

Testimony on behalf of Oregon Newspaper Publishers Association
re HB 2481

March 19, 2019

MADAM CHAIR AND MEMBERS OF THE COMMITTEE:

I am Therese Bottomly, editor of The Oregonian, testifying on behalf of the Oregon Newspaper Publishers Association. I urge you to support greater openness in cases of child abuse deaths.

I testified before this legislative body several years ago in support of the release of records to “any person” when a child was injured or died while under the oversight of child welfare workers.

I cited the case of Tucker Sherman, a 5-year-old boy living in The Dalles, who died wishing he were a boy named John.

When Tucker told a state child protective services worker he wanted to be someone else, she thought “it was kind of funny coming from a kid” but never asked why.

Ten days later, Tucker was dead. He had 72 bruises on his 35-pound body.

That was nearly two decades ago. Recent news shows that little has changed in the child welfare system. Horrific cases make headlines and the concern at the Department of Human Services seems to revolve around hiding liability for errors, rather than correcting them.

The point of the Critical Incident Reviews, know as CIRT, was to identify errors in the hopes of helping future workers and kids.

Over the years, many dozen states have changed their confidentiality laws as reports of murdered and abused children skyrocketed. They opened state records to the public in cases of fatalities or near-fatalities. They not only allow public disclosure; they require it.

In Oregon, DHS has flouted the existing law's requirements, releasing nothing or less than is required.

We have little trust in the agency's compliance with disclosure laws and for that reason have scrutinized this bill for any possible way it reduces the amount of information released to the public. I hope this committee has DHS put on the record that the intent of this bill is to release more information to the public, particularly when it comes to police reports, not less.

In our experience, many police departments have applied 419B broadly and withheld any police report related to "assault of a child." This has meant the withholding of a police report related to a gang shooting that injured a teenager, and the withholding of a police report related to a motorist striking a child in a stroller. After all, each involved possible assault charges involving a juvenile victim.

The biggest issue with the overapplication of 419B to police reports is an inadvertent benefit to perpetrators. When we were investigating a youth coach who had inappropriate relations with a teenage girl, we sought police reports from several counties he had coached in to see if his behavior was a pattern.

They were withheld under 419B because the victims were juveniles. A simple redaction of names would have protected victims but the language of 419B was so broad agencies believed they had to withhold entire reports.

Without the police reports, news organizations are without the privilege that protects them from libel. They can quote from official documents with protection; that same protection does not apply when quoting from victims alone.

To the extent this bill gives express permission to release information from criminal investigations – in addition to the DHS records already made public by the plain language of the statute – ONPA supports this change.

The Oregonian and other news organizations are the public's proxy. As a newspaper editor, I believe our highest calling is to give citizens the information they need to make informed decisions. In the case of abused or neglected children, this is even more crucial. The thousands of children under the state system each year are among the most vulnerable Oregonians.

I can think of few circumstances where such public oversight is more important.

Thank you for your time and consideration.

Therese Bottomly
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