

# Grand Jury Reform

For transparency and accountability

## The Issue

While grand juries were created with the intention to provide citizens protection from oppressive prosecution and provide a means for the community to act as a check on governmental powers, throughout the years these proceedings have begun to operate at the expense of the accused's Constitutional guarantees. In Texas, grand jury proceedings are ripe for abuse and inconsistent outcomes, and very few of the same constitutional protections afforded to an individual post-indictment are provided at the grand jury.

It is time that Texas reform grand jury proceedings to ensure that citizens are given ample protection to prevent unnecessary and damaging criminal charges. Texas can protect individual rights by:

1. Requiring prosecutors present any exculpatory evidence,
2. Providing witnesses and the accused with a right to counsel in the grand jury room,
3. Requiring all grand jury proceedings are transcribed or recorded—excluding deliberation, and
4. Precluding subsequent grand juries without new, material evidence.

## The Solution

### Quick Facts

- > **15** states have permitted the accused to have counsel in the grand jury room, including Florida, Oklahoma, and Utah.
- > Texas currently allows prosecutors to resubmit the same failed case to subsequent grand juries on an unlimited number of occasions during the statute of limitations, even if no new material evidence will be presented.
- > **31** states plus the federal government require full transcription of grand proceedings, excluding votes and deliberation.

**“A grand jury would indict a ham sandwich, if that’s what you wanted.”**

- Sol Wachtler, New York State Chief Judge