



**Testimony of Becky Straus, Legislative Director
Supporting HB 2143 with Amendments Only
House Consumer Protection and Government Efficiency
February 7, 2013**

Chair Holvey and Members of the Committee:

Thank you for the opportunity to testify this afternoon. We commend the Representative Nathanson and her ongoing work to find ways to make the operations of government more cost effective and more efficient. Her work with the Government Efficiency Task Force is no exception. I do not expect that the issue we brought to her regarding HB 2143 was either anticipated or intended at the time the bill was drafted and I want to express my gratitude for her willingness to hear our concern and offer an amendment to address it.

I will mention briefly our concern with the bill and then walk through the details of the proposed amendment.

HB 2143 would remove the requirement in ORS 169.070 that the Department of Corrections (DOC) perform inspections of local jails. Because local governments currently conduct jail inspections on a periodic basis and, often times, the DOC inspectors and the local government inspectors walk side by side through the same facility, alleviating DOC of this requirement was viewed by the Government Efficiency Task Force to be duplicative and, thus, inefficient.

Our concern is that what was at first a government efficiency problem has now become a government transparency issue.

Currently, local governments contract with the Oregon State Sheriffs' Association (OSSA) to conduct jail inspections. OSSA uses an extensive set of criteria to evaluate jails, however those criteria remain under seal in the OSSA office, unavailable for public review. Regardless of the fact that OSSA is a private non-profit organization, the group is performing a public function, inspecting our public facilities and the public should have the right to know what criteria they are using. Instead, OSSA inspection reports cite and grade by category from the non-public criteria and provide very little, if any detail, on the investigation itself.

The amendment we are proposing would alleviate some of our concerns. The intent of the amendment is to relieve DOC from the inspection requirement on the condition that:

- The local government has both contracted with an inspector and the inspector has carried out an inspection,
- The standards and criteria for such inspection are more comprehensive than those established in the current Oregon statutes (ORS 169.076 to 169.078, 169.740, 419A.059 and 419B.180),
- The standards and criteria have been provided to DOC,

- A complete copy of the findings and recommendations of such inspection has been provided to DOC (within 45 days of the inspection),
- DOC retains the information from the inspector for at least five years and that information is public record

I ask you to consider moving forward with the bill only if this amendment is adopted. In the alternative, we are open to working with stakeholders to find the best way forward and bring a proposal back to the committee.

Many thanks for your consideration.