Multnomah County Program #15016 - Grand	Lury Recordation			3/4/2020
r rogram #15010 - Oran				0/4/2020
Department:	District Attorney	Program Contact:	Jeff Howes	
Program Offer Type:	Innovative/New Program	Program Offer Stage:	As Requested	
Related Programs:				
Program Characteristics	s: Out of Target			

Executive Summary

All of the approximate 3,000 per year grand jury proceedings must be digitally recorded, managed and stored by the District Attorney. The recordings must be 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 FY 2019, 2,562 indictments were filed in Multhomah 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 each 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 recordings 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 (DDAs) 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. DDAs 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. DDAs 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 DDA requests staff to have a certified transcript of the recording prepared for trial. A local transcriptionist, for a fee, prepares the transcript. The additional time across the office to review this new category of evidence is equivalent to two Level 3 DDA FTE.

Performance Measures							
Measure Type	Primary Measure	FY19 Actual	FY20 Budgeted	FY20 Estimate	FY21 Offer		
Output	Felony cases presented to the grand jury and recorded	N/A	N/A	N/A	3,000		
Outcome	More transparency, accuracy and system confidence with word-for-word recording of all witness testimony	N/A	N/A	N/A	N/A		

https://www.mcda.us/index.php/documents/multnomah-county-district-attorneys-informational-budget-packet-fy-2021.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.

	Adopted General Fund	Adopted Other Funds	Requested General Fund	Requested Other Funds		
Program Expenses	2020	2020	2021	2021		
Personnel	\$0	\$0	\$507,062	\$0		
Contractual Services	\$0	\$0	\$45,000	\$0		
Materials & Supplies	\$0	\$0	\$24,114	\$0		
Total GF/non-GF	\$0	\$0	\$576,176	\$0		
Program Total:	\$0	\$0		\$576,176		
Program FTE	0.00	0.00	2.00	0.00		
Program Revenues						
Total Revenue	\$0	\$0	\$0	\$0		

Significant Program Changes

Last Year this program was: