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

FROM: Executive Office


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.

FINANCIAL DATA

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SOURCE OF FUNDS:

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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, 2015
xc: EO, Grand Jury, Presiding Judge, RCIT, Recorder

Kecia Harper-Ihem
Clerk of the Board
By: Deputy

Prev. Agn. Ref.: | District: | Agenda Number: 3-12
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 considération 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 never denied access to information. The grand jury voluntarily declined 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. The 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

Gregory F. Poulos
County Counsel

I. INTRODUCTION.

- The civil grand jury is an instrumentality of the courts of the state.
- Civil grand jury proceedings are conducted in secret, except to certain exceptions, in order to:
  - encourage litigants to come forward voluntarily
  - encourage witnesses to testify fully and fairly
  - protect the reputations of those who may be improperly accused during the course of an investigation.
- Civil grand juries have the power to subpoena witnesses and compel their attendance.
- The power to subpoena witnesses and compel their attendance is implicit in the rights granted to the juries by the State Constitution.


B. CONSTITUTIONAL AND EVOLUTIONARY BASIS FOR THE CALIFORNIA GRAND JURY SYSTEM

- The California Constitution, from very early in its history, has recognized and required the establishment of grand juries in each county.
- The 1849 Constitution recognized grand juries in Article I, Section 8.
- Essentially, that same language remains in Article I, Section 23. California courts, in a variety of contexts, have stated that California's constitutional recognition and requirement of a civil grand jury system flows its origin in the common law of England dating back hundreds of years.


2/5/2015
Californian's statutory provisions concerning the formation, composition, and functioning of grand juries are authorized under Title 6 of Part 2 of the Penal Code, Penal Code Sections 895 through 899.03.

* Sections 894 through 899.01 set forth the powers and duties of grand juries.
* General principles are set forth in Section 894 through 899.4.
* Grand jury expenditures (Sections 912.2).
* Selection of attorneys and determination of pre-trial rules (Section 912).
* Various legislative within the grand juries provision (Sections 917, 918, 919, 920, 921).
* Instant concerning grand jury summary (Sections 914 through 914.6).

Section 858 authorizes examination of "the operations, accounts, and records of the officers, departments, or functions of the county, including those operations, accounts and records of any special legislative district or other district in the county, causing need to state law for which the officers of the county are serving in their or officials capacities or officers of the districts."

* Section 857 authorizes grand juries to investigate and report upon the affairs of county officials.
* Section 858 authorizes grand juries to investigate and report upon the "needs" of county offices, including the duties or creation of officers and equipment.
* Section 852 authorizes grand jury access to the public persons, and to the examination of all public records within the county.

Sections 923 and 923.06 concern the preparation of grand jury final reports containing their findings and recommendations. Section 923(a) requires special Form 10s including evidence, economic analyses, housing authorities, and districts, in proposed in writing to the grand jury report.

* This report is to be submitted to the Public Safety Inspector Court no later than 90 days after the grand jury has completed its report.
* The responding person or entity must indicate whether they agree, wholly disagree or partially disagree with the findings.
* The response must set forth whether the recommendations have been implemented, will be implemented, require further analysis, or will not be implemented.
• Section 333.1 through 333.6 vest grand juries with investigative authority over other agencies.

• Section 333.1 authorizes investigations of the books and records of consumer agencies and housing authorities, as well as "related" or "related to" systems of performing the duties of such agency or authority.

• Sections 333.3 and 333.6 authorize investigations of the books and records (but not "operations") of, respectively, special purpose assessment or taxing districts and LEACOs, and of certain private nonprofit corporations "established by or operated on behalf of a public entity.

• Section 334 gives grand juries the right to use advice from the court, county counsel, district attorney and the attorney general.

• Sections 335, 334.5 and 334.7 authorize grand juries to retain special counsel.

• Sections 337 through 339.3 allow the hiring of non-content and stenographers.

• Sections 339 through 339.5 concern the conduct of grand jury proceedings.

• Section 339 provides:

  "No person other than grand jurors shall 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 jury is questioning witnesses at a grand jury session, the presence of non-witnesses (including counsel for witnesses in civil proceedings) is prohibited, and no witness may be allowed present when testifying under oath before a civil grand jury. (See Penal Code Sections 338, 22.)

• A grand jury may admonish a witness not to disclose what the witness knows to the grand jury, but cannot require the witness to answer an unsworn statement.
H. GENERAL PRINCIPLES LIMITING THE SCOPE OF THE INVESTIGATORY AUTHORITY OF THE GRAND JURY.

A. Grand Juries Have Only Those Powers Explicitly Authorised by Statute.

- Section 355.1 empowers grand juries to (1) "Authorize the return of an information" and (2) "Investigate and report upon the conduct and actions of the officers, departments, functions, and method or system of performing the duties of a county.

- Courts have noted that grand juries are independent legislative entities and that their only authority to investigate is as expressly granted by the legislature. (People ex rel. Trimboli v. Superior Court, 129 Cal.App.3d 189, 191)

B. How do they possess any investigative powers beyond those expressly granted by statute?

- "Any, unless there is express authority vested in the grand jury to perform such functions, and in the absence of such authority, the grand jury cannot perform them."

- "Such authority is limited to those powers specifically vested in it by statute, and is determined by the determination of the statute." (People v. Superior Court, 98 Cal.App.4th 1007, 1009-1010.)
IV. SPECIFIC LIMITATIONS ON GRAND JURY INVESTIGATIVE AUTHORITY

A. Special Jurisdictions Exempt from Disclosure of Information Protected by the Attorney-Client or Work-Product Privilege

• The attorney general has concluded that grand juries are not entitled to access to such information. (70 Ops. Cal. Atty. Gen. 28 (1977)).

• The attorney general opinion traces the history of the attorney-client privilege, including its applicability to government attorneys and officials.

• 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 to information that is subject to the attorney-client privilege; the application of the privilege by the federal courts to federal grand jury proceedings; the similarity, as recognized by the courts, between grand jury proceedings and grand juries in which the privilege closely applies by statute and on the fact that "the various privileges found in the Constitution, statutes, and common law historically have been applied in grand jury proceedings." (U.S. 480 U.S. 106, 109, 105 S. Cal. 4th 473 (1991)).

B. Grand Juries Are Not Entitled to Other Materials or Information Protected by Constitutional, Statutory or Common Law Privilege

• The attorney general's opinion concludes that grand juries may not obtain access to information protected by either the attorney-client privilege or the work-product privilege, including materials or information as well. (70 Ops. Cal. Atty. Gen. at pp. 25-27.)

• Right to Privacy (California Constitution, Article 1, Section 1)

• Medical Records (Diabeta, Inc. v. Medical Quality Ass. (1979) 99 Cal.App.3d 649, 660-665)

• Financial Records (Government Code Section 7436)

• Juvenile Records (Welfare and Institutions Code Sections 807 & 208700)

• Mental Health Records (Welfare and Institutions Code Section 5352)
V. MISCELLANEOUS ISSUES.

A. Subsequent Grand Jury May Conduct an Investigation by a Previous Grand Jury.

Penal Code Section 984.4 expressly authorizes one grand jury to transmit evidence and materials concerning its investigation to a subsequent grand jury. (See 72 Op.Cal. Atty.Gen., 132.)

B. Subsequent Grand Jury Probably May Conduct an Investigation of Issues Addressed by Previous Grand Jury Findings.

Another commonly asked question about grand juries is whether subsequent grand juries may separately conduct investigations concerning the same issues or departments after meaningfully substantive investigation of such issues or departments by previous grand juries. The reported decision has addressed this point.
A more restrictive reading of section 825 would be consistent with the common law limitations imposed on grand juries to act with "mature discretion," as seen in "Looking upon the lines" (supra note 196), and attempts at "indiscriminate" meddling with public or private affairs." (Grants v. Superior Court (1990) 20 Cal.3d 685, 696, and "not to mean small...reporting on what it might view as shortcomings in local locales." (1997 annual jury report, 12 Cal.3d at 627-641.)

Recognizing the importance which has been attributed to the chief grand jury and its "overriding" function (supra note 7), it would seem to be counterproductive to conclude that future grand juries are somehow precluded from addressing important local issues simply because one previous grand jury addressed the issue. (Cf.) We would view especially true where a matter raised by a grand jury's investigation and report either was largely unchanged by an agency, for fiscal or policy reasons, or where the issue recurred after a period of several years. It then reasonably could be argued that reading section 825 as allowing at least limited report investigations may fully serve that section's legislative purpose. (2007, City of Los Angeles (2007) 12 Cal.4th 531, 545.)

C. Limits on the Grand Jury's Advisory Power.

The reporting function of grand juries set forth under Penal Code Section 825, has been described as "central to the effective operation of the public system." (Cf. People v. Superior Court (1972) 7 Cal.3d 515, 520.) The report, having been prepared by the grand jury for its own use, is not required to be modified for the public's use. (Cf. People v. Superior Court (1972) 7 Cal.3d 515, 520.) As long as the report is "not intended for public dissemination." (Cf. People v. Superior Court (1972) 7 Cal.3d 515, 520.)
- As with its investigatory power, however, the grand jury’s power to issue reports is limited. It does not extend beyond the power expressly granted by statute. (North Bay HS, supra, 44 Cal.3d at 1277; South Bay HS, supra, 24 Cal.App.4th at 1205-1206.) (1899) 254 Cal.App.3d 281, 284-290.

- No power to review privileged school district personnel records. (Board of Trustees v. Local (1980)) 254 Cal.App.3d 281, 284-290.

- No authority to request confidential juvenile court records. (People v. Superior Court (2002) 167 Cal.App.4th 409, 412.)


- Amendments to the grand jury system under section 983, may not, issue more than one report, or "a multi-year" report. (Department of Water Resources v. County (2004) 34 Cal.App.4th 1346.)

- The grand jury may not issue a report which is not based on its own investigations, as required by Penal Code section 985. (Gallion v. Superior Court (1977) 20 Cal.3d 121.)

- The report may not set forth an opinion as to what the law should be, such as, for example, an opinion to declare a law or ordinance invalid or in violation of the California Constitution. (People v. Superior Court (1980) 254 Cal.App.3d 281, 284-290.)

- Finally, the report may not contain findings which exceed the grand jury’s authority, such as areas which improperly investigate and impugn the integrity of law enforcement officers. (1278 Penal Code, supra, 15 Cal.App. 430.)

- Limits on Authority Over Core Executive and Housing Authorities.

- An interesting issue which has not been addressed by any reported case concerns the power of grand juries to issue reports making substantive, policy recommendations concerning executive agencies and housing authorities and even recommending (or even granting) that executive agencies and/or housing authorities be abolished. (84 Cal.App.3d, 801 (1978), the Attorney General concluded that section 983, a restrictive grand jury to investigate and report upon the "conclusions and opinions" of such district’s performance of their functions, was intended to permit grand juries to report upon the "operational structure" of such districts. Thus, the Attorney General further concluded that sections 983.5, 985, and 987, authorize grand juries to investigate or report on "the structure, method, or efficiency of administration policy determinations which may fall within the jurisdiction and discretion of a particular district." (84 Cal.App.3d, supra, p. 802.)
E. Individual Grand Juries Are Not Immune From Defamation and Other Suits Based on Statements and Considerations Contained in Final Reports.

Individual grand jurors may be held liable for damages based on false or defamatory statements made in grand jury reports, and serving jurors liable for such statements does not violate the jurors' due process rights.

Penal Code Section 936 provides:

"If any grand jury shall, in the report above mentioned, comment upon any person or affair which has not been initiated by each grand jury such comments shall not be deemed to be privileged."

In In re K. (1985) 166 Cal. App. 4th 1287, the court concluded that individual grand jurors 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 adequately informed that their comments pertaining to unindicted individuals were not privileged, the jurors acted at their own peril by articulating plaintiff's conduct in their reports.

VI. ANTRIM COUNTY GRAND JURY

Each July nineteen citizens of Antrim 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 qualifying its own work schedule. Antrim County Grand jury meetings are held once each month, from 9:00 a.m. to 1:00 p.m. A grand juror receives $25 for each full day served, and mileage reimbursed.
The reserve, Riverside County, appoints a "special grand jury" drawn from the county's general jury pool to hear specific criminal cases. Once the roster is made, the "special grand jury" is abolished. The "special grand jury" is convened for a year to hear and investigate complaints. Any member of this jury may also be asked to sit on a special hearing of a special nature.

The Riverside County Grand Jury is primarily a fact-finding body that holds investigative hearings and examines proposed county and municipal government services and practices. In addition, the Riverside County Grand Jury provides reports to the Board of Supervisors, recommends policies to county residents.

If a citizen eighteen years of age or older who has been a resident of the county for one year immediately before being selected, is a person of ordinary intelligence and good character, and possesses sufficient knowledge of the English language is qualified to be a member.

A person is not competent to serve as a grand juror if any of the following apply: the person is serving in a local court or has been discharged as a grand juror in any court within one year the person has been convicted of malfeasance in office or any felony or any other offense against the person is serving as an elected public officer.

In February of each year, a public announcement is made selecting applicants for the grand jury. Applications are made and submitted to a committee of judges for review. Qualified persons are then selected to serve.

The Superior Court judges try to maintain a diverse grand jury, reflecting the ethnic and cultural diversity of the Riverside County in order that the county may reflect the many interests and concerns of its citizens.

From a list of qualified persons submitted by the judges, up to ten names are selected to serve as the grand jury. The number of names drawn may vary annually depending on the number of jurors held over from the last year's grand.

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• Additionally, approximately fifteen names are drawn and placed on an
automated list to fill vacancies created throughout the year.

• During the first week of July, the selected eighteen grand jurors are sworn in and
given a description of their duties and responsibilities by the Presiding Judge of the
Superior Court of Maricopa County.

• The Presiding judge of the Superior Court designates the superintend to oversee
all proceedings of the grand jury. The newly formed grand jury body consists of
the following offices to conduct general business: presiding pro temp, secretaries, sergeant at arms and parliamentary.

• The grand jury is divided into committees, each concentrating its attention on
the investigation of the functions of city and county government to meet
whatever special needs or problems may be confronting the city or county at the
end of each new grand jury's responsibility.

• All committees visit various county and municipal 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

• The Maricopa County Grand Jury is primarily a civil jury, performing "oversight"
functions for county government.

• Additionally, any private citizens, county officials, or county employees may
present a complaint in writing to the grand jury. The jury decides to investigate
or possible charges of public malfeasance or misfeasance (doing of an
unlawful act in an unlawful manner) by public officials. Any request for an
investigation must include detailed evidence supporting the complaint. 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 available for public review on the Maricopa Superior Court website at
www.maricopa.gov/law/government/
April 8, 2015

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


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,

[Signature]

Paul Angulo
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.