
JUROR & GRAND JUROR HANDBOOKS

Handbooks for Illinois Jurors
Furnished by The Administrative Office of the Illinois Courts

JUROR HANDBOOK

INTRODUCTION

You have been summoned as a prospective juror in the circuit court to render interesting and important service. Your name was drawn by lot from the combined lists of registered voters, licensed drivers, and holders of Illinois Identification Cards and Illinois Disabled Person Identification Cards who reside in this county. All of those so drawn constitute the group from which jurors will be selected to hear particular cases.

The purpose of this booklet is to help you understand the things that happen and the terms that are used during a trial.

In each case on which you act as a juror, the judge will give you instructions as to the law in that case. This booklet is not a substitute for those instructions given you by the judge. You are to disregard anything which is in conflict with the judge's instructions.

THE RIGHT TO TRIAL BY JURY

The right of trial by jury is guaranteed by the Illinois Constitution and by the United States Constitution. This is the right to have the facts in controversy determined by a unanimous verdict of impartial jurors acting under the direction of the judge.

KINDS OF CASES - CIVIL & CRIMINAL

Any person unable to resolve a legal dispute with another is entitled to ask that it be decided in court -- these are CIVIL cases. The person who brings the action is called the plaintiff, and the

person against whom the action is brought is called the defendant. The plaintiff starts the action by stating his or her claim against the defendant in a written complaint. The defendant disputes the claim by filing a written answer. The complaint and answer constitute the basic pleadings in the case. The points in the pleadings upon which the parties disagree are the issues to be decided.

If any defendant has a claim against the plaintiff or any other defendant, he or she may present it in the same case. Thus, a civil case might involve parties who have claims against each other and might involve more than two parties.

CRIMINAL

In a criminal case, the State of Illinois charges the defendant with a violation of a criminal law. The defendant denies the charge by pleading not guilty. The jury will then decide whether the defendant has been proven guilty as charged.

The State's Attorney or his or her assistants prosecute criminal cases on behalf of the People of the State of Illinois.

The defendant in a criminal case has the right to be represented by an attorney. The Defense Attorney has the duty to advance and protect the defendant's rights and interest at all stages of the trial.

The State has the burden of proving the guilt of the defendant beyond a reasonable doubt and this burden remains on the State throughout the case. The defendant is not required to prove his or her innocence.

A defendant is presumed to be innocent of the charge against him or her. This presumption remains with him or her throughout every stage of the trial and during your deliberations on the verdict, and is not overcome unless, from all the evidence in the case, you are convinced beyond a reasonable doubt that the defendant is guilty.

HOW A JURY IS CHOSEN

When you are chosen as a juror, you become a part of the judicial process of this state. Your services as a juror are as important as those of the judge. You are obligated to perform these services honestly and conscientiously, without fear or favor. You must base your verdict on the evidence as you will hear it in court and on the law as the judge will instruct you.

The entire group of jurors will be asked to rise and to swear or affirm to answer truthfully all questions asked of you concerning your qualifications to act as a juror in the case.

As a prospective juror you will be questioned. The answers to these questions enable the Court and the lawyers to decide which jurors to select. You should be patient and cooperative. It may seem to you that some of the questions are personal, but it is not intended that any question should embarrass or reflect upon a juror in any way. Each juror may be asked whether he or she has a personal interest in the outcome of the case, has preconceived opinions about it or is prejudiced in any way. The law permits each attorney to excuse a certain number of jurors without giving reasons. You should not be offended if you are excused from sitting as a juror.

The jury is to be composed of fair and impartial persons who will listen attentively and decide the case only upon the evidence and instructions of the Court.

After the jury has been selected, the jurors will be asked to rise and to swear or affirm to well and truly try the matters at issue and render a true verdict according to the law and the evidence. Your duty as a juror is to listen to the judge, witnesses and lawyers; to deliberate calmly and fairly; and to decide intelligently and justly. All of the evidence available to allow you to make a decision will be disclosed to you during the trial.

JURY CONDUCT DURING TRIAL

DON'T MAKE AN INDEPENDENT INVESTIGATION

Jurors are expected to use the experience, common sense, and common knowledge they possess, but are not to rely upon private sources of information. It follows, therefore, that you should never inspect the scene of any occurrence involved in the case except under supervision of the Court.

DON'T TALK TO PARTICIPANTS DURING TRIAL

Do not talk to any of the parties, witnesses, or the attorneys about anything. It may be what you say to a trial participant is a simple "good morning" or some remark about the weather, but your conversation may be misinterpreted by someone who may see you talking but cannot hear what is being said. To avoid misunderstandings, therefore, say nothing.

DON'T DISCUSS THE CASE DURING TRIAL

Jurors are not to discuss the case among themselves until they have heard all of the evidence, the arguments of the attorneys, and the Court's instructions. After this you will go to the jury room to discuss the case and reach your verdict. You may, of course, converse with your fellow jurors about anything not connected with the case when the Court is not in session.

During the trial you must not discuss the case with your family, friends or others. The reason for this is plain. You must base your verdict only upon evidence. The opinions or comments that friends, relatives, or other outsiders may offer are not proper evidence in the case. So, if you are asked to discuss the case by persons outside the courtroom, you should simply say that the law does not permit you to do so. If anyone persists in discussing the case or tries to influence you in any manner, it is your legal duty to report this to the judge immediately. **YOU SHOULD AVOID NEWSPAPERS OR RADIO AND TELEVISION BROADCASTS** which may feature accounts of the trial or information about someone participating in it. These may be one-sided or incomplete and are not evidence.

After you have been released from all service as a juror you may, but are not required to, discuss the case with lawyers, investigators or other persons. It is not proper for an attorney or his or her representative to make inquiry of you until such time as you have been finally excused. If you prefer not to discuss the case, you should so state to the person inquiring.

THE STAGES OF TRIAL

After the jury has been selected and sworn, the trial of a case proceeds generally as follows:

1. An opening statement is made by the attorney for the plaintiff. The attorney for the defendant may then make an opening statement.

The purpose of opening statements is to outline to the jury what each side contends the evidence will establish. A general idea of what the case is about is thus presented to the jury. Opening statements are not evidence.

2. Following the opening statements, the attorney for the plaintiff presents evidence. Thereafter, the defendant may, or may not choose to, present evidence as he or she sees fit.

Evidence falls into two classes -- testimony and exhibits. TESTIMONY consists of statements made by witnesses under oath. EXHIBITS are physical objects such as photographs and written documents. The examination of witnesses by the party calling them is "direct examination." Each party has a right to ask questions of the other party's witnesses; this is "cross-examination." Jurors are not permitted to question witnesses, unless granted specific authorization by the judge.

Since you must base your verdict on the evidence, you should hear every question asked and the answer given. If you do not hear some of the testimony for any reason -- advise the Court. You are entitled to take notes in accordance with the directions given you by the judge.

Rules of evidence have been developed through the years so that we may have fair and orderly trials. When a question is asked which either attorney believes is in violation of these rules, he or she has a right to object to the question. The judge then decides whether the question is to be answered by the witness. A ruling by the judge does not mean he or she is taking sides. The judge is deciding that the law does, or does not, permit the question to be asked and answered. Jurors should not be prejudiced for or against one side of the case because of objections made by an attorney. At times the jury may be excused from the courtroom while objections are being discussed, or for other reasons. Under the law, various matters must be heard out of the presence of the jury. When a trial is necessarily interrupted for these reasons, you should not feel that your time is being wasted.

3. When all parties have presented their evidence, they "rest."

4. At this time the Court and the attorneys will prepare instructions as to the law which are to be given to you.

5. Closing arguments are then made by the attorneys, in which they summarize the evidence and try to persuade the jury to find in favor of their respective clients. Closing arguments are not evidence and any statement made by the attorneys which is not based on the evidence should be disregarded. The plaintiff has the burden of proof and therefore has the right to open and close the argument.

6. The judge then reads instructions of law to the jury in which he or she defines the issues the jurors must decide and tells them the law that governs the case. You should listen very

carefully to these instructions, bearing in mind that it is your sworn duty to follow them. These written instructions will be taken to the jury room for your use.

7. After the instructions have been read you will go to the jury room to consider the case and reach a verdict.

THE JUDGE

The role of the judge is to ensure a fair and orderly trial. Neither by the instructions of law nor by any ruling or remark does the Court mean to indicate any opinion as to the facts or as to what your verdict should be.

CONDUCT IN THE JURY ROOM

Your first duty upon retiring at the close of the case is to select a foreperson. He or she acts as chairperson. It is his or her duty to see that the discussion is carried on in an orderly fashion and that every juror has a chance to say what he or she thinks. A good foreperson can keep the discussion in due bounds, can save much time and can secure efficient results.

Discussion in the jury room should never be so loud that it can be heard outside the room.

Jurors should deliberate with open minds, give respectful consideration to the opinions of fellow jurors, freely exchange views or opinions concerning the case and not be hesitant to change their minds when reason and logic so dictate. Even if a juror does not agree with the law the judge has stated, he or she is still obligated to follow that law. The judge decides the law. The jury determines the facts.

To reach a verdict, all jurors must agree. Remember, it is your solemn oath to decide the case according to the law and the evidence. While you are deliberating no one else should be present. You should not communicate with the bailiff or anyone else concerning your verdict.

JUSTICE UNDER LAW

After you have read this booklet, you should have a general idea of the duties and responsibilities of a juror and a better understanding of the way in which our Courts do their work.

When you have completed your service as a juror, it is hoped you will have a higher opinion of the privilege enjoyed by the free citizens of our country to participate in the administration of justice. In serving as a juror, you know that you have discharged a serious responsibility in a conscientious manner.

GRAND JUROR HANDBOOK

PREFACE

This handbook is written to help you understand your duties as a grand juror, with some practical suggestions to assist you in carrying out those duties. It is not intended to be a complete statement of the law governing the role of the grand jury in the administration of criminal justice. In the event of any question, you may always seek the advice and counsel of the Court.

THE GRAND JURY

The Constitution and laws of Illinois provide that no person shall be brought to trial for a crime punishable by death or by imprisonment in the penitentiary unless either the initial charge has been brought by indictment of a grand jury or the person has been given a prompt preliminary hearing and a judge has found probable cause.

In cases presented to the grand jury, the grand jury has a dual function. It determines that a person should be charged or prosecuted for a criminal act when it finds there is probable cause to believe the person has committed an offense. At the same time, it protects the innocent from unfounded accusation of crime and from the trouble, expense and anxiety of a trial when there is, in fact, insufficient evidence to believe the accused is guilty of any criminal offense. The grand jury thus stands between the citizen and the State, pledged to bring before the Court, to answer to a charge of having committed a crime, persons against whom there is evidence of guilt and to prevent the unjust indictment of those who are accused of crime without sufficient evidence or because of private motives or popular feelings.

STATEWIDE GRAND JURY

To investigate and indict persons who commit certain drug related offenses, a special multicounty grand jury may be convened. A statewide grand jury has the same powers and duties as a county grand jury, and follows the same procedures, except that the statewide grand jury has jurisdiction across county lines. Jurors may be summoned from two or more counties to sit on a statewide grand jury. The Attorney General, or his Assistant, in place of, or with, the State's Attorney, may attend, present evidence to, and prosecute indictments returned by each statewide grand jury proceeding.

SELECTION OF THE GRAND JURY

A grand jury is composed of 16 citizens chosen as provided by law from among the residents of the county or counties in which it serves. During the time of your service, you should report promptly as directed and accept your duties with seriousness. At least 12 members must be present at each session before the grand jury may transact any business.

As grand jurors you will serve until you are ordered discharged by the Circuit Court in your county, and you will meet at such times as the Court may direct or order on its own motion or that of the State's Attorney or Attorney General.

IMPORTANCE OF JURY SERVICE

Personal inconvenience may be caused by jury service, but if we are to preserve the grand jury as part of our democratic way of life it is necessary that citizens from all walks of life serve on grand juries. As a grand juror you will act as an officer of the Court, together with the lawyers and judges. Only a small percentage of citizens are ever privileged to serve as grand jurors. This may be your only opportunity to be a part of our judicial system.

Grand jurors are paid an amount per day set by state law or determined by the county board. This is a small sum, but you should consider grand jury service a privilege of citizenship and your compensation in the nature of an honorarium. To serve as a grand juror is one of the highest responsibilities of citizenship, just as it is to vote or to serve in the defense of your country. Once you have served on a grand jury you will find this experience worthwhile and important and you will always remember the part you played in the court system.

ORGANIZATION OF THE GRAND JURY

Before the grand jury begins its work, the Court will select a foreperson from among the grand jury panel. The foreperson presides over all sessions of the grand jury, and has the responsibility to see that a quorum of at least 12 members is present at all times. The foreperson is also charged with the duty of swearing witnesses who appear before the grand jury and with performing other tasks in connection with the voting of indictments.

After the foreperson is selected and sworn, the other members of the grand jury will then take the following oath.

"You and each of you do solemnly swear (or affirm, as the case may be), that you will diligently inquire into and true presentment make of all such matters and things as shall be given you in charge, or shall otherwise come to your knowledge, touching the present service; you shall present no person through malice, hatred or ill-will; nor shall you leave any unrepresented through fear, favor, affection, or for any fee or reward, or for any hope or promise thereof; but in all of your presentments, you shall present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding; so help you God."

CHARGE OF THE COURT

After taking the oath, you will be instructed by the Court concerning the duties which the law of this State places upon grand juries. The Court may also charge you specifically to investigate certain matters.

POWERS AND DUTIES OF THE GRAND JURY

The grand jury has the duty of inquiring into matters relating to crime or corruption in the area it serves. This information generally comes to its knowledge in the following ways;

1. Information submitted by the Prosecutor.
2. Information that may come to its knowledge in the course of its investigation of other matters.
3. Information called to its attention by the Court.
4. Information that it has of its own knowledge.

Most of the cases that you will consider as a grand juror will be brought to your attention and come before you as a result of investigation and preparation by the Prosecutor. The Prosecutor will be either the State's Attorney, the Attorney General or an assistant to either of them. He or she is the officer charged by law with the prosecution of crime in the county. However, the grand jury possesses broad powers of its own to inquire into crime and corruption in its jurisdiction. It has a right under the law to make its own investigation unaided by the Court and assisted by any prosecuting attorney. On petition signed by the foreperson and 8 other grand jurors, showing good cause for same, the Court may appoint an investigator or investigators to assist the grand jury in its inquiries. Included in this power of investigation is the right of the grand jury to subpoena witnesses and documents.

While neither the Court nor the Prosecutor may limit the scope of a grand jury investigation, you should remember that these officials are available for advice and counsel in any investigation the grand jury may wish to undertake. Ordinarily, the grand jury will not act independently of the Court and the Prosecutor. However, if these officials may be concerned in any investigation contemplated by the grand jury, the jury has a right to seek the advice of the Attorney General.

GRAND JURY WITNESSES

Generally the Prosecutor will arrange to have witnesses available to appear before the grand jury and ordinarily only witnesses for the State will be called to testify. In this way, proceedings before the grand jury differ from a trial of a case. However, the grand jury itself has the right to subpoena and question any person against whom the Prosecutor is seeking a Bill of Indictment, or any other person, and to obtain and examine any documents or transcripts relevant to the matter being presented by the Prosecutor. The Prosecutor will inform the grand jury of these and other rights prior to the commencement of its duties and, again, before the consideration of each matter or charge before it.

Witnesses may have legal counsel present in the grand jury room to advise them of their rights but counsel may not participate during the proceedings in any other way. If a witness requires an interpreter, the Court will authorize the presence of one in the grand jury room.

PRIVILEGE AGAINST SELF-INCRIMINATION

The Constitution of this State provides that no person shall be forced to give testimony that would implicate that person in a criminal offense. On occasion, therefore, a witness before the grand jury may refuse to testify on the ground that the testimony would incriminate him or her.

The grand jury may decide that the witness is not justified in refusing to answer. In that event, the grand jury has a right to appear before the Court in a hearing where the judge will decide whether the answers which the witness is requested to give may incriminate that witness. If the Court decides that the witness must answer, the witness will be ordered to give the grand jury the information it seeks or face punishment for contempt.

The Prosecutor may decide to ask the Court to grant the witness immunity from prosecution for any criminal conduct the witness may reveal by his or her testimony. If the Court grants such immunity, the witness is required to answer completely the questions asked by the Prosecutor or grand jurors, but the witness may not thereafter be prosecuted for any crimes that testimony reveals.

Ordinarily, potential defendants do not appear before the grand jury as witnesses. On occasion, however, when the grand jury is conducting a broad investigation of criminal conduct, people who might later be the subject of indictment may be called to testify. Such a person, of course, has the right to refuse to answer questions which may incriminate him or her. If the witness is willing to sign a waiver of immunity from self-incrimination that testimony will be received. The grand jury should seek the legal advice of the Prosecutor in dealing with a witness who may be a potential defendant.

It is important for you, as a grand juror, to avoid any feeling of hostility or prejudice toward a witness who invokes the privilege against self-incrimination. This is a constitutional right and your deliberations should not be influenced by one's refusal to testify.

INDICTMENTS

When the witnesses have finished their testimony, it is then your duty to weigh the evidence which has been presented and to decide whether the evidence is sufficient to require the person or persons named to stand trial and answer the charge. The grand jury is the sole judge of the sufficiency of the evidence required to indict.

After hearing the evidence and discussing the case among yourselves, the foreperson will exclude everyone except the grand jurors from the grand jury room and call for a vote. If 9 or more jurors vote to require the defendant to stand trial for the offense, the State's Attorney will prepare a Bill of Indictment to be signed by the foreperson and returned into open Court. If the grand jury by its vote refuses to hold the defendant for trial, the Prosecutor may prepare a written memorandum to such effect, entitled, "No Bill."

GRAND JURY SECRECY

Unlike many governmental bodies whose actions must be taken openly and their deliberations conducted openly, the grand jury conducts its proceedings in the strictest secrecy. No one but the Prosecutor, a stenographic reporter, the witnesses, or other persons authorized by the Court or by law are allowed to be present in the jury room. In furtherance of justice and upon grounds of public policy, the law requires that the proceedings of grand juries shall be regarded as privileged communications. The secrets of the grand jury room shall not be revealed, except by the Prosecutor solely in the performance of his or her duties, when the Court directs otherwise in the interest of justice, or when a law authorizes the disclosure. As a grand juror, therefore, you should adhere strictly to this rule of secrecy.

During your service you must not discuss grand jury matters with your family, friends or others. In the same way, you should avoid newspapers or radio and television broadcasts which may feature accounts of pending grand jury matters. The reason for this is plain. You must base your vote only upon the evidence that you hear in the grand jury room. The opinions or comments that friends, relatives or other outsiders may offer are not evidence. No unauthorized person can communicate with a grand juror about a matter before it no matter how innocent the reason. If you should be asked to discuss grand jury matters by persons outside the grand jury room you may simply say that the law does not permit you to do so. If anyone persists in discussing these matters or tries to influence you in any manner, it is your legal duty to report this to the Court immediately.

Violation of the secrecy requirement could subject those persons or the responsible grand juror to a citation for contempt of court.

RESPONSIBILITY OF THE GRAND JURY

It is important for you, as a grand juror, to remember that you occupy an important position in the administration of criminal justice. While the grand jury is an arm of the Court, it has the right to act independently of the Court and the Prosecutor. A grand juror should always act only upon the evidence received, giving each case serious and thoughtful consideration. Members of the grand jury who vote an indictment enjoy the same immunity from civil or criminal responsibility for their action as does a judge. A grand jury which acts fearlessly and conscientiously in discharging its duties will always fulfill its obligation to the public.

**Prepared for use of grand jurors by the Illinois Judicial Conference
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