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OREGON STATE SHERIFFS' ASSOCIATION
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**To: Members of the Senate Committee On Human Services,
Mental Health and Recovery**

From: Kevin Campbell, Government Affairs Representative
Oregon Association Chiefs of Police & Oregon State Sheriffs' Association
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Scotty Nowning, Detective
Salem Police Department
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Date: February 11th, 2021

Re: Testimony re SB 386 – Juvenile Interview Parental Notification

Chair Gelser, Vice-Chair Anderson and members of the committee,

On behalf of the Oregon State Sheriff's Association (OSSA) and the Oregon Association Chiefs of Police (OACP), thank you for the opportunity to provide testimony regarding SB 386, a measure that would require law enforcement or Department of Human Services investigators, before interviewing a child who is a witness or victim of an act under investigation, to notify the child that they may request of the presence of the child's parent or guardian during the interview. I want to begin by thanking Senator Dembrow for his willingness to engage us in a conversation about the measure and to consider our concerns about the bill as it is currently drafted. As you might imagine, investigations that include an interview of a child are extremely sensitive and can be incredibly complex. At all times, the safety and welfare of the child is a priority during times when an interview is necessary. If the committee decides to move forward with a bill, we are hopeful the language is amended to replace the current language of the bill and focus instead on requiring agencies to adopt a policy that identifies circumstances when the notification envisioned in the bill is possible and can occur safely. We don't believe a statutory construct can adequately address the complexity of these investigations without creating unintended consequences.

Joining me to testify today is Detective Nowning with the Salem Police Department. He has significant experience with forensic investigations and interviews with child victims and witnesses. With the Chair's permission, I would like to turn it over to Detective Nowning. We believe SB 386, as currently written, would create unintended consequences for the following reasons:

- A parent or guardian may be a suspect in the case or the potential involvement of a parent or guardian may not be known to an investigator at the time of the interview

- Interviews with a child in a case where another party is at imminent risk of harm isn't possible or practical
- The presence of a parent in an interview can impact the child's ability and willingness to share openly what they know. Forensic interview best practice doesn't recommend parental/guardian participation in interviews with children due to said presence potentially invalidating responses in court.
- Children who are subjected to abuse are instructed not speak to anyone without the offender/parent being present so the offender can stay in front of any/all potential inquiries, reports, and/or investigations.

For these reasons and others that Detective Nowning will identify, we cannot support the bill as currently drafted and are committed to work with bill sponsors and the committee to work on alternatives.

Thank you for your consideration!