

Introduction to the



Investigating And Indicting Grand Jury Lehigh County

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DISCLOSURE OF PROCEEDINGS

All matters before an
Investigating and Indicting
Grand Jury are **secret**.

Resources of the Grand Jury

A GRAND JURY HAS THE **POWER** TO:

- Compel the attendance of witnesses
- Compel the testimony of witnesses under oath
- Require the production of documents, records and other evidence
- Issue a Presentment and Report
- Issue an Indictment

Selecting the Grand Jurors

Term of the Grand Jury

- Lehigh County maintains a standing Grand Jury
- The Grand Jury sits for a term of 18 months. At the end of the 18 month term the Grand Jury can vote to extend its term for up to an additional 6 months to complete unfinished business.
- Tenth panel currently sitting
- Sitting as an Investigating and Indicting Grand Jury

Composition of the Grand Jury

- The Grand Jury is composed of 23 permanent jurors and 15 alternate jurors. There must be a quorum of at least 15 permanent jurors to conduct business.

WHEN THE INVESTIGATING GRAND JURY IS USED

- In complex cases with many exhibits and witnesses
- In old or “cold” cases
- In cases with uncooperative witnesses
- Examples: Homicides, Drug Cases, Elder Abuse, Child Abuse, Sex Offenses, Violent Crimes

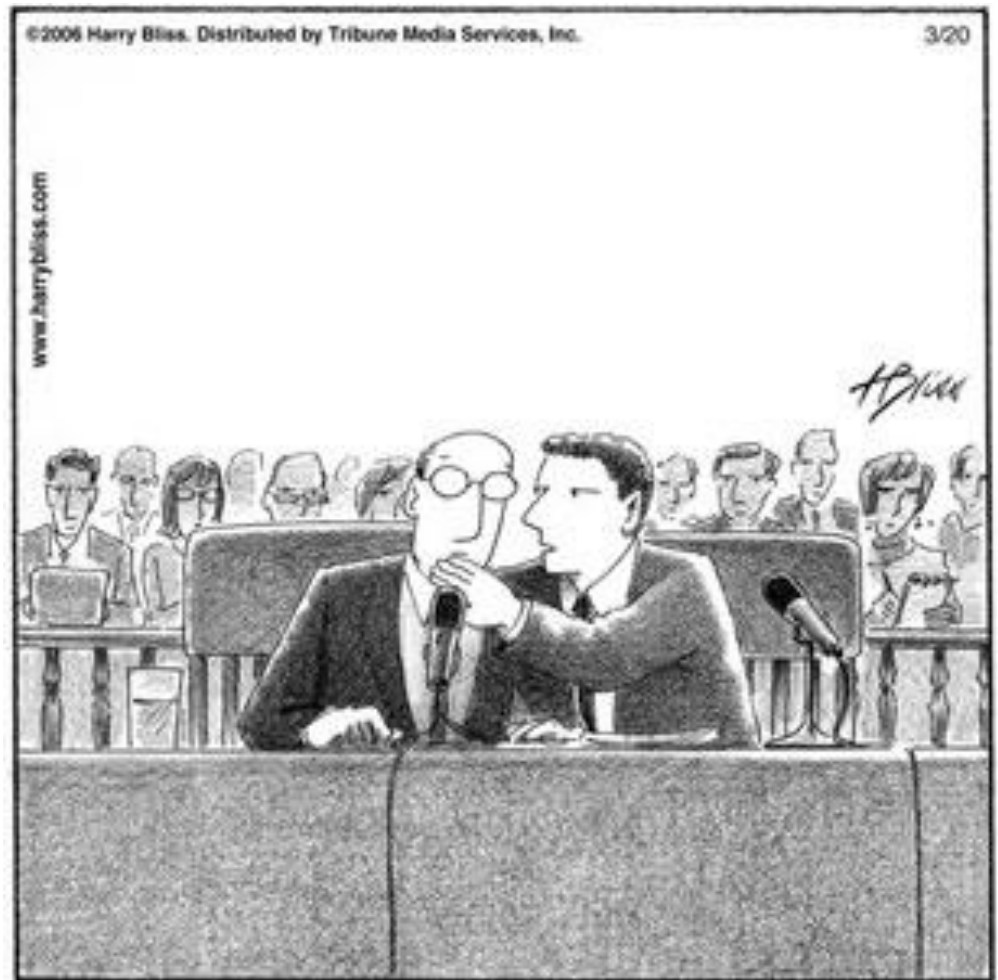


Who's allowed in there?

The Prosecutor



The Witness and Their Attorney



"The grand jury isn't interested in your Schwarzenegger impression."

The Court Reporter/Monitor



The Jurors



In addition:

- Detectives
- Interpreter
- DA Administration
- Sheriff personnel to maintain security if needed
(witness in custody)

The District Attorney Submits a Case for Investigation

At the conclusion of an
investigation:

Issue a Presentment

recommending that the District Attorney
file charges against one or more
individuals

Issue a Report

recommending that legislative, regulatory, administrative and/or institutional changes should be made to address problems identified during their investigation.

or
Decline to issue a Presentment or a Report

Proceeding by Indicting Grand Jury without Preliminary Hearing

- **After arrest** or the **filing of a criminal complaint**, ADA may move to present to indicting grand jury instead of preliminary hearing.
- **Witness intimidation has occurred, is occurring or is likely to occur.**
- If Supervising Judge finds probable cause that witness intimidation has occurred, is occurring or is likely to occur, the motion is granted to proceed by indictment.

Proceeding by Indicting Grand Jury without Preliminary Hearing

- After motion granted, case shall be presented to grand jury within **21** days of the date of the Order, unless:
- Grand Jury proceedings are waived by defendant, or
- ADA elects not to present to grand jury, then preliminary hearing will be held before court of common pleas judge.

Authority of Indicting Grand Jury

- (1) Inquire into violations of criminal law through subpoenaing witnesses and documents; and
- (2) If based upon evidence received, including hearsay, or upon a presentment, the grand jury finds the evidence establishes a **prima facie** case that (1) an offense has been committed and (2) the defendant has committed it, indict defendant for a criminal offense; Thereafter, the District Attorney files criminal information.
- or
- (3) Decline to indict.

QUESTIONS?