

Inmates sue Oregon over COVID-19 response

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SALEM — A group of inmates with underlying medical conditions concerned about contracting COVID-19 filed a lawsuit Monday against Oregon Gov. Kate Brown and the leaders at the Department of Corrections, arguing the agency provided willful and deliberately indifferent medical care to those in custody.

The civil rights lawsuit, filed in U.S. District Court by the Oregon Justice Resource Center on behalf of the inmates, alleges the

DOC has not taken the necessary steps to slow the spread of the virus inside its 14 institutions where more than 14,000 inmates live.

Inmates are at greater risk for contracting the disease because it's difficult to create enough social distance in prisons, jails and detention centers necessary to slow the spread of the novel coronavirus. In parts of the country, inmates in some facilities have died.

Among other things, the suit asks a judge to mandate a social distance of 6 feet or more between inmates in all of the DOC's facilities. If that can't be accomplished,

the lawsuits ask that a three-judge panel review cases and reduce the number of prisoners in DOC's facilities so it is possible.

So far in Oregon, three

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— Collette Peters, DOC director

inmates at the Santiam Correctional Institution in Salem have tested positive for the virus, the agency said Monday. A total of five DOC staff members have also tested positive. Two

work at the Santiam prison and three work at the Oregon State Penitentiary in Salem.

The inmates named in the lawsuit have asthma and

other respiratory ailments, some are HIV positive, others are elderly.

“While (the Oregon Department of Corrections) has adopted some policies in response to COVID-19,

it has largely neglected critical measures to halt the spread of the virus,” the lawsuit states. “A successful response to this pandemic cannot be accomplished with half-measures that undermine positive changes.”

The lawsuit claims the agency has “willfully and wantonly ignored” the threat caused by the virus.

Last week, DOC Director Collette Peters told OPB in an interview her agency was doing everything they can to keep people safe but also acknowledged the challenges of social distancing in a prison.

“We have been working around the clock to prepare ourselves for stopping the spread of COVID-19 in our institutions,” Peters said. “We’re worried about those in the institution and the employees.”

The lawsuit acknowledges DOC has taken some measures but argues they’re not enough. The lawsuit says older adults and those with underlying medical issues face serious illness or death.

Last month, advocates in Washington also filed a petition with the state’s supreme court to get medically vulnerable inmates released from prisons.

Love: ‘It’s so hard to know what it will be like in June’

Continued from Page A1

2, more than a week before Gov. Kate Brown banned gatherings of more than 250 people.

Now, with even a small gathering out of the question, the couple is trying to decide whether to invite everyone to watch them get married over video chat, or to postpone the wedding, let their license expire and apply for a new one at some unknown future date when people feel comfortable traveling and gathering again.

“I haven’t been able to get ahold of anyone at the courthouse to ask about extending our license,” Ketchum said, adding that while a marriage license doesn’t cost that much, letting it expire would still be a “bummer.”

Some counties aren’t even issuing marriage licenses right now, with their courthouses on lockdown. The Umatilla County records department has posted a notice online that marriage licenses are available if a couple pre-applies online, and then calls to make an appointment to sign the document.

Ketchum said the plan had been for her dad to marry them, and they were hoping it would be possible for him to marry the pair over video chat, with friends bearing digital witness, and then mail the certificate for the needed signatures. Later, she told the *East Oregonian* she had found out that the officiant must be in the room in Oregon, so now they are figuring out a Plan B.

April Torres-Wittmeyer, who graduated from Hermiston High School in 2002 and now lives in Gresham, also ran into marriage license problems. She and her fiancé have canceled their big destination wedding on the beaches of



Photo contributed by Addy Folsom
Addy Folsom and her fiancé Ken Sipp planned to get married April 4 but have postponed their wedding to August.

Maui, but plan to still get married on May 11 “no matter what happens.”

When they found that the Multnomah County and Marion County courthouses are not processing marriage licenses right now, and Washington County’s mail-in process would likely take too long, they turned their attention to Torres-Whittmeyer’s hometown.

“I did what any girl originally from Hermiston would do,” she wrote in an email. “I called the Umatilla County Courthouse and asked them if they could help. We drove down to Pendleton this past Tuesday and got our

marriage license.”

They plan to hold a ceremony via Facebook live, streamed from the rose gardens of Peninsula Park in Portland. Torres-Whittmeyer said they can’t get a refund on their plane tickets

to Hawaii, but they will be able to change the date and use them for a honeymoon sometime in the next year.



Contributed photo
April Torres-Wittmeyer, left, and Darin Wittmeyer had planned to get married in Maui, Hawaii, on May 11, 2020, and have since had to alter their plans due to the COVID-19 outbreak. The couple still plan to get married on May 11, however, they are in the process of planning the amended ceremony.

“*KNOWING THAT THERE ARE WORSE THINGS GOING ON THAN US JUST HAVING TO POSTPONE, I HAVE COME TO TERMS WITH IT AND I’M READY TO WORK WITH WHAT I’VE GOT.*”

— Addy Folsom, Pendleton resident

Rosario Vargas, who grew up in Stanfield and currently lives in Richland, Washington, had a big

wedding planned for June 2020, but recently decided to postpone it for a year on the assumption that large social gatherings still won’t be allowed by then.

“It’s so hard to know what it will be like in June,” she said.

She and her fiancé, Joshua Suber, got engaged in May 2019, so the wedding “has been in the works for almost a year,” she said. Now they’ve had to cancel everything from the taco truck to the DJ. They also had to notify family who had already bought plane tickets that they’ll need to seek a refund.

“They’ve all been super understanding,” she said.

In one way, she said, the whole situation might be a blessing in disguise — the pair hadn’t saved up as much money as they were hoping for the wedding, and Vargas said a year from now she hopes to add some features to the ceremony and reception that they had trimmed for cost.

In the meantime, “nothing’s going to change between me and him,” she said.

“It’s upsetting,” she said. “I want to marry my best friend as soon as possible. But it is what it is.”

Addy Folsom of Pendleton said she and her fiancé, Ken Sipp, had to postpone their wedding just three weeks prior to its April 4 date. They now plan to get married Aug. 29.

“We got engaged in October and initially wanted to do a summer wedding, but due to Ken’s brother-in-law deploying in April, we wanted to do it before he left so he could be a part of it, and he won’t be able to, which is a bummer,” she wrote in an email.

She said a lot of people have asked why they can’t just get married now, and then have a big reception later, but she said they both have a lot of close friends and family that they really want to be able to attend.

She said they already have some keepsakes engraved with the April 4 date, but they’ll just add the new date as well, and something that may allow them to “find some humor during all this.”

The progression of events has been “devastating,” she said, but the venue she had booked has worked with them and family members have been supportive.

“Knowing that there are worse things going on than us just having to postpone, I have come to terms with it and I’m ready to work with what I’ve got,” she said.

Funerals: ‘I am touched by people wanting to make sure they do the right thing’

Continued from Page A1

ilies) have to hit the pause button,” Ordeman said.

Ron Martin, of Pendleton Pioneer Chapel, said families are reacting to state mandates on gathering size with disappointment, but also understanding. Some have opted to postpone while others go ahead despite social distancing and radically reduced guest lists. Martin did his first live streaming of a rosary, and then a service on Friday. He said the service reached 1,175 people and the rosary had 29 views. On Tuesday, he planned to live stream a graveside service.

Martin said he marvels at how many family members worry about him.

“I am touched by people wanting to make sure they do the right thing so I don’t get in trouble,” he said, adding, “we checked with the Oregon Funeral Director Association to make sure we do everything right.”

Ordeman said many are choosing cremation to give the option of scheduling



Staff photo by Ben Lonergan
Ron Martin, of Pendleton Pioneer Chapel, poses for a portrait in the empty funeral chapel on Tuesday afternoon. Martin has been finding different ways to involve people in funerals as a result of COVID-19, including live streaming and postponement of funerals until summer.

memorials at a later date, but that a tightened economy is also a factor since cremation is more affordable than burial.

“If we take lessons from 2008,” he said, “when people

who are watching their wallets are on the fence about burial or cremation, they may choose cremation.”

He speculated that between 75% and 85% of all Oregonians who die are cre-

mated, though the percentage is lower in rural areas.

The three veteran funeral director/embalmers said they haven’t yet treated the body of a person who died of COVID-19, but they know



Staff photo by Ben Lonergan
As a result of COVID-19 the Pendleton Pioneer Chapel, and other funeral homes throughout the country, have been finding ways to celebrate life amid closures and gathering restrictions.

what to do. The procedure is already in place and they’ve been abiding by it for years.

“Most funeral directors are pretty aware of what we have to do,” Sweeney said. “It’s standard practice and procedure.”

Martin, in his 49th year as a funeral director, said anyone could have a serious contagious disease. He uses protective equipment during body transport and embalming.

“Funeral directors and embalmers are trained in universal precautions,” Ordeman said. “We’re geared up and trained to deal with really ugly, contagious diseases.”

All three look forward to a time when people can gather for memorials complete with hugs and closure.

“The community kind of suffers,” Martin said. “Services are really important to people.”