

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. OV strives 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.

Unfortunately, after more than a year, we are still battling the pandemic; therefore, it is especially critical for our organization to continue to work tirelessly with other non-profit groups to advocate for those within our state's correctional facilities and to extend our support to their families and loved ones. We have made some progress but still have a long way to go. Two of our OV board members have sons who are currently incarcerated so they understand how difficult it is for many of you. It is challenging to say the least when visitation rights get suspended and other means of communication have become practically non-existent because of the pandemic.

The fears, stresses, and anxieties caused by this pandemic have taken a toll on each of us as individuals. The articles in this newsletter have been carefully selected to generate some level of support or resource as we begin to move forward slowly and safely.

It is encouraging to note the increasing number of organizations throughout Oregon that are striving for many of the same goals. They are looking at ways to provide better reentry support systems, to give individuals a second chance, to ease expungement of past crimes, to lessen prison sentences for good behavior, and to monitor the care of those who are incarcerated.

OVNews inside: Legislative Report, pp. 2-3; Landmark Ruling for Prisoner's Rights, and Support for People with Behavioral Health Needs, p. 4; Federal Support for Key Programs, p. 5; Cahoots—an innovative Oregon crisis intervention program, p. 6; **Insider's Corner**, p. 7; Miscellaneous Items of Interest and General Meeting Information, p. 8.

Oregon Voices Continues to Be Actively Involved in the Legislative Process

The 2021 legislative session is a long one, having convened on January 21 and will not end until June 28. Initially, OV established a committee to doggedly study bills as they were introduced in order to keep OV members informed of ones that they should positively support as well as those that would negatively impact registered citizens. Members of this committee researched these bills, testified, attended hearings, and have kept OV individuals informed through meetings and its listserv. In addition, it has supported many other non-profit groups in Oregon in their efforts to bring about positive changes.

April 13 was the last day of this legislative session for policy committee to move measures introduced in their chamber (i.e. Senate bills in the Senate, House bills in the House) out of committee; however, this bill does not apply to Ways & Means, Rules, and other joint committees.

Ken, who chairs the OV legislative watchdog committee, stated that this deadline eliminated as many as 17 bills that were earmarked on the original OV “watchdog” list. Some were bills that we would have opposed if they had received hearings; others were bills that we had invested hopes in.

Central to our hopes were bills (SB 191, SB 401, and HB 2002) which would have made significant changes in Measure 11, but it appears that the 2/3 majority required for legislative changes by Measure 10 just isn't there. This is very disappointing, but we take some encouragement from the fact that none of the bills in their proposed forms made any exceptions for sex offense sentencing. We have made progress, but there is much more work to do.

Another related bill was HB 2825 which would have required the sentencing court to consider as mitigation evidence that the defendant was subjected to domestic abuse that was significant factor in criminal behavior, and could have allowed for a downward departure in the sentence, even in otherwise mandatory sentences. It too is being withdrawn from this session. There are plans for an interim workgroup to prepare a proposal for the 2022 session, and Oregon Voices hopes to be some part of the conversation.

Here are some bills remaining that OV will continue to support and that would have positive outcomes for registered citizens if enacted:

- **SB207** would provide funding for an Independent Corrections Ombuds Office in the Oregon governor's office for the next biennium. This position was established by statute but has not been funded for many years.

Tricia of Eugene Oregon CURE has worked very hard to get this bill written and

introduced in the state legislature. If established, it would give an Ombudsperson the ability to enter and inspect prisons without notice, conduct confidential interviews with incarcerated persons and prison staff, recommend and monitor improvements, access data and records, and help resolve complaints from families, prisoners and correctional officers who are concerned about AIC welfare. A corrections ombudsperson is focused on the health, welfare and rehabilitation of the AICs and is not involved in correctional officer disciplinary actions.

The roadblock is finding the funding necessary to support the implementation of five FTE positions over the next four years, keeping in mind that the ultimate goal is to provide permanent funding for this Independent Corrections Ombuds Office. The bill has been referred to Ways and Means for further review.

- **SB 397** would modify the procedure for filing motions to set aside convictions, arrests, citations, or charges. It would eliminate fees, fingerprinting, background checks, and it would reduce the waiting period for filing if a person was revoked from probation, was seeking to set aside Class B felony or was convicted of other offense. It would also provide that the court should grant motion to set aside arrest, citation or charge, or a motion to set aside a conviction if no objection is received. Finally, it would modify the standard for granting a motion over objection. It too has been referred to Ways and Means.
- **SB 752** is related to sexual abuse offenses. It provides that a defendant's reasonable belief that the victim consented constitutes affirmative defense in certain prosecutions for sexual abuse in the second degree and sexual abuse in the third-degree. It provides that a person convicted of sexual offense in the second degree is not required to register as a sex offender in certain circumstances.

It is scheduled for a third reading in the Senate chamber on April 26 so please check OLIS online for the outcome.

<https://olis.oregonlegislature.gov/liz/2021R1/2021-01-11>

- **HB3035A** would take steps to address health care needs of those on the inside. It directs the Department of Corrections and Oregon Health Authority to establish a pilot healthcare navigator program within Coffee Creek Correctional Facility. As proposed, the bill would have established a state-wide program. The pilot program at Coffee Creek then is a much smaller step forward, but it is a critical step in the right direction that hopefully we can build upon in the future. Currently the bill is in Ways and Means, which means that it's road forward is dependent upon budget negotiations.

The 2021 legislative session has been a very difficult one thus far. As a result of the constant political divide amongst our lawmakers; very few bills have been passed. It is our only hope that during these last nine weeks of the session, they will find ways to work together for the benefit of all Oregonians.

Landmark Ruling for Prisoners' Rights In Oregon

A recent article written by Liliana Frankel for the *Malheur Enterprise*, appeared April 19 on OregonLive (*The Oregonian*). It discusses the sweeping court order requiring reforms in Snake River Correctional Institution's COVID-19 protocols.

This landmark victory was achieved as a result of the arduous work of the Oregon Habeas Strike Force. Tara Herivel, coordinating attorney of the group, reported that it has processed over 400 civil lawsuits alleging that the Oregon Department of Corrections has left vulnerable prisoners in unconstitutional conditions during COVID-19, sixteen of which occurred at the Snake River Prison. Unfortunately, most of these lawsuits have not made it to trial due to the backlog in the courts.

Herivel pointed out the lack of safety protocol that was taking place at Snake River by citing cases of correctional officers not wearing masks especially when impossible to maintain six feet of social distancing, refusing to receive the vaccine, and not providing adequate supplies. As a result, 13 deaths have occurred at this prison. It was also noted that inmates did not want to tell anyone if they thought they had symptoms for fear of punishment.

Based on mounting evidence, Multnomah Circuit Judge Amy Baggio ruled that the Ontario prison's masking compliance has been inadequate and "created an unjustifiable risk" throughout the prison. She has ordered prison officials to document "how SRCO is enforcing its masking policy, including proof of specific enforcements; (and) consideration of a plan to engage in mass COVID testing at SRCI, particularly rapid testing of staff prior to entry."

In summary, reporter Frankel stated, "lawyers and advocates say that the sweeping court order requiring reforms at Snake River Correctional Institution's COVID-19 protocols is a landmark. This case, they say, not only raised questions about the quality of medical care at the prison but also exposes problems endemic to the Oregon Department of Corrections' handling of the pandemic." The full article can be accessed at the following sites:

<https://www.malheurenterprise.com/posts/8386/judges-ruling-in-ontario-prison-case-considered-landmark-in-holding-state-accountable>

<https://www.oregonlive.com/politics/2021/04/oregon-prison-covid-19-lawsuit-ruling-hailed-as-a-landmark-for-prisoners-rights.html>

Communities Find Free Support to Improve Responses To People with Behavioral Health Needs

Founded in 1933, The Council of State Governments is our nation's only nonpartisan, non-profit organization serving all three branches of state government. CSG is a region-based forum that fosters the exchange of insights and ideas to help state officials shape public policy. This offers unparalleled regional, national and international opportunities to network, develop leaders, collaborate and create problem-solving partnerships.

One of their core values is to be a respected and trusted source for best practices and policy expertise. They have recently created and launched the Center for Justice and Mental Health Partnerships to help communities improve responses to people in their criminal justice systems who have a mental illness or co-occurring substance use disorder. Any government or nonprofit organization is eligible to submit an application for free expert assistance or training.

info@csgjusticecenter.org

Federal Spending and Pandemic Relief Package To Fund Key Initiatives

After months of delays and negotiations, Congress approved a \$1.4 trillion omnibus spending package and a \$900 billion COVID-19 relief package in December, 2020. The spending bill funds state and local justice system grant programs such as the Justice Reinvestment Initiative, the Second Chance Act, and the Justice and Mental Health Collaboration Program.

According to the Department of Justice website, the Justice Reinvestment Initiative (JRI) is a data-driven approach to improve public safety, examine corrections and related criminal justice spending, manage and allocate criminal justice populations in a more cost-effective manner, and reinvest savings in strategies that can hold offenders accountable, decrease crime, and strengthen neighborhoods. JRI was launched in 2010 as a public-private partnership between BJA and The Pew Charitable Trusts but will expand by offering more support programs as a result of additional funding.

The Second Chance Act, first created in 2008, has expanded under the Biden Administration and is also receiving more funding as a result of the omnibus spending package. More grants can now be awarded for employment training and assistance, substance use treatment, education, housing, family programming, mentoring, victims support, and other services to make a person's transition from prison or jail safe and more successful. The grants also support the improvement of corrections and supervision practices that aim to reduce recidivism.

The Justice and Mental Health Collaboration Program (JMHCPC) promotes innovative cross-system collaboration and provides grants directly to states, local governments, and federally recognized Indian tribes. It is designed to improve responses to people with mental illnesses who are involved in the criminal justice system.

The National Reentry Resource Center (NRRC) assists individuals who have been incarcerated and their families find local reentry services. It has compiled a list of organizations and service providers who can address different reentry needs, including housing, employment, and family reunification. NRRC has published a Reentry Services Directory that lists services available within each state. Access to Oregon's entries can be obtained through the NRRC website. This directory is constantly updated so plan to revisit the NRRC site regularly.

<https://nationalreentryresourcecenter.org/reentry-services>

CAHOOTS in Eugene - An Inspiration To Other Communities Across the Nation

Another incentive of the COVID relief bill is to encourage and fund communities to create programs that send behavioral health workers instead of police in response to mental health crisis. Oregon Senator Ron Wyden is to be credited for sponsoring the Cahoots Act in Congress earlier this year, which eventually resulted in creating the funding for the development of mobile crisis teams across the nation.

At least fourteen cities are eager to learn more about such a model program in Eugene that has been around for over thirty years. The Crisis Assistance Helping Out On the Streets (CAHOOTS) is a part of the 911 emergency response team but operates independently of the police. It is part of the Whitebird Clinic, a collective environment organized to help individuals gain control of their social, emotional and physical well-being. The Clinic provides a van that responds to non-criminal situations including substance abuse, mental/emotional crisis, disorientation, welfare checks, and dispute facilitation - providing assessment, intervention, and transport to services as needed. In addition to the van and emergency response team, Whitebird's Crisis Center provides free crisis intervention service 24/7 and is staffed by trained counselors who have both a deep ability to empathize with clients, as well as extensive knowledge of local resources that are appropriate to provide ongoing care.

To learn more about this program, please refer to the following article, "Feds Fund CAHOOTS-style Mental Health Crisis Teams to Stand in for Police" by Ricardo Alonso-Zaldivar, Associated Press, published April 23, 2021. <https://kval.com/news/local/feds-fund-cahoots-style-mental-health-crisis-teams-to-stand-in-for-police>

The OV Website is Now Up and Running!

Finally, the reconstruction of the OV website is nearing completion and we are excited about the results. Thanks to all of you who have contributed material and continue to do so. Please take the time to visit the site, as it should provide you with answers to most of your questions. There is also an opportunity to make a donation online. The website address is: <https://www.oregonvoices.org>

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Call For Submissions

The newsletter is soliciting contributions of artwork, poetry, or short pieces up to 250 words for inclusion in future newsletters. We reserve the right to edit pieces to fit the constraints of the newsletter, and when it is possible, we will consult with authors about proposed changes. We would like to feature the voices of our readers inside.

Recent DOC Covid Reports

Vaccinations

On 3/20/2020, DOC reported that 9,156 AICs had been vaccinated, (70% of AIC's). This is substantially higher than the rate of employees accepting vaccination to date. DOC estimates suggest that 45% of their employees would refuse the vaccination, and a *Willamette Week* report quoted in the story on p. 4 suggested that the actual percentage of vaccinated employees might be as low as 35%. This remains a concern, since the primary route for Covid to enter the prisons is through DOC staff.

Reinstating Visitations

As of 4/19, DOC began a pilot visiting program at selected institutions. Hopefully it will expand as increasing numbers of AICs and their families are fully vaccinated.

Covid Cases Inside

As of 4/21, DOC reports 21 total active Covid cases among AICs. This represents a substantial reduction in overall cases from a few months ago. Sixteen of the cases are at the Coffee Creek Intake Center, 3 are at Powder River, 2 at Two Rivers, and 1 at Santiam.

Miscellaneous Items of Interest

Congratulations to two of our OV individuals who have been granted relief from the registry! In addition, there are more who have applied and are waiting in line for their interviews! We offer our support and wish them success!

The following podcast was recommended for viewing in an email from the Eugene CURE Chapter: "Making Amends"
<https://www.makingamendspodcast.com/>

An OPB article about the podcast can be found at:
<https://www.opb.org/article/2021/02/09/podcast-explores-atonement-and-accountability-inside-the-oregon-state-penitentiary/>

General Meetings Remain Virtual Realities

The next OV General Meeting via ZOOM will occur on Saturday, May 15, from 2:00 to 4:15 p.m. Topics will include an update on relief from the registry, legislation, a presentation on Restorative Justice by guest speakers Kerry Naughton and Mel Phillips from Oregon Abuse Advocates & Survivors in Service (OAASIS), followed by some time for questions and answers. There will also an opportunity to learn about the reconstructed OV website as well as to debrief. Reserve that date, as it is so important that we connect and share our experiences. Watch for future information as to how to access the meeting via ZOOM.

We are anxiously waiting a time when we can return to holding meetings in person rather than having to attend via Zoom and are hoping to return to Hilltop in Oregon City for our August meeting.

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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