



Oregon

Kate Brown, Governor

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**Department of Corrections Response to Questions on COVID-19
House Judiciary Committee
May 28th, 2020**

Why is the DOC being reticent to ask the Governor for permission to release low risk (Level 1 and 2) inmates and those with release dates within the next year, freeing up space to truly quarantine those needing it and providing more social distancing.

Early release from Department of Corrections (DOC) custody is a topic we have received several questions about. DOC does not have statutory authority to release AICs prior to their scheduled release date; only the Governor of Oregon and the Parole Board have that authority.

Governor Brown asked DOC to explore possible early release of AICs to limit the spread of coronavirus in prisons. In response to Governor Brown's request, DOC provided the number of AICs in a variety of circumstances, from medically vulnerable to those approaching the end of their sentences. The Governor has indicated she does not plan to order a mass release of AICs in response to the threat posed by the coronavirus pandemic. Rather, any decisions to release an AIC before the end of their sentence will be made on a case-by-case approach.

1) When the DOC says they "quarantine" inmates who test positive for COVID-19, what does that mean, specifically, for both those who are symptomatic and those who are asymptomatic.

DOC's definition of quarantine means to confine individuals who have had close contact with a COVID-19 case to determine whether they develop symptoms of the disease. Quarantine for COVID-19 lasts for a period of 14 days.

Ideally, each quarantined individual would be quarantined in a single cell with solid walls and a solid door that closes. In some institutions, the infrastructure does not allow for this. If symptoms develop during the 14-day period, the AIC will be placed under medical isolation and evaluated for COVID-19. If symptoms do not develop, movement restrictions can be lifted, and the individual can return to their previous residency status within the facility.

All symptomatic AICs will be tested for COVID-19 and DOC will conduct symptom interviews daily on all AICs and continue heightened staff screening as well.

2) It was reported in the news that the DOC Medical Director ordered the medication hydroxychloroquine. Is his plan to use it on inmates ill with COVID-19? The recommendation from our nation's top medical expert, Dr. Fauci, is that it only be used in clinical trials or in a hospital setting where close monitoring of the patient's heart condition can occur. The World Health Organization advises it not be used in clinical trials. So why would the DOC medical staff be administering it? Are they considering a prison infirmary to be a hospital setting?? Since use of this drug is experimental, it seems this would constitute research. Please ask, also, if the Oregon DOC has obtained from Oregon's Institutional Review Board, the required certification for use of this experimental medication on prisoners. (45 CFR 46)

The recommendation in the medical field was to discontinue use of hydroxychloroquine as a treatment for COVID-19. DOC has followed that recommendation as well, and is not treating COVID-19 positive AICs with that medication.

DOC has not purchased additional hydroxychloroquine specifically for the treatment of COVID. DOC's pharmaceutical needs are met by its two pharmacies that service all AICs statewide. DOC pharmacies are substantial enough in operation to sustain any temporary emergency needs of its patients, and has a large enough supply of medications both in breadth and depth to weather most critical supply situations. DOC pharmacies have a close working relationship with its wholesaler Cardinal Health, which helps maintain a continuous supply of necessary medications, especially during these challenging times.

The FDA approved the use of the medication on March 28 for an Emergency Use Authorization (EUA) for those patients that could not participate in clinical trials. The Oregon Board of Pharmacy did provide authorization for the utilization of hydroxychloroquine within ODOC during the same time period. As additional evidence became available ODOC discontinued the use of hydroxychloroquine for COVID 19+ patients.

3) The DOC is not testing inmates for COVID-19 before releasing them on their statutory release date and are not quarantining them for 14 days prior to release (as is the practice with the federal bureau of prisons). Since they know the upcoming release date, why are they not doing this?? (If it is a space issue, then why are they not releasing some short-term and/or minimum custody inmates early to make the space to do this?) Are they also testing inmates for COVID-19 or isolating asymptomatic inmates for 14 days (who don't agree to be tested) before transfer to a different institution?

The attached issue brief covers the pre-release process.

4) I have been told that DOC correctional staff who work in the COVID-19 isolation unit at Coffee Creek also will navigate to working in the main part of the Coffee Creek institution without regard for possible transmission of COVID-19. Is this correct? Also, I have heard many reports of unsanitary conditions in the prisons and protocols for cleaning by inmates not being followed. (Coffee Creek C.I. and Snake River C.I. being the two highest complaint reports.) Once an inmate is assigned to clean an area, is anyone supervising or inspecting the work being done?

If necessary, staff can get pulled from other parts of the institution to work in housing units where positive COVID-19 AICs are being cared for. DOC is following the CDC guidelines on the use of personal protective equipment (PPE), and is required for all employees who work in housing units with confirmed or suspected COVID-19 positive AICs. Transport officers also are required to wear PPE when transporting positive or presumed positive AICs.

All DOC institutions are cleaning numerous times a day, including disinfecting housing units, bathrooms, eating areas, doors, stairwells, countertops, etc. All DOC institutions and worksites use Waxie 710 to clean and disinfect. It is not a common practice or requirement to supervise AIC orderlies while they carry out their assignment or to inspect their work.

Posters have been placed in all DOC institutions encouraging AICs to wash hands frequently for at least 20 seconds, to cough and sneeze into their elbow, and to avoid touching their face. These are the most effective methods to prevent the spread of illness. All AICs have access to soap and water, sinks, and handwashing stations. DOC has provided additional hand washing stations at all DOC facilities for employees to use before they enter the facility.

As a matter of overall practice, DOC continues to assess all facilities for responses to this health crisis, including sanitation, PPE, social distancing, etc.

5) The DOC is releasing inmates without knowing if they are positive for COVID-19. What precautions are being made to protect the community? Is there a transportation plan arranged that includes safety precautions? Please give examples of those plans. Does every released inmate have a mask to take with him/her? Are family members cautioned that the released person may or may not be positive for COVID-19 so they can take precautions? Are inmates taking public transportation, thereby possibly spreading COVID-19 in the community???

Why is the DOC, when an inmate has a scheduled release date, not testing on a schedule where the results would be returned prior to release? (While an inmate could contract the virus between the test date and release, the odds are that the benefits of identifying those already positive would outweigh that factor. Better to identify some than none.)

DOC recognizes the complications releasing positive COVID-19 cases creates, but we cannot hold AICs beyond their release date. DOC has established a COVID-19 screening, notification, and release process and is working closely with local public health department and local

community corrections offices. For any AICS determined to be COVID-19 positive or suspected, recently recovered, or who have had close contact with a positive case, DOC will notify the local public health authority (LPHA) and the Community Corrections Director or designee in the county of supervision. Additional information can be found in the attached issue brief.

Providing caution to family members varies by county. Some have an active LPHA who is handling, while others request the AIC sign a release of information, etc. It is not the responsibility or the place of DOC to notify those in the community. DOC ensures OHA, the LPHA, and the local community corrections office are notified up to 14 days prior to release, so a local plan can be established. DOC has provided the attached letter to community corrections offices, which they can provide to individuals in the residence to which the AIC is releasing.

Transporting at release is not a responsibility of DOC, with limited exceptions for high medical/MH cases. Symptomatic COVID-19 positive individuals would fit that category and be medically transported (contracted) from our infirmaries to a local hospital.

Asymptomatic COVID19+ AICs do not require a medical transport unless medical accommodations are needed. The transportation is coordinated with the Oregon Health Authority, Local Public Health Authority, and local Community Corrections Agency. Our transport team does have a process in place for coordinating the transport of COVID19+ AICs.

6) Have any Oregon inmates being treated for COVID-19 been transferred to an outside hospital? What percentage? What triggers that decision? What communication occurs with the inmate's designated emergency contact when he/she is moved to an infirmary setting when will with COVID-19? When the prisoner has been moved to an outside hospital? What communication would be provided between the prisoner and the emergency contact person while hospitalized?

Yes, to-date four AICs who have tested positive for COVID-19 have been treated at outside medical facilities. DOC follows the recommendations of its Medical Doctors and Infections Disease Specialist. When medical care beyond the scope of what can be provided within DOC facilities is recommended, AICs will receive the appropriate level of care at an appropriate medical facility.

With respect to the AIC notification process outside of the pandemic, DOC's normal process is as follows:

- No notification made to family if an AIC goes to the hospital—this is for safety and security reasons. If doctors determine death is imminent, DOC can make notification and allow for family visitation. Usually always accommodated for minimum custody AICs, med/max custody case by case.

Due to the COVID-19 pandemic, DOC's process is the same as above, except no visitors even during hospice/end of life. This exclusion is in line with what hospitals around the country are doing to prevent the spread of this disease and to protect hospital patients, staff, and visitors.

7) What testing is being done on the correctional staff? At Sheridan federal prison, where they have no cases of COVID-19 right now, each staff person has their temperature checked on the way into work each day. Is this being done in the Oregon DOC? Why is it not being done? Do C.O.'s wear masks while on duty?

It is not possible for DOC to know how many employees have been tested for COVID-19, as that information is not always shared with the department because it is protected health information. It is our hope, and we actively encourage, all our team members to share test results with us so we can assist them with pay and protected leave time while they are recovering.

We report confirmed employee cases of COVID-19 on our website's tracking page. Please know, we cannot mandate employees to get tested. Just like everyone in the community, it is your choice to get tested – the same goes for our employees. We are encouraging them to get tested, so they can stay healthy and continue to come to work.

As an agency, DOC is following closely the strict guidelines from the Center for Disease Control (CDC), <https://www.cdc.gov/coronavirus/2019-ncov/hcp/respirator-use-faq.html> and the Occupational Safety & Health Association (OSHA), <https://www.osha.gov/Publications/OSHA3990.pdf>. Those guidelines state that PPE will be provided to employees or workers who are performing their jobs in the presence of individuals who are *suspected or are confirmed* to be infected with COVID-19.

Masks are voluntary for the majority of our employees and AICs. However, face protection is required in food services and health services. All staff and adults in custody in Oregon Corrections Enterprises (OCE) work areas are required to wear OCE-provided utility masks at all times. Personal protective equipment (PPE) is required for all who work in housing units with confirmed or suspected COVID-19 positive AICs. Transport officers also are required to wear PPE when transporting positive or presumed positive AICs.

8) The DOC Director has stated that she is not revealing to the public any details of how the DOC is handling COVID-19 "for security reasons." She needs to explain exactly what the security issues would be. This lack of transparency is appalling and it causes additional stress and worry for people with loved ones inside the prisons.

The Director has not said that DOC will not provide details of how the agency is handling COVID-19. On the contrary, DOC is working hard to communicate with the community, stakeholders, staff, and AICs and has implemented several ways to do so. We know frequent

and accurate communication is key, not only for institution operations, but for the safety and security of staff and AICs, and to keep the public informed. Every weekday our Office of Communications writes a message to AICs that is posted on all AIC tablets and shared in a short voicemail on the telephone system. These communications are provided in English and Spanish and include updated testing numbers.

Regular updates can be found on DOC's [Facebook page](#), [Twitter page](#), and [website](#). If you have questions related to DOC's response to COVID-19, the following links may be helpful.

- [COVID Response Webpage](#)
- [Frequently Asked Questions](#)
- [COVID-19 Case Tracker](#)
- [Communications Library](#)
- Additional questions can be sent to DOC's COVID response team: DOC.COVID19Response@doc.state.or.us.

The Director, Deputy Director and Medical Services Assistant Director have also delivered briefings on Wednesday's, when appropriate, to stakeholders giving updates on the agency's response to COVID-19 and new details on the amount of cases in the facilities. These briefings cover information on medical approaches, testing, institutional tier status, as well as operational changes to combat the virus and plans as the agency moves forward.

The Director also provided updates on DOC's COVID-19 response to the Governor's Office, Legislature (including individual legislators and staff, House Judiciary Committee, House Republican Caucus, and a call that hosted any legislator who chose to call in), Coos County Commission, and Oregon Congressional delegation staff.

9) What identification is being provided to released inmates since the DMV offices are currently closed?

DOC assists AICs to obtain the following documents during their incarceration, retains them in a packet within the AIC's hard-file, and provides them to the AIC the day they release to the community. DOC pays all fees associated with obtaining these documents.

- Certified copy of their birth certificate or Consular Report of Birth Abroad.
- Replacement Social Security Card (DOC's agreement with the Social Security Administration/SSA allows DOC to submit Replacement SSC applications no sooner than 180 days prior to the AIC's release date. DOC cannot assist AICs with NEW SSC applications.)
- DMV Identification (regardless of DMV office closures):
 - DMV offers a "Valid with Previous Photo (VWPP)" application and issuance process that allows AICs who have an eligible Oregon DMV record on file, to apply for DMV-issued identification within 120 days of release from a DOC institution.

- DOC Release Counselors assist AICs determined to be potentially-eligible per the administrative rule, to complete and sign (wet signature required) the VWPP application.
- DOC forwards the VWPP application, along with a copy of the AIC's birth certificate or Consular Report of Birth Abroad, a copy of the AIC's DOC photo ID, and associated fee, to the Salem DMV Administrative Offices for processing.
- DMV uses 'facial recognition software' and existing DMV records to issue identification for which the AIC is eligible.
- Even for those AICs who do NOT have an existing Oregon DMV record or who do not qualify for DMV-issued identification because of issues with their DMV record, the AIC will (with some exceptions) have a certified copy of their Birth Certificate or Consular Report of Birth Abroad, and a Replacement Social Security Card with which to obtain identification through DMV after release, including DMV in other states (for those releasing on Interstate Compact to a state other than Oregon).
- In addition, having these documents in their possession after release, assists AICs to obtain work, housing, other benefits, to open a bank or credit union account, etc., after release making these critical documents for their release.