

A-Engrossed
House Bill 4146

Ordered by the House February 11
Including House Amendments dated February 11

Sponsored by Representatives REYNOLDS, SANCHEZ, Senator DEMBROW, Representatives NERON, PRUSAK, SCHOUTEN, Senators GORSEK, MANNING JR; Representatives CAMPOS, DEXTER, LIVELY, MARSH, NOBLE, NOSSE, POWER, WILDE, WILLIAMS, Senators GELSER BLOUIN, LIEBER, PATTERSON (Presession filed.)

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 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 2025 regular session*] **no later than September 1, 2024**, 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
21 period and general health; now, therefore,

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

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.

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

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

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

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

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

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

(b) The gender-responsive coordinator must:

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

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

(C) Ensure that those who are incarcerated or formerly incarcerated are able to participate in the assessment process described in subsection (3) of this section, and the listening sessions described in subsection (4) of this section, safely and without concern for retaliation.

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

(3)(a) No later than September 1, 2022, the Oregon Department of Administrative Services shall contract with an appropriate third-party organization to conduct an assessment of the Coffee Creek Correctional Facility. The purpose of the assessment is to establish a baseline for a strategic planning process, policy recommendation and improved protection of individuals serving sentences of incarceration at Coffee Creek Correctional Facility.

(b) The Oregon Department of Administrative Services and the third-party organization shall coordinate with gender-responsive coordinator and include the coordinator in the assessment process.

(c) The assessment shall include a review of:

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

(i) Intake;

(ii) Placement;

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

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

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

17 (A) Individuals incarcerated or formerly incarcerated at Coffee Creek Correctional Fa-
18 cility.

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

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

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

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

26 (A) The assessment; and

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

29 (c)(A) The gender-responsive coordinator and Gender-Responsive Advisory Council shall,
30 no later than September 1, 2023, convene at least six community listening sessions to seek
31 input on the experiences of women and families in the criminal justice system, and how
32 evidence-based, gender-responsive and trauma-informed practices will impact women, fami-
33 lies and communities.

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

36 (5) The gender-responsive coordinator shall provide a report to the Legislative Assembly
37 and to the interim committees of the Legislative Assembly related to the judiciary, in the
38 manner provided in ORS 192.245, no later than September 1, 2024, that includes:

39 (a) A summary of the assessment;

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

42 (c) Policy recommendations regarding the development and implementation of
43 evidenced-based, gender-responsive, culturally responsive and trauma-informed practices
44 that address the findings of the assessment.

45 **SECTION 2.** Section 1 of this 2022 Act is repealed on January 2, 2025.

1 **SECTION 3. This 2022 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
3 **on its passage.**

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