



OFFICE OF THE SHERIFF

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Curry County Board of Commissioners
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October 3, 2011

Dear Board of Commissioners:

Thank you for the opportunity to review the final report prepared by Oregon Solutions regarding the County's current financial situation. The report clearly articulates the challenges the County faces in providing essential services in the absence of Secure Rural Schools (SRS) funds. I did want to bring to the attention of the Commissioners several points made in the report that warrant clarification and specific statements that require further examination and refinement.

First, the report indicates that one option for providing public safety to the County is by contracting with the Cities to provide law enforcement. While the cities could contribute to the labor force, the County would still be held responsible and liable for public safety. Oregon and Federal Law state the following:

Traditionally under Anglo-American law the SHERIFF is "the principal conservator of the peace for his county" (Murfee, Sheriffs, 628(1884), see also 34 Halsbury's laws of England, 680(3d ed. 1966)). It is the sheriff's duty to "see that the peace and order of the community is {sic} maintained." (2 Anderson, Sheriffs, Coroners and Constables, 592(1941)).

This tradition continues in Oregon (ORS 206.010) provides:

The Sheriff is the "CHIEF EXECUTIVE OFFICER AND CONSERVATOR OF THE PEACE OF THE COUNTY." In the execution of the office of sheriff, it is the sheriff's duty to:

1. Arrest and commit to prison (jail) all persons who break the peace, or attempt to break it, and all persons guilty of public offenses.
2. Defend the county against those who, by riot or otherwise, endanger the public peace or safety.

It should also be recognized that all Oregon Cities lie within one or more counties. The duty of the Sheriff as "Conservator of the Peace of the county" and to "Defend the county against those who endanger the public peace..." therefore extends into the territory of the Cities with

the Sheriff's County. (reference: Kapson v. Kubath, 165F.Supp:542,546 (W.D.Mich.1958); 80CJS 205(1953)).

In addition, every Oregon city has the power to provide general police protection. The larger the city, usually the greater level of police protection provided. Generally, as the city protection increases, the level of police protection provided by the Sheriff decreases. However, the Sheriff's duty to provide law enforcement within cities is not relieved by the City providing its own law enforcement.

The Oregon Solutions report specifically mentions Public Safety as part of the General Fund, and describes public safety as being the biggest part of that budget. The report further describes the weighing of mandated and unmandated services as a potential means for cost savings. To start, the report has excluded Civil from its list of constitutionally mandated services included in Public Safety. The report also mistakenly states that Search and Rescue, a constitutionally mandated service, could be cut. There is a very strong argument that Patrol by Oregon Revised Statutes, is also a mandated service. The report presents the idea for three separate patrol districts. Caution should be taken when considering this suggestion as the County would still be held liable for ensuring public safety. In addition, the concept of three patrol districts has been previously been presented to the citizens, where it failed.

The report is a good first step toward communicating the County's financial situation and spurring discussion about potential solutions. However, I strongly urge the Commissioners, Oregon Solutions, and others to engage each of the Elected Officials to ensure that the requirements and functions of each of their roles and responsibilities are fully appreciated. This information is essential for making informed decisions regarding potential steps to securing County solvency.

Sincerely,

John Bishop, Sheriff
Curry County

