

## RESOURCE GUIDE

# Grand Juries, the Black Box of Justice Reform?



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70 Million is made possible by a grant from the Safety and Justice Challenge at the John D. and Catherine T. MacArthur Foundation.



# million

ONE JAIL AT A TIME.

*story*



# INFLUENTIAL INDICTMENT (OR LACK THEREOF)

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Grand Juries are made up of everyday citizens who are meant to act "as a shield protecting innocent citizens from unwarranted charges by officers of the law and has become a shield protecting officers of the law from possible criminal charges by the citizenry." as summarized by James P. Shannon in *The Grand Jury True: Tribunal of the People or Administrative Agency of the Prosecutor?* How did we get here? The proceedings are held in sworn secrecy, with only the prosecutor present. There's no defense attorney, or judge. Grand jury members are led through a case of the prosecutors' making and must reach a majority rule on whether there is enough evidence and reason to indict a case. It is extremely rare for grand juries not to return an indictment– prosecutors have swayed grand juries to indict over 99.99% of cases. And yet, with cases involving police officers' use of lethal force and brutality, only a fraction of grand jury cases end in an indictment. Why? Wouldn't the prosecutor present the same straightforward, bare-bones case that ends in the usual charge and move forward? Not when prosecutors and police forces work closely in tandem, relying on one another to continue to "do their job". Ric Simmons, Grand Jury Expert at Ohio State shares, "The prosecutor has a choice...very often because the prosecutor wants to use the grand jury, [to] serve as a tool to avoid accountability. What we sometimes see is a prosecutor presenting almost a pro-defense case..." These tactics are what could have led to the lack of charge of the police officers that killed Breonna Taylor, Eric Garner, Tamir Rice, and so many more. In 2020 heightened frustration led to protests throughout the country, along with more instances of aggressive behavior and unjust force by police officers. This was experienced first-hand by Jantzen Verastique, Dondi Morse and Parker Nevilles in 2020 when they attended a George Floyd protest in downtown Dallas, TX. What began as a peaceful protest quickly shifted into a swarm of scrambling and screaming civilians as armored vehicles rolled through the streets while police officers blocked exists, sprayed tear gas, and shot pepper balls into the crowd. The group was arrested and Jantzen was shot in the chest with a pepper ball by Sgt. Roger Rudloff, a Dallas Police Department officer who had often been accused of using excessive force and making racist remarks. In 2021, Verastique, Morse, and others testified against Sgt. Rudloff in front of a grand jury. Was Sgt. Rudloff indicted? No.

**"The most common criticism of prosecutors with police lethal use of force or police brutality cases...There's somewhat of a conflict of interest. The prosecutor depends on the police officers, police departments for a lot of the work that it does, so when a police officer misbehaves, commits a crime, or even commits what could be a murder, many prosecutors are unwilling to or at least reluctant to bring those charges against that police officer. Instead, the prosecutor goes to the grand jury, presents a very weak or a pro-defenses case, and thereby essentially destroys the case and the grand jury doesn't indict and the prosecutor can say, "Look, I couldn't go forward because the grand jury won't let me." –RIC SIMMONS, Grand Jury Expert at Ohio State**



VERASTIQUE, MORSE AND OTHERS TESTIFIED IN FRONT OF A GRAND JURY AT THE FRANK CROWLEY COURTS BUILDING IN DALLAS, TEXAS. PHOTO CREDIT: ZERB MELLISH

## REFLECTION QUESTIONS:

**State legislatures are responsible for writing and enforcing the laws that govern grand jury protocol. Do you know how your elected officials are upholding these laws, and do you agree? What measures of change does your community need to demand of your lawmakers to reform the grand jury process?**



# PEOPLE DOING THE WORK

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**RIC SIMMONS, LAW PROFESSOR AT THE OHIO STATE UNIVERSITY, IN THE HALLWAY OF MORITZ COLLEGE OF LAW IN COLUMBUS, OHIO. PHOTO CREDIT: ELI HILLER**

## **Harvard Law Review - Criminal Law**

The Harvard Law Review is a student-run organization whose primary purpose is to publish a journal of legal scholarship.

## **The Center for Jury Studies - A Project of National Center for State Courts**

The Center for Jury Studies is dedicated to facilitating the ability of these citizens to fulfill their role in the justice system and enhancing their confidence and satisfaction with jury service by helping judges and court staff improve jury management.

## **National Association of Criminal Defense Lawyers**

NACDL's mission is to serve as a leader, alongside diverse coalitions, in identifying and reforming flaws and inequities in the criminal legal system, and redressing systemic racism, and ensuring that its members and others in the criminal defense bar are fully equipped to serve all accused persons at the highest level.

## **The Marshall Project**

The Marshall Project is a nonpartisan, nonprofit news organization that seeks to create and sustain a sense of national urgency about the U.S. criminal justice system. We have an impact on the system through journalism, rendering it more fair, effective, transparent and humane.

## **National Center for State Courts**

For more than 50 years, the National Center for State Courts (NCSC) has shared authoritative knowledge and expertise to address current and emerging issues and trends in state court administration.

## **Right On Crime**

Right On Crime is a national campaign of the Texas Public Policy Foundation that supports conservative solutions for reducing crime, restoring victims, reforming offenders, and lowering taxpayer costs. The movement was born in Texas in 2007 and has led the way in implementing conservative criminal justice reforms.

## **Texas Center for Justice & Equity**

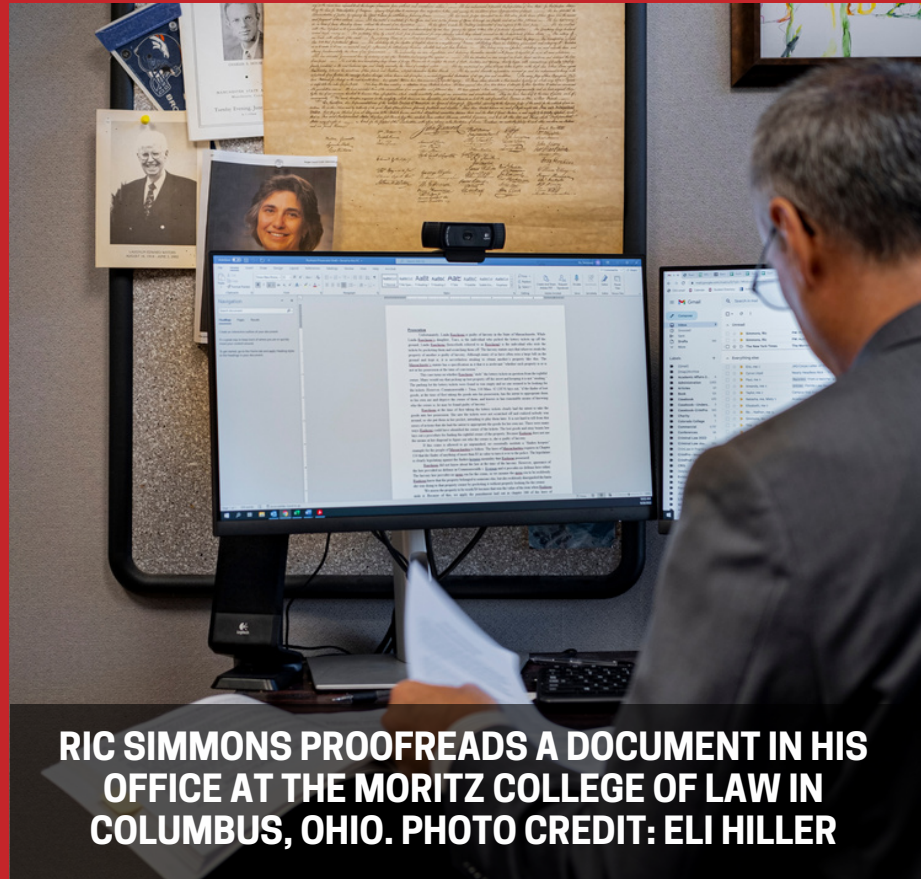
The Texas Center for Justice and Equity (TCJE) advocates at the State Capitol and in counties throughout Texas to end mass incarceration, shift funding towards community supports, and reduce racial inequities in the criminal punishment system.

## **National Institute of Justice**

NIJ is the research, development and evaluation agency of the U.S. Department of Justice. We are dedicated to improving knowledge and understanding of crime and justice issues through science.



# LEARN MORE

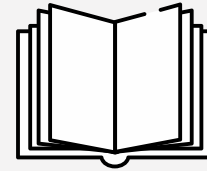


**RIC SIMMONS PROOFREADS A DOCUMENT IN HIS OFFICE AT THE MORITZ COLLEGE OF LAW IN COLUMBUS, OHIO. PHOTO CREDIT: ELI HILLER**



**PHOTO CREDIT: DALLAS MORNING NEWS/MILES MOFFEIT**

## Reading



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**Visibly (Un)Just: The Optics of Grand Jury Secrecy and Police Violence** by Nicole Smith Futrell–Penn State Dickinson Law

**Federal Grand Jury Secrecy: Legal Principles and Implications for Congressional Oversight** by the Congressional Research Service

**Restoring Legitimacy: The Grand Jury as the Prosecutor’s Administrative Agency**  
by Harvard Law Review

**The American Injustice System: The Inherent Conflict of Interest in Police-Prosecutor Relationships & How Immunity Lets Them 'Get Away with Murder** by Alexandra Hodson

**Eliminating Shadows and Ghosts by Center** for Jury Studies– A Project of National Center for State Courts

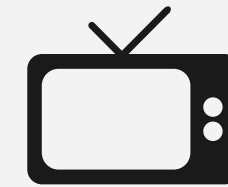
**Police Integrity Lost: A Study of Law Enforcement Officers Arrested** by the National Institute of Justice

**Hidden in Plain View: Juries and The Implicit Credibility Given To Police Testimony** by Jonathan M. Warren

**The Grand Jury’s Role in the Prosecution of Unjustified Police Killings — Challenges and Solutions** by Roger A. Fairfax Jr.

**Grand Jury Due Reform Act** by American Legislative Exchange Council

## Videos



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**Jurors, the Internet and Social Media** by Center for Jury Studies– A Project of National Center for State Courts

## Website



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**National Institute of Justice**

**Congressional Research Service**

**American Legislative Exchange Council**

**Law Library - American Law and Legal Information**

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