

Albany Police Department

Written Testimony

Committee: House Judiciary

Date: March 22nd, 2013

Bill Number:	House Bill 3286
Presented By:	Officer Robert Hayes
Division:	Patrol
Phone Number:	541-917-7680

Chair Barker and members of the committee. My name is Robert Hayes and I am employed as a patrol officer with the Albany Police Department. I am a certified Drug Recognition Expert and a Drug Recognition Expert Instructor. I am also a Crash Reconstructionist. In my 21 years as a police officer, I have conducted numerous investigations in regards to motor vehicle crashes. I teach part time at the Department of Public Standards and Training (DPSST). The classes I instruct are related to Impaired Driving and Crash Investigation. I am also the Chair for the State of Oregon DUII Multi-Disciplinary Training Task Force. This Task Force provides training to all disciplines throughout the state in regards to Impaired Driving. I am here today, in support of House Bill 3286.

Impaired driving investigations have become quite complex over the years. The law is always changing and the amount of evidence gathered by law enforcement is partly dependent on the cooperation of the person who is under investigation. When an impaired driver refuses to do standardized field sobriety tests or refuses to take the breath test or both, one tool that an officer has to gather evidence is to apply for a telephonic search warrant. A telephonic warrant allows an officer to create a warrant and an affidavit and read it to a judge over a recorded telephone line. The officer swears to the accuracy of its contents over the phone and with the judge's approval executes the warrant. Given that evidence is lost with every minute in an impaired driving case, using a telephonic warrant is a very useful tool.

Although telephonic search warrants expedite the process, officers are still required to transcribe the telephone call made between the judge and the officer on the recorded line after the warrant has been executed. The transcription must be turned into the court, along with the recording of the conversation. It is time-consuming and costly for agencies to transcribe the conversation; as well as redundant, given that the recording is turned in to the court as well. It is not uniform around the state that does the transcribing. It ranges from the officer who has little time to be off the road, to support staff within the agency that have other responsibilities, or to private transcription services that become costly for agencies.

The purpose of this bill is to save time and money and to complete an accurate record for courts, prosecutors and the defense. Instead of transcribing the telephone call, this bill would allow the officer to simply turn in the digitally-recorded conversation with the judge to the courts. Digital recordings are routinely used by the courts to record entire trials. These recordings are solely relied upon for any future challenges by the parties. The digital recording saves time and money for the courts rather than using stenographers.

In closing, the passing of this bill will accomplish an accurate record for the court and save time and money for the officer and support staff in the office who have to transcribe the phone calls. Both the Oregon Association Chiefs of Police and the Albany Police Department ask for your support and endorsement of House Bill 3286.

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