

ABORTION RIGHTS OF OREGONIANS IN JAIL ARE UNDER THREAT, FINDS NEW REPORT

11.3.23

Full report available [here](#).

PORTLAND, Ore. – An examination of policies of Oregon’s county jails has found glaring challenges facing pregnant people seeking abortions in jail. The Oregon Justice Resource Center (OJRC) requested policies related to reproductive health including abortion from each of the 31 jails in Oregon. None of the policies is a model policy and many policies are vague or absent.

Since the 1990s, Oregon has led the nation in access to abortion and standards of care. Yet, for people in county jails barriers to care are often ignored. Even though lawmakers enshrined the right to abortion as a fundamental right of Oregonians this year through HB 2002, people in custody may struggle or fail to access abortion due to competing ordinances, policies, and practices.

On any given day, 6,400 people are in jail in Oregon, including 990 on women’s units. Two-thirds of people held in jail have not been convicted of an offense. The jailing of women in Oregon grew 17-fold between 1970 and 2015.

While Oregon state statutes lay out general standards for county jails, each is run by the local, elected sheriff and policies and practices vary greatly from one facility to the next. The Oregon State Sheriff’s Association (OSSA) has created a voluntary set of jail standards, or “best practices,” directed towards the operation of jails in Oregon. The standards note only that while “inmates do not have a right to obtain elective health care procedures,” “female [incarcerated people] do have a right to obtain an abortion” (at the incarcerated person’s expense). The standards do not provide details, but direct jails to create their own policies and procedures to ensure consistent, uniform processes. While some Oregon sheriffs have created their own policies and procedures, these policies are largely inconsistent from county to county.

Based on the plain language of the policies, OJRC found that:

- Two counties - Yamhill and Coos - severely restrict access to abortions.
- Six counties - Clatsop, Columbia, Klamath, Morrow, Multnomah, and Umatilla - either have no reproductive health policy or their policy does not cover abortion access.

- All counties that have a reproductive health policy categorize abortion as an elective procedure.
- Seven counties include a right to an abortion with no explicit language limiting financial access.
- 18 counties limit access based on ability to pay. Most people will lose health coverage and therefore access when they are jailed.
- In two counties where there is a right to an abortion, the policies explicitly state that people must arrange for their own abortions while in custody.
- Five counties allow access to abortion so long as there is a state or federal right to an abortion.
- At least 10 policies address abortions as only for "women" or "females" which could be used to restrict access for trans and gender nonconforming people.
- Three counties – Harney, Josephine, and Malheur – did not provide policies.

OJRC has published a report based on its investigation entitled, **“Access for all, in Oregon? A Review of Abortion Access in Oregon’s County Jails.”**

“The policies we reviewed are inconsistent, vague, incomplete, and often harmful,” said Brittney Plessner, Co-Director, The FA:IR Law Project, OJRC. “Even where reproductive rights are nominally protected, the reality is that abortion care may be out of reach for people in jail. We need mandatory, statewide reproductive health policies for everyone in jail.”

While Oregon is working toward improving healthcare in its jails, to date, there has not been public discussion around abortion access. In September 2022, an Oregon Criminal Justice Commission advisory committee (JHCSAC) published the Jail Health Care Standards Report. The report is intended “to craft recommendations for minimum jail health care standards and recommendations for an independent jail commission to continue reviewing and refining jail health care standards in the future[.]” The report makes no mention of abortions or reproductive health. Additionally, in 2023, Oregon HB 3391 was introduced to allow for the Criminal Justice Commission to “study ways to improve the provision of health care to adults in custody in local correctional facilities” and provide recommendations based on the study. Unfortunately, that bill failed, and it is unclear whether legislators will reintroduce it next session.

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