

HB 3289 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Addie Smith, Counsel

Meeting Dates: 4/5, 4/8

WHAT THE MEASURE DOES:

Directs Department of Corrections to conduct study on correctional facility siting process. Requires the department to report findings to the Legislative Assembly on or before September 15, 2020. Sunsets January 2, 2021.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Instructs the Oregon Criminal Justice Commission to conduct a study on data, data collection practices, and data availability at local and regional correctional facilities in each county. Instructs the Criminal Justice Commission to study the manner, means, costs and barriers to health care at local and regional correctional facilities across the state. Directs the Criminal Justice Commission to obtain and analyze the standards, policies and procedures used by local and regional correctional facilities in order to determine whether they adequately protect the Constitutional rights of prisoners and follow national best practices. Instructs the Criminal Justice Commission to convene an advisory council for the study. Requires local and regional correction facilities to submit primary, unprocessed data and other information and documentation to the Criminal Justice Commission by January 1, 2020. Requires the Criminal Justice Commission to report the findings of the study to the Legislature by September 15, 2020. Sunsets the study portion of the measure January 2, 2021. Repeals ORS 169.530 and ORS 169.540 which control the expense for keeping and transporting federal prisoners by Oregon sheriffs.

BACKGROUND:

In Oregon, individuals who are accused of a crime and awaiting trial, who are awaiting sentencing and transportation to a prison, who have violated their probation, or who have been convicted of a misdemeanor or sentenced to less than a year are detained in local and regional correctional facilities commonly referred to as jails. Additionally, current statutes require local jail facilities to house and transport federal prisoners and charge the sheriff with prisoner's safekeeping under federal requirements. ORS 169.540;169.530.

In each of the 36 counties in Oregon, the Sheriff is the chief law enforcement officer. Among his or her responsibilities is the operation of a jail. ORS 135.215. Oregon law requires jails to comply with statewide standards. ORS 169.076; ORS 169.620. Further, jails must be inspected on a regular basis by county commissioners and grand juries, ORS 132.440 and ORS 169.040, and the Department of Corrections also has authority to inspect them. ORS 169.070.

Recent reports have found that jails are under resources, that data on Oregon's jails and jail population is lacking, and that jails are failing to provide the medical and mental health care their populations require. This has led to an increase in inmate deaths in recent years, the most common cause being suicide, and incomplete data that prohibits officials from understand those deaths and the conditions in Oregon's jails generally.

Under federal law, the majority of individuals held in jail are ineligible for Medicaid, otherwise known as the Oregon Health Plan. 42 U.S.C. § 1396d and although the Bureau of Justice Statistics collects data on Mortality in Correctional Institutions that includes jails, jail participation is voluntary and data therefore incomplete.

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