



Oregon Crime Victims Law Center

7412 S.W. Beaverton-Hillsdale Hwy, Suite 209

Portland, OR 97225

(503) 208-8160 • Fax (866) 838-4142

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Dear Chair Bynum, Vice Chair Noble, Vice Chair and members of the Committee:

The Oregon Crime Victims Law Center is submitting this testimony in support of HB 2400, which provides victims the right to obtain law enforcement records related to the crime against them. This is a critical issue for crime victims, who may be left in the dark about the results of an investigation or why a case does, or does not, move forward to prosecution. Often victims want to review the records of the investigation to assist them in preparing a victim impact statement to present at sentencing, which can take place months or years after the crime occurred. In addition, victims might wish to consult with a civil attorney regarding liability for the crime and need the records for an attorney to determine whether a valid claim exists. With considerations including statutes of limitations, tort claim and other required notices, and preservation of information or data that may not be relevant to the criminal process, it can be imperative that a victim have access to the records as soon as possible.

Victims routinely are told that they cannot have access to police reports because it will jeopardize a criminal case. However, the bill as currently written allows a law enforcement agency to deny access to the records if releasing them would “compromise an active criminal investigation.” This provides the necessary balance between victims’ interests and the state’s interests in a criminal prosecution. Giving victims access to police reports allows victims to ensure their case has been properly investigated and see the efforts undertaken on their behalf. For victims of domestic and sexual violence, this can be a critical step to their recovery as tangible evidence that they were believed and their report was respected. The Oregon Constitution guarantees victims the right to be treated with “due dignity and respect,” and to play a meaningful role in the criminal justice process. Accessing law enforcement records related to the crime committed against them is a key component to upholding those important rights.

OCVLC believes that there should be additional discussion regarding victim privacy and procedural issues regarding the bill. Additionally, there are ways to mitigate concerns about the integrity of the criminal case, including the issuance of protective orders with any records provided to victims. But denying victims access to reports of their own victimization prevents them from having a complete account of the traumatizing incident that likely changed their lives. Allowing victims access to records provides victims the “meaningful role” in the criminal justice process promised by the Oregon Constitution. Thank you for your consideration of this bill.

Sincerely,

Rosemary W. Brewer
Executive Director