



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

March 17, 2015

The Honorable Floyd Prozanski, Chair
Senate Committee on Judiciary

RE: Senate Bill 641

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 641, and provide information as it relates to the department.

What the Bill Does:

SB 641 prohibits a public body from obtaining information from portable electronic devices without a warrant, unless an imminent threat to public safety exists.

Issues Created for DOC by this Bill:

This concept provides that information contained without a warrant from portable electronic devices would not be admissible in a court proceeding and administrative proceedings (like our inmate disciplinary hearings) unless certain warrant exceptions apply. This concept would cover portable electronic devices currently owned by inmates (MP3 and MP4 players, which inmates may currently use to send and receive electronic messages). Electronic messaging is covered in the Oregon Administrative Rule on Inmate Mail (OAR 291-131), which states that all electronic messages will be processed in the same manner and be subject to the same standards established for the sending, receipt, and processing of regular inmate mail. This means all electronic messages are subject to regular mail inspection and examination. This bill would prevent DOC from reviewing electronic messages without a warrant, thereby impeding our ability to hold inmates accountable for misconduct. The regular review and examination of electronic messaging is crucial for the safety and security of our operations.

In addition, in support of the Prison Rape Elimination Act, DOC is exploring the use of a GPS system for the Coffee Creek Correctional Facility population, including inmates and staff, for which DOC has prepared a Policy Option Package. Although this POP was included in the Governor's Balanced Budget, this bill could have unintended consequences on this system if it is funded in the future.

Requested Action:

SB 641 would apply to DOC as a public body, and for the reasons mentioned above, the Department of Corrections recommends that SB 641 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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