



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

March 17, 2015

The Honorable Floyd Prozanski, Chair
Senate Committee on Judiciary

RE: Senate Bill 640

Chair Prozanski and members of the Committee, I am Leonard Williamson, Inspector General for the Oregon Department of Corrections (DOC). I am here to testify on SB 640, and provide information as it relates to the department.

What the Bill Does:

SB 640 requires a public body to obtain a warrant, and provide notice to a person prior to accessing certain electronic communications and cell phone location information, as well as data stored on a cell phone itself. SB 640 further requires a public body to issue an annual report to the Legislative Assembly if public body requests or obtains contents of communication, location information, or certain other information from electronic devices. This bill also provides that information obtained in violation of this act is inadmissible in adjudicative proceedings.

Issues Created for DOC by this Bill:

This concept prohibits a public body from obtaining location information of electronic devices without a warrant and creates reporting requirements. Section 4 (1) (d) carves out an exception within a correctional facility, but it may not exclude jails or work crew sites in the community. With this being said, individuals on county parole or probation are required to sign a waiver making them aware of potential monitoring via GPS monitoring devices, cell phone tracking, or any other means necessary.

If jails and community work crew sites are not expressly included in the exception, Section 5 (1) (2) may establish the requirement for DOC to provide an annual report to the Legislative Assembly that includes a list of applications for warrants for location information, dates, and the denial or approval status of each. DOC is not a law enforcement agency that can apply for a warrant, so this may need to be done by the State Police.

Additionally, although DOC is excluded in Section 4, Section 5 (2) may require DOC to report out on a list of any circumstances in which the department obtained location information without a warrant, as well as the details involved. This could expose the department's investigative techniques and capabilities, which would jeopardize the safety and security of the department.

Requested Action:

SB 640 would apply to DOC as a public body, and for the reasons mentioned above, the Department of Corrections recommends that SB 640 be amended to carve out an exception for the department.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Submitted by:

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