

# Judge orders Ontario prison to enforce mask-wearing policy

By Lilianna Frankel  
Malheur Enterprise

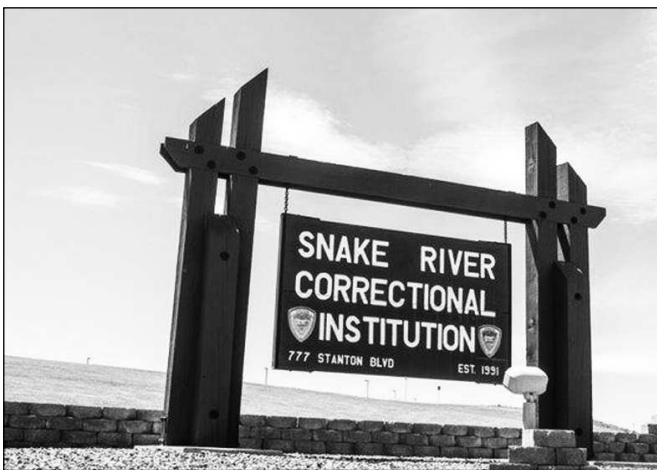
ONTARIO — A state judge recently ordered officials at Snake River Correctional Institution in Ontario to devise a plan to enforce mask use at the prison and to deploy mass testing after finding that the state's treatment of two inmates reflected indifference during the COVID-19 pandemic.

Multnomah Circuit Judge Amy Baggio issued her findings and orders after two inmates sued prison officials in Malheur County Circuit Court. Local state judges recused themselves from the case.

"Certain SRCI staff view mask wearing as an issue of politics rather than one related to health and welfare during a pandemic," Baggio concluded. "Mask failures by staff are particularly troubling considering the very nature of their jobs: to oversee a large, congregate environment."

Her findings came in civil cases filed by inmates Mark Lawson and Don Skelton, who claimed they received poor medical care that put their lives at risk. They claimed the care so was bad that it violated their constitutional rights.

Baggio ordered the Oregon Department of Corrections to provide her "documentation as to how SRCI is enforcing the masking policy, including proof of specific enforcement"



Beth Nakamura/The Oregonian, File

Unannounced COVID-19 safety assessments conducted in February found that neither staff nor inmates at Snake River Correctional Institution in Ontario were wearing face masks correctly.

and "consideration of a plan to engage in mass COVID-19 testing at SRCI, particularly rapid testing of staff prior to entry."

While she set no deadline, Baggio said she would conduct a status check in 30 days.

Court filings and the judge's orders paint a picture of a prison where, despite heightened precautions such as locking down inmates and eliminating most programming, the danger of COVID is taken lightly by some staff and inmates.

Dr. Garth Gulick, chief medical officer for SRCI, "testified that he is at war with COVID-19 misinformation in SRCI," the court order said.

"He described how staff are on the whole very conservative

and have doubts about the virus and the vaccine."

Referring to inmates as adults in custody, the order said that Gulick testified that "misinformation is totally ingrained in staff and some of the AICs. He testified that many staff believe that masking is stupid and that the virus is harmless."

Jason Bell, assistant superintendent at Snake River, said "that staff at SRCI mostly live in Idaho where masks are not required. He explained that it is difficult for staff to understand why masks are required in one state and not the other. He stated that very few people wear masks in Idaho," the judge's order said.

Unannounced COVID-19 safety assessments conducted

in February and documented in the ruling found that neither staff nor inmates were reliably wearing their face masks correctly, including indoors, where the Centers for Disease Control and Prevention says that the danger of airborne virus transmission is greater.

"Some staff remark to AICs that they already had COVID," read one of the reports. "Observed AICs and staff pull down masks to talk."

Bell testified that inmates can be disciplined for mask noncompliance, but recognized that enforcement was inconsistent. He said enforcing mask orders also "raised a security issue because SRCI did not want to risk the AICs organizing and resisting SRCI officials."

He also said inmates feared reporting employees who weren't wearing masks.

Bell testified about a six-step process to discipline employees, ranging from a private conversation to a pre-dismissal hearing, the ruling said. Bell testified that only one staff member had progressed in discipline to the sixth step for mask violations.

While Gulick had asserted in testimony that "he considered testing 'harmful' and stated that it 'can be the enemy,'" Baggio found that there was no law preventing SRCI from conducting mass testing of its inmates and employees.

## BTI offers free class for women in heavy equipment operation

Baker Technical Institute has announced a new partnership aimed at increasing the number of under-represented people in trades programs in Central and Eastern Oregon.

BTI will join with the Oregon Department of Transportation (ODOT) and the Bureau of Labor and Industry (BOLI) to offer a Heavy Highway Construction Pre-Apprentice program, according to a press release announcing the new program.

"ODOT and BOLI contracted with BTI to design a state-approved, hands-on program and provided funding for the first group of participants, including up to 10 women, free of charge," the press release stated.

The first training, specifically for women interested in gaining employable skills and certifications leading to careers in heavy construction, will begin in June.

Future courses will be for men and women age 18 and older.

The pre-apprenticeship program includes training in heavy equipment operation, concrete masonry, welding, blueprint reading, applied construction math and certifications in forklift operation, traffic control/flagger, and basic safety and health information required by the Oregon Safety and Health Administration in a 10-hour training for entry-level workers in construction and general industry.

The introductory heavy highway construction course also includes employment readiness training, including how to write a cover letter, prepare a resume and respond to interview questions, the release stated.

The first session is scheduled Monday through Friday, June 7-25 from 8 a.m. to 5 p.m. at Baker Technical Institute, 2500 E St. Class size is limited. More information is available by calling 541-524-2651 or by visiting [www.bakerti.org](http://www.bakerti.org).

## LOCAL BRIEFING

### Cascade Natural Gas offering debt relief program for residential customers

The Oregon Public Utility Commission on March 25 approved a debt relief program for residential customers of Cascade Natural Gas, including those in Baker City, who have financial hardships and past-due balances.

The company's Oregon customers can call 1-888-522-1130 for more information, or to enroll in the program. Cascade Natural Gas' "Big Heart Grant Program" has two options:

- **Automatic Hardship Grant.** This is designed for customers with a history of receiving low-income bill pay assistance. Qualified customers will automatically receive a one-time grant equal to the amount of their total past due balance up to \$1,500.

- **Financial Hardship Grant.** This is designed for customers who have not received energy assistance in the past 24 months but are experiencing financial hardship. Cascade Natural Gas will determine the qualified customer's benefit amount based on household size, income, and account balance. The grant, not to exceed \$1,500, will be applied to the customer's past due balance.

Customers who receive one of these grants will still be eligible for other types of financial assistance from Cascade Natural Gas or other sources.

## SCHOOLS

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"On Monday the plan is to go ahead and bring everybody back," Witty said.

He said the tactics the district has followed since last fall will continue, including requiring students and staff to wear face masks, frequently wash their hands and undergo a health check each morning when they arrive.

"If you're sick or have any symptoms or anything, then we would isolate and send you home," Witty said.

He credits those protocols with the district's relatively few COVID-19 cases, none of which has required any schools to close, even temporarily.

"Staff and students continue to follow all health protocols to keep our commu-

nity safe and healthy," Witty said.

Both district and Baker County Health Department officials have said that none of the students or staff who tested positive throughout the pandemic was infected while at school.

Nine Baker School District students have tested positive for COVID-19 this school year, including a Brooklyn third-grader in early November. The most recent student case, a middle school student, was reported Feb. 5, and there have been two student cases since Dec. 9.

Since July 2020, a total of 13 Baker School District employees, including three substitute teachers, have tested positive, Witty said.

He said he plans to meet with Health Department officials Wednesday, April 7 to discuss the plan to return middle

school and high school students to full in-person learning, in light of the recent increase in case rates in the county.

During the Oregon Health Authority's most recent two-week measuring period, which ended April 3, the county had 79 new cases, compared with 24 during the previous two-week period.

The most recent period included 13 new cases on Friday, April 2, the highest one-day total since 14 cases on Jan. 12.

The county reported one case on Saturday, April 3 and zero cases on Sunday.

"We've had a strong relationship between Baker School District and Baker County Health Department and we just want to make sure that they're in agreement, that they think it's still reasonable to move forward," Witty said.

# La Grande students to return to in-person classes April 12

By Phil Wright

The (La Grande) Observer

LA GRANDE — Students in the La Grande School District are heading back to in-person learning every day of the week.

Days will remain short through the school year, however, and students enrolled at La Grande Virtual Learning Academy can continue with online learning.

School district Superintendent George Mendoza announced in a virtual town hall meeting Thursday night, April 1, the move back to more regular classes starts Monday, April 12.

"K-12 is all in, we're going, every day, for the rest of the school year," he said.

That also means there is no school Friday, April 9. Mendoza explained staff need the time to prepare for the influx of students and to organize lesson plans, as well as to reconfigure classrooms and bring in furniture. Also, he said, the school needs to deal with the logistics of providing meals to more students.

Getting to this point, Mendoza said, started March 19 when Gov. Kate Brown announced an update to the Ready Schools, Safe Learners guidance that lowered the physical distancing rule for students in schools from 6 feet to 3 feet and re-

"K-12 is all in, we're going, every day, for the rest of the school year."

— **George Mendoza, superintendent, La Grande School District**



moved the 35 square feet per person requirement for counties that meet Oregon's COVID-19 moderate risk levels. Mendoza said this was not a mandate from the state to increase the number of students in schools, but instead will now be a local decision.

"What that did for our school district is it increased the opportunity or propensity for us to have students back, every day, all in, K-12," he said.

Union County also remains in the moderate risk level, which gives the La Grande School District a green light to allow its students in its buildings at the same time. But Mendoza also showed how COVID-19 has been affecting students and staff.

The district has 2,188 students, Mendoza said during his presentation, and since the start of the school year, 20 staff and 26 students have tested positive for COVID-19, and 32 staff and 167 students have shown primary symptoms.

In all, he said, between staff and

students, 480 people in La Grande schools have had to isolate or quarantine for at least 10 days.

"I just want you to know that it's great we have students in school, but there's risk involved," he said. "There's work we have to do to keep us safe, and that's the reality, that's the truth."

Mendoza said he and the school board have been committed to returning all students to full-time, in-person learning as soon as it was safe to do so. When the state updated Ready Schools, Safe Learners guidance, the La Grande School District dispersed a survey asking students and families if they would desire a full return. He said the survey results plus consultations with the Center for Human Development, Grande Ronde Hospital, Union County Board of Commissioners and Union County Emergency Management all support the full return.

Mendoza also stressed he listens to what local public health officials say about keeping schools safe and

stopping the spread of the virus.

"If they ever tell me that they think we have to shut down, I don't usually tell them they're wrong and that I'm not going to do that," he said. "I usually just go forward with their suggestions so we can reduce the risk and reduce the spread of COVID."

But data from the survey and those consultations, Mendoza said, delivered the message to move forward with having students return to regular school days.

"We're definitely excited about that," he said, and asked pediatrician Dr. Zachary Spoehr-Labutta for his take on La Grande students returning to classes.

"Based on the currently available data, I support this measure wholeheartedly," the doctor said.

He explained he receives emails weekly from school districts nationwide regarding how implementation of key COVID-19 safety practices have turned out in their districts.

"Not surprisingly, those that adhered to key practices kept their COVID numbers low, and those that did not, their COVID numbers were significantly higher," he said.

He said the understanding of the virus and key safety measures make it feasible for Union County to move to having middle and high

school students back on campus classes every weekday. He also advised parents to give those students some concrete advice: Tell them if they can reach out and touch someone in school, they are too close.

Mendoza also said while students are returning to school, maintaining key safety practices is a priority. Staff still must maintain 6 feet of physical distance between one another and continue to physically distance from students to the greatest extent possible, and close contact rules still apply. He also emphasized the need for vaccinations, which could have the most significant effect on returning to normalcy in schools.

Scott Carpenter, the school district's director of education, during the virtual town hall explained that elementary grades will continue classes 8 a.m. to 1 p.m. each weekday. Middle and high school students starting April 12 will attend classes 9 a.m. to 1:25 p.m. in two blocks of periods that alternate, with periods 1-4 one day and 5-8 the next. Keeping the later morning start prevents elementary school students from riding buses at the same time as middle and high school students, he said, and lunch will be "grab and go," 1:30-2 p.m., when the school day ends.

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