



**Testimony of Ricardo Lujan-Valerio, Policy Associate
In Support of HB 3261 with Proposed Amendments
House Committee on Judiciary
March 28, 2019**

Chair Williamson and Members of the Committee:

The American Civil Liberties Union of Oregon¹ supports HB 3261 with the proposed amendments, which modifies the requirement to record peace officer's interview with youth under 18 years of age to include (a) interviews of investigations into all misdemeanors, felonies and acts that, if committed by adult, would constitute crimes, and (b) interviews whenever person under 18 years of age would reasonably believe they are in custody.

The rights of the accused are a cornerstone of a fair judicial system. As the Supreme Court has noted, these rights are especially important when young people find themselves in the justice system, where lacking an adult's capacity to recognize the consequences of their actions endangers their freedom. HB 3261 will help protect the rights of youth when interacting with the criminal justice system.

Recording interviews will benefit law enforcement and increase public trust and public safety. The existence of an objective and reviewable record will protect police officers against false accusations. A clear record of what occurred during interviews will also provide transparency in the system, which will increase public trust in law enforcement. Furthermore, an increase in public trust leads to an increase in public safety.

Recording interviews will allow officers to focus on the interview at hand, rather than performing the additional task of taking handwritten and incomplete notes. Recording interviews will also create accurate records that fully reflect interviews, therefore increasing the efficiency of law enforcement.

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization dedicated to preservation and enhancement of civil liberties and civil rights, with more than 45,000 members and supporters statewide.

Lastly, recording interviews will provide courts with more accurate and reliable records of youth interviews. For example, it will clarify questions around Miranda and voluntariness and will decrease wrongful convictions by providing an “objective, comprehensive, and reviewable record...to challenge misleading or false testimony.” Courts in eight states—Alaska, Arkansas, Indiana, Massachusetts, Minnesota, New Jersey, Utah, and Wisconsin—have implemented rules that encourage law enforcement officers to record custodial interrogations (i.e., police questioning where the interviewee is not free to leave). Oregon has taken the right step to follow this lead and should continue to push for the comprehensive improvements included in HB 3261.

For these reasons, the ACLU of Oregon urges you to support HB 3261 with the proposed amendments. Please feel free to contact us if you have any questions, comments, or concerns.