

Know Your Rights

Oregon Jails during COVID-19

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People in jail are concerned about their risk of exposure to COVID-19. The primary strategy to prevent the spread of COVID-19 is social distancing—avoiding large group gatherings, minimizing contact, and maintaining 6 feet of distance between people. This is difficult to achieve in jails. This guide answers some COVID-19 questions about the rights of people in Oregon jails.

How can jails reduce the risk of exposure to COVID-19 for people in custody?

Yes. Several agencies have issued guidance on how to reduce the risk of exposure to COVID-19 in jails including the Vera Institute of Justice, the Oregon Health Authority, and the Oregon State Sheriffs' Association.

The Vera Institute of Justice recommends (see "[Vera Institute Guidance for Jails and Prisons](#)"):

- » Releasing as many people as possible in order to:
 - » Remove elderly or medically vulnerable people from risk of exposure.
 - » Allow for better social distancing within facilities.
- » Using a Center for Disease Control-informed screening tool for all inmates, staff, and visitors to the facility.
- » Providing free soap and hand sanitizer to all.
- » Providing free phone calls and/or video visits.

The Oregon Health Authority (OHA) has issued [detailed guidance for correctional facilities](#) including that each facility:

- » Clean and disinfect.
- » Ensure access to free soap or hand sanitizer.



- » Provide masks or other face coverings.
- » Create strategies to increase social distancing.
- » Establish a 14-day quarantine for new arrivals.
- » Implement laundry and food service protocols.
- » Quarantine suspected COVID-19 cases, confirmed COVID-19 cases, and close contacts.

The Oregon State Sheriffs' Association is also helping to coordinate jails' response to COVID-19. See contact information in the "Important Contacts" below. You can also review our report, "Oregon Jails During COVID 19: A Look Inside 26 County Jails" at droregon.org/covid-19-advocacy/.

How can I communicate with my loved ones while visitation is suspended?

County and municipal jails set up their own systems and contracts for phone calls or video visits. Please refer to your local county or municipal jail for their policy. You can raise concerns about how to stay connected with loved ones with jail administration and with county or city leaders.

What steps should I take if I have a medical or age-related condition that increases my risk for serious illness related to COVID-19?

- » You should inform jail medical staff if you have any health conditions, including a history of respiratory problems, diabetes, a heart condition, a condition that suppresses your immune system, or if you are over 60-years old.
- » If you have such a condition, you may consider requesting daily symptom monitoring.
- » You may also consider requesting to be housed in a quarantine or isolated housing unit.

What steps should I take if I become ill while in custody?

- » You may file a written request for medical care ("kite") if you have any flu symptoms, such as fever or cough.
- » You may also want to keep a log of your symptoms.



- » You may reach out to family, friends, your attorney, and facility administration. Make sure people know that you are at risk.

Where can I find more information about access to healthcare in jail?

DRO has other information about your rights to access healthcare available:

- » [Know Your Rights: Oregon Jails](#)
- » [Know Your Rights: The Aid and Assist Process](#)

Is it possible to be released from jail due to the risks associated with the COVID-19 pandemic?

- » If you are being held in jail, you should talk with your criminal defense attorney about whether there are any possibilities for release.
- » Courts, jail administration, jail medical staff, and attorneys across the state are working to reduce jail populations in order to reduce the risk of COVID-19 exposure in institutions.
- » Generally, jails and courts are prioritizing the release of inmates who are elderly or medically fragile and do not pose a public safety risk, as well as inmates with less than 30 days left to serve. If you have any medical condition that increases your risks related to COVID-19, you may want to notify jail medical staff, jail administration, and your attorney.
- » If you have an attorney, you could let them know that the Oregon Justice Resource Center has sample motions to request release. If you don't have an attorney, you could contact Oregon Justice Resource Center to review copies of these documents. See contact information in the "Important Contacts" section.

What are the rights of people held in jail under Aid and Assist?

Inmates determined unable to "aid and assist" in their own defense may be ordered by the court to receive treatment at the Oregon State Hospital. See [Know Your Rights: The Aid and Assist Process](#) for more information on your rights.

Because of the pandemic, the Oregon State Hospital is limiting admissions. Therefore, some people who are ordered to the state hospital may find themselves stuck longer in jail. If you (or a loved one) is stuck in jail awaiting admission to the state hospital, please reach



out to your criminal defense attorney and Disability Rights Oregon.

You can also talk to your defense attorney about other options rather than long wait times in jail. The lawyers, forensic evaluator and the Community Mental Health Program (CMHP) may present other options to the court, such as:

- » Dismissing the charges.
- » Pretrial release.
- » Community-based Aid and Assist restoration services.

You should talk to your attorney to discuss the best option for you.

Important Contacts

Oregon Justice Resource Center

PO Box 5248, Portland, OR 97208
Phone: 503-944-2270
Fax: 971-279-4748
Email: info@ojrc.org

Oregon State Sheriffs' Association

PO Box 7468
Salem, OR 97301
Phone: 503-364-4204
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More Resources

- » [Vera Institute Guidance for Jails and Prisons](#)
- » [DRO Know Your Rights: Oregon Jails](#)
- » [DRO Know Your Rights: The Aid and Assist Process](#)

Contact us at: 503-243-2081 or 1-800-452-1694 or write us at Disability Rights Oregon, 511 SW 10th Avenue, Suite 200, Portland, Oregon 97205.

