

HOW TO BE AN EFFICIENT AND EFFECTIVE GRAND JUROR

Hold your questions until the prosecutor has completed his or her questions of the witness. Often the questions you have will be answered.

Consider the views of fellow jurors but form your own conclusions.

Make sure you hear and understand each witness' testimony. Someone's safety or freedom may depend on it.

Speak up before the vote is taken but do not make speeches. You may have insight no one else has.

Make sure you are present and on time each day.

Be completely fair. The secrecy of the proceedings means that no one will be able to second-guess your decision.



Warren County Prosecutor
David P. Fornshell



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Warren County Grand Jury Handbook



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WHAT ARE YOU EXPECTED TO DO?

The grand jury decides whether an accused person should be tried for a serious crime (a felony).

The prosecutor is the only party allowed to present evidence to a grand jury. You do not actually try the case.

Your job is to determine in each case whether there is probable cause for the prosecution to go forward with a trial, for the case to be terminated, or for the case to be continued pending more evidence.



WHAT ARE YOUR RESPONSIBILITIES?

To protect innocent people from wrongful accusations.

To make sure evidence is presented fully and considered fairly on behalf of accused persons.

To enforce the law, as is, even if it seems harsh. As a citizen, you have the right to try to change the law, but as a public official, you have a duty to enforce it as it exists.

The secrecy of grand jury proceedings is important and thus strictly enforced. Grand jurors have a requirement of silence. This pledge of secrecy is permanent.

The grand jury is also required to visit the county jail once every three months and report on its conditions to the Common Pleas Court.

Make sure you are present and on time each day.

HOW DOES A GRAND JURY DIFFER FROM A “REGULAR JURY”?

A grand jury’s nine members include a foreperson and a deputy foreperson, plus a maximum of five alternates.

An alternate serves if a member cannot be present. One to two alternates sit in the grand jury room while evidence is presented for each case, but only nine jurors participate in the discussion and vote.

A petit or trial jury has 12 members and considers only one case.

Through personal experiences or television, you may know that a trial is apt to be long and controlled by a judge. Trial jurors ask no questions. In contrast, a grand jury case may take only a few minutes, an hour, or a whole day. In a typical day, you will hear approximately 20 cases.

There is no judge in the grand jury room. The setting and procedure resembles a meeting rather than a courtroom. The witness sits facing all of the jurors who are at a conference table. There is no jury box.

Unlike a trial juror, you may ask questions of witnesses, and even call additional witnesses.

The Common Pleas Court controls the summoning and discharging of the grand jury. The Court is the final authority as to powers, functions, and duties of the jurors.

In Warren County, you will serve every Friday for two months. A copy of the schedule will be provided. Alternates are available in the event of illness or other inability to serve. Please let the prosecutor’s office know when you absolutely cannot serve.

WHAT IS THE PROCEDURE?

The prosecutor explains the charges to the grand jury and advises which witnesses will appear. Witnesses testify one by one. They are not allowed to have an attorney present during questioning, but they may consult with an attorney if their testimony may incriminate them.

The grand jury is not generally controlled by rules of evidence, save laws of privilege (attorney-client, physician-patient, and special privilege), but the Fifth Amendment provision against self-incrimination does apply to all witnesses.

The accused may be asked to testify before the grand jury but this is seldom done. The prosecutor asks the witness questions first, and then the jurors may question the witness.

The only other person permitted to be in the grand jury room is a tape-recording operator.

When the prosecutor has presented each case on the schedule, he or she and the tape-recording operator leave the room, as do the alternate jurors.

The foreperson then leads the discussion on each case and asks for a vote, usually by a show of hands. The foreperson records the total vote on each case. Seven votes are required to return an indictment.

If the jurors are convinced that the accused is probably guilty of a crime different from the one charged, they can return an indictment on the new charge.

WHO SELECTS THE FOREPERSON?

Judges of the Warren County Common Pleas Court take turns appointing the foreperson before the start of a grand jury term. The foreperson is responsible to the judge who appoints him or her.