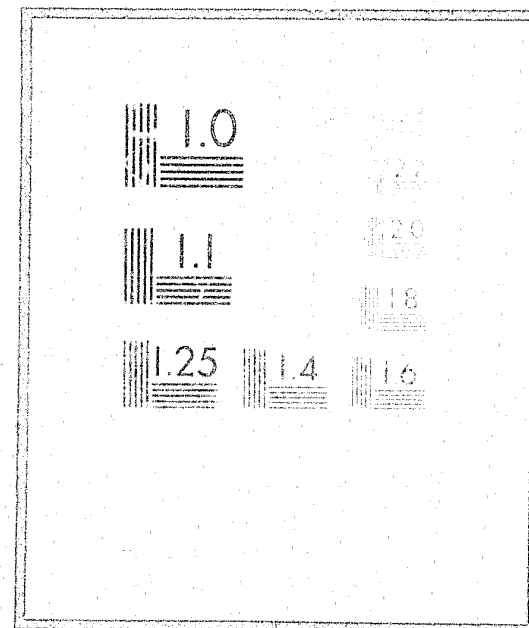


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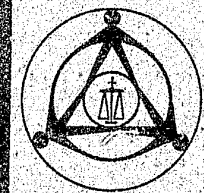
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A Suggested
Court Management Improvement Program
for
Lycoming County Court of Common Pleas,
Williamsport, Pennsylvania



THE AMERICAN UNIVERSITY
Criminal Courts Technical Assistance Project
Institute for Studies in Justice and Social Behavior
The American University Law School
Washington, D.C.

A Suggested
Jury Management Improvement Program
for
Lycoming County Court of Common Pleas,
Williamsport, Pennsylvania

NCIE

MAR 8 1977

ACTIONS

Prepared by:

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February 6, 1973

Criminal Courts Technical Assistance Project
2139 Wisconsin Avenue N.W.
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202/338-7600

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TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	
II. SUMMARY OF RECOMMENDATIONS.....	1
III. DISCUSSION OF RECOMMENDATIONS.....	2
A. Improvement of Jury Selection Process.....	2
B. Development of Juror Questionnaire.....	9
C. Development of Grand Jury and Main Jury Handbook.....	10
D. Use of Juror Identification Badge and Juror Certificate of Service.....	11
IV. CONCLUSION.....	13

APPENDICES

A. Juror Questionnaire (Draft).....	14
B. Sample Juror Handbooks (copies)	
1. <u>The Juror's Handbook</u> , Court of Common Pleas and Court of Quarter Sessions, 35th Judicial District (County of Mercer), Pennsylvania.....	17
2. <u>Handbook for Pennsylvania Grand Jurors</u> , Crime Commission of Philadelphia in Cooperation with Judges of the Courts of Common Pleas, Jan., 1971 (rev.).....	26
C. Sample Juror Certificate (Mercer County, Pa. - copy).....	36
D. Suggested Readings on Juror Management.....	37

I. INTRODUCTION

In late 1972, in response to a steady increase in civil and criminal caseloads before the Lycoming County (Pennsylvania) Court of Common Pleas, President Judge Charles G. Greevy initiated an overall review of the court's procedures and their adaptability to the increasing case volume. During the review process, Judge Greevy requested technical assistance from the Law Enforcement Assistance Administration to help specifically with evaluation of the court's criminal forms and operating procedures.

When this request was forwarded to the Criminal Courts Technical Assistance Project, consultant Robert C. Harrall, Rhode Island Deputy State Court Administrator, was assigned to meet with Judge Greevy and his associate Judge Wood to review the court's needs and identify those problems or tasks which could be handled effectively through the project. Essentially, these tasks fell into two categories: (1) improving jury management, and (2) forms revision and systems design in preparation for the court's conversion from a master to an individual calendar. The first task, development of an improved juror utilization program, was assigned to Professor David J. Saari, director of The American University Center for the Administration of Justice; forms revision and calendar system design were undertaken by Mr. Harrall. Due in large part to Mr. Harrall's initial problem definition and task analysis in consultation with Judges Greevy and Wood, the subsequent substantive assistance

provided by the consultants was delivered in an efficient and coordinated fashion, with periodic review and input by court and county officials.

Technical assistance services to the Lycoming County Court of Common Pleas were provided over the period December 1972-March 1973. The report which follows covers only the juror improvement program phase of this work. The recommendations presented are a product both of Mr. Saari's on-site consultation and review of relevant material pertaining to the court's administration, and considerable discussion and review of preliminary recommendations by the judges and other officials and interested parties in Lycoming County. A report on the second aspect of the technical assistance effort, that completed by Mr. Harrall and refined through a similar review process, will be published shortly.

II. SUMMARY OF RECOMMENDATIONS

The following recommendations are listed in order of general importance and broad significance to the public and court officials of Lycoming County, Pennsylvania:

A. IMPROVEMENT OF JURY SELECTION PROCESS

The Common Pleas Court should automate the jury selection process by mid-1973, so that by calendar year 1974 there will result a completely objective and random representation in the jury pool and improved effectiveness and efficiency in the management of annual and monthly selection of jurors.

B. DEVELOPMENT OF JUROR QUESTIONNAIRE

The Common Pleas Court should formally adopt a standard questionnaire to be answered by each juror in the annual pool of jurors. This questionnaire will (1) provide a permanent record to reflect the nature of the annual selection process, (2) improve the selection and management of qualified jurors for monthly panels, and (3) provide information about juror background to trial counsel for improved voir dire prior to trial.

C. DEVELOPMENT OF GRAND JURY AND MAIN JURY HANDBOOK

The Common Pleas Court should request the local bar association to form a committee to prepare a juror handbook for jurors who serve on both the grand jury and main trial jury panels. The Lycoming County Government should publish such a handbook.

D. USE OF JUROR IDENTIFICATION BADGE AND JUROR CERTIFICATE OF SERVICE

The Common Pleas Court should issue an inexpensive identification badge to all grand and trial jurors in current service for use in the courthouse, and, upon completion of service, the court should present each juror with a certificate of recognition for serving in the public interest on the Lycoming County grand or trial jury.

III. DISCUSSION OF RECOMMENDATIONS

A. IMPROVEMENT OF JURY SELECTION PROCESS

The Common Pleas Court should automate the jury selection process by mid-1973, so that by the calendar year 1974 there will result a completely objective and random representation in the jury pool and improved effectiveness and efficiency in the management of the annual and monthly selection of jurors.

1. Occupational Assessment Tape Can Serve as an Automated Name Base.

Automating the juror panel selection process would result in (1) selecting a jury panel representative of Lycoming County's population, and (2) improving management of the annual, monthly, and daily jury panels.

There exist presently two potential lists of names of persons over 18 years of age from which a jury panel could be created: the voter registration list and the occupational tax assessment list. Both lists are automated name bases on magnetic tape for computer use and can be used for court purposes because both are created and maintained under private contract by the government of Lycoming County. The voter tape contains 52,000 names of potentially qualified jurors; the occupational assessment tape has approximately 70,000 names. The latter tape is preferable and could provide an annual pool of approximately 2,000 jurors. Other potential automated name bases exist but are not as suitable for jury panel selection purposes.

The rationale for selecting the occupational assessment tape is simple. The tape provides the maximum available number of names of persons over 18 years of age in the County's population. Recently introduced in Lycoming County, it is created each year and maintained continuously by door-to-door assessors in each district who list the names and addresses of all persons over 18 and their occupations (including housewives and retired individuals).

By use of this list, the court can be highly efficient in selecting jurors. Moreover, a separate information system which is costly to create and maintain is avoided. The only potential drawback to use of this list is the possibility that it may be slightly less accurate in names and addresses than the older voter registration list since it is new and has not, as yet, undergone as extensive an editing process as has the older voter registration list. However, in view of the large population and geographic representation provided by the occupational tax assessment list, this potential problem can be easily remedied, if necessary, by the supplemental use of the voter list.

2. The County Should Designate a Firm to Create and Maintain the Automated Occupational Tax Assessment Tape for Juror Selection.

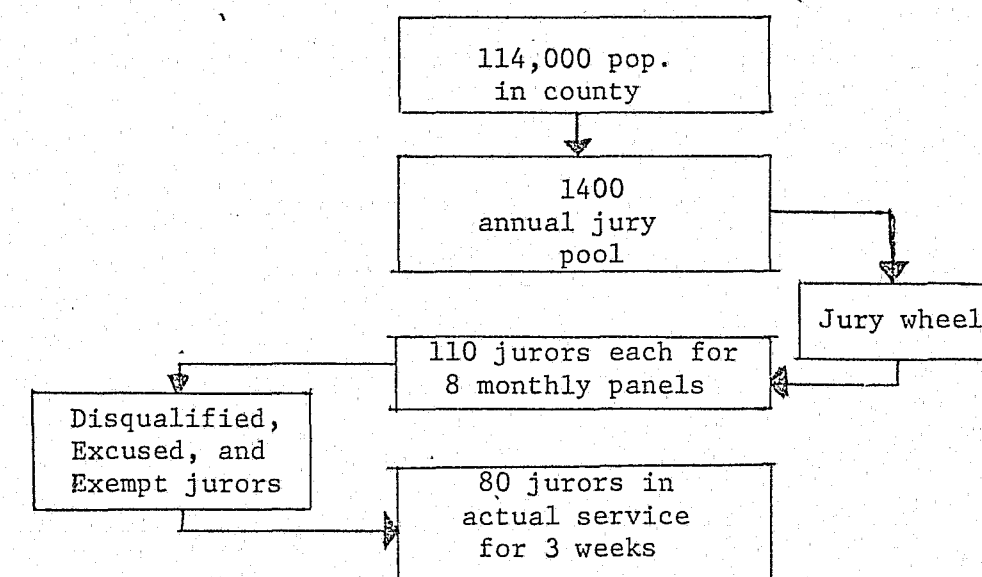
The Common Pleas Court should request the County to obtain the services of a firm responsible to the county for creation and maintenance of the occupational assessment list. This firm can also provide the cost estimates and other details for planning and implementation of the automation as well as conduct the conversion

from the manual system to the automated system.

During the initial planning stage preparatory to the conversion from a manual to an automated system for juror selection, several additional changes are recommended.

3. The Court Should Increase the Size of the Juror Pool.

The present juror selection process provides an annual jury pool of 1,400 names, and operates as follows:



It is suggested that 2,000 names (as opposed to the current 1,400) be taken at random from the 70,000 name list so that a representative population group can be better assured. During the first year of the operation, it is preferable to err on the side of too many potential jurors than be left with an insufficient number in the annual pool. Hopefully, in 1974 and 1975 the annual

pool can be adjusted to fit juror needs more accurately.

4. Judge and Jury Commissioners Should Prepare Supplemental Lists of Qualified Potential Jurors.

The judge and jury commissioners should each prepare a list of 50 names, or a total of 150 names, of potentially qualified jurors. These lists should be kept in readiness in 1973 and 1974 to supplement monthly panels if a question of representativeness arises. While such a question is not likely, the maintenance of such lists is an additional safeguard in assuring a sufficient number of qualified jurors for trial purposes. Moreover, the list can be used for unusual trials to supplement the monthly panel if voir dire is extensive in eliminating jurors.

The actual selection should be made when the tape is freshest -- i.e., after it is created each year. If creation occurs in June or July, the court should require an annual randomized selection by computer to begin before August 1973. The jurors should be notified by mail August 1 - or at least during early August. By September 1, when the recommended juror questionnaire should have been returned, the court will have approximately 120 days to review the 2,000 juror questionnaire described in detail in Recommendation B.

5. A Court Order Should Specify the Details of the Juror Selection Process and Require a Certified List of Potential Jurors in the Annual Jury Pool.

The Court Order for the automated annual jury selection should specify that the jury list on the magnetic tape be arranged in order

of tax district, and, within each tax district, by alpha order according to the last name of each person on the occupational assessment tax list. In this way, geographical representation across the county will be more likely. Alphabetical order alone is not sufficient, for geographical distribution may be skewed.

The persons responsible for juror selection should include the two juror commissioners or others designated by the president judge; these persons must be in actual attendance when output is created. Initially, the person who operates the computer should verify in writing to the court that the computer was programmed to select every Nth name on the list of names on the tape. All of this documentation should be preserved, including one certified copy of the list of names of potential jurors certified to the annual jury pool. In other words, the chain of responsible control should be demonstrable in any future court challenge even though the process is automated. The legal responsibility still rests with the court and other public officials.

6. The Court Should Specify the Desired Output from the Automated Juror Selection Process.

(a) Annual jury list in alpha order by tax district. Sufficient copies of the list should be provided for both a permanent record and internal use by the court.

(b) Annual jury list in alpha order by last name of juror. This list, with sufficient copies, should be created upon request if the court finds a single alpha list more convenient to use in monitoring the processing of juror questionnaires.

(c) Mailing labels for various purposes and juror tabs. A

sufficient number of gummed mailing labels should be provided for mailing juror questionnaires (2,000), for placement on these juror questionnaires, for summoning jurors for actual service, and for mailing such items as juror checks for per diem and mileage. A juror tab with name and address on postcard-like material can be used for draws of jurors during daily service.

(d) Check and Tax Statements for Juror Pay and Mileage. Between

600 and 1,000 checks and tax statements will be necessary each year. The entire pay and tax record operation alone could justify an automated output.

As suggested above, the court should seek assistance from the manager of the firm now providing contractual data processing services to Lycoming County in the planning and evaluation of this application. It is axiomatic that better planning beforehand will assure satisfactory conversion to an automated jury name base. Moreover, the experience of other jurisdictions illustrates vividly the necessity for this careful preliminary planning. There are many details involved and each step should be reviewed and approved by the president judge during the conversion process. With careful planning during these early stages, the experience gained by the president judge, the operators, and the public will result in less time spent on this process during future years.

The benefits of the automated juror selection process will be immediately reflected in the two results noted previously:

(1) selection of a representative jury panel and (2) improved

jury panel management. The name base utilized is the most representative as well as the most comprehensive available; it approximates the UNIVERSE of adults in Lycoming County and thus assures a representative quality of the jury pool. Moreover, the records created will substantiate the randomized selection process. Third, the laborious and demanding task of typing many lists and other juror records will be performed only once during the year, and this automated output can be stored and used as needed during the year. Fourth, if this process is successfully challenged for any reason, the re-creation of a new list to conform with new standards will be possible overnight. Finally, the use for jury purposes of a large list of names created and used for other purposes as well is the essence of sound jury management in the public interest. It is clearly economical and tax-saving.

With such an automation process accomplished by mid-1973, a completely objective and random representation in the jury pool as well as improved effectiveness and efficiency in management of the annual and monthly selection of jurors should be achieved by calendar year 1974.

7. The President Judge Should Appoint a Committee to Examine the Constitutional and Statutory Implications of the Recommended Juror Selection Process.

Appropriate legal authorities, designated by the president judge, should study the conformity of this automated juror selection process

with the Pennsylvania Constitution and Statutes to determine in advance any potential legal difficulties. For example, the reference to "alternative selection" in 17 P.S. 942 may require change. Although a limited review was made by Judge Greevey who has managed the jury for years, the legal ramifications--particularly the need for legislation--should be explored in depth immediately.

B. DEVELOPMENT OF JUROR QUESTIONNAIRE

The Common Pleas Court should formally adopt a standard questionnaire to be answered by each juror in the annual pool of jurors. This questionnaire will (1) provide a permanent record to reflect the nature of the annual selection process, (2) improve the selection and management of qualified jurors for monthly panels, and (3) provide information about juror background to trial counsel for improved voir dire prior to trial.

Potential jurors selected for the annual jury pool must be contacted to determine their qualifications and possible exemption or fitness for jury service. In Lycoming County, it makes sense to adopt a juror questionnaire which goes beyond basic data to provide such social data about the juror pool as might be useful in the event of challenge as well as in shortening voir dire so that counsel can concentrate on more penetrating questions. A suggested draft of the questionnaire is included in Appendix A.

The Court Should Use the Questionnaires for a Number of Purposes.

Juror questionnaires have been used by courts for a number of

purposes - i.e., creation of a permanent record of jurors, improved juror selection and management, and improved voir dire prior to trial. These uses are sufficient to justify its use in Lycoming County. The additional expense of the questionnaire will be moderate and more than offset by the benefits derived. In addition, the monthly panels can be selected with less slippage resulting from disqualification, exemption, and excuse. The record of loss, the frequency of service, and other matters can be extracted in an annual report so that the public will be informed as to the overall operation of juror service in the community.

C. DEVELOPMENT OF GRAND JURY AND MAIN JURY HANDBOOK

The Common Pleas Court should request the local bar association to form a committee to prepare a juror handbook for jurors who serve on both the grand jury and main trial jury panels. The Lycoming County government should publish such a handbook.

1. The Handbook Should Result in Improved Jury Management and Awareness of Juror's Role.

Many communities have a jury handbook to help citizens understand their specialized temporary role as jurors. Such a handbook explains the duties and responsibilities of the juror and eliminates the necessity of explaining jury service each month. Jury service is a complex process and, in most cities, the juror handbook has proved a vital tool for improved jury management.

2. The Handbook Should be Prepared By a Local Bar Association Committee and Published by Lycoming County.

The juror handbook should be prepared by a committee of the local bar association. Since the information given each juror prior to trial contributes greatly to his attitude during trial and deliberation, the bar should be responsible for the content of the handbook. Prior to preparing the handbook, it is suggested that the bar committee request the Office of the State Court Administrator in Philadelphia to obtain a broad sample of jury handbooks currently used in the state and that the committee also confer with both the Institute for Judicial Administration of New York University and the research division of the American Judicature Society in Chicago.

Samples of general jury handbooks as well as specialized handbooks for grand criminal and civil jurors have been reviewed and can offer valuable guidelines in the preparation of the Lycoming County Handbook. Copies of two such sample handbooks are included in Appendix B. In the consultant's opinion, a single handbook would be most appropriate and economical for Lycoming County.

D. USE OF JUROR IDENTIFICATION BADGE AND JUROR CERTIFICATE OF SERVICE

The Common Pleas Court should issue an inexpensive identification badge to all grand and trial jurors in current service for use in the courthouse and, upon completion of service, the court should present each juror with a certificate of recognition for serving in the public interest on the Lycoming County grand or trial jury.

1. The Court Should Establish a Method of Juror Identification.

The Common Pleas Court should issue an inexpensive identification badge to all grand and trial jurors in recent service for use in the courthouse. Jury identification is legally essential. The wrong person may speak to a juror unwittingly and cause a mistrial. At the very least, the juror identification tag, which is the same as that used for conferences, would prevent or discourage such unauthorized communication. Moreover, as a temporary group, jurors would be put at ease if names were known, and the courtesy of addressing one another by name would enhance the social process. Both legal and social purposes, therefore, are well served by name tags in a temporary group assembled for jury service.

2. The Court Should Establish a Method of Public Recognition for Juror Service.

Certificates of recognition for serving in the public interest should be issued to the 600 to 800 persons who serve annually on the Lycoming County's grand and trial juries. Jury service is a significant community contribution. It should be so recognized, since neither jury pay nor mileage compensate for the considerable disruption in daily life caused by jury service. Jurors must go out of their way to attend court each day for three weeks. The common courtesy of recognition by a certificate signed by the judge on behalf of the community would undoubtedly be appreciated by many of the jurors.

A copy of a sample jury certificate is enclosed in Appendix C.

IV. CONCLUSION

Improving jury management in Lycoming County requires a variety of actions. Some current processes can be modernized, others can be expanded, others can be eliminated, and still others must be replaced by procedures described in the foregoing recommendations. The costs related to these recommendations are minimal, and, if the savings associated with jury automation are taken into account, there will probably be a considerable net saving.

The essential benefit provided by these recommendations rests in the consequent strengthening of the integrity of the jury selection process. It is made more representative, objective, and documented, and citizens are drawn into a fruitful and productive relationship with their government. These achievements are laudable public objectives.

APPENDIX A

[DRAFT _ JUROR QUESTIONNAIRE _ JANUARY 1973]

Court of Common Pleas

Twenty-Ninth Judicial District - Lycoming County

Williamsport, Pennsylvania 17701

JUROR QUESTIONNAIRE

(Please Return to Court in 30 Days)

TO: _____

If your name or address have changed,
please indicate such change below:

Juror name and address

(Last) Name (First) (Middle Initial)

Address

(gummed label pasted here prior to
mailing)

City

State

Zip

Telephone: Residence _____

Business _____

1. Date of Birth _____
Month Day Year

2. Sex _____

3. Race _____

4. Are you a citizen of the United States of America? _____ (yes or no)

5. Are you a resident of Lycoming County Pennsylvania? _____ (yes or no)

6. Are you presently employed? _____ (yes or no)

Please state occupation _____

Business address _____

7. What is your current marital status? (Please check)

Married _____
Single _____
Separated _____
Divorced _____
Widowed _____

[DRAFT - JUROR QUESTIONNAIRE - JANUARY 1973, page 2]

8. Do you have any physical or mental infirmity impairing your capacity to serve?
as a juror? _____ (yes or no)

If yes, please describe infirmity. _____

9. Have you ever been convicted of a state or federal crime punishable by imprisonment
for more than one year? _____ (yes or no)

10. Are any charges pending against you for the commission of state or federal crimes
punishable by imprisonment for more than one year? _____ (yes or no)

11. Do you request excuse from jury service? _____ (yes or no)

If yes, please state your reasons. _____

12. Are you employed on a regular basis as:

(a) a member in active service in the Armed Forces of the United States?
_____ (yes or no)

(b) a member of any fire or police department? _____ (yes or no)

(c) a public officer of the United States, state of Pennsylvania or
local government who is either elected to public office or who is
directly appointed by a person elected to public office? _____ (yes or no)

13. How many miles between your residence and the Lycoming County Courthouse? _____

14. Have you served on a Lycoming County jury within the last two years? _____ (yes or no)

I swear or affirm that the foregoing statements are true to the best of my knowledge
and belief.

Signature

Date

Space for Official Use Only

Check appropriate box:

☐

Disqualified

☐

Exempt

☐

Excused

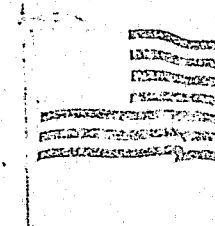
Reasons:

APPENDIX B

Court of Common Pleas
and
COURT OF QUARTER SESSIONS

35th Judicial District
(COUNTY OF MERCER)

PENNSYLVANIA



"I pledge allegiance to the Flag of
the United States of America and
to the Republic for which it stands,
one Nation, under God, indivisible,
with Liberty and Justice for all."

THE COURT OF COMMON PLEAS
AND COURT OF QUARTER SESSIONS

Issuance of this booklet to prospective jurors and preparation of its contents have been under the authority and direct supervision of the Judges of the Court of Common Pleas of the 35th Judicial District of Pennsylvania, encompassing Mercer County. The expense of printing was assumed as a public service by Mercer County.

GREETINGS TO THE JURORS

We welcome you to the Mercer County Courts.

You have been called to take an important part, for a limited time, in the administration of justice in the courts.

Trial by jury is a treasured, historic right which was wrung from sovereigns by the people in centuries long past and which is now guaranteed to our citizens by the Constitution of this Commonwealth.

It means that our citizens have the right to have questions which vitally affect their property, safety or liberty determined by their fellow citizens instead of by public officials.

Jury service, to which you have been called, is a duty and a privilege enjoyed only by free citizens of a free land. The success of the jury system depends upon the willingness of every juror to serve when called and to serve intelligently and conscientiously.

The sacrifice which you have made in accepting this call to public service is appreciated by all who are concerned with the administration of justice.

John Q. Stranahan, President Judge
Albert E. Acker, Judge
Court of Common Pleas of the 35th
Judicial District of Pennsylvania

The History of Our Courts

The official names of the courts in which jury trials are held are the Court of Common Pleas, for civil cases, and the Court of Quarter Sessions of the Peace and the Court of Oyer and Terminer and General Jail Delivery, for criminal cases. The terms of civil trials begin the second Monday of each February, May and October. For criminal trials, they begin on the fourth Monday of each March, June and September and the Tuesday following the first Monday in January. The trials continue to be held until the cases ready for trial are disposed of, but no jury panel is required to serve longer than two weeks unless actually sworn as a juror in a case in progress.

The judges are state officers paid from state funds, elected for the 35th Judicial District, which is coterminous with Mercer County.

Mercer County was officially organized in 1803. The first two terms of Court were held in February and March of 1804 in the private home of Joseph Hunter who was paid \$1.00 per day for the use of his home. The Honorable Jesse Moore, Circuit Judge for Beaver, Butler, Crawford, Erie, as well as Mercer County, was President Judge.

Mercer County became a separate Judicial District (35th) in 1874. Colonel William Maxwell was appointed president judge of the court in May 1874 and served until January 1875. President Judge Arcus McDermitt was the first judge elected under the new constitution, and he served from January of 1875 until December of 1883. Judge McDermitt was succeeded on the bench by Samuel S. Mehard. Judge Mehard served from December 1883 to December of 1896. Judge S. H. Miller served from 1896 until 1906 and Judge A. Williams served from 1906 to 1916. Judge James McLaughry served from 1916 to 1936 and Judge George Rowley served from 1936 until his death December 1953.

Judge Herman M. Rodgers served as President Judge from January, 1954 to January, 1966. Judge Leo H. McKay served from January, 1954 to January, 1966 and as President Judge from January, 1966 to January, 1968.

The second Court Room was located in the second floor of a jail building which was constructed in 1894. This was a log structure located on North Diamond Street. The first Court House was built on the present location in the center of the Diamond in 1897 at a cost of \$7,716.00. Judge Moore was still presiding. This structure burned to the ground in February, 1896, and the second Court House was built the next year. This building burned in December of 1907 and Court was held in the auditorium of the old Mercer Academy until the present Court House was built and dedicated in 1909. A. Williams was President Judge at the dedication of the present Court House.

The judges now in commission are the Honorable John Q. Stranahan, President Judge, who presides in Court Room No. 1 and who was commissioned in January, 1936 and the Honorable Albert E. Acker, who was commissioned in January, 1968 and presides in Court Room No. 2. The President Judge has special administrative responsibilities including the assignment of all cases in the Civil and Criminal Courts.

THE SELECTION OF JURORS FOR SERVICE

You were selected by the commission for the selection of jurors, two of whom were elected from the qualified electors of this county, (one Republican and one Democrat, and the third of whom is the President Judge of this court), as sober and intelligent and judicious persons, to serve as jurors in the several courts of this County. Your names were placed in the jury wheel by the jury commission and you were drawn from the jury wheel to serve on the present panel by the elected jury commissioners and the Sheriff of this County.

THE SELECTION OF THE TRIAL JURY

When a civil case is called for trial, generally twenty jurors are called into the jury box. In criminal trials, the number called into the box varies, depending upon the type of offense. Any juror may be excused because of close relationship to a party or some similar fact which would make him biased. In that event, another juror is called in his place. From the twenty, twelve are selected by opposing attorneys each striking off one name alternately until only twelve remain. This procedure is called challenging. Preliminary questions are first asked by the judge to determine whether you are acquainted with the parties, their attorneys or the subject matter of the case. If you are not selected on one case, do not feel disappointed or disturbed for this is no reflection upon your ability or integrity. The procedure of challenging is a legal right long recognized by law as a means of giving both sides some choice in the make-up of a jury. Often by being excused on one case, you are shortly drawn on another which proves even more interesting. In any event, you equally serve by being available.

The twelve jurors so selected are then sworn by the clerk and the trial begins.

THE TRIAL AND VERDICT

In a civil case, the parties are known as the plaintiff, who brought the case, and the defendant, who has been sued. Sometimes there are additional defendants and cross suits. In a criminal case, the Commonwealth is the plaintiff and the one accused of crime is the defendant.

Usually there are seven stages of trial. They are:

1. Plaintiff's lawyer makes an opening statement of what he expects to prove.
2. Plaintiff's witnesses are called to prove his case.
3. Defendant's lawyer makes his opening statement of what he expects to prove.
4. Defendant's witnesses are called to prove his case.
5. Rebuttal by plaintiff, if required.
6. Arguments by the lawyers, defendant's lawyer speaking first. You should remember that each lawyer represents the view of the case that is most favorable to his client.
7. The court instructs the jury as to the law, relates briefly the evidence to the issues, and explains the possible verdicts which you may render.

During the trial, the judge may be asked to rule on the legal propriety of certain questions asked. His ruling of course does not indicate that he favors one side in the case. He is entirely impartial. The judge has full control over every step of the trial and his rulings are final, although, if erroneous, they may later be reversed by an appellate court.

Jurors, as well as attorneys, officers and spectators, rise when the judge enters the room at the opening of the morning or afternoon sessions and after recesses at the direction of the tipstaff. This is a mark of respect for the court as an institution.

After the trial you and the other members of the jury retire to your room, select your own foreman, deliberate, discuss, listen to each other's views with open mind, and arrive unanimously at a verdict. If you need further instructions as to the

law, you notify the tipstaff who will return the jury to the courtroom for that purpose. When you have arrived at a verdict, your foreman writes it on the slip and notifies the tipstaff who returns you to court. There, when directed by the clerk, the foreman announces the verdict orally, the verdict is read back by the clerk, confirmed by all the jurors, and you are then discharged and return to the body of the court room until called on another jury.

If either party asks to have the jury "polled", each of you rises as your name is called and confirms the verdict as announced by the foreman unless you disagree with it, in which case you so state.

If it is impossible for the jury to agree on a verdict, the foreman may report this fact to the court. However, it is your duty to reach a verdict whenever possible, for if the jury cannot agree, the case must be retried.

THE DUTIES OF A JUROR

Your jurors' oath requires you to "well and truly try the issue" and a "true verdict render according to the law and the evidence."

This requires that you:

Discard prejudice and sympathy;

Listen attentively to the testimony and carefully examine all exhibits;

Observe the conduct and manner of the witnesses on the stand;

Keep an open mind until the very end of the case;

Carefully consider the arguments of lawyers but disregard any statement made by a lawyer in opening or closing that has not been proved by the evidence;

Refrain from permitting persons to talk to you about the case during the trial;

Avoid acquiring any information other than the evidence produced in court;

Use all the judgment, experience and common sense that you possess;

Follow the Court's instructions as to the law;

Decide the facts and apply the law impartially, treating all alike without regard to race, color, creed, or station in life.

Report to the Court promptly any attempt to approach you with regard to the case.

Strictly observe the conduct of the case and do not engage in any conduct, such as taking notes, that will distract attention.

Address all communications to the judge directly or through the tipstaff in the trial room.

The jurors, may request the court to ask a witness to repeat testimony not clearly heard.

After you have rendered a verdict you should not discuss the case or your decision with any party or attorney. Our Supreme Court in Commonwealth, ex. rel. vs. Darcy, 367 Pg. 130 at 133 said, the practice of interviewing jurors after a verdict . . . is highly unethical and improper and was long ago condemned by this court."

CONDUCT OF JURORS

It is important that the jury be at all times fair and impartial. In order to avoid even the slightest appearance of unfairness certain "don'ts" should be observed.

Don't talk to parties of the law suit or to their counsel or witnesses about anything.

Don't discuss the case you are trying with anyone NOT on the same jury.

Don't talk about a case even with a fellow juror in the presence of persons not on the same jury.

Don't make a personal or private investigation of a case. You are to receive all of the facts from the sworn testimony of the witnesses or at a view of the scene conducted under the supervision of the court.

PROCEDURE IN THE JURY ROOM

After the charge of the court has been delivered, the jury retires to the jury room to consider its verdict. How shall it proceed? As it chooses, of course. But the experience of other juries may be of some value to it. Its work may be facilitated if it has an intelligent plan of work to follow.

Its first task is the selection of a foreman. And that is not an unimportant matter. Consider any two deliberative bodies. A qualified, experienced chairman presides over one. Over the other, one without experience presides. The first works. The second funbles. The first is characterized by order, the second by confusion. Select a good foreman.

Now, Mr. Foreman, how will you proceed? Of course, in such a way as to give every juror an equal chance with every other to express his views and in such a way as will tend to produce the most intelligent results possible.

Jurors should enter upon the discussion with open minds and freely exchange views with each other, and they should not hesitate to change their original views or opinions concerning the case when convinced after such discussion that they are erroneous.

Sometimes jurors may be called on to apply a law which they do not approve. Their duty then is to disregard these feelings in rendering their verdict and to decide the case on the basis of the facts presented before them. The jurors are not responsible for the law and it is their duty as it is the duty of the judge, to make their decision on the basis of the law as it is. This law will be explained to them by the judge in his instructions.

If, during the course of their deliberations, the jurors wish to ask a question of the judge concerning their procedure, or if they desire further instructions, the foreman, through the bailiff in charge of the jury, may send a written message to the judge. It is then for the judge to decide whether he will grant the request, in view of many considerations which he must have in mind.

The verdict must be agreed upon by all 12 jurors.

It is the duty of the jurors to give full consideration to the opinions of their fellow jurors, and they should try if possible to agree on a verdict. However, no juror is required to surrender any opinion which he holds with conviction.

Jurors are sometimes troubled by the fact that their decision in a particular case may have an effect which they regard as undesirable in other cases or situations. Such considerations have no place in reaching a verdict. The members of the jury are sworn to pass judgment on the facts in a particular case. They have no concern beyond that case. They violate their oath if they render their decision on the basis of the supposed effect their verdict may have on other situations.

Likewise jurors, at times, question the soundness of a particular statute or decision of which they are informed by the Court in its Charge. The jury is obligated by its oath to accept the law as given by the Judge in his Charge. If a law is to be changed, it cannot be done by a jury but rather by the legislature or our Appellant Courts.

COMPENSATION OF JURORS

You are paid \$9.00 per day actually served, plus mileage at the rate of seven cents per mile to and from your residence to the county seat for each trip. Checks for compensation are mailed a few days after the termination of the service. You are asked to report at the clerk's office each morning so that your attendance can be checked daily.

ROUTINE MATTERS

The first day you report at Court Room No. 2 for roll call and general instructions. Thereafter, until you are selected to try a case, you may wait in either of the two court rooms, pending further instructions. Court opens at 9:30 a.m., recesses for lunch at noon, resumes at 1:30 p.m. and adjourns after 4:00 p.m. at a convenient time determined by the trial judge. If you are on a jury that is deliberating on a case, you may be required to remain until late at night and you should always be prepared for this contingency. In the event of a personal emergency, you may send word to or speak to a judge.

The Tipstaffs who are in attendance are present to assist the Court and the jurors in the exercise of their duties. You should feel free to call on them for any information which you may need.

"THE RESPONSIBILITY OF THE CITIZEN AS A JUROR"

(A statement written by Honorable Leo H. McKay and published in a handbook issued by the Committee on American Citizenship of the American Bar Association, 1945.)

I believe that justice is an ideal which becomes a reality only when the administration of law in the courts is effective, fair and impartial.

I believe that the best plan yet found to assure such administration of the law is the jury system, wherein unbiased citizens are called from the ordinary walks of life to decide disputed questions of fact in court.

I believe that the success of the jury system depends upon the willingness of men of integrity and intelligence to accept jury service and upon the fidelity with which they discharge that responsibility.

Therefore, I will regard a summons to serve as a juror as a test of my patriotism, just as I would consider a call to armed service of my country in time of danger.

I will allow nothing but unavoidable necessity to induce me to seek to be excused from jury service, and I will try to serve the entire period for which I am summoned, without regard to my personal inconvenience or my financial loss.

I will give the same careful attention and consideration to each case that I would want others to give to it if I were a party instead of a juror.

I will keep open-minded and ready to correct any prematurely formed opinion upon finding it to be wrong.

Finally, I will decide each case upon the law and the evidence, without fear or favor, free from prejudice and every other improper influence.

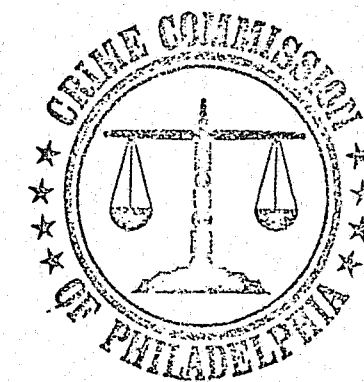
"Tial

by Jury

IS Mc GISTY
of the Law."

—Blackstone

HANDBOOK
for
PENNSYLVANIA
GRAND JURORS



HANDBOOK
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PENNSYLVANIA
GRAND JURORS

Published by
Crime Commission of Philadelphia
in cooperation with
Judges of the Courts of Common Pleas

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TABLE OF CONTENTS

FOREWORD	4
INTRODUCTION: The Grand Jury, Its Origin and Importance.....	5
DUTIES AND POWERS OF THE GRAND JURY.....	6
A. PASSING ON BILLS OF INDICTMENT	6
1. What is a Bill of Indictment?	6
2. What are the Sources of Bills of Indictment?	6
3. What does the Grand Jury do with Bills of Indictment?....	7
B. GENERAL INVESTIGATIVE POWERS	7
C. VISITING PUBLIC INSTITUTIONS	8
D. GRAND JURY REPORT	8
ORGANIZATION AND PROCEDURE	9
A. QUALIFICATIONS	9
B. SELECTION	9
C. SUMMONS	9
D. SIZE OF GRAND JURY	9
E. QUORUM	10
F. TERM OF GRAND JURY	10
G. FEE	10
H. FIRST APPEARANCE IN COURT	10
I. THE FOREMAN, HIS SELECTION AND DUTIES	10
J. OATH	11
K. JUDGE'S CHARGE TO THE JURY	11
L. DETAINED DEFENDANTS AWAITING GRAND JURY ACTION.....	11
M. INSTRUCTIONS BY DISTRICT ATTORNEY	12
N. SECRETARY	12
O. HEARING WITNESSES	12
1. Procedure	12
2. Sufficiency of Evidence	13
3. Persons Authorized to be in the Grand Jury Room	13
4. Who May Advise the Grand Jury	13
5. Self-incrimination; Refusal to Testify	13
P. VOTING	14
Q. DAILY REPORT	15
SECRECY	15
IMMUNITY OF GRAND JURORS	15
GENERAL SUGGESTIONS	15
CONCLUSION	16

FOREWORD

The Crime Commission of Philadelphia is a civic organization dedicated to the improvement of law enforcement and the criminal justice system. The county Grand Jury is an important adjunct of that system.

Many citizens who have served on the Grand Jury have expressed the conviction that grand jurors would welcome a written interpretation of the role they play in the criminal justice process. Judges throughout the Commonwealth have confirmed the need for a set of guidelines or a handbook to aid grand jurors in fulfilling their responsibilities.

With grants from the Louis N. Cassett Foundation the Crime Commission undertook the preparation of this handbook which is now in its second edition. The revised edition has received the thoughtful attention of Judge Joseph Sloane, Chairman of the Criminal Law Committee of the Philadelphia Board of Judges, Supreme Court Judge Alexander F. Barbieri, other jurists, and Paul A. Tranchitella, Esq., Clerk of the Philadelphia Jury Selection Board. Representing the Crime Commission on the editorial board were Harold S. Baile, Esq., Paul Maloney, Esq., and Franklin A. Tooke. The first and basic edition was edited by Morton J. Simon, Jr., Esq. This revised edition is edited by Ian H. Lennox of the Crime Commission.

It should be understood that this Handbook for Grand Jurors is not an official publication of the court system. It represents the best thinking of many judges and lawyers and it is anticipated that subsequent revisions will enable the handbook to serve the most important needs of grand jurors in the future as well as now. The Crime Commission of Philadelphia is indebted to the many judges, lawyers and grand jurors who offered exceedingly valuable advice and suggestions and to the Louis N. Cassett Foundation for making this current revision possible.

INTRODUCTION: THE GRAND JURY, ITS ORIGIN AND IMPORTANCE

You have been selected to be a member of the county Grand Jury. You are about to take your place in an institution that is well over 100 years old in Pennsylvania and finds its origins many centuries in the past. Historians debate the precise time when the Grand Jury began, but it dates back at least to 1166, when the English king commanded that 23 knights from each county bring indictments against all criminals in their counties.

Authority for indictment is found in the Pennsylvania Constitution. With but few exceptions, no person goes to trial without first having been indicted. This indictment is to be brought by the Grand Jury in all misdemeanor and felony cases. Only much less serious offenses, such as traffic violations and disorderly conduct, may be treated in a "summary" manner without a Grand Jury indictment and a full trial.

What is this great, old institution, hallowed by history and constitution? The Pennsylvania Supreme Court has called it "the guardian of the rights and liberties of the people." The Grand Jury is the means by which the criminal is brought to the bar of justice. It protects the citizen against unfounded accusations, whether made by an overly eager or oppressive government or by a misguided private citizen. No man in Pennsylvania can be made to undergo the expense, anxiety, and possible shame of a public trial unless his fellow citizens (the Grand Jury) feel there is just and probable cause for holding him for trial. The accused may, however, waive Grand Jury action in all cases except where the offense charged is punishable by death or life imprisonment.

The protective power of the Grand Jury is one of the most important safeguards of the individual in our legal system. In New York City in 1735, a colonial governor demanded the imprisonment of a newspaper editor because he had criticized certain acts of the governor; but the Grand Jury saw the injustice of the governor's demand and refused to indict. The members of the Grand Jury shoulder grave responsibilities. A misuse of power by the jurors could result in a perversion of justice.

Harlan Fiske Stone, late Chief Justice of the United States Supreme Court, best summed up the importance of jury duty when he said:

Jury service is one of the highest duties of citizenship, for by it the citizen participates in the administration of justice between man and man and between government and the individual.

DUTIES AND POWERS OF THE GRAND JURY

A. Passing on Bills of Indictment

1. WHAT IS A BILL OF INDICTMENT?

A bill of indictment is a piece of paper drawn up by the District Attorney's office. It is the formal written accusation of an offense. It sets forth the facts of the crime, the name and description of the suspect, and the charge against the suspect. Until the Grand Jury has passed on the bill, it is merely a piece of paper. After the Grand Jury has approved it, it becomes an indictment, the official charge that puts the District Attorney and the defendant on notice that a trial will follow. This formal charge follows the defendant through his trial. Prosecution and defense frequently refer to it.

2. WHAT ARE THE SOURCES OF BILLS OF INDICTMENT?

The majority of the bills of indictment that the Grand Jury hears each term follow initial action in the Municipal Court in Philadelphia and before the Justice of the Peace elsewhere. When a crime has been committed and a suspect has been "booked" by the police, he is brought before a judge and a date is set for a later hearing. Bail is set.

At the hearing the judge hears the evidence against the suspect. The District Attorney or his assistant who is presenting the case for the Commonwealth may have only the arresting officer as witness, though he may present other witnesses as he desires. In Philadelphia, if an offense is punishable by a term of less than two years and the judge is a lawyer, or if a summary offense, the Municipal Court judge may decide the suspect's guilt or innocence and sentence him immediately if found guilty. In these cases the judge is sitting as a judge without a jury and without the intervening Grand Jury indictment. In Philadelphia, in felony and misdemeanor cases punishable by a term of more than two years, the Municipal Court judge does not try the case. In all jurisdictions, the court merely decides whether the Commonwealth has presented enough evidence to indicate the case is not unfounded and that the facts justify holding the suspect to await action of the Grand Jury. If the judge does not find sufficient evidence, he will discharge the suspect.

In very rare situations the Grand Jury may require that the District Attorney, with the approval of the court, prepare a bill of indictment based on the Jury's own knowledge and observation of the facts. This

extraordinary step is called a presentment. After the District Attorney has drawn up the bill of indictment, it must be submitted to a subsequent Grand Jury for approval. As with ordinary bills, 12 jurors must agree to the presentment before the District Attorney may draw up the bill of indictment.

3. WHAT DOES THE GRAND JURY DO WITH BILLS OF INDICTMENT?

The role of the Grand Jury is quite similar to that of the court except that the Grand Jury represents the responsible citizen judgment of the accused rather than that of a judicial officer such as a Municipal Court judge. As a reviewing body for the court and the Commonwealth, the Grand Jury spends almost all of its time each day in hearing witnesses for the prosecution (the Commonwealth) only. Neither the defendant (the person charged with the crime) nor any witnesses for the defendant are heard by the Grand Jury. The Grand Jury's function is to determine whether there is probable cause to hold the defendant for a full trial; that is, whether there is a *prima facie* case against the defendant.

What is a *prima facie* case? A *prima facie* case exists when, without hearing any defense, explanation, or contradiction, the District Attorney has presented sufficient evidence to show that a crime has been committed and that the defendant PROBABLY committed that crime. It is not the function of the Grand Jury to determine actual guilt or innocence based on all of the facts presented by both the prosecution and defense. This is the responsibility of the trial jury of 12 members or of the trial judge if a jury trial is waived, the Grand Jury first having determined only whether there was a *prima facie* case.

The process of the Grand Jury is the "approving" or "dismissing" of the bills of indictment. If a bill is "approved," the defendant is held for full trial before the trial jury or judge. Twelve grand jurors must vote for indictment if a bill is to be approved. If a bill is "dismissed," the accused is discharged. Sometimes the District Attorney may get the permission of the presiding judge to rearrest a discharged suspect and resubmit the bill of indictment, either to the same or to a subsequent Grand Jury, though the bill may be dismissed again.

B. General Investigative Powers

Occasionally, the judge may charge the Jury to investigate a fairly broad area of alleged misconduct. However, the Jury is not allowed

to go far afield on its own initiative and may act only on the judge's charge. In order for a judge to utilize a Jury for investigative purposes the subject matter of the investigation must affect the community; it must be aimed at the specific condition; and the acts must be such that the ordinary processes of the law cannot discover and cope with them justly. The investigation must have a defined scope; must be aimed at crimes and supported by information indicating existence of a system of related crimes or a widespread conspiracy with evidence of at least one crime. Within reasonable limits the Jury may continue its investigation for as long as the judge deems necessary. However, its indictment function terminates at the end of the term. Because of the many restrictions in the power of the Grand Jury in this area, investigations are infrequent.

C. Visiting Public Institutions

Although it is not required by law in Pennsylvania, it has become an accepted part of the Grand Jury's role to visit various institutions maintained by the county. Usually two to four days are set aside each term for these visits. The Jury is expected to see whether each institution is being well run and to make recommendations about possible improvements.

In Philadelphia among the institutions most frequently visited are the Police Administration Building and Municipal Court, Youth Study Center, Philadelphia General Hospital, Philadelphia Detention Center, Riverview Home for the Aged, House of Correction, and Holmesburg Prison. Court officers make all the arrangements, including transportation. It is highly desirable that visits be made without advance notice to the institutions. Inspections are optional, however, and if the jurors feel that they can use their time to better advantage they may limit their visits.

D. Grand Jury Report

At the end of each term the Grand Jury must turn in a report. In this report is listed the results of all cases handled that month, an evaluation of the institutions visited, and any general recommendations which the Jury may wish to make about their observations during the term. Each item to be included in the report should be discussed by the entire Jury, and no recommendations should be made without the support of at least 12 jurors. Usually the Foreman writes the report, but this is not necessary. In any case, the report should reflect the work and ideas of the entire Jury.

ORGANIZATION AND PROCEDURE

A. Qualifications

The Grand Jury is intended to be a cross section of the citizenry of the county with no legal training. As with the trial jury, it is felt that such a cross section will give a suspect the fairest possible hearing. As in Philadelphia, there are some basic qualifications however. The juror must be a registered elector who can read, write, speak and understand the English language. He must have no physical or mental defect that might prevent attendance or proper performance. Also, he must never have been convicted of a "crime involving moral turpitude." He should not have served on a Grand Jury within the last three years. However, the juror may waive this last exemption. No one may be excluded from jury service because of race, color, or creed.

Certain people are excused from Grand Jury duty at the discretion of the judge. An unexcused absence, however, may result in a fine of \$25 to \$200.

B. Selection

In Philadelphia the grand jurors are approved by the Jury Selection Board. In other counties the members of the Grand Jury are selected by the Commission for the Selection of Jurors, the Jury Board or the Jury Commissioners. The names of apparently eligible citizens are put on a list and investigated as to their qualifications for jury service. Those found ineligible are removed from the list, and the eligible names are placed on the "jury wheel." The names of 35 jurors are picked at random from this wheel.

C. Summons

After the 35 names are chosen from the jury wheel, at least 30 days prior to the commencement of each term, the Sheriff serves a summons on each of the 35 jurors. The summons notifies the juror that he must appear in a specified court on a specified day.

D. Size of Grand Jury

The Pennsylvania Rules of Criminal Procedure require that the Grand Jury consist of no more than 23 and no fewer than 15 legally

qualified people. The precise number within this range is determined by the presiding judge. Usually the number is between 18 and 21. When a Grand Jury is to be impanelled and more than 23 qualified persons appear, the presiding judge shall excuse a sufficient number of persons to reduce the panel to not more than 23 persons.

E. Quorum

In order for the Jury to conduct business, 15 members must be present at all times. This number is called a quorum. If this number is not present, the Jury will be dismissed for the rest of the day. If this happens on the first day of the term, the Jury cannot be sworn in. If a quorum is not present, the judge should be told immediately because, as noted above, an unexcused absence may result in a fine. If a juror cannot be present on a certain day, this fact and the reason for it should be told to the Foreman so he may be sure to have a quorum in the courtroom. Daily attendance is extremely important.

F. Term of Grand Jury

In many counties the Grand Jury meets four times a year with the period of service ranging from one to ten working days. In Philadelphia each Grand Jury serves for one month. Usually this month includes from 17 to 21 working days. If the judge finds it necessary, a Grand Jury may be retained reasonably beyond the end of its term to complete work that was presented during the period for which it was summoned originally.

G. Fee

Each grand juror is paid \$9 per day for his service. The fee is mailed to the juror's residence.

H. First Appearance in Court

In response to the summons the juror reports to the court and makes sure his name is recorded.

I. The Foreman, his Selection and Duties

Unlike the trial jury, in which the first juror selected automatically becomes the Foreman, the judge chooses the Grand Jury Foreman. An Assistant Foreman may be chosen by the judge to act in the Foreman's absence.

It is the duty of the Foreman to preside at all Jury sessions, to call the Jury to order, and to put before the Jury all of its business. He swears in witnesses, questions them when the District Attorney is finished (though any juror may ask a question), handles all of the voting on bills, and officially signs all of the indictments, stamping them with the date and "approved" or "dismissed." The Foreman must maintain order in the jury room, but should not dominate the Jury or make its members feel ill at ease.

J. Oath

The judge gives the oath separately to the Foreman and Assistant Foreman and then to the Jury. According to law, the oath must be approximately as follows:

You, as Grand Jurors, do solemnly swear that you will make diligent inquiry with regard to all matters brought before you as well as such things as may come to your knowledge in the course of your duties; that you will keep secret all that transpires in the jury room except as authorized by law; that you will neither approve any indictment nor present any man for hatred, envy or malice, nor refuse to approve any indictment nor present any man for love, fear, favor, nor any reward or hope thereof; and that you will present all things truly to the court as they come to your knowledge and understanding.

K. Judge's Charge to the Jury

After the swearing in, the judge charges the Jury. In his charge he outlines the duties, responsibilities, and procedures of the Jury. If the judge feels that the Jury should investigate some special area, it is in this charge that he will instruct the Jury to do so.

L. Detained Defendants Awaiting Grand Jury Action

At the beginning of each Grand Jury term, the judge receives a list of those accused who are being held in the county prison or house of detention and awaiting Grand Jury action, the date when they were detained, and the charge against them. This list is made available to

the Grand Jury as a checklist so that the detained defendants will not be held longer than necessary for indictment.

M. Instructions by the District Attorney

When the charge is finished, the judge will send the Jury to the jury room, where the District Attorney again will explain procedures to the Grand Jury. His remarks will include the definition of the crimes with which the Jury will deal. If at any time there are questions about the law, the jurors may ask him about them. If there are any problems that the District Attorney cannot answer, the Foreman or members of the Grand Jury may discuss them with the presiding judge.

N. Secretary

The Jury selects a Secretary as soon as it enters the jury room. The Secretary must prepare a roll with the names of all jurors and must call the roll at the beginning of each daily session. He must prepare and maintain a record of the disposition of all indictments and whether they were approved or dismissed.

O. Hearing Witnesses

1. PROCEDURE

Hearing witnesses takes the largest part of the Jury's time. As each case comes up, the District Attorney explains the charge against the defendant. The Foreman is given three copies of the indictment. Witnesses are called by the District Attorney, who is the first to question them. Witnesses must be sworn in by the Foreman before they can give testimony. The names of most witnesses are written on the back of the bill of indictment. If a witness appears whose name is not on the bill, his name should be written there by the Foreman with permission of the presiding judge. The witnesses must appear in the jury room one at a time so no witness may hear the testimony of anyone else.

After the District Attorney is finished with his questions, the Jury may ask questions. In many cases the arresting officer will be the only witness. Since there is no limit on the number of witnesses who may be called, the jurors may ask to hear more witnesses. Although only

one witness may give the Jury enough evidence to approve a bill, the Jury shall not dismiss a bill until all of the available witnesses for the prosecution have been heard.

2. SUFFICIENCY OF THE EVIDENCE

It must be remembered that it is not for the Grand Jury to decide whether the defendant is innocent or guilty. This means that the evidence it considers does not have to be strong enough to convict the defendant, but the evidence must be sufficient to indicate that a crime has been committed and that the accused probably committed it. Neither the defendant nor his lawyer is heard by the Grand Jury because the Jury is not concerned with any defense. The only evidence for the defendant that the Jury can consider is that evidence that comes from testimony of the Commonwealth's witnesses. If the defendant desires to offer a defense, it will be presented at the time of trial.

3. PERSONS AUTHORIZED TO BE IN THE GRAND JURY ROOM

When the Jury is hearing evidence, the only persons authorized to be in the jury room are the Jury, the District Attorney, the witness, and an interpreter, if needed. Court officers may enter only when requested to do so by the Foreman or District Attorney or by order of the Court. They may stay no longer than their business requires, and they may not speak to jurors.

When the Jury is discussing the cases and voting, only the jurors may be in the room.

4. WHO MAY ADVISE THE GRAND JURY?

The District Attorney and the presiding judge are the Jury's only sources of legal information or advice. Questions should always be directed to the District Attorney first; but, if he cannot answer a question, the Jury should go directly to the judge for an opinion.

5. SELF-INCRIMINATION; REFUSAL TO TESTIFY

Under the Fifth Amendment of the United States Constitution and under Article 1, Section 9 of the Pennsylvania Constitution, the accused cannot be compelled to give evidence against himself. This right

to remain silent is available to the witnesses appearing before the Grand Jury who have not been granted immunity from prosecution by the court. If a witness declines to testify because what he says might tend to incriminate him, he may not be excused, but the Foreman must report this fact to the presiding judge, who will determine whether the evidence, in fact, might be self-incriminatory. If it is, the judge will rule that the witness need not testify about it; if it is not and the witness still refuses to testify, this continued refusal should be reported to the judge who will determine if it is a contempt of court for which the witness may be fined or imprisoned. There can be no contempt, however, until there has been a direct order by the judge to testify.

In the case of "investigating" Grand Juries, when a witness refuses to give evidence against himself, after having been granted immunity from prosecution by a court in a matter relating to organized crime, that witness may be held in civil or criminal contempt and sentenced.

P. Voting

The Grand Jury can vote to approve the bill of indictment before all the evidence has been presented as long as it believes the Commonwealth has made a prima facie case against the defendant. But the bill cannot be dismissed until all the evidence has been heard. In order that a bill be approved, at least 12 jurors must vote for indictment.

No person other than the jurors may be present while the Grand Jury is deliberating or voting. The Foreman leads any discussion of the case before the voting. If there are any questions the Jury may ask for more witnesses or talk to the District Attorney. If more witnesses are required, the District Attorney will subpoena them and have them appear as soon as possible, usually within several days. The Jury can then vote after further testimony has been heard. After the vote the Foreman signs the bill and endorses it as either approved or dismissed.

Where two or more defendants are named on a bill, the bill may be approved as to some defendants and dismissed as to others. Several counts of the charge against a defendant may be approved, while others are dismissed. If the Grand Jury believes that a crime has been committed but that the offense is of a lower grade than the one described in the bill, the Jury may indict for the lesser offense. The Jury does not deal with the "degree" in murder cases.

Q. Daily Report

At least once a day the Foreman must report to the judge on all of the indictments handled. This must be done in open court with the full Jury present.

SECRECY

One of the most important aspects of the Grand Jury system is secrecy. Secrecy applies to all of the proceedings of the Jury. Jurors should not discuss Jury affairs with anyone, including their families. No one may make a transcription or reproduction of any testimony given by witnesses before the Grand Jury. The rules are designed to maintain the utmost secrecy. Even after the end of the term, jurors should never discuss the cases they have heard. Outside of the jury room, they should not even discuss the cases among themselves.

There are many reasons for secrecy. Only through secrecy can jurors be fully protected from outside pressure and defendants prevented from escaping while their cases are under consideration. Secrecy shields witnesses from bribes and intimidation; it encourages witnesses to give all information which they might not be willing to give in a public courtroom. Secrecy benefits both the prosecutor and the defendant. It helps the prosecutor to make a better case; it prevents the discharged defendant from having any disgrace attached to him for being accused of a crime.

IMMUNITY OF GRAND JURORS

Grand jurors receive full protection of the law for all of their official actions. Moreover, no inquiry may be made into a juror's actions or how he voted. The Grand Jury is a wholly independent body, answerable only to the court. A juror cannot be sued in a civil court for any official action.

GENERAL SUGGESTIONS

Be absolutely fair. Because of the rules of secrecy, no one may inquire into what you have done. Your oath pledges you to absolute impartiality.

Remember, secrecy is of the utmost importance.

Don't be a rubber stamp. Listen to all the evidence carefully and make up your own mind. Express your opinion but don't try to dominate the sessions.

Be sure to ask permission of the Foreman if you must be absent at any time. Good attendance is extremely important. Try to be present and on time everyday.

Wait until the District Attorney has finished his questioning of witnesses before you ask questions. Usually, your question will be answered by the time the District Attorney is finished.

Don't try to set speed records. Each witness deserves a fair hearing and each case a fair discussion. Don't be rushed by your Foreman or the District Attorney. Some cases will only take three or four minutes, but others may take much longer. Don't skip too lightly over smaller cases.

Maintain dignity in the proceedings at all times. Moderation and reason, rather than emotion and fervor, lead to justice.

Finally, remember that you are not deciding the guilt or innocence of any defendant. The District Attorney is required to present only a set of facts which, if unexplained or uncontradicted, constitute a *prima facie* case.

CONCLUSION

Membership on the Grand Jury is a high honor. A good grand juror is of great service to his fellow citizens. He gives his time for one of the most worthy of causes: justice.

It is hoped that this Handbook will make your work just a little bit easier, more understandable, and more pleasant. It is hoped that service on the Grand Jury will give you some insight into the functioning of your government, court system, and criminal justice. It is hoped that you will see the immense importance of responsible citizenship and will look back upon your jury duty as a great privilege.

APPENDIX C

CITIZENSHIP AWARD

iii

IS GIVEN THIS AWARD IN APPRECIATION OF DILIGENT SERVICE AS A JUROR
IN THE COURTS OF MERCER COUNTY, PENNSYLVANIA

Presented this _____ day of _____ nineteen hundred and _____.

ATTEST:

President Judge

Judge

APPENDIX D

APPENDIX D

Suggested Readings on Juror Management

Lasdon, Leon and Warren, Alan. A Jury Study and Management Program.
Court Management Project, 511 Ten Ten Euclid Ave., Cleveland,
Ohio 44115. 1972.

Saari, David, Solomon, Maureen and Harvey, et. al., "Study of Juror
Utilization in the Court of General Sessions", Court Management Study,
Part II, May 1970, pp. 141-155. D.C. Senate Committee Reprint.

Suggestions for Improving Juror Utilization in the United States District
Court for the Southern District of New York. Institute for Judicial
Administration, 40 Washington Square, New York, New York 10012.
July 1971.

END

7. 10. 1933. 18. 10. 1933.