

Government Accountability

Auditing Compliance with Public Record Laws

Why audit compliance with public records law?

- “An effective public sector audit function strengthens governance by materially increasing citizen’s ability to hold their government accountable.”

The Audit Role in Public Sector Governance, an issue paper developed by the IIA and endorsed by a wide group of professional associations including N.A.L.G.A.

Why audit compliance with public records law?

- Public trust
- Transparency
- Recent examples of public records used
 - Beaverton/Nike case
 - Willamette Week story

Why Audit? From the Society of Professional Journalists

“Because somewhere in your community – right now – a citizen is being denied access to public records. For that citizen, the denial represents what might very well be the first and only time that parent, or homeowner, or environmental activist, has requested information from their government.

And what happened? A stern clerk, who may or may not have known better, told them no.

Remember: this citizen is not a reporter. They don't get evaluated back home based on how hard they fought for the information. In fact, human nature being what it is, they probably decided that it's not worth a fight, sighed deeply and left, their cynicism in government confirmed.”

www.spj.org/foitoolkit.asp

Scope and Purpose of the Audit

- Audit of government accountability
- Citizen's Point of View
- Secret shopper methodology



Oregon's Public Records Law

- Applies to every person
 - Identity, motive and need irrelevant
- Any public body covered
- Public records of any kind



Who has the right to inspect public records?

“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.”

Oregon Public Records and Meeting Manual, p.1.

Design

- Determining what to ask for
 - Public or exempt
 - Exists or must be created
- Determining who to ask
 - How would a citizen find their way?
- Determining how to ask for information
 - On-site, e-mail, phone
- Recruiting and preparing volunteers

The state of public accountability in Multnomah County

- ❑ For the most part employees were “helpful but unsure”
- ❑ Difficult for the average citizen to find their way
- ❑ General lack of transparency-67% successful

We got the information but.....

- It was not easy
 - Requesters had to be persistent and follow up
 - Phone tag
 - Volleyball
 - And, in 11 cases we stopped asking
- What was the message to the citizen?

Other

- ❑ Several times requestors were told they could access the information on the county's website, however, our volunteers found the website very confusing and had difficulty finding the information
- ❑ Employees did not respond to voice messages or emails very quickly (low priority)
- ❑ Protocols varied across the county for answering requests and even within a department

A Sampling

“I’d like a report on the most recent deferred maintenance costs for county-owned buildings.”


- Requester was asked for his name, the reason for the request, and the respondent was suspicious
- Requester was told originally that the information would be sent by email but then referred to public affairs office
- No notice to requester that PAO received the request
- Subsequent follow up call not returned
- PAO took 19 days to fill request

“I’d like to know how many computers were given away by the county to schools or non-profits.”

- First referred to the City for information
- Then back to the County, the employee agreed to pull up information and email it
- A few hours later the employee emailed and asked for a written request
- In total the requester made 7 contacts but the information was never received

“I would like to know how many dogs and cats were euthanized compared to adopted.”

- Requester waited 15 minutes on site while employee tried find someone to answer the question
- Initial contact on site did not take request but told the requestor to call the request in.
- Unable to complete call twice – no answer by operator
- Left message for manager 3 times but messages not returned
- Director called and left message
- Once director was successfully contacted he was very informative and provided information



“How many weapons were found on the public coming into the courthouse last year.”

- First told during site visit to contact the night security guard between 11 pm and 7 am
- Guard cannot release without supervisor’s permission
- Supervisor asked for identity but referred to person in administrative office
- Several messages but never returned call



What we would do different next time

- More training for volunteers
- Follow-through to end by same person
- Create a better understanding of the information requested and why someone might be interested in it

Next steps

- Audit announced to County
- Select interviews of employees who responded to requests
- Interviews of PAO, County Attorney, and Chair's Office
- Write report



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