

AGENDA SUBMITTAL

TO: GCS D Board of Directors

FROM: Peter J. Kampa

DATE: July 9, 2018

**SUBJECT: Item 5A -Review of, and Development of Responses to the 2017- 2018
Tuolumne County Civil Grand Jury Final Report as it Relates to
GCS D**

SUMMARY

The Grand Jury is a judicial branch of government typically referred to as “an arm of the court.” The Grand Jury does not function as an executive or legislative branch and is not a police agency.

The Grand Jury reviews and evaluates procedures, methods, and systems used by an agency to determine if there is a more efficient and/or economical way to perform their various functions. The Grand Jury does not mandate policy changes; instead, the Grand Jury makes recommendations to improve procedures, systems, and methods of operation.

The Grand Jury is charged with the annual investigations of the County Jail, and the California Conservation Center (located within the County of Tuolumne), and it also investigates agencies based on complaints or concerns raised by the public. The GCS D has been investigated by the 2017/18 Civil Grand Jury as the result of a public complaint, and to follow up on an investigation conducted in 2016/17.

The full 2017/18 [Grand Jury Report](#) is available on our website. Included in this agenda packet are the following sections of the 2017/18 Grand Jury Report:

1. How to read the Grand Jury Report
2. The responses from GCS D to the findings and recommendations of the 2016/17 Grand Jury Report
3. The section of the 2017/18 Grand Jury Report (herein referred to as Report) resulting from the current year’s investigation, and the subject of our current responses

California Penal Code:

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.

In accordance with California Penal Code Section 933(c), the Governing Board of the District is required to comment within 90 days of issuance of the Report on the findings and recommendations of the Report, and the Grand Jury has specifically requested that we respond to their Recommendations 1 through 10, inclusive. The District’s comments and responses must comply with Section 933.05 of the Penal Code as follows:

For purposes of subdivision (b) of Section 933, as to each grand jury **finding**, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury **recommendation**, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Included in this agenda packet for Board consideration is a draft response prepared by District management in accordance with Penal Code Section 933.05.

No additional action is required in response to the 2016/17 information provided, which is simply included herein for reference.

ATTACHMENTS

- 2017/18 Grand Jury Report
- Draft Response to 2017/18 Grand Jury Report

FINANCIAL IMPACTS

None

RECOMMENDED ACTION

Staff Recommends the following Motion:

I move to approve the 2017/18 Grand Jury response as presented (or amended)