

BILL OF INDICTMENT

You and the rest of the grand jurors will begin your deliberation when the prosecutor has finished presenting you with all the witnesses and evidence. Deliberation means that you and the other grand jurors discuss all the evidence and decide whether there is enough evidence to charge/indict a person with a crime. Remember, indictment is only a formal charge, and does not require the degree and quality of proof necessary for a conviction.

If 9 or more grand jurors vote to charge a person with a crime, the person will be charged and go to trial for the crime for which they were indicted. The Prosecutor will prepare a Bill of Indictment. The grand jury foreperson will sign the Bill of Indictment. If less than 9 grand jurors vote to charge a person, that person will not be charged with a crime. The Prosecutor may then prepare a written summary of this decision and call the summary “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 contact your local Court Disability Coordinator no later than seven (7) days prior to your report date.

Prepared for the use of grand jurors by the
Administrative Office of the Illinois Courts

Grand Jury Oath updated
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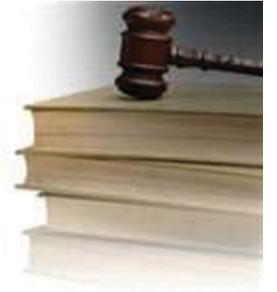
A Handbook for Illinois Jurors

GRAND JURY

Furnished by the

ADMINISTRATIVE OFFICE
OF THE
ILLINOIS COURTS

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Springfield, Illinois 62704



INTRODUCTION

You have been called to serve on a grand jury in the circuit court. If you are chosen to serve, you will be a grand juror. This service is an important civic duty and your service is greatly appreciated. As a grand juror, you will assist in promoting the effective operation of the court system. Only a small percentage of citizens are privileged to serve as grand jurors. The role of the grand jury in the justice system is an important one, and hopefully you will find the experience worthwhile.

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

THE GRAND JURY

In Illinois, one of the ways a person can be brought to trial for a crime punishable by imprisonment is when a grand jury indicts that person. “Indicted” is a word for being charged with a crime. The grand jury decides whether there is enough evidence, or “probable cause,” to charge 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. When you are serving as a grand juror, you should be on time and carry out your duties to the very best of your ability. Before a hearing can take place, at least 12 members of the grand jury must be present.

You may be asked to serve on a special multi-county grand jury. A multi-county grand jury is made up of people from more than one county. A multi-county grand jury, also called a statewide grand jury, investigates and accuses persons who commit certain crimes. 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 to be questioned about whether you will be selected to serve on the grand jury. There must be 16

people on a grand jury. After 16 members are chosen to serve on a grand jury, 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 along with the other members of the grand jury, will then take the following oath:

“Do each of you swear (or affirm) that you will diligently inquire into all matters presented to you; that 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 and the other jurors take this oath, the judge will explain your duties as a grand juror under State law. The judge may also tell you to investigate specific matters. You 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 will be either the State’s Attorney, the Attorney General, or an assistant to either of them. The Prosecutor is the lawyer required by law to represent the State of Illinois in court and is responsible for proving there is enough evidence to charge a criminal defendant with a crime and indict them. The judge and Prosecutor work with the grand jury and are available to give you help and answer your questions about the law. If these officials may be involved in any investigation, the grand jury ask for help from the Attorney General.

POWERS AND DUTIES OF THE GRAND JURY

The grand jury decides whether there is enough evidence to charge and prosecute a person for a crime. A grand

juror should 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) that relate 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 or friends. You should not watch, follow, or listen to any newspapers, radio, television, or information on the Internet and Social Media about the case. You must base your vote only on the evidence that you hear in the grand jury room. The opinions or comments that anyone not part of the grand jury proceeding may offer are not evidence.

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. Witnesses can have a lawyer in the grand jury room to advise the witness of their rights, but the lawyer cannot do anything else. The judge will authorize a language interpreter to be in the grand jury room when a witness needs one.

PRIVILEGE AGAINST SELF-INCRIMINATION

Every person in the United States has a Constitutional

right against self-incrimination. This means that everyone has a right not to answer questions under oath that could lead to being charged with a crime. A witness before the grand jury may refuse to testify because their testimony could lead to being charged with a crime. It is important for you, as a grand juror, to avoid any feelings of anger towards a witness who claims their right against self-incrimination. This privilege is a constitutional right, and your decision should not be changed by a witness’ refusal to testify.

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, or other persons authorized by the Court or by law are the only persons allowed in the grand jury room. Only the grand jurors can be present when you discuss the case, make your decision and take your 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, no matter how innocent the 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.