

HANDBOOK
for
VIRGINIA
GRAND
JURORS

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FOREWORD

This handbook is intended for citizens who have been selected as members of a grand jury and are about to report to the court to perform their duties. It is not a complete statement of law, but it attempts to give a grand juror an understanding of the general nature of their functions. The court itself is the sole authority in its charge to the Grand Jury and in any later instructions as to the governing principles of law.

In order that each grand juror may perform their duties as intelligently and efficiently as possible, it is suggested that the contents of this handbook be studied carefully before the term of service begins. Also, this handbook should be kept available for ready reference during the period of service.

I. WHAT IS A GRAND JURY?

1. Types

There are three types of Grand Juries - Regular, Special and Multi-Jurisdiction. Each will be discussed in this Handbook to help you understand your role as a grand juror.

2. What is a regular grand jury?

A regular grand jury is composed of from five to seven citizens of a city or county summoned by the circuit court of that city or county. A regular grand jury hears witnesses and considers “bills of indictment” (a formal accusation of a crime) to determine whether there is probable cause (reasonable grounds) to believe that an accused person did commit the crime and should stand trial at a later date.

3. What is a special grand jury?

A special grand jury is composed of from seven to eleven citizens of a city or county summoned by the circuit court to investigate and report upon any suspected organized criminal activity or corruption.

4. What is a multi-jurisdiction grand jury?

A multi-jurisdiction grand jury is composed of from seven to eleven members. Multi-jurisdiction grand juries investigate criminal activity that involves multiple jurisdictions (counties or cities) and are primarily used to investigate drug law violations, gang activity or trafficking offenses.

II. AN OVERVIEW OF THE CRIMINAL PROCESS

1. Initial Proceedings

A person suspected of having committed a crime is usually charged in a written accusation called a

warrant or a summons. Crimes of a serious nature are classified as "felonies," whereas crimes of a less serious nature are classified as "misdemeanors." A person held on a felony warrant is brought before the judge of the district court for a preliminary hearing. There is no jury in a district court. If the judge determines that there is not enough evidence to proceed against the accused, the judge may dismiss the case or, in some instances, amend the charge to a misdemeanor. If, however, the judge determines there is sufficient evidence that the accused committed a felony, then the judge will certify (send) the case to the circuit court for presentation to a regular grand jury to determine whether there is probable cause to believe that a felony has been committed by the accused person.

A person suspected of having committed a crime may also be charged through direct indictment. In these instances, a grand jury is presented with information about the alleged crime and determines whether there is probable cause to believe that the crime has been committed by the accused person. The person is charged with having committed a specified crime if the grand jury finds probable cause exists to require that the person accused stand trial at a later date in the circuit court. In this situation, the accused would not appear before a judge until after the grand jury makes its determination and findings. If a matter is being considered by a special grand jury or a multi-jurisdiction grand jury, then the person suspected of having committed a crime is not charged until after the special grand jury or multi-jurisdiction grand jury has conducted its investigation and made certain findings or determinations.

2. Bills of Indictment

After a case has been certified to the circuit court, the Commonwealth's Attorney will prepare a written document called a "bill of indictment," in which the accused is charged in a legal and formal manner with having committed a specified felony. The bill of indictment is used by the regular grand jury to

determine if probable cause exists to require that the person accused stand trial at a later date in the circuit court.

3. Misdemeanors

A regular grand jury usually does not deal with minor crimes or with traffic offenses. Prosecution of these offenses is usually begun by the police or the Commonwealth's Attorney on a warrant or summons.

III. GRAND JURY SERVICE

1. Qualifications

A grand juror must be a citizen of Virginia, have been a resident of Virginia for at least one year, be a citizen of the city or county in which they are to serve for at least six months, and be eighteen years of age or older. They must also possess qualities of honesty, intelligence, impartiality and good demeanor and be otherwise suitable in all respects to serve as a grand juror.

2. Exemptions upon Request

Any person who has legal custody of and is responsible for a child 16 years of age or younger or a person having a mental or physical impairment requiring continuous care during normal court hours will be excused from grand jury service upon their request.

If you have reason to be excused from grand jury service, you should contact the circuit court to which you have been summoned immediately. Do not wait until the day on which you have been summoned to request to be excused from grand jury service. If you request to be excused the day you are to appear, it may cause a delay in the administration of justice while another grand juror is procured. Service as a grand juror on a regular grand jury ordinarily will require only part of one day.

3. First Appearance in Court

You will report for service at the courtroom of the circuit court to which you have been summoned on the date and at the hour stated in the summons. The clerk of the circuit court will call your name and you will take your place in the jury box. The judge will appoint one of you to be foreman (your presiding officer). The foreman will then be sworn in under an oath that states your powers and responsibilities. The remaining members of the grand jury are then sworn to observe the conditions of the same oath.

4. Oath

The oath taken by each Grand Juror is as follows:

Do you solemnly swear (or affirm) that you will diligently inquire into and carefully consider all such matters that come to your attention concerning this present service, and do you solemnly swear (or affirm) that you will indict no person through prejudice or ill-will, nor leave any unindicted through fear or favor, but in all your presentments you will present the truth, the whole truth, and nothing but the truth, (so help you God)?

To "diligently inquire" means to make an earnest consideration of all the circumstances involved in the matter, and a common-sense decision based upon the facts.

Your oath requires you to be fair to both sides. The requirement for "truthfulness" is a pledge of honesty in the performance of your duties. If you follow the conditions of your Oath of Office, you will have met your full requirement as a member of the grand jury and you will have performed your responsibilities in accordance with the law.

5. Secrecy

Every member of a grand jury must keep secret all proceedings which occurred during a session of the grand jury. The secrecy of grand jury proceedings is important because:

- Secrecy protects grand jurors from being subjected to pressure by persons who may be interested in the outcome of the grand jury action.
- Secrecy may prevent the escape of persons against whom an indictment is under consideration.
- Secrecy encourages witnesses to speak the truth freely before the grand jury.
- Secrecy as to witness testimony before the grand jury prevents the witnesses from being tampered with between that time and the time they testify at the trial of the accused.

6. Practical Suggestions

- Be respectful of witnesses' time. The business of a grand jury should be carried on in an expeditious manner – not too slow but not too fast. Some cases may require only one witness and take only a few minutes; others will require much more attention.
- Pay close attention to the testimony of the witnesses.
- Be courteous to the witnesses and do not cut off their testimony unless it becomes needlessly repetitious.
- Listen to the opinion of your fellow grand jurors, but do not be a rubber stamp. Do not try to monopolize the hearing or the deliberations. Be independent but not stubborn.
- You may try to persuade other jurors but do not try to force them to change their minds.
- Each juror is entitled to be satisfied with the evidence before being called upon to vote. Although your mind may be made up, if

other grand jurors wish to pursue the matter further, do not try to shut off additional testimony or deliberation.

- Do not keep silent when the case is under discussion and then begin to talk about it after the vote is taken.
- Do not discuss cases with your fellow grand jurors outside the jury room.
- Maintain dignity in the proceedings at all times. Moderation and reason, rather than emotion and passion, lead to justice.

7. Compensation

The law provides for the compensation of grand jurors for each day of attendance. The amount of this compensation is set by the General Assembly. Each grand juror should report attendance to the clerk of the circuit court.

IV. THE REGULAR GRAND JURY

1. Selection and Summons

Each year the judge of the circuit court of each city and county selects at least sixty and not more than one hundred and twenty citizens from the city or county to serve as Grand Jurors during that year. Not more than twenty days before the beginning of the term of court, the clerk of the circuit court directs the sheriff to summons from the Grand Jury List not less than five nor more than nine persons to serve as Grand Jurors for that term of court. The judge may dismiss several jurors to assure a jury of not more than seven.

2. Charge by the Court

After you have been sworn, the judge will address you formally, and in greater detail, as to how you are to perform your duties and responsibilities. This address is called "The Charge to the Grand Jury." This Charge, plus any other instructions given to you by the judge, together with your Oath are your

controlling guides. After receiving the Charge to the Grand Jury, you will be escorted to the grand jury room, where you will receive the bills of indictment you are to consider, and you will hear witnesses in the cases brought to your attention.

3. Quorum

A regular grand jury consists of not less than 5 members. At least 4 must agree in returning "A True Bill" on an indictment. Business of the grand jury should be conducted only when all members are present in the jury room. If it is necessary for a member to be temporarily absent, a recess should be declared by the foreman until the member rejoins the group.

4. The Commonwealth's Attorney

The Commonwealth's Attorney may not appear before the regular grand jury except as a witness. However, if members of the regular grand jury have questions about their duties, they may ask the Commonwealth's Attorney for clarification of their responsibility. The grand jury cannot seek the Commonwealth's Attorney's advice as to whether they should return an indictment as "A True Bill." If a grand jury finds that it needs advice regarding its duties but doesn't know if it can invite the Commonwealth's Attorney into the grand jury room to explain, it should notify the judge that it needs further instructions.

5. Witnesses

a. Hearing Witnesses

The bills of indictment the regular grand jury are to consider will be delivered to them. It is the regular grand jury's duty to determine if probable cause (reasonable grounds) exists to require the person accused of a crime in a bill of indictment to stand

trial. The regular grand jury will determine this from the testimony of witnesses.

The names of available witnesses in each case will appear on the bill of indictment. These witnesses will have been sworn by the judge to tell the truth while they are in the jury room. The regular grand jury will notify the judge when they are ready to call a witness. If any person who is not listed on the bill of indictment, or is listed but not called to testify by the regular grand jury, wants to testify they must obtain permission from the judge. Even then, the grand jury may refuse to hear this testimony unless the judge orders that it be heard.

Witnesses should be examined one at a time. It is not necessary to call or hear every witness listed on the bill of indictment, to approve it ("A True Bill") or disapprove it ("Not a True Bill"). It is only necessary to hear as many (one or more) as it takes to satisfy four members of the grand jury that probable cause does or does not exist to require the party accused to stand trial.

b. Witness Refusal to Testify

If a witness refuses to answer a question, the regular grand jury should not press the question or attempt on its own to compel an answer. If the jury wishes to require the witness to answer, then the question should be written out on a sheet of paper, a recess declared, and the matter reported to the judge orally in open court whereupon the judge will determine if the witness is compelled to answer.

c. Accused as a Witness

Neither the accused person nor any witnesses likely to be favorable to them will

be listed as potential witnesses. This is because the regular grand jury does not determine the guilt or innocence of the accused, but only determines whether the testimony of the witnesses produced by the Commonwealth establishes probable cause (reasonable grounds) to require the accused to stand trial. If an accused person desires to testify, they must obtain permission from the judge.

6. Procedure after Witness Testimony

a. Determination to Indict or Not

The function of the regular grand jury is to determine whether there is probable cause (reasonable grounds) to require the accused to stand trial. Only members of the regular grand jury are in the jury room while it is deliberating and voting. When the grand jury has heard all necessary or available witnesses in a given case, the foreman will ask the members to discuss and vote on the question of whether "A True Bill" should be found on the charge. Every grand juror may now comment on the sufficiency of the evidence and express an opinion on the matter. After each member who desires to speak has been heard, the foreman will call for a formal vote to find out if there is the required number of four affirmative (yes) votes.

b. Finding of Indictment

An indictment may be found "A True Bill" only upon the affirmative vote of four or more members of the grand jury. If there are enough affirmative votes in favor of finding an indictment, the foreman will endorse (write) the phrase "A True Bill" on the back of the bill of indictment and sign it. If there are insufficient affirmative votes, the

Foreman will endorse the phrase "Not a True Bill" and sign it.

c. Special Findings, If Any

After all the bills of indictment have been considered, the judge will ask if any member of the grand jury believes that a special grand jury should be called to investigate any condition which tends to promote criminal activity in the community or by any governmental authority, agency, or official. This power should be used with caution and should not be based upon gossip or rumor. If there is a rational basis to believe that any such condition exists, the grand jury should report its view to the judge.

d. Return of Indictment

After all the bills of indictment have been considered and the regular grand jury has determined if it wants to report on any special matter, it will inform the judge that it has ended its deliberations. It will then present its findings in open court. The clerk of the circuit court reads the names of the accused persons and, after each name, reads the words "A True Bill" or "Not a True Bill" as endorsed on the indictment by the foreman of the grand jury.

V. THE SPECIAL GRAND JURY

1. Selection and Function

A special grand jury is composed of from seven to eleven citizens of a city or county, selected by the circuit court and summoned to investigate any condition which tends to promote criminal activity in the community or by any governmental authority, agency or official. The special grand jury, composed entirely of private citizens, is the one non-political

body with legal authority to make such investigations.

Members of a special grand jury have the same qualifications as a regular grand jury member and are also found by the judge to be impartial and disinterested in the subject matter and outcome of the investigation.

2. Scope of Investigation

The responsibility of a special grand jury ordinarily will be to investigate a narrow special condition believed to exist in the community, like organized crime or agency corruption. If, during its authorized investigation, some other illegal condition comes to light which the special grand jurors feel needs investigation, the special grand jury should call attention to it in its report.

There are no time limitations on an investigation by a special grand jury, if the court determines the special grand jury is making progress on its investigation after six months of being impaneled. The complexity of the condition being investigated will dictate the length of time needed.

3. Subpoena Power

A special grand jury may have a summons issued ordering a person to appear before it to testify or to produce specified records, documents, or other tangible things for examination by the special grand jury. Any desired records or things must be described with reasonable accuracy in the summons.

When a summons is desired, the special grand jury may notify the clerk of the circuit court, giving the clerk the name (and address if known) of the person to be summoned, the date and hour set for their appearance, and if papers or things are desired, a description of them.

4. Individuals Involved

a. The Commonwealth's Attorney

If the special grand jury was convened at the request of the Commonwealth's Attorney, they may be present during the investigatory stage of the proceedings and are permitted to question the witnesses. This does not prevent a special grand jury member from questioning witnesses themselves. If the special grand jury was convened at the request of someone else, the Commonwealth's Attorney may be present only if requested by the special grand jury and may question the witnesses only upon the request or consent of the special grand jury.

The Commonwealth's Attorney shall not be present at any time while the special grand jury is discussing or evaluating the testimony of a witness among themselves or while the special grand jury is deliberating to reach a decision or prepare its report. However, the Commonwealth's Attorney may be present during this period if legal advice regarding the grand jury's role or responsibilities is requested by the special grand jury. The special grand jurors should not permit the Commonwealth's Attorney to join in any determination of the weight to be given to the testimony of a witness or decision on whether to return "A True Bill."

b. Special Counsel

At the request of the special grand jury, the judge may appoint special counsel to assist it in its work.

c. Special Investigative Personnel

The special grand jury may request the judge provide other specialized personnel to assist it in the investigation.

d. Court Reporter

A court reporter will record and transcribe all oral testimony given by witnesses before the special grand jury. The transcript is a written record for the sole use of the special grand jury and its contents must not be revealed by anyone except as authorized by law.

In a lengthy investigation it would be difficult to remember exactly what earlier witnesses said. Therefore, a transcript of all testimony is available for the special grand jury to refer to during later stages of its work.

e. Witnesses

i. Warnings Given to a Witness

Before witnesses testify, they must be advised by the special grand jury foreman that:

- The witnesses do not have to answer any questions nor produce any evidence that would tend to incriminate them;
- The witnesses may hire their own counsel and have them present while they testify; and
- The witnesses may be called upon later to testify in any case that may result from the investigation and

report of the special grand jury.

ii. Oath of Witness

After the witness has been given the warnings set forth above, the foreman will administer the following oath to the witness (an affirmative answer is required):

Do you solemnly swear (or affirm) that the evidence you are about to give before the grand jury is the truth, the whole truth, and nothing but the truth, so help you God?

iii. Examination of Witness

If the special grand jury was convened at the request of the Commonwealth's Attorney, they will have a list of the witnesses to present and examine. After this examination, members of the special grand jury should then ask any further questions of the witnesses that are appropriate.

If the special grand jury was convened at the request of someone other than the Commonwealth's Attorney, the special grand jury may still request the Commonwealth's Attorney to be present and to conduct the examination. The special grand jury may also request the judge to designate special counsel to assist it and to conduct the examination or the special grand jury may conduct the examination itself without aid of counsel.

If examination of a witness leads the special grand jury to believe that the testimony of other witnesses is necessary, a request for a summons for such other witnesses should be made to the clerk of the circuit court.

iv. Witness Refusal to Testify

If a witness refuses to answer a question, the special grand jury should not press the question or attempt on its own to compel an answer. If the jury wishes to require the witness to answer, then the question should be written out on a sheet of paper, a recess declared, and the matter reported to the judge orally in open court whereupon the judge will determine if the witness is compelled to answer.

f. Counsel for the Witness

Witnesses appearing before a special grand jury have the right to have counsel of their own present when testifying. Such counsel shall have the right to consult with and advise the witness during the examination, but the counsel does not have the right to question their own witness.

5. Procedure after Investigation

a. Deliberation

After all witnesses have been heard, the special grand jury will deliberate and make its findings on the matter submitted to it by the court. Only the members of the special grand jury are to be present during this stage of the proceeding unless the special grand

jury desires the temporary presence of the Commonwealth's Attorney or special counsel to advise it on some legal matter.

At the conclusion of its investigation and deliberation, a special grand jury files a report of its findings with the court, including any recommendations that the special grand jury deems appropriate with or without a recommendation that such a person be prosecuted. It is then the duty of the Commonwealth's Attorney to prepare and present a bill of indictment that follows as a result of the report of the special grand jury to a regular grand jury. A special grand jury convened at the request of the Commonwealth's Attorney may return "A True Bill" of indictment if a majority of not fewer than five of the members of the special grand jury agree.

b. Findings

The special grand jury's findings should be findings of fact which the special grand jury reasonably believes to exist. If several findings of fact are to be considered by the special grand jury, a vote should be taken on each such finding of fact. A majority vote in favor of each such finding is necessary to include it in the report the special grand jury will make to the court.

While no particular procedure is required, one way to proceed would be for individual members to submit to the foreman such findings as they may think appropriate and then the foreman could prepare a list of the proposed findings, following which a vote should be taken on each such proposed finding.

c. Report

At the end of its deliberation the special grand jury must prepare a written report of its findings. This report will be the finding of the majority of the special grand jury. Members who do not agree with the findings of the majority may file a minority report on any finding with which they disagree.

The Court Reporter may be used to prepare the report.

When the special grand jury is ready to file its report, the report should be dated and signed by the foreman.

d. Transcript, Notes, etc.

After the special grand jury has completed its use of the transcripts, the foreman shall place the transcripts, notes, tapes, and records in a container and seal it. The date on which the report is filed should then be placed on the sealed container.

e. Filing of Report

When the special grand jury is ready to make its report, it should notify the judge and, in open court, hand in its report and the sealed container.

VI. THE MULTI-JURISDICTION GRAND JURY

1. Selection and Size

Multi-jurisdiction grand juries are composed of seven to eleven members. Members must be a citizen of Virginia, at least 18 years old, a resident of Virginia for at least one year, and a resident of one of the named jurisdictions for at least six months. To the extent possible, the presiding judge will draw grand

jurors from each jurisdiction in which the alleged violations occurred.

Members of a multi-jurisdiction grand jury will be selected only if they have been selected as regular grand jurors in one of the named jurisdictions.

Members of a multi-jurisdiction grand jury have the same qualifications as a regular grand jury member, including indifference in the subject matter.

2. Function

Multi-jurisdiction grand juries are summoned to investigate certain specified violations of law which may have occurred in many different Virginia localities and court jurisdictions, to consider bills of indictment prepared by special counsel, and to determine whether probable cause exists to justify returning the indictment as a "A True Bill" against the accused. The multi-jurisdiction grand jury reports its findings to state and federal prosecutors.

3. Procedure for Convening and Discharging

To convene a multi-jurisdiction grand jury, two or more Commonwealth's Attorneys from different jurisdiction, after receiving approval from the Attorney General of Virginia, may apply to the Supreme Court of Virginia. The term of the multi-jurisdiction grand jury shall be twelve months but may be extended for a successive period of not more than six months. However, the presiding judge may discharge the jurors at any point the presiding judge believes the multi-jurisdiction grand jury is no longer needed. The presiding judge sets the time, date and place within the designated jurisdiction where the multi-jurisdiction grand jury is to be convened. The presiding judge also appoints one of the grand jurors to serve as foreman.

4. Subpoena Power

The multi-jurisdiction grand jury has statewide power to order a person to appear before it to testify or to

produce specified records, documents and other tangible things for examination. Any desired records or things must be described with accuracy in the summons. When a summons is desired, the multi-jurisdiction grand jury may notify the designated special counsel, giving the special counsel the name (and address, if known) of the person to be summoned, the date and hour set for their appearance, and if papers or things are desired, a description of them.

5. Individuals Involved

a. Special Counsel

Special counsel and each special counsel that will be assisting the multi-jurisdiction grand jury is designated at the time the grand jury is impaneled by the Supreme Court of Virginia.

Special counsel may be present during the investigatory stage of the proceedings; however, special counsel may not be present at any time while the multi-jurisdiction grand jury is deliberating. Special counsel may be present during deliberations if the multi-jurisdiction grand jury requests the legal advice of special counsel as to specific questions of law.

b. Special Investigative Personnel

Special counsel may request the judge provide other specialized personnel to assist it in the investigation.

c. Court Reporter

A court reporter will record and transcribe all oral testimony given by witnesses before the multi-jurisdiction grand jury. The transcript is a written record for the sole use of the multi-jurisdiction grand jury and its contents must not be revealed by anyone

except as authorized by statute. In a lengthy investigation it would be difficult to remember exactly what earlier witnesses said. Therefore, a transcript of all testimony is available to refer to during later stages of its work.

d. Witnesses

i. Warnings Given to a Witness

Before witnesses testify, they must be advised by the multi-jurisdiction grand jury foreman or special counsel that:

- The witnesses do not have to answer any questions nor produce any evidence that would tend to incriminate them;
- The witnesses may hire their own counsel and have them present while they testify; and
- The witnesses may be called upon later to testify in any case that may result from the multi-jurisdiction grand jury.

ii. Oath of Witness

After the witness has been given the warnings set forth above, the foreman will administer the following oath to the witness (an affirmative answer is required):

Do you solemnly swear (or affirm) that the evidence you are about to give before the grand jury is the truth, the whole truth, and nothing but the truth, so help you God?

iii. Examination of Witness

Special counsel may examine the witnesses called to testify. However, the multi-jurisdiction grand jurors may ask any additional questions of the witness.

iv. Witness Refusal to Testify

If a witness refuses to answer a question, the multi-jurisdiction grand jury should not press the question or attempt on its own to compel an answer. If the jury wishes to require the witness to answer, then the question should be written out on a sheet of paper, a recess declared, and the matter reported to the judge orally in open court whereupon the judge will determine if the witness is compelled to answer.

e. Counsel for the Witness

Witnesses appearing before a multi-jurisdiction grand jury have the right to have counsel of their own present when testifying. Such counsel shall have the right to consult with and advise the witness during the examination, but the counsel does not have the right to participate in the proceedings.

6. Procedure after Investigation

a. Deliberation

After all witnesses have been heard and evidence presented, the multi-jurisdiction grand jury will deliberate and make its finding on the matter submitted to it by the court. A multi-jurisdiction grand jury may return “A True Bill” of indictment if a

majority of not fewer than five of the members of the multi-jurisdiction grand jury agree. "A True Bill" must state each jurisdiction in which the offenses occurred.

b. Transcript, Notes, etc.

After the multi-jurisdiction grand jury has completed its use of the transcripts, the foreman shall place the transcripts, notes, tapes, and records in a container to be sealed by the clerk of court and a copy to be transmitted to special counsel. The date on which the report is filed should then be placed on the sealed container.

CONCLUSION

Membership on a grand jury is a high honor. Your service is of great value to your fellow citizens and your time is devoted to one of the worthiest of causes: justice. It is hoped that this Handbook will make your work easier, more understandable, and more pleasant.

VIRGINIA'S JUDICIAL SYSTEM

Notice Regarding the Americans with Disabilities Act and Requests for Accommodations by Persons with Disabilities

The Americans with Disabilities Act (ADA) of 1990 was enacted to ensure that all qualified individuals with disabilities enjoy the same opportunities that are available to persons without disabilities. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The ADA directly affects state courts as providers of public programs and services. In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., the Supreme Court of Virginia and the courts of the Commonwealth of Virginia (collectively referred to as "Virginia's Judicial System") will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Virginia's Judicial System does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: Virginia's Judicial System will generally, upon request, provide appropriate aids and services for qualified persons with disabilities so they can participate equally in Virginia's Judicial System programs, services, and activities, including qualified interpreters, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures:

Virginia's Judicial System will make all reasonable modification to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Virginia's courts, even where pets are generally prohibited.

Requests for Accommodation: A request for accommodation should be made to the relevant clerk if the request relates to a pending case or activity of a

particular court. Otherwise, the request should be made to the ADA Coordinator at the address below. Procedures for making a request, as well as a form for doing so, are available through the ADA Coordinator and on Virginia's Judicial System website, www.vacourts.gov.

No requirement to alter programs and services: The ADA does not require Virginia's Judicial System to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints regarding accessibility: *Complaints concerning a program, service, or activity of a circuit court clerk's office should be directed to that clerk.* Other complaints will be handled pursuant to grievance procedures adopted by the Office of the Executive Secretary. The procedures are available through the ADA Coordinator, and on Virginia's Judicial System website, www.vacourts.gov.

No surcharge: Virginia's Judicial System will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Questions about this Notice – Please submit your questions to:

Renée Fleming Mills, Ph.D.
Office of the Executive Secretary
Supreme Court of Virginia
100 N. 9th Street
Richmond, Virginia 23219
Fax: 804-786-0109
adaoffice@vacourts.gov

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