committee should work with the publications committee to accomplish this task.

Review timeline expectations for when all individual reports need to be completed and submitted to county counsel and the presiding judge. Timeline includes:

- Date the publications committee needs to complete formatting and report mock-ups.
- Date the report is sent to translation services for Spanish summary.
- Date the mockup is sent to the publisher.
- Dates the consolidated final report is released to respondents, published in all media sources, and delivered to county/city officials, community organizations, and the library.
- See sample publishing timeline in the jury shared folders.

Suggested Procedure for Issuing Reports

- When the investigative committee is satisfied with its report, it submits a working draft to the editorial committee. It is recommended that the drafts be:
 - In a review format with track changes turned on.
 - Double spaced, with line numbers, and annotations on sources to facilitate the editorial process. Use marginal comments as necessary.
- The editorial committee should initially read the report in its entirety for a clear understanding.
- It is advised that the editorial committee be comprised of at least one member from each investigative committee to answer questions as they arise.
- The member of the editorial committee representing the investigative committee that generated the report, communicates these edits back to the investigative committee. The investigative committee discusses the proposed changes and makes the modifications deemed appropriate.
- Editorial will look at basic issues such as:
 - Logic – are there facts in the discussion to support the findings?

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- Organization – are there well-organized sub-sections?
- Flow – does the text track and read well?
- Clarity – would a bulleted list be better than a running text?
- White space – are some sections too dense, could it use a chart, photo?
- Missing sections – does it miss a conclusion; is a commendation needed?
- Missing background – is more needed for clarity?
- Complex sentences – do they run on, would a simpler sentence work?
- Findings and recommendations – are they supported within the report?
- It is recommended that the editorial committee use the comment function in Word during the initial editing process versus rewording the report.
- Subsequent reviews by the editorial committee will look at more specific issues:
 - Grammar and punctuation
 - Font, bullets, indentation, and spacing consistency
 - Heading consistency
 - Overuse of passive voice
 - Formatting
- If extensive corrections or changes are needed, the investigating committee rewrites the report and resubmits it to the editorial committee. This process is repeated until both the editorial committee and the investigative committee are satisfied with the report.
- The investigative committee submits the final version of the report to the plenary at least 48 hours prior to the general session at which the report will be considered. Members of the plenary are asked to review the report prior to the session. The discussion by the plenary covers substantive not stylistic matters.
- The report must be approved by a supermajority of the jury. If substantial issues arise that cannot be addressed by changes discussed and agreed upon in the meeting, the report is returned to either the investigative committee or the editorial committee.
- The investigative committee works with the editorial committee to address the unresolved issues. The report is then resubmitted to the plenary for its consideration following the procedure outlined.
- A member of the investigative committee prepares the final copy of the report as approved by the plenary, reflecting all changes agreed upon during the plenary discussion, and sends it to the foreperson.
- The foreperson forwards the report to county counsel for legal review and comment. Counsel can ask questions and offer opinions but cannot require changes to a lawful report. The investigating committee may, or may not, make the recommended changes.

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- The investigative committee conducts an exit interview when it is determined to be necessary. If adjustments need to be made to the report it is done at this time and sent back to the editorial committee for review.
- If no further changes are made to the report, the foreperson sends the report to the presiding judge for approval. The scope of the judge's review is strictly limited to ensuring that reports do not extend beyond the legal boundaries of the grand jury's broad reporting power, for example, a report on matters which the grand jury has not itself investigated or a report of a government entity not lying within the grand jury's jurisdiction. Upon approval, the judge returns the report to the foreperson for release.
- The editorial committee designates a committee member to review and update all final reports for consistency. This includes removing any headers, footers, and page numbers and ensuring that all fonts, location of bullets, design of glossary, bibliography, etc. are consistent.
- There can be no change to the text within any report once it has been approved by the Presiding Judge.
- Place a final version copy of all reports (Word and PDF formats) into the consolidated report folder for the publications committee's use.

The section below called "Distribution of Reports" outlines how a final report is released.

Report Publishing

The publications committee working with the editorial committee, consolidates all materials included in all final reports. The publications committee becomes active during the third and fourth quarter of the grand jury's term.

The publications committee may or may not be called upon to process an early release of an individual final report. Their primary function will be the publication of the consolidated final report and the final report summaries – English and a Spanish translation.

Ideally all reports will be finalized, approved by the presiding judge and ready for layout no later than ONE MONTH PRIOR to release date. Plan accordingly!

Steps needed to publish a printed report:

- Set up a consolidated report folder. This folder will house all the necessary documents needed to publish a report.
 - Sample of the prior year's final consolidated report.
 - Sample of the final report summaries – English and a Spanish translation.
 - Folder for current year updated documents.
 - Folder for court documents.
- The foreperson composes a letter to the citizens of Sonoma County and an introduction which will be included in both the consolidated final report and final report summaries. Place final documents within the designated folder.

Reports

- The foreperson requests that the presiding judge write a letter to the members of the Sonoma County Civil Grand Jury which will be included in both the consolidated final report and the final report summaries. Place final letter within the designated folder.
- Throughout the year photos may have been collected to use on the cover of both report formats. Present a selection to the jury for a vote on what will be used.
- Design cover layout with designated photos. Place final document within the designated folder.
- Determine if a group photo will be inserted. Ask each juror how (and if) they would prefer their names to be reflected and if they want to be included in the photo.
- Prepare table of contents. Place final document within the designated folder.
- Prepare portions of the reports that will explain what the civil grand jury is, how to apply to be a juror, and how to file a request for investigation. Place final documents within the designated folder.
- The editorial committee or publications committee will review and update all final reports for consistency. Once completed they will place Word and PDF versions of the reports within the consolidated final report folder.
- Designate a committee member to communicate with the designated printer.
- Begin conversation and establish a timeline for publication with the designated printer: A third party is retained to perform tasks for final printing and publication.
 - Past grand juries have used Sonoma Media which can accept Word or PDF copy and will perform layout tasks as part of their printing service (see Appendix H).
 - Require the designated printer sign an admonishment for confidentiality.
 - Determine how long it will take to design and print both the consolidated final report and the report summaries after submission.
 - Discuss the confidentiality mandate for all documents prior to full publication.
- Design a mock-up of both the consolidated final report and final report summaries to share with the designated printer. Include: Cover Page, Table of Contents, Judge's Letter, Foreperson's Letter, Introduction, Individual Reports, Jury Photo, You Can Make a Difference/Request for Investigative Review Page.
- Summaries do not include the entire individual final reports. They include Summary, Subsequent Events (if needed), Commendation (if needed), Findings, Recommendations, Required and Invited Responses, and Disclaimers.
- Request cost estimates
 - Costs to translate the English summary report into Spanish.
 - Costs to print both consolidated final reports and report summaries.
- Past grand juries have used an external translation service for the translation of the

Reports

summary reports to Spanish. An admonishment must be signed by this vendor.

- **Note:** the printer will need FINAL PRINT READY copy no later than 14 days prior to the distribution date. Transforming raw reports in Word or PDF format into a professional looking presentation will take two weeks minimum.
- Submit the consolidated final report and final report summaries to the plenary for approval.

Distribution of Reports

Assembling the Report Packet

The distribution of reports is a two-fold process:

- An advance copy to subject agencies (2 working days prior to the public release.)
- The public release of the report, via the Superior Court website, the media, library, and community organizations.

After approval of the presiding judge, and two working days prior to its public release, the grand jury shall provide the affected agency or official with a digital copy of the portion of the grand jury report relating to that agency or official. The report delivered must be the version that appears in the final consolidated report. This is typically delivered by email as a PDF file. This PDF file is the file which has been reviewed by county counsel and approved by the presiding judge, and which is included in the consolidated final report.

The report packet, sent through email, also contains a reminder that the contents of the report should not be revealed until actual date of publication, a cover letter, and a copy of the applicable penal code with response instructions for the recipient (see Appendix D). Electronic masters are saved in the jury shared files.

Email each respondent:

- Respondent Delivery Email.
- Cover letter to Respondent – either the 90 Day or 60 Day version as appropriate.
- Advance Notice-Acknowledgment of Electronic Delivery.
- Response to Grand Jury Report Form.
- PDF copy of their specific report.
- Civil Grand Jury Response Requirements (Penal Code §§ 933(c) and 933.05).

Grand Jury section of Superior Court website

- At the start of the term the continuity committee would have worked with the Court to build out the current term's report link (see Continuity Report section of this manual).
- This may be done by sending the court an Excel template on how to build out the site. (A sample may be found in the jury shared drive.)
- Following the release of the individual reports to the required respondents a pdf copy of

the consolidated final report and all individual reports should be placed on a flash drive for delivery to the court. This should be done in conjunction with the release of the consolidated final report to the public.

Physical Distribution of the Reports

The consolidated final report is distributed through the Superior Court website, news media, community groups, and by printed copy. Copies are delivered as outlined in the final report distribution list below. The online version of the consolidated final report is posted by the court. Each grand jury determines the number of copies of the printed consolidated final report.

Final Report Distribution List

After the final reports are approved by the presiding judge, they can be released to the designated respondents. Forty-eight hours after this release, the reports are considered public.

Consolidated Final Report Distribution

The consolidated final report is the consolidation of all the final reports completed and approved by the presiding judge. Its publication will include each report in its entirety, letters from the presiding judge and the foreperson, an introduction, a photo of the current jurors (optional), a link to the request for investigative review form, as well as general information about the civil grand jury.

The final report summaries are a condensed version of a final report and are usually published in the local press around the same time. The final report summaries include the investigation summary, findings, and recommendations. They also will include the letters from the presiding judge, and the foreperson, an introduction, a photo of the current jurors, as well as general information about the civil grand jury.

This list is based on the 2022-2023 Grand Jury distribution plan. There was a shift away from an all paper copy to a greater use of digital distribution. Note: each Grand Jury should evaluate and determine their own plan to reach the largest readership. There is a trend towards expansion of a digital release of reports.

Reports

Distribution to Court Executive Officer (CEO) and Board of Supervisors	<u>Print Total</u>	<u>PDF Total</u>
• State and County Archives (Court delivers to County Clerk)	2	
• Board of Supervisors	5	Yes
• Courts:		
○ Presiding Judge	1	Yes
○ Court CEO	0	Yes
Total copies	8	
Grand Jury will hand deliver, mail, or email on the day following the release of the report		
• County Department Heads	0	Yes
• County Counsel: Counsel who approved reports	0	Yes
• All nine (9) cities in the County (1 copy each) Deliver or mail to city manager's offices: Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma, Windsor (Petaluma prefers PDF only)	8	Yes
• Libraries - 17 (All are delivered to the Rohnert Park branch, they distribute) (See Appendix H, Libraries)	17	Yes
Total copies for Grand Jury to deliver	25	
Grand Jury		
• Current Grand Jury members (1 each)	Varies	Ask
• Incoming Jury (19 new members, 9 alternates)	28	
• Grand Jury official file for required retention period	10	
• Grand Jury extras	15	
• California Grand Jurors' Association (Present at training)	1	Yes
Total copies to the Grand Jury Office	54	
Grand Total	87	
Total number of copies to print	100	

Final Report Summaries Distribution

English Summaries	
• Libraries (13 branches 20 each)	260
• Grand Jury Office (5 archive, 19 each outgoing jurors, 30 each incoming jurors, 25 extras to give as needed = 79)	80
• Print Media – Sonoma Media (inserts for Press Democrat (28,000), Argus Courier (4,000), Sonoma Index Tribune (3,580), and Gazette (29,500))	65,080
Total number of copies to print – English	65,420
Spanish Summaries	
• Libraries (12 branches and adult literacy program – 20 each)	240
• Grand Jury Office (5 archive)	5
• Print Media – La Prensa - Spanish (through Sonoma Media)	20,000
Total number of copies to print – Spanish	20,245
Digital Links - Sponsored content (see Appendix H, Contact Information)	
• Sonoma Media - 13 months Press Democrat, Argus Courier, Sonoma Index Tribune, The Gazette, and La Prensa	
• Weeklys Publishing Group (Bohemian, Pacific Sun, Healdsburg Tribune)	
Digital Links - Other Publications (see Appendix H, Contact Information)	
• Board Of Supervisors Weekly updates	
• Latinx Community Update - weekly emails from CAO's office	
• Sonoma County home page "Newsfeed"	
• Sonoma County Library	
• What's New in Sonoma County	

Extra print copies of both reports may be used by the grand jury throughout the next year to hand out during an investigation to interviewee if interview is conducted in person.

Communications and Record Management

Documents pertaining to Committees and Investigations

The shared drive has a folder for each committee.

Investigative Committee File Folder

Documents pertaining to committee investigations are saved on this shared drive. This allows access to investigative documents by all jurors, but is especially valuable in allowing committee members to share the resource material collected as well as interview notes, interview recordings, document requests, working versions of reports, etc.

A standardized investigative file folder structure has been created with a previous jury's plenary approval. This recommended structure has been passed down in the shared files. It contains folders and subfolders created to facilitate information sharing and document management.

It is essential that there is a computer-literate juror on the committee who can help committee members with naming, accessing, retrieving, or saving documents to this folder.

Investigations Folders

Within every committee's folder there **must** be a subfolder for each investigation undertaken by the committee. The documents/folders that should be contained within the specific investigation folder include:

- The request for investigation (RFI).
- A subfolder for each person interviewed. This subfolder will contain any email (in pdf format) pertinent to the individual, each member's interview notes, research pertaining to that person or his position, the questions asked during interview, and a copy of the admonishment signed by the interviewee. Recordings and transcriptions, if made, are stored here as well. If more than one interview is conducted with the same person, it is recommended that there be a subfolder for each interview.
- Email (in pdf format) pertinent to the general investigation.
- Research folder.
- Request for documents folder.
- A subfolder for the report if one is to be written.

It is highly advised that duplicate copies of the same document not be kept in the committee folder. While different versions of a report might be in the report folder, once a new version is created, the previous versions should be archived. This ensures that jurors are able to see and quickly access the most current version of a report.

Please see documents on the shared drive for guidance on technology issues.

Administrative Committee Folders

Administrative Committees will also have dedicated folders on the shared drive. The folders will assist with the origination of their duties. Examples could include:

- Editorial – Subfolders for each Investigative committee to place their working copies of the reports for editing. It may also include documents for writing and editing tips.
- Publications – As this committee supports publication of the consolidated final report, they may have a sample of the prior year's documents. This will be a holding place for all documents that will go into the final report.
- Outreach and Publicity – May include documents pertaining to community, media relations, and juror recruitment.
- Policies & Procedures Manual—May have a current copy of the P&P manual as well as a version for editing.
- Information Technology & Training Committee – May include training materials and job aids for performing needed computer and County network tasks.

Housekeeping at the End of the Grand Jury Term

Document Retention Policy

As the end of the jury year approaches, jurors prepare for the next jury term. The new jury needs a well-ordered working space for its own records and files, both digital and hard copy. The records, files, and other material of the retiring jury therefore need to be cleaned up and organized. See “End of Year Data Retention and Transfer to County Counsel” in Appendix H for more detail.

Processing depends on content:

- Some records, files, and other content accumulated by individual jurors may need to be consolidated with others as part of the group record; usually, however, individual holdings should be deleted or destroyed, wherever they may be.
- Records, files, and other content that are not confidential but could be of value to the next grand jury may be worth saving. Many of the files in the General Reference Material folder of the shared file system fit this pattern, and the same is true of most printed public documents that can be kept on shelves or in unlocked file cabinets. Judgment should guide if those records are likely to be of future use or are outdated or limited.
- Administrative records and files with content such as expense reports, budgets and budget reports may be retained as needed and appropriate, in whatever manner is suitable for each record, but should be marked for eventual destruction.
- Records, files, and other content that are integral parts of a passed forward, partially conducted investigation should be organized and saved for the possible future use of

the next grand jury in accord with PC § 924.4. The investigative committee chairperson is responsible for directing the efforts. See Appendix H for the CJGA letter entitled “Passing Records to the Next Grand Jury” for additional information. The procedures outlined in this letter have been approved by county counsel.

- Materials that are no longer relevant such as archived report files from the report editing process and any criminal matter should be deleted or shredded, as appropriate.
- A file within the digital committee folder should include a folder of files to copy to county counsel. The folder should include all investigations by the committee. It may include the final report, interview records, admonishments, communications, research documents, and other records.
- Under the direction of the foreperson a copy of the county counsel folder should be copied onto a single, new flash drive containing the jury’s investigations. The foreperson will send the flash drive to county counsel.
- At the end of this process, the committee’s folder on the jury shared folder should be deleted.
- Unless the plenary votes to retain files for the next grand jury, all other records, files, and content from inquiries and investigations not contained in the grand jury’s final report are to be deleted and shredded as appropriate.
- Other jury records, files, and content that pertain to operations of the plenary and its committees, including agendas, and minutes, are confidential to the grand jury and have no permanent purpose. They are to be destroyed and the foreperson will oversee this work. However, the master calendar of investigations, while confidential, is a core record of the grand jury and must be passed on to the next grand jury.

Housekeeping Steps

At the end of the year, any documentation (paper or digital) not slated for retention as identified above will be destroyed.

- Sort the contents of each committee drawer or folder to determine which files to prepare documents for shredding:
 - Remove paper and binder clips.
 - Remove papers from binders.
 - Discard damaged binders and place reusable binders on the bookcase.
 - Leave papers inside paper or cardboard file folders.
 - Put all paper into shredding bin for shredding.
- The foreperson will arrange for shredding of all material scheduled for destruction.

Communications and Record Management

- Save responses received to the Sonoma County Civil Grand Jury's most recent final reports. Penal Code § 933(c) provides "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." It has been local practice to preserve the originals (or original copies) in the bookshelf for up to 15 years of history; now they are kept in digital form as well by county counsel.
- Indefinitely save copies on the bookshelves of the printed consolidated final reports.
- Destroy all meeting minutes and agendas.
- Confidential materials from investigative files that are being retained are to be grouped and identified by investigative file and preserved under lock.
- The outgoing foreperson works with the incoming foreperson to refurbish folders on the shared drive for the new grand jury session or oversees the task.

Checklist for Individual Jurors

This process is completed for all jurors when they leave the grand jury. This includes mid-term withdrawals and completion at end of term.

- Fill out the final form CA 700.
- Fill out the Grand Juror End of Term form (see Appendix E) and submit to the foreperson who files it within a hard copy file folder.

Appendix A: Sample Plenary Agenda

Sonoma County Civil Grand Jury Plenary Agenda for: date

Review and Approve (MMM DD) Meeting Minutes

Announcements & New Business

Committee Reports

Law & Justice

Cities/Special Districts

County

Health & Human Services

Ad-Hoc

Continuity

Officer Reports

Pro-Tem

Treasurer

Correspondence Secretary

Sergeant at Arms

Administrative Committees

IT

Policies & Procedures

Editorial

Publications

Editorial

Outreach

Next Meeting: Time, Day, Date

Appendix B: Request for Investigative Review



Sonoma County Civil Grand Jury Request for Investigative Review

P.O. Box 5109
Santa Rosa, CA 95402
707-565-6330

Email: grand.jury@sonoma-county.org

Please review the guidelines
at the end of document.

IMPORTANT: The Civil Grand Jury has no authority to investigate issues pending before a court of law or disputes between private parties. The Civil Grand Jury does not necessarily investigate all requests received.

Please note: Any requests for review received **after March 1** may not be considered until the following Civil Grand Jury term since the Civil Grand Jury term ends in June.

Person(s) Submitting the request

Let us know how to reach you. All information you provide, including your identity, will be kept confidential.

Your Name _____

Address _____

City _____ State _____ Zip Code _____

Phone _____ Email _____

Agency about which request for review is made

An agency includes County Department, City within the County, or Special District

Agency Name _____

Address _____

City _____ State _____ Zip Code _____

Phone _____

If the issue is about an individual within the organization, include the individual's name, title, or position in the organization.

Appendix B

Individual Name _____

Address _____

City _____ State _____ Zip Code _____

Phone _____

Nature of Request

- Describe the events in the order they occurred and as concisely as possible. Cite specific instances rather than making broad statements.
- Include details such as dates, locations, agency, and individual names, etc.
- Attach pertinent documents and correspondence with dates.
- Maximum limit per box is 2,000 characters. If more space is required attach extra sheets to this form.

Contacts

- List persons or agencies you contacted/consulted prior to this Grand Jury request.
- Maximum limit per box is 2,000 characters. If more space is required attach extra sheets to this form.

List witnesses the Grand Jury may contact for further information. Include names, phone number, and email address.

How would you like to see this matter resolved?

- Describe the action you wish the Grand Jury to take.
- Maximum limit per box is 2,000 characters. If more space is required attach extra sheets to this form.

Files Upload

- Please attach any correspondence or supporting documentation that would be pertinent to this review.
- Exhibits or supporting documents attached to the request become property of the Grand Jury and will not be returned.

Appendix B

It is a crime to knowingly make a false report to the Grand Jury that a felony or misdemeanor has been committed. (CA Penal Code No. 148.5(d))

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature_____Date_____

Submit

Submit button will link to

Grand.jury@sonoma-county.org

Acknowledgements – Request for Investigative Review

Acknowledgment of Request for Investigative Review Letter

Requests for investigative review can be acknowledged with the approval of the plenary. If acknowledged, the applicable acknowledgment letter is sent to the complainant in a timely manner.

A-1 General Acknowledgment Letter

Your request for investigative review dated _____ has been received by the Sonoma County Civil Grand Jury and assigned to the appropriate committee for review.

The Grand Jury is a deliberative body that fosters good government, including improvements that may follow from citizen requests such as yours. The Grand Jury does not attempt to resolve individual problems but may use them in a confidential manner to assist in its investigations and to inform findings, recommendations, and reports.

Due to strict confidentiality requirements, you might not receive any further communication from the Grand Jury. If the Grand Jury chooses to take action on your request, the Grand Jury is prohibited by law from disclosing the results of its investigation to you personally before the report is available to the public. Final reports from Grand Jury investigations are generally published to the public prior to the conclusion of the Grand Jury's term in June.

We appreciate your initiative in bringing this matter to our attention.

(Letter approved by Kara Abelson, Deputy County Counsel June 11, 2020)

A-2 Acknowledgment Letter – Carry Over to Next Term

Your request for investigative review dated _____ has been received by the Sonoma County Civil Grand Jury. Due to time constraints, your complaint will be forwarded to the next Grand Jury, which begins its term on _____, for its review and consideration.

The Grand Jury is a deliberative body that fosters good government, including improvements that may follow from citizen requests such as yours. The Grand Jury does not attempt to resolve individual problems but may use them in a confidential manner to assist in its investigations and to inform findings, recommendations, and reports.

Due to strict confidentiality requirements, you might not receive any further communication from the Grand Jury. If the Grand Jury chooses to take action on your request, the Grand Jury is prohibited by law from disclosing the results of its investigation to you personally before the report is available to the public. Final reports from Grand Jury investigations are generally published to the public prior to the conclusion of the Grand Jury's term in June.

We appreciate your initiative in bringing this matter to our attention.

(Letter approved by Kara Abelson, Deputy County Counsel June 12, 2020)

A-3 Acknowledgment Letter – No Jurisdiction Generally

The Sonoma County Civil Grand Jury is in receipt of your request for investigative review dated _____. Thank you for taking the time to provide information to the Grand Jury regarding a matter that concerns you. The Grand Jury is a deliberative body that fosters good government, including improvements that may follow from citizen requests such as yours. The Grand Jury does not attempt to resolve individual problems but may use them in a confidential manner to assist in its investigations and to inform findings, recommendations, and reports.

This letter is to inform you that your request does not fall within the jurisdiction of the Sonoma County Civil Grand Jury as defined in the California Penal Code and other provisions of state law. Therefore, the Grand Jury will take no further action on this matter.

Thank you for your interest in Sonoma County.

(Letter approved by Kara Abelson, Deputy County Counsel June 12, 2020)

A-4 Acknowledgment Letter – Outside Entity / No Jurisdiction

The Sonoma County Civil Grand Jury is in receipt of your request for investigative review dated _____. Thank you for taking the time to provide information to the Grand Jury regarding a matter that concerns you. The Grand Jury is a deliberative body that fosters good government, including improvements that may follow from citizen requests such as yours. The Grand Jury does not attempt to resolve individual problems but may use them in a confidential manner to assist in its investigations and to inform findings, recommendations, and reports.

This letter is to inform you that the matter involves a federal, state, or judicial agency or institution outside the Grand Jury's jurisdiction. Therefore, the Grand Jury will take no further action. You may wish to contact the entity involved regarding the matter.

Thank you for your interest in Sonoma County.

(Letter approved by Kara Abelson, Deputy County Counsel June 12, 2020)

A-5 Acknowledgment Letter – Insufficient Information and Evidence

The Sonoma County Civil Grand Jury is in receipt of your request for investigative review dated _____. Thank you for taking the time to provide information to the Grand Jury regarding a matter that concerns you. The Grand Jury is a deliberative body that fosters good government, including improvements that may follow from citizen requests such as yours. The Grand Jury does not attempt to resolve individual problems but may use them in a confidential manner to assist in its investigations and to inform findings, recommendations, and reports.

This letter is to inform you that your request contains insufficient information or evidence to warrant study by the Grand Jury. Unless you can support your allegations with more specific information, including dates, names, and a full description of the alleged acts or occurrence, the Grand Jury will take no further action at this time.

Thank you for your interest in Sonoma County.

(Letter approved by Kara Abelson, Deputy County Counsel June 12, 2020)

Modification of Standard Letters

Any substantive changes to the language contained in the letters must be approved in writing by County Counsel.

Appendix C: Investigation Letters & Forms

Request for Investigation (RFI)

REQUEST FOR APPROVAL OF INVESTIGATION

To: *YYY1-YYY2 Grand Jury*

From: *(Committee and Source i.e., request for investigative review, self-initiated)*

Date:

Investigation Title:

Issue: *(Brief overview of what is to be investigated.)*

Background: *(Short background on the subject. Any history of requests for investigative reviews or past GJ investigations.)*

Objective: *(What is the intention of the investigation and how is it expected to support positive change within Sonoma County.)*

Subjects to Probe: *(List of the subject areas to be researched and probed during all stages of the investigation).*

Admonishment – General

The Sonoma County Civil Grand Jury



PO Box 5109 Santa Rosa, California 95402

(707) 565-633

[Email: grand.jury@sonoma-county.org](mailto:grand.jury@sonoma-county.org)

www.sonomagrandjury.org

Admonishment

Notice to Grand Jury Witness

Your appearance before the Grand Jury is governed by the California Penal Code, which includes strict requirements of secrecy.

You are admonished not to reveal to any person, except as directed by the court, which questions were asked or what responses were given or any other matters concerning the nature or subject of the Grand Jury's investigation which you learned during your appearance before the Grand Jury, unless and until such time as a transcript (if any), or a Final Report, of this Grand Jury proceeding is made public or until authorized by this Grand Jury or the court to disclose such matters.

You are further admonished that no other individuals may be present during your appearance before the Grand Jury unless prior notice to and approval by the Grand Jury or court is obtained. You are further admonished that this interview may not be recorded, including audio or video recordings, or transcribed by you or any party other than the Grand Jury. You are further admonished that advanced permission from the Grand Jury or the court is required to take notes, including handwritten or typed, during the interview and any notes will be collected by the Grand Jury and maintained in the Grand Jury's file at the conclusion of the interview. You are not permitted to keep the original or any copy and/or photograph of the notes. Further, you are admonished not to document in writing, video, or audio any notes regarding the interview after the interview has concluded.

Please be advised that by signing below you agree to allow the Grand Jury to record this interview for purposes of its investigation. A violation of these admonishments is punishable as contempt of court.

The Grand Jury recognizes and appreciates your assistance and cooperation.

I have read and understand this notice.

Witness: _____ Date: _____

Printed Name: _____

Committee Chair: _____ Date: _____

Printed Name: _____

Oath and Secrecy Obligation Statement

Oath of Truthfulness

(Issued before the lead interviewer begins the questioning. Must be administered by the foreperson.)

For the record, please state your name:

Agency Name:

Please raise your right hand.

Do you solemnly swear (or affirm) that the testimony you are about to give is the truth, the whole truth and nothing but the truth (so help you God).

Answer: _____

Witness Signature: _____ Date:

Printed Name:

Grand Juror Signature:

Grand Juror Printed Name:

Appendix D: Report Letters & Forms

Advance Notice / Acknowledgement of Electronic Delivery to Recipient of Grand Jury Report



The Sonoma County Civil Grand Jury

PO Box 5109 Santa Rosa,
California 95402 (707) 565-
6330

[Email: grand.jury@sonoma-county.org](mailto:grand.jury@sonoma-county.org)

<http://sonoma.courts.ca.gov>

DATE

NAME and TITLE

Department Name Address

City, State, Zip [Email address](#)

Regarding Grand Jury Report(s): NAME of Reports [List all Included]

Dear NAME:

The YYYY-YYYY Sonoma County Civil Grand Jury has issued the enclosed Final Report, which includes issues under your jurisdiction. The Grand Jury is providing you a copy in advance of publication pursuant to Penal Code § 933.05(f) for your review. In accordance with the Penal Code, you are prohibited from disclosing the contents of the report prior to the release of the final report to the public.

Please sign and return this document within two (2) days of receipt. Return signed Acknowledgment by email to the Sonoma County Civil Grand Jury at: grand.jury@sonoma-county.org

The Grand Jury recognizes and appreciates your assistance and cooperation.

Sincerely,

Foreperson

YYYY-YYYY Sonoma County Civil Grand Jury

I acknowledge having received, by electronic delivery, a copy of the YYYY-YYYY Sonoma County Civil Grand Jury Final Report intended for review, response, and retention by the required respondent to the report delivered.

Signed: _____ Date: _____

Printed Name: _____ Agency/Department _____

Cover Letter to Respondent (90 day)

The Sonoma County Civil Grand Jury



PO Box 5109 Santa Rosa,
California 95402 (707) 565-
6330

[Email: grand.jury@sonoma-county.org](mailto:grand.jury@sonoma-county.org)

<http://sonoma.courts.ca.gov/>

DATE

NAME and TITLE

Department Name Address

City, State, Zip [Email address](#)

Regarding Grand Jury Report(s): NAME of Reports [List all Included]

Dear NAME:

Enclosed please find a copy of the above report issued by the YYYY-YYYY Sonoma County Grand Jury, which includes issues under your jurisdiction.

The Grand Jury is providing you a copy of the report in advance of publication, pursuant to Penal Code § 933.05(f). Please note that the Penal Code specifically prohibits any disclosure of the contents of this report by a public agency or its officers or governing body prior to its release to the general public, which will occur on [RELEASE DATE: i.e., June 19, 2023].

The Grand Jury requests that you respond in writing to the Findings and Recommendations as required or requested in the report pursuant to Penal Code § 933.05 (a copy is enclosed). Penal Code §933.05(a) and §933.05(b) are specific as to the format of responses. A response report form is included for your use.

The Penal Code is also specific to the deadline for response. Governing bodies such as the Board of Supervisors, elected officials, and city councils are required to submit responses to the Presiding Judge of the Superior Court of Sonoma County within 90 days.

A hard copy of your response is required to be submitted within the appropriate timeframe, to the Honorable [NAME of Judge: Shelly Averill], Presiding Judge of the Superior Court of Sonoma County. Additionally, a copy must be emailed to the Sonoma County Civil Grand Jury.

Please note each individual report requires a separate Response Report Form completed.

Appendix D

Hard copy to: Honorable [NAME Shelly Averill]
Presiding Judge, Superior Court of
Sonoma County Hall of Justice
600
Administration
Drive Santa Rosa,
CA 95403

Electronic copy to: grand.jury@sonoma-county.org

Responses are public records. The clerk of the public agency affected must maintain a copy of your response. Should you have any questions, please contact the foreperson at (707) 565-6330 or at the above email address.

Sincerely,

NAME

Foreperson
20YY-20YY Sonoma County Civil Grand Jury

Enclosures: Advance Notice-Acknowledgment of Electronic Delivery Response to Grand Jury
Report Form
Civil Grand Jury Response Requirements
Grand Jury Final Report –[LIST ALL REPORTS]

Cover Letter to Respondent (60 day)



The Sonoma County Civil Grand Jury

PO Box 5109 Santa Rosa,
California 95402 (707) 565-
6330

[Email: grand.jury@sonoma-county.org](mailto:grand.jury@sonoma-county.org)

<http://sonoma.courts.ca.gov/>

DATE

NAME and TITLE

Department Name Address

City, State, Zip [Email address](#)

Regarding Grand Jury Report(s): NAME of Reports [List all Included]

Dear NAME:

Enclosed please find a copy of the above report issued by the YYYY-YYYY Sonoma County Grand Jury, which includes issues under your jurisdiction.

The Grand Jury is providing you a copy of the report in advance of publication, pursuant to Penal Code § 933.05(f). Please note that the Penal Code specifically prohibits any disclosure of the contents of this report by a public agency or its officers or governing body prior to its release to the general public, which will occur on [RELEASE DATE: i.e., June 19, 2023].

The Grand Jury requests that you respond in writing to the Findings and Recommendations as required or requested in the report pursuant to Penal Code § 933.05 (a copy is enclosed). Penal Code §933.05(a) and §933.05(b) are specific as to the format of responses. A response report form is included for your use.

The Penal Code is also specific to the deadline for response. You are required to submit your responses to the Presiding Judge of the Superior Court of Sonoma County within 60 days.

A hard copy of your response is required be submitted within the appropriate timeframe, to the Honorable [NAME of Judge: Shelly Averill], Presiding Judge of the Superior Court of Sonoma County. Additionally, a copy must be emailed to the Sonoma County Civil Grand Jury.

Please note each individual report requires a separate Response Report Form completed.

Hard copy to: Honorable [NAME Shelly Averill]

Presiding Judge, Superior Court of
Sonoma County Hall of Justice

600
Administration
Drive Santa Rosa,
CA 95403

Electronic copy to: grand.jury@sonoma-county.org

Responses are public records. The clerk of the public agency affected must maintain a copy of your response. Should you have any questions, please contact the Foreperson at (707) 565-6330 or at the above email address.

Sincerely,

Foreperson

NAME, Foreperson
20YY-20YY Sonoma County Civil Grand Jury

Enclosures: Advance Notice-Acknowledgment of Electronic Delivery Response to Grand Jury
Report Form
Civil Grand Jury Response Requirements
Grand Jury Final Report – [LIST ALL REPORTS]

Response to Grand Jury Report Form

Response to Grand Jury Report Form

Report Title _____

Report Date _____

Response By: _____ Title _____

Agency/Department _____

FINDINGS:

[List numbers: i.e., F1, F2]

I (we) agree with the findings numbered:

I (we) disagree wholly or partially with the findings numbered:

(You are required to attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

RECOMMENDATIONS:

[List numbers: i.e., R2, R3]

- Recommendations numbered: _____ have been implemented.

(You are required to attach a summary describing the implemented actions.)

- Recommendations numbered: _____ have not yet been implemented, but will be implemented in the future.

(You are required to attach a timeframe for the implementation.)

- Recommendations numbered: _____ require(s) further analysis.

(You are required to attach 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 director 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.)

- Recommendations numbered: _____ will not be implemented because they are not warranted or are not reasonable.

(You are required to attach an explanation.)

Date _____ Signed _____

Number of pages attached _____

(See attached Civil Grand Jury Response Requirements)

Letter Regarding Failure to Respond to Final Report



The Sonoma County Civil Grand Jury

PO Box 5109

Santa Rosa, California 95402

(707) 565-6330

Email: grand.jury@sonoma-county.org

<http://sonoma.courts.ca.gov>

DATE

Dear: NAME,

Your (AGENCY, DEPARTMENT, DISTRICT, ETC.) was issued a copy of the Final Report of the 202X-202X Sonoma County Civil Grand Jury.

California Penal Code § 933 and 933.05 set forth the requirements for responding to that report. Penal Code § 933.05 also stipulates response language and required content. Heads of the agency, department, or district, elected or appointed, are required to respond to the Presiding Judge of the Superior Court within sixty (60) days of the issuance of the Final Report, which was (insert date). Governing bodies such as the Board of Supervisors have an additional thirty (30) days, which is (insert date).

Our records show that your response was due on DATE. We anticipate your prompt attention to this matter.

If you have any questions, please email the Grand Jury office at grand.jury@sonoma-county.org.

For the Sonoma County Grand Jury,

NAME

Foreperson

Appendix E: Grand Juror Forms

Grand Juror Exit Form

(This form is to be completed by each Sonoma County Civil Grand Juror at the conclusion of service due to resignation, termination, or expiration of term.)

Grand Jury Term: _____

I hereby certify that I have performed the following:

1. Destroyed all personal notes, computer files, and recordings relating to any confidential grand jury study or investigation.

_____ Acknowledges items have been destroyed on County laptop

_____ Acknowledges items have been destroyed on personal computer

2. Returned computer with case, mouse, power cord, flash drive, and any borrowed cables.

_____ Laptop with case Laptop number _____

_____ Power cords, mouse, cables

_____ Dongle

_____ MFA Key Fob

_____ Flash drive (if provided)

_____ Recorder (if provided)

Returned to the Grand Jury Room any reference materials or unused supplies.

_____ Materials and/or supplies

3. Returned to the Sgt at Arms all Grand Jury door and file keys.

_____ Grand Jury office keys Key Number _____

_____ Grand Jury post office box key

4. Returned to the Sgt at Arms my badge and parking permit.

_____ Badge & lanyard

_____ Parking permit

5. Other

I hereby certify that I shall keep secret whatever any other grand juror or I have said, and in what manner any other grand juror or I have voted on a matter before the Sonoma County Grand Jury.

Name (Please print): _____

Signature: _____ Date: _____

Accepted by Foreperson (Please print): _____

Foreperson signature: _____ Date: _____

Grand Juror Recusal Form



The Sonoma County Civil Grand Jury

PO Box 5109 Santa Rosa, California 95402

(707) 565-6330

<https://sonoma.courts.ca.gov/general-information/grand-jury>

email: grand.jury@sonoma-county.org

Grand Juror Conflict of Interest and Impartiality or Perceived Bias Recusal Report

Grand jurors must recuse themselves from participating in any grand jury matters where an actual or perceived conflict of interest or bias exists. This action protects the integrity of the investigation, protects the grand jury as an institution, and protects individual jurors from civil and criminal penalties.

Conflict of Interest: Grand jurors will recuse themselves from participating in any grand jury proceedings, deliberations, investigations, or votes, when a real or perceived conflict of interest exists that would affect their objectivity, disinterest, or fairness in the conduct of grand jury business. A perceived conflict of interest exists when a person aware of the facts might reasonably entertain a doubt that the juror would be able to be impartial.

Bias: A grand juror must not have an identifiable bias regarding any actions that the grand jury may take. Bias is defined as a prejudgment of essential facts which prevents a member of the grand jury from considering the issue on its merits, or a publicly expressed support or opposition to specific aspects of a matter before the Jury.

When a juror has an actual or perceived conflict of interest or bias of an agency, topic, or official which is the subject of a grand jury inquiry or investigation, the juror shall inform the foreperson of that fact and shall recuse himself or herself from participating in any civil grand jury deliberation, investigation, voting, report writing, and editing related to that agency, topic, or official.

For purposes of this section, "agency" means a department or operational part of a government entity, such as a city, county, city and county school district, special district, or other local government body.

I have a:

_____ **An Actual or Perceived Conflict of Interest** with a local government agency within the jurisdiction of the grand jury.

_____ **A Bias** of a local government agency within the jurisdiction of the grand jury.

Name of agency: _____

I understand that I must immediately and completely recuse from any discussion, deliberation, investigation, report writing or editing, or voting on any matter related to that agency.

Name (Please Print): _____ Date: _____

Signature: _____

Accepted by Foreperson (Please Print): _____ Date: _____

Foreperson signature: _____

(Letter approved by County Counsel 06/12/23)

Grand Juror Employment Recusal Form



The Sonoma County Civil Grand Jury

PO Box 5109 Santa Rosa, California 95402

(707) 565-6330

<https://sonoma.courts.ca.gov/general-information/grand-jury>

email: grand.jury@sonoma-county.org

Grand Juror Employment Recusal Report

(Penal Code §916.2)

Penal Code section 916.2 provides:

(a) Notwithstanding any other provision of law, a grand juror who is a current employee of, or a former or retired employee last employed within the prior three years by, an agency within the investigative jurisdiction of the civil grand jury shall inform the foreperson and court of that fact and shall recuse himself or herself from participating in any grand jury civil investigation of that agency, including any discussion or vote concerning a civil investigation of that agency.

(b) This section shall be in addition to any local policies or rules regarding conflict of interest for grand jurors.

(c) For purposes of this section, “agency” means a department or operational part of a government entity, such as a city, county, city and county, school district, or other local government body.

I am now or within the past three years I have been employed by a local government agency within the jurisdiction of the grand jury, as follows:

Name of agency: _____

Dates of employment: _____

Position(s) held: _____

I understand that I must immediately and completely recuse from any discussion, deliberation, investigation, report writing or editing, or voting on any matter related to that agency.

I understand that the Foreperson is required to forward this report revealing local government agency employment to the Presiding Judge.

Name (Please print): _____ Date: _____

Signature: _____

Accepted by Foreperson (Please print): _____ Date: _____

Foreperson signature: _____

(Letter approved by County Counsel 06/12/23)

Appendix F – Civil Grand Jury Penal Codes

California laws pertaining to the Civil Grand Jury

- California Penal Codes: Penal Code Sections 888-940
- Government Codes: 3060-3075

Full text can be located within the shared drive.

California Penal Codes Cited in this Manual

General Provisions [888 – 892]

§ 888 A grand jury is a body of the required number of persons returned from the citizens of the county before a court of competent jurisdiction, and sworn to inquire of public offenses committed or triable within the county.

Each grand jury or, if more than one has been duly impaneled pursuant to Sections 904.5 to 904.9, inclusive, one grand jury in each county, shall be charged and sworn to investigate or inquire into county matters of civil concern, such as the needs of county officers, including the abolition or creation of offices for, the purchase, lease, or sale of equipment for, or changes in the method or system of, performing the duties of the agencies subject to investigation pursuant to Section 914.1.

Impaneling of Grand Jury [904 – 913]

§ 908.1 When, after the grand jury consisting of the required number of persons has been impaneled pursuant to law, the membership is reduced for any reason, vacancies within an existing grand jury may be filled, so as to maintain the full membership at the required number of persons, by the jury commissioner, in the presence of the court, drawing out sufficient names to fill the vacancies from the grand jury box, pursuant to law, or from a special venire as provided in Section 211 of the Code of Civil Procedure. A person selected as a grand juror to fill a vacancy pursuant to this section may not vote as a grand juror on any matter upon which evidence has been taken by the grand jury prior to the time of the person's selection.

§ 911 The following oath shall be taken by each member of the grand jury: "I do solemnly swear (affirm) that I will support the Constitution of the United States and of the State of California, and all laws made pursuant to and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this state, committed or triable within this county, of which the grand jury shall have or can obtain legal evidence. Further, I will not disclose any evidence brought before the grand jury, nor anything which I or any other grand juror may say, nor the manner in which I or any other grand juror may have voted on any matter before the grand jury. I will keep the charge that will be given to me by the court."

General Provisions [914 - 924.6]

§ 914.5 The grand jury shall not spend money or incur obligations in excess of the amount budgeted for its investigative activities pursuant to this chapter by the county board of supervisors unless the proposed expenditure is approved in advance by the presiding judge of

the superior court after the board of supervisors has been advised of the request.

§ 916 Each grand jury shall choose its officers, except the foreman, and shall determine its rules of proceeding. Adoption of its rules of procedure and all public actions of the grand jury, whether concerning criminal or civil matters unless otherwise prescribed in law, including adoption of final reports, shall be only with the concurrence of that number of grand jurors necessary to find an indictment pursuant to Section 940. Rules of procedure shall include guidelines for that grand jury to ensure that all findings included in its final reports are supported by documented evidence, including reports of contract auditors or consultants, official records, or interviews attended by no fewer than two grand jurors and that all problems identified in a final report are accompanied by suggested means for their resolution, including financial, when applicable.

§ 919 (a) The grand jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted.

(b) The grand jury shall inquire into the condition and management of the public prisons within the county.

(c) The grand jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within the county. Except as provided in Section 918, this subdivision does not apply to misconduct that involves a shooting or use of excessive force by a peace officer described in Section 830.1, subdivision (a) of Section 830.2, or Section 830.39, that led to the death of a person being detained or arrested by the peace officer pursuant to Section 836.

(Amended by Stats. 2015, Ch. 175, Sec. 2. (SB 227) Effective January 1, 2016.)

§ 924.1 (a) Every grand juror who, except when required by a court, willfully discloses any evidence adduced before the grand jury, or anything which he himself or any other member of the grand jury has said, or in what manner he or she or any other grand juror has voted on a matter before them, is guilty of a misdemeanor.

(b) Every interpreter for the disabled appointed to assist a member of the grand jury pursuant to Section 939.11 who, except when required by a court, willfully discloses any evidence adduced before the grand jury, or anything which he or she or any member of the grand jury has said, or in what manner any grand juror has voted on a matter before them, is guilty of a misdemeanor.

§ 924.2 Each grand juror shall keep secret whatever he himself or any other grand juror has said, or in what manner he or any other grand juror has voted on a matter before them. Any court may require a grand juror to disclose the testimony of a witness examined before the grand jury, for the purpose of ascertaining whether it is consistent with that given by the witness before the court, or to disclose the testimony given before the grand jury by any person, upon a charge against such person for perjury in giving his testimony or upon trial therefor.

§ 924.3 A grand juror cannot be questioned for anything he may say or any vote he may give in the grand jury relative to a matter legally pending before the jury, except for a perjury of which he may have been guilty in making an accusation or giving testimony to his fellow jurors.

§ 924.4 Notwithstanding the provisions of Sections 924.1 and 924.2, any grand jury or, if the grand jury is no longer impaneled, the presiding judge of the superior court, may pass on

and provide the succeeding grand jury with any records, information, or evidence acquired by the grand jury during the course of any investigation conducted by it during its term of service, except any information or evidence that relates to a criminal investigation or that could form part or all of the basis for issuance of an indictment. Transcripts of testimony reported during any session of the grand jury shall be made available to the succeeding grand jury upon its request.

§ 925 The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. The grand jury may enter into a joint contract with the board of supervisors to employ the services of an expert as provided for in Section 926.

§ 925(a) The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit.

The grand jury may investigate and report upon the needs of all joint powers agencies in the county, including the abolition or creation of agencies and the equipment for, or the method or system of performing the duties of, the several agencies. It shall cause a copy of any such report to be transmitted to the governing body of any affected agency. As used in this section, "joint powers agency" means an agency described in Section 6506 of the Government Code whose jurisdiction encompasses all or part of a county.

Investigation of County, City, and District Affairs [925 - 933.6]

§ 927 A grand jury may, and when requested by the board of supervisors shall, investigate and report upon the needs for increase or decrease in salaries of the county- elected officials. A copy of such report shall be transmitted to the board of supervisors.

§ 929 As to any matter not subject to privilege, with the approval of the presiding judge of the superior court or the judge appointed by the presiding judge to supervise the grand jury, a grand jury may make available to the public part or all of the evidentiary material, findings, and other information relied upon by, or presented to, a grand jury for its final report in any civil grand jury investigation provided that the name of any person, or facts that lead to the identity of any person who provided information to the grand jury, shall not be released. Prior to granting approval pursuant to this section, a judge may require the redaction or masking of any part of the evidentiary material, findings, or other information to be released to the public including, but not limited to, the identity of witnesses and any testimony or materials of a defamatory or libelous nature.

§ 932 After investigating the books and accounts of the various officials of the county,

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as provided in the foregoing sections of this article, the grand jury may order the district attorney of the county to institute suit to recover any money that, in the judgment of the grand jury, may from any cause be due the county. The order of the grand jury, certified by the foreman of the grand jury and filed with the clerk of the superior court of the county, shall be full authority for the district attorney to institute and maintain any such suit.

§ 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 and county, 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.

§ 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:

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(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.

§ 933.5 A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter may investigate and report upon the method or system of performing the duties of such district or commission.

Legal and Other Assistants for Grand Juries [934 - 938.4]

§ 934 (a) The grand jury may, at all times, request the advice of the court, or the judge thereof, the district attorney, the county counsel, or the Attorney General. Unless advice is requested, the judge of the court, or county counsel as to civil matters, shall not be present during the sessions of the grand jury.

(b) The Attorney General may grant or deny a request for advice from the grand jury. If the Attorney General grants a request for advice from the grand jury, the Attorney General shall fulfill that request within existing financial and staffing resources.

§ 936 When requested so to do by the grand jury of any county, the Attorney General may employ special counsel and special investigators, whose duty it shall be to investigate and present the evidence in such investigation to such grand jury.

The services of such special counsel and special investigators shall be a county charge of such county.

Conduct of Investigations [939 - 939.91]

§ 939.1 The grand jury acting through its foreman and the attorney general, or the district attorney may make a joint written request for public sessions of the grand jury. The request shall be filed with the superior court. If the court, or the judge thereof, finds that the subject matter of the investigation affects the general public welfare, involving the alleged corruption, misfeasance, or malfeasance in office or dereliction of duty of public officials or employees or of any person allegedly acting in conjunction or conspiracy with such officials or employees in such alleged acts, the court or judge may make an order directing the grand jury to conduct its investigation in a session or sessions open to the public. The order shall state the finding of the court. The grand jury shall comply with the order.

The conduct of such investigation and the examination of witnesses shall be by the members of the grand jury and the district attorney.

The deliberation of the grand jury and its voting upon such investigation shall be in private session. The grand jury may find indictments based wholly or partially upon the evidence introduced at such public session.

§ 939.4 The foreman may administer an oath to any witness appearing before the grand jury.

§ 939.5 Before considering a charge against any person, the foreman of the grand jury shall state to those present the matter to be considered and the person to be charged with an offense in connection therewith. He shall direct any member of the grand jury who has a state of mind in reference to the case or to either party which will prevent him from acting impartially and without prejudice to the substantial rights of the party to retire. Any violation of this section by the foreman or any member of the grand jury is punishable by the court as a contempt.

§ 939.9 A grand jury shall make no report, declaration, or recommendation on any matter except on the basis of its own investigation of the matter made by such grand jury. A grand jury shall not adopt as its own the recommendation of another grand jury unless the grand jury adopting such recommendation does so after its own investigation of the matter as to which the recommendation is made, as required by this section.

Findings and Presentment of the Indictment [940 – 945]

§ 940 An indictment cannot be found without concurrence of at least 14 grand jurors in a county in which the required number of members of the grand jury prescribed by Section 888.2 is 23, at least eight grand jurors in a county in which the required number of members is 11, and at least 12 grand jurors in all other counties. When so found it shall be endorsed, A true bill, and the endorsement shall be signed by the foreman of the grand jury.

Government Codes Cited in this Manual

3060 An accusation in writing against any officer of a district, county, or city, including any member of the governing board or personnel commission of a school district or any humane officer, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for, or in, which the officer accused is elected or appointed. The grand jury presenting the accusation may also be the additional grand jury impaneled pursuant to Section 904.4, 904.6, or 904.8 of the Penal Code. An accusation may not be presented without the concurrence of at least 12 grand jurors, or at least 8 grand jurors in a county in which the required number of members of the grand jury is 11, or at least 14 grand jurors in a county in which the required number of members of the grand jury is 23.

3061 The accusation shall state the offense charged in ordinary and concise language, and without repetition.

3062 The accusation shall be delivered by the foreman of the grand jury to the district attorney of the county, unless he is the officer accused.

3063 The district attorney shall have a copy of the accusation served upon the defendant, and by notice in writing shall require the accused to appear before the superior court of the county, at a time stated in the notice, and answer the accusation. Appearance shall not be required in less than 10 days from the service of the notice. After service, the original accusation shall be filed with the clerk of the court.

3064 The defendant shall appear at the time stated in the notice and answer the accusation, unless for some sufficient cause the court assigns another day for that purpose. If he does not appear, the court may proceed to hear and determine the accusation in his absence.

3065 The defendant may answer the accusation either by objecting to its sufficiency or any article therein, or by denying the truth of the accusation.

3066 If he objects to the legal sufficiency of the accusation, the objection shall be in writing. The objection need not be in any specific form. It is sufficient if it presents intelligibly the grounds of the objection.

3067 If he denies the truth of the accusation, the denial may be oral and without oath. The denial shall be entered upon the minutes.

3068 If an objection to the sufficiency of the accusation is not sustained, the defendant shall answer thereto forthwith.

3069 If the defendant pleads guilty, or refuses to answer the accusation, the court shall render judgment of conviction against him. If he denies the matters charged, the court shall immediately, or at such time as it appoints, try the accusation.

3070 The trial shall be by a jury, and conducted in all respects in the same manner as the trial of an indictment.

3071 The district attorney and the defendant are each entitled to such process as is necessary to enforce the attendance of witnesses as upon a trial of an indictment.

3072 Upon a conviction and at the time appointed by the court it shall pronounce judgment that the defendant be removed from office. To warrant a removal, the judgment shall be entered upon the minutes, and the causes of removal shall be assigned therein.

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3073 The same proceedings may be had on like grounds for the removal of a district attorney, except that the accusation shall be delivered by the foreman of the grand jury to the clerk, and by him to a judge of the superior court of the county. The judge shall appoint a person to act as prosecuting officer in the matter, or place the accusation in the hands of the district attorney of an adjoining county, and require him to conduct the proceedings.

3074 Any officer subject to removal pursuant to this article may be removed from office for willful or corrupt misconduct in office occurring at any time within the six years immediately preceding the presentation of an accusation by the grand jury.

3075 In a proceeding under this article, appeal is to the court of appeal.

6506 The agency or entity provided by the agreement to administer or execute the agreement may be one or more of the parties to the agreement or a commission or board constituted pursuant to the agreement or a person, firm or corporation, including a nonprofit corporation, designated in the agreement. One or more of the parties may agree to provide all or a portion of the services to the other parties in the manner provided in the agreement. The parties may provide for the mutual exchange of services without payment of any consideration other than such services.

25250 At least biennially the board of supervisors shall examine and audit, or cause to be audited, the financial accounts and records of all officers having responsibility for the care, management, collection, or disbursement of money belonging to the county or money received or disbursed by them under authority of law. The audit shall encompass the immediately preceding two-year period, or any portion thereof not included in a prior audit. This financial examination or audit may be performed in coordination with the investigations conducted by the grand jury under Section 925 of the Penal Code, or the board of supervisors may resolve to accept reports delivered pursuant to Section 933 of the Penal Code in lieu of its own separate examination if such reports are found to fulfill some or all of the requirements of this section. In connection with the requirements of this section and Section 25253, the board of supervisors may employ the services of an independent certified public accountant or licensed public accountant to perform an examination of the financial statements in accordance with generally accepted auditing standards.

Appendix G: Expense Reports

Grand Juror Expense Waiver

The undersigned states that he/she is serving as a juror on the 202X-202X Sonoma County Civil Grand Jury, and during the term of his/her office is and will be attending general and committee meetings that justify payments to the juror for mileage expense reimbursements and meeting stipends.

☐ The undersigned hereby waives all such payments during his/her term of office [or]

☐ The undersigned hereby waives all such payments during the following inclusive dates:

Signed:

Date: _____

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Appendix H: Grand Jury Resources

End of Year Data Retention and Transfer to County Counsel

At the end of term, the grand jury gathers relevant information for retention by the county counsel. This information is stored in the event of legal inquiry into the proceedings of the grand jury after the end of term. The information is comprised of the investigative portion of the grand jury files, rather than the administrative or financial files of the grand jury, and is retained by counsel to protect it confidentially.

The information is to be gleaned from the items noted below, rather than simply copying the full files of the grand jury for the year. It is typically requested from officers and investigative committee chairs. The information is stored on a thumb drive or similar media that can be handed to the county counsel. Copy the items to a “Copy to County Counsel” folder within your committee or officer folder. The foreperson will designate one juror to copy all documents onto one new flash drive for county counsel.

Items to store within the folders for County Counsel

- Critical Incident Reports provided to the grand jury
 - Excel Log that details the reports received
 - Individual reports forwarded by the district attorney during the term
 - Correspondence to and from the district attorney about critical incidents
- Citizen Requests for Investigative Review
 - Requests for Investigative Review considered during the term
 - Response letters from the grand jury to the requestor
 - Excel log that describes the Request for Investigative Review, the date of actions, and the decisions of the grand jury
- Committee investigations and inquiries (to be submitted whether or not a report was issued). Make one sub folder for each investigation or inquiry. Sample: L&J: 1 for jail investigation, 1 for city police dept. inquiry. Each folder will include some or all of the following:
 - Request for Investigative Review (where applicable)
 - RFI (Specific to the Investigation)
 - Interview sub folders (one folder per interviewee)
 - Interviewee admonishments
 - Email communications with interviewees
 - Questions asked and notes from interviews
 - Documents requested or received from Interviewees
 - Interview recordings – In person and/or Zoom
 - Research sub folder: Investigation research used prior to interviews, during investigation, and to complete report

Appendix H

- Reports (Note: delete versions other than the final version)
- Continuity committee folder
 - Responses received from prior terms reports
 - Continuity report
- RFI Folder
 - RFIs submitted to plenary for approval, for both partial and full investigations
 - Excel log that details final status of all RFIs
- Plenary roster with contact information

Subsequent to the gathering of this information, the grand jury investigative folders are to be purged of data, such that the following term does not receive the information.

Committee folders – next steps

As addressed above, committee folders at end of term will contain documents either to be transferred to county counsel or to be deleted. Each committee folder has the following sub folders, at the end of term they should be reflected as follows:

- 1-Save for Library Reference (optional)
 - Use if the committee feels that a public general reference document from an investigation has use for future juries. After moving these documents to the General Reference Material-Digital Resources Library folder, this folder will then be deleted.
- 2-Items to Destroy –
 - Documents you feel are ready to be deleted
- 3-Copy to County Counsel –
 - Documents from items listed above that will be saved on flash drive for county counsel.
 - During the last week of the term this folder will be deleted

Exception to the deletion or destruction of committee folders:

- Requests for Administrative Review
 - Renumber any rollover with an “R” within the complaint number. Example: 0422-001-**R**
 - Start new term Master Calendar of Investigation Log
 - Excel report should contain ONLY information on rollover complaints
 - Acknowledgment Letters Sent subfolder should contain ONLY letters for rollover complaints
- Critical Incident Reports
 - Individual CI Reports folder – should contain only most current CI Log from District Attorney
 - Delete any Final CI Reports processed by current term

Appendix H

- Excel report should contain ONLY current open CI reports
 - Delete all closed CI reports
- Editorial Committee
 - Delete all individual report sub folders
 - Delete folders for Communications-County Counsel and Reports for the Judge (keeping the shell of the folder there)
 - Retain Editorial Supporting documents folder
 - Retain other various supporting documents
- Expense Reports
 - Retain the “All Committee Attendance” Excel document. Delete jury information within it.
 - Delete all folders
 - Keep Subfolder for individual monthly jury expenses. Delete all current jury term data
- Items to Review Folder
 - Delete all subfolders and documents within main folder
- Plenary
 - Delete all data from the Agendas and Minutes folders. Retain folder structure and sample
- Policy & Procedure Manual Revisions
 - Save to General Reference Material folder copy of revised manual and folder reflecting quotes for printing and translation services
 - In P&P Manual folder review all information and delete if appropriate
 - Retain Edit version of revised manual
- Publications Committee folder
 - Keep all documents except anything placed in an “Archive” folder.
 - Save the folder to General Reference Material folder-Consolidated Reports by jury term year. This information is vital when working on the report publication at the end of the term.
- RFI Folder
 - Purge RFIs submitted to Plenary for approval, for both partial and full investigations
 - Pull blank Excel Log that details final status of all RFIs
- Suggested Topics
 - Retain all information

File Structure for Investigative Committees

1. Investigative Committee Name
 - a. Committee Meeting Agendas and Minutes
 - b. Master Forms and Documents for Investigation Committees
 - c. Archive
 - d. **Cases**
 - i. **CASE NAME STATUS**
 1. **RFIs**
 2. **Report Versions**
 - a. Report Title, date, initials lower case
 - b. Report Title, date, initials lower case
 - c. additional versions
 - d. Final Report
 3. **Research Documents from Web and Other Sources**
 - a. subfolders as needed
 4. **Interviews**
 - a. **Interviewee #1**
 - a. **Copy of Signed Admonishment**
 - b. **Communications with Interviewee**
 - c. **Background Research on Interviewee/Org**
 - d. **Interview Questions**
 1. Name_ (in file name)
 - e. **Interview Recordings and Summaries**
 1. Name_ (in file name)
 - f. **Documents from Interviewee**
 - i. **Requested Documents**
 - ii. **Received Documents**
 5. **#2 Interviewee (repeat #1 Interviewee file structure)**
 - ii. **CASE NAME STATUS**

(Repeat as above)

Proposed Naming Conventions for Cases:

If complaint: Complainant Name_Status Example: Smith_Inquiry_Open

If other sourced case: Issue_Status Example: Jones_Closed

If city or district or multiple department issues, suggest including the org so

Issue_City or SD_Status Example: Issue_City_Open_Inquiry

Proposed Naming Conventions for Documents:

Title version # date of latest edits/comments initials of last editor Example: Report Name v1
061523 dk

Once revisions and comments have been accepted, document name is updated. Example:
Report Name v2 061823

Lessons Learned from Investigative Process

(Examples from “After Action” discussions with members of One Committee)

Area	Worked Well	Could Improve
Defining the case	<ul style="list-style-type: none"> Avoiding scope that included broader problems 	<ul style="list-style-type: none"> Could remind Plenary more often about our narrow scope
RFI	<ul style="list-style-type: none"> Clear, compelling case to Plenary to justify investigation 	
Identifying interviewees	<ul style="list-style-type: none"> Use of interview control sheet to facilitate review of potential interviewees and to track progress Effective research to identify interviewees Frequent confirmation with control sheet of need to keep or not keep each interviewee on the schedule, depending on need for further information 	
Identifying areas to research	<ul style="list-style-type: none"> Committee members’ familiarity with information sources (Intranet/Internet/other) 	<ul style="list-style-type: none"> Could have been improved through group discussion Could have had meeting agenda item to teach other members how to search for/access information

Interviews	<ul style="list-style-type: none"> • Interview script <ul style="list-style-type: none"> ○ Building on early interviews for future interviews for efficiency and consistency • Conversational interview style – non-confrontational • Division of responsibilities <ul style="list-style-type: none"> ○ Minimal changes to assignments • Committee’s agreement on possible dates before contacting interviewees • Admonishments prior to, and during interviews • Avoiding too much information to interviewees before admonishment • Good group (committee) discussion of proposed interview questions • Flexibility enabling all members to ask questions • Recording of interview minutes useful as reference • Conscious use of time (disciplined) • Committee discussion after each interview to capture most relevant facts 	<ul style="list-style-type: none"> • Could use reminder emails to avoid no-shows • No guidance on storing interview notes • Zoom recordings of interviews inconsistent quality
Document requests	<ul style="list-style-type: none"> • Capture of needed requests during interviews • Frequent follow-up via email • Additional gratitude expressed in document request emails • Admonishments for people contacted by interviewees for additional information/documents 	

Developing the report	<ul style="list-style-type: none"> • Division of responsibilities • Most narrative written by a single person • Facts → findings process faithfully followed • Findings → recommendations process faithfully followed • Frequent testing of facts → findings → recommendations logic during Zoom meetings • In-person meetings of committee very productive • Early draft 	<ul style="list-style-type: none"> • Use of Editorial Committee's Outline document confusing and not used in the end • Using the template instead of separate Word document • A little duplication of effort (Conclusion section) • Copying from pdf document and pasting into Word document
Progress reporting to Plenary	<ul style="list-style-type: none"> • Using discussion outline to follow while reporting to plenary to cover most relevant progress 	<ul style="list-style-type: none"> • Need to remind Plenary of the nature of the investigation at the beginning of the progress report
Getting report approval	<ul style="list-style-type: none"> • Early release of report to Plenary for approval • Matrix summarizing issues raised by Plenary with resolutions <ul style="list-style-type: none"> ○ Reference (line number) ○ Issue ○ Resolution 	<ul style="list-style-type: none"> • Could have emphasized more the need for the Plenary to focus on more substantive feedback • Premature release of report to Editorial Committee resulting in extra work
Best use of Committee Meetings	<ul style="list-style-type: none"> • Zoom very effective • Balanced, active contributions by all members of Committee • Meetings well attended • Clear reasons for meetings (cancelled when reason not clear) 	
File management	<ul style="list-style-type: none"> • Good breakdown of folders into sub-folders (e.g., Interviews, Reports) 	<ul style="list-style-type: none"> • Confusion over use of report in Editorial Committee's folders • Confusion over use of links vs. attachments • Too infrequent moving of documents to Archives resulting in clogged folder that needed attention

Appendix H

Committee communication in general	<ul style="list-style-type: none"> • Frequent sharing of links to relevant media reporting and other important information 	
Initial Organization of Committee	<ul style="list-style-type: none"> • Six members was ideal number <ul style="list-style-type: none"> ○ Mixed backgrounds ○ Manageable number • Regularly scheduled Tuesday afternoon meetings 	
Work and schedule management	<ul style="list-style-type: none"> • Reference to foreperson's overall Timetable helpful to ensure progress 	

Passing Records to the Next Grand Jury

To: Beth Aldridge, Pro Tem, Sonoma County Grand Jury

From: CGJA's Legal and Legislative Resources Committee

Date: April 12, 2023

Re: Passing Records to the Next Grand Jury

Hello, Beth,

This responds to your email concerning a grand jury's ability to pass certain investigative materials to the next grand jury.

Penal Code §924.4 allows a grand jury or, if the jury is no longer impaneled, the presiding judge, to "pass on ... any records, information, or evidence acquired by the grand jury during the course of any investigation" (except anything related to a criminal investigation or that could be a basis for an indictment). Section 924.4 also authorizes the passing on of transcripts of testimony.

When a statute articulates specific items, the statute is usually interpreted to exclude items not articulated. PC § 924.4 specifies what four things can be passed on. Thus, anything that is not a transcript of testimony or a "record, information, or evidence" that was "acquired" during an investigation apparently cannot be passed on.

While the code is not explicit as to whether the particular items you listed in your email are appropriate to pass forward, you might consider the following analysis. Please keep in mind that what follows is CGJA's reading of the code, and our best practice suggestions. It is not legal advice — you should have your statutory advisor review this email and provide guidance to you.

The first thing to note is that the item must have been "acquired." The ordinary meaning of the word "acquired" is to procure, attain, or receive. Information that is acquired comes from some outside source — in the grand jury context, usually from interviews or in documentary evidence. Internally generated information is not "acquired" (you don't acquire your own ideas or conclusions, for example).

Based on the common definition of "acquired," it is reasonable to conclude that agendas, minutes, and work plans are not acquired by grand the jury (they are produced internally) and so may not be passed on.

On the other hand, it would seem that interview recordings, public records, research documents, and residents' requests for investigation are all acquired by the jury, and thus may be passed on to the next jury. Interview reports (the jurors' summaries of interviews) are probably within this category as well; but they should be carefully reviewed to redact any commentary such as an evaluation of the evidence or the credibility of the witness, or ideas about what the jury should do next in the course of the investigation.

Your email mentioned two other items — "reports," which we assume means draft grand jury reports, and "facts," which we assume are the facts included in a draft report. A draft

report is produced by the grand jury, not “acquired” by it, even though it reflects acquired records, information, and evidence. Further, reports are based on the jury’s determinations of what is factual, based on its analysis of the weight of the evidence, and therefore indirectly reveals the thought processes of the jurors. We believe they cannot be passed on to the next jury.

Finally (although you did not mention this), we believe the sending jury should not evaluate or otherwise comment about the passed-forward materials or recommend the receiving jury take any particular action. Section 924.4 does not authorize this, and providing an analysis of the materials or making suggestions to the next jury might reveal the discussions of the jury, which is prohibited by Penal Code section 924.2.

You also asked about how the receiving jury should reinvestigate the passed-forward records, information, or evidence. Penal Code §939.9 requires a grand jury to base its report on its “own investigation.” If the second jury intends to rely in any way on the testimony of someone interviewed by the first jury, it must re-interview that person. The jury must also confirm that any passed-forward research document or public record is accurate and is still current; this confirmation can be done during interviews, by conducting online research, or by making your own document requests.

You asked whether any of this violates the confidentiality rules. Section 924.4 is a statutory exception to the general confidentiality statutes (such as section 924.1, which makes it a misdemeanor to disclose evidence adduced before the jury or any juror’s vote or discussion). In enacting section 924.4, the Legislature determined that passing forward these otherwise confidential materials is an exception to the general statute.

I hope this information and our best practice recommendations are useful to your grand jury. As noted earlier, this communication is not legal advice and should not be construed as such. The grand jury should consult with its legal advisor about these matters.

Karen Jahr, Chair
Legal and Legislative Resources Committee
California Grand Jurors Association

Sample Correspondence – Non-Compliant Responses

Sample Letter to Non-Compliant Respondent #1

Has Not Yet Been Implemented but Will Be Implemented in the Future

Re: Clarification of Your Response to (Title of Grand Jury report and its release date)

Dear (Name of official):

The Grand Jury received your response to the above-titled report and finds that it does not comply with the requirements of Section §933.05 of the California Penal Code in the following respects:

Response to Recommendation (insert number):

A response of “has not yet been implemented but will be implemented in the future” must include a time frame for the implemented action. Your response failed to include that information.

Attached is an excerpt of Section §933.05 for your reference. The Grand Jury requests that you resubmit your response to Recommendation (insert number) in its entirety not later than _____, via email to Grand.Jury@sonoma-county.org.

We would also like you to be aware that it is our policy to indicate both on the Grand Jury report and the Superior Court’s website those responses that are past due or non-compliant. This status will be changed once a corrected or amended response is received.

Sincerely,

(Name)

Chair, Continuity Committee

Sonoma County Civil Grand Jury

Per Penal Code §933.05 (excerpt, **emphasis added in bold**), to each grand jury recommendation, the responding person or entity shall report the following action:

The recommendation has not yet been implemented, but will be implemented in the future, with **a timeframe for implementation**.

Sample Letter to Non-Compliant Respondent #2
Has Been Implemented

Re: Clarification of Your Response to (Title of Grand Jury report and its release date)

Dear (Name of official):

The Grand Jury received your response to the above-titled report and finds that it does not comply with the requirements of Section §933.05 of the California Penal Code in the following respects:

Response to Recommendation (insert number):

A response of “has been implemented” must include a summary regarding the implemented action, and your response failed to include such a summary.

Attached is an excerpt of Section §933.05 for your reference. The Grand Jury requests that you resubmit your response to Recommendation (insert number) in its entirety not later than _____, 2023 via email to Grand.Jury@sonoma-county.org.

We would also like you to be aware that it is our policy to indicate both on the Grand Jury report and the Superior Court’s website those responses that are past due or non-compliant. This status will be changed once a corrected or amended response is received.

Sincerely,

(Name)

Chair, Continuity Committee

Sonoma County Civil Grand Jury

Per Penal Code §933.05 (excerpt, **emphasis added in bold**) to each grand jury recommendation, the responding person or entity shall report the following actions:

The recommendation has been implemented, with **a summary regarding the implemented action.**

Sample Email to Non-Compliant Respondent #3
Requires Further Analysis Six Months Timeframe

Re: Clarification of Your Response to (Title of Grand Jury report and its release date)

Dear (Name of official):

The Grand Jury received your response to the above-titled report and finds that it does not comply with the requirements of Section §933.05 of the California Penal Code in the following respects:

Response to Recommendation (insert number):

A response of “requires further analysis” must include an explanation and the scope and parameters of an analysis or study, and a time frame 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 time frame shall not exceed six months from the date of publication of the grand jury report. Your response failed to include this time frame not exceeding six months from the date of publication of the grand jury report **or** included a time frame which exceeded the six months.

Attached is an excerpt of Section §933.05 for your reference. The Grand Jury requests that you resubmit your response to Recommendation (insert number) in its entirety not later than _____, via email to Grand.Jury@sonoma-county.org.

We would also like you to be aware that it is our policy to indicate both on the Grand Jury report and the Superior Court’s website those responses that are past due or non-compliant. This status will be changed once a corrected or amended response is received.

Sincerely,

(Name)

Chair, Continuity Committee

Sonoma County Civil Grand Jury

Per Penal Code §933.05 (excerpt) to each Grand Jury recommendation, the responding person or entity shall report the following actions:

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.

Sample Letter to Non-Compliant Respondent #4
Will Not Be Implemented

Re: Clarification of Your Response to (Title of Grand Jury report and its release date)

Dear (Name of official):

The Grand Jury received your response to the above-titled report and finds that it does not comply with the requirements of Section §933.05 of the California Penal Code in the following respects:

Response to Recommendation (insert number):

A response of “will not be implemented because they are not warranted or are not reasonable” must include an explanation. Your response failed to include this required explanation.

Attached is an excerpt of Section §933.05 for your reference. The Grand Jury requests that you resubmit your response to Recommendation (insert number) in its entirety not later than _____, via email to Grand.Jury@sonoma-county.org.

We would also like you to be aware that it is our policy to indicate both on the Grand Jury report and the Superior Court’s website those responses that are past due or non-compliant. This status will be changed once a corrected or amended response is received.

Sincerely,

(Name)

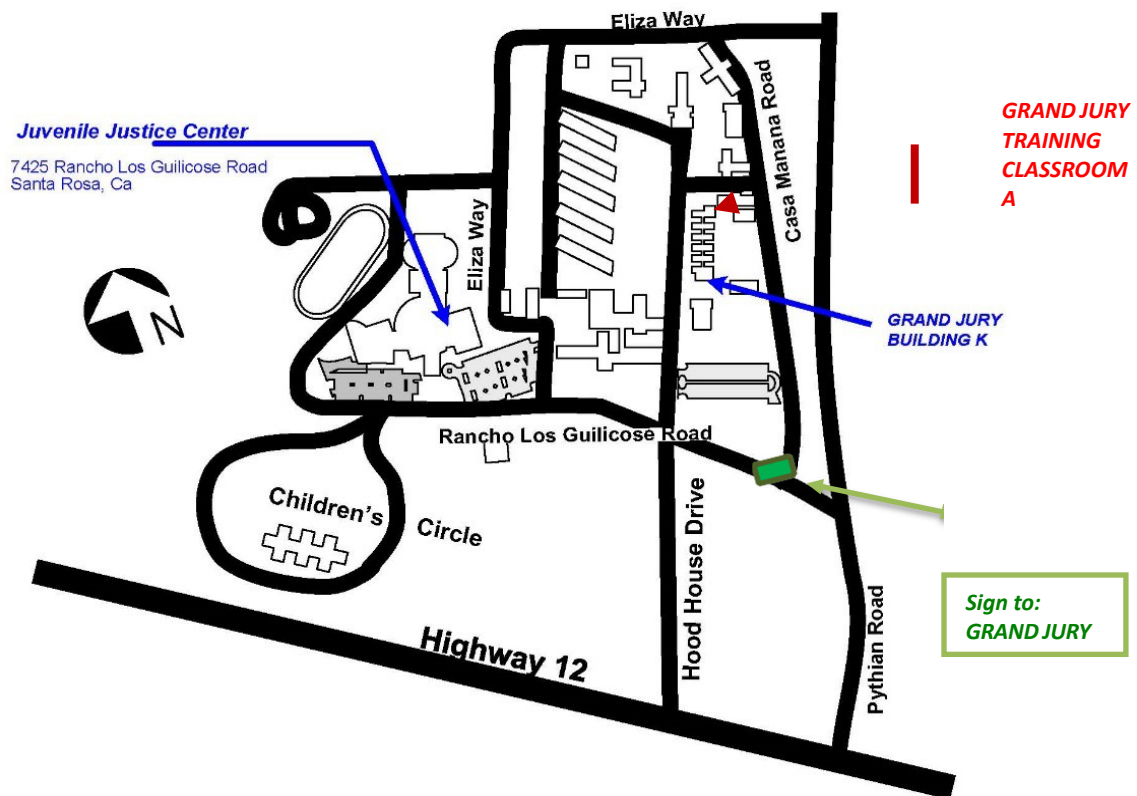
Chair, Continuity Committee

Sonoma County Civil Grand Jury

Penal Code §933.05 (excerpt, **emphasis added in bold**) to each grand jury recommendation, the responding person or entity shall report the following action:

The recommendation will not be implemented because it is not warranted or is not reasonable, **with an explanation**, therefore.

Map to Los Guilicos Facility



365 Casa Manana Road, Santa Rosa, California

Driving Directions

From Santa Rosa:

- Head SOUTH on Hwy 12.
- About 7 miles from Calistoga Road, turn LEFT at Pythian Road stoplight.
- Bear LEFT into Los Guilicos complex.
- Turn RIGHT onto Casa Manana Rd to large open parking lot on the left.
- Grand Jury office is in Building K first building on the LEFT. Next to Firing Range.
- Training Classrooms in Building A is first building on the RIGHT.

From Sonoma

- Head NORTH on Hwy 12.
- About a mile NORTH of Lawndale Road, RIGHT at Pythian Road stoplight.
- Bear LEFT into Los Guilicos complex.
- Turn RIGHT onto Casa Manana Rd to large open parking lot on the left.
- Grand Jury office is in Building K first building on the LEFT. Next to Firing Range.
- Training Classrooms in Building A is first building on the RIGHT.

General Information

Contact information may change.

Contacts

- **Honorable Shelly J. Averill**, Presiding Judge
Email: saverill@sonomacourt.org
Assistant: Missy Lemly – Email: mlemley@sonomacourt.org
- **Julie Wilcox**, Judicial Assistant
Phone: 707-291-3809
Email: jwilcox@sonomacourt.org
- **Kara Abelson**, Deputy County Counsel
Phone: 707- 565-4244
Email: Kara.Abelson@sonoma-county.org
- **Natalie Brunamonte**, Administrative Analyst, County Administrative Offices
Phone: 707- 565-8565
Email: Natalie.Brunamonte@sonoma-county.org
- **Joanna Lutman**, Administrative Aide Confidential, County Administrator's Office
Expense reports/filings and juror information
Phone: 707-565-3720
Email: Joanna.Lutman@sonoma-county.org
575 Administration Drive, suite 104A, Santa Rosa, CA. Phone.

Sonoma Public Infrastructure

- Facilities Development & Management - Main Phone: 707-565-2550
- Facilities Maintenance on site at Los Guilicos - Phone 707-565-6324
- Reserve Classroom A Main Phone: 707-565-2550 Direct Line: 707-565-2814

Primary County ISD - IT liaison

ISD Help Desk – 707-565-2030

455 Fiscal Drive, Santa Rosa

Assigned ISD employees who work directly with the Courts and their website. ISD Grand Jury –

- **Anita Suyeyoshi**, Information Technology Analyst
Phone: 707-565-3943
Email: Anita.Suyeyoshi@sonoma-county.org
- **Nick Heimer**, Information Technology Analyst
Phone: 707-565-1598
Email: Nick.Heimer@sonoma-county.org

Report Distribution

Report Publishing Media Contacts

In the past the plenary has elected to utilize Sonoma Media for printing both the Consolidated Final Report and Final Report Summaries. The summary report is distributed through Sonoma Media to its affiliated papers.

Newspapers in Sonoma County

Sonoma Media

- The Press Democrat (County wide)
- Argus-Courier (Petaluma)
- Sonoma Index-Tribune (Sonoma Valley)
- Sonoma County Gazette (County wide – free)
- La Prensa – Spanish (County wide)

Sonoma Media

- Mark Flaviani, Advertising Operations Director
707-526-8630
427 Mendocino Ave. Santa Rosa, CA 95401
Mark.Flaviani@pressdemocrat.com

Additional Print Media in Sonoma County

- North Bay Bohemian (North Bay – free) <https://bohemian.com/>
Daedalus Howell, Editor Lisa Santos, Advertising Manager
- Sonoma Valley Sun (Sonoma Valley) <https://sonomasun.com/>
Val Robichaud, Editor email: vrobichaud@sonomasun.com
- **Additional Printers in Sonoma County**
AD-Vantage Marketing
Contracted with Sonoma Media to print Consolidated Report
Upon request - Policy & Procedure Manual
Aaron Rankin aaron@ad-vantagemarketing.com
707-578-8700 x 202
455 Tesconi Circle, Santa Rosa, Ca 95401

Spanish translation service

Reliable Translations, Inc.

- James Marmolejo, Sales and Marketing Director www.ReliableTranslations.com
Cell: 805-630-6773
Email: jamesm@rtitran.com
Office Phone: 818-484-8673 ext 700
121 W. Lexington Drive, Suite L106D Glendale, CA 91203
- Larry Marshall, Operations Manager
Office: 818-568-8196 Email: larrym@rtitran.com

Oversees the translation service

Other Publication Links Contacts

- Board Of Supervisors - Digital Link
Contact: Send to each BOS Administrative Director (see County website)
Weekly updates
- Latinx Community Update
Contact: **Sylvia Lemus**, Communications Specialist, County Administration
707-565-1702 Sylvia.Lemus@sonoma-county.org
Weekly emails from CAO's office
Over 100 Latinx serving organizations/influencers share the email with clients & networks
- Sonoma County home page "Newsfeed"
Contact: **Paul Gullixson**, Communications Manager, County Administration
707-565-3040 Paul.Gullixson@sonoma-county.org; publicaffairs@sonoma-county.org
- Sonoma County Library
Contact: **Erika Thibault**, Library Director
707-545-0831 director@sonomalibrary.org;
Mike Dawe, IT Administration
707-308-3203 mdawe@sonomalibrary.org
- What's New in Sonoma County
Contact: **Birgitt Vaughan**, Director of Global Media Relations
707-522-5826
- Sonoma State – Library Administration: Special Collections Librarian
Specialcollections@sonoma.edu
707-664-4152
- Santa Rosa JC - Library Administration
707-527-4391
Because the report is publicly available online, they do not need a copy
- Sonoma County Office of Education: County High Schools - Library
(707) 524-2600

Departments in Sonoma County listed for report distribution

See the shared drive for a **list of departments within Sonoma County to receive the PDF version of the Consolidated Final Report**. Should be reviewed April/May each year for updates.

Publication Press Releases for report distribution

See the shared drive for a **list of media contacts within and outside Sonoma County to forward a press release and a PDF version of the Consolidated Final Report**. Should be reviewed April/May each year for updates.

Cities within Sonoma County listed for report distribution

Cloverdale, Cotati, Healdsburg, Petaluma (PDF only), Rohnert Park, Santa Rosa, Sebastopol, Sonoma, Windsor

Libraries within Sonoma County

Headquarters: Rohnert Park is the center of operations and administration for the countywide Sonoma County Library System.

6135 State Farm Drive Rohnert Park, Ca 94928
707-545-0831

Consolidated Report: 1 copy Headquarters, 1 each branch

Summaries English and Spanish: 20 each branch

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