

Good afternoon Chair Gelser, Vice-Chair Anderson, and Members of the Committee,

I am grateful to be here today and to experience first hand the power of the legislative process. I am the parent who brought this issue to Senator Dembrow and am so grateful that he agreed to sponsor this bill and more so that he understands the importance of protecting minors.

I believe my initial email to Senator Dembrow has been submitted to the committee, so I won't reiterate it all here, but will just provide a brief summary of the background that brings us here today:

My 14-yr-old daughter was a witness to an alleged sexual assault of another teen girl. The police officer in charge of the investigation called my daughter, at 10:00 at night, on my daughter's personal cell phone, and questioned her for 20 mins without once asking if her parent was available or explaining my daughter's rights to her. I was in the next room unaware that this was happening until my daughter came to me afterwards completely shaken up. I was shocked and outraged.

I called Portland Police and spoke with the officer who had questioned my daughter and then her supervising Sergeant. Both admitted that the law allowed them to do this and both agreed they would not want the same thing to happen to their own children—nor was it best practice. The Sergeant said he would make an effort to train his employees differently, but admitted that until the law was changed, little would change in Police practices.

Not only do minors need protecting, by everyone, but they cannot practically be aware of their rights when interrogated by law enforcement; it's intimidating enough to adults! And law enforcement has their own goals and objectives, which are intrinsically at odds with individual rights, as we have seen in far too many examples.

Moreover, the 9th Circuit Court of Appeals ruled in 2009, in *Green v. Camreta*, that it violates both the parent's and the child's constitutional rights to question a child without a warrant, court order, exigent circumstances, or parental consent.

They describe the "delicate balancing of competing interests. On one hand, society has a compelling interest in protecting its most vulnerable members... On the other hand, parents have an exceedingly strong interest in directing the upbringing of their children, as well as in protecting both themselves and their children..."

But the court further held that "the [law enforcement] officials were entitled to qualified immunity from damages liability because *no clearly established law had warned them of the illegality of their conduct.*" (emphasis mine)

This is why we are here today, to consider formalizing the law in Oregon to protect the constitutional rights of parents and children.

Of course, there are extenuating circumstances, which is why the bill is written with as little requirement for parental consent as it is. You (have heard / will hear) today a recommendation that it would be better if each law enforcement agency made these changes themselves rather than putting something into statute, but this lack of an established law is precisely what led to the improper questioning of my daughter and what the 9th Circuit Court of Appeals has already addressed. Law enforcement agencies have a conflict of interest in policing themselves and left to this independent-agencies-policy approach, they have previously done nothing to advance the rights of minors and parents in this regard.

I polled a group of friends and colleagues about this and asked them the following question: "Are you OK with police interviewing/questioning your minor child without your knowledge or involvement?" I received the following answers:

[Susan Hall](#)

Get black parents on this—they'll definitely have experiences and opinions.

[Kaaren Six Heikes](#)

Absolutely not!!!

[Kari Johnson-Tunstill](#)

I would blow a gasket.

[April Thomas Whitney](#)

I think it's one thing to question a teenager at the scene of a crime (as a potential witness or suspect) versus contacting them as part of an investigation after the fact without parental consent.

[Laura Coyle](#)

I had a similar experience. My son was interviewed by DHS about a situation with a teacher. A police officer facilitated the questioning of my (then) four and half year old (coordinated with the school/daycare and was in the room with my son). All without informing me and without me being present. I only found out because the daycare director felt very uncomfortable that I wasn't there and she was the one who informed me it was happening.

[Sheila May Garrow](#)

I would not be ok with them interviewing my child without my permission!!!!

[Jeffo Oqndo](#)

No freaking way!!! Period!

This is why I implore you today to support this bill. This bill would bring about a small change, not all that I was hoping for, but at least a little something to move the needle in the right direction.

Thank you again, I am open to answering any questions
Bridget