

Grand Jury Transcript

Under our system of justice, the government cannot force anyone to answer for a serious crime unless you, the people of the community sitting on a grand jury, decide there is enough evidence to warrant an indictment. It is you who protect the rights of both victims and defendants.

I am Chief Judge Rowan Wilson, and I'd like to thank you for your service to the community and the criminal justice system. In this brief video, we'll explain to you how the grand jury system works and what to expect. Historically, people in power could harass their enemies by putting them on trial for crimes even without a shred of evidence. That still goes on in many countries around the globe.

As Supreme Court Justice Robert Jackson said in a famous speech when he was Attorney General of the United States, the prosecutor has more control over life, liberty, and reputation than any other person in America. But in the United States and the state of New York, we protect against prosecutorial abuse by requiring the prosecution to first convince a panel of regular citizens just like you, a grand jury, that there is probable cause or good reason to charge someone with a crime.

Good morning, everyone. I'm an assistant district attorney in this county, and I'm here to present for your consideration today, people of the state of New York against.

As a grand juror, you are now a part of the court system. You do not work for the defendant, the prosecutor, or the police. Keep in mind that the grand jury does not decide if someone is guilty or innocent. That question will be answered later by a trial jury. Your job is only to decide whether the police and prosecutor have enough evidence to charge someone with a crime and bring them to trial.

The grand jury comprises no more than 23 citizens, and you will typically hear many different cases over a period of weeks or months. One of you will be designated foreperson, another as assistant foreperson, and a stenographer will be assigned to record all the testimony. You will choose your own recording secretary, and before getting started, you will be sworn to secrecy. Secrecy is essential for several reasons: To avoid tipping off the target of an investigation, to ensure that prospective witnesses testify freely and openly without concern of retribution, to protect an innocent person from unfounded accusations and damaging rumors, and to protect the grand jurors from any interference.

Occasionally, the subject of a grand jury proceeding will testify or present witnesses, but that usually does not happen, and you shouldn't come to any conclusion, positive or negative, because the individual does or does not appear. Once you hear all the evidence, you will decide if there is enough evidence to issue an indictment, which is also called a true bill. In order to issue an indictment, at least 16 of you must have heard the evidence, and at least 12 of you must agree that there is enough proof to warrant a criminal charge. If not, you will issue what's called a no true bill, and the charge will be dismissed. The judge will give you much more detailed and specific instructions, but I did want to take this opportunity to greet you, thank you, and provide a historic perspective on the duty you have assumed.

Grand Jury service is one of the very most important parts of the criminal justice system. It gives citizens like you instead of those with great wealth or political power, the decision of whether to prosecute someone for a serious crime. Without your participation, the rights, and protections that our Constitution guarantees, would be an empty promise. The lives of real people are very much on the line, and I cannot thank you enough for stepping forward to ensure that justice is done.