



May 31, 2022

To: Senate President Peter Courtney
House Speaker Dan Rayfield
Senate President Pro Tempore James Manning Jr.
House Speaker Pro Tempore Paul Holvey
Senate Majority Leader Rob Wagner
House Majority Leader Julie Fahey
Constantin Severe, Public Safety and Military Policy Advisor, Office of the Governor
Dustin Buehler, General Counsel, Office of the Governor

Re: Oregon Department of Corrections Extreme Weather Preparedness

It is imperative that the state act urgently to ensure the well-being of the over 12,000 people in its custody. AICs, confined in congregate and highly restricted living environments, have particularly suffered through the past couple of years during which Oregon has experienced a confluence of emergencies – the COVID pandemic, wildfires, winter storms, and periods of unprecedented heat. Unlike other Oregonians, AICs do not have the freedom to individually prepare and respond to protect their own health.

Oregon is continuing to face increased extreme weather/climate related emergencies. While it is imperative that the Oregon Department of Corrections (ODOC) have emergency preparedness plans publicly available for all weather/climate related emergencies, this letter will mainly focus on extreme heat and the increased number of wildfires because the summer is quickly approaching.

In June 2021, the Oregon Justice Resource Center (OJRC) wrote to state leadership regarding communication we received from several Adults-in-Custody (AICs) from three different institutions (Oregon State Penitentiary, Coffee Creek Correctional Facility, and Santiam Correctional Institution) each expressing dire news about the extreme heat in the facilities. In 2021, Oregon reported its hottest summer (June through August) on record.¹

In addition to relaying AIC requests for short-term simple remedies (provide ice water as soon as possible and increase cooling and ventilation), which were not fulfilled, the OJRC asked state leadership to require ODOC to present its plans for extreme-weather related emergencies and to invest in adequate cooling and ventilation for all ODOC facilities and safeguards against other extreme weather-related events.

Unfortunately, high temperatures during the summer are now a common and predictable occurrence in Oregon. Due to climate change, this pattern is expected to persist with the increasing average number of days in which temperatures are above 90 degrees, including more days above 100 degrees. Governor Brown recently urged Oregonians to prepare for the upcoming fire season, stating, “[w]e’re fighting fires of a new age, made more intense by climate change. It is a different wildfire environment that stretches firefighters and our resources.”² Additionally, Oregon OSHA recently adopted new rules to protect workers from excessive heat and wildfire smoke, demonstrating a recognition of the increasing dangers heat and wildfires pose, especially to the most

¹ <https://www.noaa.gov/news/summer-2021-neck-and-neck-with-dust-bowl-summer-for-hottest-on-record>

² <https://www.oregonlive.com/environment/2022/05/oregon-leaders-warn-of-challenging-wildfire-season-urge-residents-to-get-prepared.html>

vulnerable populations like AICs.³ Preparing for and addressing the impacts of heat and wildfires will protect AICs and ODOC staff.

As the summer months approach, we urge you to ensure that ODOC is prepared for the inevitable emergencies this summer and immediately request that ODOC present its plans to provide a safe and humane living environment during the anticipated extreme-weather events. **We specifically request that ODOC contract with an independent third party to audit ODOC's current infrastructure and services that relate to its ability to respond to excessive heat and other extreme weather-related events, make recommendations for improvement, and present this report to the legislature as soon as practicable. Furthermore, we request that the state immediately invest in and make resources available to ODOC for its preparation and solutions identified by the audit.**

As we previously shared, the following are some of the conditions that AICs reported during the summer of 2021:

- Water in the units was lukewarm at best and hot at worst. At Santiam Correctional Institution there was one lukewarm water fountain for approximately 120 AICs on the unit.
- When ice water was provided, there was not enough for the whole unit. Unit Officers were denying refills unless authorized, and the authorizations never came.
- Air conditioning was either turned off or used inconsistently throughout the hottest part of the day. AICs believed that this was being done punitively or in retaliation for AICs advocating for each other.
- Santiam Correctional Institution's A/C units were not in operation because the filters have not been cleaned.
- AICs with health or age-related conditions were struggling and there was no response to their needs.
- AICs with mental health issues resorted to self-harm. An example from Oregon State Penitentiary: For about a month, AICs had been grieving about the A/C being turned off. When a heat wave came, one AIC intoned that he would not be able to make it through without A/C. AICs tried to get the corrections officers to help him, but they responded slowly. Finally, the AIC was discovered in his cell having badly harmed himself. Within a couple hours the unit began cooling as the A/C either was turned on or the setting was changed.
- Not all parts of the prisons have A/C. Not all of the living units have A/C. The fans that were used on the units were at best moving hot air throughout the unit. Small, personal fans are insufficient.
- AICs were in need of medical care due to heat-related illnesses, but no medical care was provided.

The conditions described to us in 2021 are not new. For several years, AICs have reported similar conditions and suffering during the summer months as temperature highs hit record levels; and other distressing conditions during other extreme-weather related events throughout the year that have gone unaddressed. Unfortunately, the state has allowed another year to pass without requiring ODOC to present its plans to address extreme-weather related events in its institutions; and the state has not made any additional investments to update the infrastructure and systems in our prisons to ensure a safe and humane living environment for adults in its care and custody.

Oregon has responded thoughtfully and swiftly during emergencies to many communities in Oregon with urgency and care. But the state continues to fail Oregonians in prison. It is agreed by the overwhelming majority of experts that there is a clear need for the implementation of robust and comprehensive plans to address the realities of our changing environment. We implore you to treat our incarcerated community members with dignity and provide the necessary care.

³ <https://osha.oregon.gov/OSHARules/adopted/2022/ao3-2022-text-alh-heat.pdf>

We intend this letter to provide notice to the State of Oregon. The OJRC has been litigating system-wide problems in the ODOC for some time now. Litigation, while effective in ameliorating some harms and providing a modicum of accountability, should not be the only means of reducing the risks of serious injury to incarcerated Oregonians. However, the inhumane treatment of AIC's and the harm they have experienced from weather/climate emergencies in the past several years is unacceptable, and possibly unconstitutional. Our organization will continue to monitor the situation and will take appropriate legal action if required. As stated above, our hope is that this letter will obviate the need for that course of action.

We implore you to act with a sense of urgency and purpose. The harms and indignities suffered by AICs are unnecessary and completely preventable.

As always, we are available to assist however we can.

Sincerely,

Zach Winston
Director of Policy and Outreach, OJRC

David De La Torre
Healthy Climate Program Director, Oregon Physicians for Social Responsibility

Cc: Sen. Chris Gorsek, Co-Chair of the Ways and Means Subcommittee on Public Safety
Sen. Floyd Prozanski, Chair of the Senate Committee on Judiciary
Sen. Kate Lieber, Chair of the Senate Committee On Energy and Environment
Sen. Deb Patterson, Chair of the Senate Committee On Health Care
Sen. Michael Dembrow
Rep. Janelle Bynum, Chair of the House Committee on Judiciary
Rep. Dacia Grayber, Chair of the House Committee On Veterans and Emergency Management
Rep. Pam Marsh, Chair of the House Committee On Environment and Natural Resources
Rep. Rachel Prusak, Chair of the House Committee On Health Care
Rep. Tawna Sanchez, Co-Chair of the Joint Committee on Ways and Means
Rep. Maxine Dexter
Rep. Lisa Reynolds