



# GRAND JURY

## A HANDBOOK FOR ILLINOIS JURORS

FURNISHED BY THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS

### INTRODUCTION

You have been called to possibly serve on a **grand jury** in the circuit (trial) court. This service is an important civic duty and your service is greatly appreciated. As a grand juror, you will play an important role in the effective operation of the court system. Only a small percentage of citizens are privileged to serve as grand jurors.

This handbook will help you better understand your duties and responsibilities as a grand juror and the court's work. It does not cover everything about the grand jury's role in the administration of criminal justice.

### THE GRAND JURY

In Illinois, one way a person can be prosecuted for a crime punishable by imprisonment is for a grand jury to indict that person. "Indict" is a word for being formally charged with a crime. The grand jury decides whether there is enough evidence, or "probable cause," to indict and prosecute a person for a crime.

A grand jury is made up of 16 citizens chosen from the county where the grand jury is located. At least 12 members of the grand jury must be present to hold a grand jury hearing.

You may be asked to serve on a special statewide grand jury made up of people from more than one county. A statewide grand jury has the same powers and duties as a county grand jury and follows the same rules, but can hear cases from more than one county.

### GRAND JURY SELECTION, FOREPERSON, AND OATH

If you receive a summons to serve on a grand jury, you will go to the local courthouse and appear in front of a judge. The judge will ask you questions to help decide whether you will be selected to serve on the grand jury. After 16 grand jurors are chosen, the judge will appoint a foreperson who will be in charge of the grand jury. The foreperson oversees all grand jury meetings and hearings and makes sure that at

least 12 members are present. The foreperson is also responsible for swearing in witnesses who appear before the grand jury, and other tasks.

After the foreperson is selected and sworn, you and the other members of the grand jury will take the following oath:

*"Do each of you swear (or affirm) that you will diligently inquire into all matters presented to you; that you will return no indictment through malice or ill will, or fail to return one due to fear or reward; and that in all your decisions you will present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding."*

After you take this oath, the judge will explain your duties as a grand juror. The judge may also tell you to investigate specific matters. The grand jury will meet as often as the judge or prosecutor tells you. You will serve as a grand juror until the judge tells you that your job is over.

### PROSECUTOR

The prosecutor is the lawyer that represents the State of Illinois in court and is responsible for proving there is enough evidence for the grand jury to indict a criminal defendant. The judge and prosecutor work with the grand jury and are available to help you and answer your questions about the law.

### POWERS AND DUTIES OF THE GRAND JURY

The grand jury decides whether there is enough evidence to indict and prosecute a person for a crime. A grand juror must make their decision based on the evidence. The grand jury must pay close attention and give serious thought to each case.

The grand jury has the right to:

- ask for information and documents using a subpoena;
- question any person; and,
- obtain and examine any documents or transcripts (typed record of the hearing) related to the case.

The prosecutor will usually give the grand jury a list of witnesses, documents, and transcripts. The grand jury can also investigate without the help of the judge or the prosecutor. If at least 8 grand jurors agree, the grand jury may ask the judge to hire an investigator. The judge will decide whether there is good reason to appoint an investigator.

While you are a grand juror, you must not discuss grand jury matters with anyone else including family, friends, or co-workers. You should not watch, follow, or listen to any information about the case in newspapers, radio, television, the Internet, or social media. You must base your vote only on the evidence that you hear in the grand jury room.

### **GRAND JURY WITNESSES**

Generally, the prosecutor will arrange to have witnesses appear in front of the grand jury. The grand jury also has the right to subpoena and question any person relevant to the case. The prosecutor will explain the grand jury's rights before you start hearing evidence and again before you begin to consider and decide each case. A witness may have a lawyer in the grand jury room to advise them of their rights, but the lawyer cannot do anything else.

### **GRAND JURY SECRECY**

The grand jury meets in secret. The prosecutor, a court reporter who takes down everything that happens before the grand jury, the witnesses, and other people authorized by the court or by law are the only people allowed in the grand jury room. Only the grand jurors can be present when you discuss the case, make your decision, and vote on whether to indict.

Unless authorized by the judge, you should not tell anyone outside of the grand jury proceedings about anything related to the grand jury. As a grand juror, you must strictly follow this rule of secrecy. If you violate the secrecy requirement, you may be found in contempt of court.

No one outside the grand jury room can communicate with you or any grand juror about the case for any reason. If an unauthorized person asks you to talk about grand jury matters outside the grand jury room, you should tell them that the law does not let you. This includes family, friends, co-workers, media, etc. If a person continues asking, or

tries to influence you in any way, report this to the judge immediately.

### **BILL OF INDICTMENT**

After the prosecutor has finished presenting all the witnesses and evidence, you and the other grand jurors will begin your deliberation. Deliberation means discussing all the evidence and deciding whether there is enough evidence to indict a person with a crime. Remember, indicting someone only formally charges them with a crime, and requires only a finding of probable cause that a crime was committed. It does not require the degree and quality of proof required to convict someone of a crime (beyond a reasonable doubt).

If 9 or more grand jurors vote to indict a person, the person will be formally charged with and prosecuted for the crime for which they were accused. The prosecutor will prepare a document called a "Bill of Indictment." The grand jury foreperson will sign the Bill of Indictment. If fewer than 9 grand jurors vote to indict a person, that person will not be formally charged with or prosecuted for the crime for which they were accused. The prosecutor may prepare a written summary of this decision called "No Bill."

### **DISABILITIES**

Access to jury service is available to all persons as required by the Americans with Disabilities Act (ADA) of 1990. If you are a person with a disability and need accommodations, please follow the instructions on your Jury Summons or contact your local Court Disability Coordinator no later than seven (7) days prior to your report date.

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