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### M E M O R A N D U M

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**To:** Rod Underhill, Multnomah County District Attorney  
**From:** Allen Vogt, MCDA Finance Manager  
**Date:** March 19, 2015  
**Subject:** Grand Jury Recordation Cost Estimation

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This memorandum describes a methodology for estimating the cost to implement the recordation of grand jury proceedings in Multnomah County as well as in other counties throughout the state. Based on MCDA grand jury scheduling data, MCDA financial data, as well as information provided by the Multnomah County Court Administrator's Office initial set up costs as well as on-going costs of operation are both described and quantified.

While costs are presented here, no attempt is made to determine how those costs would or should be allocated to the parties involved in the grand jury processes.

In addition to this narrative memo, I have attached two Excel worksheets that may be used to calculate costs in other counties as well as statewide costs. *Attachment 1 - County Cost Estimate Calculator* allows the user to change inputs (number of indictments per year, local staffing costs, number of grand jury locations, etc.) in order to customize cost estimates for other jurisdictions. Similarly, *Attachment 2 - Statewide Cost Estimate Calculator* allows the user to vary inputs to estimate statewide costs. The statewide estimates presented in this narrative are calculated by projecting Multnomah County cost per indictment and an initial assumption of 47 grand jury locations statewide.

#### Executive Summary

In 2014 the Multnomah County District Attorney's Office operated 6,168 hours of grand jury proceedings over thirteen terms while handling 5,136 cases with 4,399 defendants. During those grand jury proceedings, 9,331 witnesses appeared and 3,977 indictments resulted.

Implementation of a system to record these grand jury proceedings would require both one-time set up costs for the purchase and installation of recording equipment

**Ethernet & Electrical, \$0** - Rooms hosting grand juries would need to be wired with Ethernet connections and electrical outlets to handle the necessary microphones, mixing board, and computer that host the recording and annotation software systems. The existing grand jury locations in Multnomah County are already wired, however, the existing wiring infrastructure for other locations in the state is unknown and should be included in projections where necessary. *Attachment 1 – County Cost Estimate Calculator* allows for the addition of those costs, however none are included for Multnomah County since existing locations are already equipped with the necessary infrastructure.

### Ongoing Annual Costs

#### **Recordation Staffing, \$170,898**

In Multnomah County courtrooms, operation of the FTR annotation software is performed by an entry level judicial support clerk, Judicial Services Specialist (JSS1). One JSS1 would be required for each grand jury location. Midpoint wages plus benefits for a JSS1 is estimated at \$56,966 per FTE. Multnomah County currently operates three grand jury locations and a part time location that would require a total recording staff of 3.00 FTE with total personnel costs of \$170,898.

#### **Transcription Service, \$629,136**

While all grand jury proceedings would be recorded, it is assumed that only those resulting in an indictment would require transcription. In Multnomah County 6,168 hours of grand jury proceedings were held in 2014 and 85% of cases resulted in indictment producing an estimated need to transcribe 5,243 hours per year (6,168 GJ hours X 85%.)

Transcription of trial recordings in Multnomah County is currently done through a service provider contracted by the court. Typical trial proceeding generate 150 to 200 pages of transcript per day, or 40 pages per hour. With a current market rate for transcription of \$3.00 per page, the cost of transcription of a proceeding would be \$120 per hour. Therefore, transcription costs over one year would be \$629,136 (\$120/hr X 5,243 hrs transcribed.)

#### **Additional Discovery Costs, \$246,574**

After proceedings have been recorded and transcribed, it is assumed that both the prosecution and defense will require copies of the audio recording in addition to the written transcripts. While electronic copies of transcripts can be

provided free of charge, discovery charges for audio recordings are currently priced at \$31.00 per CD.

Using a conservative estimate of 1 CD per indictment for the prosecution plus 1 CD per indictment for the defense, annual additional discovery costs in Multnomah County would be \$246,574 ( $\$31/\text{CD} \times 3,977 \text{ indictments} \times 2 \text{ CDs}$  1- for the prosecution and 1 for the defense.)

**Additional Case Review, \$766,321**

Transcripts and CDs of audio recordings of grand jury proceedings that resulted in indictment will require review by both the prosecution and defense. It is conservatively estimated that each side will review the audio at least one time. With a fiscal year being 2,080 hours, reviewing the 5,243 hours of audio would require 2.51 FTE ( $5,243\text{hrs} / 2,080 \text{ hrs}/\text{FTE}/\text{yr}$ ) of staff time.

The average compensation (salary plus benefits) for an MCDA felony attorney is \$179,026 , or \$86.07 per hours. The estimated public defender defense attorney compensation is \$125,000 or \$60.10 per hour. Therefore, review of the audio recording is estimated to cost \$766,321 (Prosecution:  $\$86.07/\text{hr} \times 5,243\text{hrs} = \$451,49$  + Defense =  $\$60.10/\text{hr} \times 5,243 \text{ hrs} = \$315,072$ )

**Administrative Overhead, \$185,202**

Overhead to cover indirect costs of supervision of recording staff, transcription service coordination, and billing of transcription plus central indirect cost are estimated using the FY2016 MCDA federally approved rate of 10.2% of direct costs. ( $\$1,815,709 \times 10.2\%$ )

**On-going equipment maintenance & technical support, \$2,780**

“For The Record (FTR) Reporter and Player 5.6 Digital Recording Software” software support costs \$195/license and recording equipment maintenance is estimated at \$500/location. Annual maintenance of the four grand jury locations in Multnomah County is estimated at \$2,780 ( $\$695 \times 4$ )

Cost Estimates for Other Counties

Costs in other counties will vary depending on the number of grand jury locations in the county, the existing state of (wiring) infrastructure in those locations, staffing costs, transcription services used, and other factors.

The attached *Attachment 1 – County Cost Estimate Calculator* allows the user to alter inputs to match costs and conditions in their jurisdiction. Changes made to shaded green cells flow through to all calculations in other non-shaded cells. Non-shaded cells contain formulas that are designed to NOT be changed.