

GRAND JURY

In 1985, delegates to State Convention voted for a re-evaluation of the League's position in support of the grand jury indicting and investigative functions. The following year, in March 1986, delegates to State Council agreed to limit the re-evaluation to the indicting function only.

The April 1986 consensus showed clearly that the League was divided on the question of support for the indicting function of the grand jury. Many members favored abolishing this function while others felt it should be retained. Thus, we neither support nor oppose the indicting function of the grand jury. All did agree, however, that procedural reforms to protect citizen rights should be instituted in all grand jury proceedings.

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Statement of Position

As announced by the State Board, May 1986

The League of Women Voters of New York State supports the grand jury as an investigative body. Whether the grand jury is sitting as an investigative or as an indicting body, grand jurors should be selected at random from a broad cross section of the community and should have clear understanding of the full scope of their powers and responsibilities. Grand jury witnesses, as well as potential defendants, should be entitled to counsel while testifying. Such counsel would serve in an advisory capacity.

Procedural reforms of the indicting function are needed to protect citizen rights.

The League supports reforms such as: disclosure of exculpatory evidence (favorable to the defendant); increased access to transcript for the defendant and access for witnesses to their own testimony; and statewide standardized instruction for grand jurors, written as well as oral.

Random selection of both grand and petit juries was made mandatory in 1977, and legislation was enacted in 1978 permitting counsel for witnesses before the grand jury who had waived immunity. The League will continue its efforts to extend this provision to all grand jury witnesses.

Since 1993, the League has unsuccessfully supported Assembly legislation to increase a defendant's access to the transcript. In 1996, League unsuccessfully supported legislation to require judges to provide grand jurors with written instructions concerning the scope of their authority and responsibility.