



## NOTICE TO RESPONDENTS

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. This information is intended to help you in your responses to avoid unnecessary and time consuming repetitive actions. Those responses which do not fully comply with Penal Code requirements, including explanations and time frames where required, will not be accepted and will be returned to respondents for corrections

### RESPONSE TO FINDINGS

*The responding person or entity shall indicate one of the following:*

- 1. The respondent agrees with the finding.*
- 2. The respondent disagrees wholly or in part 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 reason therefore.*

### RESPONSE TO RECOMMENDATIONS

*The responding person or entity shall report one of 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 timeframe for implementation.\**
- 3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of an agency of department being investigated or reviewed. This timeframe shall not exceed six months from the date of publication of the grand jury report. \*\**
- 4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.*

\* The time frame needs to be specific and reasonable.

\*\* At the conclusion of this analysis, the recommendation must be responded to as required by items 1, 2, or 4.

## **RESPONSE: TIME, WHERE, AND TO WHOM**

The Penal Code identifies two different response times, depending upon the classification of the respondent (see below), and includes where and to whom the response is directed. Day one begins with the date of the report.

### **1. Public Agency:**

The governing body of any public agency (also refers to department) must respond within ninety (90) days. The response must be addressed to the Presiding Judge of the El Dorado County Superior Court.

Examples: Governing body of a public agency, Board of Supervisors, Directors of Districts.

### **2. Elective Officer or Agency Head:**

All elected officers or heads of agencies/departments are required to respond within sixty (60) days to the Presiding Judge of the Superior Court, with a copy provided to the Board of Supervisors.

Examples: Sheriff, Auditor/Controller, Recorder, Surveyor, Tax/Treasurer.

## **FAILURE TO RESPONSE:**

Failure to respond to a grand jury report is in violation of California Penal Code 933.05 and is subject to further action.