

**A-Engrossed**  
**House Bill 3096**

Ordered by the House April 23  
Including House Amendments dated April 23

Sponsored by Representatives SANCHEZ, NOBLE; Representatives CAMPOS, LEWIS, LIVELY, NERON, NOSSE, PRUSAK, WILDE, WILLIAMS

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Directs Department of Corrections to study issues specific to women in custody of department and to provide results of study to Legislative Assembly no later than December 31, 2021.]*

*[Sunsets January 2, 2022.]*

*[Takes effect on 91st day following adjournment sine die.]*

**Directs Governor to designate corrections gender-responsive coordinator. Specifies qualifications and duties of coordinator. Directs Department of Corrections to provide coordinator with access to Coffee Creek Correctional Facility to carry out duties. Directs Oregon Department of Administrative Services to contract with organization to conduct assessment of facility in coordination with coordinator. Directs coordinator to create Gender-Responsive Advisory Council. Directs coordinator and council to conduct listening sessions concerning experiences of women and families in criminal justice system. Directs coordinator to provide report to Legislative Assembly during 2023 regular session that includes summary of assessment, information from listening sessions and policy recommendations.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to women in custody; and declaring an emergency.

3       Whereas incarcerated women face unique challenges; and

4       Whereas incarcerated women have access to fewer resources and services to prepare for rein-  
5 tegration than incarcerated men; and

6       Whereas incarcerated women have lower rates of formal education, vocational training and  
7 employment history than incarcerated men; and

8       Whereas incarcerated women are more likely than incarcerated men to be sexually abused by  
9 prison personnel; and

10       Whereas incarcerated women are more likely than incarcerated men to have intimidation tactics  
11 used against them by prison personnel; and

12       Whereas 90 percent of incarcerated women are survivors of domestic violence or sexual assault  
13 and carry high trauma loads; and

14       Whereas incarcerated women are not treated with a trauma-informed approach; and

15       Whereas incarcerated women are often retraumatized while in prison; and

16       Whereas 85 percent of incarcerated women were the primary caregivers of minor children prior  
17 to their incarceration; and

18       Whereas women have significant needs around access to legal services pertaining to their role  
19 as custodial parents; and

20       Whereas women have complex medical needs related to pregnancy, childbirth, the postpartum

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 period and general health; now, therefore,

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1. (1) As used in this section:**

4 (a) **“Culturally responsive” means taking into account the beliefs, practices, culture and**  
5 **linguistic needs of diverse victim and offender populations and communities whose members**  
6 **identify as having particular cultural or linguistic affiliations by virtue of their place of birth,**  
7 **ancestry or ethnic origin, religion, preferred language or language spoken at home.**

8 (b) **“Gender-responsive” means taking into account gender-specific needs that have been**  
9 **identified in research, including but not limited to socialization, psychological development,**  
10 **strengths, risk factors, pathways through systems, responses to treatment intervention and**  
11 **other unique gender-specific needs facing justice-involved persons.**

12 (c) **“Listening session” means a gathering, open to the public, held for the purposes of**  
13 **participants sharing their perspectives and preferences.**

14 (d) **“Trauma-informed” means incorporating gender violence research and the impact of**  
15 **all forms of trauma in designing and implementing policies, practices, processes, programs**  
16 **and services that involve understanding, recognizing and responding to the effects of all**  
17 **types of trauma with emphasis on physical, psychological and emotional safety.**

18 (2)(a) **The Governor shall designate at least one person to be the corrections gender-**  
19 **responsive coordinator. The designated person or persons shall serve in the position for at**  
20 **least the duration of the assessment described in subsection (3) of this section and the lis-**  
21 **tening sessions described in subsection (4) of this section.**

22 (b) **The gender-responsive coordinator must:**

23 (A) **Have adequate training on gender-responsive, culturally responsive and trauma-**  
24 **informed correctional practices and appropriate standards, policies and practices for indi-**  
25 **viduals serving sentences of incarceration at Coffee Creek Correctional Facility;**

26 (B) **Not be an employee of or under the direction of the Department of Corrections or**  
27 **any department facility, including the Coffee Creek Correctional Facility; and**

28 (C) **Ensure that those who are incarcerated or formerly incarcerated are able to partic-**  
29 **ipate in the assessment process described in subsection (3) of this section, and the listening**  
30 **sessions described in subsection (4) of this section, safely and without concern for retali-**  
31 **ation.**

32 (c) **The Department of Corrections shall provide the gender-responsive coordinator with**  
33 **access to Coffee Creek Correctional Facility that is sufficient to allow the coordinator to**  
34 **carry out the duties described in this section.**

35 (3)(a) **No later than October 15, 2021, the Oregon Department of Administrative Services**  
36 **shall contract with an appropriate third-party organization to conduct an assessment of the**  
37 **Coffee Creek Correctional Facility. The purpose of the assessment is to establish a baseline**  
38 **for a strategic planning process, policy recommendation and improved protection of individ-**  
39 **uals serving sentences of incarceration at Coffee Creek Correctional Facility.**

40 (b) **The Oregon Department of Administrative Services and the third-party organization**  
41 **shall coordinate with gender-responsive coordinator and include the coordinator in the as-**  
42 **essment process.**

43 (c) **The assessment shall include a review of:**

44 (A) **Whether the following are gender-responsive, culturally responsive and trauma-**  
45 **informed:**

- 1 (i) Intake;
- 2 (ii) Placement;
- 3 (iii) Risk assessment;
- 4 (iv) Case management;
- 5 (v) Mental, behavioral and physical health services;
- 6 (vi) Vocational programs;
- 7 (vii) Rehabilitation programs;
- 8 (viii) Correctional staff;
- 9 (ix) Organizational structure;
- 10 (x) Reentry and transition programming; and
- 11 (xi) Other policies.

12 (B) Whether there are currently in place adequate protections, policies, procedures,  
13 oversight and hiring practices to ensure that individuals serving sentences of incarceration  
14 at Coffee Creek Correctional Facility are not subjected to sexual assault or sexual  
15 harassment and to determine whether the current responses to sexual assault or sexual  
16 harassment are gender-responsive, culturally responsive and trauma-informed.

17 (4)(a) The gender-responsive coordinator shall create a Gender-Responsive Advisory  
18 Council. The council shall consist of justice-involved individuals, including:

19 (A) Individuals incarcerated or formerly incarcerated at Coffee Creek Correctional Fa-  
20 cility.

21 (B) Individuals impacted by the justice system, including families of individuals  
22 incarcerated at Coffee Creek Correctional Facility.

23 (C) Stakeholders with expertise regarding gender-responsive policies, practices, programs  
24 and services.

25 (D) Stakeholders with expertise regarding trauma-informed practices.

26 (b) The gender-responsive coordinator shall meet with the Gender-Responsive Advisory  
27 Council at least quarterly and receive input on:

28 (A) The assessment; and

29 (B) The development and implementation of evidenced-based, gender-responsive and  
30 trauma-informed practices at the Coffee Creek Correctional Facility.

31 (c)(A) The gender-responsive coordinator and Gender-Responsive Advisory Council shall,  
32 no later than July 1, 2022, convene at least six community listening sessions to seek input  
33 on the experiences of women and families in the criminal justice system, and how evidence-  
34 based, gender-responsive and trauma-informed practices will impact women, families and  
35 communities.

36 (B) The listening sessions must be held in geographically diverse locations throughout  
37 the state and shall be held at a time and location conducive to community participation.

38 (5) The gender-responsive coordinator shall provide a report to the Legislative Assembly  
39 and to the committees of the Legislative Assembly related to the judiciary, in the manner  
40 provided in ORS 192.245, during the 2023 regular session of the Eighty-second Legislative  
41 Assembly, that includes:

42 (a) A summary of the assessment;

43 (b) Information gathered from the listening sessions described in subsection (4) of this  
44 section; and

45 (c) Policy recommendations regarding the development and implementation of

1 **evidenced-based, gender-responsive, culturally responsive and trauma-informed practices**  
2 **that address the findings of the assessment.**

3 **SECTION 2. Section 1 of this 2021 Act is repealed on July 1, 2023.**

4 **SECTION 3. This 2021 Act being necessary for the immediate preservation of the public**  
5 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
6 **on its passage.**

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