

Oregon District Attorneys Association Opposes Senate Bill 1550

Grand jury recordation provisions offer little protection for victims and witnesses, require millions in public safety dollars, yet result in NO increase in safety and NO decrease in prison beds.

For over 50 years Oregon grand jury proceedings have been unrecorded to protect victims and witnesses from intimidation and harassment and to ensure the privacy and evenhanded treatment of the accused. In the few examples of misconduct that exist, the prosecutors were disciplined or disbarred and cases were dismissed.

The protection of victims and witnesses must be the highest priority of any legislation requiring recordation.

45 out of 50 states and the federal government allow law enforcement professionals to testify on behalf of victims and witnesses to reduce the chance of witness tampering or violent retribution before the trial, and to limit the further intrusion on the lives of innocent victims. In the event the legislature requires grand jury recordation, any bill must include the basic protection of a hearsay exception for all witnesses. The only exceptions offered by SB 1550 are for children under 15 or individuals with an intellectual disability. Any other vulnerable victim or witness is required to testify and then must seek a protective order from the court to seal the record. This requires additional work and expense by the prosecutor, witness or victim and may necessitate costly legal representation.

Recording grand juries will require significant and ongoing investments that will not improve public safety or decrease the number of prison beds.

ODAA estimates the costs to the state and counties will exceed \$8 million biennially. Costs include:

- \$ Judicial clerks in all grand jury proceedings;
- \$ Review by defense attorneys of tens of thousands of hours of grand jury testimony;
- \$ Equipment, upkeep and storage of records;
- \$ Extensive transcription costs;
- \$ Additional litigation in both the trial and appeals courts.

The ODAA has offered an amendment that records grand jury proceedings, adequately protects all victims and witnesses, and provides defense attorneys with a tool to access the records in cases where witnesses have recanted or the indictment does not match the police reports – all with a substantially smaller price tag.