

## **SB 743 STAFF MEASURE SUMMARY**

### **Senate Committee On Human Services**

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**Prepared By:** Matthew Perreault, LPRO Analyst

**Meeting Dates:** 3/6

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#### **WHAT THE MEASURE DOES:**

The measure requires that an interview conducted with an alleged perpetrator in a suspected child abuse investigation by the Department of Human Services (ODHS) or law enforcement be electronically recorded.

#### Detailed Summary:

- Requires that an interview conducted with an alleged perpetrator in a suspected child abuse investigation by ODHS or law enforcement be electronically recorded.
- Specifies exceptions to recording requirements.
- Allows an interview conducted with an individual other than the alleged perpetrator to be recorded.
- Specifies that interview recordings are considered confidential investigation records that are exempt from public records requests and may only be disclosed under certain circumstances.
- Specifies conditions that constitute "good cause" for failure to record an interview as required.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **BACKGROUND:**

The Oregon Department of Human Services (ODHS), alongside law enforcement, is responsible for investigating reports of suspected child abuse. Under current law and practices, investigation of reports of suspected child abuse that occur in a child's home and when a child is with a care provider are investigated differently and by different entities. Reports of suspected abuse involving a child's family are investigated by [Child Protective Services](#), an arm of ODHS' Child Welfare division. These investigations are the impetus for opening a child welfare case involving a child and family and may result in provision of in-home support services, out-of-home placement in foster care, termination of parental rights, or further actions in juvenile dependency court ([ORS 419B.005 et seq](#) ). Investigations involving children and youth under 21 who are currently under the care of professional caregivers in child-caring agencies, certified foster homes, and developmental disabilities residential facilities, are handled differently both in practice and in law. For these "children in care," investigations of abuse, including improper use of restraint and seclusion, are handled by the ODHS' [Office of Trainings, Investigations, and Safety \(OTIS\)](#) and consequences resulting from the investigation may result in civil penalties, licensing restrictions, and legal actions taken against the entities providing the care ([ORS 418.257 to 418.259](#); [ORS 418.519 to 418.532](#)). OTIS is also responsible for investigating abuse that occurs in child care and educational settings and abuse by third parties that are not a child's parent or family member ([OAR 413-015-0215](#)).

In both types of investigations, ODHS will contact relevant law enforcement agencies, which may conduct concurrent criminal investigations into the suspected abuse. Currently, Oregon law allows law enforcement agencies to record custodial interviews with adults in connection with investigations into aggravated murder and certain other crimes that require mandatory minimum sentences ([ORS 133.400](#)). Recorded interviews are also

allowed during custodial interviews with juveniles for suspected misdemeanors and felonies ([ORS 133.402](#)). In 2015, the Legislative Assembly passed [House Bill 2571](#), which authorized law enforcement agencies to use body cameras during officers' interactions with the public.