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# OREGON STATE SHERIFFS' ASSOCIATION TESTIMONY IN SUPPORT OF HOUSE BILL 2143 ONLY WITH -3 AMENDMENTS

Before the House Consumer Protection & Government Efficiency Committee

February 19, 2013

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Chair Holvey and members of the Committee:

The Oregon State Sheriffs' Association (OSSA) is comprised of Oregon's 36 elected county sheriffs. Sheriffs take seriously their charge to be "conservators of the peace." Their role in public safety is broad, including routine patrol, investigating crime, search and rescue, marine patrol, jails, community corrections, court security, civil services and the issuance of concealed handgun licenses.

During the public hearing on HB 2143, a number of issues were raised which were outside the anticipated scope of a bill intended to simply eliminate a duplication of efforts by the Department of Corrections and Sheriffs. I hope this information answers some of those questions.

## **Department of Corrections Audit Results**

I asked the Department of Corrections to provide me with the information they would release as a result of a public records request for the results of an audit of a county jail. I appreciate their quick response and provide that information as part of my testimony. Please note the date of the audit is quite recent. This is the information publicly available on all 36 county jails as a result of the fourteen standards listed in Oregon statute. By adopting the -3 amendments to HB 2143, not less than this much information will continue to be available to the public from the Department of Corrections as OSSA will duplicate the DOC audit form to ensure all the statutory requirements are met. OSSA will also discuss voluntarily adding additional information to the report provided to DOC. Eliminating this duplication of auditing is supposed to be the purpose of HB 2143.

## **OSSA Jail Standards Audit Results**

Sheriffs *voluntarily* permit very extensive jail audits (300+ standards) to ensure they are performing at the highest possible level, even when facing dire budget cuts. These audits are performed by county employees, on county time and using county resources. The ACLU has previously provided this committee with a copy of a 2007 jail audit results letter which is, essentially, unchanged today. In areas where a jail was rated substandard, the Sheriff would also be provided a copy of the auditors worksheet detailing the deficiency to ensure the Sheriff has the information needed to make corrections. The OSSA jail audit results are subject to Oregon's public records statutes, just as the DOC audit is subject to public records statutes.

Oregon public records statutes provide for exceptions to disclosure when the information requested may put a public facility, public employees or the public at risk. ORS 192.501(23) exempts records or information that would reveal security measures, weaknesses or potential weaknesses in security measures taken to protect persons, buildings or telecommunications systems. Less frequently used, but similar to (23), is ORS 192.501(18) which exempts specific operational safety plans from disclosure.

**Oregon State Sheriffs' Association**

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Whether OSSA jail audit information is requested from DOC or from a county Sheriff, much of the information in OSSA audits will continue to be shielded from public view by existing statutory protections designed exactly for this purpose.

### **Public Access to OSSA Jail Audit Standards**

Sheriffs frequently voluntarily use outside resources to audit internal functions in an effort to ensure the highest industry standards at the lowest possible cost to the taxpayers. Third party accreditations also help reduce liability insurance premiums for counties. These accreditation organizations create audit standards for jails, patrol functions and other aspects of Sheriffs' responsibilities. They have alphabet soup names like APPA, ACA, OAA and CALIA. All of these groups provide copyrighted material to Sheriffs for training and auditing purposes. These standards, while purchased with public money, are not available under the public records law unless the Sheriff would like to respond to a copyright infringement lawsuit. Similarly, the OSSA Jail Standards is a copyrighted document with substantial value. It is afforded the same protection as the other accreditation organizations, many of which receive a significant amount of public money. We provide copies only to Sheriffs who are part of our jail standards training and auditing program. That being said, OSSA has in the past, and continues today to offer anyone the opportunity to review the jail audit standards by making an appointment and viewing the documents at the OSSA office in Salem. While a person may review the document, we will not permit him or her to make copies, take photographs or make other reproductions of the copyrighted information. A copy of the jail audit standards will be available for review after the Work Session on February 19th.

### **-3 Amendments and -1 Amendments**

The -3 amendments to HB 2143 narrow the focus of the bill to only county jails. This corrects a misunderstanding when the bill was drafted. Cities are not prepared to assume the DOC function as they do not currently perform their own audits as Sheriffs do. Moreover, Sheriffs do not wish to perform audits for cities in lieu of the DOC. The -3 amendments also ensure that Sheriffs provide to the DOC that portion of the results of the OSSA audit which are required by statute. The public will continue to have access to the same information while eliminating the duplicative function of the current DOC audits of county jails. And, the results of the full OSSA jail audit, subject to the exemptions afforded in Oregon law, will continue to be available through the various Sheriffs' offices in each county.

On the other hand, the -1 amendments usurp the spirit and intent of HB 2143, turning a noncontroversial government efficiency bill into an effort to exponentially increase the jail standards without actually having a thoughtful discussion on what deficiencies, if any, exist in the current audit statutes and what kinds of additions make sense. If the ACLU desires to have that discussion, we welcome it. However, if the -1 amendments are adopted, OSSA will oppose the bill and a small opportunity to eliminate a duplication of services will be lost.

Oregon's Sheriffs encourage the committee to adopt the -3 amendments and give HB 2143 a "do pass with amendments" recommendation to the full House of Representatives. I am happy to answer any questions.