

FINAL SCRIPT- Grand Jury Orientation Video

"Protect and Uphold"

LESLEY STAHL (OC)

Welcome to the democratic process.
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. As grand jurors, your decisions
must be based on the evidence and the law. 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 *Sixty Minutes*.

MUSIC UP ... FADE TO TITLES.

FADE IN on a long shot of Grand Jury Room, 100 Centre Street. Camera pans over the
23 empty chairs and finds Lesley Stahl sitting in one of the Grand Juror seats. She begins
talking conversationally to camera.

LESLEY STAHL (OC)

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?
Good questions.

Here's a simple, brief answer:
A grand jury decides whether or not
a person should be formally accused of a crime

CUT TO GRAPHIC

*A grand jury decides whether or not
a person should be formally accused of a crime.*

LESLEY STAHL (VO)

If that decision is yes ... the grand jury issues
what is known as an indictment.
An indictment...

CUT TO NEW GRAPHIC

INDICTMENT:

Written accusation by a grand jury

LESLEY STAHL (VO)

... is a grand jury's formal written accusation of a crime.

CUT TO NEW GRAPHIC

GRAND JURY

Decides whether

to formally accuse (indict)

TRIAL JURY

Decides "guilty" or "not guilty"

LESLEY STAHL (VO)

A grand jury does not decide whether the accused is guilty or not guilty... that's the job of a trial jury.

CUT TO HOST LIVE

LESLEY STAHL (OC)

There are other important differences between a grand jury and a trial jury. For example, the Burden of Proof.

CUT TO NEW GRAPHIC

BURDEN OF PROOF

Grand Jury ... Legally sufficient evidence and reasonable cause to believe that a person accused committed an offense

LESLEY STAHL (VO)

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...

ADD TO GRAPHIC

BURDEN OF PROOF

*Grand Jury ... Legally sufficient evidence
and reasonable cause to believe that
a person accused committed an offense
Trial Jury ... Beyond a reasonable doubt.*

LESLEY STAHL (VO)

... determines whether the prosecution
has proved the accused guilty
beyond a reasonable doubt.

CUT TO STAHL LIVE

LESLEY STAHL

A grand jury proceeding is also different
from a jury trial because a grand jury typically hears only from
the prosecutor and the prosecutor's 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 of the individuals involved
in the case. Your decisions must be based only on the evidence
presented in the grand jury room.

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.

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.

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.
That's when your role begins.

CUT TO: door ... as 23 grand jurors enter the room from a side door and
take their seats. **COURT OFFICER** brings up the rear; takes up position near door.

HOST walks across the room off camera.

LESLEY STAHL (VO)

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 in English common law centuries ago.

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

CUT TO: STENOGRAPHER walking into position in front of room, next to a desk. She sets up her recording machine.

LESLEY STAHL (VO)

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

CUT TO: door a **PROSECUTOR** (Assistant District Attorney) enters the room, presentations in hand, and heads for the desk. We see jurors in foreground. **CAMERA FOLLOWS** prosecutor as he/she walks past the now seated stenographer at the front of the room.

LESLEY STAHL (VO)

Once you are 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.

CUT TO PROSECUTOR looking at jurors.

Good morning. I'm an Assistant District Attorney in New York County. I'm here today 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. I'm going to present the evidence...
(Voice dips under voice of Host)

LESLEY STAHL (VO)

The presentations you will hear from an Assistant District Attorney may include homicide; robbery; grand larceny; narcotics crimes; possession of stolen property; rape; sodomy; assault; arson; kidnapping; burglary; possession of weapons ...

practically the whole spectrum of the criminal law.
This doesn't mean you'll necessarily hear
these cases in *your* grand jury term;
it simply means you *could*.

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

CUT TO: CU, juror raising hand, asking question.

PROSECUTOR

Yes sir?

JUROR

Was it light enough inside the building
for the victim to get a good look at the man
who attacked her?

PROSECUTOR

I'll call the witness back and ask her that question.

LESLEY STAHL (OC)

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 *only*
legal advisors. And as you will read in Article 190...

CUT TO GRAPHIC:

ARTICLE 190

*You are forbidden by law to seek or
receive legal advice from any other source.*

LESLEY STAHL (VO)

... you are forbidden by law to "seek or receive
legal advice from any other source."

LESLEY STAHL (OC)

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

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

CUT TO GRAPHIC

REASONS FOR STRICT SECRECY

- *Encourages witness cooperation*
- *Assures free and open deliberations*
- *Protects the innocent*

LESLEY STAHL (VO)

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.
But now, back to the proceedings.

CUT TO PROSECUTOR explaining to jurors law pertaining to presentation.

PROSECUTOR

According to New York penal law Article 160.15, robbery in the first degree is a class B felony. And it reads that a person is guilty of robbery in the first degree when he forcibly steals property (voice fades under voice of Host) and when, in the course of the commission of the crime or of immediate flight therefrom...

LESLEY STAHL (OC)

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.

PROSECUTOR

...he or another participant in the crime: 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.

(voice fades under voice of Host)

We're going to step outside now and ask you to deliberate.

PROSECUTOR, STENOGRAPHER AND COURT OFFICER STEP OUT OF ROOM.

LESLEY STAHL (VO)

... and then you will be left alone to deliberate and vote.

CUT TO GRAPHIC

LAW REQUIRES ...

At least 16 jurors to be present

Majority of 12 or more decides

LESLEY STAHL (VO)

The law requires at least 16 of you to be present, to make a quorum. Of these 16, a vote of 12 or more who have heard the evidence is required for an indictment.

CUT TO GRAPHIC

The People of the State of New York against John Doe - document

If, in your deliberations, you vote yes, for an indictment, this means that 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 - to decide guilt or non-guilt.

If you do not vote for an indictment, then

the charges you heard against the accused are dismissed -
the end of that particular case.
You should also know that, as a grand jury...

CUT TO GRAPHIC

Grand Jury Options

- *Indict or dismiss*
- *Direct to criminal court*
- *Remove to family court*
- *Submit a report*

LESLEY STAHL (VO)

... 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.

LESLEY STAHL (OC)

The prosecutor will inform you when
it is appropriate to consider one of these actions.

(change of mood)

And that's it!
Now then - how important is your decision?
Well, look at it this way...

LESLEY STAHL in front of the 23 grand jurors addressing both jurors and camera

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 are a cross-section
of the community. As such, you are serving as
an arm of the court, not as an agent of the police
or the prosecutor.

It is essential for you to be attentive and fair-minded
in hearing cases ... and in your deliberations.

For *you* - and your decisions - are part of
the *foundation* of the criminal justice system
here in New York state.

FADE TO BLACK

FADE in on images of courthouses across New York and music

HON. JANET DIFIORE (Voice Over)

All across New York State,-- in courthouses from Riverhead on Long Island to Buffalo on the shores of Lake Erie,-- grand juries such as yours uphold the laws of the land by indicting those individuals believed to have committed crimes and protecting the rights of others against unfounded accusations. Grand jury presentations range from more than 5,000 a year in the most populated boroughs of New York City to just a handful in our least populous counties. To keep our vast justice system moving swiftly, fairly, and efficiently requires a dedicated corps of judges, attorneys, court administrators – and grand jurors just like you.

HON. JANET DIFIORE (On Camera)

I'm Janet DiFiore, Chief Judge of the Court of Appeals and the State of New York.

Thank you for being here today to participate in the work of the New York State courts. As grand jurors, you now are a part of our criminal justice system. Your mission is two-fold:-- on the one hand, to use your power as grand jurors to investigate crimes and hand up an indictment when sufficient evidence exists to do so; on the other,-- when the evidence is insufficient, to protect people from unfounded criminal accusations by not handing up an indictment.

We could not preserve the rights of both defendants and victims in our system, protect public safety, and ensure that police and prosecutors meet their obligations without the participation of jurors like you. If any of us found ourselves accused of a

felony, we would hope to have an engaged, fair, and impartial grand jury of New Yorkers like you reviewing the prosecutor's evidence against us.

We are, however, keenly aware that New Yorkers have busy lives and we recognize that you have many demands on your time. Knowing that,-- over the past decade, we have transformed the jury system by increasing the jury pool and reducing the length and frequency of jury service, in order to make service more convenient.

Like voting, grand jury service gives you the opportunity to participate – in a very direct and personal way – in our democracy. For this brief period of time, you will be performing an important, essential public service.

Thank you for your participation in the pursuit of justice.