

Travis County Virtual Grand Jury

Virtual Grand Jury Platform

All virtual grand jury proceedings will be conducted using Zoom Government, which is CJIS compliant.

Technology

Each grand juror will be issued a Chromebook and a set of headphones for their use during the grand jury sessions. Each Chromebook has a designated Gmail address assigned to it. Zoom can be downloaded onto the Chromebook by each of the grand jurors.

A grand juror may use their own personal headphones or ear buds should they chose to do so. The grand jurors may also attach their own personal computer monitor to have the benefit of an additional screen.

Calendars:

Calendars regarding the days and times each grand jury session will convene can continue to be emailed/provided under current procedures to the grand juror's email addresses. These do not need to be sent to the Chromebooks' Gmail account.

Communications regarding Scheduling and Quorum:

Grand Jurors can continue to use the communication methods that are in place to notify the D.A.'s office/bailiff about any scheduling concerns/quorum issues. These do not need to be sent to the Chromebooks' Gmail account.

Daily Attendance Sheet:

The grand jury bailiff will take and maintain the daily attendance. The bailiff will also make note of which district clerk participates in the virtual presentation for each grand jury session.

Schedule:

Daily Session Schedule will be emailed to the grand jurors using the Gmail address assigned to the issued Chromebooks. These schedules will be emailed by one of the grand jury secretaries.

For purposes of ensuring that a quorum is present at all times during case presentation, designated breaks will be added into the existing schedule. For grand jury sessions scheduled from 9-1, breaks will be scheduled at 10 and noon.

The grand jurors will be instructed to delete the daily schedule from their grand jury Gmail account at the end of that day's session.

The grand jury bailiff or a grand jury legal secretary will also periodically log onto the grand jury Gmail accounts to delete any past schedules.

Notes and Printed Schedules:

Handwritten Notes: Each grand juror will be issued folders to maintain any notes taken during their virtual grand jury sessions. These notes will be turned in at the end of the grand jury term and destroyed by the District Attorney's Office. The grand jurors will be instructed to maintain these notes in a secure/secret location.

Notes taken through Google Docs: If a grand juror chooses to take notes using google docs, those notes shall be deleted once the grand jury votes on the case(s) those notes refer to. All notes taken via google docs will be deleted at the end of the grand jury term.

Printed Schedules: If a grand juror chooses to print a daily schedule, the printed schedule shall be maintained in the same folder as any handwritten notes. These schedules shall be kept in a secure location and turned in to the District Attorney at the conclusion of the grand jury term.

Setting up a Grand Jury Session

The grand jury bailiff, as host, will set up each virtual grand jury session. The grand jurors, the presenters, any witnesses who might testify virtually, and the district clerk will all be invited to the session but will log on at different times. The grand jury bailiff will send the Zoom session invites to all of the grand jurors and participating attorneys for each grand jury session.

For each grand jury session, the Zoom meeting will be set up so that visual backgrounds are disabled for all participants (attorneys, bailiffs, and grand jurors). The Zoom settings will also require that when participants log into Zoom, they start in a waiting room and are admitted by the bailiff. This will ensure that no attorney or bailiff signs on and enters the virtual grand jury room during deliberations.

The email address for the District Clerk's session invites is: districtclerkgrandjury2@traviscountytx.gov.

Once all the grand jurors have logged on, the bailiff will take attendance and then remind the grand jurors of their virtual instructions.

The session instructions will remind the grand jurors that:

- their oath to maintain secrecy applies to virtual grand jury
- the grand juror should be behind a closed door and out of earshot from anyone else present at their location
- no one can be in the room with the grand juror either physically or virtually (except for other virtual grand jury participants)

- the grand jurors must wear headphones and stay within view of their camera except during designated breaks
- the grand jurors cannot record or broadcast any grand jury session
- they cannot open other computer windows unless those windows relate to their grand jury service
- they cannot conduct any independent online research through their Chromebook or cell phones
- they must properly store or delete any notes and schedules
- the grand jury must immediately stop the presentation should a breach of secrecy occur
- a grand juror may only vote on the cases where they heard the entirety of the attorney's presentation
- prior to beginning their deliberations that they must let the foreperson know if they had any connectivity issues or have any concerns with grand jury secrecy

Presentation of Cases

After reminding the grand jurors of their virtual grand jury instructions, the grand jury bailiff will remain as host to monitor the proceedings and to help ensure that there is always a quorum during the case presentations. The bailiff will also monitor which grand jurors are using the raised hand feature on Zoom to ensure that all grand juror questions are answered.

The grand jury bailiff will move the attorney presenters into and out of the grand jury room for their presentations. After an attorney has finished presenting, the bailiff will transfer the host role to the foreperson/other designated person in the grand jury for deliberations. Once transferred, the grand jury host will remove the attorney and the grand jury bailiff from the virtual grand jury room so that the grand jury can deliberate. During deliberations, the grand jury foreperson and assistant foreperson shall monitor the virtual grand jury room to ensure that a quorum is maintained during deliberations.

Once deliberations have been completed the grand jury host will move the bailiff and presenting attorney back into the virtual grand jury room and inform the presenting attorney of any changes to any indictments that need to be made as well as any no bills that need to be prepared. The attorneys will immediately correct the indictments and send them along any required no bills to the grand jury bailiff.

Technology Issues

Grand Jurors:

If a grand juror's screen freezes, or their technology fails during a grand jury session, then the grand jury bailiff will make a note of the juror and which case(s) was being presented at the time

of the technological issue. If a quorum still exists without the affected grand juror, then the presentations will continue. If the affected grand juror is able to restore their technology, then the grand juror may continue to participate, but will be instructed by either the bailiff or the foreperson not to vote on any case(s) where the entire presentation was not heard. If a technical glitch is of short duration, the presenter or the foreperson has the option to pause to see if the affected grand juror can be restored back into the session so that the affected grand jury may still participate in deliberations on a case. The foreperson also may ask an attorney to repeat segments of a presentation so that a grand juror with a resolved technical issue may deliberate on a case.

If a quorum is lost for a particular case due to a grand juror(s) technology issue, the foreperson may either pass the case to the next day the grand jury will hear cases, or if the quorum can be restored may ask the presenting attorney to represent parts of the case or all of the case in its entirety so that the case can be voted on during that grand jury session.

If a quorum is lost due to technical issues, then cases presentations will be paused until a quorum can be restored. If a quorum cannot be restored after a reasonable time, then the grand jury session will conclude for the day and all cases will be rescheduled. Any case that was fully presented prior to the loss of the quorum should be rescheduled back in front of the grand jury who originally heard the case. However, any fully presented case may be re-presented in front of a different grand jury if needed to meet an imposing legal deadline, or to facilitate a defendant's transfer to a state hospital for mental health (competency) treatment.

If the foreperson experience technical issues, then the assistant foreperson will perform any function normally carried on by the foreperson until the foreperson's technology can be restored.

Attorneys:

All attorneys will be on standby one hour prior to their presentation. If an attorney experiences technical issues prior to their case presentation, the attorney shall notify the grand jury bailiff. If the attorney's technology cannot be restored, then the bailiff will ask the next attorney scheduled to present. If the attorney can restore their technology before the end of the grand jury session, then the attorney can work with the grand jury bailiff in order to be worked back into that day's schedule. If the attorney's technology cannot be restored, then the attorney's cases will be rescheduled to a different grand jury session.

If an attorney experiences technical issues during the middle of their presentation, and the attorney cannot resolve their technical issues prior to the conclusion of the day's session, any case that has been fully presented may be deliberated on by the grand jury. The grand jury bailiff will communicate the result of the grand jury's deliberations to the affected attorney so that the attorney may make needed corrections to any indictment and prepare any required no-bills. If the presenting attorney cannot correct the indictment or prepare a no-bill, the bailiff may ask the intake chief or the assistant director of the intake division, or any other available grand jury attorney to assist with the indictment correction or no-bill.

The grand jury bailiff will ensure that any case that has been rescheduled due to technical issues are not contained in the DocuSign envelope of indictments submitted for the foreperson's signature.

Accidental Breaches of Secrecy

If an unauthorized individual enters an otherwise secure room during a virtual grand jury session, any bailiff, grand jury, or attorney shall ask that proceedings stop immediately. The proceedings shall remain paused until secrecy can be restored. The individual who accidentally enters a location of where a grand juror or a prosecuting attorney is participating in virtual grand jury shall be admonished by either the grand jury bailiff, the foreperson, or a presenting attorney that any materials seen or any information heard must not be revealed to any one else and that repeating or distributing anything seen or heard during a grand jury session can result in that individual being held in contempt of court. If the individual who accidentally enters the virtual grand jury room is a minor, then the parent or guardian of the minor will be so admonished.

Zoom Bombing

If an unauthorized person obtains access to the virtual grand jury room, then the grand jury bailiff will immediately end the meeting. The grand jury bailiff will then resend Zoom invites so that the grand jury session can be re-established.

All virtual grand jury participants must always stay within view of their cameras to help detect unauthorized visitors within the grand jury room.

Virtual Indictments:

Intake attorneys:

Indictments will be saved under each presenter's folder in the G: drive with the indictments and other necessary accompanying documentation. Attorneys will have their cases scheduled and their indictments saved in the correct folder by noon two business days before their scheduled presentation. Any accompanying order, or case synopsis will also be placed in the intake attorneys' folders at that time. Grand jury secretaries will proof-read the indictments and make sure that they are saved in the right format by 8 a.m. the day before the grand jury presentation.

Other division attorneys:

The indictments and any needed accompanying orders will be saved in the R: drive (Common) under the virtual grand jury folder. There will be subfolders for each office division with further subfolders for month and date. Division attorneys must have all cases scheduled and all indictments and accompanying documentation saved in the correct folder by 8 a.m. the day

before their presentation. For any division whose indictments are not generated in Techshare, all indictments must have a bottom margin of at least 2 inches on the first page. This is to accommodate the DocuSign file markings needed by the District Clerk's office.

NO "write-in" cases

The latest an emergency case can be scheduled for grand jury is 10 a.m. the day before the grand jury session the case will be presented in. Virtual grand jury cannot accommodate "write-in" cases.

ALL indictments and any accompanying orders will be saved in the following format:

20-XXXXXX DOE, JOHN

20-XXXXXX DOE, JOHN ORDER FOR CAPIAS

20-XXXXXX DOE, JOHN SYNOPSIS

20-XXXXXX DOE, JOHN DNA

20-XXXXXX DOE, JOHN NO BILL

The day before the grand jury session, the bailiff will create a draft DocuSign envelope that will contain all indictments and accompanying orders. Each indictment will have a signature box for the foreperson/assistant foreperson to sign. The bottom of the indictment will contain a stamp field, a date field and initial field for the clerk to use for file marking. Appropriate signature fields will also be added to any accompanying orders. The last sheet of each DocuSign envelope will be the foreperson's unsworn declaration asserting the grand jury's compliance with the virtual grand jury guidelines.

If a juvenile case is presented, the documents associated with the juvenile case will be contained in their own DocuSign envelope. The juvenile certification of determinate sentence needs a signature box for the foreperson. The juvenile district clerk, Joyce Machado (Joyce.Machado@traviscountytx.gov) should receive the signed certification through DocuSign.

Location of Grand Jurors

During a virtual grand jury session, a grand juror may be located either in a secure location in their residence or, if needed, in the Travis County's designated grand jury rooms, or at a location within the Travis County District Attorney's office. If located at their residence, the grand juror needs to be behind a closed door and out of ear shot from anyone else within the residence. Regardless of their location, the grand jurors are required to wear headphones during the grand jury sessions and must have their cameras turned on so that the bailiff and the foreperson can monitor the quorum.

Location of Presenting Attorney

Attorneys have the option of presenting at a secure location within their residence, at a private location within the REB, or in Travis County's designated grand jury rooms. If located at their residence or at the REB, the attorney needs to be behind a closed door and out of earshot from anyone else within their location. Headphones are encouraged for the attorneys to improve sound quality. If an attorney's presentation includes the assistance of, or testimony by a witness, then the attorney will present from the REB LL training room. (See Grand Jury Witnesses, below).

Grand Jury Witnesses

When a witness needs to come before the grand jury either to assist with a presentation, or to testify in front of the grand jury, the presenting attorney, the court reporter, the witness and an interpreter (if needed) will appear in person at the LL training room at the REB. The presenter's laptop will be connected to the camera within the training room so that the grand jurors can see the participants within the room and/or the screen within in the room, which can display power points, videos, etc.

In accordance with current Travis County orders, all witnesses must wear a mask in the LL training room. An attorney may obtain a court order to serve along with the grand jury subpoena if the attorney believes that a witness will refuse to wear a mask. This order can be enforced through contempt proceedings if necessary.

The DA's receptionist has masks available should a witness appear at the REB without a mask.

In the event the LL training room equipment is not operational, then the attorney can contact one of the District Attorney Office's IT through Teams for technical assistance.

Indictment Presentation

At the end of the grand jury session, the grand jury bailiff will finalize the DocuSign envelope and use the foreperson's grand jury Gmail account to provide the foreperson the DocuSign link so that the indictments and no bills can be signed. In the event of the foreperson's absence, the DocuSign link will be sent to the assistant foreperson.

The foreperson will access the DocuSign envelope while the grand jury bailiff is still present in the virtual grand jury room. Once the bailiff and foreperson have confirmed that the foreperson has the DocuSign envelope, the foreperson or other designated grand juror, will move the bailiff to the virtual lobby while the indictments/no bills are being signed. The foreperson will share his/her screen with the grand jurors while signing the indictments and no-bills. When the foreperson reaches the last page in the DocuSign envelope (foreperson's unsworn declaration), the foreperson will admit the clerk and the grand jury bailiff back into the virtual grand jury room.

After the clerk has been admitted into the virtual grand jury room, the clerk will confirm that a quorum voted on all indicted cases, note the number of absences and ask the grand jury about the number of indictments/no bills. The clerk will then ask the grand jury when they grand jury will next convene. After the clerk has obtained all necessary information, the foreperson will present the indictments to the

District Clerk by hitting the “Finish” button and submitting the DocuSign envelope. The indictments will be transferred electronically to the district clerk’s office through DocuSign. Once the district clerk confirms the receipt of the DocuSign envelope, the presentment has been completed and the grand jury may recess until their session.

All grand jurors who constitute that day’s quorum must remain in the virtual grand jury room until after presentment has been completed.

Master List:

One schedule will be sent by the grand jury bailiff to the Grand Jury Secretary through DocuSign so that the Secretary can mark which cases are true billed, no billed, not presented and passed on. The bailiff will use the Gmail account assigned to the grand jury secretary’s Chromebook. When the secretary completes the master list, DocuSign will automatically return a copy to the Bailiff, who will maintain this list as part of the Grand Jury records.

Unsworn Declarations

The foreperson will complete an unsworn declaration after each grand jury session attesting to the compliance of the guidelines.