

To the Committee Chair and Members of the House Committee On COVID-19:

Thank you for the opportunity to provide testimony in advance of today's hearing regarding vaccines. I am an attorney in Portland and lead a team of 32 attorneys and around 50 doctors representing around 340 prisoners and pretrial detainees across the state. We litigate state constitutional 8th Amendment claims regarding the conditions of incarcerated Oregonians. Our claims focus on prison and jail failure to protect incarcerated people from Covid-19, and inadequate treatment of serious medical conditions.

As advocates, we are greatly relieved by the imminent provision of vaccinations for prisoners ordered yesterday by Judge Beckerman in *Maney et al v. Brown*, 6:20-cv-00570-SB. Several important issues arise regarding the vaccinations going forward:

**Education for staff and prisoners**

Staff and prisoners need careful, consistent education regarding the dangers that follow vaccination for continued spread. For example, clients already report staff at Snake River Correctional Institution stopped wearing masks after their vaccinations, mistakenly concluding they were no longer a threat. Education is needed for all regarding continued danger of the virus following vaccination.

**Informed consent re: vaccination decision**

Clients offered the vaccination report they are not provided informed consent as required. A client who was recently given the opportunity to take the vaccination raised important medical questions with ODOC staff prior to taking the vaccine. She was told by prison staff she would not have the opportunity to have those questions answered, and she had to decline the vaccination. After her questions were answered by our medical expert instead, she wants to take the vaccination. She has been told by DOJ and DOC she will have to wait for the next round of vaccinations. She is extremely medically vulnerable and housed in a prison with a severe Tier 4 outbreak. Prisoners must be provided with adequate information for informed consent or refusal.

**Vulnerability of prisoners who refuse the vaccination**

There also will be those who do not choose to take the vaccination, which may be due to legitimate medical reasons, who will remain vulnerable. Precautions will be needed to protect those prisoners.

I thank the Committee for holding this important hearing and welcoming public testimony.

***s/ Tara Herivel***

Tara Herivel

Lead Attorney

Oregon Habeas Strike Force