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FILED

JUN 29 2016

Clerk of the Court
Superior Court of California
County of Calaveras
By _____, Deputy

GENERAL ADMINISTRATIVE ORDER NO. 16-02

GENERAL ADMINISTRATIVE ORDER OF THE CALAVERAS SUPERIOR COURT REVISING THE 2016/2017 CHARGE TO THE GRAND JURY

WHEREAS, Penal Code Section 914(a) provides that when the grand jury is impaneled and sworn, it shall be charged by the court.

IT IS HEREBY ORDERED that the 2016/2017 Charge to the Grand Jury is revised to include information that was omitted during the impanelment.

IT IS FURTHER ORDERED that a copy of the revised 2016/2017 Charge to the Grand Jury is provided to the members of the 2016/2017 Grand Jury.

Dated: June 29th, 2016

TIMOTHY S. HEALY
Presiding Judge of the Superior Court

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF CALAVERAS

2016/2017 CHARGE TO THE GRAND JURY

MEMEBERS OF THE GRAND JURY: Article One, Section 23 of the Constitution of the State of California provides that one of more Grand Juries shall be drawn and summoned at least once a year in each county. You the Grand Jury for the fiscal year are therefore a basic and requisite part of our government. You are a judicial body and each of you are officers of the court.

The total influence of the Grand Jury in the administration of justice and in ensuring good government is great. It has survived the test of time and experience. It is an essential and invaluable part of our system. Each of you is considered an individual who can contribute to the Grand Jury as a whole in the effective performance of its duties.

Each of you has previously expressed your willingness to perform this civic duty.

I want to express the sincere appreciation of the Calaveras County Superior Court on your willingness to serve and congratulate you on this opportunity for service to our county and to our government.

The law requires that the Grand Jury having been impaneled and sworn be charged by the court. In doing so, the court must give the members such information as to their duties as it may deem proper or as required by law.

The primary function of your duties will be to investigate and report on the various offices, functions and duties of county government. This duty is prescribed in section 914.1 of the Penal Code of the State of California.

Now, when I say county government that means Calaveras County Government. You don't for example report on the Amador County Sheriff's Department, you couldn't report on a state agency such as the State Attorney General, the California Department of Forestry, or the Superior Courts.

The provisions of the Government Code and Welfare and Institutions Code mentioned in Section 914.1 generally define and relate to the powers and duties of a county and its exercise of said powers and duties through the Board of Supervisors or through agents and officers acting under the authority of the Board or authority conferred by law.

These sections of the Government Code will be furnished to you. You are admonished to read these code sections, and you are instructed to ascertain by a careful and diligent investigation whether such provisions of the Government Code have been complied with and note the result of such investigation.

The applicable provisions of the Penal Code will also be furnished to you. You should carefully read and acquaint yourself with the contents of these code sections.

In general you are to investigate and report upon the needs of all county officers, including the abolition or creation of offices, and/or changes in the method or system of performing the duties of the agencies subject to investigation.

I suggest you study the reports of recent grand juries and that you review the recommendations of the recent grand juries for improvements in county government.

The reports are on file and available to you from the Grand Jury file, the clerk's office or the public library.

I caution you that statements you make in a report and otherwise in connection with grand jury service are not privileged. That means if you comment on a person whom you do not indict you are not immune regarding defamation.

The functions of investigation and reports are those which will occupy most of your time. It is in connection with this duty that your committee work will be performed. There is no question that your duty and powers under this general category of investigation and reports are of great importance. Not every fault you find will be corrected immediately, nor will every improvement you suggest be made at once, but overall and over the years a great deal of good is accomplished.

Unless an exceptional circumstance provided by law occurs and the court should order a public hearing, the proceedings of the Grand Jury must be conducted under strict secrecy. Penal Code Section 924.2 read as follows: "Each grand juror shall keep secret whatever he himself or any other grand juror has said, or in what manner he or any other grand juror has voted on a manner before them. Any court may require a grand juror to disclose the testimony of a witness examined before the grand jury, for the purpose of ascertaining whether it is consistent with that given by the witness before the court, or to disclose the testimony given before the grand jury by any person, upon a charge against such person for perjury in giving his testimony or upon trial therefor."

I cannot over-emphasize this rule of secrecy. It is designed to further the public interest, and it is designed for the protection of each individual grand juror.

Any grand juror who violates this rule of secrecy is guilty of a misdemeanor and must be dealt with seriously by the court.

In following the rule you can use no halfway measures. Half-statements or innuendos by a grand juror lead to speculation, rumor and violation of the rule. Your only safe procedure is to say nothing at all.

As officers of the court you are to act at all times with impartiality and with fearlessness as those thoughts are eloquently expressed in the oath of office which each of you has taken. Partisan politics can have no part in grand juries. You are required by law to disqualify yourself

in any matter before the Grand Jury when you have a state of mind which would prevent you from acting impartially and without prejudice to the substantial rights of a party.

You should keep in mind that to summon a person or an officer or agency before the Grand Jury even to ask a simple question may darken a reputation. Your proceedings and deliberations are conducted in secret, yet the public knows the Grand Jury is in session and the news media may learn and publish the names of witnesses called before the Grand Jury, thus an innocent and honest person or agency may be embarrassed by the simple process of being summoned before the Grand Jury. You are cautioned to be careful in the exercise of this power. For in such matters your primary concern is whether a public offense or other impropriety has been committed and in fact a person is dishonest or an agency is wrong, embarrassment will not be any concern of yours.

In all matters other than criminal the County Counsel Ms. Megan Stedtfeld is available to offer legal advice to the Grand Jury. You should feel free to consult County Counsel in these matters.

In criminal matters you will consult with Ms. Barbara Yook, District Attorney or someone in her office.

Now, as to your organization as a Grand Jury, the law requires the court appoint a foreperson who will preside over your meetings and whose duty it will be to formulate your committees and designate your membership upon those committees. The foreperson can revise the committee members from time to time as he or she may deem advisable.

In accordance with this duty I hereby appoint Mr. Robert Macias to act as Foreperson of the Grand Jury.

It is up to you as the Grand Jury to elect the rest of your officers, including a foreperson pro tem to act in the absence of your foreperson; a secretary who should keep the records and minutes of your proceedings.

I know each of you will have many questions. Many of them will be answered at the orientation proceedings which you will attend as part of the Grand Jury's education. Undoubtedly the County Counsel and District Attorney will also be coming before the Grand Jury in the coming weeks to present you with information and suggestions concerning grand jury procedures. I am sure that each of them will be quite willing and able to answer the various questions that may occur to you. And if they don't have the answers right then and there, it's my experience they will find the answer for you.

In addition, I will be meeting with your Foreperson once a month to provide assistance.

In conclusion, I would like to say again on behalf of the Calaveras County Superior Court that I am confident you will do your full duties and that you will fairly represent all the people of Calaveras County.