

No Money For Bail Left 1 Man To Ride Out COVID-19 In Jail

by **Conrad Wilson** (https://www.opb.org/contributor/conrad-wilson/) (Follow) OPB June 22, 2020 6 a.m. | Updated: June 22, 2020 12:49 p.m. | Portland, Ore.

For the last 95 days, Wayne Thompson has been riding out the global pandemic inside the Multnomah County Jail.

Thompson is Black. He turned 65 years old in April. Those traits put him at higher risk for contracting COVID-19.

His case is at the intersection of the ongoing debates surrounding criminal justice reform, how systemic racism threatens the lives of Black people, and the dangers of the coronavirus inside America's jails and prisons.

"I pray to God everyday that ain't nothing catching me — I know what the possibilities of it is," Thompson said. "That's where my main stress comes in."



Wayne Thompson (left) grew up in Northeast Portland and attended Grant High School. Autumn Shreve/Multnomah Defenders Inc.

Thompson was in jail for an alleged theft and other charges. The only reason he remained inside jail was because neither he nor his family could afford the \$2,000 needed to post bail.

But on Friday afternoon, Juneteenth, the day commemorating the end of slavery, Thompson got a break. The Portland Freedom Fund, which opposes a cash bail system "that preys on the poor and people of color," paid the money and secured

Thompson's release.

"On emancipation day, before Father's Day, it's poetic," said Autumn Shreve, Thompson's public defender.

Thompson has a son who lives in Beaverton, and Shreve said that's where he's headed after his release from jail.

Thompson was arrested March 16. Around that same time, Gov. Kate Brown was implementing bans on gatherings of 25 people or more, shuttering the state's restaurants and extending school closures.



The Multnomah County Jail and justice center is located in downtown Portland, Oregon. Kaylee Domzalski/OPB

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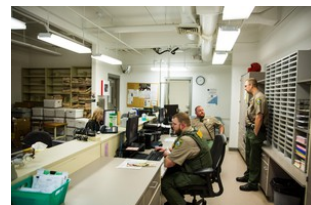
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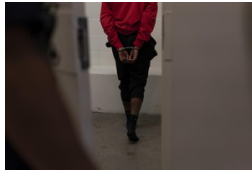
County jails across Oregon slashed their populations by nearly 45% at that time to slow the spread of the virus. But Thompson, like thousands of other people across the state, stayed locked up.

“We keep the homeless, we keep poor people in custody, many of them lose their jobs, which then sets them back,” Shreve said. “That just leaves them stuck in the system, without any hope, without any additional resources. ... It makes them much more likely to have contact with police.”

Prosecutors allege Thompson stole two bottles of champagne from a Target and then pulled a knife on a store security officer. Shreve disputes there was a knife. But the suggestion of a weapon made his alleged crime a felony — first degree robbery. That meant he needed bail money to gain release. He’s also facing more than two dozen misdemeanors for alleged thefts and trespassing.

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Inmates like Thompson who cycle in and out of incarceration can often see their health decline. A 2019 investigation by OPB found that medical issues and inadequate care accounted for roughly a third of deaths inside county jails from 2008-2018. That risk is likely much higher during a pandemic.

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While he was incarcerated, Thompson lived in the jail’s medical dorm. He said he wasn’t allowed to wear a mask, but said jail staff do and he was able to wash his hands with soap.

In April, while the state was still trying to ramp up its testing capacity, Thompson was one of just three inmates at the Multnomah County Jail to get a coveted COVID-19 test. It was negative.

He said he was ill during his time in the jail. He had blacked out and fallen so many times, jail staff had to move him from using a walker to a wheelchair. He said he needed help putting on his shoes.

“I got to have help doing pretty much everything,” he said. “I’ve been trying to figure out what the hell is going on with my body.”

A separate group of attorneys filed a petition on May 19 with the Oregon Supreme Court asking for Thompson’s release.

They argued Thompson’s pretrial detention violated Oregon law because setting a bail he couldn’t afford is the same as detaining a person while circumventing the process for detaining someone pretrial.

Thompson’s attorneys also argued his due process and equal protection rights were violated by the judge who set a bail amount he couldn’t afford.

“For Thompson, who is now indigent, a money bail amount of \$20,000 is equivalent to a money bail amount of \$20,000,000: these conditions are strictly impossible from him to meet,” attorneys in his petition case wrote.

“In sum, Thompson’s detention pretrial on an unaffordable bond implicates two fundamental interests — the right against wealth-based detention, and the right to pretrial liberty — and the concomitant constitutional protections associated with each.”

On Thursday, the Oregon Supreme Court narrowly denied Thompson’s petition, with Chief Justice Martha Walter and Justice Adrienne Nelson lacking a third member of the court to grant the petition.

“I guess I never planned on getting old and getting sick like I am,” Thompson said.

Jails and prisons across the state have been a concern for the coronavirus because they are communal settings where it is difficult to maintain social distance. Several prisons in Oregon became hotbeds for the virus until health officials could put better control measures in place.

Thompson says he grew sicker during his stay in jail. He had a lung infection. Jail staff allowed him to be one of the few inmates who could hold onto his own medication, an inhaler.

But, for now, Thompson is free. He has court dates ahead and could be sent back to incarceration. Still, he remained optimistic.

“I’ve got a lot of stress, but I’m doing so far, so good,” he said. “Still breathing anyway.”



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Wayne Thompson (right) turned 65 in April, making him higher risk for contracting COVID-19.

Autumn Shreve/Multnomah Defenders Inc.

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