

Oregon Voices News

News from Oregon that you can use

Oregon Voices Supports Justice, Fairness, and Rational Laws

Oregon Voices is committed to justice and rationality in policies regarding sex offenses and will continue to work toward supporting legislation that will positively impact the lives of registered citizens and their families. Due to the impact of COVID-19 on our lives, it is especially critical that this organization maintains ongoing communication with our legislators and collaborates with the Department of Corrections in order to safeguard the rights of registered citizens. It is also important for OV to provide up-to-date information about such things as seeking relief from the registry and Oregon’s use of the

Static-99R to establish classification risk levels.

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With this issue of *Oregon Voices News*, we introduce something that we hope will become a regular feature of the newsletter—Insiders Corner—a section devoted to the concerns of persons who are incarcerated. To that end, we hope to hear from persons who are currently inside or have been inside as well as from their families. We often get questions and concerns in letters we receive, and we realize that often those same questions are occurring to others. We hope that this feature will allow us to address such questions in ways that will get back to a wider group of those inside. Our concern this week has caught wide attention in Oregon and the nation.

Board members of Oregon Voices are also aware that some of you have loved ones who are incarcerated. The pain and suffering that you are enduring due to the fear that surrounds the COVID-19 pandemic are very real and understandably frightening. There are several groups in Oregon that have been relentlessly advocating for change in order to safeguard the health of all inmates. The Oregon Justice Resource Center, Partnership for Safety and Justice as well as the ACLU continue to advocate for these critical changes. OV encourages you to visit their websites in order to keep informed and to find out how you can assist them in their efforts:

Oregon Justice Resource Center: <https://ojrc.info>

Partnership for Safety and Justice: <https://safetyandjustice.org/takeaction/#/24/>

ACLU: <https://www.aclu.org/affiliate/oregon>

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Preliminary Plans To Provide Early Release of Some Oregon Inmates Put On Hold

On April 9, Governor Brown of Oregon discussed a potential release plan that would have alleviated overcrowdedness in our 14 state prisons. The Oregon Department of Corrections had identified around 3,244 inmates that fell into at least one of the seven categories that she had proposed. At this point, Governor Brown asked prison, parole, and protection officials to come up with estimates and report their findings by Monday, April 13. During her press conference on that date, we were disappointed when she announced that she would not be releasing any adults in custody in state institutions at that time. She also informed us that our state prison population was producing 3,000 to 4,000 cloth masks a day; however, most of us would agree that masks aren't the only items that are needed to protect inmates who live in extremely crowded conditions from the risks of getting the coronavirus.

We hope that in the very near future, Governor Brown will reconsider parts of her plan in order to reduce the crowding in Oregon's prisons. Our state leaders need to understand that prison walls do not separate the coronavirus from affecting those on the inside from those on the outside.

Advocates Continue to Pressure State Leaders to Reconsider Early Release of Adults In Custody (AIC)

ACLU of Oregon recently sent out the following message to those on its mailing list:

“Over 14,000 Oregonians, many elderly and already in poor health, are currently confined in unhygienic, small, and densely populated jail and prison cells. We're concerned for the health of people who are incarcerated, the people who work in Oregon's facilities, and their families and communities who are at risk of being exposed.”

Because ACLU of Oregon is committed to continue its efforts to alleviate these conditions, it's sponsoring a webinar: “COVID-19 in Oregon Jails and Prisons and How You Can Take Action.” It is scheduled for April 29 at 5:30 pm. Registration is required: <https://www.aclu.org>

Partnership For Safety and Justice is also hoping to make a difference by asking people to sign a petition and/or to write their state senators and representatives advocating for the protection of the 14,500 people who are incarcerated in Oregon's prisons and to ensure the safety of crime survivors who are vulnerable while staying at home. We ask you all to please consider participating. Go to their website which will provide the information you need: <https://www.safetyandjustice.org>

Oregon Leads Nation in Move to Telephone Registration

On Mar. 23, in the face of the rapid spread of COVID-19, the Oregon State Police released this notice on their website: “Due to the COVID-19 outbreak, as of March 23rd, 2020, ALL sex offender reporting for registration will be taken by phone. There will be NO in-person registrations until further notice to ensure the health and safety of registrants and public safety officials.” While other states were either silent or reaffirming the requirement for in-person registration, the Oregon State Police on their own initiative took this responsible action.

Thanks to the work of Sandi Hrozek at NARSOL, we know that about a week later, Pennsylvania and Virginia followed Oregon’s lead by suspending in-person reporting in favor of online reporting. Days after that, Michigan’s reporting was shut down entirely by injunction until the Covid-19 epidemic passes. By the end of the first week of April, New Mexico and Nevada had become the 5th and 6th states to follow Oregon’s lead.

It seems reasonable to hope that this small wave might lead to some further possible adjustments down the road. In Michigan’s case, the judicial action that shut down registration might point lead to further important decisions undermining the registry itself. But in other states, including Oregon, this decision might provide solid evidence in favor of at least taking other small sensible steps in the future beyond Covid-19.

Up until now, registration has been required within small windows around triggering dates such as birthdays, changes of residence or job or educational status, and no exceptions have been allowed to accommodate extenuating circumstances, no matter how dire. One Oregon registrant found himself hospitalized in the Midwest after a life-threatening accident. His wife tried to get permission for him to register remotely from his hospital bed, but permission was denied; he was told that if he did not appear in person, he would face criminal charges for failure to register.

Fortunately, this registered citizen had both financial resources and a spouse who worked in medicine and knew the system. She was able to schedule medical transport by air that could accommodate a patient on an IV so that he could appear in person back in Oregon to meet registration requirements. Unfortunately, his case is not an isolated one. Similar things have happened to other Oregon residents and to registrants all around the country.

Going forward, we need to work to preserve the basic principle that has been established here. The practices that have been adopted by Oregon and other states to deal with COVID-19 must be extended to other circumstances when the letter of the law violates both common sense and basic principles of human decency.

Oregon Supreme Court Hears Challenge to State’s Use of Static-99R

In March, the Oregon Supreme Court agreed to hear *Culbertson vs. Board of Parole and Post-Prison Supervision* in a case challenging the way that the State of Oregon is using

the Static-99R to establish classification risk levels in the state. The Oregon Justice Resource Center has filed an *amicus* brief in support of Mr. Culbertson.

This could turn out to be a very important case, particularly because in agreeing to hear the case, the Court indicated that it was interested in hearing whether “the Board's use of the Static-99R actuarial instrument in this case to evaluate an individual who had been out of custody for a significant period of time was consistent with the Static-99R coding rules and OAR 255-085-0020.”

The *amicus* brief was developed in consultation with the research team that created the Static-99R headed by R. Karl Hanson, and the argument it makes alleges that the state is misusing the instrument in two fundamental ways: first in scoring people who have been on the registry for years at the age they are now rather than at the age of their release from prison, and second in not utilizing the desistance data that has been incorporated as part of the instrument package in the last few years.

Because the instrument was developed initially as a way of measuring risk levels for people in supervision, it used the age at the time of release in its calculations. But Oregon is not only using it to establish risk levels for people coming out of prison, but also for people who have been out for years or even decades. As a gesture toward recognizing lowered risk, as people get older, Oregon decided to use current age for those people.

The brief argues, however, that lowered risk over time does not just correlate with aging; it also correlates predictably with time spent offense-free in the community. And Oregon’s practice as expressed in this case only recognizes the one factor, not the other. It should be noted that earlier this year, the Board started an “auto-leveling” project that would begin automatically to classify unscored registrants as Level 1 (low risk) if they have been offense-free in the community for 10 years or more. But this effort too does not fully engage the new protocols for measuring declining risk with time spent offense-free in the community.

It is difficult to predict where this will lead, but if the court agrees with the *amicus* argument, it could substantially lower the risk levels of large numbers of historical registrants and extend the auto-leveling initiative that BPPPS started this year. It would also provide powerful evidence for why at some point a person’s offense-free record should result in automatic removal from the registry, since at that point, the actuarial evidence would show that person to pose no higher risk of committing a sex offense than any other person who has had a felony of any kind. This is a case we will be following closely.

Update On The Relief Process Through BPPPS

The process for people to obtain relief from registration continues to move. In the first three months of this year, BPPPS has held as many hearings as it held in all of 2019. Last year, the startup was slow and was also interrupted through late spring and summer

by the board's move into a new facility in north Salem. The results this year have been encouraging.

As of April 1 of this year, the board had received 136 applications for relief. By April 1, 50 hearings had been held, and 41 persons had been granted relief from registration. Relief was denied in 9 cases, but this means that the success rate for applicants thus far has been 82%.

We know that there is a lot of interest in tracking how many relief applicants have been represented by attorneys versus how many applicants have been representing themselves. In the 50 hearings held thus far, 28 have had attorneys involved. Of the nine denials, five were for people who had no attorney, but those also tended to cluster toward the early hearings. In the 25 hearings held this year, 13 have been held with attorneys and 12 without. The 4 denials this year have been evenly split—two in hearings with attorneys and two without.

Additionally, starting in May, the Board will begin holding reclassification hearings for persons classified as level 2 or 3 but who are now eligible to apply for reclassification to a lower level. If you are thinking about applying and have specific questions, Oregon Voices will be happy to try to answer them.

The Deadline is Fast Approaching to Apply for a Real ID License

Remember that, beginning on the first of October, your regular Oregon driver's licenses and IDs won't be valid to get through security at airports in order to board commercial aircrafts or to enter federal buildings. Oregon is one of the last two states to come into compliance with the Real ID Act, which requires states to obtain more documentation and hold said documents to get an ID. These rules apply to both domestic as well as international flights.

The Oregon Department of Motor Vehicles previously announced that it would not be ready to begin issuing Real IDs to state residents until July. However, because of the present closures of many DMV offices due to the coronavirus outbreak, there is concern that there may not be enough time for those applying for a Real ID to receive it by October 1. This is largely due to a backlog of all of the other types of licensing that DMV must also process.

Just last week, Oregon Congressman Peter DeFazio, chair of the House Committee on Transportation and Infrastructure, joined other officials to call for a delay in the stated deadline, but so far, the Department of Homeland Security has not given any indication that it will grant any more extensions.

Remember that the Oregon Real ID license is optional. A valid passport can be used instead; however, because of the unique identifier, some RCs may be reluctant to use it as their preferred form of ID.

Sponsors in Eugene Showcases Its New Tiny Homes Community

Sponsors recently completed its latest housing project – a tiny homes community consisting of ten units. These are available for homeless, low-income individuals returning to Lane County post incarceration. Priority will be given to those who have successfully graduated from Sponsors initial reentry program. The following video of this community of tiny homes tells it all! <https://vimeo.com/396033525>

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Covid-19 in the Prison Complex: The View from Oregon

All of us who know and love someone inside are constantly aware of the way in which the virus outbreak would quickly overwhelm our prisons. We worry about the people we know inside, and we know that they worry as well—not only about themselves, but also about their loved ones on the outside. And we are united in worrying about the vulnerable among us all, whether they are inside or outside.

The limited good news in general is that Oregon’s reported rates of new cases, while not clearly declining yet, appear to have peaked for the moment, and indeed are declining in a few areas. And while there have been no cases reported yet in 10 of the 14 Oregon DOC facilities or in the federal prison at Sheridan, as of this writing there are 4 reported staff cases of Covid-19 at OSP, 10 cases at Santiam Correctional Institution (6 staff and 4 AIC), and a single AIC case at Shutter Creek. The Oregon Youth Authority also report a single staff case, which they say was caught early; they report that the staff member was quarantined, has recovered, and has been cleared to return to work. We have less information on county jails, but many of these institutions are also under threat. Given the conditions of incarceration in general and the crowding in many of these institutions, the current situation is profoundly worrying. Under current conditions, we believe that a small infection could easily blow up into something like what has happened at Cook County Jail in Chicago, where more than 550 people have become infected—roughly 350 AIC and another 200 staff.

The Oregon Justice Resource Center (OJRC) has taken the lead in filing four challenges to DOC practice, hoping to force some remediation of current practices. They have been supported by the American Civil Liberties Union (ACLU), the Oregon Criminal Defense Lawyers Association (OCDLA) and the Partnership for Safety Justice (PSJ). Oregon Voices cooperates with all of these organizations, and while we are a small group, we are gratefully and actively supporting their interventions.

Here are some basic concerns that we believe that must be addressed:

- Overcrowding—We know that effective social distancing is impossible in most institutions. This issue must be addressed partly by reducing the populations of many institutions through limits on admissions and early releases with special attention to those most vulnerable to the virus. Institutions where housing is in dormitories are of particular concern.
- The lack of personal protective equipment (PPE) and sanitation—All persons in our institutions need masks, gloves, and access to sanitizers, along with adequate soap and hot water to facilitate frequent hand cleansing and decontaminating of commonly touched surfaces.
- Lack of testing and monitoring—All our institutions need to have enough test kits and distance thermometers to monitor symptoms of everyone in the facility on an ongoing basis.
- The use of prison industries which endanger safety inside—We believe that prisons must immediately stop laundering all Covid-19 bedding coming in from outside until sufficient safety protocols and PPE are available to insure the safety of all laundry staff.

We realize that many people in the Oregon DOC, in the Federal BOP, and in county corrections share our concerns but that they cannot make necessary changes without the support of the governor, legislators, and other decision makers. Therefore, in our small way, we will continue to work with the above-mentioned organizations in the struggle to make life on the inside safer and more secure in this pandemic.

Managing Stress and Anxiety Are Not Easy Tasks For Those Who Have Loved Ones Serving Sentences

There are many sites that offer advice as to how to deal with stress and anxiety during these difficult times. All suggest that you take care of yourself and your community. In addition, most encourage you to learn all you can about COVID-19. Ironically, this is especially difficult because the stories change from day to day. It is even harder when your stress and anxiety don't just center around yourself but also include your concerns about a family member who is incarcerated and does not have access to programs that provide coping skills nor is there any way to keep social distance, take daily showers, access personal protection equipment, or even partake in family visitations.

Still, it is helpful to try to find ways to cope. The Centers for Disease Control and Prevention (<https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html>) offers some basic suggestions:

- Take breaks from watching, reading, or listening to news stories, including social media. Hearing about the pandemic repeatedly can be upsetting.
- Take care of your body.

Take deep breaths, stretch, or meditate.
Try to eat healthy, well-balanced meals.
Exercise regularly, and get plenty of sleep.
Make time to unwind. Try to do some other activities you enjoy.
Connect with others. Talk with people you trust about your concerns and how you are feeling. Note: The four Oregon Chapters of CURE all serve as excellent support groups. <https://oregoncure.org>

It helps to reach out and form a network with others who are experiencing that same fears and frustrations that you are. Connect often. Keep in touch with advocacy groups. Find out what is happening in our state prisons and local jails. Write your congressmen. You are important and you can make a difference.

Remember to Vote!

Oregon's primary election is May 19. Oregonians have until April 28 to register to vote. That's the same deadline for changing party registration. In Oregon, only registered Democrats or Republicans can vote in their respective primaries. Your vote counts! For more information, go to Oregonvotes.org.

Upcoming Oregon Voices Meetings

In response to current social distancing orders, we will not be holding a public meeting in May. We hope to resume regular in-person meetings in August or September if conditions permit. In the meantime, we are exploring possible ways to meet remotely. Watch the e-mail list for details and announcements.

Last, But Not Least

Oregon Voices is committed to working with other organizations within our state sharing a common goal of creating better support for our registered citizens and their families. We invite you to join us in our efforts. Help is always needed to work on such things as housing, employment opportunities, legal resources, the website, legislative issues and the OV newsletter.

If you are reading this newsletter and would like more information about Oregon Voices, or wish to volunteer in some capacity, please call 971-317-6868, or email: info@oregonvoices.org

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