

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT RESPONDING TO SAN DIEGO COUNTY GRAND JURY REPORTS	Number 10.02	Issue 2	Page 1 of 9
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1. PURPOSE

- 1.1. To ensure timely, accurate, and thorough responses to all *San Diego County Grand Jury Reports* received by the City.
- 1.2. To delineate the responsibilities of City Departments.
- 1.3. To establish guidelines for tracking and follow-through on preparation of the written response to each *San Diego County Grand Jury Report* that is received by the Mayor and to maintain copies of all *San Diego County Grand Jury Report* responses filed on behalf of the City of San Diego.

2. SCOPE

- 2.1. Applies to all City departments responding to or facilitating responses to specific *San Diego County Grand Jury Reports*.

3. BACKGROUND

- 3.1. The first *San Diego County Grand Jury* was impaneled in 1835. The *San Diego County Grand Jury* duties are listed within the California Penal Code § 888. The *Grand Jury* consists of nineteen citizens who are charged and sworn to investigate San Diego County civil matters as well as inquire into public offenses committed or subject to trials within the County.
- 3.2. The *Grand Jury* reviews and evaluates procedures, methods and systems used by government to determine whether they can be made more efficient and effective. The *Grand Jury* may at any time examine the books and records of any incorporated city located in the county. It may 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 city and make such recommendations as it may deem proper and fit. (See, California Penal Code § 925a)

Supersedes Administrative Regulation 10.02, Issue 2, effective March 16, 2009)

Authorized

[Signature on File]

CHIEF OPERATING OFFICER

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3.3. The *Grand Jury* has subpoena powers.

4. DEFINITIONS

4.1. *San Diego County Grand Jury (Grand Jury)* – Represents the citizens of San Diego County by investigating, evaluating, and reporting on the actions of local governments and special districts.

4.2. *San Diego County Grand Jury Report (Grand Jury Report)* - The California Penal Code requires any public agency which the *Grand Jury* has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency.

4.1.1. Comments are to be made in a specific format no later than 90 days after the *Grand Jury* publishes its report (filed with the County Clerk of the Court).

4.1.2. The San Diego County *Grand Jury Report* may be addressed separately or jointly to the Mayor (or Mayor Staff), City Council, or City Attorney.

5. WRITTEN RESPONSE

5.1. The California Penal Code requires any public agency which the *Grand Jury* has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations no later than 90 days after the *Grand Jury* submits its final report to the governing body (See, California Penal Code § 933(c)¹).

5.2. Pursuant to Penal Code Section 933.05, the response to the *Grand Jury Report* will address each finding and each recommendation.

5.3. As to each finding, the responding person or entity shall indicate:

5.3.1. Whether the respondent agrees with the finding; or,

5.3.2. Whether the respondent wholly disagrees or partially disagrees with the finding, specifying the portion of the finding that is disputed and including an explanation of the reasons for the disagreement.

5.4. As to each recommendation, the responding person or entity shall indicate:

1. The language of this AR is meant to track California Penal Code sections 933 and 933.05.

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- 5.4.1. Whether the recommendation has been implemented, with a summary regarding the implemented action;
- 5.4.2. Whether the recommendation has not yet been implemented, but will be implemented in the future, with a timeline for implementation;
- 5.4.3. Whether the recommendation requires further analysis.
 - a. If the response to a recommendation is that it “requires further analysis”, the response must include an explanation of the subject of the further analysis, and the scope and parameters of an analysis or study, and it will include a timeframe for the matter to be prepared for discussion by the relevant Assistance Chief Operating Officer (ACOO)/ Chief Financial Officer (CFO)/Deputy Chief Operating Officer (DCOO(s)), City Attorney Liaison, and Responding Department(s) (including City Council if applicable) not to exceed 6 months from the date the Grand Jury Report is published.

6. RESPONSIBILITIES

- 6.1. Any staff member who is requested to meet with the *Grand Jury* regarding an investigation must inform their Department Director, who will inform their supervisor, unless the staff member is specifically instructed by the *Grand Jury* not to disclose the investigation to the staff member’s Department Director or supervisor.
- 6.2. Departments have specific responsibilities outlined in the procedures below when responding to a *Grand Jury Report*.
- 6.3. If there is a requirement for both the Mayor and the City Council to respond to a *Grand Jury Report*, a draft response to the Presiding Judge of the Superior Court is prepared to allow sufficient time for further development by the Office of the Independent Budget Analyst (IBA), docketing, and hearing by the City Council and appropriate Council Committee.
- 6.4. If there is a requirement for a City Council only response to a *Grand Jury Report*, a draft response to the Presiding Judge of the Superior Court is prepared to allow sufficient time for further development by the Office of the IBA, as well as docketing and hearings by the City Council and appropriate Council Committee.

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7. PROCEDURE FOR GRAND JURY REPORT DIRECTED SOLELY TO MAYOR OR MAYORAL DEPARTMENT

7.1. Day 1 – Receive *Grand Jury Report*

7.1.1. Confidential Secretary to Mayor receives the *Grand Jury Report*, date stamps it, and forwards copies to the Mayor’s Office Liaison, Chief Operating Officer (COO), Assistant Chief Operating Officer (ACOO), Chief Financial Officer (CFO), or relevant Deputy Chief Operating Officer(s) (DCOO) and City Attorney Liaison, along with the date the response is due.

7.2. Within 7 Days of Receipt of the *Grand Jury Report* by the Mayor or Mayoral Department

7.2.1. Mayor’s Office Liaison (or designee) schedules meeting with the relevant ACOO/CFO/DCOO(s) City Attorney Liaison and Responding Department(s) representative to discuss the Report, a response template, and determine a timeline for preparing a response.

7.2.2. Responding Department(s) representative(s) determines a timeline to be used in preparing a response in order to meet the *Grand Jury’s* stated deadline.

7.2.3. The response to the *Grand Jury Report* must be in the format identified in Attachment 1, Grand Jury Report Response Template.

7.2.4. Mayor’s Office Liaison or designee internal tracking and schedules follow-up meetings as necessary.

7.2.5. The Responding Department(s) representative(s) prepares draft response in collaboration with Mayor’s Office Liaison and City Attorney Liaison using the response template. See Attachment 1.

7.2.6. Upon conclusion of drafting, the Responding Department(s) representative(s) will obtain approval from the CFO, DCOO and/or designee for finalization of the draft response.

7.3. 45 – 60 Days After Receipt of the *Grand Jury Report* by the Mayor (or Mayoral Department)

7.3.1 Mayor’s Office Liaison or designee schedules a meeting with the relevant DCOO or CFO and Responding Department(s) representatives to review the draft response.

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7.4. 60 – 80 Days After Receipt of the *Grand Jury Report* by the Mayor (or Mayoral Department)

7.4.1. At least two weeks prior to the final response due date, the Mayor’s Office Liaison works with the Responding Department(s) representative(s) on any recommended changes and schedules a meeting for staff to brief Mayor on response to Report.

7.4.2. Final response is submitted to the Mayor via the Mayor’s Office Liaison or designee for signature.

7.4.3. The Mayor’s Office Liaison or designee provides City Council with copies of the Mayor’s signed *Grand Jury* response no later than two business days prior to due date.

7.5. 90 Days After receipt of the *Grand Jury Report* by the Mayor (or Mayoral Department)

7.5.1. Mayor’s Office Liaison or designee hand-delivers signed response to Presiding Judge of the San Diego Superior Court by the required due date.

7.5.2. The Mayor’s Office Liaison or designee will ensure that the *Grand Jury Report* and the City’s responses are posted on the City’s website.

8. PROCEDURE FOR GRAND JURY REPORT DIRECTED TO THE MAYOR (OR MAYORAL DEPARTMENT) AND CITY COUNCIL, OR CITY COUNCIL ONLY

8.1. In cases where City Council response is required that involves subject matter under the purview of a Mayoral Department or in cases where both the Mayor and Council are required to respond to a *Grand Jury Report*, the Mayor’s Office Liaison will coordinate with the Independent Budget Analyst (IBA) Office and Council President’s Office regarding the timeline and process for response preparation.

8.1.1. The Mayor’s Office Liaison will forward responses prepared by appropriate Department(s) to the IBA and work with the IBA and Responding Departments on any necessary revisions, obtaining the input of the Office of the City Attorney, as appropriate.

8.1.2. The Mayor’s Office Liaison will notify the appropriate ACOO/CFO/DCOO or designee of any City Council Docket briefings, City Council Committee or City Council meeting dates where the response to the Report will be discussed.

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- 8.2. The City Attorney's Office will prepare a resolution after receiving an e1472 from the IBA's Office.
- 8.3. The Mayor's Office Liaison or designee will ensure that the *Grand Jury Report* and the City's response are posted on the City's website.

9. STATUS UPDATES OF RESPONSES TO GRAND JURY REPORTS

- 9.1. In accordance with Council Policy 000-33, the status of Council – accepted *Grand Jury* recommendations (including those that require further analysis) will be reviewed at least annually by the appropriate Council Committee.
 - 9.1.1. The Council Committee will begin review approximately one year after the *Grand Jury Report* responses are approved by Council and status reviews will occur annually until the recommendations are completed or otherwise resolved.
 - 9.1.2. The Mayor's Office will oversee Mayoral Departments in docketing the status updates with the appropriate Council Committee.
- 9.2. If there are any required follow-up actions by the Department, the Mayor's Office Liaison or designee will identify specific timelines for follow-up reports and completion dates. In these instances, responding Department(s) will be required to submit monthly status update reports on follow-up action items to the Mayor's Office Liaison or designee and appropriate ACOO/CFO/DCOO until all actions have been completed.

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APPENDIX

Legal References

California Penal Code section 933(c)
Council Policy 000-33, Implementation of Accepted Grand Jury Recommendations, effective April 22, 2015

Forms

Attachment 1 – Grand Jury Response Template

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San Diego County Grand Jury Report
Grand Jury

Administering Department

Office of the Assistant Chief Operating Officer

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ATTACHMENT 1

GRAND JURY RESPONSE TEMPLATE

(For Responses Required of the Mayor or a Mayoral Department (which must also be approved by the Mayor))

The City of San Diego responses should conform as below which is consistent with the California Penal Code Section 933.05:

The template below includes: 1. Current Date, 2. Inside Address, 3. Salutation to the Presiding Judge, 4. Subject, 5. Opening paragraph exactly as stated below, 6. Findings listed individually, 7. Response to each finding follows each finding beginning with very specific language, 8. Recommendations listed individually by Grand Jury Report number, 9. Response to each recommendation follows each recommendation beginning with very specific language, 10. Closing paragraph includes contact name, and phone number, 11. Signature block for Mayor, 12. Copies include San Diego County Grand Jury, City Council, Chief Operating Officer, Department Director, City Clerk, and Administration Department Director. Also, please provide a copy of the response on a CD.

Current Date

Honorable (Name of Current Presiding Judge)
Presiding Judge
San Diego County Superior Court
Main Courthouse, Third Floor
220 West Broadway
San Diego, CA 92101

Dear Judge _____:

Subject: [INSERT YEARS] Grand Jury Report entitled “ _____ ”

Pursuant to California Penal Code Section 933.05(a), (b), and (c), the City of San Diego provides the following responses to the findings and recommendations in the above-entitled Grand Jury Report:

Finding 1: **(Copy each finding as presented in the Grand Jury Report.)**

(In bold type in Agree, Wholly Disagree, Partially Disagree. If the response is Disagree Wholly or Partially with the finding, the response must specify the portion of the finding that is disputed and will include an explanation of the reasons.)

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Honorable (Name of Current Presiding Judge)
Date

Recommendation # (Copy the number of the recommendation from the Grand Jury Report) (Copy each recommendation as presented in the Grand Jury Report.)

Response: **(This paragraph should include one of the following.)**

- 1. This recommendation has been implemented with a summary regarding the implemented action; or**
- 2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation; or**
- 3. 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 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 the publication of the grand jury report; or**
- 4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.**

Please contact _____ at (619) _____ if you have additional questions.

Sincerely,

[NAME]
Mayor

cc: San Diego County Grand Jury
Chief Operating Officer
Assistant Chief Operating Officer
Deputy Chief Operating Officer
City Council
Department Director
City Clerk