
OREGON STATE SHERIFFS' ASSOCIATION

TESTIMONY IN SUPPORT OF SENATE BILL 340-A

In writing before the House Judiciary Committee, April 25, 2013

By: Matthew Harris, Tillamook County Sheriff's Office



Chair Barker and members of the House Judiciary Committee:

My name is Matthew Harris, and I work for the Tillamook County Sheriff's Office. I'm here today representing Sheriff Andy Long and the Oregon State Sheriffs' Association who support Senate Bill 340.

The idea of creating a misdemeanor hindering prosecution statute started about two years ago. I began noticing different trends between felony and misdemeanor warrants or PC cases. There seemed to be more cooperation, and a seemingly higher apprehension rate, for felony warrants or felony PC cases. I would go to the friends and families of these wanted subjects and advise them that it was a violation of the law to hindering prosecution. The consequences, and potential to be arrested and charged with a crime themselves, led to higher cooperation.

Conversely, I noticed when chasing misdemeanor warrants or misdemeanor PC cases, there was less success, and sometimes blatant lack of cooperation, due to the lack of criminal consequences of assisting people wanted for misdemeanors.

I then had brief discussion with retired Tillamook County Undersheriff Terry Huntsman, retired Tillamook County Sheriff Todd Anderson, and current District Attorney William Porter about the necessity of a misdemeanor version of Hindering Prosecution. They each supported the concept of pursuing a new law and before Sheriff Todd Anderson retired, he sent a proposal to Senator Betsy Johnson.

Hindering Prosecution is clearly defined and gives specifics about how someone would be hindering. As you may know, friends and family members cannot harbor, conceal, and provide transportation or money to assist someone in evading arrest when it applies to a felony. But why can someone do all these things if the investigation pertains to a misdemeanor? To me, this is an obvious loophole in state law. It should not matter whether the crime is a misdemeanor or felony, if someone is helping another person evade arrest, they should be held accountable.

An example of how it would be applied would be: A deputy stops at John's house looking for Matt who is wanted for a misdemeanor crime. John tells the deputy that Matt is not there and does not live there anymore. The deputy advises John that Matt is wanted for a misdemeanor crime. He is further advised about Hindering Prosecution II by reading the statute to John, so he clearly understands how he could be held criminally accountable. A few hours later, the deputy sees John driving and a male in the passenger seat fits the description of Matt with some subtle differences. The car is stopped and John is cooperative during the traffic stop. John does nothing to interfere with the investigation at this point and had done nothing earlier to interfere with the investigation. It is determined that the passenger is Matt. It is also determined that John has provided

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him with a wig to attempt to alter his appearance and given him some money to take the bus from Tillamook to Portland, so that Matt could evade arrest. In this scenario, John would have no criminal culpability. In this example, there was no proof Matt was inside the residence when the deputy was there earlier. The only thing the deputy knows is that John has given him money, a disguise, transportation, and concealment to evade arrest.

I can tell you that, in Tillamook County, we aggressively use the Hindering Prosecution statute when we are chasing people with felonies, and we have made a ton of great cases.

Thank you for taking the time to review this. I hope that this continues to gain traction, and that I can be a part of the process for drafting what I see as a necessary law.

Thank you and I would be happy to answer any questions.