

Grand Jury Orientation Video – Audio Transcript (11/15/16)

Music

Voiceover (0:41): In Alaska, grand juries hear cases throughout the state -- in big and small communities.

The Alaska constitution guarantees the right to a grand jury in felony cases.

The work of a grand jury is very different from that of a trial jury. You will be looking at whether a case **should** be brought to trial.

Justice Bolger (1:09): “The grand jury is a charging body. It doesn’t decide guilt or innocence. It just decides whether or not there’s enough evidence to take the case forward to the next step.”

Judge Stephens (1:22): “We don’t leave the charging decision to law enforcement or a prosecuting authority or a judge. We leave those decisions to a fair cross-section of our community in the form of a grand jury. The grand jury in the appropriate case serves as a shield. They’re there to shield the person who has been charged with a crime from the case proceeding further if the state does not have sufficient evidence to warrant an indictment.”

Judge MacDonald (1:54): “The grand jury represents the people’s inherent power, that has been reserved to the people. And the court’s job is to prepare the record ...and make sure it proceeds according to the court rules and the applicable law, statutes, cases. The prosecutor’s job is to present the evidence and instruct the jury. But it’s the grand jury’s job to deliberate, weigh the evidence, and to find whether there is a true bill or no true bill.”

Voiceover (2:24): A grand jury usually includes from twelve to eighteen people. One of you will serve as a foreperson. Another will serve as a deputy foreperson. You will all be sworn in.

During your period of service, you will probably hear a number of cases.

For each case, the prosecutor will present a proposed indictment.

An indictment is the formal charge that a defendant has committed a particular crime -- and should stand trial for that crime.

Justice Bolger (2:56): “The prosecutor is an assistant or an adviser to the grand jury. The prosecutor is there to give the grand jury legal advice about the charges it considers. The prosecutor is there to present evidence to the grand jury to aid it in its important role of determining the facts of a particular incident, and the prosecutor is there to prepare proposed indictments to aid the grand jury in its decision.”

Judge Harbison (3:25): “For the grand jury process, it’s the job of the prosecutor to bring a charge to the grand jury and explain the law involved in that particular offense to the grand jury. It is also the prosecutor’s job to subpoena the witnesses who will testify in front of the grand jury and to present other evidence, such as photographs or documents, to the grand jury. It is the grand jury’s function to critically evaluate the evidence that is brought to it by the prosecutor and to determine whether that evidence is sufficient to charge someone with a crime.”

Judge Walker (4:07): “The prosecutor has to present sufficient evidence for us to – as a grand juror – to find a true bill...It’s not the same as going to trial, so it’s not the full burden of beyond a reasonable doubt.”

Voiceover (4:24): You, the jurors, can ask your own questions.

Judge Stephens (4:29): “One of the differences, at least in practice, between being a grand juror and being a trial juror, is in grand jury you have the opportunity to ask questions – and you actually have the opportunity to require the prosecution to present additional evidence.”

Judge Walker (4:42): “Yes, I think as a grand juror, it is our duty not to be afraid to ask the questions. There is no such thing as a dumb question when it comes to talking about people’s rights.”

Voiceover (4:53): Because this is NOT a trial, the defendant is **not** required to appear.

During a grand jury session, only the jurors, the prosecutor, the witness, and the court recorder are present. The court will make an electronic recording of the hearing. If needed, an interpreter may also be present.

A grand jury works in secrecy. You may not talk to people about the case outside the courtroom. You may take notes but they can’t be removed from the courtroom.

Judge Harbison (5:29): “One reason that we conduct grand jury proceedings secretly is to insulate the grand jury from community opinion or pressure from individuals in the community while the grand juror is serving.”

Judge Walker (5:45): “If we don’t move an indictment forward, then that person’s rights are protected. That person’s . . . just the fact that that person was charged and the evidence presented against him is not made public, that’s number one. I think grand jurors also have a right to privacy and confidentiality because they’re the ones making decisions on these people’s cases, and you also want to protect the grand jurors.”

Voiceover (6:13): As a juror, you cannot do your own research into a case. This means, you can’t Google information related to the case, or use social media.

Judge Stephens (6:22): “It’s critical, whether it’s a grand jury proceeding or a . . . jury trial – that jurors make their decisions based only on the evidence as presented in the courtroom, or in the case of the grand jury, in the grand jury room.”

Voiceover (6:43): If you feel you cannot decide a case fairly, according to the law, you may ask to be excused from that case.

Judge MacDonald (6:41): “Oh sure – here in Alaska, where there are small communities, it is quite often that jurors, even judges, know the people that might be the focus of an investigation. And the test is not whether you know the person; it’s whether you can be fair.”

Justice Bolger (6:55): “If you have a question about whether or not you can be fair in any particular case, you should just bring that up to the prosecutor. The prosecutor will make a decision about whether you should stay or whether you should be disqualified from that case.”

Voiceover (7:13): After hearing all the testimony, you will decide whether to send the case to trial.

A majority of the original number of jurors must agree on the indictment.

The standard of proof that you will use is different than the standard used in a trial.

Justice Bolger (7:34): “A grand jury’s job is to determine whether the evidence, if it was unexplained or uncontradicted, would warrant a conviction of the defendant at trial. Another way to look at it might be to ask whether the prosecutor has presented trustworthy information that would warrant a reasonable or prudent individual to believe that a crime has been committed and to believe that the defendant committed the crime.”

Voiceover (8:03): You, the jurors, will discuss the case in private and take a vote. Your discussion is **not** recorded.

Judge MacDonald (8:12): “Well, it’s important that everyone speak their mind and share their thinking and the grand jury foreperson can help facilitate that. But what’s best about the whole jury process is that it is a group process. And it is a group deliberation, and everyone should feel that they should speak up because that’s what they’re there for.”

Voiceover (8:37): After you have made your decision, the foreperson will record that the jury has voted a “true bill” -- or “no true bill”. The foreperson and the prosecutor will go to the judge to present the results in open court.

If there has been an indictment, the defendant will later appear in court to enter a plea. The grand jury record will be turned over to the defense. If there is no indictment, the record will be sealed.

Voiceover (9:06): In addition to deciding indictments, grand juries also sometimes investigate serious issues involving the welfare of the whole community.

Justice Bolger (9:16): “Under the constitution, a grand jury may investigate matters of public safety and welfare and make reports on those matters. In the past, requests for that kind of investigation have come from the attorney general or other public officials.”

Judge MacDonald (9:35): “In the past, you’ve seen investigations into concerns about public official misconduct, road safety, contracting, and you know those are the sorts of things that we’ve seen in the past grand juries do. It’s rarely done, but it is something that the grand jury does have the power to do. And it can be either something that is referred to the grand jury by a public official or something that the grand jury themselves concludes based on what they understand to be an issue in the community to move to investigate.”

Voiceover (10:13): On a grand jury, you work as a member of your state and community. You are the voice of the community.

Judge Walker (10:19): “It’s a great responsibility that you’re given. It’s an important role, and an honor, to actually have the ability to sit on one and to participate. It’s a civic duty. And I think that people should be honored that they have the opportunity to do it. They should be encouraged to do it.”

Justice Bolger (10:37): “I know that you are giving up time from your work and families and that many of you may have traveled great distances or gone through other hardships just to be here today. The community benefits from your service here today, because it is just vital to our public safety that this particular function be done by people like you – members of the community.”

Music