

History of the Grand Jury

Grand Jury reports are
available by contacting the
Jury Commissioner at
(530) 251-8109

**To file a complaint
with the Grand Jury
please complete and submit
this form.**

The first formal Grand Jury was established in 1635 by the Massachusetts Bay Colony which considered cases of murder, robbery and wife beating. By 1683 Grand Juries in some form were established in all colonies.

By the end of the Colonial period, the Grand Jury had become an indispensable adjunct of government. Grand Juries proposed new laws, protested against abuses in government and wielded tremendous authority in their power to determine who should and should not face trial.

Originally, the Constitution of the United States, written in 1787, made no provision for a Grand Jury. The Fifth Amendment, ratified in 1791, added this protection:

"No person shall be held to answer to a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except for cases arising in the land or naval forces, or in the militia when in actual service in time of War or public danger ..."

Through the adoption of the Fourteenth Amendment in 1868, most of the provisions of the Bill of Rights of the U.S. Constitution have been made applicable to the states. As interpreted by some states, this amendment meant that prosecution of crimes no longer mandated a Grand Jury indictment.

The first California Penal Code contained statutes providing for a Grand Jury. Early Grand Juries investigated local prisons, conducted audits of county books, and pursued matters of community concern. The role of the Grand Jury in California is unique in that pursuant to statutes passed in 1880, the duties include investigation of county government.

Article I, §23 of the California Constitution states: "a grand jury shall be drawn and summoned at least once a year in each county." Depending on a county's population, a specified number of citizens ranging from 11 to 23 in each of California's 58 counties are empowered to investigate and report on various activities of county and city government. The Lassen County Grand Jury is a judicial body of nineteen (19) citizens impaneled to act as a community "watchdog". The rules governing the makeup, organization, powers and duties of grand juries in California are found in the California Penal Code §888-939.

The Grand Jury system in California is unusual in that Federal and County Grand Juries in most states are concerned solely with criminal indictments and have no civil responsibilities. Grand Jurors serve for one year and are impaneled in the first week of the fiscal year to coincide with the county's budget year. Up to 10 Grand Jurors may be held over for a second term.

Forty-two states have some form of Grand Jury; however, only California and Nevada mandate the impaneling of a Grand Jury each year.

Penal Code §893 outlines the qualification for Grand Jurors.

1. "A person is competent to act as a grand juror only if he possesses each of the following qualifications:
 1. He is a citizen of the United States of the age of 18 years or older who shall have been a resident of the state and of the county or city and county for one year immediately before being selected and returned.
 2. He is in possession of his natural faculties, of ordinary intelligence, of sound judgment, and of fair character.
 3. He is possessed of sufficient knowledge of the English language.
2. A person is not competent to act as a grand juror if any of the following apply:
 1. The person is serving as a trial juror in any court of this state.

2. The person has been discharged as a grand juror in any court of this state within one year.
3. The person has been convicted of a malfeasance in office or any felony or other high crime.
4. The person is serving as an elected public officer.

The County District Attorney has the option of utilizing special Grand Juries chosen from the regular petit trial jury pool to handle criminal cases and thus ensure indictment by those who present a random cross-section of the community.

All of California's 58 counties are required to have Grand Juries and recent changes in Section 904.6 of the Penal Code (1991) permit any county to have a special Grand Jury at the discretion of the Presiding Judge of the Superior Court. The County District Attorney has the option of utilizing Grand Juries chosen from the regular petit trial jury pool to handle criminal cases and thus ensure indictment by those who present a random cross-section of the community.

The primary function of a Civil Grand Jury is to oversee all aspects of the legislative and administrative departments that make up county, city and special district governments. The Civil Grand Jury has the power to investigate them to ensure they are efficient, honest, fair, and dedicated to serving the public and individual citizens. The Civil Grand Jury is an arm of the court and has subpoena powers.

By law, Grand Jurors may not disclose the evidence obtained in their investigations or reveal the names of complainants or witnesses. Similarly, witnesses are prohibited from disclosing any proceedings of the Grand Jury.

When investigations are completed, the Grand Jury decides what recommendations should be made to increase efficiency, improve services to the public, and save tax-payer dollars. Departments or agencies may be singled out for special commendation for well-managed operations. As with all investigations, it takes 12 votes to release a report to the public. The results of investigations are collected in a Final Report at the expiration of the Grand Jury's term of office.

The Lassen County Grand Jury Report is distributed to the public and to public officials, the Lassen County Times newspaper, KSUE/KJDX radio station, the Susanville Library and is available in the Jury Commissioner's office at 2610 Riverside Drive, Susanville, California 96130. The telephone number is (530) 251-8109.

COUNTY OF LASSEN
GRAND JURY

COMPLAINT FORM

ALL COMPLAINTS TO THE GRAND JURY ARE STRICTLY CONFIDENTIAL

Date: _____

Name of complainant: _____

Address: _____

Home Phone: _____

Work Phone: _____

Signature: _____

Person or agency about
which the complaint is
being made: _____

Address: _____

Phone: _____

Nature of complaint: _____

What other officials or agencies
have been contacted?: _____

Address: _____

Phone: _____

Date of contact: _____

Status of complaint: _____

Include names of persons or agencies the Grand Jury should contact, with addresses and phone numbers, if possible. Attach copies of all letters and documents to support your complaint. (If necessary, continue on back or an additional page.) You may remain anonymous should you choose to do so, however the Grand Jury is not required to issue a written response in that case.

Mail to: Grand Jury Foreman
Lassen Superior Court
Hall of Justice
2610 Riverside Drive
Susanville, CA 96130