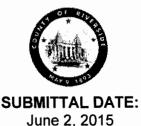
SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

226



FROM:

Executive Office

SUBJECT: Response to the 2014-15 Grand Jury Report: Riverside County Information Technology Internal Audit Report

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve with or without modification, the attached response to the Grand Jury's recommendation regarding Riverside County Information Technology Internal Audit Report. Direct the Clerk of the Board to immediately forward the Board's finalized responses to the Grand Jury, to the Presiding Judge and the County Clerk-Recorder (for mandatory filing with the State).

BACKGROUND: Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to the matters under the control of the Board and that a response be provided to the Presiding Judge of the Superior Court within 90 days.

FINANGIAL DATA	Gurren	t Fiscal Year:	Next Fisca	il Year:	Total Cost	•	Or	ngoing Cost:	POLICY/O	
COST	\$	N/A	\$	N/A	\$	N/A	\$	N/A	Consont	Delieu V
NET COUNTY COST	\$		\$		\$		\$		Consent 🗆	Policy X
SOURCE OF FUN	DS:							Budget Adjustr	nent:	
								For Fiscal Year	:	
C.E.O. RECOMME	NDA	TION:		DV:	ROVE	A John	180	on .		
County Executive	Offic	e Signatı	ıre				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
		MINUTE	S OF T	HE BOAF	RD OF	SUPERV	'IS	ORS		

On motion of Supervisor Jeffries, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes:

Jeffries, Tavaglione, Washington, Benoit and Ashley

Nays:

None

Absent:

None

Date:

June 16, 201/5

XC:

EO, Grand/Jury, Presiding Judge, RCIT, Recorder

Kecia Harper-Ihem Clerk of the Board

4/5 Vote

Positions Added

Change Order

Prev. Agn. Ref.:

District:

Agenda Number:

Departmental Concurrence

RESPONSE TO 2014-2015 GRAND JURY REPORT Riverside County Information Technology Internal Audit Report

Following is the response of the Riverside County Information Technology (RCIT) to the above referenced Grand Jury Report. As the Grand Jury has chosen to reference the acts of the Riverside County Executive Officer, the Office of Riverside County Counsel and the Riverside County Auditor-Controller in its findings, this response has also been prepared on behalf of each of these County Officials and their departments.

FINDING NO. 1:

RCIT Non-Compliance

During the period July 1, 2012, through, June 30, 2013, the Auditor-Controller performed an internal audit of RCIT. The Internal Audit Report 2013-011 was completed and submitted to the BOS on November 26, 2014, and placed on the BOS agenda for January 06, 2015.

BOS Resolution No. 83-338 III C states in part:

... The head of a county entity audited will reply in writing to the Auditor-Controller to the specific audit findings and recommendations within 30 calendar days of receipt of the written findings and recommendations.

As of the date of this report, RCIT has not complied with a written response as mandated in BOS Resolution No. 83-338 III C. The Internal Audit Report 2013-011 indicated it would submit the audit report to the BOS without RCIT's written consent.

Response: Respondent partially agrees with this finding.

RCIT has submitted its response to Internal Audit Report No. 2013-011. While submittal was appropriately delayed as the position of RCIT Director was filled with an Interim Director pending recruitment and hiring of a permanent RCIT Director, and short staffed as well. The new RCIT Director came aboard on or about of May 4, 2015 and issued the RCIT written response on May 27, 2015, which is within 30 days of his assuming the role as RCIT Director. Considering the circumstances, the response to the Auditor-Controller Internal Audit Report, while not received within the timeframe set forth in Board of Supervisors Resolution No. 83-338, the submission was timely based upon the circumstances.

RECOMMENDATION NO. 1:

RCIT Non-Compliance

RCIT shall comply with Resolution No. 83-338 C and submit a written reply to the Auditor-Controller.

Response: RCIT agrees with this recommendation.

RCIT submitted its response to the Internal Audit Report to the Auditor-Controller on May 27, 2015.

FINDING NO. 2:

County Executive Officer Failure to Enforce

The County Executive Officer is not enforcing BOS Resolution No. 83-338 III C and BOS Policy A-33, Responses to All Audit Reports, requiring RCIT to reply in writing.

Response: Respondent wholly disagrees with the finding.

Respondent disagrees with the statement and inference that the County Executive Officer is not enforcing Board of Supervisors Resolution No. 83-338 and Board Policy A-33. The Grand Jury has provided no legitimate basis for such an overly broad assertion and finding. They have based their conclusion on the late filing of one department that was, as referenced above, without a permanent Director and short staffed during the time period that the Internal Audit Report was presented.

There are approximately 42 departments and agencies of the County of Riverside that are subject to audit by the Auditor-Controller. Yet, the Grand Jury's only justification for its finding is the late submittal of one department. It is the policy and practice that County Departments timely respond to internal audits. The Riverside County Executive Officer and his staff take all of their responsibilities seriously and carry them out judiciously and with the utmost consideration of the public trust.

RECOMMENDATION NO. 2:

County Executive Officer Failure to Enforce

The County executive Officer shall enforce Resolution No. 83-338 III C along with BOS Policy A-33 (see Attachment A).

Response: Respondent agrees with this recommendation.

The recommendation improperly suggests that the County Executive Officer has failed to exercise his duties in enforcing the referenced policy. The County Executive Officer has, and

will continue to enforce Resolution No. 83-338 III C and BOS Policy A-33. There has not been a lack of enforcement. One department's late submittal under the circumstances does not amount to "Failure to Enforce".

FINDING NO. 3:

County Counsel Interference

On January 21, 2014, The Riverside County Grand Jury (Grand Jury) requested RCIT to provide the Grand Jury with a copy of its written reply to the Internal Audit Report 2013-011. RCIT failed to comply and informed the Grand Jury verbally as well as facsimile from the RCIT Interim CIO, dated January 21, 2015, that the Office of County Counsel Riverside County (County Counsel) has advised them to have all Grand Jury requests and questions directed to RCIT in writing, for County Counsel to review all requests in advance.

California Penal Code §921 states in part:

The grand jury is entitled to free access...to all public records within the county.

California Penal Code §925 states in part:

The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county...

Response: Respondent wholly disagrees with the finding.

Respondent disagrees with the Grand Jury's statement that the Office of County Counsel's (County Counsel) instruction to its client that requests from the Grand Jury shall be in writing is somehow interference. The Grand Jury clearly does not fully understand the role of County Counsel, nor does it understand the limits of grand jury action.

County Counsel has a legal and ethical duty to serve as legal advisor to the County Board of Supervisors, its officers and employees. (See CA Government Code §§ 26526, 26529 & 27642) Also the California Rules of Professional Conduct require County Counsel to act in the County's best interest by providing fair and competent legal advice.

The Grand Jury maintains that they are "entitled to free access....to all public records within the county." (CA Penal Code §921) We do not disagree. However, the Grand Jury is not entitled to access to "all" records; only access to public records. One of the various duties and obligations of County Counsel in representing its client, the County of Riverside, is to protect against inadvertent disclosure of attorney-client and attorney work-product privileged documents, as well as documents protected by Constitutional, statutory or common law privileges. The law is clear - the grand jury is not entitled to such information. The Grand Jury's assertion that County Counsel should not be allowed to provide legal advice to its client by requesting that a particular request be made in writing and that the request be reviewed by counsel so as to advise its client on compliance with the law is misguided and contrary to the County Counsel's

ethical and statutory duties to its client.. Expecting its client to fend for itself and not avail itself of counsel, would have been a dereliction of County Counsel's responsibilities.

Each year, the County receives dozens of inquiries from the grand jury pertaining to its operations, programs and services. The grand jury often submits its requests in writing for information to the various county departments. There are dozens of site visits and release of information on County programs and services that never involve the County Counsel's Office.

In this particular instance, County Counsel was contacted by the Acting RCIT Director who expressed concern regarding a request from the grand jury. We advised our client to request that the grand jury put its request in writing so that we may properly advise RCIT on compliance with the request. It is important to note that the grand jury was <u>never</u> denied access to information. The grand jury voluntarily <u>declined</u> to put its request in writing and abandoned its pursuit of the information.

Furthermore, this "Finding" is indicative of the Grand Jury's misunderstanding of the role of County Counsel to represent its client, the County of Riverside and its constituent entities. Based upon the foregoing facts and circumstances, the County Counsel properly discharged his ethical and statutory duties pursuant to Rules 3-110, 3-310, and 3-600 of the California Rules of Professional Conduct.

RECOMMENDATION NO. 3:

County Counsel Interference

County Counsel shall recognize the Grand Jury as an independent body, which operates autonomously, once impaneled.

To assist in the understanding of the civil functions, scope of responsibilities and powers of the Grand Jury, County Counsel shall complete additional training from the State of California, Office of the Attorney General on Sections 888-945 of the California Penal Code.

Response: The recommendation will not be implemented because it is not warranted and is not reasonable.

The Recommendation is wholly without factual or legal basis. The grand jury simply objects to the County Counsel performing his ethical and statutory duties and responsibilities. T implication that the County Counsel requires training on the provisions of CA Penal Code §§888-945 is wholly inappropriate based upon the foregoing discussion. Moreover, the attached PowerPoint Presentation entitled "The Investigatory and Reporting Authority of Civil Grand Juries Acting in their "Watchdog" Capacity" by Gregory P. Priamos, County Counsel which was used to train the Office of County Counsel attorneys, County Department Directors, and most recently, the California County Counsels' Association, is evidence that the County Counsel has substantial expertise in this field and does not require any training. (See Attachment A).

Given that the role of the County Counsel's Office is an important one and one that should be explained in greater detail to the members of the grand jury, the County Counsel has committed to be involved in training the members of the new grand jury in July following empanelment pursuant to Penal Code section 914. The training will specifically address the role, statutory duties, and ethical obligations of the County Counsel as it relates to the representation of its client, the County of Riverside.

FINDING NO. 4:

Distribution of Audit Reports

The Grand Jury has not received Internal Audit Reports from the Auditor-Controller in several years.

BOS Resolution No. 83-338 II D states in part:

...Audit reports, except for request audits, shall be addressed to the head of the entity audited, with copies to the Board of Supervisors, Administrative Officer, District Attorney, and the Grand Jury. For requested audits, the report shall be addressed to the proper authority requesting the audit (unless a different addressee is desired by the requestor), with copies to the Board of Supervisors, Administrative Officer, District Attorney, and Grand Jury...

Response: Respondent agrees with the finding.

The Riverside County Auditor-Controller is committed to the responsible reporting of audits conducted and has in the past provided copies to the Grand Jury. Due to turnover of personnel in the Chief Internal Auditor position, the discontinuance of printing bound copies of audit reports, and the posting of audit reports on the Auditor-Controller's website the requirement was not enforced. The post audit procedures have been revised to ensure the proper distribution of Internal Audit Reports. Internal Audit staff will provide a copy of each audit report to the Grand Jury after the Board of Supervisors have taken action to receive and file.

RECOMMENDATION NO. 4:

Distribution of Audit Reports

In accordance with BOS Resolution No. 83-338 II D, the Auditor-Controller shall provide copies of all Internal Audit Reports to the Grand Jury.

Response: Respondent agrees with the recommendation.

The Riverside County Auditor-Controller Internal Audit Division will provide the Grand Jury a copy of Internal Audit Reports upon the Board of Supervisors acceptance of the Receive and File Form 11.



THE INVESTIGATORY AND REPORTING **AUTHORITY OF CIVIL GRAND JURIES ACTING IN THEIR** "WATCHDOG" CAPACITY

Gragory P. Priamos County Counsel

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L INTRODUCTION.

- One of the key functions of grand juries in California and elsewhere is to act in the capacity of a "wetchdog" in investigating the operations and effects of governmental agencies.
- The civil grand jury is an instrumentality of the courts of the state.
 (McClatchy Newspapers v. Superior Court (1988) 44 Cal.3d 1162, 1171).
- Civil grand juries proceedings are conducted in secret, subject to certain

 - encourage heatant witnesses to come forward voluntarily
 encourage witnesses to testify fully and frankly
 protect the reputation of those who may be unjustly eccursed during the course of an investigation. (Goldstein v. Superior Court (2008) 45 Cal-4th 218, 226-227).

IL CONSTITUTIONAL AND STATUTORY BASIS FOR THE CAUFORINA GRAND LURY SYSTEM.

• The Chiffornia Constitution, from very early in the State's history, has recognized and sequired the establishment of grand juries in each county. The 1949 Constitution recognized grand juries in Article 1, Section 8. Essentielly, that same language now edits in Article 1, Section 23. California courts, in a warlary of contacts, have stated that California's constitutional recognition and requirement of a chill grand pury system does be origin in the common law of England detting back hundreds of years.

(McCatche Newsaupers v. Superior Court (1988) 44 Cal.3d 1162, 1170-71; Unanteed Minority Members, etc., Grand Jury v. Superior Court (1989) 206 Cal. App. 3d 1344; Daily Journal Corp. v. Superior Court (1999) 20 Cal.4dh 1117, 1122; Papels v. Superior Court (Mostch poural) (2008) 78 Cal.4pp. 4th 403, 427,)

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California's statutory provisions concurring the formation, composition and functioning of grand juries are contained analysysthin Title 4 of Part 2 of the Penal Code, Penal Code Sections 888 through 989.52.			
*Sections 914 through 939.91 set farth the powers and chalms of grand juries. General provisions are set forth in Section 924 through 924.6.			
Grand Jury aspenditures (Section 914.5).			
- Selection of officers and determination of procedural rules (Section 915).			
 Various inquiries within the grand juries purviour (Sections 917, 918, 919, 920, 921, 922). 		4	
Mutters concerning grand jury secrecy. (Sections \$24 through \$24.5).			
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Saction 925 outhorizes excentration of "the operations, ecopiality and accorded of the officers, described on the state of the secrets leakeling.			
recentle of the afficus, departments, or functions of the counts, behalfug these guardines, commits and counts of any special signification district or other district to the county exceeding parameter to district how for which the			
afflore of the county are serving in their an afficia capacity as afficers of the			
Section \$27 sotherizes grand juries to investigate and report upon the			
salartes of county efficies.			
 Section 928 authorizes grand juries to investigate and report upon the "needs" of county officers, including the abolition or creeklon of offices and 			
equipment.			
 Section 921, authorities grand jury access to the public prisons, and to the entralnetion of all public records within the county. 			
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Sections 939 and 959.06 concern the preparation of grand jury flux reports containing their findings and recommendations. Section 953(c)			
requires "agencies," including counties, successor agencies, housing sententies, and districts, to respond in writing to the grand jury report.			
 This response is to be submitted to the freedding Judge of the Superior Court on later than \$0 days ofter the grand jury has submitted its report. 			
* The responding person or easily must ludicate whether they agree, wholly		W-W2	
disagree or partially disagree with the findings.			
 You response must specify the parties of the findings that is deputed and an appearation of the respons therefor. 			
 The requeres must also indicate whether the recommendations from been implemented, will be implemented, require further enough, or will not be 			
Inplemented.			
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Section 933.1 through 923.6 vest grand juries with investigative authority	
over other enthies.	
Section 988.1 sethorize investigations of the books and records of successor	
agencies and housing outhorities, as well as their "method" or system of	
performing the duties of such agency or authority."	
 Sections 933.5 and 933.6 authorize investigations of the books and records (but not "operations") of, respectively, special purpose assessing or testing 	
districts and LAPCOs, and of certain private songstaffs corporations	
"established by or operated on behalf of a public entity."	
rel deste a perior de la compación de la com-	
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 Section 934 gives grand juries the right to seek advice from the court, 	
county council, district externey end/or the Atterney General.	
- Sections 896, 886.5 and 896.7 authorize grand juries to retain special	
counsel.	
 Sections 957 through 936.3 about the hiring of interpreters and stonographers. 	
 Sections 699 through 906.91 concern the conduct of grand jury proceedings. 	

- Ad	
* Section 999 provides:	
"No persons other then grand jures shell be permitted to be present during the expression of the opinions of the grand jurors, or	
the giving of their votes, on any criminal or civil matter before	
them."	
* When a grand have it asserting the same of a second how according to	
 When a grand jury is questioning witnesses at a grand jury seasion, the pressure of non-witnesses (including executed for witnesses in civil 	
proceedings) in prohibited <u>count</u> that a milness may have counsel procent when toollying under each before a civil grand jury. (See Penni	
Code 999.22.)	
* A grand jury may admirable a witness set to disclose what the witness	
learns in the grand jury room, but cannot require the witness to execute an admonishment form.	

4 Se	action 900,3 authorises grand juries, in Brahad chaussasances, to most		
ope the	mly if the court finds that the subject mester of the investigation offices public unifore insolving the alleged corruption , infelessance or		
mai	lessence in affice or dereliction of duty of public officials or amployees.		
- 54	religes 639.3 and 989.4 cuthorite grand juries to houp subposuat	·	
COM	spelling attandence of interesses, and administrations.		
	observes must be signed by the District Atterney or Judge of the erior Court.		
	PROTEST SETTI		
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,	ALTHOUSY OF CHILL GRAND JUNES.		
	A Street Justice House Carlo Thomas Process Revenuely Authorized by		
	Andre	•	
	Section 935 centers upon grand juries the discretion to (1) "examples		
;	the books and records" of a county, and (2) "investigate and report upon the operations, naments, and records of the officers, deportments,	•	
1	tractions, and method or uptom of performing the delice" of a county.		
:	Courts have exist that great furies have no inherest investigatory authority, and that their easy anti-ority to investigate is no expressly proceed by the inglishmen. Sheen! of European's Loods, 1986, 2001.	•	
	proceed by the Ingitiature. Second of Proposery, Landy, pages, 250		
•	Col.App.2d oc 201.)	•	
		.	
- Nor	r do they possess other non-hovestigative powers beyond these only ground by statute. Watchiele Househoos, many 44 Gal.bd at	•	
1171	-1174; 1979 (mond.lars; 2007; 50 Col.Mark 417; 56, of fee; 1, South on County found lars; (2007) 50 Col.App.4th 1385, 1201-1592.)		
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-	is, cases hate repeatedly limited grand parter' offerts to energies signifies and other powers begand those expressly granted by stances.		
	14. Projet (500-4) 1 Cal 24 and, 400-404).		
· This	s outherby is Sinked to precedent and operational realizes, and is graticable from "solutionies concerns breaking the mork, relations, or		**
-	Herroy of palley descriptostane." (76 Ops.Co.,Hop.Son. 250 (1985).	•	
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	N. SPECIFIC LIMITATIONS ON GRAND JURIES' INVESTIGATIVE AUTHORITY.	manufation and a second a second and a second a second and a second a second and a second and a second and a
	A. Strand Juries, May Not Compel The Disclosure of Information Protected by the Attorney-Clent or Work-Product Privilens.	
	The Attorney General has concluded that grand juries are not entitled to access to such information. (70 Ops.Cal.Atty.Gen 28 (1987).)	
	The Attorney General opinion traces the history of the attorney-client	
	privilege, including its applicability to government attorneys and officials.	
	and the second second second	
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	 In concluding that the work-product privilege also applies in grand jury proceedings, the Attorney General relied upon the common law's 	
	recognition of the broad applicability of the specific work-product privilege; the application of the privilege by the federal courts so federal	
	grand Jury proceedings the similarity, as recognized by the cases, between grand Jury proceedings and pretrial discovery in which the privilege clearly applies by statute; and on the fact that "the various	
	privileged found in the Constitution, statutes, and common law historics by have been applied in grand jury proceedings." (Ed., et p. 34,	
	stitus firmatium v. Haves (1972) 408 U.S. 665, 688; jr re Sealed Cate/Stand Aury Proceedings 473 F.2d 840, 844.)	
	The state of the s	
	Grand Juries Are Not Entitled to Other Materials or Information Protected by Constitutional, Septutory or Common Law Privileges.	
	 The Attorney General's opinion concluding that grand juries may not obtain access to information protected by either the attorney-client or the attorney 	
	work-product privileges would apply with equal force to other privileges as well. (70 Ops.Cal.Attr.Gen. at pp. 33-37.)	
	• Night to Privacy (California Constitution, Article 1, Section 1)	
	Medical Records (<u>Division of Medical Quality v. Giverentini</u> (1979) 93 Cnl. App. 36 669, 660-683)	
	Financial Records (Government Code Section 7476)	
	Arvenile Records (Welfare and Institutions Code Sections 827 & 20650) Montal Health Records (Welfare and Institutions Code Section 5328)	
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 Under this rule, grand juries are not entitled to resterials protected from disclosure by federal law, such as, for example, certain affords his 	
housing subsidy/rental voucher information under Section 8. They similarly may not be ontitled to occur documents which are quenget	
from disclosurs wader the Public Records Act (Government Code Section	
6254) although there is <u>no</u> case decision addressing the issue.	
 However, the Attorney General has concluded that when a grand jury is 	<u> </u>
conducting a civil "watchdog" investigation of a local police agency, the grand jury has the rigist to camping peace officer personnel records,	N
Including climes' complaints, or information compiled from such records, without first obtaining issuence of a subpasses or court order.	
This expiritors reline upon Perral Code Section 422.7(n) which grants an	
offinactive right for a grand jury to examine such personnel records without issuance of a subpoeta or court order. [79 Ope.Cal.Attytien. 385	
(1996).)	
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	1
C. Grand Auries Are Not Entitled to interfere with Day to Day	
Administrative Functions by Virtus of the Government Politherative Process Privilege.	
 Under the breed ride nyticulated by the Atterney-General (70) Ops.Cal.Atty:Sen. 28, 33-37), one common-less privilege which would 	
breedly limb grand jury access to public agancy operations in the governmental deliberative process privilege, discussed in detail in Times	
Mirror Co. v. Superior Court (1891) \$3 Cal.2d 1335. In Times history, the Colifornia Supreme Court held that the governmental deliberable process	
priviluge protects government officials from being compelled under the	
Public Records Act to disclose information and meterials reflecting the preliminary day to day operations, where such disclosure would "inhibit"	
routing mentings and "expose as agency's decision easing process in such a way as to discourage capital discussion within the agency and thereby	
un dermine the agency's shillty to perform its functions."	
 Besed on the opinion of the Attorney General, this common law governmental deliberative process privilege may apply with equal force to 	
dvi grand jury proceedings.	
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到,这些的人。而且是中国的的人的特别。	
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V. MISCELLAINFORIS ISSUES.	
A. <u>Subsequent Grand Jurier May Continue on Investigation by a Provious</u> Grand June.	
Penal Code Section 924.4 depressity authorizes one grand jury to transmit	
evidence and materials concerning its investigations to a subsequent grand	
Jury, (See 72 Ops.Col.Attysion, 128.)	
N. Subsequent Grand Airles Probably May Conduct Report Investigations	
of terror Addressed by Previous Stand July terroling.	
Another commonly acked question resout grand juries is whether	
the serie issue or departments after consingly enhancing investigation concerning	
such lesses or departments by previous grand juries. No reported decision has addressed this point.	

 A more restrictive reading of Section 925 would be consistent with the 	
common lew limitations imposed on grand juries to act with "matura discretion," to avoid "fishing expeditions" (<u>see Board of Russies v. Lesci).</u> <u>Supra,</u> 256 Cel.App.2d ot 286-285), and attempts at "Indiscretiminate modéling with public or private affairs." (<u>Samiely v. Superior Court</u> (1932) 28	
Cal.App.2d 645, 648], and "not to roam at will reporting on what it might view as shortcomings in distant locales." (1973 Grand Aurs, Eugra, 13 Cal.9d at 437-498.)	
A STATE OF THE STA	
 Recognizing the Importance which has been attributed to the civil grand Jury and its "wetchidge" function (<u>Solidetein v. Suserior Court</u> (2009) 45 Cel. 4th July, 226; <u>1273 Grand Jury guers</u>, 13 Cel.3d at 436), it would seem to be counterinalities to conclude that future grand Juries 	
are forewar precluded from addressing important local issues striply because one previous grand jury addressed the leave. This vould seem expecially true where a matter relead by a gened jury's treasligation and report atther went lengthy inchesignd by an agency, for fiscal or policy research, or where the issue recurred after a period of several years. It	
thus reseasably could be argued that reading Section 925 as allowing at least limited repeat investigations more fully serves that section's legislative purpose. (<u>Poe v. City of Los Anseles</u> (2007) 42 Cel.4th 531, 543).	
C. Minits on the Grand Jury's Renorting Power. The reporting function of grand juries set forth under Penel Cade Section 983, has been described as "control to its offsective cognitions in the public.	
interest." (<u>[McClinithy Menumeners</u> , <u>rests</u> , 44 Cal.3d at 1370-1371: <u>Unmersed Minerity Menuments</u> , <u>marcs</u> , 266 Cal.4pp.3d at 1347; The report, having long historical beath in the English common low <u>(ago Commons</u> , 44 Cal.18z, 297, 301, (1976)), "is the only formal means by which the grand jury can hope to	
offections its recommendation." (<u>McCleichs, siners</u> , 44 CALM, At 1179; <u>Mirrormed Mitentity Members</u> , <u>mercs</u> , 200 Cel.App. 36 et 1948, <u>citing</u> Mets., Seems Absencia of this <u>California Grand Arry Sectors</u> , 8 Stem. L. Rev. st p. 651.)	
1785-25-25 (\$152-11-11-11-11-11-11-11-11-11-11-11-11-11	<u></u>

 As with its investigatory power, however, the grand jury's power to issue reports it invested. It does not extend beyond the power seyrously greated by statute. (<u>McCletchy, page</u>, 44 Cal.14 of 1179) Santa Berberg 	
County Sensel Jam's Ricens, 50 Col. App. Sch at 1991-1192; Unnamed Micocky Members, pages, 209 Col. App. 3rd at 13-40.)	
 No power to review privileged school district personnel records. (Bezerli of Tripringer v. Legojs (1966) 256 Cel.App. 26' 281, 285-209). 	
 No nethority to inspect confidential juvenile court records. (<u>Papole v.</u> <u>Sumerior Court (2009 Greed Jura)</u> (2005) 107 Csp.App. 4th 484, 492). 	
 No authority to conduct on-ocean investigations. <u>Openie v. Stream</u> (1927) 81 Cel.App. 238). 	
	*
 Accordingly the grand jury in leading its report under Section \$53, navy not beser more then one report, or a "inhority" report. (<u>Unpersed Minority</u> 	
Marabars, source, 208 Cel.App. 3d 1344.) The grand jury may not issue a report which is not based on its own	
inventigation, so required by Penaj Code Section 939.9, (gj., et p. 2249.) - The report may east set forth an intention at odds with the less, such as, for	··-
energia, an intention to disclose new data and evidence obtained during otherwise secret grand jury investigations, (<u>McCleting Herm</u> , 44 Cal.3d 3182.)	
 Finally, the report may not contain finalings which account the grand jury's softening year as switcher which improperly "continue and impuge the integrity of" (and possibly like)) specific individuals, (1972 light plays seems, 12 cs.13d 	
430.)	
O. Limbs on Associa Concerning Successor Associate and Housing Authorisies.	
 An interesting issue which has not been addressed by any reported case concerns the power of great juves to base reports suching solutionity, yellor recommendations concerning accommen agencies and hereing 	
authorities and even recommending (as many grand furies apparently have deres) that successor agencies ord/or housing attiturizion be alsolizhed.	
 is 64 Ops.Call.Atts/Sen. 900 (1961.), the Attorney General concluded that Section 953.5, authorism grand juries to fevestigate and report upon the "mediade and aystern" of sich étatrics: performance of their ferractions, wee 	
betended only to permit grand juries to report upon the "operational grandum" of such districts. Thus, the atterney General further concluded that Section \$33.5 did pgg suchestie grand juries to investigate or report on	
"the vetelons, sents, as expediency of substantine policy determinations which may full soften the jurisdiction and discretize of a particular district," (84 Ops.Col.Any,cinn. et p. 302.)	
The Artifactors of Ordina England Contract Contracts	

Grand juries may only investigate and report on the procedures by	
which successor agencies and housing authorities operate. They may not properly include within their reports on successor agencies and housing	
authorities recommendations on substantive policy metters, including the	
proposed abolition of such entities.	
E. Individual Grand Jurors Are Not Immune From Defamation and	
Other Suits Besed on Statements and Conclusions Contained in	
Final Reports.	
Individual grand jurors may be held liable for damages based on false or	
defarratory statements made in grand jury reports, and holding jurors	
hable for such statements does not violate the jurors' due process rights.	
the first of the second state of the	
Penal Code Section 930 provides:	
"If any grand jury shall, in the report above mentioned, comment upon	
"If any grand jury shall, in the report above mentioned, comment upon any person or official which has not been indicted by such grand jury	
such comments shall not be deemed to be privileged."	
• in Brooks v. Binderup (1995) 39 Cal.App.4th 1287, the court concluded that	
individual grand jurons may be held liable for damages based on false or	
defamatory statements made in grand jury reports.	
 The court found that as long as the jury members were sufficiently informed that their comments pertaining to unindicted individuals were not privileged, the 	
jurors acted at their own peril by criticizing plaintiffs' conduct in their reports.	
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VI. RIVERSIDE COUNTY OVIL GRAND JURY.	
WE NVERSE COOK TO VALUE OR ON	
 Each July nineteen citizens of Riverside County are sworn as grand jurors for 	
twelve months' service ending June 30 of the following year. Service is a full-	
time job with each grand jury astablishing its own work schedule. Riverside County Grand Jury meets usually four days each week from 5:00 a.m. to 3:30	
p.m. A grand jurar receives \$25 for each full day served, and mileage and free	
parking.	
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 On excession, fit-write County empands a "special grand jury" dream from the general jury peol to bear that specific arterial case. Once dust case is ease, that "special good jury" is distancied. The "side grand jury" impacted for a year; is not a chinal installation included incoming of a grands action. 	
* The Shoraide County Grand Jury is estimatily a still last conduction amount	
isuateen meetings that include committees meetings inquiring into the equantion of county and menticipal governments.	
 Conclusions of findings are developed into reconsecredations on hour to improve country and municipal governments and presented to the Board of Separators. 	
 In addition, the fibrarists County Search very covinus completes administral by county residents. 	
	<u> </u>
 By favor others sighteen years of age or other subs has been a cardinate of the country for one year learned to by before being nelected, in a person of eathersy histoligania and good discreting unit prosessor sufficient benevings of the 	
English language is qualified to be a consistent.	
 A process is not competent to act as a great jurn if any of the following apply: the person is swring as a trial jurner is had been discharged as a general pure in any owns within oney years the person has been executed of multipleaning in 	
office or any falency or any other high crims; the person is varying as an elected public office;	
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	<u></u>
 to Pubmany of sech year, a public monourcement is posted collecting applicants for the graph lays. Application is useds and submitted a consmitted of judges for restrict Casiffed persons are these builded in an interview. 	
The Superior Court Ariges try to accelerate persons representing the cultural,	
others, and diverse the experience of the County of Boundar on the ground jury every reflect the many interests and conserve of the diluxes.	-
 Pount a but of qualified pations constrained by the judges, up to ninetann common net neighbod to computes the grand jury. The member of mount drawn may vary 	
annually-depending on the number of Jeres held over from the last year's pount.	

- Additionally, approximately fifteen more names are drawn and placed on an	
alternate juriors' list to fill vecancies created throughout the year.	
 During the first week of July, the selected niseteen grand jurors are aways in and given a description of their duties and responsibilities by the Preciding Judge of the 	
Superior Court of Riverside County.	
 The Presiding Judge of the Superior Court designates the foreperson to preside over all proceedings of the grand jury. The newly-formed grand jury body consists 	
of the following afficers to conduct general business: foreperson pro term, secretary, sergeent at erms and parliamentarian.	
became it malitarist or must man bestressing in a	
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district of the state of the section	
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The grand jury is slivided into committees, each concentrating its attention on	·
the investigation of certain functions of city or county government to meet whetever special needs or problems may be confronting the city or county at the	
time of each new grand jury's empanelment.	
All committees visit various county and reunicipal facilities, meet with county	
and municipal employees and officials, and develop recommendations for improvement.	
- Committees;	
Administrative and Financial Services Environmental and Development Services	
- Health and Community Services	
Justice System/Public Safety City Government and Education	
	WI
ELECTRON STREETON MANAGEMENT AND	
	1
 The Riverside County Grand Jury is primarily a civil jury, performing "oversight" 	
functions for county government.	
 Additionally, any private citizen, county official, or county employee may present a complete in writing to the gread jury. The jury limits its investigations 	
to possible charges of malfaesance (wrongdoing) or misfessance (doing of a	
brothal act in an unionalist manner) by public officials. Any request for an	
Invokal act in an uninvokal manned by public officials. Any request for an invostigation must include detailed evidence supporting the completer. If the Jury between that the evidence submitted is sufficient, a detailed investigation	
invitel act in an unlevitel menner) by public officials. Any request for an investigation must include detailed evidence supporting the complete. If the	
Invital act in an unlawful manner; by public officials. Any request for an investigation must include detailed evidence supporting the completer. If the jury between that the evidence submitted is sufficient, a detailed investigation will be held.	
Involute at in an unlawful manner by public officials. Any request for an investigation must include detailed evidence supporting the completer. If the jury between that the evidence submitted is sufficient, a detailed investigation will be held. - Each grand jury submits final reports that pertain to county and city government and other applicable agencies throughout its term. These reports	
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Involute co in an uninvolut manner by public officials. Any request for an involution must include detailed evidence supporting the complete. If the jury believes that the evidence submitted is sufficient, a detailed investigation will be held. - Each grand jury submits final reports that pertain to county and city government and other applicable agencies throughout its term. These reports are excitable for public review on the filteraties Superior Court website at	
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QUESTIONS?	



COUNTY OF RIVERSIDE OFFICE OF THE AUDITOR-CONTROLLER

County Administrative Center 4080 Lemon Street, 11th Floor P.O. Box 1326 Riverside, CA 92502-1326 (951) 955-3800 Fax (951) 955-3802



Paul Angulo, CPA, CGMA, MA AUDITOR-CONTROLLER

April 8, 2015

Honorable Harold W. Hopp Presiding Judge Superior Court of California, County of Riverside 4050 Main Street Riverside, CA. 92501

Reference: Response to 2014-2015 Grand Jury Report: Riverside County Information

Technology - Internal Audit Report

Dear Judge Hopp:

Pursuant to California Penal Code Section 933 et seq., please find enclosed the response of the Riverside County Auditor-Controller's Office to the above-entitled Grand Jury Report within the designated 90-day period.

The Riverside County Auditor-Controller's Office concurs with the Grand Jury's Finding 4 Distribution of Audit Reports

Respectfully,

Auditor-Controller

cc: Riverside Grand Jury

Riverside County Clerk-Recorder

Findings:

Distribution of Audit Reports

4. The Grand Jury has not received Internal Audit Reports from the Auditor-Controller in several years.

BOS Resolution No. 83-338 III D states in part:

...Audit reports, except for request audits, shall be addressed to the head of the entity audited, with copies to the Board of Supervisors, Administrative Officer, District Attorney, and the Grand Jury. For requested audits, the report will be addressed to the proper authority requesting the audit (unless a different addressee is desired by the requester), with copies to the Board of Supervisors, Administrative Officer, District Attorney, and Grand Jury...

Response:

Respondent agrees with the Grand Jury Finding 4.

The Riverside County Auditor-Controller is committed to the responsible reporting of audits conducted and has in the past provided copies to the Grand Jury. Due to turnover of personnel in the Chief Internal Auditor position, the discontinuance of printing final bound copies of audit reports, and the posting of audit reports on the Auditor-Controller's website the requirement was not enforced. The post audit procedures have been revised to ensure the proper distribution of Internal Audit Reports. Internal Audit staff will provide a copy of each audit report to the Grand Jury after the Board of Supervisors have taken action to receive and file.

Recommendations:

Distribution of Audit Reports

4. In accordance to BOS Resolution No. 83-338 III D, the Auditor-Controller shall provide copies of all Internal Audit Reports to the Grand Jury.

Response to recommendation:

The Riverside County Auditor-Controller Internal Audit Division will provide the Grand Jury a copy of Internal Audit Reports upon the Board of Supervisors acceptance of the Receive and File Form 11.