

## PROCEDURE DURING A GRAND JURY SESSION

Each grand jury session is conducted in secrecy. Only the members of the grand jury, the prosecutor, an interpreter if necessary, a court stenographer, and one witness at a time, are permitted in the grand jury room when evidence is being presented. The general public is not allowed, at any time, to be in the grand jury room. Importantly, when it is necessary to deliberate on whether to indict anyone, only the nine voting members are allowed to be in the grand jury room. Everyone else must leave, even the prosecutor and the alternates.

The prosecutor will explain the law regarding each case and the particular offense or offenses for which indictments are being sought before deliberations begin. But, the grand jury is free to ask a judge for additional legal instructions for any case to aid in your deliberations.

During deliberations, only nine members have the right to vote to either indict or not indict the person being investigated. An indictment can only be returned or presented if seven of the nine voting members agree to indict the person under investigation. This is known as a “true bill” and gives the person notice of the serious offense for which she or he has been charged.

The foreperson records only the total votes for or against an indictment in each individual case and reports them to a judge of the Common Pleas Court. The record of the total votes taken in each grand jury session is secret and sealed by the Court and is not permitted to be disclosed or made public, unless ordered by a judge. The foreperson is also required, by law, to sign each indictment that is presented in each grand jury session.

## PRACTICAL SUGGESTIONS

Listen carefully to what is being said as someone’s freedom may depend upon the outcome.

Hold your questions until the prosecutor has completed the examination of a witness because your question may be answered during the examination.

Be fair and impartial. The secrecy of the proceedings will ensure no one will second guess your decision.

Do not hesitate to express your views, but listen to others’ views during deliberations.

Convince without being dictatorial.

A reckless grand jury is as harmful as a weak one. Be fair and impartial and follow the law to the best of your ability.

Regular and timely attendance is important so each session can proceed without delay.

The Ohio Supreme Court has created a video about the grand jury process and the link to it is: <http://www.ohiochannel.org/video/grand-jury-duty-in-ohio>

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## GRAND JURY SERVICE A CITIZENS GUIDE



Welcome to service on the grand jury. As a member of the grand jury, you will be taking part in one of the most critical functions in Ohio's criminal justice system. The Ohio Constitution provides that "no person shall be held for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury." In other words, no person in Ohio can be required to stand trial before a judge or jury for any serious criminal offense, unless a grand jury issues an indictment charging the person with a serious criminal offense. This Constitutional provision is designed to be a barrier against unjust prosecutions by the State of Ohio and to protect its citizens from unfounded accusations. Serious criminal offenses are usually felony offenses that can result in prison sentences of six months or more.

## **What is a Grand Jury?**

A grand jury is a fact-finding body, comprised of private citizens, authorized to investigate any crime committed within each of Ohio's 88 counties. Generally, a grand jury may only investigate crimes that occur within the county where you are called to serve and not in any other county in the State.

A grand jury is comprised of nine voting members and not more than five alternates. One of your members will be selected as the foreperson by the Court. Most Ohio counties select grand jury members from the county's list of registered voters.

The length of your service on the grand jury and how often you may meet during your term varies from county to county. Generally, when the court summons you to serve on a grand jury, you will be advised of the length of your service and how often you will meet during your term. Payment for your service as a grand juror also varies from county to county. The Common Pleas Court Jury Commissioner in your county can inform you of your county's rate of compensation for serving on the grand jury.

It is important to know that as a member of the grand jury, you are protected by law. This includes protecting your personal information from public disclosure. No one may try to influence, threaten, hinder, or pressure you in any manner regarding your service on the grand jury. You should notify your county prosecutor or a judge of the Common Pleas Court if you encounter this type of contact.

## **The Secrecy of the Grand Jury**

You will take an oath of secrecy when you are chosen to serve on the grand jury. This oath is permanent and continues even after your service is fulfilled. It applies to all aspects of your service on the grand jury. Only a judge, after a hearing, can require any grand juror to disclose any matter that occurred before the grand jury. Explain to your family members and friends that you took an oath and cannot discuss the case with them.

The importance of the secrecy of the grand jury is twofold. First, it protects innocent people from the harm that may be caused by false accusations if no indictment is presented by the grand jury. Second, anyone under investigation by a grand jury may flee the court's jurisdiction to avoid prosecution if he or she becomes aware of the investigation.

## **The Duties and Obligations of a Grand Juror**

As a grand juror, you will be presented with evidence of crimes alleged to have been committed in your county. Your county prosecutor, or an assistant prosecutor, will present this evidence on a case by case basis. While the prosecutor will usually ask most of the questions, each grand juror may also ask questions of any witness that comes before you. You are not permitted to conduct investigations on your own outside the grand jury session, in any manner.

The foreperson must administer an oath to each witness, such as, "Do you solemnly swear or affirm to tell the truth so help you God or under the pains and penalties of perjury?"

Your initial duty is to consider all the evidence presented to you in every case in the spirit of fairness and impartiality. It is very important that your consideration of all evidence not be influenced by racial, religious, social, political, or other personal feelings.

When the evidence for each case has been presented, you must determine if the evidence is sufficiently reliable or credible to determine that the person to be charged probably committed that offense. This is also known as probable cause. It is important to understand that the grand jury does not determine the guilt of any person being investigated. The State must then prove the guilt of anyone indicted at a trial before a judge or jury beyond a reasonable doubt.

Any person being investigated by the grand jury has the right not to testify before you. This right is commonly known as the right against self-incrimination. If a person who is being investigated chooses to testify before you, the prosecutor must advise that person, in your presence, of his or her right not to testify.

Again, in all of your actions and responsibilities as a grand juror, you must strive to be fair and impartial. It is your duty to indict anyone who ought to be indicted and you should not fail to indict anyone from fear, friendship, reward, or hope of reward. You should indict no person because of malice, hatred, or ill will. You must remember that no grand juror has the right to permit her or his judgment from being influenced by racial, religious, social, political, or any other personal feelings.