



## The Grand Jury

The citizens of Ohio play an important role in our criminal justice system. Through service on a grand jury, everyday people instill a confidence in our society that criminal cases are independently considered and reviewed by the citizenry.

Grand juries are convened by the county courts of common pleas and consist of nine members and six alternates. Grand jurors are selected from lists of registered voters and/or licensed drivers. Most grand jurors serve for a period of two to four months. The frequency of grand jury meetings can vary from once a month to daily, depending on the case load.

A grand jury is not the same as the 12-person body that hears cases. A trial jury is technically called a “petit jury.”

County prosecuting attorneys, representing the State of Ohio, are responsible for presenting evidence and witness testimony. Witnesses typically include police officers, victims, and others that may have information to offer. The grand jury listens to the evidence and testimony and decides whether the accused should be tried for a felony crime. Grand juries consider felonies, which are crimes punishable by imprisonment. Lesser offenses, called misdemeanors, are considered solely by the prosecutor’s office.

If a grand jury finds “probable cause” that a crime was committed, it returns an indictment (true bill) against the accused person, allowing the case to proceed toward a trial. An indictment may only be found by the concurrence of seven or more jurors. If a grand jury does not find “probable cause” that a crime was committed, it returns a “no bill,” and charges against the accused will be dismissed.

After all the testimony and evidence has been presented, everyone except the nine grand jury members must leave the room. The foreperson leads a discussion and conducts a vote. No vote is taken until each member has been heard. The foreperson then records the vote and files the record with the clerk of court.

The grand jurors make a pledge of secrecy. This pledge is of the utmost importance, is permanent and applies to all aspects of the grand jury proceedings. Grand jury

deliberations and votes, as well as the names of witnesses and questions considered shall not be disclosed. There are two reasons for this oath of secrecy. First, accusations may be brought before the jury, which, after its examination, may deem the accusation as unfounded. If publicity were given to the fact that the grand jury had investigated a person or organization, their reputation might be ruined. Second, if a person who is likely to be charged with a criminal offense by the grand jury should learn of the investigation, he or she might flee.

The grand jury can investigate any crime committed within the county. However, an inquiry must be crime-related and directed by honest and conscientious motives to decide if a person should be charged with a crime. When considering any special investigation, the details are worked out with the judge or prosecutor. Grand jurors may require the clerk of court to issue subpoenas for witnesses to appear and testify. However, grand jurors are not detectives or prosecutors authorized to make private investigations.

Ordinary citizens make up the grand jury and decide whether enough evidence exists to send a case to trial. A grand jury exercises diligence, impartiality and secrecy to protect innocent people from false accusations and to assure accused persons that any evidence against them is considered fairly.

### In Ohio, Grand Juries:

- Offer citizen-reviewed, independent and impartial screening of those accused of felony crimes.
- Are selected from registered voters and licensed drivers and serve two to four months.
- Take a pledge of secrecy that applies to every aspect of the proceeding.
- Help ensure innocent persons are not falsely accused, and evidence against accused persons is considered fairly.