



KATE BROWN
Governor

June 12, 2020

Colette Peters
Director
Oregon Department of Corrections
2575 Center Street, NE
Salem, Oregon 97301

Director Peters,

I am requesting the Oregon Department of Corrections perform a case-by-case analysis of adults in custody vulnerable to COVID-19 for possible commutation, based on the criteria described below. Medically-vulnerable adults in custody who are eligible for commutation, do not pose an unacceptable risk to public safety, and are determined by DOC to meet the criteria will have the remainder of their term of incarceration commuted, pursuant to my authority as Governor, under Article V, Section 14 of the Oregon Constitution.

On March 8, 2020, I issued Executive Order 20-03 declaring a state of emergency due to the COVID-19 global pandemic and the threat it presents to public health and safety to all Oregonians. In formulating a strategy to address COVID-19, DOC has followed applicable guidance by the Centers of Disease Control and the Oregon Health Authority. The Department of Corrections has implemented a number of measures to prevent the spread of COVID-19 and to manage suspected and confirmed cases.

While DOC acted quickly to meet the threat presented by COVID-19, there are limits to the department's ability to implement physical distancing in a correctional setting. Given what we now know about the disease and its pervasiveness in our communities, it is appropriate to release individuals who face significant health challenges should they contract COVID-19.

In order to ensure the safety and security for Oregon communities, an adult in custody must meet all the following conditions to be eligible for commutation. Each adult in custody must:

- Be particularly vulnerable to COVID-19, as identified by DOC medical staff;
- Not be serving a sentence for a person crime;
- Have served at least 50% of their sentence;
- Have a record of good conduct for the last 12 months;
- Have a suitable housing plan; and
- Have their out-of-custody health care needs assessed and adequately addressed.

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After performing a case-by-case analysis of medically vulnerable adults in custody based on these criteria, please provide me with a list of eligible adults in custody by June 22, 2020.

Adults in custody eligible for commutation based on these criteria shall take a COVID-19 test prior to release. An adult in custody displaying symptoms or who has tested positive for COVID-19 is ineligible for commutation and shall be immediately isolated and subject to COVID-19 treatment procedures and protocols. Once an adult in custody no longer shows symptoms and tests negative for COVID-19, they will resume eligibility for commutation.

DOC shall follow its victim notification process for approved commutations.

In no case may an adult in custody be released if they present an unacceptable safety, security, or compliance risk to the community.

Sincerely,

A handwritten signature in cursive script that reads "Kate Brown". The signature is written in black ink and includes a horizontal flourish at the end.

Governor Kate Brown



KATE BROWN
Governor

August 25, 2020

Colette Peters
Director
Oregon Department of Corrections
2575 Center Street, NE
Salem, Oregon 97301

Director Peters,

I am requesting that the Oregon Department of Corrections provide me a list of adults in custody who are medically vulnerable to COVID-19 or within two months of release from state custody, and meet the criteria described below. Adults in custody who meet those criteria will have the remainder of their sentences commuted pursuant to my authority, as Governor, under Article 5, Section 14 of the Oregon Constitution.

On March 8, 2020, I issued Executive Order 20-03 declaring a state of emergency due to the COVID-19 global pandemic and the threat it presents to public health and safety to all Oregonians. In formulating a strategy to address COVID-19, DOC has followed the applicable guidance by the Centers for Disease Control and the Oregon Health Authority. The Department of Corrections has implemented a number of measures to prevent the spread of COVID-19 and to manage suspected and confirmed cases. DOC conducts COVID screenings of all individuals entering its facilities and has mandated that both staff and adults in custody wear face coverings.

While DOC has acted quickly to meet the threat presented by COVID-19 and calibrated its approach based on the available evidence, there are limits to the ability to practice physical distancing in a correctional setting. Given what we now know about the disease and its pervasiveness in our communities, it is appropriate to review for potential release individuals who face significant health challenges should they contract COVID-19.

Adults in custody eligible for review for early release on the basis of medically vulnerability must meet the following criteria:

- Be particularly vulnerable to COVID-19, as identified by DOC medical staff;
- Not be serving a sentence for a person crime;
- Have served at least 50% of their sentence;
- Have a record of good conduct for the last 12 months;
- Have a suitable housing plan prior to the date set for their early release;
- Have their out of custody health care needs assessed and adequately addressed prior to the date set for their early release; and
- Not present an unacceptable safety, security, or compliance risk to the community.

Director Peters
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Adults in custody who are eligible for review for early release on the basis of being within two months of their scheduled release must meet the following criteria:

- Must be within two months of release as calculated by DOC;
- Not be serving a sentence for a person crime;
- Have a record of good conduct for the last 12 months;
- Have a suitable housing plan prior to the date set for their early release;
- Have their out-of-custody health care needs assessed and adequately addressed prior to the date set for their early release; and
- Not present an unacceptable safety, security, or compliance risk to the community.

Please provide me with a list of adults in custody who meet the criteria listed above by September 18, 2020. Please provide me with an updated list every other month.

Adults in custody who are determined to be eligible for commutation based on the above criteria shall take a COVID-19 test prior to release. An adult in custody displaying symptoms or who has tested positive for COVID-19 is ineligible for commutation and shall be immediately isolated and subject to COVID-19 treatment procedures and protocols. Once an adult in custody no longer shows symptoms and tests negative for COVID-19 they will resume eligibility for commutation.

DOC shall follow its victim notification process for approved commutations.

In no case may an adult in custody be released if in the judgment of DOC officials they present an unacceptable safety, security, or compliance risk to the community.

I look forward to reviewing the list of potentially eligible adults in custody. Please feel free to reach out to my staff if you have questions about this direction.

Sincerely,



Governor Kate Brown



KATE BROWN
Governor

December 2, 2020

Colette Peters
Director
Oregon Department of Corrections
2575 Center Street, NE
Salem, Oregon 97301

Director Peters,

I am requesting that, as you move forward with your ongoing review of adults in custody eligible for consideration of early release (as outlined in my August 25, 2020 letter), you review those who are within six months of release (rather than two) and who meet the following criteria:

- Not be serving a sentence for a person crime;
- Have a record of good conduct for the last 12 months;
- Have a suitable housing plan prior to the date set for their early release;
- Have their out-of-custody health care needs assessed and adequately addressed prior to the date set for their early release; and
- Not present an unacceptable safety, security, or compliance risk to the community.

Adults in custody meeting the criteria will have the remainder of their sentences commuted pursuant to my authority, as Governor, under Article 5, Section 14 of the Oregon Constitution.

All other criteria and restrictions from the August 25 letter remain. Please provide me with a list of individuals qualifying under the criteria listed above on a two month rolling basis.

Sincerely,

Governor Kate Brown

cc: KB, cs, ejhr



KATE BROWN
Governor

March 5, 2021

Director Colette Peters
Oregon Department of Corrections
2575 Center Street NE
Salem, Oregon 97301

Re: Amendment to criteria for six-month early release commutations

Director Peters,

I am requesting that the Oregon Department of Corrections continue to provide me a list of adults in custody who are within six months of release from state custody, as described in my August 25 and November 30, 2020 letters, but who meet the amended criteria described below:

- Received a judgment that either does not allow for Short Term Transitional Leave (STTL) or allows for only 30 or 90 days of STTL;
- Not currently enrolled in an Alternative Incarceration Program (AIP);
- Not be serving a sentence for a person crime;
- Have a record of good conduct for the last 12 months;
- Have a suitable housing plan prior to the date set for their early release;
- Have their out-of-custody health care needs assessed and adequately addressed prior to the date set for their early release; and
- Not present an unacceptable safety, security, or compliance risk to the community.

Adults in custody meeting the criteria will have the remainder of their sentences commuted pursuant to my authority, as Governor, under Article 5, Section 14 of the Oregon Constitution.

Adults in custody who are determined to be eligible for commutation based on the above criteria shall take a COVID-19 test prior to release unless they have received both doses of a COVID-19 vaccine and have thereafter waited the appropriate amount of time for it to become effective, as recommended by the CDC, OHA, and other public health professionals. An adult in custody

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displaying symptoms or who has tested positive for COVID-19 will be temporarily ineligible for commutation and shall be immediately subject to the Department of Corrections' COVID-19 treatment procedures and protocols. Once an adult in custody no longer shows symptoms after such isolation and tests negative for COVID-19, or is deemed to be recovered from COVID-19 by DOC medical staff pursuant to DOC COVID-19 treatment procedures and protocols, they will resume eligibility for commutation.

DOC shall follow its victim notification process for approved commutations. In no case may an adult in custody be released if, in the judgment of DOC officials, they present an unacceptable safety, security, or compliance risk to the community.

Please provide me with a list of individuals qualifying under the criteria listed above on a periodic rolling basis.

Sincerely,

A handwritten signature in cursive script that reads "Kate Brown". The signature is written in black ink and includes a horizontal line extending to the right from the end of the name.

Governor Kate Brown

KB:smg



KATE BROWN
Governor

March 5, 2021

Director Colette Peters
Oregon Department of Corrections
2575 Center Street NE
Salem, Oregon 97301

Director Peters,

I am requesting that, in addition to the adults in custody eligible for early release outlined in my March 5, 2021, and June 12, 2020 letters, the Oregon Department of Corrections provide me a list of adults in custody who were deployed to fight the historic wildfires that ravaged the state around Labor Day 2020, and who meet the criteria described below. Adults in custody who meet those criteria will be eligible for consideration to have up to 12 months of their sentences commuted pursuant to my authority, as Governor, under Article 5, Section 14 of the Oregon Constitution.

Around Labor Day 2020, I issued several Executive Orders invoking the Emergency Conflagration Act statewide in light of the numerous large wildfires that were burning through the state and the heightened danger of new significant fires that threatened the property and safety of Oregonians. While these wildfires destroyed Oregonians' homes and Oregon's forests, many adults in custody—who qualified for participation in a fire crew due to good behavior and having received proper training—bravely fought these wildfires and helped prevent further destruction and loss of life across the state. These adults in custody should be rewarded and acknowledged for their contribution to this historic firefighting response.

Adults in custody eligible for review for commutation of their sentences on the basis of their service to our state during the 2020 wildfires, for which they were deployed to fight, must meet the following criteria:

- For the duration of their deployment during the 2020 wildfire season, met the criteria for fire crew participation, as outlined by DOC policy and procedures;
- Have a record of good conduct for the last 12 months;
- Have a suitable housing plan prior to the date set for their early release;

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- Have their out-of-custody health care needs assessed and adequately addressed prior to the date set for their early release; and
- Not present an unacceptable safety, security, or compliance risk to the community.

Please provide me with a list of adults in custody who meet the criteria listed above by April 16, 2021.

Adults in custody who are determined to be eligible for commutation based on the above criteria, and who will be released from custody early as a result of such commutation, shall take a COVID-19 test prior to release unless they have received both doses of a COVID-19 vaccine and have thereafter waited the appropriate amount of time for it to become effective, as recommended by the CDC, OHA, and other public health professionals. An adult in custody displaying symptoms or who has tested positive for COVID-19 will be temporarily ineligible for commutation and shall be immediately subject to the Department of Corrections' COVID-19 treatment procedures and protocols. Once an adult in custody no longer shows symptoms after such isolation and tests negative for COVID-19, or is deemed to be recovered from COVID-19 by DOC medical staff pursuant to DOC COVID-19 treatment procedures and protocols, they will resume eligibility for commutation.

DOC shall follow its victim notification process for approved commutations.

In no case may an adult in custody be released if, in the judgment of DOC officials, they present an unacceptable safety, security, or compliance risk to the community.

I look forward to reviewing the list of potentially eligible adults in custody. Please feel free to reach out to my staff if you have questions about this direction.

Sincerely,



Governor Kate Brown

KB:smg