

To: Members of the House Judiciary

From: Erin Greenawald

Date: March 3, 2021

RE: Testimony in Support of HB 2575: Trauma Informed Practices Act

Chair Bynum and members of the Committee:

My name is Erin Greenawald. I am an attorney in private practice in Portland, Oregon. I represent domestic and sexual violence victims and survivors around the state to ensure their statutory and constitutional rights are upheld during the criminal justice system process. I also represent my clients in select civil legal matters. Until July of 2018, however, I was a prosecutor. I was the Domestic Violence Resource Prosecutor for the Oregon Department of Justice (DOJ) in the Criminal Justice Division for nearly 8 ½ years. I was the first to hold that position and I created the program. Prior to DOJ, I was a prosecutor in Marion and Yamhill counties. In total, I was a prosecutor for just about 19 years and specialized in handling domestic and sexual violence cases.

I want to start off by saying ‘thank you.’ Thank you to Representative Marsh and her staff for all the tremendous efforts in bringing forward this important legislation. And thank you to the committee for taking the time to listen to why this legislation is so valuable. But most importantly I want to say ‘thank you,’ because those are two of the most powerful words spoken to me by the victim and survivor in one of the last sexual assault and rape cases I prosecuted while at DOJ. As we ended our first meeting, one in which I’d spoken with her for nearly 90 minutes about the many despicable acts that had been perpetrated against her by multiple suspects, she thanked me. Why? She said that she had told herself coming into the meeting that if this meeting was like her other experiences with the criminal justice system, she was going to walk out of the room. But it *had* been different for her and she didn’t walk out. Ever. The perpetrators who abused her were eventually held accountable due to her bravery and resilience and I’d like to think that she came out of the process feeling heard and respected.

What was different about this experience with the criminal justice system as compared to the others? I obviously do not know all the variables, but I can tell you that my colleagues and I were deliberate in our use of trauma-informed practices, including specific interview techniques. In fact, during my 8+ years as DV Resource Prosecutor this became one of my priority areas: increasing the awareness by criminal justice system representatives of the impact of psychological trauma on victims and witnesses and promoting the implementation of trauma-informed practices.

Too often the effects of trauma are misinterpreted or misunderstood. For instance, the memory gaps that seem to plague victims of violent crimes, a victim or witness’ inability to chronologically narrate what happened to them, or the sweeping emotional responses by a victim and witnesses that seem out of place—all of these are often seized upon as proof of lack of

credibility. In fact, all these things and so much more can often be explained, in large part, by the impact on the person by high-stress or trauma. What that means for those of us working with a trauma-impacted person is that if we use traditional interviewing, investigative, or prosecution techniques that do not take into consideration the impact of trauma we should NOT expect to get the most accurate information about the victim or witness' experience. And though that is not the victim or witness' fault, it is they who too often pay the price.

We are fortunate to live in a state where so many of our law enforcement, prosecutors, advocates, community partners, and legislators are forward-thinking and receptive to evolving information, ideas, and Best Practices. Those who have dedicated their professional careers to the criminal justice system want to do the best by those we are serving; many of us just need the opportunity to be exposed to what is relatively new, research-based material. Maya Angelou famously said, "Do the best you can until you know better. Then when you know better, do better." In the last 20+ years, especially, we have learned so much about the neurobiology of trauma and its effects. We have learned so much about the wounds caused by historical and systemic racial oppression. Now that we know better how trauma is impacting those the criminal justice system serves we can do better. HB 2575 will allow us to do that. HB 2575 will positively impact the quality of the criminal justice system response while at the same time improving the victim and witness experience. I urge your support of HB 2575.