

SB 1120 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Kris Kolta, LPRO Analyst

Meeting Dates: 3/20

WHAT THE MEASURE DOES:

This measure requires the Department of Corrections to develop and implement comprehensive policies for adults in custody (AIC), including policies to foster gender-responsive, evidence-based, and trauma-informed practices at Coffee Creek Correctional Facility.

Detailed Summary:

Sections 1-2: Leadership

- Directs the Oregon Department of Corrections (DOC) to create a leadership, development, and training program to educate staff on research- and evidence-based practices for management of a women's correctional institution and to implement gender-responsive and trauma-informed practices to address the unique needs of female AICs.
- Requires the DOC to expeditiously adopt associated rules and ensure they are implemented and enforced at Coffee Creek Correctional Facility (Coffee Creek).

Sections 3-4: Staffing and Training

- Directs the DOC to:
 - Adapt hiring practices to specify and screen for the attributes required to work with women;
 - Develop more accurate job descriptions to recruit candidates attuned to working with women of diverse racial, ethnic, gender, and social identities;
 - Study the proper staff-AIC ratio for AIC welfare and safety; and
 - Implement gender-responsive training protocols for all decision-makers at Coffee Creek.

Section 5: Culture

- Directs the DOC to:
 - Implement and hold staff accountable to a culture of respect and dignity with a zero- tolerance policy for unprofessional, disrespectful, and dehumanizing conduct, including racist, sexist, misogynistic, homophobic, and transphobic language;
 - Proactively address the code of silence around AIC mistreatment;
 - Annually distribute a plan to effectuate the culture of dignity and the zero-tolerance policy;
 - Eliminate paramilitary culture and philosophy; and
 - Within 6 months of hiring and every 18-month period thereafter, ensure corrections officers participate in meetings with those in custody, facilitated by a community-based organization, to cultivate understanding and empathy.
- Requires the Department of Public Safety and Training to review all complaints against corrections officers for potential violations.
- Sets procedure for review of specified complaints before the Corrections Policy Committee (ORS 181A.375).

Section 6: Access to Courts

- Directs the Judicial Department to establish a law library at each DOC institution and provide each AIC with the same access to courts and legal resources as the public.
- Requires the Judicial Department to train staff about AICs' legal barriers, to secure and facilitate AICs' court appearances, and to develop/publish policies regarding fee waivers and deferrals.

- Directs the DOC to facilitate legal services by providing AICs with access to computers, telephones, internet, legal forms, and private and ADA-compliant rooms to make calls and remote appearances.
- Requires the DOC to appoint a dedicated individual at each facility to coordinate AICs' court appearances by troubleshooting technological issues, communicating with the court and lawyers.
- Requires the Judicial Department to inform AICs of options for court appearances and modify court notices as necessary.
- Directs the DOC, when an AIC is to appear in person, to provide all necessary support.

Sections 7-9: Feasibility Study, Grievances, and Intake

- Directs the DOC to:
 - Conduct a study and publish a report by September 15, 2027 on creating women's regional justice centers as an alternate correctional model;
 - Consider grievances liberally and not deny for improper form;
 - If denying a grievance, to explain rationale to the AIC in person and in writing; and
 - Establish grievance protocols, track grievance data, monitor for retaliation, and establish associated disciplinary protocols.
- Establishes timelines and procedures for filing and reviewing grievances.
- Prohibits the DOC from providing a grievance to the person against whom it is made, preventing the filing of a tort claim notice, or retaliating against an AIC for assisting another with a grievance.
- Establishes that the DOC may only use Coffee Creek for intake of adults who will serve their entire sentence there and that such intake process be gender-responsive and trauma-informed.

Sections 10-14: Basic Conditions and Needs, Maintenance and Repairs, Facility Design and Structure, and Facility Design

- Requires the DOC to establish, in conjunction with health experts, nutrition protocols.
- Directs the DOC to accommodate special diets and nutritional needs and to offer culinary education.
- Requires a third-party audit of each DOC facility's infrastructure every three years, including a timeline for necessary repairs, with such audit submitted to the judiciary committee.
- Directs the DOC to:
 - Provide HVAC and HEPA systems to ensure safe climatic conditions by May 1, 2028, shaded outdoor areas, and beds designed to prevent injury;
 - Improve space to foster wellbeing, including privacy curtains around cell toilets, noise mitigation measures, sleep-sensitive lighting, self-care spaces, family-oriented visiting spaces, and de-escalation spaces.
 - To install, within six months of the effective date, opaque films to ensure privacy while showering, remove closet-sized cages and shackles, eliminate the use of tethers to walk AIC's around segregation units, and allow AICs with a level 3 classification to visit other adults who are in segregation; and
 - To replace open-dorm style housing with small-group housing.

Section 15: Technology

- Directs DOC to rescind telephone validation requirement and to provide free calls, video visits, and additional video kiosks.
- Mandates that all AICs receive personal tablet computers enabled with internet access and video-call capability.
- Provide computer lab access for legal, educational, and occupation-related work.

Section 16: Unclothed Body Searches

- Prohibits unclothed body searches and body scans without probable cause and supervisor approval.
- Sets limits on the use of body scans, prohibits retaliation for an AIC's refusal of a body scan lacking probable cause, and allows medical exemptions.

- Requires training, monitoring, and recording of all unclothed body searches and scans along with evaluation of the associated data for race or ethnic discrimination.

Sections 17-18: Discipline and Lockdowns

- Directs the DOC to implement a comprehensive gender-responsive, evidence-based, and trauma-informed system and protocol of discipline, including:
 - Positive reinforcement, clear expectations, and emphases on self-care, physical and emotional health;
 - Peer mediation and support;
 - Affirmation over confrontation;
 - Collaborative problem-solving;
 - Trauma-informed discipline hearings with mental health support;
 - Prioritization of the least punitive discipline, limiting cell-in and lockdowns; and
 - Limitations on officers' disciplinary discretion.
- Requires the DOC to adopt rules to consider AICs' behavioral health diagnoses, tailor discipline accordingly, track and correct officers' use of discipline as warranted.
- Directs the DOC to eliminate segregation units (solitary confinement) or use them as a last resort and never for 15+ days.
- Sets criteria for adults in restrictive housing to ensure satisfaction of their basic needs.
- Requires the DOC to provide all AICs, except those being disciplined, with 8 hours out of their cells each day.
- Mandates written lockdown policies, record-keeping, approval by a superintendent of security or their superior for lockdowns, discipline for staff member violations, and designates written policies as public records.

Section 19: Support for Survivors

- Directs the DOC to:
 - Provide AICs with access to linguistically and culturally specific resources and services for survivors of domestic violence or sexual assault;
 - Facilitate access by collaborating and contracting with community-based experts, providing access on each AIC's tablet computer, and publicizing available programming;
 - Identify survivors in the intake process to connect them with resources;
 - Adopt rules to promptly identify survivors to connect them with services such as counseling and advocacy;
 - Hire a survivor services coordinator; and
 - Engage a consultant to train all staff in gender-responsive and trauma-informed practices and adopt rules to ensure all staff receive annual training and regular review.

Section 20: Behavioral Health Screening

- Directs the DOC to:
 - Conduct mental health screening of all AICs upon intake, immediately offer mental health treatment, and adopt rules to provide comprehensive mental health services;
 - Implement drug and alcohol screening upon intake, immediately offer detox support and treatment for substance abuse disorder, and adopt rules to provide comprehensive treatment resources;
 - Maintain a comprehensive list of available support, services, and programs at each facility;
 - Ensure AIC access via personal tablet computers and facilitate AIC appointments and participation;
 - Track support services and assess the same for any racial disparities in access;
 - Partner with trauma subject experts to publish an assessment every three years and thereby identify strategies to render prison environments trauma-informed; and
 - Provide the public assessment to the judiciary committee and, within 30 days of publication, submit an action plan to effectuate recommendations.

Section 21: Prison Rape Elimination Act

SB 1120 STAFF MEASURE SUMMARY

- Creates a manager position in the Corrections Ombudsman's office to ensure compliance with the federal Prison Rape Elimination Act of 2003, P.L. 108-79, 117 Stat. 972, 34 U.S.C. 30301 to 30309 (the 2003 Act).
- Requires the DOC to:
 - Provide AICs with the opportunity to confidentially and anonymously communicate with the Corrections Ombudsman;
 - Implement, in collaboration with outside experts, a specialized staff and AIC training protocol to implement the 2003 Act, including:
 - Appropriate boundaries, ethics, investigation, and confidentiality practices,
 - The dynamics of custodial sexual abuse and institutional culture,
 - Survivors' health care needs; and
 - Establish an oversight board to assess compliance with the 2003 Act and provide the board with all requested records and data.
- Authorizes the Governor to appoint members of the board and requires the board to submit its findings to the judiciary committee.
- Directs the DOC to transparently implement the 2003 Act, comprehensively collect and share data, establish on-site, independent counselors for AICs, ensure AICs who report a violation of the 2003 Act have input into their housing preferences, and to establish an information-tracking system for AICs making reports related to the 2003 Act.

Section 22-23: Support for Parents and Families

- Requires the DOC to adopt rules to expand opportunities for families to connect with their incarcerated loved ones, including rules establishing:
 - - The presumptive right of children to visit their incarcerated parents;
 - A dedicated point person for anyone having trouble visiting a family member;
 - A tracking system for approvals and denials;
 - Four family events per year; and
 - Visitation staff training regarding trauma-informed interactions involving children.
- Requires the DOC to:
 - - Establish a dedicated point person for visitors with special needs, a regularly updated visitor website along with text alerts, appointments for families that live far away from a facility, and family advocates or an advocacy program at each DOC institution;
 - Collaborate with the Judicial Department and Department of Human Services (DHS) to facilitate AIC participation in juvenile dependency or family law matters;
 - Collaborate with the DHS to ensure AICs can participate in DHS services and related court proceedings; and
 - Establish a nursery program at Coffee Creek.

Section 24: Transgender, Nonbinary and Gender Diverse Adults in Custody

- Directs the DOC to:
 - Develop, in collaboration with individuals with lived experience and organizations with expertise, comprehensive policies as to transgender, nonbinary, and/or gender diverse adults (GDA*), including rules that address staff training, responsibilities, disclosure, housing, and body searches;
 - Designate a transgender care specialist at each institution and expand the existing Transgender and Intersex Committee to include those with lived experience and expertise;
 - Expand existing training in collaboration with those having lived experience to include:
 - Gender-affirming treatment pursuant to Oregon Health Authority (OHA) guidance,
 - Best practices as to GDA, including mental health and housing,

- Prevention of bullying, harassment, and discrimination, and
- Appropriate interventions as to mental health challenges and staff and AIC misconduct;
- Adopt gender-affirming treatment policies for staff and AICs pursuant to OHA guidance;
- Train decision-makers responsible for housing, medical care, and behavioral health to address the needs of GDA;
- Transfer oversight of gender-affirming care to the DOC's medical services division; and
- To collect and submit to the Corrections Ombudsman data concerning each GDA's request for a change in housing and gender-affirming care.

*While the term GDA (gender-diverse adults) is used for concision, some individuals in the transgender, nonbinary and gender diverse umbrella may not identify as "gender diverse."

Section 25: Research-based Programs

- Directs the DOC to
 - - Annually analyze available programs for AICs;
 - Address addiction as a public health issue and treatment as a necessity;
 - Eliminate punitive responses to drug use and ensure access to treatment; and
 - Ensure access to programming that addresses women's diverse identities and experience.

Section 26: Supports for Reentry into the Community

- Directs the DOC to:
 - - Plan for AIC survivors' wellbeing and safety from incarceration through community reentry;
 - Develop and implement a holistic plan to ensure an AIC survivor's wellbeing and safety in collaboration with community parties in advance of an AIC's release;
 - To work with each AIC to develop a detailed reentry plan to address their economic, practical, personal, family, and mental health needs;
 - Provide AICs with necessities upon their release and ensure necessary medical appointments are scheduled; and
 - Arrange for comprehensive care plans for higher-needs AICs and increase work furlough opportunities.

Sections 27-28: Dashboard

- Requires the DOC to add the following to its public-facing disciplinary segregation dashboard:
 - Placements in segregated housing relating to the Prison Rape Elimination Act;
 - The number and results of unclothed body searches conducted in each DOC institution, including a breakdown by race and ethnicity;
 - A list of all programs and services offered within each DOC facility along with the number of available spots and average wait time;
 - The number, length of, and reasons for lockdowns and modified operations each week; and
 - Key metrics as to unusual incident reports, including medical or mental health, grievance, or discipline.

Sections 29-30: Conditions of Post-Prison Supervision and Captions

- Amends existing law to allow an AIC, upon release, to file a motion with the State Board of Parole and Post-Prison Supervision to waive the requirement that they reside in the county in which they were previously on supervised parole or committed the offense if residing in that county would place the individual at risk of abuse or harm.
- Specifies that the captions in the bill are not part of the law or its intent.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2019, the Department of Corrections (DOC) participated in a workgroup that recommended a comprehensive evaluation of gender-informed practices in Oregon's correctional facilities. In 2022, under House Bill 5202, the Legislative Assembly provided funding for the Gender-Informed Practices Assessment (GIPA). The GIPA was released in 2023 with recommendations that range from partnering with community organizations to employee training to expanding program access. See *Gender Informed Practices Assessment (GIPA), Report of Findings & Opportunities Coffee Creek Correctional Facility*, <https://www.oregon.gov/doc/Documents/gipa-report.pdf>. More specifically, the GIPA breaks down its findings and recommendations into the following twelve (12) domains: 1. Leadership and Philosophy; 2. External Support; 3. Facility; 4. Management and Operations; 5. Staffing and Training; 6. Facility Culture; 7. Resident Discipline; 8. Classification and Assessment; 9. Case/Transitional and Reentry Planning; 10. Research-Based Program Areas; 11. Services; and 12. Quality Assurance and Evaluation. *Id.* at Page 4.

The GIPA gave the DOC a baseline of how its existing policies and practices align with prevailing research on gender-responsive, trauma-informed, and evidence-based policies, programming, and practices, from intake to release. In response, noting that "[t]he GIPA report was sobering to read," the Governor's office formed the Advisory Panel on Gender Responsive Practices in Corrections to discuss and work to implement the findings of the GIPA. Governor's Office, Newsroom. *New Report Assesses Needs of Incarcerated Women*, <https://apps.oregon.gov/oregon-newsroom/OR/GOV/Posts/Post/new-report-assesses-needs-of-incarcerated-women-14765>.

The DOC provides periodic updates on its implementation of the GIPA. See Oregon Department of Corrections. *GIPA Response Progress Report, Feb. 19, 2025*, <https://www.oregon.gov/doc/Documents/GIPA-february-update.pdf>. Generally speaking, Senate Bill 1120 (2025) seeks to implement remaining GIPA recommendations.