

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT  Responding to San Diego County Grand Jury Reports	Number <b>10.02</b>	Issue 1	Page 1 of 10
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1. PURPOSE

- 1.1 To ensure timely, accurate, and thorough responses to all San Diego County Grand Jury Reports directed to the Mayor of the City of San Diego.
- 1.2 To delineate the responsibilities of City Departments.
- 1.3 To track and follow through on each San Diego County Grand Jury Report that is received by the Mayor and maintain copies of all San Diego County Grand Jury Report responses filed on behalf of the City of San Diego.
- 1.4 To track and complete all activities the City agrees to implement based on San Diego County Grand Jury Reports.

2. SCOPE

- 2.1 Applies to all City departments responding 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)
- 3.3 The Grand Jury has subpoena powers.
- 3.4 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

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the control of the agency. 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).

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

4. RESPONSIBILITIES

4.1 Any staff member who is requested to meet with the San Diego County 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.

4.2 Departments have specific responsibilities outlined in the procedures below when responding to a San Diego County Grand Jury Report.

4.3 If there is a requirement for both the Mayor and the City Council to respond to a San Diego County Grand Jury Report, the Mayor's response to the Presiding Judge of the Superior Court is prepared to allow sufficient time for docketing and hearing by the City Council.

4.4 Grand Jury Report responses are due to the Presiding Judge of the Superior Court 90 days following the date of the specific Grand Jury Report. Each responding party is responsible for ensuring the 90 day deadline is met.

5. PROCEDURE

<u>Responsibility</u>	<u>Action</u>
Confidential Secretary to Mayor 5.1	Receives the San Diego County Grand Jury Report, date stamps and forwards copies to Administration Department Director, City Attorney, and Community & Legislative Services.
Administration 5.2	Schedules an initial assignment meeting to include the assigned Department Director and their supervisor, Administration Department Director, City Attorney, Community & Legislative Services, and Department Representatives to discuss the report, provide a response template, and determine a timeline for preparing a response.

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| Responding<br>Departments                              | 5.4  | Prepares draft response in collaboration with Community & Legislative Services and City Attorney staff using response template. Obtains approval from the Director's supervisor and/or their designee.   |
| City Attorney  | 5.5  | Provides input to staff in preparing response. If a response is required by the Mayor <u>AND</u> the City Council, the City Attorney prepares a resolution after receiving a 1472 from the responding department for City Council Meeting prior to the due date to the Presiding Judge of the Superior Court |
| Administration   | 5.6  | Reviews department response, approves format and forwards to Community & Legislative Services.   |
| Responding Dept<br>and Community &<br>Legislative Svcs | 5.7  | Reviews draft response with Mayor. Policy staff works with department on recommended changes and schedules a meeting for staff to brief Mayor at least two weeks prior to response due date. Obtains Mayor's signature.  |
| Administration   | 5.8  | If the report requires a Mayoral response only, provides City Council with copies of Mayor's signed Grand Jury response no later than 2 business days prior to due date.   |
| Administration   | 5.9  | Delivers the response to the Presiding Judge of the Superior Court no later than the required due date.  |
| Administration   | 5.10 | If report requires both a Mayoral and City Council response, or solely a City Council response, forward factual data prepared by responding department(s) to City Council President staff within 45 days of response due date.   |
| Administration   | 5.11 | Facilitates any additional factual data collection requested by the Council President staff, as necessary. Briefs Community & Legislative staff on these activities.   |
| Responding<br>Department                               | 5.12 | Prepares 1472 and information-only report for City Council hearing as necessary.   |
| Community &  | 5.13 | Notifies Director of Administration and  |

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| Legislative Svcs.                            |      | Department staff of City Council Docket briefing.  |
| Responding<br>Department                     | 5.14 | Attend City Council meeting to respond to questions.   |
| City Attorney/<br>Council President<br>Staff | 5.15 | After the Council meeting, City Attorney or Council President staff provides a hard copy and CD of the Grand Jury Report response and any supplemental City Council response to the Presiding Judge of the Superior Court, and distributes all copies as listed in the response. |
| City Clerk                                   | 5.16 | Upon receipt of the responses, downloads the Grand Jury Report and responses onto City of San Diego official website.  |
| Administration                               | 5.17 | Forward follow-up actions to Department, via the City's electronic tracking system (completegov) with specific timelines for follow-up reports and completion dates.   |
| Responding<br>Department                     | 5.18 | Submits monthly status update reports on follow up actions to their supervisor and the Administration Department until actions have been completed.  |

APPENDIX

California Penal Code section 933(c)  
Response Template  
Timeline

Administering Department

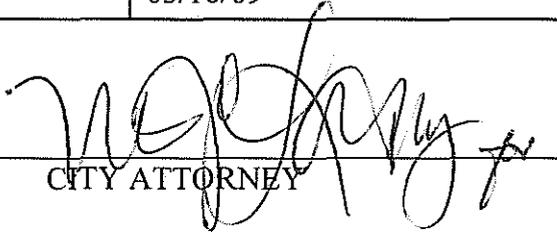
Administration

Authorized

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\_\_\_\_\_  
CHIEF OPERATING OFFICER

  
\_\_\_\_\_  
CITY ATTORNEY

  
\_\_\_\_\_  
CITY CLERK

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Hold this page for California Penal Section 933(c).

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**Grand Jury Response Template**

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: 2006-2007 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,

Jerry Sanders  
Mayor

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

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**Grand Jury Report Response Timeline – Addressed to Mayor Only**

**Day One:** Receive Grand Jury Report.

**Within Seven Days:** Administration Department Director schedules meeting with the specific Department Directors and their supervisors involved in responding to the Grand Jury Report. Administration Department formally assigns the report to the appropriate Department Head via the electronic tracking system (completegov) with timelines and due dates.

**45-60 Days After Receipt of Report:** Administration Department schedules a meeting with Community & Legislative Services, the specific Department Director and their supervisor to review draft response.

**60-80 Days After Receipt of Report:** Final response is submitted to the Mayor via the Administration Department Director for signature.

**90 Days After Receipt of Report:** Administration Department hand-delivers signed response to Presiding Judge of the Superior Court.

**Grand Jury Report Response Timeline – Addressed to Mayor and Council**

**Day One:** Receive Grand Jury Report.

**Within Seven Days:** Administration Department Director schedules meeting with the specific Deputy Chief(s) and Department Directors involved in responding to the Grand Jury Report. Administration formally assigns the report to the appropriate Department Head and their supervisor via the electronic tracking system (completegov) with timelines and due dates.

**45-60 Days After Receipt of Report:** Administration Department schedules a meeting with Community & Legislative Services, the specific Department Director and their supervisor to review draft response.

**45 Days After Receipt of Report:** Administration Department forwards factual responses to City Council President staff.

**45-60 Days After Receipt of Report:** Administration Department facilitates any additional factual data collection requested by the Council President staff, as necessary. Briefs Community & Legislative staff on these activities.

**60-80 Days After Receipt of Report:** Department submits 1472 and information only report to Council

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President staff, if necessary. City Attorney prepares resolution for City Council. City Council hears and approves response.

**90 Days After Receipt of Report:** Administration Department hand-delivers signed Mayoral response to Presiding Judge of the Superior Court. City Attorney or Council President staff hand-delivers approved City Council response to Presiding Judge of the Superior Court.

**14 Days After Hand Delivery of Report:** Administration Department forwards follow-up actions to Department, via the City's electronic tracking system (completegov) with specific timelines for follow-up reports and completion dates. Generates monthly status reports to the respective Department Director and their supervisor.

