



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

March 27, 2019

The Honorable Floyd Prozanski, Chair
Senate Committee on Judiciary

Re: Senate Bill 269

Chair Prozanski and members of the committee I am Colette Peters, Director of the Oregon Department of Corrections (DOC). I am here before you today to provide information related to the dash-one amendments to Senate Bill (SB) 269.

What the Bill Does:

The dash-one amendments to SB 269 direct DOC to share the final audit report as prescribed by the Prison Rape Elimination Act and report out to the Senate and House Committees on Judiciary no later than February 1, the following year.

Background Information:

The Prison Rape Elimination Act (PREA) of 2003 is a federal law that seeks to eliminate sexual abuse and sexual harassment in confinement settings. The department was an early adopter of the law, establishing a zero-tolerance policy. A full time PREA Coordinator was hired in 2005, even though we had no funding available. We have maintained this position as a double fill, and even though we have asked for funds every year, it remains unfunded.

Shortly after I started working for DOC in 2005, SB 89 was passed, which made custodial sexual misconduct a felony. The department moved this bill forward with the cooperation of county sheriffs, parole and probation officers, DOC employees and labor organizations. Due to the inherent power and control DOC staff have over adults in custody (AICs), it is not possible for them to engage in a consensual sexual relationship with an AIC, and staff must be held accountable when they engage in these behaviors.

In 2012 the U.S. Department of Justice finalized and published the national PREA standards for prisons, jails, lockups, and detention facilities in the United States. In 2014 each facility began receiving a national PREA audit and to-date all facilities have been audited two times, passing audits and exceeding in some areas.

DOC continues to prioritize PREA, even without any legislative funding. We have recently added a Captain to work on internal PREA compliance and conduct audits in other states as part of a circular auditing agreement. This has allowed us to learn and share best practices.

As PREA progressed through the years, the program has been enhanced in many ways. Some of these enhancements were made during the implementation of the standards, and others have been in response to lessons learned and PREA audit recommendations. We embrace these improvements as we grow to understand the dynamics of sexual abuse in confinement settings and what it means to have a culture of sexual safety. We continue to investigate every allegation thoroughly to ensure perpetrators are held accountable and victims are protected. PREA cases can be difficult to investigate. Sometimes this is due to delayed reporting, other times it can be complicated by false claims. For that reason, these cases are often unsubstantiated due to insufficient evidence.

We believe that providing a safe environment for all of our AICs is at the core of our mission and at the core of public safety.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Submitted by:

Oregon Department of Corrections

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