



April 15, 2015

HOUSE COMMITTEE ON JUDICIARY

Rep. Jeff Barker, Chair

Rep. Andy Olson, Vice-Chair

Rep. Jennifer Williamson, Vice-Chair

Rep. Brent Barton

Rep. Mitch Greenlick

Rep. Wayne Krieger

Rep. Ann Lininger

Rep. Bill Post

Rep. Sherrie Sprenger

Testimony by Linda Smith, Founder and President, Shared Hope International
Washington State Rep. (1983-87), Senator (1987-94), U.S. Congress (1995-99)
Re: SUPPORT OF HB 3040 RELATING TO ADMISSIBILITY OF HEARSAY
STATEMENTS

DATE: Wednesday, April 15, 2015

TIME: 3:00 p.m.

PLACE: 900 Court Street NE, Room HR 343, Salem, Oregon 97301

Dear House Committee on Judiciary:

Shared Hope International is an anti-trafficking organization focused on combating the egregious crime of child sex trafficking through comprehensive, victim-centered approaches. By working alongside first responders and policymakers to fight domestic minor sex trafficking, we have found that children from all types of home environments and socioeconomic statuses are vulnerable to the manipulative approaches used by traffickers who pose as boyfriends, recruiters for modeling agencies, and the like.

House Bill 3040 would strengthen Oregon's ability to combat human trafficking by creating a hearsay exception for statements made by victims of the following crimes: human trafficking, purchasing sex with a minor, compelling prostitution and promoting prostitution. Prior written or recorded communications or statements by victims to law enforcement or emergency responders about these crimes could be admitted as evidence during a trial, even if

the victim is unable or unwilling to testify. Notably, only reliable statements could be admitted at trials, which would be determined by the presiding judge, based on all the surrounding factors.

Recorded phone conversations or text messages between a victim and a buyer or trafficker can include unique, relevant, credible, incriminating pieces of evidence. Allowing this reliable evidence will enable prosecutors to better hold offenders accountable. Disallowing this credible evidence in criminal or civil cases could frustrate the pursuit of justice for these egregious crimes.

This hearsay exception is particularly fitting for human trafficking crimes, because it would help ensure that perpetrators cannot hide behind their own wrongdoing of psychological manipulation and violence that often serve to silence victim-witnesses. Tactics used by traffickers, such as threats and violence, to gain and maintain control over victims often leave victims unable to confront their exploiters in-person during a trial. Consistent with the effects of trauma bonding, victims may even deny previous truthful statements regarding their abuse.

Human trafficking trials are often challenging and usually depend heavily on the testimony of traumatized trafficking victims. But, testifying in a public courtroom about sexual acts, and enduring grueling cross-examinations, can cause severe psychological and emotional harm for survivors. Such re-traumatization can render survivors of human trafficking and sexually-exploited children unable to withstand testifying in court. This hearsay exception would better equip prosecutors to bring exploiters to justice without necessarily re-traumatizing victims.

We encourage you to take this step toward knocking down the system barriers that are preventing victims of sex trafficking from receiving justice and the protections they deserve.

Sincerely,



Founder and President, Shared Hope International
Washington State Rep. (1983-87), Senator (1987-94), U.S. Congress (1995-99)