



Justice
Court Services

Office of the Sheriff Procedure Guide



Discharging a Jury/Juror



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Overview

A jury may be discharged for several reasons in NSW, including reaching/not reaching a verdict, juror misconduct or irregular/mistaken empanelment. Irrespective of the rationale for discharge, there are several important steps that must be observed so that jurors are fully informed of their rights and obligations post service.

This document will:

- Explain the overall processes;
- Describe the key policies and procedures; and
- Provide links to other useful resources.

Target audience

This document is written for all Court and Sheriff Officers servicing the District and Supreme Courts of NSW.

Version history

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1.0	March 2019	New Procedure Guide

Table of contents

Document information	2
Overview.....	2
Target audience	2
Version history	2
Table of contents	3
Introduction	5
Objective.....	5
Key terms	5
When is a Jury/juror Discharged?	5
Who discharges the Jury?.....	5
What is the Legislation?.....	5
How do I discharge jurors that are no longer at the Court House?	5
Process 1: Sentence Hearing and Judgment	6
Objective.....	6
What information to provide about sentence hearings and judgments	6
Process 2: Juror Support Program	7
Objective.....	7
What information to provide about the free counselling service.....	7
Process 3: Confidentiality.....	8
Objective.....	8
What information to provide about confidentiality	8
Process 4: Future Service and Juror Possessions	9
Objective.....	9
What information to provide jurors about future service	9
Court material and juror possessions.....	9
How to conclude	9
Process 5: Clean up and preparation for next jury.....	10
Objective.....	10
Steps to prepare jury room.....	10

Process 6: JMS Discharge..... 11
 Objective..... 11
 How to discharge a jury panel/individual juror on JMS 11

Introduction

Objective This section is intended to provide background information that is necessary to understand the process for discharging a jury/juror.

Key terms The following terms are commonly used:

Term	Definition
Sentence Hearing	A sentence hearing is held when a person is convicted of an indictable offence. The prosecution and defence make submissions to the Judge about an offender. Victim Impacts statements are tendered or read at this time.
Judgement	When the presiding Judge/Justice formally imposes a sentence on an offender. Judgments can be given in writing, orally or both.
Acquitted	When a Not Guilty verdict is returned by a Jury.
Hung Jury	When a jury cannot reach a unanimous verdict.
JMS	Jury Management System

When is a Jury/juror Discharged? A jury/juror may be discharged for several reasons in NSW, including reaching/not reaching a verdict, juror misconduct or irregular/mistaken empanelment and/or legal issues and errors in law.

Who discharges the Jury? A Court Officer is responsible for processing the jury/juror after they have been formally discharged by the presiding Judge/Justice.

What is the Legislation? Part 7A of the Jury Act 1977 canvasses the reasons a jury or juror may be discharged.

How do I discharge jurors that are no longer at the Court House? Jurors who become unwell and/or do not return to the Court House will need to be discharged by telephone by a Court/Sheriff Officer. The same process needs to be followed as those that are discharged in person.

These jurors must be sent the Brochure “Observe, Listen, Decide – The Juror Support Program” in the mail and requested to return their Juror Identification Tag to PO Box A4, Sydney South 1235.

Process 1: Sentence Hearing and Judgement

Objective Provides guidance for officers giving information to the jury/juror about what happens after the conclusion of a legal proceeding.

What information to provide about sentence hearings and judgments

At the discharge of a jury/juror, it is important to provide the jury/juror with some information about the next legal steps in the relevant proceeding, as follows:

- If the matter resulted in a Not Guilty verdict, the jury should be advised that the accused has been acquitted and the proceedings are finalised.
 - If the matter has resulted in a hung jury, the jury should be advised that the NSW Office of the Director of Public Prosecutions will review the matter and determine whether there should be any further legal proceedings.
 - If the matter has resulted in a Guilty Verdict, the jury should be advised that the matter will be adjourned (generally) to a later date for a sentence hearing and judgment.
 - If a matter is not resolved and the jury is discharged, the ODPP will decide whether there should be any further legal proceedings.
 - If a juror would like information as to when a Sentence Hearing or Judgment is listed for hearing (they will need either the accused's full name or the case number), they can either telephone the Courts Service Centre on 1300 679 272 or visit the Online Court Sittings Register at <http://www.districtcourt.justice.nsw.gov.au/Pages/courtlists/courtlists.aspx>
 - If a juror would like information on the sentence imposed in the matter that they provided jury service, they can either telephone the Courts Service Centre on 1300 679 272 or visit the website <https://www.caselaw.nsw.gov.au>. It should be noted that some matter outcomes subject to suppression orders will not be publicly available.
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Process 2: Juror Support Program

Objective Provides guidance for officers giving information to the jury/juror about access to a free counselling service.

What information to provide about the free counselling service

At the discharge of a jury/juror, it is important to provide the jury with some information about their entitlement to access counselling and the reasons why this may be appropriate, as follows:

- Information about the Juror Support Program should only be provided to jurors once their service is complete.
- Jurors should be advised it is common to feel detached, confused anxious, frustrated and upset. These feelings are a natural response to being in a different and challenging situation and they will generally pass after a few days.
- All empanelled jurors must be issued with the following Pamphlet, either:
 - after completion of their Jury Service, or
 - discharged early e.g. due to illness (can be mailed).



- Jurors are able to access up to three free counselling sessions by telephoning the Juror Support Program on 1300 360 364 which is available 24 hours a day 7 days a week.

Process 3: Confidentiality

Objective Provides guidance for officers giving information to the jury/juror about their obligation to maintain confidentiality about their jury service.

What information to provide about confidentiality At the discharge of a juror/jury, it is important to provide the jury/juror with information about their legal requirement to maintain confidentiality about all discussions related to their jury service. Staff are instructed to advise jurors as follows:

- Information about juror deliberations or other jurors remain confidential and jurors are not to discuss how they came to agree on the verdict or specifics of the jury trial. Any evidence during the trial that was subject to suppression and/or protection orders can also not be discussed.
- Under Section 68(B) of the *Jury Act 1977*, it is a criminal offence to disclose information about the deliberations of a jury.
- Under Section 68 of the *Jury Act 1977*, it is a criminal offence to disclose any information that may identify a juror or former juror.
- Convictions for offences under *Section 68 of the Jury Act 1977* are punishable by a term of up to two years imprisonment.

Process 4: Future Service and Juror Possessions

Objective Provides guidance for officers in how to ensure jurors gather their personal possessions and are informed of their jury service exemption.

What information to provide jurors about future service At the discharge of a juror/jury, it is important to provide the jury/juror with information about their future exemption period from jury service. Staff are instructed to advise jurors as follows:

- A juror is exempt from being called for further jury service for a period of three (3) years after the completion of their present service.
- Under *Section 39 of the Jury Act 1977*, a presiding Judge may excuse a person from further jury service for a specified period (including life) because of previous lengthy jury service. The Officer is responsible to ensure such jurors wish to adopt such additional exemption periods and ensure such additional exemption periods are entered into JMS.

Court material and juror possessions

Staff must ensure that jurors:

- return their ID's, any locker keys and all paperwork/note books associated with the trial is to remain in the jury room; and
- have all their personal belongings (including food) to take home with them and provide them with their mobile telephones.

How to conclude

Staff should ensure that they thank jurors for performing an important civic duty that is central to the administration of Justice in NSW and escort them to the exit.

Process 5: Clean up and preparation for next jury

Objective Provides guidance for officers for preparing for the next jury.

**Steps to
prepare jury
room**

Upon the discharge of a jury, it is important to ensure that the jury room is appropriately cleaned and prepared for the next jury. The following must be completed:

- Ensure all exhibits have been returned to the court at the end of a trial.
- Ensure laptops have been returned
- Ensure all paperwork from the jury room is disposed of and all whiteboards are to be permanently erased.
- Collect all Juror I.D. tags and place them in the phone tray for that courtroom. Please fill in an Attendance Sheet and Phone Contact Sheet with the letters from the I.D. tags and place the entire tray in the phone drawer.
- Set up the room with the jury folders, pens, post-it notes, highlighters, etc.
- Ensure that the jury folders contain a note book, an allowance request form, Instructions for Empanelled Jurors and Schedule 1 – Scale of daily Fees.

Process 6: JMS Discharge

Objective Ensure the jury or juror is appropriately discharged on the JMS.

How to discharge a jury panel/individual juror on JMS

It is imperative that a jury panel or individual juror who is discharged from service is appropriately finalised on the JMS. The following should be referred to :

- Please refer to *Page 109-111 of the Jury Management System User Guide (Discharging a panel of jurors – when a trial is over)* for clear instructions on this process or utilise the below link to view the online document:

<http://authors-intranet.internal.justice.nsw.gov.au/Divisions/Pages/divisions/Office%20of%20the%20Sheriffnew/Jury%20Management/Jury%20Management%20System%20Training%20Materials.aspx>