NOTICE TO THE BAR

VIRTUAL GRAND JURY PILOT PROGRAM – CONSENT NOT REQUIRED TO PROCEED

The Supreme Court by Notice and Order dated May 14, 2020 authorized a pilot program for virtual (video) grand jury sessions, starting in Bergen and Mercer Counties. Grand jurors in the pilot program are administered a supplement to the standard grand jury charge and required to swear or affirm a supplement to the secrecy oath regarding participation in virtual (video) grand jury proceedings. In furtherance of exploring this virtual option for grand juries to convene during the ongoing COVID-19 crisis, the Supreme Court has modified the parameters of the pilot program so as to eliminate the requirement that cases can only be presented to a grand jury convening remotely if the defendant has consented to proceeding remotely. The Court's June 4, 2020 Order is attached.

Glenn A. Grant by SDB

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: June 8, 2020

SUPREME COURT OF NEW JERSEY

The Supreme Court by Order dated May 14, 2020 authorized a pilot program for virtual (video) grand jury proceedings, as recommended by the Supreme Court Working Group on Remote Grand Jury Operations (Working Group). The pilot program incorporates safeguards to ensure the secrecy and solemnity of grand jury proceedings, including supplements to the grand jury charge and oath of secrecy, as codified in a May 15, 2020 supplement to Directive #23-06.

The identified pilot counties (Bergen and Mercer) have taken all necessary steps to prepare for implementation of virtual grand jury proceedings. Working with the County Prosecutors, the grand juries have received additional orientation on the virtual (video) process. The supplemental charge to the grand jury has been administered, and all grand jurors have sworn or affirmed the supplement to the oath of secrecy.

The requirement that a defendant consent to presentation of charges to a grand jury convening remotely (rather than in person) has inhibited bringing cases before those ready grand juries. The Working Group, which includes Judiciary representatives and various external stakeholders, has recommended that the requirement of consent be eliminated so that a modest number of cases can be presented to virtual grand juries as necessary for pilot testing and evaluation of the Court-approved process.

The value of exploring a virtual grand process remains compelling, and, indeed, since entry of the May 14, 2020 order the number of defendants detained preindictment has increased from 1400 to 1,540. The need to move forward with virtual grand juries will become more urgent as more defendants are detained pre-indictment and additional defendants on pretrial release await indictment.

Accordingly, it is ORDERED that effective immediately, for the duration of the COVID-19 public health emergency and until further order:

1. The pilot program for virtual grand jury proceedings authorized by the Court's May 14, 2020 Order is modified to eliminate the requirement that cases proceed to a virtual grand jury only if the defendant consents. Cases may proceed to a grand jury convening remotely (rather than in person) with or without the defendant's consent.
2. All other provisions of the May 14, 2020 Order remain in full force and effect.
3. This Order does not affect the excludable time provisions of the Court's Third Omnibus Order dated May 28, 2020.

For the Court

Chief Justice

Dated: June 4, 2020