



Serving on a
MARYLAND GRAND JURY



THURGOOD MARSHALL, COURTS OF APPEAL BUILDING, ANNAPOLIS

Thank you for your service as a grand juror.

Service on the grand jury is one of the cornerstones of the Maryland criminal justice system and ensures equal treatment for all under the law. Few people are selected to serve on a grand jury and fulfill this important responsibility in our justice system.

The grand jury plays an important role in the criminal justice process. It evaluates the State's evidence against a person and decides whether there is probable cause for a criminal charge.

This reference guide answers some of your questions. You will also have a more extensive orientation as a grand juror.

On behalf of the Maryland Judiciary, the circuit court, and the jury office, thank you for your dedication and willingness to fairly and impartially decide matters presented to you.

What is a Grand Jury?

A grand jury consists of 23 grand jurors, plus alternates, chosen at random from voter and Motor Vehicle Administration records. Grand jurors must be U.S. citizens and must live in the local jurisdiction (county or Baltimore City) where the grand jury sits. Random selection makes the grand jury more representative of the community and promotes fair and impartial decisions.

A grand jury is not a trial jury. It does not decide whether a person is not guilty or guilty. The grand jury reviews the evidence and decides whether the State has enough evidence to charge someone with a crime. Unlike a trial, which is public, the grand jury's proceedings are secret.

What Does a Grand Jury Do?

The grand jury's key responsibility is to listen to the evidence presented by the State and to decide whether there is enough evidence to bring formal charges. If the grand jury decides there is probable cause to charge a person, the grand jury returns an indictment or "true bill," and the defendant will be entitled to a full trial in the circuit court.

A prosecutor, usually an assistant state's attorney, presents the evidence and explains the law to the grand jury. The State will not necessarily present all the evidence it has collected, and much of the evidence may be hearsay — based on what someone else said rather than firsthand knowledge. Hearsay evidence is permitted before a grand jury because the grand jury is part of the investigatory process.

Grand jury proceedings are not a trial. A judge does not preside, and the suspected person is not present. There also is no cross-examination of witnesses, although grand jurors will have an opportunity to ask questions of the witnesses.

In addition to hearing individual cases, the grand jury may be asked to tour local correctional facilities and other locations and to report on operations and conditions at those facilities.

The grand jury may be asked to submit a report that summarizes the grand jury's activities and recommends improvements to the criminal justice system.

Your Duties as a Grand Juror

- Follow the oath or affirmation to maintain fairness and secrecy.
- Appear on time as requested and complete the term of service (generally four to six months, depending on the local jurisdiction).
- Listen and make decisions based only on the evidence presented. Consider and decide all issues fairly and impartially, without bias or prejudice to any party.
- Do not conduct any outside research or investigation, including using the Internet.

Serving as a grand juror is an important public service. It is illegal for an employer to fire an employee or to require an employee to use leave because of grand jury service.

Secrecy

Maryland law requires that *all* grand jury proceedings be kept secret. This protects the integrity of law enforcement investigations, encourages witnesses to speak freely without fear of retaliation, and protects the privacy of the accused if the grand jury votes not to indict.

Grand jurors may not text, email, call, or speak with *anyone* about any information regarding the proceedings. Grand jury secrecy restricts the discussion or posting of any matter brought before the grand jury on social media sites such as Twitter, Facebook, MySpace, YouTube, Instagram, Snapchat, etc.

Grand jurors are not permitted to investigate any grand jury matter on their own. They also are not permitted to record, take pictures, or use any electronic devices during proceedings.

Violation of this secrecy requirement is punishable by law. A person who violates grand jury secrecy may be subject to a \$1,000 fine and/or one year of imprisonment.



Do . . .

- Be on time, appear as requested, and complete your term of service.
- Notify the jury commissioner or jury clerk if you move to another county.
- Notify the state's attorney or the grand jury foreperson if you feel you cannot be fair or if you have a conflict of interest.
- Notify the state's attorney if someone tries to contact you about a matter.
- Always follow the oath or affirmation, and take your service seriously.
- Listen objectively to all the evidence presented and make decisions based only on the evidence.

The Oath

Each grand juror must take an oath or make an affirmation promising to be fair and to maintain the secrecy of the grand jury proceedings:

"I (swear/affirm) to act diligently and according to my best understanding with regard to all matters before the grand jury; except as lawfully ordered by this court or as expressly authorized by law, not to disclose willfully any evidence given before the grand jury, anything that I or another grand juror says, or my or any other grand juror's vote as to a matter before the grand jury; and not to act or refuse to act on any matter before the grand jury due to affection, malice, or other emotion or due to reward or hope or promise of reward."



Don't . . .

- Be late or miss appearances.
- Use your cell phone during proceedings.
- Investigate a matter on your own.
- Share any information with anyone about the proceedings.
- Post, comment, or discuss the proceedings on any social media.

What Should You Wear?

Wear comfortable attire that reflects the serious nature of the work of the grand jury. Do not wear uniforms or other clothing that identifies your occupation or workplace. The courthouse may be chilly, so you may want to bring a sweater or jacket.



Who Is Involved?

Depending on the court you are serving, these are some of the people who may be involved in the proceedings:

Assistant State’s Attorney or State’s Attorney

The prosecutor who brings witnesses to testify and who acts as the grand jury’s legal advisor.

Attorney General or State Prosecutor (or Assistants)

Other prosecutors who may present a matter and act as the grand jury’s legal advisor.

Bailiff/Deputy Sheriff

Keeps order in the court and in the grand jury room.

Court Reporter

Records testimony before a grand jury.

Doorperson

Calls witnesses into the room and ensures that only authorized people are in the grand jury room during proceedings.



Foreperson and Deputy Foreperson

Acts as the leader by counting votes and signing indictments, dismissals, reconsiderations, and attendance records. Assures timely submission of grand jury reports. Raises matters of concern with the jury commissioner or grand jury judge. The deputy foreperson presides in the absence of the foreperson.

Grand Jury Judge

A circuit court judge has responsibility for grand jury matters, but does not preside over grand jury proceedings.

Oath Clerk

Swears in witnesses before they testify.

Secretary

Records indictments and keeps the attendance records of the grand jury.



Frequently Used Terms

Grand Juror

A member of a grand jury, who takes an oath or makes an affirmation to perform his or her duties diligently and objectively.

Hearsay

Evidence that is not based on personal knowledge of a witness, but rather on what someone else said. Hearsay is allowed during grand jury proceedings because the proceedings are part of the investigatory process.

Immunity

Protection from prosecution in exchange for testimony.

Indictment

A formal charge or accusation of a serious crime.

Probable Cause

Reasonable grounds for belief in the existence of facts that support a charge.

Proceedings

All the formal activities of the grand jury, including hearing testimony, listening to presentations, deliberating, and voting.

Subpoena

An order requiring a person to attend a court proceeding or to appear before a grand jury.

Transcript

An official written record of a proceeding that may include testimony and statements.

True Bill

The written decision to indict after the grand jury concludes there is probable cause to support charges against the accused.



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