



Oregon Law Center

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To: House Committee on Judiciary
From: Sybil Hebb, Oregon Law Center
Date: March 25th, 2021
Re: HB 2400

Chair Bynum, Vice-Chairs Noble and Power, and members of the committee:

On behalf of the Oregon Law Center, I submit this written testimony regarding HB 2400, which would increase access to police reports for victims of domestic violence or sexual assault. The bill stands for the important principle that survivors ought to be afforded autonomy and respect in the aftermath of a crime.

The Oregon Law Center is a statewide non-profit entity whose mission is to provide access to justice for low-income Oregonians through the provision of the highest quality civil legal services. Many of our clients seek our assistance to address legal issues related to domestic violence, sexual assault, sexual harassment, and stalking. These issues greatly contribute to the vulnerability of our clients, and further trap them in poverty. Helping our clients to find safety from domestic and sexual violence is an important part of our work.

Allowing victim access to police reports regarding crimes committed against them can help survivors to access safety. Often, these reports can be invaluable in seeking a protection order or a safe parenting plan. These reports can also be critical in obtaining immigration relief from removal, or applying for special visas. Far too often, victims face hurdles in accessing the records they need in order to obtain the ongoing relief they deserve after assault or abuse.

It is our understanding that amendments to the bill are being discussed. If that is the case, we respectfully request consideration of the below two concerns:

- 1) As introduced, the bill could inadvertently create harm in situations involving multiple victims. While the general rule should be that survivors have the right to access information concerning them, certain instances may require the issuance of a protection order to limit further release. When cases involve multiple victims, the privacy rights of one victim may be implicated by release of records to another victim. OLC's commitment is to victim autonomy, privacy, and choice. These principles should be respected for every individual crime victim.
- 2) As introduced, the bill would allow for refusal of disclosure if the release could compromise an active investigation. We would respectfully suggest that the victim ought to have input into whether to prioritize the investigation into the crime over other urgent safety needs. For example, a victim seeking an emergency safe parenting plan for children, or proof necessary to break a lease to establish safety, may have valid reasons to

prioritize those needs over the criminal case. It's possible in some cases that survivor safety could be better served by release of the records than by the criminal investigation. OLC's position is that respect for survivor agency and autonomy would require providing the survivor with information necessary to make their own choice about which use of the report to prioritize. Absent compelling public safety reasons otherwise, the survivor ought to have agency over this decision.

In closing, we appreciate this bill's prioritization of survivor access to records involving crimes committed against them. We hope for momentum on this topic. As amendments are discussed, we would seek changes to further protect survivor autonomy and agency.

Thank you for your consideration of this testimony and for your commitment to Oregonians.