

CRIME VICTIMS UNITED

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To: Honorable Floyd Prozanski, Chair
Senate Judiciary Committee Members
From: Steve Doell, President, Crime Victims United
RE: SB 496 & SB 505 – Grand Jury Recordation

Crime Victims United supports the recording of grand jury with adequate protections for victims and witnesses. Senate Bills 496 and 505 do not provide such protections. Rather, they subject virtually all victims and witnesses to new risks, new barriers to justice, and new opportunities for re-victimization.

Three critical goals must be achieved by any recordation legislation:

1. Victims must not be revictimized or threatened with additional victimization. Police officers must be allowed to testify for all victims and witnesses, as is done in virtually every other state that relies on grand jury. Not just for juveniles. Not just for developmentally disabled. For every victim, for every crime, every time. It is unacceptable to require a rape victim or the family of a murder victim to have their testimony recorded and then shared with the very person that victimized them. It is unacceptable that a witness cannot be guaranteed that their testimony will not be released to a defendant bent on retribution. How much pain must a victim endure to achieve justice?
2. All personal medical records must be kept from the defendants. Under these bills, records presented to grand juries divulging the most intimate and private details from a crime victims medical file will be presumptively released to the individual who caused their injuries. Should they seek to have these records withheld, they must either rely on the district attorney to seek a protective order or hire their own attorney to protect their rights to privacy. How much cost must a victim pay to achieve justice?
3. The balance between the state, the accused and the victim must be maintained. It has taken over 40 years to achieve meaningful victims' rights in Oregon. These bills threaten to upend this achievement. Already the defense has an opportunity to cross-examine a witness based on their statements to law enforcement. The more frequently they tell their story, the more frequently they are subject to attack under the auspices of "seeking the truth." Obtaining justice is a grueling and arduous process for victims. They are often "on trial" as much or more than the criminal defendant. How many more hardships must a victim face to achieve justice?

Senate bills 496 and 505 erode the exceptional gains that have been achieved for victims. They erect new and unnecessary barriers to achieving justice in Oregon's most violent and despicable cases. They are unfair, unbalance and unacceptable.

Crime Victims United supports the passage of grand jury recordation that includes full case agent testimony and reasonable protective orders. It is a policy that protects the innocent, protects the victims and protects the balance of our criminal justice system.

"To promote a balanced criminal justice system through public awareness and legislative action"