

REVISED ACTION ITEM April 20, 2016

TO: Board of Directors

FROM: Public Affairs & Legislation Committee

(Directors Barbre, Hinman, Tamaribuchi)

Robert Hunter, General Manager Staff Contact: Heather Baez

SUBJECT: SB 1292 (Stone) – Grand Juries: Reports

STAFF RECOMMENDATION

Staff recommends the Board of Directors vote to support SB 1292 (Stone) and send a letter indicating our support position to the bill's author and the Orange County delegation.

COMMITTEE RECOMMENDATION

Although the committee voted to support SB 1292, they voted to not send letters to the author and Orange County delegation from MWDOC directly, but instead join a CSDA coalition letter supporting the measure.

SUMMARY

SB 1292 would - (1) require each grand jury to hold an exit interview with the subject of their investigations to discuss the findings of the report, as specified; (2) allow a grand jury to provide a draft of their findings to the subject of the report, in order to receive initial comments on the draft, as specified; and (3) grant the subject of an investigation the option to provide comments on the report that will be released and posted with the grand jury report.

ARGUMENTS IN SUPPORT

CSDA is sponsoring SB 1292 (Stone), which promotes the integrity of the grand jury system and assists the grand jury in increasing the accuracy of their publically released reports,

while maintaining the fundamental principles of the civil grand jury as an independent watchdog. Specifically, this bill:

- Requires each grand jury to hold an exit interview with the subject (person or entity)
 of their investigations to discuss the findings of the report.
- Affords grand juries with the option of providing a draft of their findings to the subject of the report in order to receive initial comments on the draft.
- Grants the subject of an investigation the option to provide comments on the report that will be released and posted with the grand jury report at the time it is made publically available.

ARGUMENTS IN OPPOSITION

The California Supreme Court has confirmed the independence of the grand jury and the inherent value of its final report: "The modern final report, containing the grand jury's findings and recommendations on the subject of its investigations is the normal end product of its watchdog functions and is the only formal means by which the grand jury can hope to effectuate its recommendations." (McClatchy Newspapers v. Superior Court, 44 Cal. 3d 1162, 1171-72 (1988).)

This bill changes procedures relating to a local entity's involvement in the final report of the grand jury.

COMMENTS

CSDA is asking members to support this measure and send a letter as it, "will have a positive effect on all special districts and the public."

Support on file: Association of California Healthcare Districts, California Association of Recreation and Park Districts, California Fire Chiefs Association, California Grand Jurors Association, Fire Districts Association of California.

Opposition on file: California Attorneys for Criminal Justice

DETAILED REPORT

The full text of SB 1292 is attached.