

Appendix A

Instructions to Respondents

As specified by the California Penal Code, the Final Report of this Grand Jury contains a series of reports on individual investigations and reviews conducted during the Grand Jury's term of office.

Each report of an individual investigation or review contains Findings and Recommendations made by this Grand Jury and names Respondent(s).

Section 933 (b) and (c) of the Penal Code specifies that each Respondent named in this Final Report must respond to the Presiding Judge of the Superior Court for each Finding and each Recommendation pertaining to matters under the Respondent's control.

Presiding Judge Suzanne M. Kingsbury of the El Dorado County Superior Court has directed this Grand Jury to inform each Respondent to forward a written response as specified in Sections 933 and 933.05 of the Penal Code to:

Hon. Jerald Lasarow
Supervising Grand Jury Judge
El Dorado County Superior Court
1354 Johnson Boulevard
So. Lake Tahoe, CA 96150

The written response of each named Respondent will be reprinted in a publication to the citizens of El Dorado County. Each Respondent must organize the written response as follows:

The [*Respondent's Official Title*] responds to the Final Report of the 2000-2001 El Dorado County Grand Jury as follows:

[List Title of Individual Report]

Finding # [*Retype Text of Finding as written in Final Report*]

Response: [*Review California Penal Code Section 933.05 (a) (1) and (2). Respondent must specify with one of three options - a) Respondent agrees with finding, b) Respondent disagrees wholly with finding, or c) Respondent disagrees partially with finding. If Respondent uses options b or c then the Respondent shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.*]

Recommendation # [Retype Text of Recommendation as written in Final Report]

Response: *[Review California Penal Code Section 933.05 (b) (1) - (4). Respondent must specify with one of four options - a) recommendation has been implemented, b) recommendation has not been implemented but will be implementing noting a timeframe, c) recommendation requires further analysis or study noting a timeframe not to exceed 6 months from date Final Report was issued, d) recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefor.]*

Respondent must use the above formats for each separate finding and recommendation, which the Grand Jury's Final Report identifies to the Respondent.

The California Penal Code provides specific legal requirements on each Respondent named in the Grand Jury's Final Report. Applicable Penal Code Sections for responding are reprinted below for reference.

CALIFORNIA PENAL CODE SECTION 933 (b) and (c)

933 (b) 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 sixty 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 the 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 the 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.

(c) As used in this section, "agency" includes a department.

CALIFORNIA PENAL CODE SECTION 933.05 (a), (b), (c)

933.05(a) 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 on 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 time frame for implementation.
- (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 Final Report.
- (4)** The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or Department Head shall address all aspects of the findings or recommendations affecting his or her agency or department.

