

PROPOSED WEBB COUNTY VIRTUAL GRAND JURY PROCEEDINGS

Virtual Grand Jury Folders

The District Attorney’s Office will provide each grand juror with a virtual “folder” containing the Handbook for Grand Jurors, an article entitled PLEA BARGAINING: a Workable System, Instructions to the Grand Jury as given by the judge, written instructions for the Grand Jury, as well as a letter containing dates of Grand Jury service. The folder will be emailed to each of the grand jurors to the emails provided at empanelment.

The day before the grand jury is scheduled to meet, the Legal Assistant from the respective court will contact each grand juror via email AND phone to remind them to be in attendance of the grand jury proceedings.

The **morning of** grand jury, the legal assistant will email a master list of cases that will be presented to **each grand juror** in the following format:

Name of ADA presenting case	Witness Name (if any)	DA NUMBER	Last Name Defendant	First Name Defendant	True Bill	No Bill	Other Action Taken

The **day before** grand jury, the legal assistant will also email a master list to the **court bailiff** in the following format:

Name of ADA presenting case	Witness (if any)email and number	DA NUMBER	Last Name Defendant	First Name Defendant	True Bill	No Bill	Other Action Taken

Setting up a Grand Jury Session

The grand jury bailiff (court), 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 (unless appearance will be done in person) 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. Each Grand Jury session will have a different login and password to ensure secrecy.

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.

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 computers 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

Instructions to All Participants Prior to each Grand Jury Session:

Prior to the presentment of cases, the grand jurors, bailiffs, attorneys, and any witnesses participating in the grand jury session shall be admonished of the following:

- Pursuant to Art. 20A.102 of the Code of Criminal Procedure, **NO ONE** may be present in the grand jury virtual room while an attorney is presenting **EXCEPT:** the grand jurors, bailiff, attorney representing the state, a witness *when being examined, an interpreter if necessary, a stenographer if necessary.*
- Pursuant to Art. 20A.102 of the Code of Criminal Procedure: **NO ONE** may be present in the grand jury room while the grand jury is deliberating.
- Pursuant to Article 20A.202 of the Code of Criminal procedure: grand jury proceedings **MUST** remain **SECRET.**
- Pursuant to Article 20A.104 of the Code of Criminal Procedure: **NO ONE** may address the grand jury on matters before the grand jury EXCEPT the attorney representing the State (ADA), a witness, or the accused *with permission* from the State
- Pursuant to Article 20A.203 of the Code of Criminal Procedure: a grand juror, bailiff, interpreter, stenographer, or person operating electronic recording device or preparing a typewritten

transcription and discloses ANYTHING transpiring before the grand jury, may be punished by a fine not to exceed \$500 and/or contempt of court by confinement not to exceed 30 days.

- Pursuant to Article 20A.203 of the Code of Criminal Procedure: any WITNESS who discloses ANYTHING may be punished by a fine not to exceed \$500 and/or contempt of court not to exceed 6 months.

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 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.

Notes and Master lists

Any notes taken by jurors and master list of cases provided to grand jurors must be immediately destroyed upon the conclusion of the presentations of all attorneys.

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 library of the District Attorney's Office. The presenter's will be connected to the camera within the library 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.

All witnesses entering the Webb County District Attorney's Office must comply with the office's Covid Protocols. Additionally, in accordance with current Webb County orders, all witnesses must wear a mask in the library.

The Julio Garcia room may also be utilized for those witnesses who are high risk. Witnesses in the Julio Garcia room must comply with Webb County and the District Attorney's Office Covid protocols.

If a witness cannot appear in person, the presenting attorney will obtain the Witness' name, phone number, and email address and forward it to the court. The witness will participate in the proceedings via Zoom and wait in the waiting room along with the presenting attorneys.

Assistant District Attorneys

Assistant District Attorneys will be required to add their cases on a MASTER LIST that will be located in the S: Drive. The cases will be added in the following format:

Name of ADA presenting case	DA NUMBER	Last Name Defendant	First Name Defendant	True Bill	No Bill	Other Action Taken	Witness Name and email (if any)

All entries must be made **by no later than 3PM the day** before the grand jury is scheduled to meet. Attorneys WILL NOT be able to add cases the morning of.

Assistant District Attorneys will present cases in person from the library at the District Attorney's office. Attorneys will sign in to the Grand Jury session from their offices, on their own ZOOM account. When the Grand Jury is ready to hear from the attorney, the go in one by one to the library and present the case there. Signing in to individual Zoom accounts is for the purpose of identifying each attorney that will present cases. The library computer will remain signed in under one account to be used by all the attorneys.

There will be a sign on the library door when Grand Jury is in session. Attorneys and staff must remain quiet when outside of the library.

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 anyone 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.

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 affected grand juror, then 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 juror may still participate in deliberations on the 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 the 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 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 case 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.

Attorneys:

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 bailiff will ask the next attorney schedule 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.

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.

DA COPY

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

Physical Attendance for Foreperson and District Clerk

Only the foreperson and the District Clerk for the respective court will be required to physically attend grand jury proceedings in order to sign indictments. The foreperson will be tasked with keeping track of the “Master List” sent at each grand jury session.

Sworn Declarations

The foreperson will complete a sworn declaration before the district clerk after each grand jury session attesting to the compliance of the guidelines.