Senator Gelser, members of the committee:

My name is Brendan Murphy, Deputy District Attorney for Marion County

- Supervise the child abuse and sexual assault prosecution unit;
- Co-chair Marion County's child Abuse MDT and
- ODAA representative

I would first like to offer several statements around the base language contained in SB 1540.

As a basic premise: We need to do better recognizing and protecting kids from abuse. ODAA thanks Senator Gelser and Representative Post in their leadership on this issue – and many others that do exactly that.

- Nevertheless…We need to do better recognizing and protecting kids from abuse.
- One of the ways we do that is by making reports around suspicions of abuse *mandatory*.
- If we were good at identifying abuse, we wouldn't need mandatory reporting laws in first place.
- Furthermore-for some reason, a resistance to reporting remains pervasive.
    - In my experience, one reason is because people incorrectly assume that mandatory reporting = criminal charges. This is wrong.
    - More accurate to look at mandatory reporting as a snapshot of information used to assess if kids are safe- whether that be a school response/ DHS response or criminal investigation.
    - Therefore, mandatory reporting should be a net that casts wide enough to catch more than one type of concern: it needs to capture physical health, mental health, neglect, and risk of harm- not just criminal victimization.

Nevertheless. ODAA recognized that there was an opportunity for a narrow clarification around Oregon's duty to report, specifically around consensual-but-for-age teenage sexual activity.

Before I discuss ODAA's position on this bill, I would like to be clear about three things in this bill:

1. In section 1(b)(B)(ii), there are three types of non-consent listed. **This list is not exhaustive**. **Under this bill any type of non-consent still requires a mandatory report- regardless of age**. This includes physical helplessness, mental incapacitation, intoxication, Developmental Disabilities, etc.

   Age doesn't matter if there is any concern of non-consent.

2. Mandatory reporters should not do their own investigations to figure out if they need to report or if the parties re within 3 years/ or whether there "true consent" In any case, if there are any concerns about abuse, lack of consent, or neglect- make the call.

3. The within three years exception should tie to the reasonable cause to believe legal standard. Ultimately incorrect, but otherwise reasonable mistakes, shouldn't lead to violation charges being filed

This clarification is best-understood to say: Voluntary child abuse reporting must remain encouraged. But if the teenagers between the ages of 14 and 21; and if they are within 3 years; and if there is no concern about consent, a mandatory reporter need not report.

Unfortunately, from a public safety perspective, the -2 amendments are no longer that narrow.

Remember- when child abuse occurs child safety experts only get snapshots or pieces of information to put that puzzle together. Experts need as many puzzle pieces as possible to see the picture, and get it right.

Oftentimes, one of those pieces is problematic sexual behavior that may appear otherwise "consensual." (Hopefully this body does not need me to talk about how bad we are at identifying true consent.)

In fact, we DO know that evidence of sexual activity such as promiscuity or hyper sexualized behavior in young children may be an indicator of abuse..

That is why ODAA is especially concerned with the -2 amendments, expanding a reasonable, narrow "clarification" to children who are 12 and 13 engaged in sexual intercourse.

- There may be guidelines regarding a medical perspective on reproductive health being applied to 12 year olds. But public safety has different concerns, which is why no one entity should unilaterally dictate a bright line around mandatory reporting laws designed to keep an entire child safe

We've done a poor job listening and protecting college-age gymnasts, boyscouts, alter boys, and kids at football camp. We need all the help we can get identifying and protecting our kids and I have no qualms saying 12 and 13-year-olds engaged in sexual intercourse are a concern to many child abuse professionals.

I encourage you to reconsider the -2's and instead advance the exception drafted in SB 1540 that was carefully designed to be narrow, reasonable, clarification. It was vetted with multiple party-input but reducing that to 12 was not. It simply isn't whole-child safe.

In short, with a floor of 12 years old, please vote no on SB 1540.

Questions??