

(This contains a correction from the testimony I submitted earlier today. The correction is in bold in the last paragraph. Thank you.)

TESTIMONY ON SB 207

2/7/21

The State of Oregon needs to establish an office which provides oversight of the Oregon Department of Corrections. Over the past several years, various advocacy organizations have highlighted the need for changes within the DOC and yet have difficulty gathering the information needed to analyze and support their efforts. Given that the corrections system incarcerates a disproportionate number of persons from the BIPOC community, these issues have affected minority AIC's and family members at a disproportionate rate. What has resulted is a series of lawsuits and complaints against the DOC to address substandard mental health treatment, inhumane segregation units, sexual abuse of adults in custody (AICs), financial corruption, and medical malpractice. The media, lawmakers, tax payers and families have been left in the dark regarding the true operations of the Oregon DOC's prisons.

In addition, AICs report being reluctant to file grievances due to a structure which keeps the grievance within the same institution, sometimes resulting in retaliation against the AIC filing the complaint. Suggestions to improve the grievance system and even to allow for certain categories of grievances to be filed with DOC administrators outside the institutions have been ignored.

The DOC has an Inspector General (IG). However, the IG and his 60 staff are employees of the DOC. The IG reports to and serves at the pleasure of the DOC Director. The IG primarily investigates complaints of criminal activity within the DOC; provides the PREA audits; has an ADA Coordinator; and oversees disciplinary hearings officers. By its own reports, hundreds of their complaints are related to drug trafficking or use, which has become their focus. The IG does not investigate medical or other types of non-criminal complaints nor does it investigate AIC suicides except at the request of the DOJ. The IG also does not participate in post-mortem reviews of AIC deaths. There are no legislative statutes governing the IG. A deputy IG has admitted that it is not easy for their staff to prevent retaliation by staff for complaints they receive. For these reasons, many AIC's do not trust the IG and will not lodge complaints with the IG's office nor will their family members. Finally, the IG issues no reports to the DOC or the Oregon Legislature regarding complaint data or investigation numbers.

Family members and legal representatives of AIC's report, on a regular basis, difficulty in getting DOC staff or administration to respond to their concerns and questions about issues affecting the health, welfare and rehabilitation of an AIC, often being routed from one staff person to another when they call. Promises to investigate and provide information are not kept. Suggestions for systemic improvements to address some of these issues have been ignored as there is no real and timely avenue for family members or legal representatives to bring these concerns to light.

Legislators receive letters and calls on a regular basis from persons concerned about systemic issues or about individual AIC issues, especially medical neglect. However, legislators often do not have the expertise or information necessary to know how to address these concerns. The only avenue for response is to forward the question or concern to the DOC administration or staff. The DOC is required by statute to submit to the legislature a quarterly report regarding inmate deaths, with specific information required. The DOC has not submitted those reports regularly and has submitted reports without all the required information. It is very difficult for the public to access those

reports.

In addition to the lawsuits mentioned above, the press have attempted to highlight many DOC issues; however, there is no real response to those journalistic reports. Nothing has highlighted the urgent need for oversight of the DOC more than its response to the Covid pandemic and the danger from wildfires and smoke. These have highlighted the DOC's lack of transparency, minimal outside communication, and dangerous delays which have endangered AIC's health and welfare.

An independent corrections ombudsman, situated in the Office of the Governor, would provide the effective prison oversight needed in Oregon. As established in other states, an Ombudsman should have the ability to enter and inspect prisons without notice, conduct confidential interviews with incarcerated people and prison staff, recommend improvements and monitor their implementation, access data and records, and help resolve complaints from families and prisoners and even correctional officers who are concerned about AIC welfare. A corrections ombudsman is focused on the health, welfare and rehabilitation of the AIC's and is not involved in correctional officer disciplinary actions.

An ombudsman is not a prisoner or prisoner family direct advocate but can educate them about avenues to obtain the help they need. These actions can save the State money by preventing lawsuits. The ombudsman can network with prison focused organizations, AIC clubs within the prisons; AIC family groups and can assist both the legislature and the DOC administration with recommendations for positive systemic changes.

I have interviewed the Independent Corrections Ombudsmen in Michigan, where the office was established in the 1970's, and in Washington, where an office was established two years ago. Funding for those offices is approximately \$2 million for the biennium and provides an ombudsman, office, three or four staff, and an administrative assistant. The staff make regular visits to the prisons, with one staff person assigned to prisons in a particular region of the state. In Washington, the ombudsman posts information quarterly to a website accessible by the public outlining the categories of complaints, actions taken and highlights needs for improvements. The ombudsman also provides reports to the legislature.

According to the State of Oregon Risk Management Division reports, from 2015 to 2018, the State paid out \$11,745,243 in General Liability Claims related to AIC's in the Oregon Department of Corrections. I do not have access to the 2019 and 2020 totals; however, in mid-2019, \$270,498 had been paid out with 70 lawsuits still pending. In 2020, according to a news report, just one medical malpractice suit resulted in a \$2.75 **million** settlement. All this was prior to the Covid-19 pandemic which highlighted the need for an independent ombudsman position to investigate the DOC's response. In light of this information, it would benefit the citizens of Oregon to fully fund an Independent Corrections Ombudsman position and staff for the approaching biennium.

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