

From: Douglas Beloof, Law Professor, Lewis and Clark Law School Feb. 4, 2016

To: Chair Prozanski; Vice Chair Jeff Krus; Member Kim Thatcher; Member Sara Gelser; Diane Rosenbaum

RE: SB 1550

My name is Douglas Beloof, I am a professor of law at Lewis and Clark Law School.¹ My field of legal expertise is crime victim law. I have written the only law book on Victims in Criminal Procedure. I am co-author of the undergraduate book on victims rights. I first became active in Oregon victims rights in 1982. Since then I have been involved in most constitutional and legislative changes involving crime victims in Oregon. I provide advise to other state legislatures and worked on federal legislation, including the federal Crime Victims Rights Act. I was the chair of Oregon Attorney General Hardy Myers Crime Victim Rights Committee. That effort resulted in significant legislation, coordination between state agencies, and an amendment to Oregon's constitutional victims' rights.

Oregon can be very proud of its successful efforts to balance the interests of the defense, the state and the victim in the criminal justice system. However, SB 1550 threatens to upset that balance in a significant way. A way that exposes victims to further legal tactics and will discourage them from participating in the process. The opportunity to cross examine the victim on their official statements already exists. The defense already has access to victims' statements. These statements are written down and put in police and detective reports. Any victim who contradicts their earlier version of events in those written reports is subject to cross examination.

Insisting on the recording of victims in the grand jury is a wolf in sheep's clothing. Cloaked in the rhetoric of truth finding, victims are exposed to even greater potential for secondary victimization. Victims of crime participate in the criminal justice system at peril to their personal well being. Moreover, The criminal process is grueling and arduous. A victim reporting crime gives up control to the government, the defense and the courts. It is not unusual for the victim to be effectively "put on trial." The more a victim must repeat their victimization, the more they are exposed to this tactic. No one tells the same version in exactly the same way each time. But rest assured, every slight change in the retelling will provide yet another opportunity for lawyers to make the victim out to be a liar. The recording of the victim in the grand jury provides another opportunity to trash the victim.

Equally important, the number of times a victim has to tell their story adds to the trauma the victim experiences. Already, the victim tells it to a responding officer, then to a detective, then to the D.A., then to the grand jury. To minimize this trauma most states allow a case agent to give the victims' statements in the grand jury. This is the better balance between victim, the state and defendant interests. I urge you to keep the balance true. Like the overwhelming majority of states with grand juries, if you favor recording also allow case agents to provide the official statement of the victim in the grand jury. This spares the victim yet

¹¹ Listed for purpose of affiliation only, My views are not necessarily the views of Lewis and Clark Law School.

another retelling of their victimization to complete strangers. If the case agent is not allowed to do so, I urge you to vote against this bill.