

DT: September 24, 2020

TO: Speaker Tina Kotek

Speaker Pro Tempore Paul Holvey

House Majority Leader Barbara Smith-Warner

Senate President Peter Courtney

President Pro Tempore Senator Laurie Monnes Anderson

Senate Majority Leader Rob Wagner

Representative Janelle Bynum, Chair, House Interim Committee On Judiciary

Representative Karin Power, Vice-Chair, House Interim Committee On Judiciary

Senator Floyd Prozanski, Chair, Senate Interim Committee On Judiciary

Members of Senate and House Interim Committee On Judiciary

Members of BIPOC Caucus

FR: Bobbin Singh, Executive Director, Oregon Justice Resource Center

Kelly Campbell, Executive Director, Oregon Physicians for Social Responsibility

RE: Independent investigation is needed of prison evacuations due to wildfires

- **More than 5,000 Oregonians in prison were affected;**
- **Concerning reports have reached us of the conditions experienced during the evacuations;**
- **Legislators should launch an independent investigation to improve response to future crises.**

The **Oregon Justice Resource Center** and **Oregon Physicians for Social Responsibility** are calling for legislators to *immediately* launch an independent investigation into the Oregon Department of Corrections' (ODOC) response to the recent wildfires across the state. People incarcerated at four prisons had to be relocated to other ODOC facilities due to the danger of the fires. Over 5,000 people (35% of the prison population) in custody were impacted by the population move and there is little understanding or clarity about what transpired. We are deeply concerned by the numerous and consistent accounts we have heard from incarcerated people of what they experienced during the evacuations and while being held away from their home facilities.

We are not disputing that ODOC had to act to protect incarcerated Oregonians and staff from the fires or suggesting that they should not have moved people. But we have heard many alarming stories and have read concerning reports in the media that convince us that an independent review of how the evacuations took place and what happened once people arrived at their temporary accommodation is necessary to improve response to future crises.

"The UN High Commission on Human Rights states that 'All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.' Judging from

the Oregon Department of Corrections' handling of the COVID-19 outbreaks and the inhumane and unsafe evacuations during these fires, I think it is safe to say that ODOC has violated the basic principle of human dignity and endangered not only the health of those in prison but that of the surrounding communities. Overcrowded Oregon prisons are settings that demand excellent public health practices and systems--all the time--but especially in this unprecedented time of two public health emergencies: COVID-19 and wildfires. We would all benefit from the public health community, the prisoner advocate community and ODOC working together to implement respectful and safe public health practices to ensure humane care to the people in our prisons."

-Dr. Ann Turner, Oregon Physicians for Social Responsibility

What we've learned

Some of the problems described by incarcerated people or their loved ones to us include:

During the transfer:

- Lack of bathroom breaks and rest stops. Some women were forced to urinate on themselves. Some who had their periods bled through their clothes. Some women were told they could urinate outside in full view of the correctional officers and anyone who passed by. Reports that women were vomiting on the bus. Reports that on the transfer back to Coffee Creek, there were again no bathroom breaks.
- Lack of planning for the transportation of the men from the three Salem prisons to and from Oregon State Penitentiary (OSP), generally, and a lack of consideration of mixing the men's population without full consideration to prison politics and gangs.

At Deer Ridge:

- Women evacuated to Deer Ridge not getting regular or adequate food and drink, e.g. one woman reported receiving only a peanut butter sandwich in a 29-hour period.
- Women being told there were not enough supplies to feed everyone.
- Not everyone received their medications. Those who did, did not receive them reliably or as expected.
- Lack of access to clean clothing.
- Lack of supervision on the units which resulted in altercations, usually over phone access.
- People transferred into living units that were filthy because they had not been used for years.
- Women kept up until 2 am on their first night at Deer Ridge due to the time it took to find somewhere to put everyone.
- First night at Deer Ridge was described as "chaos," with people yelling and running around, and demands for cleaning supplies.

At the Oregon State Penitentiary:

- Extremely cramped living conditions that were unhygienic and in circumstances that made it difficult to sleep (the lights were kept on 24 hours day).
- At the Oregon State Penitentiary, limited access to toilets, mixed with prison politics making access harder for some. Individuals were passing out because they did not want to drink water because they could not access the bathrooms.
- Lack of access to clean clothing, showers, and toiletries.
- Lack of food and contaminated food (with unknown biological or hazardous substances).
- Very poor air quality.
- Use of force and discharging of chemical weapons by correction officers.
- At least a couple of fights; men not handling the stress well, some people feared a riot and what response that might provoke from the correctional officers.

General:

- Extremely high levels of anxiety among incarcerated people due to lack of information and needs being unmet.
- There were minimal-to-no considerations provided to mitigate the risk of COVID-19.

Why an independent investigation is necessary immediately

Our fear is what happens when the next crisis hits. COVID-19 is already inside Oregon's prisons, with more than 1,100 cases recorded among adults in custody (AIC) and staff. Combine that with another emergency such as the fires or the upcoming flu season, and we could see COVID cases rocket. We must have a third party investigate what went happened during the evacuations, so changes are appropriately made to prevent these kinds of problems in the near future.

Importantly, the ODOC is a public agency and the public and elected leaders should have full transparency of what transpired that includes a detailed accounting from hours leading-up to the decision to evacuate, the moment the evacuation began, and through when individuals returned back to their home institution and the week after. The simple truth is that there are competing versions of what occurred during the evacuation and the majority overwhelmingly include reports of problematic humanitarian issues. The investigation should include but not be limited to:

- A comprehensive review of any/all plans that the ODOC were using to guide their decisions and evacuation procedures;
- A comprehensive review and understanding of how that plan, if any, was implemented;
- A comprehensive review of all medical and public health protocols and practices followed by ODOC in order to mitigate the risk of COVID-19;

- A comprehensive review of ODOC internal documents, staff records, and other relevant documents and records related to the evacuation;
- A comprehensive review of all security videos (a request to ensure all videos are preserved and not deleted);
- An opportunity to interview AIC in a confidential setting and outside of ODOC presence;
- An opportunity to interview ODOC staff and contractors (or whoever else was involved in staffing the evacuation) in a confidential setting and outside of ODOC presence;
- An agreement from ODOC to waive any deadlines for AIC grievances related to the evacuation or a mandate for ODOC to create a separate grievance process for issues related to the evacuation that does not include a deadline;
- The results of the independent investigation should be presented to members of the legislature and made available to the public.

We typically see the greatest erosion of rights and liberties in times of emergency. We are absolute in our belief that the actions taken by the State in this instance must not set a precedent for future actions. We must be honest and transparent about what happened, and what went wrong. Oregon must be resolved to be accountable to those harmed and immediately move forward together to ensure that regardless of the emergency and the response required, our public officials will always prioritize and incorporate into their response the dignity and fair treatment of incarcerated people.

Sincerely,

/S/

Bobbin Singh
Executive Director
Oregon Justice Resource Center

/S/

Kelly Campbell
Executive Director
Oregon Physicians for Social Responsibility

CC:

Nik Blosser, Chief of Staff, Office of Governor Kate Brown
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Dustin Buehler, General Counsel, Office of Governor Kate Brown
Chief Justice Martha Walters, Oregon Supreme Court
Lane Borg, Executive Director, Office of Public Defense Services
Eric Deitrick, General Counsel, Office of Public Defense Services
Attorney General Ellen Rosenblum, Oregon Department of Justice
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