

Oregon

WOMEN IN PRISON: 536 (01/00)ⁱ

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

No Law. The Oregon Legislature has NOT considered any bills concerning Custodial Sexual Misconduct. There are not any bills before the Legislature for the 2001 Regular Session as of January 31, 2001.

Does the law impose a criminal penalty on the inmate?	NO LAW
Does the statute covers all relevant forms of sexual abuse?	
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	
Does the statute cover all custodians and staff in contact with inmates?	
Does the statute cover all places where an inmate might be abused?	
Is the penalty a felony?	

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ⁱⁱ	Because Oregon does not have a protective law, Amnesty International did not issue a request.
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Custodial Sexual Misconduct –Policies, Procedures and Practices of Guarding Specific to Women

The following data is based on surveys performed by the National Institute of Corrections in 1996 and 2000, except in cases when further details have been available to AI from alternative sources.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	Yes	Policy includes direct and specific language about the sexual nature of the behaviors prohibited. ⁱⁱⁱ
Allow cross-gender pat-down searches?	Yes	Searches are predominantly same-sex. Cross-sex done only in emergency – “emergency” not defined. ^{iv}
Restrictions on the duties of male guards?		Not known.
Was there staff training on sexual misconduct in 1996?	Yes	Staff with inmate contact, volunteers and contract staff receives 1-2 hour’s pre-service training and one hour annual in-service training. ^v
Has staff training been developed 1996-2000?	Yes	Oregon Department of Corrections provides specialized training to staff at facilities housing women offenders. ^{vi}
Were there special procedures for investigating allegations of sexual misconduct in 1996?	Yes	Oregon is not specifically mentioned in the National Institute of Corrections report. ^{vii} Written response from the Oregon DOC, notes that the Department uses standard investigatory procedures with consideration for the nature of the compliant. ^{viii}
Have new investigation procedures	Yes	According to written response from the Oregon DOC, staff receives

been introduced 1996-2000?		regular comprehensive training in investigation techniques that are reviewed and updated periodically. ^{ix}
Were inmates informed of agency policies about sexual misconduct in 1996?	Yes	Policies are covered in standard inmate orientation and in inmate handbook. ^x
Have procedures on informing inmates about sexual misconduct been revised 1996-2000?	Yes	According to written response from the Oregon DOC, the orientation process for new female inmates has been modified from videotape presentation to a live presentation by key staff at facility. Administrative staff specifically provides information about how to stay safe in prison and how to report staff misconduct. ^{xi}

Custodial Sexual Misconduct –Legislative Proposals 2000-01

<i>None</i>	Legislature is in session.
<i>Amnesty International USA comments:</i>	<i>Amnesty International proposes that the Oregon Legislature urgently introduce legislation to prohibit custodial sexual misconduct. Amnesty International notes that the Oregon Department of Corrections supported a bill to criminalize custodial sexual misconduct in state facilities during the 1999 legislative session.</i>

Parenting and Pregnancy in Custody

Pregnancy - Relevant Statutes/Administrative Rules

Legislation banning shackling in the third trimester or during labor	No	Oregon has no legislation limiting the use of shackling on pregnant inmates.
Administrative rules concerning pregnancy and delivery		There are no state administrative rules concerning such procedures. Department of Corrections policies cover this area, see below.

Pregnancy and Parenting - Policies, Procedures and Practices

Policies and procedures concerning pregnancy and delivery	Yes	According to written response from the Oregon DOC, the department has health services policies and procedures regarding pregnancy and delivery. ^{xii}
Use of restraints in third trimester	Yes	Restraints are applied during transport (see below).
Restraints during transport	Yes	According to Oregon DOC, Department policy may require the use of restraints, depending on custody level. The Department policy states that correctional staff must follow physician recommendations for the preferable method of restraint. ^{xiii}
Restraints during labor	No	According to Oregon DOC, restraints are not used during labor or diagnostic procedures, unless expressly requested by the attending physician. ^{xiv}
Officer in delivery room	No	According to Oregon DOC, the corrections officer is posted outside the door unless the physician requests otherwise. ^{xv}
Parenting programs specific for women	Yes	According to Oregon DOC, a parenting module is offered as part of the Women in Community Service (WICS) program at the Columbia River Correctional Institution. The Department also provides parenting skill training in its pre-release alcohol and treatment programs for women inmates. Finally, inmate focus groups at male and female Oregon DOC Institutions are assisting staff in developing parenting program to be offered at all facilities in near future. ^{xvi}
Special visitation rights for women	Yes	According to Oregon DOC, the institution arranges and facilitates visitations with the newborn child during normal visiting hours. ^{xvii}
State Mother and Child Residency	No	Oregon DOC has no residential program for inmate mothers and

Program	their infants/children. ^{xviii} According to written response from the Oregon DOC, the Department supports the concept of mother and child residency programs and is investigating the possibility of introducing such a program. ^{xix}
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Contact information

OREGON DEPARTMENT OF CORRECTIONS

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OREGON DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

Oregon Women's Correctional Center Superintendent: Sonia Hoyt 2809 State Street Salem, OR 97310-0500 Phone: (503) 373-1907 / 378-2441 Email: sonia.e.hoyt@doc.state.or.us	Columbia River Correctional Institution Superintendent: Fran Thompson 911 North East Sunderland Avenue, Portland, Oregon 97211-1708 Phone: (503) 280-6646; Fax: (503) 280-6012 Co-ed facility
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OREGON EXECUTIVE

Governor John Kitzhaber [D] State Capitol Building Salem, OR 97310 Phone: (503) 378-4582; Fax: (503) 378-4863	Homepage: http://www.governor.state.or.us/
Attorney General Hardy Myers [D] Oregon Department of Justice 1162 Court Street N.E. Salem, OR 97310	Homepage: http://www.doj.state.or.us/

OREGON LEGISLATIVE INFORMATION

House: 60 members, 2-year terms Senate: 30 members, 4-year terms (8-yr. limit) Legislative Session: The Legislative Assembly meets biannually in odd numbered years from the second Monday in January. The session is of unspecified length.	Legislature Homepage: http://www.leg.state.or.us/ State website http://www.state.or.us/ Bill information phone number: (503) 378-8551
Senate 900 Court Street NE S-203, Salem, OR 97301	Homepage: http://www.leg.state.or.us/senate/senateset.htm
House of Representatives 900 Court Street NE, Room269 Salem, Oregon 97301	Homepage: http://www.leg.state.or.us/house/houseset.htm

WOMEN IN PRISON - NGO RESOURCES

The organizations listed are not endorsed by or affiliated with Amnesty International

- ^v US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996
- ^{vi} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000
- ^{vii} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996
- ^{viii} Faxed response from the Oregon Department of Corrections, Director's Office, Dan Van Lehman, Manager of Central Operations, 02/15/2001
- ^{ix} Faxed response from the Oregon Department of Corrections, Director's Office, Dan Van Lehman, Manager of Central Operations, 02/15/2001
- ^x US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996
- ^{xi} Faxed response from the Oregon Department of Corrections, Director's Office, Dan Van Lehman, Manager of Central Operations, 02/15/2001
- ^{xii} Faxed response from the Oregon Department of Corrections, Director's Office, Dan Van Lehman, Manager of Central Operations, 02/15/2001
- ^{xiii} Oregon Department of Corrections Health Services policy for patient transport, received from the Oregon Department of Corrections, 1/12/01
- ^{xiv} Letter from Oregon Department of Corrections, Health Services Administrator, Catherine M. Knox, 1/12/01
- ^{xv} Letter from Oregon Department of Corrections, Health Services Administrator, Catherine M. Knox, 1/12/01
- ^{xvi} Faxed response from the Oregon Department of Corrections, Director's Office, Dan Van Lehman, Manager of Central Operations, 02/15/2001
- ^{xvii} Letter from Oregon Department of Corrections Health Services Administrator, Catherine M. Knox, 1/12/01
- ^{xviii} General Accounting Office, "Managing Female Inmate Populations," GAO/GGD-00-22, 2000
- ^{xix} Faxed response from the Oregon Department of Corrections, Director's Office, Dan Van Lehman, Manager of Central Operations, 02/15/2001