

Instructions for Respondents

Key provisions of Penal Code § 933.05 require that responding officials or governmental entities must specifically comment upon each finding and each recommendation of the Grand Jury Report, rather than preparing a generalized response. Each published finding must be acknowledged by the respondents as correct or incorrect. Explanations for disagreements must be provided. Please use the format below to prepare your response. The full text of Penal Code § 933.05 is provided below.

Response Format

1. Provide the title and page number from the original report.
2. Provide the date of the response.
3. Quote the text of the original finding.
4. Respond to the finding indicating if the entity:
 - AGREES
 - PARTIALLY AGREES
 - PARTIALLY DISAGREES
 - DISAGREES

If the entity partially agrees or disagrees with the finding, specify the area of disagreement in the finding and include an explanation.

5. Quote the text of the original recommendation.
6. Respond to the recommendation indicating if the recommendation:
 - has been implemented;
 - has not yet been implemented, but will be implemented in the future, with a time frame for implementation;
 - requires further analysis with an explanation, scope, parameters and the time frame for completion which should not exceed six months; or
 - will not be implemented because it is not warranted or is unreasonable, with an explanation.
7. Respond to each report in a separate document or separate pages of one document to allow the easy distribution of the responses to the various committees.
8. For an example, see the Board of Supervisors responses to the 2003 - 2004 Grand Jury Final Report: <http://www.co.santa-cruz.ca.us/grandjury>.

9. An electronic version of the report in Microsoft Word format is available for the respondents to use to create their response report. To request an electronic copy of the report, send e-mail to: grandjury@co.santa-cruz.ca.us.
10. If you have questions about the response report, please contact the Grand Jury by calling (831) 454-2099 or by e-mail – grandjury@co.santa-cruz.ca.us.

When to Respond

A table indicating which entities are required to respond follows each report. This table also includes the corresponding recommendation numbers requiring a response and the number of days each entity has to respond. Responses from elected officials or administrators are required no later than 60 days from the publication of this report. Responses from the governing body of any public entity are required no later than 90 days from the publication of this report.

Where to Respond

Please send one hard copy of the report to the Presiding Judge at:

The Honorable Judge Jeff Almquist
Presiding Judge
Santa Cruz Superior Court
701 Ocean Street
Santa Cruz, CA 95060

Please send an electronic version of the report in Microsoft Word format to the Grand Jury. Send the electronic version of the report via e-mail to: grandjury@co.santa-cruz.ca.us. Sending the electronic version of the report to the Grand Jury expedites the process of producing the response report.

Penal Code § 933.05

- 1) For purposes of subdivision (b) of § 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - a) The respondent agrees with the finding.
 - b) 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.
- 2) For purposes of subdivision (b) of § 933, as to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- a) The recommendation has been implemented, with a summary regarding the implemented action;
 - b) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation;
 - c) The recommendation requires further analysis, with 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 director 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; or
 - d) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- 3) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county department headed by an elected officer, both the 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 department head shall address all aspects of the findings or recommendations affecting his or her department.
 - 4) 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.
 - 5) 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.
 - 6) 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.

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