

Chair Bynum and members of the committee:

My name is Caroline Swearingin and I am a constituent of House District 8, Representative Paul Holvey. I am here to testify in support of House Bill 2400.

In the fall of 2016, like every other Monday, I dropped my 10-month old son, AJ, off at daycare before heading into work. The day was busy and I had not had an opportunity to check in with the babysitter until 11:15 that morning, which was highly unusual. By noon, Eugene Police were at my place of employment, telling me to get to the hospital as my son had been in an accident. Once at the hospital, I was informed he was found unresponsive after taking a nap. By 12:31 that afternoon, AJ was pronounced dead.

The next three months were terrible - anxiously waiting for an explanation from law enforcement but never receiving that call. Sending emails and record requests to no avail. Finally, just after Thanksgiving, we received word that the case would close, we could pick up our son's belongings from evidence and finally request that police report. We anticipated so many answers, but what we received led to glaring issues in the so-called investigation and a new reality that it was likely our son had been murdered. We asked for criminal charges to be filed, but our request was denied. With a daughter on the way and shattered souls, my husband and I decided to move forward with our grief and stop pursuing those responsible for our son's death. That was until another 3 months later when his case was reopened as we learned of further abuse he endured during the course of his life. With the reopened investigation, we were hopeful for justice for our son.

As law enforcement and DHS worked together this time around, we were hopeful that we would finally get more information and complete reports – reports explaining what actually happened to our son. After DHS provided FOUNDED allegations of abuse and neglect by the babysitter, our case was closed yet still no criminal charges were filed against her. Again, I requested those police reports in

hopes of finding some sort of closure, some kind of answers. I was denied multiple times as the investigation was considered “ongoing.” I was advised that the case would remain open in the event new information came to light. I began calling the Sergeant who oversaw the Detectives. Weeks went by with no response. I called the non-emergency line over and over trying to get information on who to speak with. Still, nothing. Finally, the records department provided me with the Sergeant’s Lieutenant’s name and phone number. This time I started calling daily and eventually he met with me. At that meeting I voiced my concerns with the first investigation and my confusion with this reopened case. His response to my concerns was “this is not what you see on TV” and that they were not required to give me our case reports, but that he would notify the detective to release them which was several days later.

As I looked over the reports, I began to realize just how lacking their investigation was and how much my son’s death was preventable. After all, another child was injured in the same daycare months before my son died. The two infants had similar injuries and that child was permanently disabled due to the abuse he endured in that home. The other child’s case was never closed and those parents, to this day, have not received their son’s police reports. It is debatable whether or not either child’s cases were truly investigated. Loaded with questions, I began reaching out to the detectives again and was stonewalled. As it was a closed case, no one wanted to hear my concerns. Too much time had passed since the day AJ died for me to file a complaint within the department to review his case.

I worked full time as a staffing supervisor, doing free consultations with attorneys on every break, reliving the horrific details of my son’s vulnerability, his abuse and the battle it was to learn what happened to him. I spent every weekend researching the laws that prohibited me from accessing records and what to do when an investigation was subpar. This carried on for over a year when we found a law firm who was equally disgusted with our story and wanted to help.

Before entering into a legal battle, one of the first hopes for me was that a lawsuit could force law enforcement to release complete records so that our family could know everything they did during the investigation and receive a more complete report. Having those records and knowing what was done in the investigation was crucial to my healing process. As a new mother, I had been racking my brain trying to see what I could have done differently. How could this happen? How did I miss this? Being pregnant with my daughter at the time of AJ's death, I constantly wondered, how can I protect her? The police report gave me reassurance and closure in my own guilt and brought to light the terrible reality that someone that I trusted took his life and that information led me to parent significantly different with my daughter.

Additionally, those records provided details that I would not have known otherwise. The information contained in those reports led me to advocate at the legislative level for stronger laws surrounding unlicensed childcare providers so that more children are protected. More caregivers can be held accountable and monitored. To advocating for more accessible records for victims here today. Those records fueled the fire to honor my son in a way I never considered without them. It empowered me to tell his story instead of hide in the shadows and get lost in the depths of my own heartache and despair at the wonderful and innocent life that we lost. It freed me from my own prison and pushed me to find ways to protect other children in ways I was unable to protect my own.

I am confident that if those records were released earlier in the investigation, or even during our lawsuit, that all parties involved in his death would have been held accountable – even the babysitter, who was never criminally charged and is still a threat to our communities. We made some headway in protecting more children, but had those records been released sooner, more lives would have been protected. HB 2400 would protect more children and allow families to heal from their unfortunate realities. Therefore, I support HB 2400 and implore you to as well.

Thank you.