



**AOC**  
**ASSOCIATION OF  
OREGON COUNTIES**

# HB 5050 (2019) Budget Note Report

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# Budget Note Direction:

- Joint plan:
  - “for the most **efficient, consistent, and cost-effective** delivery of grand jury recordation across the state”
  - To include:
    - non-attorney staff to manage recording equipment and train grand jurors on the use of recording equipment;
    - non-attorney staff to review and redact grand jury recordings;
    - production of grand jury transcripts; and
    - information technology costs for the day-to-day upkeep of the recording devices and the storage or archiving of recordings.

	<b>Expense Category</b>
1	Purchase Recording & Replacement/Back-up Equipment
2	Maintain Recording Equipment
3	DA time to prepare and present cases to grand jury
4	Protective Orders
5	Daily management of equipment; training of grand jurors on FTR recording equipment
6	DA review of grand jury recordings/Non-attorney review of recordings
7	Production of Transcripts
8	Storage of recordings (case active)
9	Archiving of recordings (long-term storage)
10	One-time setup/startup costs

# Costs Incurred To-Date - OJD

	Expense Category
1	Purchase Recording & Replacement/Back-up Equipment*
2	Maintain Recording Equipment*
4	Protective Orders
10	One-time setup/startup costs

\*SB 505 (2017) assigned responsibility to OJD.

# Costs Incurred To-Date – DA's & Counties

	<b>Expense Category</b>
1	Purchase Recording & Replacement/Back-up Equipment
2	Maintain Recording Equipment
3	DA time to prepare and present cases to grand jury
4	Protective Orders
5	Daily management of equipment; training of grand jurors on FTR recording equipment
6	DA review of grand jury recordings/Non-attorney review of recordings
7	Production of Transcripts
8	Storage of recordings (case active)
9	Archiving of recordings (long-term storage)
10	One-time setup/startup costs

**Current/Proposed Funding Responsibilities of Grand Jury Recordation  
On Expense Categories Related to HB 5050 Budget Note**

	<b>Expense Category</b>	<b>District Attorney and County</b>	<b>Oregon Judicial Department</b>	<b>State Funding Responsibility</b>	<b>OJD Comments</b>
<b>1</b>	Purchase Recording & Replacement/Back-up Equipment		OJD	State GF Responsibility	
<b>2</b>	<b>Maintain Recording Equipment (ENHANCE)</b>		<b>OJD</b>	State GF Responsibility	<b>OJD staff is not allowed in grand jury proceedings and does not have staff or resources to provide on-demand services. Not enough information to conclude other assistance would not be as efficient or cost-effective.</b>
<b>3</b>	DA time to prepare and present cases to grand jury	County/DA Responsibility			
<b>4</b>	Protective Orders	County/DA Responsibility			
<b>5</b>	Daily management of equipment; training of grand jurors on FTR recording equipment	County/DA Responsibility			
<b>6</b>	DA review of grand jury recordings/Non-attorney review of recordings	County/DA Responsibility			
<b>7</b>	<b>Production of Transcripts</b>	<b>County Responsibility Shifts to OJD</b>		State GF Responsibility	<b>OJD has no role in production of grand jury transcripts and is not the keeper of the grand jury record. OJD is willing to assist with examination of a statewide model for contracted transcription services that could be utilized by any entity.</b>
<b>8</b>	<b>Storage of recordings</b>	County/DA Responsibility			
<b>9</b>	<b>Archiving of recordings</b>	<b>County Responsibility Shifts to State</b>		State GF Responsibility	<b>OJD is not aware of how efficiencies would be captured by requiring DA offices to upload grand jury recordings to a state agency repository</b>
<b>10</b>	One-time setup/startup costs (3 counties – 2019; 33 counties 2020)			State GF Responsibility	

# 1. Enhance Equipment “Maintenance” & Access to OJD Staff – Agreement Not Reached.

- OJD currently has a legislative mandate to provide maintenance to the recording equipment:
  - (c) The district attorney shall use to record the grand jury proceedings audio electronic recording devices designated, provided and maintained by the Judicial Department.**
- One of the largest hurdles for DA Offices and their staff has been the daily maintenance and troubleshooting of the “For The Record” (FTR) equipment.
  - Multnomah County estimates more than one hundred hours have been spent troubleshooting reoccurring issues with the FTR devices to-date.
- **RECOMMENDATION: Enhanced maintenance agreement between OJD and the DA Offices which will allow for an integration of existing court staff and OJD tech staff to address issues with the grand jury recordation equipment**

## 2. Production of Transcripts – Agreement Reached

- DA's currently responsible for producing transcripts
- These transcripts will be used for pre-trial and during trial, by both the prosecution and the defense, to cross-examine witnesses and refresh the recollection of witnesses and victims during trial.
- DAs believe both parties should rely on the same transcription document – provided by the same vendor.
- **RECOMMENDATION : Identify state agency to execute a statewide price agreement or engaged vendor list for transcription services. This change will reduce cost and be more effective, consistent, and efficient for both the DAs and the defense bar across Oregon.**



### 3. Storage & Archiving – Agreement Not Reached

- All three entities agree that DAs should continue to manage the storage of a grand jury recording audio file while the case is active.
- Estimated retention requirements range from 3-years to 10-years to 60-years to indefinite.
- **RECOMMENDATION: Identify an appropriate state agency to manage and procure a statewide archiving storage system for statewide efficiency and security purposes**

# Final Recommendations

- ....“for the most **efficient, consistent, and cost-effective** delivery of grand jury recordation across the state”
  - A clear definition of “maintenance” as it relates to OJD’s current responsibility.
  - Direction for OJD to lead collaborative effort to seek a statewide transcription purchase contact or approved vendor list for DAs and the defense bar to request transcripts and link to cost per page requirements outlined in ORS 21.345 or a maximum per page price point.
  - Assign state agency responsible for managing and maintaining storage for archiving grand jury audio files.