

# Prisons still dealing with COVID-19

A number of Eastern Oregon prisons had quarantined following an outbreak of the virus at their facilities

By ALEX WITTWER  
EO Media Group

PENDLETON — Eastern Oregon Correctional Institution and Two Rivers Correctional Institution in Umatilla County still have housing units in quarantine due to the spread of the COVID-19 virus throughout their facilities, according to prison officials.

Powder River Correctional Facility in Baker County is in a heightened state of alert and testing according to the Oregon Department of Corrections COVID-19 tracker, as cases rose among the staff and prisoner population at the end of January. Seven out of the 15 prisons in Oregon as of Tuesday, Feb. 8, had units under quarantine.

Overall, case numbers had increased dramatically through January, peaking at 286 active cases for Two Rivers on Jan. 20. In December, those numbers were in the single digits.

Those case numbers fell throughout the week. As of Feb. 8, Two Rivers had just one active case of COVID-19.

As a percentage of total cases during the entire pandemic against the number of beds at each facility, Two Rivers ranks the highest by a wide margin. The case-to-bed rate is 68%, while the average across all prisons in Oregon is 33.3%.

### Critic blames prison staff for virus spread

Corrections officials wouldn't say whether or not the COVID-19 cases that spurred a large spike at Two Rivers was due to a staff member, but case numbers and dates shared with EO Media Group show staff at Two Rivers had tested positive on Dec. 29, just 10 days before members of the prison population showed a spike in positive tests.

"There is no way of knowing exactly how each positive case originates or is spread," said Betty Bernt, communications manager for DOC. "When an individual comes into

our intake unit, our current process is to test all adults in custody."

Juan Chavez, project director and attorney with the Oregon Justice Resource Center, disagrees.

"There's only one way for the virus to get in, and that's through the staff," he said. "It's abundantly clear that mask wearing has been scant in particular with correctional officers. They haven't been enforcing the mask wearing policy, they just let it slide. They're more afraid of losing staff than they are of killing people, in my mind."

Chavez said only the bare minimum was asked from Corrections regarding safety procedures in combating the spread of COVID-19, including mandatory masking for correctional officers and implementing social distancing requirements. Those requirements, according to a class action lawsuit filed in April 2020, were widely ignored.

The lawsuit also described practices where correctional officers would move from a quarantined unit to an uninfected unit without a mask, likely due to overtime and staffing shortages at the facilities.

"I think the (COVID-19) situation shakes the entire foundation," Chavez said. "What we were asking for only sounds extraordinary if we weren't in extraordinary times, and so we needed something grander. And that didn't happen. A lot of people got hurt."

### Two Rivers in litigation spotlight

Two Rivers has been especially problematic, according to prison attorney Tara Herivel, who has led litigation efforts for hundreds of cases against the Department of Corrections. Herivel said approximately 80% of her cases are against Two Rivers. According to Herivel, despite the litigation and sea of lawsuits, Two Rivers in particular is "not afraid



A sign stands at the entrance of Two Rivers Correctional Institution in Umatilla as the sun rises April 2, 2021. Two Rivers and Eastern Oregon Correctional Institution, Pendleton, reopened in November for visitation after shutting down visits for four months due to the coronavirus pandemic.

Ben Lonergan/East Oregonian, File

enough to change."

"The conversation I have a lot with my clients and people I work with is why?" Herivel said. "Why is it so horrible? Why don't they learn? They've been sued so many times, and I just don't think they've been sued enough. I think they don't have real consequences, and they can brush away these individual suits like the kinds I do pretty easily. They just don't follow court orders."

Herivel said in addition to filing a majority of her prison cases against Two Rivers, she has had contempt of court motions against the prison's medical department for failing to follow the court's orders, leading to the release of an adult in custody 11 years before their sentence expired.

### 'We learned the hard way'

A spokesperson for Two Rivers declined to comment on the COVID-19 situation at the facility, citing a need to go through the Oregon Department of Corrections for a unified response. Two Rivers officials did not respond to an emailed list of detailed questions about the outbreak at the facility.

EOCI saw a milder out-

break than it had at the start of the pandemic, according to Ron Miles, supervising executive assistant.

"In addition to masking, we've done our best ability to maintain social distance or maintain 6 feet of distance between everybody, but the challenge with that is putting 1,700 people into a 15.2 acre location," he said. "So social distancing is not going to be easy, that's a just fact of prison life."

Miles credited previous experience with the pandemic as a key factor for controlling the recent outbreak.

"Part of it is vaccinations, part of its precautions we've taken since the very beginning and some of it is experience with the COVID pandemic," Miles said. "No institution, no prison anywhere in the world is equipped for a pandemic, so when one hits, you have to learn what you don't know. We went through that process and learned that we didn't know and the second time around we were better prepared for that, and vaccinations played a big role in that."

As of Feb. 8, EOCI had zero active COVID-19 cases, according to the DOC COVID-19 website.

"We learned the hard way, but we did learn," Miles said.

Powder River, Baker City, saw an outbreak of 21 cases by Jan. 29, which fell to eight cases on Feb. 8. Herivel said Powder River is one of the best prisons in Eastern Oregon when it comes to COVID-19 safety.

On the other hand, nearly 15% of the Two Rivers adult population tested positive for COVID-19 on Jan. 23.

Miles said EOCI offers vaccines to the adult in custody population, as well as offering vaccine booster clinics from time to time for prisoners to keep up to date with the COVID-19 vaccines.

### TRCI tops prisons for COVID-19 deaths

Previous reporting by the East Oregonian through numerous interviews with lawyers representing clients at Two Rivers, as well as inmates themselves, had shown a lax regard for COVID-19 safety at Two Rivers. Inmates cited improper mask wearing by staff members and mixing of COVID-19 positive inmates with the general population for work. The number of in-cus-

tody deaths across the state also appears to be increasing, with four reported deaths between Jan. 27 and Jan. 31, though none of those deaths cited COVID-19 as the cause. Since the start of the pandemic, 45 adults in custody have died after testing positive for COVID-19, according to DOC data. Seventeen of those deaths are from adults in custody at Two Rivers, the highest out of any of the other prisons in Oregon, despite being the third largest prison in Oregon. EOCI, which has a similar population size of adults in custody, has had four deaths throughout the pandemic, while Powder River has had none.

The Department of Corrections keeps a spreadsheet of positive tests for COVID-19 on its website, but it has not been updated since Nov. 12, 2021.

Corrections officials said staffing issues and the tediousness of entering the data by hand made the task too resource intensive. Daily COVID-19 statistics and active cases are on the Oregon Department of Corrections website through its COVID-19 tracker at [www.oregon.gov/doc/covid19/Pages/covid19-tracking.aspx](http://www.oregon.gov/doc/covid19/Pages/covid19-tracking.aspx).

## Blue Mountain Community College president says more layoffs likely

By ANTONIO SIERRA  
East Oregonian

PENDLETON — Blue Mountain Community College is anticipating employee layoffs for the third year in a row.

BMCC President Mark Browning said Thursday, Feb. 10, the college is early in its budgeting process, but leaders are anticipating eliminating positions as enrollment continues to fall.

Browning said Blue Mountain's \$44.2 million budget was based on the college enrolling the equivalent of 1,000 students. But BMCC's actual enrollment during the fall and winter terms has been below that number and the college's administration now is projecting a 3% enrollment decline for next year.

Browning said it's too soon to know how many positions the college needs to cut or where they will



East Oregonian, File

Blue Mountain Community College President Mark Browning said on Thursday, Feb. 10, 2022, the Pendleton-based college is early in its budgeting process, but leaders are anticipating eliminating positions as enrollment continues to fall.

come from. But for BMCC, it portends another year of pink slips and tough budget conversations.

Under former President Dennis Bailey-Fougner, Blue Mountain eliminated 23 positions, including 11 layoffs in 2019. His successor, interim President Connie Green, recommended laying off another 11 employees as a part of a 16-job contraction. When the Oregon Department of Corrections restructured its prison education program, the college also was forced

to make cuts. Browning attributed the impending reductions to outside factors — a strong job market that was leading many prospective students to the job market instead of community college and lingering uncertainty from the coronavirus pandemic.

"I can go to Wendy's and make \$18 bucks (per hour)," he said. "In some ways, we're overperforming." While the college will outline its cost-cutting strategy in the coming months, Browning said he would like to make future "adjustments" to the college's collective bargaining agreement with the BMCC faculty union.

"We've got to jump ahead of it to where we can be a little more flexible and be able to adjust in a better fashion and honestly, it's going to take an adjustment in the collective bargaining agreement," he said. "Because, right now, I can't go and eliminate one instructor in one program and one in another and just adjust the program that way. You have to shut the program down. That's how it has to be done and I think that's a really poor approach to business."

Previous rounds of layoffs and budget cuts have come with pushback from the faculty union, and in a statement, union president Pete Hernberg struck an optimistic tone. "The college's enrollment has begun to stabilize — in fact our enrollment is doing much better than many other community colleges around the

state," he said. "Because of how the state's funding formula works, this means we'll get a bigger piece of the pie. Although we have a far smaller faculty than we used to, we're proud of the work that everyone is doing to rebuild enrollment."



Browning

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