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February 3, 2022

House Judiciary Committee

Representative Janelle Bynum, Chair
Representative Ron Noble, Vice-Chair
Representative Karin Power, Vice-Chair

Re: Testimony in Support of HB 4110

Chair Bynum, Vice-Chair Noble, Vice-Chair Power, and Honorable Members of the Committee:

My name is Jacqueline Swanson. I am an attorney licensed to practice in the state of Oregon, and I reside in House District 46, Senate District 23. I have dedicated my entire career to fighting for the rights of sexual and domestic violence survivors; indeed, my work as a sexual assault victim advocate ultimately propelled me to attend law school in order to vindicate the rights of crime victims. Unsurprisingly, then, a large component of my practice at Graves & Swanson, LLC involves representing survivors of sexual and domestic violence in civil litigation and family law, including personal injury actions to compensate them for harm, restraining order cases to prevent further abuse, and pro bono crime victim rights advocacy in corollary criminal prosecutions.

I write to you today in support of HB 4110, which would establish a task force to issue recommendations for future legislation granting Oregon crime victims a right to receive law enforcement records relating to their victimization.¹

Victims of crime have myriad interests in the ability to access to copies of their own police reports. They might need them to pursue or prosecute a restraining order; assist in determining whether to seek civil remedies; request safety accommodations or protected leave from an employer;² provide verification to a landlord to request a change of locks or lease cancellation;³ determine whether law

¹ This Honorable Committee heard testimony in support of this concept last session, by way of 2021 HB 2400 and HB 2418 (both sponsored by Representative Courtney Neron), which came before you for hearing on March 25, 2021. My testimony below is substantially similar to that which I submitted in support of 2021 HB 2400 last session. However, I encourage members of the Committee to review the written and oral testimony provided by survivors and stakeholders in support of and relating to HB 2400 during the March 25, 2021 hearing for more background on the importance of the underlying need for victims to have access to law enforcement records relating to their crime. *See, e.g.*, 2021 Regular Session, House Committee on Judiciary, Hearing on March 25, 2021, *available at*

<https://olis.oregonlegislature.gov/liz/2021R1/Committees/HJUD/2021-03-25-13-00/Agenda> (last accessed Feb. 1, 2022); 2021 Regular Session, HB 2400, Testimony, *available at*

<https://olis.oregonlegislature.gov/liz/2021R1/Measures/Testimony/HB2400> (last accessed Feb. 1, 2022).

² ORS §§ 659A.272 & 659A.280(2) & (4); ORS § 659A.290(3).

³ ORS § 90.453(1)(c); ORS § 90.459.

enforcement adequately discharged their investigatory duties; apply for crime victim compensation or challenge a denial thereof;⁴ prepare an impact statement or otherwise enforce their victim's right to be heard and participate in a criminal proceeding;⁵ or simply review them as part of a therapeutic or healing process in search of closure.⁶

Our existing state victim rights laws and public records act would seem to support disclosure of these documents to survivors upon request. For instance, the Oregon Crime Victims' Bill of Rights, adopted in 1987, "declare[s] that victims of crime are entitled to fair and impartial treatment in our criminal justice system[.]" and "victims' rights shall be protected at each stage of the criminal justice system."⁷ In adopting the Victims' Bill of Rights, our state "reject[ed] the notion that a criminal defendant's rights must be superior to all others ... [and] seek to secure balanced justice by eliminating unbalanced rules."⁸ The Oregon State Constitution explicitly grants foundational rights to Oregon victims of crime,⁹ and provides for protection of those rights at each stage within the criminal justice system.¹⁰

Likewise, our state public records law provides that every person has a right to inspect any public record of a public body in Oregon, subject to certain exceptions.¹¹ However, any such exceptions are to be narrowly construed: under the Oregon public records law, "disclosure is the rule."¹² Furthermore, if a record contains both exempt and nonexempt material, the public body is required to

⁴ Crime victim compensation may be denied for a number of reasons, including the victim's failure to cooperate with law enforcement, or failure to notify law enforcement within the appropriate amount of time. ORS § 147.015. Police reports are transmitted directly to the CVCB by the law enforcement agency when an application for compensation is received, and are often heavily relied upon to determine eligibility. See CVC Application, "Information Release," p. 6, available at https://www.doj.state.or.us/wp-content/uploads/2020/12/CVC_Application.pdf (last accessed Feb. 1, 2022). After processing the application, the Department of Justice issues an order stating its findings of fact and its decision as to whether or not compensation is due. ORS § 147.135. If an application for crime victim compensation is denied, the victim may request review or reconsideration. ORS §§ 147.145 & 147.155; OAR 137-076-0056. However, neither the Oregon statutes nor the applicable administrative rules provide victims with a right to review the information relied upon in issuing the denial (such as copies of the police reports), which can make it very difficult for a victim to effectively request review and counter the Department's findings.

⁵ See, for example, "Oregon Crime Victims' Rights Practitioners Guide," Oregon Department of Justice, Crime Victims' Services Division, pp. 4-6 (Jul. 2019), available at https://www.doj.state.or.us/wp-content/uploads/2019/08/Oregon_Crime_Victims_Rights_Practitioners_Guide_2019.pdf (last accessed Feb. 3, 2022) (identifying statutes, case law and authorities for Oregon crime victims' right to be heard at various stages of the criminal proceeding).

⁶ See, e.g., "A National Protocol of Sexual Assault Medical Forensic Examinations," U.S. Department of Justice, Office of Violence Against Women, pp. 52-53 (Apr. 2013), available at <https://www.ojp.gov/pdffiles1/ovw/241903.pdf> (last accessed Feb. 1, 2022) (recommending that victims of sexual assault be provided with information regarding "[T]he right to copies of any communications or report issued to law enforcement and procedures for accessing such data.").

⁷ ORS § 147.410.

⁸ *Id.*

⁹ Or. Const. Art. I §§ 42-43.

¹⁰ See Or. Const. Art. I § 42 (stating part of purpose in effecting Constitutional rights for victims was in order "to ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants in the course and conduct of criminal...proceedings[.]").

¹¹ ORS § 192.314(1).

¹² See, e.g., *Pamplin Media Group v. City of Salem*, 293 Or App 755, 759-761 (2018) (citing cases); *Guard Pub. Co. v. Lane County School Dist. No. 4J*, 310 Or 32, 37 (1990) (citing cases); see also *Jordan v. Motor Vehicles Div.*, 308 Or 433, 438 (1989) (explaining that Oregon Supreme Court decisions interpreting the Oregon public records law "reflect the preference for a policy of governmental openness in Oregon" and "the strong and enduring policy that public records and governmental activities be open to the public.") (citing *MacEwan v. Holm et al.*, 226 Or 27 (1961)).

separate or redact the exempt material and produce the remainder.¹³ Police reports and other “investigatory information compiled for criminal law purposes” are conditionally exempt from disclosure, “unless the public interest requires disclosure in the particular instance.”¹⁴ Permitting victims to access their own law enforcement records is in the public’s interest, given our constitutional and statutory mandates to effectuate crime victims’ rights, Oregon’s strong and enduring policy favoring transparency and open access to public records, and the individual survivor’s heightened interest in the information contained in the reports.¹⁵

Unfortunately, it has been my experience that police reports are regularly denied to both adult victims of sexual and domestic violence and persons who were abused as children.¹⁶ The reasons for denial often appear nonsensical when viewed in context of the request itself, *i.e.*, denying the victim their own case records in order to “protect the privacy of the victim,”¹⁷ or refusing to disclose records of a years-old case (for which the district attorney’s office declined prosecution, or which was never forwarded to a district attorney’s office by a law enforcement agency) on the basis that it is an “open investigation.”¹⁸ Moreover, even when records are provided, they often arrive too late to be of use,

¹³ ORS § 192.338.

¹⁴ See ORS § 192.345(3) (“The following public records are exempt from disclosure under ORS 192.311 to 192.478 **unless the public interest requires disclosure in the particular instance**: ... (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to: (a) The arrested person’s name, age, residence, employment, marital status and similar biographical information; (b) The offense with which the arrested person is charged; (c) The conditions of release pursuant to ORS 135.230 to 135.290; (d) The identity of and biographical information concerning both complaining party and victim; (e) The identity of the investigating and arresting agency and the length of the investigation; (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and (g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.”) (emphasis added).

¹⁵ See *MacEwan v. Holm et al.*, 226 Or 27, 38-39 (1961) (explaining that generally, purpose is not relevant to entitlement to inspect public records, and noting that “Citizens * * * must have the *legal* right to * * * investigate the conduct of [their] affairs.”) (citations omitted; emphasis and ellipses in original); *ACLU of Or. v. City of Eugene*, 360 Or 269, 281-290 (2016) (discussing historical and continuing significance of *MacEwan* in context of balancing competing interest of the citizen in knowing what the servants of government are doing and the citizen’s proprietary interest in public property, against the interest of the public in having the business of government carried on efficiently and without undue interference, with the presumption in favor of disclosure).

¹⁶ See, for example, Samantha Swindler, “A six-month fight for a police report,” THE OREGONIAN (Oct. 23, 2016), available at <https://www.oregonlive.com/portland/2016/10/a-six-month-fight-for-a-police.html> (last accessed Feb. 1, 2022); Noelle Crombie, “Woman reports sexual assault, waits year for answers due to police lab backlog,” THE OREGONIAN (Nov. 24, 2017), available at <https://www.oregonlive.com/clackamascounty/2017/11/woman-reports-sexual-assault-w.html> (last accessed Feb. 1, 2022); Bethany Barnes, “On Hold: Crime victims, public wait 6 weeks or more for Portland police reports,” THE OREGONIAN (Oct. 21, 2018), available at <https://www.oregonlive.com/news/err-2018/10/cd13a8f84c9704/on-hold-crime-victims-public-w.html> (last accessed Feb. 1, 2022); Gordon Freeman and Bethany Barnes, “The Oregonian’s investigation prompts Portland to stop charging victims for police reports,” THE OREGONIAN (Dec. 7, 2018), available at <https://www.oregonlive.com/portland/2018/12/the-oregonians-investigation-prompts-portland-to-stop-charging-victims-for-police-reports.html> (last accessed Feb. 1, 2022).

¹⁷ Although it appears obvious, allow me to state for the record: a person cannot invade their own privacy.

¹⁸ This is especially egregious in the case of sexual assault investigations, given that victims of sex crimes rarely report to law enforcement and, even when they do, very few reports result in prosecution, much less conviction. See, for example, Tyler Kingkade, “Prosecutors Rarely Bring Charges in College Rape Cases,” HUFFINGTON POST (Jun. 17, 2014) (describing victim reactions to prosecutorial inaction), available at https://www.huffpost.com/entry/college-rape-prosecutors-press-charges_n_5500432 (last accessed Feb. 1, 2022); J. Du Mont, et al., *The Role of ‘Real Rape’ and ‘Real Victim’ Stereotypes in the Police Reporting Practices of Sexually Assaulted Women*, 9 Violence Against Women 466 (Apr. 2003) (identifying self-

given the exigent circumstances frequently giving rise to the request, such as an imminent contested restraining order hearing¹⁹ or the immediate need to relocate from their current apartment or seek workplace accommodations for safety reasons.²⁰

Although the practice of denial (or delayed release) is by no means consistent, it is a common enough occurrence to have been the subject of numerous articles and inquiries over the years, and sadly, continues to occur.²¹ And while many of these individuals would likely succeed on an appeal pursuant to the public records law, that is a procedure often unknown to victims and otherwise daunting to a population who has already been repeatedly traumatized through personal and institutional betrayal.

That survivors should be entitled to copies of their own police reports and statements is supported both by various victim rights organizations²² and numerous other state jurisdictions. I have conducted a 50-state survey of laws related to this issue, which is attached hereto as Appendix A. As illustrated therein, ***nearly two-thirds (2/3) of states have laws that grant some or all crime victims the right to receive law enforcement records related to their case.***²³ A number of states go even further,

blame, guilt, shame, embarrassment, humiliation, fear of not being believed or being accused of playing a role in the crime, lack of trust in the criminal justice system, or fear of the perpetrator or other individual's perceptions as most commonly reported reasons why victims did not go to the police); David P. Bryden & Sonja Lengnick, *Rape in the Criminal Justice System*, 87 J. Crim. L. & Criminology 1194, 1244-52 (1997) (discussing low rate of arrests, prosecutions and convictions in sexual assault cases, not to mention the fact that many victims never report the crime to police).

¹⁹ For instance, contested hearings in restraining order cases must be set within 21 days of the respondent's request for a hearing, or 5 days if the case involves children. See ORS § 107.716(1) (providing that, in FAPA restraining order cases: "[I]f the respondent requests a hearing pursuant to ORS § 107.718 (10), the court shall hold the hearing within **21 days** after the request. However, if the respondent contests the order granting temporary child custody to the petitioner, the court shall hold the hearing within **five days** after the request.") (emphasis added); ORS § 124.015(1) (providing that, in EPPDAPA restraining order cases, "[t]he court shall hold a hearing within **21 days** following the request, and may cancel or change any order issued under ORS § 124.020 if the respondent, elderly person or person with a disability requests a hearing pursuant to ORS § 124.020(9).") (emphasis added); ORS § 163.767(1) (providing that, in SAPO restraining order cases, "If the respondent requests a hearing under ORS § 163.765(6), the circuit court shall hold the hearing within **21 days** after the request.") (emphasis added).

²⁰ Survivors of stalking, sexual assault and domestic violence may request termination of a lease from a landlord, or workplace accommodations or leave from an employer. ORS § 90.453; ORS § 659A.272; ORS § 659A.290. However, the survivor must provide the landlord or employer with verification of the underlying need, which is most easily established by providing a copy of the police report. ORS §§ 90.453(1)(c) & (2)(c); ORS §§ 659A.280(2) & (4); ORS § 659A.290(3). Unfortunately, victims who need these accommodations often need them urgently, and do not have months to wait for a response to a request for a copy of a police report, notwithstanding the uncertainty of whether such request would even be approved.

²¹ *Supra* footnote 16; see also, e.g., Kenny Jacoby, "A football star was expelled for rape twice. A secret deal scrubbed it from his transcript," USA TODAY (Dec. 12, 2019), available at <https://www.usatoday.com/in-depth/news/investigations/2019/12/12/oregon-ducks-player-accused-rape-plays-different-ncaa-school/4366387002/> (last accessed Feb. 1, 2022) ("More than three years after the assaults, Oregon continues to deny public records requests for copies of both victims' police reports, even redacted versions.").

²² See National Crime Victim Law Institute, "Meaningful Crime Victims' Rights Require Discovery of Case Information and Records," available at <https://law.lclark.edu/live/files/25180-ncvli-newsletter---right-to-discover-case> (last accessed Feb. 1, 2022); Kimberly Lonsway and Joanne Archambault, "Crime Victims' Rights: Part 2," END VIOLENCE AGAINST WOMEN INTERNATIONAL (Apr. 2015), available at <https://evawintl.org/wp-content/uploads/TB-Crime-Victim-Rights-1-3-Combined.pdf> (last accessed Feb. 1, 2022).

²³ These states include: (1) Alaska, (2) Arizona, (3) Arkansas, (4) California, (5) Colorado, (6) Connecticut, (7) Delaware, (8) Georgia, (9) Illinois, (10) Indiana, (11) Louisiana, (12) Maine [*partial*], (13) Maryland, (14) Massachusetts, (15) Michigan, (16) Minnesota, (17) Mississippi, (18) Missouri, (19) Montana, (20) Nebraska, (21) Nevada, (22) New Hampshire, (23) New Jersey, (24) North Dakota, (25) Oklahoma, (26) South Carolina, (27) South Dakota, (28) Texas, (29) Utah, (30) Vermont, and (31) Washington. See *infra* Appendix A.

granting victims the right to receive free copies of their police reports,²⁴ the right to receive a copy of the police report regardless of whether provision of the record would interfere with an open investigation,²⁵ or the right to receive copies of the police report as a matter of course or within a designated time period following the request.²⁶

As noted above, crime victims have specific rights, including the right to justice; to be treated with fairness, dignity and respect; to be informed; to notice of the status of the case; to confer with the prosecutor; and to be heard at proceedings that involve post-arrest release, plea and sentencing.²⁷ Due process requires the government to ensure that crime victims are adequately informed of the facts of the case so that they may meaningfully exercise these rights.²⁸ The fundamental components of due process are the rights to notice and to be heard in “at a meaningful time and in a meaningful manner.”²⁹ Victims who are denied reasonable access to important case information are not adequately informed and cannot meaningfully form their views, let alone exercise their rights to confer and be heard.³⁰ Police reports contain important information relating to the crime, and information that the prosecution, the defense, and the court may rely on in making charging, plea and sentencing decisions. Because of the critical nature of the information contained in these reports, defendants in criminal cases are generally entitled to such materials by state statute,³¹ and – in other jurisdictions – denying access to them has been recognized as a violation of the due process rights of defendants.³² No less fairness is owed to victims.^{33, 34}

²⁴ States with right to free report(s) include: Arizona, California, Colorado, Illinois, Massachusetts, Mississippi, Missouri, New Jersey, South Carolina, Texas, Utah, and Washington. *See infra* Appendix A.

²⁵ States with right to receive report(s) regardless of whether the case open or closed include: California and Missouri. *See infra* Appendix A.

²⁶ States with right to receive report(s) at time of filing report or within designated time period after request include: Delaware, Illinois, Massachusetts, Missouri, Montana, and Nevada. *See infra* Appendix A.

²⁷ *See, e.g.*, Or. Const. Art. I §§ 42-43; ORS §§ 147.419 – 147.438; ORS §§ 147.500 – 147.575.

²⁸ Or. Const. Art. I, § 42(1) (recognizing victims have the “right . . . to justice,” to be accorded “due dignity and respect,” and to have proceedings conducted “to ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants”); *see also* Douglas Evan Beloof, *The Third Model of Criminal Process: The Victim Participation Model*, 1999 Utah L. Rev. 289, 294 (1999) (explaining that some victims’ rights, such as the “rights to notice and attendance, and the right to speak to the prosecutor and the judge . . . are, by nature, due-process-like rights”).

²⁹ *See Armstrong v. Manzo*, 380 US 545, 552 (1965) (observing that a fundamental requirement of due process is the opportunity to be heard “at a meaningful time and in a meaningful manner.”); *accord Hamdi v. Rumsfeld*, 542 US 507, 533 (2004) (“For more than a century the central meaning of procedural due process has been clear: ‘Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified.’ It is equally fundamental that the right to notice and an opportunity to be heard ‘must be granted at a meaningful time and in a meaningful manner.’ These essential constitutional promises may not be eroded.”).

³⁰ *Cf. United States v. BP Prod. N. Am. Inc., No. CRIM. H-07-434*, 2008 WL 501321, at *13-14 (S.D. Tex. Feb. 21, 2008) (explaining how federal courts have found that the victim’s right to be heard and to confer with the prosecutor encompasses a right to obtain information from the prosecutor in order “to enable victims to form and express opinions” both to the prosecutor and the court).

³¹ ORS § 135.815.

³² *See, e.g., Slutzker v. Johnson*, 393 F3d 373, 386-88 (3d Cir. 2004) (affirming order granting *habeas* relief and finding withholding police reports from defendant at trial amounted to a due process violation under *Brady*); *People v. Johnson*, 48 Cal Rptr 3d 439, 446 (Cal. Ct. App. 2006) (reversing conviction when prosecutor withheld police report that contained information material to the defense under *Brady*).

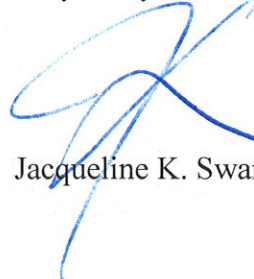
³³ *Cf.* ORS § 135.857.

³⁴ Victims’ constitutional and statutory right to be treated with “fairness” – Or. Const. Art. I § 42(1) & ORS § 147.410 – also arguably requires the government to ensure that victims receive a copy of the relevant law enforcement records. *See* National Crime Victim Law Institute, *supra* footnote 22 (“The term ‘fairness’ must, at a minimum, guarantee that victims’ rights are given no less consideration than defendants’ rights or the state’s interests. Access to key information held by the

As discussed above, victims have myriad rights, including the right to due process and fair treatment by the state,³⁵ however, these rights are routinely ignored in cases where victims are denied access to case information and records relevant to the meaningful exercise of their rights. The victims' rights provisions contained in the Oregon Constitution and the public policies underlying our open records act provide ample bases for adoption of a law that will specifically elucidate the right of victims to obtain copies of their own police reports. Indeed, the Constitution expressly authorizes the legislature to enact laws to further effectuate the rights enshrined therein.³⁶

Accordingly, I urge this Honorable Committee to vote YES on HB 4110, in order to convene a task force to issue recommendations to bring Oregon in line with the majority of other jurisdictions which have similar statutes granting survivors the right to access law enforcement records relating to their victimization. Thank you very much for your time and consideration.

Very Truly Yours,



Jacqueline K. Swanson

government—for example, information relating to the crime as described in for example, information relating to the crime as described in autopsy, police and presentence reports—is necessary to ensure victims are treated with fairness.”).

³⁵ Or. Const. Art. I §§ 42-43; *see also State v. Fugate*, 332 Or 195, 199 (2001) (“Measure 40 was approved by the people at the 1996 general election and became Article I, section 42, of the Oregon Constitution. ... Measure 40 was submitted to the voters as an initiated amendment to Article I of the Oregon Constitution. According to its preamble, Measure 40 ‘is designed to preserve and protect **crime victims’ rights** to justice and **due process** and to ensure the prosecution and conviction of persons who have committed criminal acts.’ (boldface in original).”) (citing *Armatta v. Kitzhaber*, 327 Or 250, 254-55 (1998)).

³⁶ Or. Const. Art. I § 42(3).

APPENDIX A
50-State Survey of Laws re: Victim Right to Police Report
(Last updated: March 2021)

Jurisdiction	Right?	Citations	Notes
Alabama	No	-	<i>But see</i> Ala. Code § 12-15-134(c) (discretionary release to victims in juvenile proceedings)
Alaska	Yes	Alaska Stat. § 47.12.310 (b)(2)(F) (victims in juvenile proceedings) Alaska Stat. § 45.48.680(a) (victims of identity theft)	-
Arizona	Yes	Ariz. Rev. Stat. § 39-127(A) (victims of part I crimes) Ariz. Rev. Stat. § 13-4405(A)(3)(i) (victims of part I crimes)	All victims of criminal offenses that are part I crimes under the state's uniform crime reporting program (<i>i.e.</i> , homicide, rape, human trafficking, robbery, aggravated assault, etc.) have right to receive free copy of initial and supplemental police reports.
Arkansas	Yes	Ark. Code Ann. 5-37-228(b) (victims of identity theft)	Although no enumerated right for victims other than identity theft, strong public policy in favor of disclosure to other crime victims. <i>See Dep't of Ark. State Police v. Keech Law Firm, P.A.</i> , 2017 Ark. 143, 516 S.W.3d 265 (2017)
California	Yes	Cal. Penal Code § 680.2(b) (sexual assault) Cal. Fam. Code § 6228(a) (domestic violence, sexual assault, trafficking, elder abuse) Cal. Govt. Code § 6254(f) (victims of other crimes)	Most crime victims have right to info contained in report. Cal. Govt. Code § 6254. But survivors of sexual assault, domestic violence, trafficking, etc. have greater rights to access, and also get copy of report free of charge. Cal. Fam. Code § 6228 & Cal. Penal Code § 680. Further, sexual assault victims have right to receive records even if investigation still open. Cal. Penal Code § 680.2(b).
Colorado	Yes	Co. Rev. Stat. § 24-4-1-302.5 (1)(b.9) (all crime victims)	All crime victims have right to free copy of report. Co. Rev. Stat. § 24-4-1-302.5 (1)(b.9).
Connecticut	Yes	Conn. Gen. Stat. § 54-1n (victims of identity theft) Conn. Gen. Stat. § 54-220 (victim advocates) Conn. Gen. Stat. § 46b-124a (victims in juvenile proceedings)	-
Delaware	Yes	11 Del. C. § 9410 (all crime victims)	All crime victims entitled to promptly receive copy of police report as a matter of course.

Florida	No	-	No general right to receive police report, but discretionary to release to victims of juvenile offenses, and all crime victims may have access to presentence investigation report. Fla. Stat. § 985.04 (juvenile proceedings); Fla. Const. Art. I, § 16(6)(e) (presentence report).
Georgia	Yes	O.C.G.A. § 17-4-20.1 (domestic violence) O.C.G.A. § 17-4-20.2 (bias crimes)	However, somewhat limited right, as “victim shall be entitled to review and copy any report prepared in accordance with this Code section relating to the defendant.”
Hawaii	No	-	-
Idaho	No	-	No right to receive police report, but victims do have right to presentence report. Idaho Code § 19-5306.
Illinois	Yes	725 ILCS 120/4(a)(b-5) (all crime victims)	All crime victims have right to receive free copy of police report within 5 business days of the request.
Indiana	Yes	Ind. Code Ann. § 31-33-18-2 (victims of child abuse) Ind. Code Ann. § 35-40-14-3(a) (victims of identity theft) Ind. Code Ann. § 5-14-3-5.1 (victims inspecting law enforcement recordings)	In addition, discretionary release to victim advocates. Ind. Code Ann. § 5-14-3-4(b)(1).
Iowa	No	-	-
Kansas	No	-	-
Kentucky	No	-	-
Louisiana	Yes	La. R.S. § 14:67.16H(1) (victims of identity theft) La. R.S. § 44:3F (murder victim family)	In addition, victims entitled to pre- and post-sentence investigation reports. La. R.S. § 46:1844H
Maine	Partial	16 M.R.S. § 806 (all crime victims)	16 M.R.S. § 806 provides that the public records exemptions for law enforcement records “does not preclude dissemination of intelligence and investigative record information confidential under section 804 by a Maine criminal justice agency to: ...2. A crime victim or that victim’s agent or attorney.” This makes a strong argument for discretionary release, but is not the same as a right; accordingly, I have labeled it as a “partial” right.

Maryland	Yes	<p>Md. FAMILY LAW Code Ann. § 4-503.1 (victims of abuse/bodily harm)</p> <p>Md. FAMILY LAW Code Ann. § 4-503 (victims of abuse/bodily harm)</p> <p>Md. CRIMINAL LAW Code Ann. § 8-304(b) (victims of identity theft)</p>	<p>Md. FAMILY LAW Code Ann. § 4-503 applies to “Any person who alleges to have been a victim of abuse and who believes there is a danger of serious and immediate personal harm.” Md. FAMILY LAW Code Ann. § 4-502. The definitions for 4-503 define “abuse” as: “(i) an act that causes serious bodily harm; (ii) an act that places a person eligible for relief in fear of imminent serious bodily harm; (iii) assault in any degree; (iv) rape or sexual offense under § 3-303, § 3-304, § 3-307, or § 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree; (v) false imprisonment; (vi) stalking under § 3-802 of the Criminal Law Article; or (vii) revenge porn under § 3-809 of the Criminal Law Article.” Md. FAMILY LAW Code Ann. § 4-501(b).</p>
Massachusetts	Yes	<p>ALM GL ch. 209A, § 6 (4) (victims of domestic violence)</p> <p>ALM GL ch. 41, § 97D (i) (victims of sexual assault)</p> <p>ALM GL ch. 258E, § 8 (victims of abuse or harassment)</p> <p>ALM GL ch. 266, § 37E(f) (victims of identity fraud)</p>	<p>Victims of abuse, harassment, or domestic violence get free copy of police reports. ALM GL ch. 209A, § 6 (4); ALM GL ch. 258E, § 8.</p> <p>As used in ALM GL ch. 258E, §8 (5), per ALM GL ch. 258E, § 1, relevant definitions are as follows:</p> <p>“Abuse” means attempting to cause or causing physical harm to another or placing another in fear of imminent serious physical harm.</p> <p>“Harassment” means (i) 3 or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property; or (ii) an act that: (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or (B) constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272.</p> <p>Victims of identity theft entitled to report within 24 hours of request. ALM GL ch. 266, § 37E(f).</p>
Michigan	Yes	<p>MCLS § 764.15c (victims of domestic violence)</p> <p>MCLS § 780.754a (victims of identity theft)</p> <p>MCLS § 722.627 (adult victim of child abuse)</p>	<p>Domestic violence victims, identity theft victims, and adult victims of child abuse have right to receive records. For all other crime victims, discretionary release. MCLS § 780.752a(1).</p>

Minnesota	Yes	Minn. Stat. 13.82, subd. 13 (all crime victims) Minn. Stat. 609.3459(a) (all crime victims)	Release to crime victims includes <i>all data</i> compiled by law enforcement.
Mississippi	Yes	Miss. Code Ann. § 99-43-8 (all crime victims)	All crime victims have right to receive free copy of police report.
Missouri	Yes	Mo. Rev. Stat. § 595.201 (2)(13) (sexual assault victims) Mo. Rev. Stat. § 610.100(4) (all crime victims) Mo. Rev. Stat. § 595.209(1)(5)(b) & (10) (all crime victims) Mo. Rev. Stat. § 570.222 (victims of identity theft)	Free report to sexual assault victims, which must be provided within 14 days of request, and must be provided regardless of whether case is open or closed. Mo. Rev. Stat. § 595.201 (2)(13).
Montana	Yes	Montana Code Ann. 46-24-218(2)(b) (victims of identity theft)	Right to police report for identity theft victims, which must be provided within 72 hours. Montana Code Ann. 46-24-218(2)(b). Discretionary release for all other crime victims. Montana Code Ann. 44-5-303 (“If the prosecutor determines that dissemination of confidential criminal justice information would not jeopardize a pending investigation or other criminal proceeding, the information may be disseminated to a victim of the offense by the prosecutor or by the investigating law enforcement agency after consultation with the prosecutor”); <i>see also</i> Montana Code Ann. 46-24-106(6) (all victims, right to receive case docs); Montana Code Ann. 46-24-201(1)(b) (all victims; notice of right to receive case docs).
Nebraska	Yes	Neb. Rev. Stat. § 29-4313(7) (victims of sexual assault) Neb. Rev. Stat. § 81-1848(1)(a) (other crime victims)	-
Nevada	Yes	Nev. Rev. Stat. Ann. § 171.083(2) (victims of sexual assault or sex trafficking) Nev. Rev. Stat. Ann. § 171.084(2) (victims of kidnapping or attempted murder)	Victims of sexual assault, sex trafficking, kidnapping or attempted murder entitled to records automatically at time report is made.
New Hampshire	Yes	New Hampshire Rev. Stat. Ann. 359-B:29 (victims of identity theft)	-

New Jersey	Yes	N.J.S.A. 47-1A-1.1 (all crime victims) N.J.S.A. 47:1A-5(2)(b) (all crime victims) N.J.S.A. 2A:4A-60 (victims in juvenile proceedings)	Crime victims entitled to free records.
New Mexico	No	-	-
New York	No	-	No statutory right to receive police reports, but strong public policy in favor of disclosure to victims. <i>McAuley v Commissioner of Dep't of Transp.</i> , 99 Misc. 2d 83, 415 N.Y.S.2d 389, 1979 N.Y. Misc. LEXIS 2211 (N.Y. Sup. Ct. 1979); <i>In re Radio City Music Hall Productions, Inc.</i> , 121 A.D.2d 230 (1986).
North Carolina	No	-	Discretionary release to identity theft victims. N.C. Gen. Stat. § 14-113.21A.
North Dakota	Yes	N.D. Cent. Code, § 12.1-34-02(20) (adult victims of child abuse) N.D. Cent. Code, § 27-20-51 (victims in juvenile proceedings)	-
Ohio	No	-	No statutory right to receive police reports, but likely to be disclosed under public records law. <i>See Pinkava v. Corrigan</i> , 64 Ohio App. 3d 499, 581 N.E.2d 1181, 1990 Ohio App. LEXIS 5997 (Ohio Ct. App., Cuyahoga County 1990) (victim's statement reporting an offense to a police officer is a public record); <i>Bentkowski v. Trafis</i> , 2015-Ohio-5139, 56 N.E.3d 230, 2015 Ohio App. LEXIS 4968 (Ohio Ct. App., Cuyahoga County 2015) (closed police investigatory file was a public record subject to disclosure, as the closed police investigation did not include the name of any suspect since no crime was committed, and the investigation also did not contain the name of any confidential informant or witness interviewed by the police; appellant's identity as the alleged victim of a crime would not remain confidential because any criminal indictment would include appellant's name as the alleged victim).
Oklahoma	Yes	21 Okl. St. § 1533.3 (victims of identity theft)	
Oregon	No	-	-

Pennsylvania	No	-	-
Rhode Island	No	-	-
South Carolina	Yes	S.C. Code Ann. § 16-3-1520 (A) (all crime victims)	All crime victims entitled to receive copy of report free of charge.
South Dakota	Yes	S.D. Codified Laws § 23A-28C-1 (14) (all crime victims)	-
Tennessee	No	-	-
Texas	Yes	Tex. Fam. Code § 261.201 (victims of child abuse) Tex. Fam. Code § 58.008 (victims of child abuse) Tex. Code Crim. Proc. Art. 5.05 (victims of domestic violence)	No cost to domestic violence victims. Tex. Code Crim. Proc. Art. 5.05.
Utah	Yes	Utah Code Ann. § 77-36-2.2 (victims of domestic violence)	Free report to domestic violence victims. Utah Code Ann. § 77-36-2.2.
Vermont	Yes	13 V.S.A. § 5314 (all crime victims)	-
Virginia	No	-	-
Washington	Yes	Rev. Code Wash. (ARCW) § 70.125.110 (sexual assault victims)	Free report to sexual assault victims. Rev. Code Wash. (ARCW) § 70.125.110
Wisconsin	No	-	Discretionary release to victims of child abuse. <i>See</i> Wis. Stat. § 48.396(1b) (“If requested by the parent, guardian, or legal custodian of a child who is the subject of a law enforcement officer’s report, or if requested by the child, if 14 years of age or over, a law enforcement agency may, subject to official agency policy, provide to the parent, guardian, legal custodian, or child a copy of that report.”).
Wyoming	No	-	-