

TITLE 10

SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

SUBTITLE 3 — POLICIES

POLICY 13

CONFIDENTIALITY & ANONYMOUS COMPLAINTS

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13.010 Background

(A) County employees frequently receive complaints or information about law violations. In many instances the complainant or person providing information either declines to identify themselves, or request their identity be kept confidential. This policy is to provide guidance to Linn County employees in such situations.

(B) The law involved: ORS 192.420 provides that in Oregon every person has a right to inspect any public record. A statutory exception applicable to this issue is: "Information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and

when the public interest would suffer by the disclosure, is exempt from disclosure."

(C) However, other laws including the constitutional right, in criminal prosecutions, to meet witnesses face to face, and against unreasonable search or seizure, render anonymous information, or information received with the assurance of confidentiality as to its source, less useful than it might otherwise be.

(D) This policy is an attempt to strike a reasonable balance between the public interest in granting confidentiality to informants, and information from citizens.

(E) Definitions as used in this policy:

(1) "**Anonymous complaint**" means a request for investigation or enforcement of a law violation made by a person or entity whose identity is not known to the county officer or employee receiving the request.

(2) "**Anonymous information**" means statements, writings, etc., purporting to provide factual information, from a source whose identity is not known to the county officer or employee to whom the information is provided.

(3) "**Confidential complaint**" means a request for investigation or enforcement of a law violation made by a person who provides his or her name and address, and who makes the complaint with: a reasonable expectation that the person's identity will be kept confidential; the county officer or employee has agreed in good faith not to disclose the person's identity; the person making the complaint is not required by law to make the complaint, and the public interest would suffer by revealing the identity of the person making the complaint.

(4) “**Confidential information**” means statements, writings, etc., purporting to provide factual information made by a person who provides his or her name and address, and who provides the information with: a reasonable expectation that the person’s identity; the person providing the information is not required by law to provide the information; and the public interest would suffer by revealing the identity of the person providing the information.

[Adopted 89-237 eff 5/24/89]

13.100 Policy

(A) It is the policy of the Board of Commissioners for Linn County that, as to county officers or employees in departments under the direction and control of the Board of Commissioners:

(1) Anonymous complaints will not be investigated unless they are of a condition or action that is an imminent threat to public health or safety, and as to which a Linn County department has specific regulatory or enforcement responsibilities. Anonymous complaints should be briefly documented, and may be made a part of an investigative file that is based upon other information.

(2) Anonymous information may be documented and included in an investigative file. Whether it is so documented and included shall depend upon its relevance to an issue for which the county officer or employee receiving the information has responsibility, and its probable reliability, in the judgment of the county officer or employee.

(3) Anonymous complaints or anonymous information that relate to criminal matters normally dealt with by a law enforcement agency (sheriff, city or state police) should be documented and passed on to the law enforcement agency.

(4) Confidential complaints will be investigated and acted upon, subject to the following priorities:

(a) *High Priority*: Complaints of conditions or actions that are an imminent threat to human life.

(b) *Medium Priority*: Complaints of conditions or actions affecting public health or safety, but not imminently life threatening.

(c) *Lowest Priority*: Complaints of conditions or actions with no public health or safety issues.

(5) Department heads, and employees specifically authorized by a department head, are the only county officers or employees who are authorized to make an agreement with a confidential complainant or source of confidential information not to disclose the person’s identity. Before making such an agreement, the department head or authorized employee should make clear to the person seeking confidentiality that the information or complaint so received may not be used as effectively as information not subject to a confidentiality that the information or complaint so received may not be used as effectively as information not subject to a confidentiality agreement. If confidentiality is agreed to, the person seeking confidentiality should be advised that it may be necessary to seek the person’s consent to reveal their identity in the future, and that in any case, an appropriate court order might require the county officer or employee to reveal the person’s name.

(6) The county, through its legal counsel, will resist any attempt to obtain a court order requiring the disclosure of the identity of a confidential complainant or confidential informant. This policy neither requires nor prohibits the county from appealing a court order to disclose a confidential complainant or confidential informant’s identity.

(7) Anonymous complaints and anonymous informants should be encouraged to provide their identity, and in cases of public health or safety issues, should be advised of the provisions of the confidentiality policy.

[Adopted 89-237 eff 5/24/89]

References and Authorities:

Legislative History of Policy 13:

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Amendments to 89-237:

#1 none

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