

# Know Your Rights as a Juror in DC

Juries can be called for civil, criminal, or federal cases. Within each category, juries are considered “petit” or “grand”. Petit juries determine guilt, while grand juries determine if there is probable cause enough to deliver an indictment. The most common type of summons you may receive is for a criminal petit jury. As such, the focus of DC’s Jury Information Project trainings and the information here are **DC Criminal Petit Juries**.

**DC Criminal Petit Juries** are tasked with:

- Deciding a single case between the government and someone accused of a crime.
- Evaluating the evidence and case presented by the government according to the burden of proof (beyond a reasonable doubt).
- Delivering a unanimous verdict of not guilty or guilty.

## Being Called to Serve

- In order to be included in the system as a potential juror, keep your address up to date on driver’s license (or “walking license”), public benefits, voter registration, etc.
- Summons questionnaire will ask about juror qualifications (adult, citizen, able to serve).
- Juror pay (\$7/day travel stipend, +\$50/day for jurors without income during service).

## Why be an engaged juror?

- Jury service is civic empowerment, deciding if prosecutors are applying the laws in ways that are appropriate.
- There is the possibility to stop a miscarriage of justice.

## Voir Dire

- Watch a video on jury selection using the QR code
- Groups of jurors will be called for selection for each trial starting; the judge then asks questions that have been agreed to by both attorneys. Jurors write down any ‘Yes’ answers and are questioned about them.
- Attorneys on each side can remove jurors using a cause (demonstrated bias against client or that would prevent a fair outcome) or a peremptory (at the attorney’s discretion with no reason provided) strike. Each attorney has a limited number of peremptory strikes, and they legally can’t be used in a discriminatory manner.



## Tips for selection:

- Dress in neutral clothes and monitor your body language.
- Consider how you could answer questions both truthfully and neutrally. For example, you might be asked how you feel about police officers. Can you put aside any feelings you have about police generally and consider an officer’s individual testimony?
- Keep your answers brief and provide the minimum of information.
- Do not mention jury nullification or any jury education you’ve received.
- Emphasize that you cannot commit to a particular outcome before you’ve seen the case.

## The Jury's Role

- The jury is asked to make a legal determination: how does/should the law apply to the facts as the jury sees them, using their judgement as reasonable community members.
- Juries are only supposed to consider the information presented to them at trial. Bringing in outside information to deliberations is one of the few reasons a juror can be removed (but not punished) after being seated, so jurors may wish to be careful bringing up specific things they know from outside the testimony shown at trial once in deliberations.

## Your Rights as a Juror

- You decide what testimony you believe, how confident you are in your conclusions, and whether that confidence is enough for conviction to be appropriate.
- Jurors are never obligated to vote a particular way. Your understanding of the elements of a charge decides whether that charge applies to the case before you.
- You are never obligated to share how you voted or why you voted that way with anyone.
- A juror cannot be punished for their decisions in the jury room.

## Nullification

- Watch a video on jury nullification using the QR code
- Jury nullification is returning a “Not Guilty” verdict, despite believing that the defendant is guilty beyond a reasonable doubt. It is a recognized, legal aspect of our court system though discouraged by many jurisdictions.
- Reasons for nullification may include:
  - Moral or ethical objections to certain laws or prosecutions
  - Sympathy for the defendant
  - Public opinion and sentiment
  - Prosecutorial misconduct or overreach
- The jury retains a fundamental right to acquit in any case where their sense of justice demands that they do so.



## Outcomes

- In general, a person can almost never be retried on a charge where they're acquitted.
- If the jury does not reach a unanimous verdict on a charge (that is, it is “hung”), this is considered a mistrial. The government is permitted to retry the case.
- Courts prefer that trials have final outcomes; the first time you tell the judge you are stuck, they will respond with an “Allen charge”, requesting that the jury try a little harder. After this, however, the court will accept a hung jury if they remain stuck.

## Reflection

Juries must make unanimous decisions. Are you ready and willing to invite others to join you in voting ‘not guilty’? How might you explain your decision to them?