

Hello Annola,

My name is Neil Mahoney, I am a resident of Portland and a constituent of senator Chip Shields. I've been in contact with the office of Sen. Shields over the past year as we've been searching for ways to combat the abuses of public record laws. I was alerted to House Bill 3467, and its upcoming committee hearing on April 9th, and want to share my experiences in dealing with the aftermath of an arrest a year and a half ago. I would love to see legislation pass that counters the rise of 'mugshot' websites. If there is anything further I can provide that would aid in this bill's passage, please let me know

Here is the same summary of events which I initially passed to Sen. Shields:

On the night of January 6th 2012, I was driving in Portland with my friend Kevin Hoffman. We had just attended an art show opening at new artist studios in east Portland and were returning to our neighborhood in the northeast. Shortly after leaving the exhibition, I mistakingly took a wrong turn on a one-way street in the area. A police cruiser was nearby and signaled me to pull over. Two officers approached my car, whose names I later learned were Nathan Scott and Ronald Hoesley. Officer Scott approached my side of the vehicle, questioned me about the wrong turn and asked me to step outside the vehicle, while officer Hoesley did the same on the passenger side with Kevin. One of the officers reported smelling marijuana and asked me if I had smoked any marijuana that night. I had not and said no. He asked me if I had drank any alcohol that night. I told him that I had a glass of wine at the art opening and was by no means impaired. Officer Hoesley asked Kevin if he had any marijuana in his possession. Kevin admitted that he did and provided it to the officer. Officer Scott made the decision to detain me, after which I performed a breathalyser and drug test. The breathalyser immediately returned the result that I was under the legal limit for driving (to be exact I blew a .04, with .08 being the legal limit). When performing a urinalysis (drug) test, it takes upwards of 2 months to get a result back, and though it did return negative the following month, I was arrested on that night and charged with a DUII.

I spent that night in jail, was released the next day and spent the following months in legal limbo. During these months I was forced to hire legal counsel and make several court appearances. It severely strained my life and my career, as I was working full-time as an engineer in Vancouver, WA and was seeking new employment here in Portland. The urinalysis results came back in March and the DUII charge against me was dropped by the DA. If you would care to read the police report or the complaint I filed (in which I go into more detail), I would be happy to pass those along.

Now, despite the frustrations involved here, I was relieved to have this legal problem end the way that I knew it would, and soon after I had the case expunged from my record (I had never been arrested before). However, there is one facet of Oregon law which prevents me from truly moving on. As you probably know, Portland has very liberal public records laws; anyone can view the photos and information of those arrested in multnomah county. This information can be viewed here <http://www.mcso.us/PAID/Default.aspx> as people are processed by the system. Hit the search button on this page to see a list of all recent bookings.

What might surprise you is that an entire industry has grown from exploiting Oregon public records for the sake of private financial gain. Many websites pillage the photos and information from this site, copying it to their own sites, and only removing it when someone pays them to do so. Here is a very incomplete list of sites that use Oregon public records for these kinds of blackmail purposes:

<http://pdxmugshots.com/>

<http://www.bustedmugshots.com/oregon/portland>

<http://www.portlandcriminals.com/>

<http://mugshots.com/US-Counties/Oregon/Multnomah-County-OR/>

And here are a few articles written about these organizations:

[http://week.com/portland/article-17887-mug\\_shot\\_profiteers.html](http://week.com/portland/article-17887-mug_shot_profiteers.html)

<http://www.cnn.com/2012/05/29/us/mug-shot-websites/index.html>

Now, my case was dismissed and expunged from Oregon records, yet my "mugshot" is still showing on plenty of these sites. I was able to convince a few of these sites' proprietors to take down my photo and information; several refuse to be moved by anything but money. When you search google for my name, the first thing you see is a profile for the technology company I work for, the second thing you see is my mugshot on one of these sites. Can you imagine how detrimental this could be to one's career or ambitions? I can assure you that it already has been.

I have been in talks with an attorney, Jesse Merrithew, and have examined ways to combat this, though unfortunately these sites hide under the banner of public records and little can be done without any new legislation. I was given some hope when recently I saw that a Georgia state rep (a state with public records laws similar to Oregon) had acknowledged this problem and is drafting a bill to correct it:

<http://www.wsbtv.com/news/news/local/lawmaker-cracking-down-mugshot-websites/nSGxT/>

I consider myself a responsible member of the Portland community: I moved here from the east coast several years ago, love it and want to stay. I worked for several years as an engineer in WA and now am working as a software engineer for a web agency/startup in Portland. From a purely economic standpoint, I believe the existing laws hurt high-skill workers and growth. I turned down a job offer, in part, due to a clause which required a background check. I have no doubt that this is now happening to others as well. My expungement attorney, Jesse, has had several clients with similar stories.

If you think there is anything you can do to enact some change in this area, please do so. Even if you don't think a similar measure to the one presented in Georgia could pass in Oregon, it would be nice to know why. If you need anything from me, feel free to call or email, and my attorney Jesse has offered to speak to you to about these matters as well.

-Neil