

Know Your Rights

Oregon Prison and Detention Facilities during COVID-19

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People who work or live in Oregon Prison or Detention Facilities 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 if not impossible to achieve in correctional facilities. This publication answers some COVID-19 related questions about the rights of people in custody in Oregon prisons and detention facilities.

PEOPLE HELD IN FEDERAL PRISONS

If you or your loved one being is held in a federal prison, you may wish to contact the Federal Public Defender of Oregon. See contact information in the “Important Contacts” section.

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

There is guidance about how to reduce the risk of exposure to COVID-19 in prisons. 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 and 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 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.

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

Each facility has its own rules. In general, in person visitation has been suspended at all facilities. However, phone calls, messaging, video visits, and other alternative methods of communication may be available including at the [Oregon Department of Corrections](#) (DOC). As of May 2020, DOC states that all eligible inmates will receive two free weekly calls through the GTL–Telmate. DOC states that they are currently working on additional options for inmates to stay in contact with loved ones during the visiting suspension.

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?

- » Inform prison 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 more isolated housing unit.

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

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

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

Yes, it's possible, but extremely difficult. This may change. There is a lawsuit pending. The Governor and Department of Corrections are considering expanding release eligibility.

The Oregon Justice Resource Center filed a [class-action lawsuit](#) on behalf of people in Oregon prisons who are at particular risk of severe illness associated with COVID-19 due to their age or serious medical condition. The lawsuit seeks a reduction of the prison population. You may reach out to the Oregon Justice Resource Center for assistance. See contact information in the "Important Contacts" section.

There are three potential paths to release:

1. Parole

You may make a request to the Board of Parole for early release if you have an established prison term of 36 months or less, have served at least six months, and have a record in prison indicating outstanding reformation.

2. Compassionate Release

You can make a request to the Board of Parole for early medical release, also known as compassionate release. Generally, early medical release depends on the nature of your conviction and is only available for a person with documentation of a severe medical condition, or who is elderly, permanently incapacitated, and unable to move from place to place without the assistance of another. A family member, loved one or DOC staff can also initiate this process on your behalf.

3. Habeas Petition/Post-Conviction Relief

You may file a Habeas Petition to challenge conditions of confinement or deprivation of rights while confined. Resources for Habeas Petitions (or Post-Conviction Relief):

- » Oregon Post-Conviction Consortium is a legal defense consortium which provides court-appointed counsel for post-conviction and habeas corpus litigants in

Oregon. See contact information in the “Important Contacts” section. Oregon Post-Conviction Consortium cannot provide counsel without a circuit court order authorizing appointment of counsel for an indigent post-conviction or habeas corpus client. A person must prepare and file an original post-conviction or habeas corpus petition on their own, together with a motion for appointment of counsel and an affidavit/proof of poverty.

Important Contacts

Federal Public Defender

Portland Office

101 S. W. Main Street, Suite 1700, Portland, OR 97204
Phone: 503-326-2123

Eugene Office

859 Willamette Street, Suite 200, Eugene, OR 97401
Phone: 541-465-6937

Medford Office

15 Newtown Street, Medford, OR 97501
Phone: 541-776-3630

Criminal Justice Reform Clinic

Lewis & Clark Law School
10015 S.W. Terwilliger Boulevard MSC 51, Portland, OR 97219

Oregon Post-Conviction Consortium

1439 Liberty Street S.E., Salem OR 97302
Phone: 503-991-5464

Oregon Justice Resource Center

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

Beyond these Walls Support Line

COVID Crisis Line for People Incarcerated in Oregon & Washington
Phone: 503-329-9740

More Resources

- » [Vera Institute Guidance for Jails and Prisons](#)
- » [FAMM: Information on Medical Release and Compassionate Release](#)
- » [DRO Know Your Rights: Disability Rights in Oregon Prisons](#)
- » [Oregon Health Authority: COVID-19 Guidance for Correctional Settings](#)

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.

