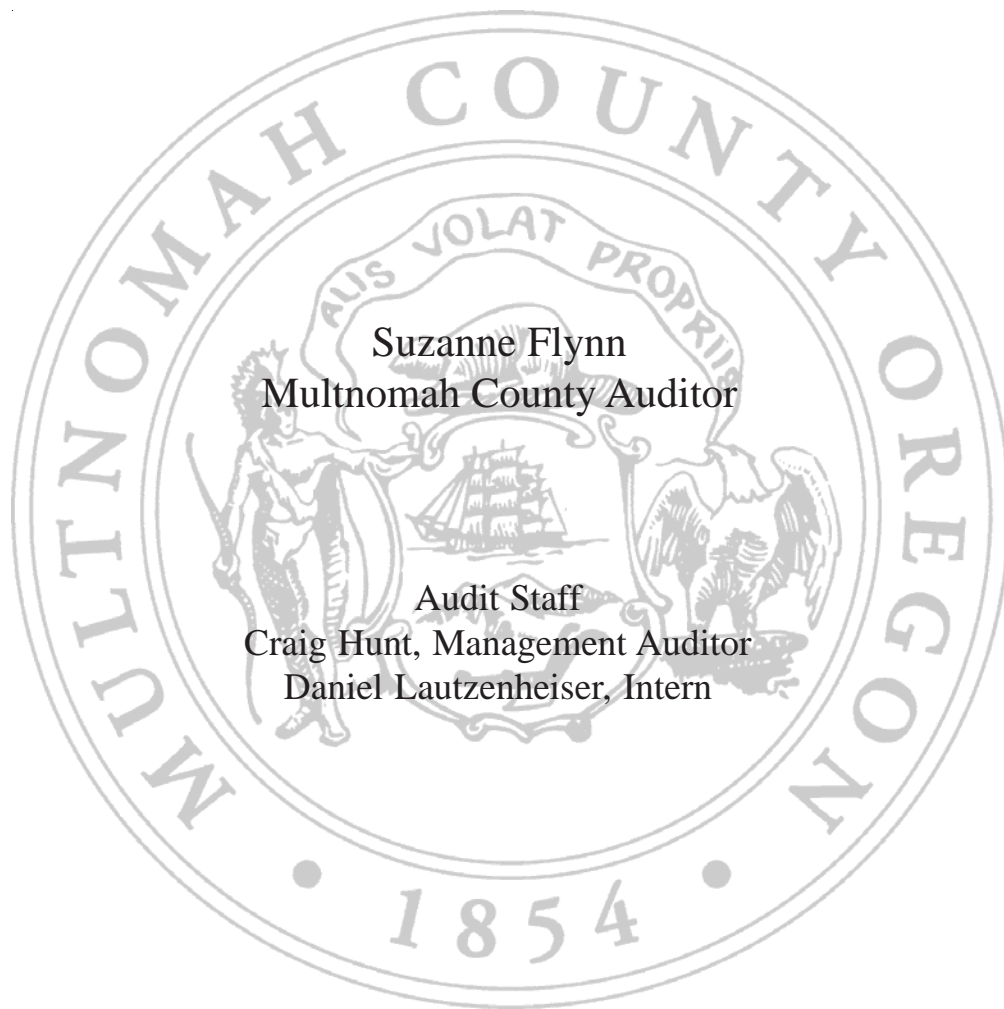


Public Records

Eliminate barriers to citizen access
December 2006



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MEMORANDUM

Date: December 7, 2006

To: Diane Linn, Multnomah County Chair
Maria Rojo de Steffey, Commissioner, District 1
Serena Cruz Walsh, Commissioner, District 2
Lisa Naito, Commissioner, District 3
Lonnie Roberts, Commissioner, District 4

From: Suzanne Flynn, Multnomah County Auditor

Subject: Audit of Citizen Access to Public Records

The attached report covers our audit of how well the County was able to respond to public records requests. This audit was added to our FY06 Audit Schedule and was unannounced in order to achieve audit objectives.

Being prepared to respond to the general public interested in finding out about their government may seem like a simple task. However, the quality of the response can affect the public's trust and confidence in government. As part of our audit we conducted a test of how well the County was prepared. We were able to successfully complete 33 out of 49 requests – a 67% completion rate. While County employees handled the requests professionally, we doubt whether most citizens would have been as patient or as persistent as we were.

We have discussed our findings and recommendations with the Chair's Office and the County Attorney. A formal follow-up to this audit will be scheduled within 1-2 years.

We would like to acknowledge and thank the management and staff throughout the County who assisted us in completing this audit. We would also like to thank the volunteers, who so graciously agreed to participate and donated their time to the effort.

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Summary

Transparency, accountability, open government, the right to know, and public trust are some of the words that express the importance and underlying values associated with Oregon's Public Records law. The law is not just for the media or activists. In most cases, any person has the right to find out about the government's business. The identity, motive and need of the person are usually irrelevant.

The purpose of this audit was to determine what might happen if a person called, emailed, or walked into a County agency and requested public information. We approached this audit from a citizen's perspective. We were not trying to seek obscure records that were difficult to produce, but rather information that could give citizens insight about Multnomah County government.

Overall, the results were mixed: some agencies and departments handled our requests well and others did not. Out of 49 attempts to obtain public information, 33 were completed, a 67% completion rate.

In the 67% of our requests where we received information, many times barriers had to be overcome. These barriers may make it more likely that a person would stop seeking information or not try again in the future. We doubt that many citizens would be as patient or persistent as we were in the audit.

Although unintentional, County employees can create barriers for citizens. Most County employees were courteous and tried to be helpful to the person making the request. But we found the County lacked a formal protocol for employees to follow when responding to information requests.

Similar to our findings in a 1995 audit, locating the right place to request information by phone was another barrier. Using the government pages in the phone book, we made 42 calls to find the right location to make information requests and were successful 57% of the time. We made multiple attempts, were transferred, and navigated through automated messages, which have increased from 60 in 1995 to about 300 today.

We recommend that the County Attorney and the Board of County Commissioners approve an administrative procedure that addresses all public records and provides employees instructions on how to properly respond. The County should also establish a training program and develop a county-wide strategy and standards for telephone access. Finally, we suggest that frequently requested information be readily available proactively for citizens.

Background

Transparency, accountability, the right to know, open government, and public trust are just some of the words that express the importance and underlying values associated with Oregon's Public Records law. Oregon's Public Record's law is not just for the media or activists. Access to public information benefits all citizens and their communities. Open government is indeed a critical part of a successful democracy. Expressed by the Carter Center, "Democracy depends on a knowledgeable citizenry whose access to a range of information enables them to participate more fully in public life, help determine priorities for public spending, receive equal access to justice, and to hold their public officials accountable."

Oregon's Public Records law was enacted in 1973, during the Watergate era as distrust in government was growing. The law was important to help rebuild people's trust in government by providing open access to government documents. The law also plays an important role in a participatory system of government. Under the law, citizens are entitled to "see through" the conduct of the public's business by gaining access to its written records. The identity, motive, and need of the person requesting information is generally irrelevant.

The Oregon Public Records law applies to all government records of any kind. Oregon Revised Statutes defines public records as including "any writing that contains information relating to the conduct of the public's business..." A "writing" means handwriting, typewriting, printing, photographing and every means of recording such as videotape or microfiche. Public records include e-mail, as well as other information stored on computers.

A citizen's ability to readily access public information is a necessary prerequisite to complying with the letter and the spirit of Oregon's Public Records law. For that citizen, difficulty accessing the information represents what might be the only time he has requested information from the County, or, depending on the results, will again. When citizens cannot access records, they may feel disenfranchised from their government and may lose trust.

According to the Attorney General's Public Records and Meetings Manual, the public records law is primarily a disclosure law, rather than a confidentiality law. There is some information that is exempt from disclosure. However, exemptions from disclosure are interpreted narrowly and it is presumed that exemptions do not apply.

There are only limited circumstances where the County would be prohibited from disclosing a public record. Most exemptions are conditional and do not prohibit disclosure. Conditional exemptions require the County, on a case by case basis, to make a disclosure decision that

balances competing public interests yet favors disclosure. If the County denies a records request, it has the burden of proving why the information was not disclosed.

Responding to requests

A public employee receiving a request has a dual responsibility of protecting the public's right to know and being a custodian of any confidential personal information or other information exempt from disclosure. Information requests can be a distraction from normal work activities and can put pressure on already tight resources. The type of request made may be for political purposes or seek to embarrass or harass public officials or employees. But regardless of the purpose of the request, public employees should not be a barrier to anyone seeking access to public records.

Types of information requests that employees receive vary. Many requests are handled as a normal part a department's business. For example, a request for tax information by a citizen is a frequent request that employees at the Assessment and Taxation Division are familiar with. Likewise, requests from attorneys for animal control records are routine as well, and there is a system in place to deal with those types of requests.

There are also non-routine requests that can be simple or more complex. For example, a citizen requesting a copy of the most recent food inspection report for a particular restaurant is a simple request that can be handled quickly. A request for complaints filed against foster care agencies and how they were resolved is more complex, may take more time, may have a higher volume of records, and may require research or consultation with the County Attorney.

According to the law, the requestor may inspect the records on-site or ask for copies. In either case, the County must respond in a reasonable time. Staff availability, volume of records and complexity of the request may impact how long it takes to respond to a request. The County is not held to a requestor's timeline, but is held to a reasonable response time according to the law.

The County is allowed to charge fees for public information requests. Some departments in the County charge fees while others do not. Fees charged should be based on the actual costs of making the requested records available. Beginning in 2006, the County must provide the requestor with a written cost estimate for fees expected to be over \$25 and fill the request only upon confirmation by the requestor to continue. Departments are also allowed to waive all or a portion of fees.

The Department of Community Justice, Sheriff's Office, District Attorney's Office, and Library have all assigned a person within their department to coordinate responses to public information requests. Other departments use personnel in the Public Affairs Office to help process requests. Public record requests come from the media and the public. Some departments in the County have more media requests than from citizens and vice versa. The County has a procedure that provides employees guidance for responding to media requests.

The County Attorney's Office is often consulted directly by departments or through the Public Affairs Office to answer the legal issues surrounding public information requests. The County Attorney's Office may also process requests made to elected officials.

Example of a public
record request

A citizen of Multnomah County wants to learn about her government and make educated decisions about a potential project in her community. Not finding the information on the County's web site, she turns to the phone book. There are many listings to sort through in the phone book, but she finds one that seems to be a fit and places a call to the County. She reaches an automated message that provides her with many options. She picks the option that she feels is best and after a few rings begins asking an employee questions about where to find the records that she is seeking. The employee is very nice and tries to find the right person for her to talk with to get the information but is not sure where to forward her call. Her call is transferred, the phone rings then switches over to voice mail, so the caller leaves a phone number where she can be reached.

Not hearing back for two days, the caller again attempts to contact the County. The next day, a County employee calls back. She asks where to go in the County to get the records that she needs. The employee on the line asks her why she needs that information. She says it is for research purposes. The employee then asks if she is with the media. When she answers "no," the employee then tells her the address where she can go to pick up the information.

She drives to the location provided over the phone. The employee at the desk says that the person that she needs to talk with about her request is not there. The employee at the desk gives her the phone number to the contact person. Once home, she calls the number and she leaves a message on voice mail. The employee who calls her back that day again asks her if she is with the media and why she would have so unusual a request stating: "We just do not get many requests like this," but says that he will try to get the records that she requested. The employee offers to send the information once they get it via e-mail and she provides her e-mail address.

A week goes by. The next day when she checks her e-mail, some, but not all, of the records that she requested have been sent. She stops pursuing the remaining information and questions whether she can really have an informed voice in decisions affecting her community. Although hypothetical, this story represents actual experiences that the Auditor's Office had while seeking public records in the County.

Audit Results

Based on our efforts to obtain a variety of public records county-wide, we found the results were mixed: some agencies handled our requests well while others did not. When we began this audit, we were more concerned with whether the County complied with the public records law, and whether public records requests would be provided or denied. But we found that much of our efforts ultimately dealt with getting to the right place, and how well employees responded to and followed through with requests.

Trying to find the right place in the County by phone has been a long-standing problem that still exists today. Once in contact with the County, we found that many employees were not equipped with the protocols and training needed to properly respond to public records requests. Overall, actions and practices of the County indicate that ensuring citizen access to public information has not been a priority.

Unable to obtain public information

Out of 49 attempts to obtain public information, 33 were completed—a 67% completion rate. It must be emphasized that many information requests were handled in a professional manner by County employees. Employee demeanor is important and County employees performed well here. In most requests attempted, County employees were courteous and tried to be helpful to the person making the request. However, courteous treatment may not change the experience that citizens have obtaining their information if they are ultimately unsuccessful.

Most unsuccessful cases resulted from a lack of a response to the requestor even after repeated attempts were made. In fact, we believe the 67% completion rate would have been lower had it not been for our persistence in trying to obtain the information. Generally, we were not directly denied information. Rather, we experienced a de facto denial due to the lack of a response. For example, employees stated that they would send the information but then did not follow through. Several cases were unsuccessful because incomplete or incorrect information was provided.

In the 67% of our requests where we received information, many times there were barriers that had to be overcome. These barriers may make it more likely the citizen could stop seeking information and not try again in the future. We do not believe that many citizens would be as patient or persistent as we were.

In about 15% of our cases, employees were described as acting suspicious towards the requestor. For example, in one case an employee repeatedly asked the name of the requestor and the reason they wanted the information. The employee stated that “People just don’t call out of the blue and ask for [that information],” and asked if the requestor was

with the media. Many citizens might have been deterred by this response. We were persistent and ultimately received the requested information in this case.

Gaining access to public records in Oregon is not generally dependent on who is requesting the information or their motive. According to the Attorney General's Public Records and Meetings Manual:

“Generally, the identity, motive and need of the person requesting access to public records are irrelevant. Interested persons, news media representatives, business people seeking access for personal gain, busybodies on fishing expeditions, persons seeking to embarrass government agencies, and scientific researchers all stand on an equal footing.”

Asking requestors why they want the information, what their name is, if they are with the media or other personal information is generally inappropriate. At least one of these questions was asked in 57% of our on-site visits. The manner in which these questions were asked ranged from overt suspicion of the requestor to curiosity or simply making idle conversation. Sometimes wanting to know the motive of the requestor appeared to be used as a way to understand the request better.

The identity of requestors and their motive may be relevant when determining whether it is in the public's interest to disclose information for certain conditional exemptions. However, given the complexity of such a request, this information should not be required of the requestor until there is a full understanding of the request and until legal advice is received.

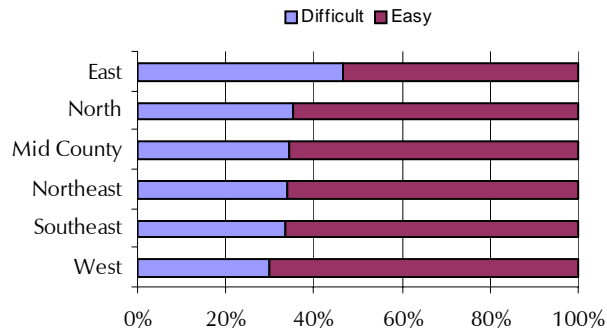
Getting to the right place
by phone was difficult

Using the phone to contact the County is a logical first step for citizens seeking public information. We made 42 calls to County locations with the primary objective of finding the right place to request particular public information in person. Using the DEX government pages of the phone book, we were able to get to a proper location 57% of the time. This was with considerable persistence with multiple attempts, transfers, callbacks, and dealing with automated attendants. Our attempts to locate public information by phone indicate a significant barrier to citizen access.

Access to public records is affected by how much time and effort it takes the requestor to establish a productive contact. It should be simple for citizens to find their way to the right place to request the information, not time consuming or frustrating. It is an important value of the County to make it as easy as possible for citizens to reach County services. As shown in Exhibit 1 below, in 2006, an average of about 35% of respondents to the Auditor's Office Citizen Survey found it difficult to find the service in the County that they were seeking.

Percentage of citizens finding it difficult to locate County services

Exhibit 1



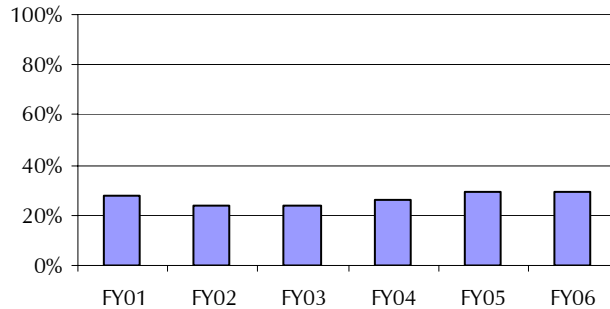
Source: Auditor's Office 2006 Citizen Survey

There is not a well-known, main contact phone number for Multnomah County. The County and the City of Portland joined together in 2000 to operate the City/County Information and Referral number. Although the Information and Referral number is now near the beginning of the Multnomah County listings in the phone book, there are almost 900 other County numbers in the DEX government pages to review.

According to our Citizen Survey, only 29% of County residents are aware of the Information and Referral phone number. As shown below in Exhibit 2, over the last six years this percentage has remained relatively unchanged. A lack of knowledge about the Information and Referral phone number may be due to how the County promotes it.

Percentage of County residents aware of information and referral number

Exhibit 2



Source: Auditor's Office 2006 Citizen Survey

Use of automated messages increased difficulty

Automated phone attendants (AAs) further increase the difficulty of contacting the County by phone. The County has grown even more dependent on AAs since we reported their problems in our 1995 audit "County Services: Help citizens find their way." According to a report by the Stratiform Group issued in December 2005, many of the same problems that we found with AAs in our 1995 audit still exist today. Problems with AAs include long messages that contain confusing menu choices, overly complex language, and some calls that go nowhere. According to the Stratiform report, policy and standards for AAs were not in place.

In 1995 there were about 60 AAs and today there are around 300. Given the increase in the number of AAs, we concluded that the magnitude of access problems have increased and it is even more difficult for citizens to find their way to the information or services that they are seeking.

In the FY07 budget session, a proposal was made to improve access to County services and raise citizen awareness of how to access Multnomah County by phone. While the scope of this proposal was beyond public records requests, its objectives were applicable to resolving phone access barriers. The proposal's objectives were to minimize dependence on automated phone menus, clarify telephone directory listings, and centralize incoming calls through an easy telephone number to a real live person. To improve access, the proposal called for a uniform county-wide strategy and standards. The proposal was not funded for FY07.

Lack of protocol
can be a barrier

The County's only procedure about public records addresses requests from the media. There is no procedure currently in place to address the "how to" instruction needed for employees to properly respond to all public record requests. While an enhanced capacity to provide accurate information to the media is an integral part of County openness and accountability, requests from others outside the media are just as important.

During our audit, the focus on media requests seemed to reflect a defensive posture rather than a commitment to open government. Due in part to the audit, the County had an increase in public record requests. There was also a recent election and a number of sensitive issues that had employees' attention. We heard of employees comparing requests or making other attempts to figure out motives or patterns. An over concern with motive can ultimately create access barriers for the public. We believe that it is much more productive to simply respond to requests and maintain an open government focus.

Best practices can
guide the County

No procedures are in place that address information requests from citizens or that inform County employees "how to" respond to their requests. Lack of protocol can create additional access barriers. For example, best practices suggest the following steps:

1. Minimize "bouncing" the requestor from one person to the next. This happened on the phone because employees did not know who could handle the request. Bouncing also occurred during site visits. In one case we contacted an employee by phone then made a site visit to the same employee to discuss the request. The employee said they would provide the information then did not contact us for four days. When we sent an e-mail inquiring about the status of our request, the employee provided a phone number to contact someone else for the information.
2. Separate simple requests that can be immediately dealt with from the complex or unusual. For example, a request for a copy of written procedures is a simple request that can be

dealt with quickly by one employee with minimal expense. A request for all e-mail correspondence between commissioners and a County program is more complex, involves more employees, and may be expensive.

3. Get the request in writing and review it with the requestor to gain a clear understanding of unusual or complex requests. A form can be used to do this, but it is the writing and communication that is important. A form should not be used to discourage or interrogate the requestor. Time, effort, and expense can be saved by fully understanding the request and narrowing broad requests if needed. Some citizens may have trouble describing what they want in terminology that an employee recognizes. It was clear in several instances that the reason we obtained incorrect or incomplete records was because the employee taking the request did not fully understand what was requested.
4. Do not ask the requestor who they are or the reason they are seeking the information. However, there are some cases where the name of the requestor is needed, such as the requestor's medical files.
5. Inform the requestor of the process. Provide an estimate of how long it will take to fill the request, and let the requestor know if there are any problems processing the request. We had information requests where we were simply unaware of what was next in the process and would have to call or e-mail to check the status of the request. In one case we were not advised what to expect and went 12 days without communication. Although we finally received the information, we did not know whether the County was going to respond.
6. Respond promptly within a reasonable timeframe. According to public records law, the County only has a reasonable time to respond to the request. Staff availability, volume of records and complexity of the request may impact how long it takes to respond to a request. The County is not held to a requestor's timeline, but is held to a reasonable response time. During our audit, it took us up to 18 days and multiple contacts to obtain relatively simple records. A total of five requests took us over 10 days to receive.
7. Inform the requestor of any reasons for nondisclosure of all or a part of the records requested. In the case of a partial denial, the requestor will be aware that additional records exist.
8. Seek advice from the County Attorney on non-routine requests. Employees are not expected to be versed on all aspects of the public records law. The County Attorney's Office will provide advice if there are any disclosure uncertainties.

Training is lacking

Although the County may face monetary risks for not complying with public records law, a loss of public trust and confidence is the greater risk. When County employees create access barriers or do not otherwise properly respond to public records requests, it may be the result of simply not knowing what the law requires them to do. Overwhelmingly, County employees that we contacted over the phone and on site visits were courteous, and made attempts to be helpful. County employees were trying to do the right thing but appeared to lack training.

Some useful information on public records is already available in the County. For example, the County Attorney's Office publishes a booklet called "Oregon Public Records Law" that is available on the County intranet. The booklet was updated in November 2006. The County Attorney's Office also provides one-on-one training to departments on an ad hoc basis and recently had a training session for executive staff. Executive Rule 300 is helpful for media requests and provides guidance to departments.

There has not been a systematic way in the County for all employees to receive training on responding to public records requests. Establishing a protocol for responding to all public information requests will help with training employees. Further training will be needed to ensure all employees and public officials understand and follow the protocol.

Some fees do not appear to be supported

The Oregon Public Records law allows governments to charge fees for public records. Multnomah County code specifies that department directors set fees. Any fees charged to the public should be based on actual costs. Departments are allowed under the law to waive all or a part of fees. A common example of fees is for photocopying public records.

Our study indicates that some departments do not charge fees, especially for quick, easy requests or where customers cannot afford it. Only six out of 49 of the public record requests that we made, charged a fee for the information requested.

The State Attorney General recommends and Multnomah County code requires establishing a fee schedule that explains the justification for the fees to the public. Further, the County should be prepared to demonstrate that their fee schedule rates are based upon an evaluation of their actual costs. Although our work with fees was not comprehensive, we question whether some departments could demonstrate that rates charged are based on actual costs.

Recommendations

To strengthen the responsiveness of the County to public records requests and to foster a culture of openness and accountability:

1. The County Attorney's Office should draft an administrative procedure that addresses all public record requests and provides County employees with instructions on how to properly respond to requests so that access barriers are eliminated.
2. The County should establish a systematic training program for all employees on how to respond to public records requests. Similar to the HIPPA training program, some of the public records training could be accomplished over the County's intranet. Public records training could also be included in new employee orientation.
3. Telephone access to the County should be improved so that citizens can easily locate the information that they are seeking. The County should:
 - a. Establish a county-wide strategy and standards for citizen access to County services by phone.
 - b. Minimize dependence on automated phone menus.
 - c. Consider centralizing of all incoming calls through an easy telephone number or otherwise clarify telephone directory listings.
4. All departments in the County should demonstrate that their fees for public records are based on an evaluation of actual costs.
5. More frequently requested information should be readily available on the internet or otherwise to respond promptly to citizen requests.

Scope and Methodology

The objective of the audit was to determine what happens when citizens call, e-mail, or walk into County agencies and request public information. Our efforts focused on how accessible and obtainable public information in the County is to citizens.

We recruited volunteers from the community and hired an intern to make information requests throughout the County. To maintain our anonymity, we did not announce this audit until after all of the requests for information were made and ample time was given to receive responses. Requests were made from all departments in the County.

We approached this audit from citizens' perspective and requested information that they may want and could give them insight about Multnomah County government. Most of our requests were straightforward. We were not trying to seek obscure records that would be difficult to produce. A small number of requests may have been politically sensitive. We reviewed our requests with the District Attorney to ensure that the requests that we made was for information that could be disclosed.

We requested information over the phone, on-site, and through e-mail. We used the government pages of the DEX phonebook and made 42 phone calls to find the right place in the County to make an information request. As shown in Exhibit 3, we made 49 requests for public information throughout the County. Appendix A lists the information that we requested.

Requests by Department

| | <u>Number</u> |
|---|---------------|
| Department of County Management | 6 |
| Department of Community Services | 5 |
| Sheriff's Office | 5 |
| Library | 4 |
| Health Department | 9 |
| Department of Community Justice | 4 |
| Department of County Human Services | 10 |
| Department of School and Community Partnerships | 3 |
| District Attorney's Office | 3 |

The volunteers and intern used forms to collect information about their phone calls or onsite visits. They recorded information such as the demeanor of County employees, whether inappropriate questions were asked by employees, whether any fees were charged, the length of time to get the information, and their general impressions of the encounter.

We reviewed Oregon Revised Statutes pertaining to public records and used the Oregon Attorney General's Public Records and Meeting Manual

as a reference. We researched how other jurisdictions handle public information requests and looked at best practices.

Department directors or their designees, public information officers, the Public Affairs Office, the County Attorney, and several respondents to requests were interviewed. We reviewed existing County procedures and the “Report of Findings and Recommendations Multnomah County Network Services Assessment” by the Stratiform Group issued in December 2005.

During the audit, we identified two areas for future audit work: e-mail retention and how records could be retained and made available electronically.

This audit was conducted in accordance with generally accepted government auditing standards.

Appendix A

Requests made by
the County Auditor's
Office

- Listing of all tax foreclosed real property for Multnomah County as of current date. Want the legal description of each property and its assessed value.
- Request information on how many inmates were released during 2006 to date and what they were booked for.
- Number of meals served to seniors in their homes in 2005 and 2006 to date.
- Current listing of all take-home vehicles for each County department that includes the type of vehicle, year purchased, and employee name.
- Report showing how many weapons (showing types of weapons if possible) were found on the public coming into the Courthouse during the last year.
- Number of used Multnomah County computers given away to schools or non-profits in 2005 and to-date in 2006.
- All e-mail correspondence between the Commissioners and the Chair and the Department of Schools and Community Partnerships that has any information pertaining to SUN schools from the time period January 1, 2006 through July 1, 2006.
- Copies of any updates to the Multnomah County Corrections Deputy Association labor contract as a result of the most recent "re-opener."
- Report on how many dogs and cats were euthanized in the last three years compared to how many dogs and cats were adopted each of those years.
- Report on the election costs charged to other jurisdictions for the May 2006 elections.
- Listing of how much was paid by the County to weatherization providers (for each provider) in fiscal year 2005 for weatherization services.
- Request information on the current condition of County-owned roads (Pavement Condition Index) and money spent on County-owned roads in the last two fiscal years.
- Request project information for the Burnside Bridge work currently in process that includes total budgeted cost of the project, total expenditures incurred to date, and estimated expenditures to complete the project. Also request if the project is scheduled for completion on time.
- A listing of land use code complaint cases received over the last fiscal year in the unincorporated area of the County. Include Complaint Allegation, Location, Property Owner, and Remedy.

- Request two pieces of information: A report showing how many new library cards were issued to K-12 youth. Another report showing how many existing K-12 youth used their cards in last 12 months.
- Copy of the grievance procedures when someone in juvenile detention has been allegedly mistreated.
- Total cases of juvenile delinquency reviewed and the total cases actually prosecuted in 2005 and to date 2006.
- Listing of complaints investigated by the Sheriff's Office Internal Affairs Office in 2006. Specifically, requesting the date the investigation was filed, the date the investigation was resolved (if resolved), the type of complaint and the employee's name who is being investigated.
- Report on how many volunteer hours were worked for each of the neighborhood libraries last year.
- Report showing the technology classes offered to seniors during the last two years and the number of seniors attending these courses.
- Report on the number of homeless people who were provided emergency shelter by provider in 2005.
- Most recent deferred maintenance cost estimates for all County-owned buildings.
- Request a copy of the most recent analysis of how long it takes ambulances to respond in Portland.
- Report on number of school age children immunizations by type of immunization for most recent school year.
- Copy of the pandemic disease plan.
- A copy of the most recent food inspection report for a particular restaurant.
- Number of reported measles cases in Multnomah County to date in calendar year 2006.
- Report on the number of sexually transmitted diseases reported in Multnomah County for 2004 and 2005.
- The number of students who received birth control in the most recent school year.
- Report on the number of adults currently on probation along with a report showing the current caseloads of probation officers (do not have to identify the employee).
- Percent cases that end in acquittal versus dismissal versus conviction in last 3 years—for adult, felony cases.
- Request information on how many recog. interviews for adults were conducted in 2004 and 2005. From those interviews what percentage were placed on pre-trial supervision?

- What types of accountability programs are juveniles involved with and how much community service did they provide in 2005 and 2006 to date.
- Observed in the budget information that there was a recent Medicaid report and corrective action taken by the County. Request a copy of these reports.
- Who are the investigators for involuntary commitments and what are their caseloads?
- Listing of all complaints filed against Adult Foster Care Homes in 2005. Include the name of the provider and whether or not the claim was substantiated.
- Report on how many seniors are provided with daily living assistance in their own homes versus a nursing home. Most recent data.
- Report on how many abuse or neglect investigations/reports were completed for elderly clients in 2004, 2005 and 2006 to date.
- Request information on the average patrol response time for emergency services for the East-side and for the West-side patrol areas.
- Report on who provides domestic violence housing services in the community for Multnomah County, and how much it costs the County per year.
- Request a report showing the number of inmates attending GED courses in 2004, 2005 and 2006 to date.
- Listing of current methadone providers that the County contracts with and their locations.
- Request the most recent fiscal monitoring reports for CODA and Urban League that were performed by the County.
- Report showing how much was spent on books for each of the neighborhood libraries for the last two years.
- Report showing how many DAs are employed by Multnomah County and their salary ranges (most recent numbers).
- Copy of the most recent contract with New Avenues for Youth.
- From the Public Guardian Polices and Procedures Manual: General duties and guardianship contact requirements; process for referrals; and process for handling cash disbursements for clients.
- Report on how many returns were filed and how much tax revenue was collected over ITAX's 3 year-term (by year).

Responses



Diane M. Linn, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@co.multnomah.or.us

December 5, 2006

Ms. Suzanne Flynn, Auditor
Multnomah County
501 S.E. Hawthorne Blvd., Room 601
Portland, OR 97214

Dear Ms. Flynn,

Thank you for the opportunity to comment on the Public Records Audit recently conducted by your office. I especially want to recognize Craig Hunt and Daniel Lautzenheiser of your staff for their dedication and hard work in completing this review.

As you very appropriately noted in your December 7th Memorandum, while responding to public records may seem like “a simple task”, the “quality of the response can affect the public’s trust and confidence in government.” The interactions citizens have with government during a public records request process are indeed a very important test of the County’s accountability. I wholeheartedly support recommendations in the report that call for strengthening improvements to the County’s public records program including: the creation of organization-wide protocols, systematic training for key personnel, continued investment in telephone accessibility to information (and especially by leveraging existing investment in the City-County Information & Referral Line), and a specially designed webpage focused on public records.

I also want to take this opportunity to acknowledge the very committed work of our County Attorney’s Office over the last two years. Despite a high volume of public record requests and the complexity of compiling a variety of documents, these requests were handled extraordinarily by Agnes Sowle and her staff.

Again, I want to thank you for highlighting the value of our work to respond to public record requests. Your report succinctly summarizes action items that can be adopted to improve the public’s ability to access the work of the County and promote the public’s trust in our jurisdiction.

Sincerely,

Diane M. Linn
Multnomah County Chair

c: Board of County Commissioners,
County Attorney



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November 21, 2006

Suzanne Flynn, Auditor
Multnomah County
501 SE Hawthorne, Room 601
Portland, OR 97214

Dear Ms. Flynn:

The County Attorney's Office appreciates the time and effort that you and your staff have invested in a review of the County's practices in responding to public records requests. Thank you for the opportunity to comment on your findings and recommendations.

During the past 12 – 24 months, we have noticed a marked increase in the number of public records issues about which we have given advice and in the number of actual requests processed by our office. As we have contacted departments for specific records, we have encountered many of the issues you encountered in your audit. The issues you address are both insightful and actionable.

The County's 67% completion rate for your attempts to obtain public information is not consistent with the legislative policy of the Public Records Law. That policy provides that every person has a right to inspect any nonexempt public record. Multnomah County should complete *every* public records request in a reasonable time either by disclosing the records requested or by providing an explanation of why the requested records cannot be disclosed. Responses to each request should be uniform and courteous.

I fully embrace your recommendations. We have already taken some actions which are consistent with those suggestions. As mentioned in your audit, we recently updated a booklet, "Oregon Public Records Law," for County employees. I also recently did a training for the County's Executive Committee and have been encouraging directors to schedule trainings with me or one of our attorneys for their managers. We are always ready and willing to respond to public records questions.

Suzanne Flynn
November 21, 2006
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A standard protocol for responding to public records requests and training are key to improving the County's compliance with the Public Records Law. We will work with the Chair's office to develop such a protocol and to provide ongoing training opportunities.

Again, thank you and your staff for your review and recommendations.

Very truly yours,

Agnes Sowle
County Attorney

AS/lf

cc: Diane Linn
County Chair