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Senator James I. Manning Jr.  
Senator Floyd Prozanski



Representative Janelle Bynum  
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Oregon State Legislature  
State Capitol  
Salem, Oregon

## PRESS RELEASE

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### **Legislators Release Plan to Address COVID-19 in State Prisons**

SALEM – Leaders of the House and Senate Judiciary Committees are releasing a multi-pronged “decompression” plan to address the problem of COVID-19 in the state’s prisons.

The plan calls for the immediate release of adults in custody (AICs) who are considered to be at particular risk of severe consequences from COVID-19. As well as the release of individuals who are just a few months away from the end of their sentence and who have approved housing available upon their release. The plan includes additional requirements that the Department of Corrections (DOC) must meet in order to guarantee the safety of AICs, Corrections staff and the community at large.

The proposed plan follows actions taken by the federal government and a number of Oregon counties to reduce their incarcerated populations in order to prevent the worst consequences of COVID-19 outbreaks.

Chairs and members of the Senate and House committees on Judiciary including Senator Michael Dembrow (D-Portland), Senator James I. Manning Jr. (D-Eugene), Senator Floyd Prozanski (D-Eugene), Representative Janelle Bynum (D-Happy Valley) and Representative Tawna Sanchez (D-Portland) presented the plan to Governor Brown and her public safety advisors on June 3<sup>rd</sup>. A portion of the proposal – potential commutation of the sentences of at-risk AICs – was agreed to and announced by the Governor in a communication to DOC on Friday, June 12<sup>th</sup>.

“We are very pleased with this as a first step,” said Representative Bynum, chair of the House Committee on Judiciary. “These are people with serious medical conditions, and the overly-congested conditions of our prisons can be a death sentence for them. The appropriate humanitarian response would be to release them as soon as possible.”

“I commend the Governor for taking this step,” said Senator Prozanski, chair of the Senate Committee on Judiciary. “But there’s more to be done. Due to COVID-19 and the upcoming budget shortfalls, we need to find intelligent ways to reduce the pressure on our prison system. DOC is doing the best that they can, but we can see from the Oregon State Penitentiary (where the largest COVID-19 outbreak among any workplace or congregate care setting in the state has occurred) that there are serious consequences when this disease takes off. We need a careful, long-range plan.”

"AICs have been reaching out to family and friends, asking to have their voices heard," said Representative Sanchez, who previously served as chair of the House Committee on Judiciary. "There is fear for the most vulnerable incarcerated individuals as well as tension that is developing from what is perceived as a lack of concern for the health and well-being of those who are serving out their sentences."

"We know that our prison system is over-represented by people of color, which is the sad legacy of mass incarceration," said Senator Manning, who serves as co-chair of the Ways and Means Subcommittee on Public Safety and previously served as a police officer and corrections officer. "These are human beings and they need to be treated with respect. If they're within a few months of release, have served their time well, and there's a place for them to go, we should be letting them transition to post-prison supervision."

"This proposal was very carefully crafted by legislators," said Senator Dembrow. "As the reopening process is underway across the state, it actually becomes more dangerous for those inside our facilities. There is significant risk of COVID-19 coming in to our state prisons from the outside, and that risk increases if we see a second wave of the disease in the fall. Careful, targeted reduction of the prison population, focusing on those who did not commit violent offenses, is a smart way to reduce the risk."

The "Decompression Strategy for Oregon Corrections during the Pandemic" can be viewed [here](#). Legislators will hold press availability at 11:00am this morning via Zoom.

Members of the media should RSVP by emailing [Amanda.Kraus@oregonlegislature.gov](mailto:Amanda.Kraus@oregonlegislature.gov) for information to join the Zoom briefing.

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## **DECOMPRESSION STRATEGY FOR OREGON CORRECTIONS DURING THE PANDEMIC**

According to the United States Centers for Disease Control, "Correctional and detention facilities can include custody, housing, education, recreation, healthcare, food service, and workplace components in a single physical setting. The integration of these components presents unique challenges for control of COVID-19 transmission among incarcerated/detained persons staff, and visitors. Consistent application of specific preparation, prevention, and management measures can help reduce the risk of transmission and severe disease from COVID-19."

The COVID-19 pandemic is creating enormous stresses on prison systems all over the country, including here in Oregon. Legislators have received regular correspondence from Collette Peters, Director of Corrections, and appreciate her and her team's efforts to keep everyone in all our facilities safe. It has not been easy. We even had to employ a community meeting strategy to address hostility towards corrections workers and allay concerns about the spread of the virus. Nevertheless, despite the best efforts of the Department of Corrections, we are seeing the inevitable play out, with major outbreaks at two of our facilities and infections among staff and adults in custody (AICs) at various others. As of June 3, 167 adults in custody and 47 staff members have tested positive for the virus. On May 20 our first AIC has died after testing positive for the infection.

We cannot expect this problem to go away quickly. We need to do everything we can to keep AICs and staff safe. While the rate of infection in Oregon counties is going down, infection rates within DOC are increasing dramatically, despite minimal contact with the outside world. At some point, contact with family members and other outsiders will need to be restored, and the pressures will rise further. Moreover, most health professionals are cautioning that we can expect a second big wave of the disease in the fall.

It's crucial that we have a plan in place for reducing current pressures on the system over the next six to eight months. It will be even more crucial if we must consider closing and consolidating prisons as a result of budget cuts, which will make our facilities even more crowded.

A number of states, counties, and the federal corrections system have responded to the pandemic and its effects with what the CDC refers to as "decompression strategies," including releasing AICs ahead of schedule. This has come both via executive action and in the case of Virginia via legislative action. (Their Assembly was still in session at the beginning of the pandemic.)

Unfortunately, not all of those releases were carefully thought out or based on prepared plans. We believe that carefully planned releases of AICs will relieve pressure on the system, make AICs and staff safer, and can be done in a way that does not compromise

public safety. Now more than ever we need to make sure that AICs are released into safe (including COVID-free) environments in partnership with local community corrections entities that can facilitate successful reentry and minimize chances of recidivism.

We believe that we have a plan that can meet the above requirements. This plan will reduce the pressure on the system and prevent serious illnesses during the short term and into the fall. It will focus on those who are at serious risk of severe consequences from the illness because of underlying medical conditions and on those whose terms of incarceration are nearly over. We believe that Oregonians will support this approach, especially given that we are limiting early release to those who have not been convicted of Measure 11 offenses.

We are calling on the Governor and DOC to focus on three groups of AICs:

#### **Group A**

AICs in Group A are those who have served at least 50% of their sentence and have been identified by DOC medical staff as at risk of severe consequences if they contract COVID-19. These include individuals with chronic lung disease, serious heart conditions, chronic kidney disease that requires dialysis, and other serious medical conditions. DOC is currently obliged to provide them with enhanced monitoring and often special housing and services.

For their own safety and for the benefit of the system, under this proposal individuals will be released as soon as they have approved housing and as soon as Community Corrections is able to process them and secure their medical needs.

The counties to which they are being released must have entered the reopening process, and the AIC is assessed to be COVID-free (either through testing, or quarantining, or both).

Currently, 123 AICs (non-Measure 11) are in Group A.

#### **Group B**

Group B are those AICs who were already scheduled to be released within the next 120 days and have approved housing already lined up. They will be released as quickly as possible, as long as their counties of release have entered Phase One of the reopening process, and they are assessed to be COVID-free (either through testing, or quarantining, or both).

Currently, 473 AICs (non-Measure 11) are in Group B. (An additional 66 non-Measure 11 AICs will release to Multnomah County once it enters Phase One.)

### **Group C**

Group C are those AICs who were already scheduled to be released within the next 180 days but **do not** have approved housing already lined up. Individual Group C AICs will be released in advance of their release date as soon as approved housing has been located and Community Corrections in their county is prepared to process them. Again, their release county must have entered the reopening process, and they are assessed to be COVID-free (either through testing, or quarantining, or both).

Currently, 1,078 AICs (non-Measure 11) are in Group C. (An additional 235 non-Measure 11 AICS will release to Multnomah County once it enters Phase One.)

### **Other Considerations:**

- **Testing:** Community members will need to feel that AICs are not bringing the virus with them upon release. Therefore, any AIC who chooses to be released ahead of their official release date must consent to taking a COVID test. If they test positive, they will need to be quarantined for the appropriate time period and retested prior to release.
- **Victim Notification:** Steps should be taken to notify victims of the pending release of the AIC involved in their case via appropriate DOJ, DOC, Community Corrections, and District Attorney staff according to best practices.
- **AIP:** AICs in Alternative Incarceration Programs will be prioritized for early release.
- **Monitoring/Reporting:** DOC will provide weekly decompression status reports to the House and Senate Judiciary Committees.
- **Budget:** The Emergency Board will identify CARES Act and other federal funding to help DOC and Community Corrections facilitate this program.
- **Other COVID Containment Steps:** While this decompression strategy will help contain the spread of the virus, DOC must continue to adhere to all other CDC recommendations, such as:
  - Regular symptom screenings
  - Isolating people with symptoms
  - Physical distancing
  - Intensified cleaning
  - Infection control training
  - Disinfection of high-touch surfaces
  - Mandatory face coverings for staff and face coverings encouraged and provided to AICs

June 3, 2020

Senators Prozanski, Manning, Dembrow; Representatives Bynum and Sanchez

