



330 Main Street, Hartford, Connecticut 06106  
860-523-9146 | [www.acluct.org](http://www.acluct.org)

---

## **Testimony Opposing Senate Bill 488, An Act Concerning Grand Jury Reform**

**March 24, 2014**

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is David McGuire. As the staff attorney for the American Civil Liberties Union of Connecticut, I am here to oppose Senate Bill 488, An Act Concerning Grand Jury Reform.

The grand jury system has long been reserved for extraordinary circumstances and has been employed to investigate only certain types of crimes. This bill would remove those limitations, eliminating safeguards that protect innocent people from the most powerful investigative tool available to prosecutors. This bill would practically invite constitutional violations of Fourth Amendment rights and other federal and state constitutional rights by making it significantly easier for prosecutors to convene a grand jury. It would substantially increase the number of grand jury applications made and granted, resulting in overly broad and invasive investigations.

Presently, CGS § 54-47b requires that the applicant reasonably believe the investigation will lead to a finding of probable cause that a crime or crimes have been committed. This bill would eviscerate that well-settled standard by requiring only that the applicant assert that the “interests of justice” require the use of an investigatory grand jury. The proposed “interest of justice” standard is not rigorous enough to protect the constitutional rights of those forced into the grand jury process. Additionally, prosecutors would no longer have to demonstrate that “normal investigative procedures” failed or would be ineffective.

It is important to understand that this bill’s relaxed standards would inevitably lead to more innocent people, including those not even suspected of a crime, being compelled to appear before a grand jury. These people will be held in contempt if they do not respond on demand to the grand jury subpoena and testify or produce property, which can include personal documents, medical and mental health records and computers.

This bill would also significantly weaken judicial oversight. Applications for a grand jury would be made to the presiding judge and not to a panel of three judges, as required under current law. This change and other proposed amendments would significantly increase prosecutors’ power to convene a grand jury. This will lead to misuse and overuse of a process that was originally intended to serve as a last resort for the state.

The interest of justice must concern not only the discovery and prosecution of crime but also the protection of innocent people from intrusion and abuse by government authorities. It is not served by allowing prosecutors to trample on the rights of the innocent on grounds that fail to meet constitutional standards. The safeguards this bill seeks to remove are essential to protect citizens who are

subpoenaed to testify before grand juries in Connecticut. For these reasons the ACLU of Connecticut urges this committee to reject Senate Bill 488.