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*Committed To, And
Value, Offender
Reformation,
Services to Victims,
Crime Prevention,
And Community
Restoration*

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Statement on SB 641A

Chair Barker and members of the House Committee on Judiciary, I am Scott Taylor Director of Multnomah County Department of Community Justice. I am representing the Oregon Association of Community Corrections Directors (OACCD).

Senate Bill 641A in its current form is opposed by OACCD because of the impact it will have on our ability to supervise individuals as ordered by the courts and the State Board of Parole and Post-Prison Supervision. Specifically, this bill applies to law enforcement agencies. Community Corrections is included in this designation. The provisions in this bill prohibit a law enforcement agency from obtaining data from a portable electronic device without a warrant or consent. The provisions in this bill do not specifically recognize community corrections conditions of supervision.

On a daily basis, we supervise 32,000 convicted felony offenders in communities across the state. Many of these individuals have conditions of supervision that allow us to search their phones, computers, readers and other digital equipment. Given the population we supervise, the ability to hold them accountable is a key factor in promoting community safety and offender behavior change.

Passage of SB 641A would result in limiting the ability for Community Corrections to utilize an important tool in holding offenders accountable. Specifically, this bill would limit the ability of our officers to search items such as phones and computers, as per conditions of supervision. The ability to do these searches can result in discovering behavior that violates probation/parole conditions or new criminal activity.

This ability is particularly valuable when we work with sex offenders, domestic violence abusers, drug dealers, human traffickers, and gang members whose activities are often done in a secretive style and often unable to be monitored without forensics. This bill could limit our ability to track the activities of predatory offenders whose conditions of supervision include searches of electronic devices. Another concern is the broad definition of electronic devices proposed in this bill. Currently we utilize GPS tracking and electronic alcohol monitoring as a way to monitor a selection of offenders. Given the current wording, we are uncertain whether our ability to do so would be limited.

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OACCD requests the bill be amended to allow for the exemption of probation and parole from the restrictions placed on Law Enforcement.

In addition to this bill limiting Probation/Parole Officers ability to search devices, this bill also has a huge impact on an important statewide resource. The Multnomah Department of Community Justice runs a Computer Forensics lab that allows us to monitor the digital behavior of people on supervision to promote victim and community safety. The Forensics Lab is key component in community supervision in the 21st Century. Our lab supports community corrections throughout Oregon and works in collaboration with the Northwest Regional Computer Forensics Laboratory and the Federal Bureau of Investigation.

In short, this bill would severely impact the work that is done by Community Corrections in this digital age that promotes community safety. You will hear more specifics from Christi Winters, a Multnomah County Probation/Parole Officer and a Computer Forensics Examiner regarding the effects of this bill to our lab.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions.

Submitted by:

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