

News Release



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Virtual Grand Jury Pilot Program Returns Dozens of Indictments

Virtual grand juries in Bergen and Mercer counties have returned 33 indictments since June 18, allowing stalled criminal cases to move forward safely and without crowding courthouses with potential jurors.

In-person court proceedings were suspended by the Supreme Court in March after a state of emergency was declared in response to the COVID-19 public health crisis. There are now 1,870 defendants held in jail awaiting indictment, and additional defendants must wait for their cases to be heard while on pretrial release.

“If we could safely accommodate hundreds of grand jurors at our courthouses while tending to other emergent needs, we would do so,” said Judge Glenn A. Grant, acting administrative director of the courts. “The reality is we do not have the space to keep large numbers of grand jurors socially distanced throughout our facilities during this health crisis.”

Live grand juries also would exclude citizens in at-risk populations who might be unwilling to travel to courthouses because of legitimate health and safety concerns, Judge Grant said. The court has instead provided any needed technological equipment so that a fair cross-section of the community has the opportunity to participate in the grand jury process. During the pilot program, court staff delivered tablets with broadband access to seven jurors and web cameras to four other jurors and then helped them with the setup. No jurors were turned away because they lacked the space or technological equipment to participate.

To protect the security and secrecy of grand jury hearings, only jurors have the ability to log into virtual proceedings. Jurors also are provided headphones so the hearings cannot be overheard by other members of a household. In addition, the court supplemented its standard grand jury charge and secrecy oath with an oath that specifically addresses the requirements of participation in a virtual proceeding.

“Just as we do with live grand juries, we rely on virtual grand juries to honor the oath they are sworn to follow,” Judge Grant said.

Jurors are questioned before and after deliberations to ensure that there were no technological issues interfering with proceedings. While some grand jurors required assistance to log in, there were no incidents that compromised the actual grand jury presentment.

In Bergen County, which was among the counties earliest and hardest hit by the spread of the coronavirus, vicinage staff staged several days of mock virtual grand jury proceedings to identify and prepare for potential problems. Jurors consistently gave the virtual grand jury pilot program high marks for efficiency and competency in surveys administered by the courts.

Since the start of the COVID-19 health crisis, New Jersey courts have moved cases forward successfully through the use of virtual technology. To date, the Judiciary has conducted 48,757 virtual court events with 470,085 participants.

“We have used virtual technology with great success in a variety of settings, including pretrial conferences, bench trials, and Supreme Court arguments,” Judge Grant said. “Virtual grand juries are not an ideal solution, but these are not ideal times. Given that we have no way of knowing when this health crisis will end, virtual grand juries are our best alternative if we are to move cases forward in a manner that allows all citizens to participate in the jury process. Justice cannot be served if the criminal justice process is stalled.”

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