



## John Hummel District Attorney

1164 NW Bond Street • Bend, Oregon 97701  
(541) 388-6520 • Fax: (541) 330-4691  
Grand Jury Fax: (541) 330-4698  
[www.dccda.us](http://www.dccda.us)

April 3, 2019

Senate Committee on Judiciary  
Oregon State Legislature  
900 Court St. NE  
Salem Oregon 97301

RE: SB 1001: Grand Jury Recordation

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

I write in support of SB 1001. I was and am a supporter of your decision to require the audio recording of grand jury testimony. Our system of justice is strengthened as a result of the transparency that grand jury recordation delivers. But like we should with any new initiative, we should now review what we've learned from the three pilot counties (Deschutes, Multnomah, and Jackson) and ask ourselves if there are changes that can be made to improve the recordation process. Upon doing so I've concluded that the custodian of grand jury recordings should be the Judicial Department, not the District Attorney.

Grand jury recordings do not belong to the District Attorney – we hold them in trust for the public and suspects in criminal prosecutions. But in our system of separation of powers it is inappropriate for the District Attorney to be the entity that stands between a suspect and the recording of the proceedings against him or her. District attorneys present cases to the grand jury as the representative of the State of Oregon in a criminal prosecution. The audio evidenced obtained during grand jury hearings should not be held by the District Attorney just like they should not be held by the defense. They should be held by the court and distributed by the court as the court and statute deems appropriate.

I can guarantee you I would be raising holy heck if the statute currently required the defense to maintain the official record of grand jury audio recordings. No party to a criminal proceeding should be designated by the legislature as the official keeper of a record in the criminal proceeding. Courts should hold the official audio recordings of grand jury hearings just like they currently maintain the official audio recordings of hearings in courtrooms.

Thank you for your consideration.

Sincerely,



John Hummel  
District Attorney