

State OKs audio recording of grand jury hearings

Oregon one of two states to use handwritten notes

By Paris Achen
Capital Bureau



CAPITAL BUREAU

SALEM — The state Senate voted 21-7 Tuesday, July 4, to require audio recordings of grand jury proceedings.

The bill modernizes the state's more than 150-year-old handwritten record-keeping process by requiring county district attorneys to electronically audio record grand jury proceedings and maintain and store copies of the recordings.

"This bill will bring our justice system into the 21st century, but it's about more than that," said state Sen. Floyd Prozanski, D-Eugene, who has spearheaded similar legislation for several years. "We're working on Independence Day right now. July Fourth is a beautiful day, and it's about freedom and

The state Senate passed a bill mandating that grand jury proceedings be recorded. The bill moves to the House, where it is expected to pass.

liberty. We have a chance to ensure liberty, justice for all and an opportunity to ensure our criminal justice system remains above all reproach."

The bill heads for a vote in the House later this week.

The requirement will be gradually phased in for the state's 36 counties. The mandate triggers in March for Multnomah, Deschutes and Jackson counties, all of which have populations of 150,000 or greater. The state's other 33

counties will have to start the recordings by July 2019.

The bill provides about \$10 million for the cost of purchasing electronic recording devices and hiring staff to manage the recordings in the three counties. The Legislative Fiscal Office has noted that there could be significant costs to the state in the 2019-2021 budget as the remaining 33 counties begin the recordings.

The prosecutor must provide a copy or transcript of the recording to the defense attorney within 10 days after a defendant is arraigned on an indictment. The defense attorney is prohibited from sharing the actual copy of the recording with the defendant and may not disclose personal identifying information about the victim, witnesses or grand jurors to the defendant. The recordings are otherwise confidential.

Prosecutors also may request a protection order from the court to redact certain in-

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formation they believe could put a victim or witness in danger.

Sen. Kim Thatcher, R-Keizer, said the bill's main weakness is it disallows hearsay testimony by law enforcement officers on behalf of witnesses. The only exceptions are for people with certain disabilities and minors.

"I really wish we had kept in protections for victims so case officers could testify on their behalf," Thatcher said. She said she voted against the bill because she felt it was rushed in the waning days of

session, which must constitutionally end by Monday.

"I am all for recording grand juries but we need to proceed more cautiously when it comes to the victims," she said.

Forty-eight states and the federal court system already electronically audio record grand jury testimony.

Oregon and Louisiana are the only two states in the nation that still rely on handwritten juror notes, rather than audio recordings, as documentation of testimony in front of grand juries.

"I have found that no matter how skilled or how experienced the note taker is, there will be things that are inaccurate or left out inadvertently," said Prozanski, a municipal prosecutor and former assistant district attorney. "As a felony prosecutor in Lane County I wanted my witnesses in front of the grand jury because I wanted them prepared to be able to testify in public in front of the Cir-

cuit Court. This process opens the grand jury process so that we have a clear and accurate record of what witnesses say during the process, without interpretation. It's fair to prosecutors and the defense."

Clatsop County District Attorney Josh Marquis, in a guest column in The Oregonian in June, wrote that he and other prosecutors would likely reserve grand juries for unusual cases if they must be recorded. Prosecutors, he said, would instead conduct preliminary hearings, which he said take more time and could be costly for the state.

"Recording grand juries will have a chilling effect on justice," Marquis wrote. "What domestic violence victim will be willing to share her story when she knows that a recording of her statement could be handed over to the man who beat her or her children just days earlier? Even the most optimistic among us know how tragically that could end."

Grant given to search for the wreck of the 'Beeswax'

The Preserving Oregon Grant Program has approved the Maritime Archaeological Society's grant application to search for the Beeswax Wreck off the Oregon Coast. The society will be awarded \$6,600 to conduct remote sensor surveys.

The society will search the coastal waters between Cape Falcon and Manzanita. Astoria-based charter captain Bob Magie will pilot his boat Sovereign during the search. The team will tow a magnetometer and employ the boat's structure-scan sonar. Eugene-based surveyor Dave Wellman will provide the magnetometer charter service. Portland Society

members Drew Wendeborn and Jeff Groth will process the data after each run.

The boat will operate out of Garibaldi. The principle investigator, Scott Williams, will analyze the survey results, and the processed data will be uploaded to the Oregon Archaeological Records remote access system. Remote operating vehicle and archaeological diving teams will investigate the magnetic and sonar targets later this year or next year.

The Beeswax Wreck Project survey team will conduct training in Astoria in early July and then wait for a good weather period to begin the search.

Oregon's landmark Beach Bill signed 50 years ago

By Capi Lynn
Statesman Journal

SALEM — Imagine resorts carved into the coastline, fences blocking access to the beaches, and "no trespassing" signs posted on trails to the ocean.

We've never had to in Oregon because we have free unrestricted public access to all the state's beaches.

Landmark legislation passed in 1967, known as the Beach Bill, guarantees us access that only Hawaii can match.

Our 362-mile coastline is a recreational playground, with hiking, camping, fishing and biking, surfing and beach-combing opportunities galore. It is one big viewing platform, with enchanting beaches, se-

ductive headlands and glorious vistas at every single turn.

Tom McCall, the 30th governor of Oregon, signed the Beach Bill into law on July 6, 1967. He described it as "one of the most far-reaching measures of its kind enacted by any legislative body in the nation." McCall was one of our most influential governors, serving two terms from 1967 to 1975. He was known for his courage and conviction that led to progressive legislation like this bill, the Bottle Bill, and the SB 100 land-use law.

Oswald West set the stage when he became governor in 1913. He declared Oregon's beaches to be a state highway, the legislature backed him up, and the first major protection of public access was on the books. When McCall signed

the Beach Bill, he quoted West for protecting our beaches: "No local selfish interest should be permitted, through politics or otherwise, to destroy or even impair this great birthright of our people." A state park south of Cannon Beach is named af-

ter Oswald West.

Alfred "Ted" Goodwin, Oregon Supreme Court judge, wrote the 1969 decision upholding the constitutionality of the Beach Bill and declaring that Oregon's beaches should remain public property.

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