

My name is Josh Lamborn, I am an attorney and my practice focuses on representing crime victims. I was a Deputy District Attorney in Multnomah County Oregon for 12 years prior to opening my practice. I prosecuted everything from domestic violence to sexual assault and aggravated murder. I am also on the Oregon Crime Victims Law Center Board of Directors.

Most of my private practice involves representing victims of sexual assault and child abuse. Currently the statutes make it very difficult, if not impossible, for me or my clients to obtain police reports about their case prior to filing a lawsuit and obtaining a court order. This is true whether the case is under investigation, an open criminal case or closed. Many of my clients feel left in the dark about their case. While many district attorney's offices in Oregon do a fantastic job of supporting victims through their deputies, victim advocates and other staff, none of them have the time or resources necessary to fully support all the victims of crime involved in their cases. I spend a considerable amount of time explaining the process to my clients, helping them understand why the deputy DA or defendant is doing something and walking them through likely outcomes. Many times, clients want to know why certain charges were not brought or certain people were not included in the criminal case or why the case was rejected by the DA's office. Sometimes my clients want to see reports documenting what happened to them years ago as a child, long after the case is closed.

Often, I represent my client in the criminal case to ensure their rights as a crime victim are enforced. Victims have a right to meaningful participation in the criminal prosecution of their offender. Without access to the police report, I am sometimes unable to explain the realities of why the DA could not prove a case beyond a reasonable doubt and therefore rejected their case or a particular charge. Without the police report, I am unable to adequately advocate for my client's position on release of a defendant pre-trial or advocate for a particular sentence. Without the information in the report, my client and I are at a significant disadvantage in the process. Denying a victim access to the information in the police report is a denial of their right to meaningful participation. Even when the prosecutor wants to allow me access to the reports, in certain cases the law prohibits disclosure.

Sometimes the criminal justice system is unable to fully compensate a crime victim and they must look to the civil justice system for redress. In order to evaluate a case, I need to have access to as much information as possible before I file a lawsuit. In cases of child abuse or sexual assault, I am often denied access to my own client's reports, even if the criminal case is closed. Many of my clients are unable to articulate what happened to them because of their age or due to trauma. It is important for me to have a full understanding of their case before I file a lawsuit.

As a former deputy district attorney, I know prosecutors are concerned about victims having access to police reports because they think defense attorneys will use it against them during cross-examination. It has been my experience that taking the time to go over the report with victims prior to their testimony and answering any questions they have about their testimony helps victims understand the case and testify more confidently and accurately. Victims should have the right to point out inaccuracies in the report to the prosecutor before being surprised on cross examination. Victims should be able to refresh their recollection of what they said sometimes years before to a police officer under the stress of a traumatic event, just like the defendant gets to do. Any question in the mind of the jury as to whether it was fair for the victim to have access to their police report should be answered with an affirmative, "Yes, as is their right under the law."

If the committee is interested in more information from me on this extremely important topic, I am available to testify in person.

Thank you for your time.

Josh Lamborn