

# What's the difference between an investigating grand jury and a criminal trial jury?

## What is an investigating grand jury?

It's a group of citizens, usually numbering 23, that is tasked with investigating suspected criminal activities and deciding whether enough evidence exists to recommend that authorities file criminal charges.

## What is a criminal trial jury?

Criminal trial juries decide the facts of a case in a formal trial with the goal of issuing a verdict, and usually consist of six to 12 citizens.

## Important distinction

A grand jury does not decide guilt or innocence – rather, it may recommend:

- specific persons be charged with specific crimes
- legislative, executive or administrative action that it believes would be in the public's interest

## Grand Jury v. Criminal Trial Jury

Although grand juries and trial juries are made up of citizens called for jury duty, each serves different purposes.

### Grand Jury

23 members

Sworn to oath of secrecy – proceedings not open to public

Does not decide guilt; prosecutors take the grand jury's recommendations to file charges seriously, but aren't required to follow them

Has power to view evidence and question witnesses

Generally serves 18 months with possibility of additional 6 months

Grand jury's decision need not be unanimous; only a majority vote necessary for action

### Criminal Trial Jury

12 members, unless the parties agree to smaller number (no fewer than 6)

Trials are generally public, but jury deliberations are private

Decides the facts of a case and determines guilt

No say in what evidence is presented

Works every day of the trial – days, weeks or even months

Decision must be unanimous in criminal cases

## Who creates a grand jury in Pennsylvania?

- Upon approval from the chief justice of the Supreme Court, Pennsylvania's attorney general may secure the assistance of a statewide grand jury. Separate statewide grand juries sit in Norristown, Harrisburg and Pittsburgh.
- A county district attorney may petition the president judge in his or her county's judicial district for approval to impanel a county grand jury.

