
OREGON STATE SHERIFFS' ASSOCIATION

TESTIMONY IN SUPPORT OF HOUSE BILL 2143-A

Before the Senate Judiciary Committee / April 24, 2013

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Chair Prozanski and Members of the Judiciary Committee:

The Oregon State Sheriffs' Association 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.

What is the current law?

Oregon law requires the Department of Corrections to perform an audit of county jails (and other local holding facilities) at least once every two years. The DOC audit covers the jail standards listed in ORS 169.076. The results of jail audits are available from DOC under Oregon's public records laws.

Concurrently, all 36 sheriffs in Oregon voluntarily subject their county jail operations to a substantially more thorough audit performed by the Oregon State Sheriffs' Association (OSSA). The OSSA Jail Standards Audit covers more than 300 "best practices" standards and includes all of the statutory requirements. The OSSA Jail Standards Audit is not an "internal" audit. Rather, auditors from other counties perform the audit function and report the results, including detailed information about deficiencies, directly to the elected Sheriff.

This means the DOC audit duplicates in small part the larger audit already performed by OSSA. Because of this duplication, the *State and Local Government Efficiency Task Force* requested legislation to eliminate this duplicative process in government. The Task Force included the OSSA President, Marion County Sheriff Jason Myers.

What will HB 2143-A do?

This bill will eliminate the required DOC audit if the county jail has already had an OSSA Jail Standards Audit within the previous two years. The OSSA audit findings which are directly related to the statutory standards for jails will be released to DOC to ensure compliance with the law. However, if a sheriff has not had an OSSA Jail Standards Audit within two years, DOC would perform the audit required by statute.

OSSA will use the DOC audit report form, or a form substantially similar to the current DOC report form, to ensure the public has access to the same information under public records as is currently available.

Is there opposition?

The American Civil Liberties Union testified in opposition to the bill and the amendments offered by OSSA in the House Committee. The ACLU offered competing amendments which would have used this government efficiency bill to demand that sheriffs release the entire OSSA Jail Standards Audit to the DOC even though most of the standards are not required by statute and represent only "best practices."

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Moreover, some of the information contained in the expanded audit is specifically excepted from public records requests because disclosing the information could threaten the health, safety or welfare of jail employees, inmates and the facilities. The House committee adopted the O SSA recommended amendments unanimously.

The ACLU alleged that current jail standards in statute are outdated and inadequate. Sheriffs are willing to engage in a conversation about the standards. Sheriffs would be particularly interested in knowing how Oregon compares with other states. However, this government efficiency bill is not the appropriate vehicle for what should be a more detailed and thoughtful conversation.

Oregon Sheriffs urge the Senate Judiciary Committee to give House Bill 2143-A a "do pass" recommendation to the full Senate. Thank you.