

FINAL SCRIPT 07-11-2023- Grand Jury Orientation Video

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Your call to jury duty may be the most important civic role you perform outside of a voting booth as a participant in this great democracy. Here in New York with our system of checks and balances, it's the responsibility of the state, as represented by the prosecution, to present the evidence against any person accused of a criminal act. It's the duty of a grand jury, you people sitting here today, to review that evidence and determine whether that accusation is legally justified.

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As grand jurors, your decisions must be based on the evidence and the law.

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And as you serve, always remember that our grand jury system is designed to help protect the rights of citizens and uphold the laws of the land. I'm Lesley Stahl of 60 Minutes.

1:02

Here you are, ready to begin your grand jury service. But many of you may be asking, what is a grand jury anyway, and how is it different from a trial jury? Well, those are really good questions, and here's a simple, brief answer. A grand jury decides whether or not a person should be formally accused of a crime.

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If that decision is yes, the grand jury issues what's known as an indictment. An indictment is a grand jury's formal, written accusation of a crime. Grand jury does not decide whether the accused is guilty or not guilty. That's the job of a trial jury.

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There are other important differences between a grand jury and a trial jury. For example, the burden of proof. A grand jury determines whether there is legally sufficient evidence and reasonable cause to believe that a person committed an offense; whereas, a trial jury determines whether the prosecution has proved the accused guilty beyond a reasonable doubt.

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A grand jury proceeding is also different from a jury trial because a grand jury typically hears only from the prosecutor and the prosecutors witnesses. But there's one thing about grand jury and trial jury service that's the same. You must not read or listen to news stories about the case, and you must not use the Internet to search for information about the case, the lawyers, or any individuals involved in the case.

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Your decisions must be based only on the evidence presented in the grand jury room. Now, I'm here to give all of you an idea of what you'll be doing as a grand juror. And by the way, I think you'll find it a fascinating experience.

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First of all, each of you will receive a copy of Article 190 of the Criminal Procedure Law, which governs grand jury proceedings. This is the legal framework.

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But let's take a brief look at how the whole system operates. In most instances, the process starts when a person is arrested, though there may be occasions when a grand jury is asked to consider an indictment before an arrest. Now that's where your work begins.

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When you begin your service, you'll be brought into a grand jury room much like this. The configuration of the grand jury room may vary from county to county. As you can see, there are 23 of you, a number established an English common law centuries ago.

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The court will choose your foreperson and assistant foreperson. You will choose your recording secretary.

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A stenographer will be present to record the testimony and instructions, the official record.

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Once you're seated and sworn in, the prosecutor will arrive to begin presenting the first case to you, a presentation that will set forth the evidence against an alleged offender.

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"Good morning. I'm an assistant District Attorney in New York County. I'm here this morning to present the case of the people against John Doe. At the conclusion of the presentation, I will ask you to vote on one count of robbery in the first degree. You will hear evidence this morning from", the presentations you'll hear from an assistant District Attorney may include homicide, robbery, grand larceny, narcotics, crimes, possession of stolen property,

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rape, sodomy, assault, arson, kidnapping, burglary, possession of weapons, practically the whole spectrum of the criminal law.

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This doesn't mean you'll necessarily hear these cases in your grand jury term. It simply means you could.

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The prosecutor will present the case, call witnesses and instruct you on the law.

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You will note that no judge is present during grand jury proceedings. The entire presentation is handled by the prosecutor, but the judge who oversees the grand jury is available, should the need arise. Most presentations take only a short time, although some cases might run for several days or more.

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"Yes, Sir." "Was it light enough inside the building for the victim to take a good look at the man that attacked her?" "I'll have the witness come back in and ask her that question."

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If you have questions for a witness, or questions about the law or about the evidence, you may ask these questions of the prosecutor during the presentation, or you may ask to speak to a judge. The prosecutors and judges are your legal advisers, and as you will read in Article 190, you are forbidden by law to seek or receive legal advice from any other source.

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You should also know that the accused person has a right to appear before the grand jury on his or her own behalf. He or she may also ask the grand jury for permission to present other witnesses for the defense.

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But keep in mind that no accused person has a duty to appear or present witnesses and may not even know of the grand jury proceeding.

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As a result, it's very rare for an accused person to appear before a grand jury or present witnesses and don't come to any conclusion, positive or negative, because the defendant does or does not appear.

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And perhaps this is a good time to remind you that all grand jury proceedings are strictly secret. It's against the law to reveal anything about the cases presented to you, and there are good reasons for this.

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This strict secrecy ensures that witnesses can cooperate fully, it encourages free and open deliberation among grand jurors, and it protects the innocent person who may be investigated but never indicted.

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But now back to the proceedings. "According to New York Penal Law Article 160.15, robbery in the first degree is a Class B felony. And, it reads, a person is guilty of robbery in the first degree when he forcibly steals property and when in the course of the Commission of the crime or of immediate flight therefrom."

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After presenting witnesses, the prosecutor will explain to you what law the defendant is accused of violating. After that, the grand jury will deliberate in secret and decide if there's enough evidence to indict the defendant.

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"He or another participant in the crime.

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causes serious physical injury to any person who is not a participant in the crime. That concludes the

presentation of the evidence in this case, we're going to step outside", and then you'll be left alone to deliberate and vote.

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The law requires at least 16 of you to be present to make a quorum. Of the 16, a vote of 12 or more who have heard the evidence is required for an indictment. If in your deliberations you vote yes for an indictment, this means the defendant has now been formally accused by the people of the State of New York. This case will go to a trial court, where the defendant may exercise his or her right to a jury trial. And it will be up to that jury, the trial jury,

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to decide guilt or non-guilt.

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If you do not vote for an indictment, then the charges you heard against the accused are dismissed; the end of that particular case.

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You should also know that as a grand jury, in addition to your vote on an indictment, you also have the authority in some cases to direct the filing of criminal charges to a local Criminal Court, or send the case to family court, or submit a report on issues concerning the public interest. The prosecutor will inform you when it's appropriate to consider one of these actions, and that's it. Now then, how important is your decision?

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Well, look at it this way. Accusing a person of a crime is serious business. It is you collectively who decide whether or not to make this formal accusation. As grand jurors, you're a cross section of the community, and as such you are serving as an arm of the court, not as an agent of the police or the prosecutor. It's essential for you to be attentive and fair minded in hearing cases and in your deliberations.

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Because you and your decisions are part of the foundation of the criminal justice system here in New York State.

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Courthouses throughout the state of New York look very different from one another, but the judges and juries who serve in them have the same objective: determination of the truth and delivery of a verdict that is fair and just.

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However, before a criminal prosecution even starts, grand juries, such as yours, provide a vital function by hearing the prosecution's evidence against the defendant and determining whether that evidence is sufficient to charge the defendant of a crime.

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Just like judges, grand jurors work for the court and must be neutral and fair, indicting persons accused of crimes where the evidence is sufficient to meet the legal definition of the crimes charged,

and refusing to indict persons charged with crimes where the evidence is not sufficient to meet the legal definition of the crimes charged. Felonies, the most serious criminal cases, cannot proceed to trial without the approval of a grand jury.

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I'm Rowan Wilson, Chief Judge of the State of New York. Thank you for your upcoming service as grand jurors.

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As grand jurors, you now are a part of our court system.

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As a grand juror, you do not work for the prosecutor or for the defendant.

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Instead, like me, like the judges throughout our state, and like the many others who work in the courts, your responsibility is to fulfill the mission of the courts to provide the best justice that can be provided.

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As grand jurors, you are the gatekeepers to the criminal justice system.

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Your mission is twofold. On the one hand, to use your authority as grand jurors to hand up an indictment when there is sufficient evidence to allow the prosecutor to charge the defendant with a crime.

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On the other hand, when the evidence is insufficient to protect people from unfounded criminal accusations by refusing to hand up an indictment.

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Without the careful and thoughtful participation of grand jurors, we could not preserve the rights of both defendants and victims in our system, could not protect public safety and could not ensure that police and prosecutors follow the law.

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If any of us found ourselves either accused of a felony or the victim of a felony, we would hope for and deserve to have an engaged, fair and impartial grand jury reviewing the prosecutor's evidence and deciding whether it was sufficient to allow the prosecutor to proceed with criminal charges against the defendant.

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We all have busy lives and it is easy to look at grand jury service as an imposition or encroachment on your time.

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It is.

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But it is also both a rare opportunity to serve as one of the most important parts of the criminal justice system and a civic duty, to participate in our democracy.

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Kings and emperors used to determine whom to prosecute for crimes; but as citizens in a democracy, it falls to us to make those life changing determinations communally.

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For a brief period of your lives, you will be performing an essential and rewarding public service.

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On behalf of our entire court family, I offer our deepest gratitude for your contribution to the pursuit of justice. Thank you.

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