

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number X	Issue 1	Page X of X
Responding to San Diego County Grand Jury Reports <u>DRAFT FOR REVIEW 08-30-07</u>	Effective Date (month/day/year)		

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 and the City Attorney's Office.
- 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 §933(c). 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 potentially subject to trials within the County.
- 3.2 The California Penal Code requires the Grand Jury to inquire into the willful or corrupt misconduct in office of public officers. The Grand Jury may conduct hearings to determine if there is sufficient evidence to bring an indictment charging a person with a public offense; however, the district attorney usually calls for impanelment of separate juries from the regular trial jury pool to bring forward criminal indictments
- 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 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).

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3.5 The San Diego County Grand Jury Report can 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 contacted by the San Diego County Grand Jury to testify must inform their Department Director who will inform their respective Deputy Chief Operating Officer.
- 4.2 Departments have specific responsibilities delineated 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 recipient is responsible for ensuring the 90 day deadline is met.

5. PROCEDURE

Responsibility

Action

- | | | |
|---------------------------------|-----|--|
| Confidential Secretary to Mayor | 5.1 | Receives the San Diego County Grand Jury Report, date stamps and forwards copies to Business Operations/Administration Director, City Attorney, and Community & Legislative Services. |
| Business Ops/ Administration | 5.2 | Schedules an Initial Assignment Meeting to include Deputy Chief Operating Officer, Business Operations/Administration Director, City Attorney, Community & Legislative Services, and Department Representatives to discuss the Grand Jury Report, provide a response template, and determine a timeline to be used in preparing a response. |
| Business Ops/ Administration | 5.3 | Generates route slip for tracking, schedules follow-up meeting. |
| Responding | 5.4 | Prepares draft response in collaboration with Community & |

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Departments		Legislative Services and City Attorney staff using the response template. Obtains approval from Deputy Chief Operating Officer and/or 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 for City Council Meeting prior to the due date to the Presiding Judge of the Superior Court
Business Ops/ Administration	5.6	Reviews department response, approves format and forwards to Community & Legislative Services.
Responding Dept and Community & 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.
Business Ops/ 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 48 hours prior to due date.
Business Ops/ Administration	5.9	Delivers the response to the Presiding Judge of the Superior Court by the required due date.
Business Ops/ 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.
Business Ops/ 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 Department	5.12	Prepares information only report for City Council hearing as necessary.
Community & Legislative Svcs.	5.13	Notifies Director of Citywide Business Ops/Administration and Department staff of City Council Docket briefing.
Responding		

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Department	5.14	Attend City Council meeting to respond to questions.
City Attorney/ Council President Staff	5.15	After the Council meeting, the City Attorney’s Office 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, the City Clerk will download the Grand Jury Report and City of San Diego responses onto City of San Diego official website.
Business Ops/ 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 Department	5.18	Submits monthly status update reports on follow up actions to respective Deputy Chief Operating Officer and Business Operations/Administration until actions have been completed

APPENDIX

California Penal Code Section 933(c)
Response Template
Timeline

Administering Department

Business Operations/Administration

Authorized

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CHIEF OPERATING OFFICER

CITY ATTORNEY

CITY CLERK

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

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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 Janis Sammartino
Presiding Judge
San Diego County Superior Court
Main Courthouse, Third Floor
220 West Broadway
San Diego, CA 92101

Dear Judge Sammartino:

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 Janis Sammartino
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.)**

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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

Grand Jury Report Response Timeline – Addressed to Mayor Only

Day One: Receive Grand Jury Report.

Within Seven Days: Business Operations/Administration Department Director schedules meeting with the specific Deputy Chief(s) and Department Directors involved in responding to the Grand Jury Report. Business Operations/Administration formally assigns the report to the appropriate Deputy Chief and

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Department Head via the electronic tracking system (completegov) with timelines and due dates.

45-60 Days After Receipt of Report: Business Operations/Administration Department schedules a meeting with Community & Legislative Services, the specific Deputy Chief Operating Officer and Department Director to review draft response

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

90 Days After Receipt of Report: Business Operations/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: Business Operations/Administration Department Director schedules meeting with the specific Deputy Chief(s) and Department Directors involved in responding to the Grand Jury Report. Business Operations/Administration formally assigns the report to the appropriate Deputy Chief and Department Head via the electronic tracking system (completegov) with timelines and due dates.

45-60 Days After Receipt of Report: Business Operations/Administration Department schedules a meeting with Community & Legislative Services, the specific Deputy Chief Operating Officer and Department Director to review draft response

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

45-60 Days After Receipt of Report: Business Operations/Administration 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 information only report to Council President staff, if necessary. City Attorney prepares resolution for City Council. City Council hears and approves response.

90 Days After Receipt of Report: Business Operations/Administration 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: Business Operations/Administration forwards follow-up

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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 Deputy Chief Operating Officer and Department Director.

