

### Program #15016 - Grand Jury Recordation

2/20/2019

**Department:** District Attorney **Program Contact:** Jeff Howes

Program Offer Type: Innovative/New Program Program Offer Stage: As Requested

Related Programs:

Program Characteristics: Out of Target

## **Executive Summary**

All of the approximate 3000 a year grand jury proceedings must be digitally recorded, managed and stored by the District Attorney. The recordings must reviewed, copied and discovered to defense counsel. A number of recordings will to be transcribed for the purpose of trial preparation and litigation.

## **Program Summary**

Grand jury recordation is a major system change to criminal law practice. As of March 1, 2018, all grand jury proceedings are digitally recorded and stored. In 2017, 3,149 indictments were filed in Multnomah County. If a grand jury hearing results in an indictment of a defendant, then the case proceeds towards resolution, through plea, trial, or dismissal. A grand juror is a member of the public that is chosen by the court to review grand jury witness testimony. There are a total of 36 grand jury panels every year in Multnomah County, with seven grand jurors on each panel. These grand jurors each serve for four weeks. Every panel must be trained by MCDA staff to operate the grand jury recording device.

In preparation of filing each indictment, grand jury staff must locate the recording(s) from the server, validate, and create a copy for defense counsel on a compact disk, as defense counsel is entitled to a copy of the recording. The copy is provided at the time of arraignment on the indictment. The timeline in most cases, from arrest to grand jury review to arraignment on an indictment, is eight days.

These recording bring greater transparency to the criminal justice system, with word-for-word recording of all witness testimony. Grand jury recordings are reviewed by deputy district attorneys as a part of case resolution. In order to evaluate the facts, strengths and weaknesses of a case, grand jury recorded material is often continually evaluated. A deputy district attorney must review all the evidence, which now includes reviewing the audio recordings of the grand jury proceeding. Deputy District Attorneys are able to access the recording from their desktop computers.

Frequently grand jury recordings will also be transcribed for the purpose of use during trial preparation and litigation, by both the prosecution and the defense. Defense counsel will often consider cross-examining witnesses during trial with the prior recorded grand jury testimony. Deputy district attorneys will likely use the grand jury recordings to refresh the recollection of witnesses and victims during trial. The best practice (and most practical compared to audio) is to use a transcription of the recording. If a case is likely to result in a trial, the deputy district attorney requests staff to have a certified transcript of the recording prepared for trial. A local transcriptionist, for a fee, prepares the transcript.

Performance Measures									
Measure Type	Primary Measure	FY18 Actual	FY19 Purchased	FY19 Estimate	FY20 Offer				
Output	Felony cases presented to the grand jury and recorded	N/A	N/A	N/A	3000				
Outcome	More transparency, accuracy and system confidence with word-for-word recording of all witness testimony	N/A	N/A	N/A	N/A				

#### **Performance Measures Descriptions**

For additional MCDA Budget Information:

http://mcda.us/wp-content/uploads/2019/02/MCDA-Budget-Informational-Packet-FY-20.pdf

# **Legal / Contractual Obligation**

Senate Bill 505, as codified at Oregon Revised Statute 132.250-132.270, requires and governs the recording, storage, and release of all grand jury proceedings.

# Revenue/Expense Detail

	Proposed General Fund	Proposed Other Funds	Proposed General Fund	Proposed Other Funds
Program Expenses	2019	2019	2020	2020
Personnel	\$0	\$0	\$260,497	\$0
Contractual Services	\$0	\$0	\$87,217	\$0
Materials & Supplies	\$0	\$0	\$19,346	\$0
Total GF/non-GF	\$0	\$0	\$367,060	\$0
Program Total:	\$0		\$367,060	
Program FTE	0.00	0.00	2.00	0.00

Program Revenues					
Total Revenue	\$0	\$0	\$0	\$0	

# **Explanation of Revenues**

# **Significant Program Changes**

Last Year this program was: