
OREGON STATE SHERIFFS' ASSOCIATION

TESTIMONY ON HOUSE BILL 2654-A

Before the Senate General Government Committee, May 3, 2013

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Chair Shields and Members of the 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.

Few responsibilities are more pivotal than carefully and methodically choosing the correct applicants to become members of the law enforcement community. The background checks are meticulous and incredibly invasive by design. Would you really want it any other way?

Below are excerpts from emails from Sheriffs when asked for input on the importance of their use of social media when examining an applicant's background:

Coos County

Several of our applicants have been eliminated as there were photographs on their sights of drug use, sales, manufacture, furnishing alcohol or tobacco to minors, sexual misconduct with minors and other illegal activities. Some of which ended in the applicant being charged and prosecuted.

Clackamas County

- We had one applicant who claimed not to drink alcohol and all of the applicant's references said the same thing. When the applicant logged on to their social media site, there were numerous pictures of the applicant drinking at parties, some obviously drunk and some cupping his hands on the buttocks of females.

- We had another applicant state they had a "tattoo" and just described it as a "tattoo". The picture of it on their social media site allowed us to identify it as a gang tattoo.

- Not related to applicants, we have had at least one instance where an employee posted a pursuit video from an agency dash-camera on their personal social media site the same night as the pursuit. The posting was discovered and reported by another employee and removed. We would not know about that had another employee not come forward.

Washington County

We have discovered racist comments, drug and alcohol abuse, violent behavior/pictures involving adults and children, sexually explicit poses and material, and inconsistencies with information provided in the application process. Also violent behavior involving the use of children while wearing a U.S. Marine Corps t-shirt.

Oregon State Sheriffs' Association

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Tillamook County

These social sites are great places to develop references for background investigations, rather than just using the listed references. Another example: If a person's social site contains a nightly update of where they are partying each night then drinking alcohol, how often, how much? Should be a very important question for references interviews.

A background is started usually on the top three persons after testing and interviews, background investigating usually starts at the desk first and includes checking social sites. We have seen negative characteristics or qualities that were not egregious but enough to drop that person when we have other choices to work on. These social sites give an investigator a solid feel for the type of person an applicant is by his or her family and friends the comments made about current events, and what they are willing to share regarding their personal lives, you can almost always figure out what a person does in their off time and if there are any biases. I personally feel that the general public has the feeling that whatever they put on the net is public for the most part.

Oregon Sheriffs deeply respect the privacy rights of our citizens. However, we are also duty-bound to give the authority to use deadly force only to those who have the temperament, wisdom and character to use sound judgment in circumstances in which lives literally hang in the balance. We believe our public obligation to preserve the peace outweighs the privacy rights of applicants who voluntarily agree to submit themselves to scrutiny by the very act of applying for a law enforcement career.

Oregon Sheriffs hope the Committee will permit an amendment for law enforcement agencies to continue using "over the shoulder" reviews of social media websites during the application process. Thank you.