

STRUCTURED, INTERMEDIATE SANCTIONS
Division 058

291-058-0010

Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with 1993 Or Laws, ch 680, 1997 Or Laws, ch 525, ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 421.168, 421.510, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of this rule is to establish a uniform system of administrative sanctions to address violation behavior of offenders under supervision while on probation, parole or post-prison supervision that may be imposed by the Department of Corrections or a county community corrections agency, taking into consideration the severity of the violation behavior, the prior violation history, the severity of the underlying criminal conviction, the criminal history of the offender, protection of the community, deterrence, the effective capacity of the state prisons and local correctional facilities, and the availability of appropriate local sanctions.

(3) Policy:

(a) It is the policy of the Department of Corrections to compel compliance with the conditions of supervision by responding to violation(s) with swift, certain and fair interventions. It is the policy of the Department of Corrections that decisions to incarcerate offenders for violation(s) of the conditions of supervision must be made upon a systematic basis that will insure that available custodial space is used to house those offenders who constitute a threat to the public, taking into consideration the availability of custodial space and local resources.

(b) It is the policy of the Department of Corrections to provide, in conjunction with the Board of Parole and Post-Prison Supervision (~~Board~~), in accordance with ORS 144.106, 144.346, and OAR 255-075 ~~Division 75 of~~ (Board of Parole and Post-Prison Supervision administrative rules), specific direction for dDepartment and county community corrections agency employees to follow when considering administrative sanctioning options for offenders under supervision.

Stat Auth: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 421.168, 421.510, 423.020, 423.030, and 423.075

Stat Impl: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 421.168, 421.510, 423.020, 423.030, and 423.075

291-058-0020

Definitions

(1) Administrative Sanctions: Local structured, intermediate sanctions, as those terms are used in ORS 137.592, 137.593, 137.595, 144.106, and 144.346 and in Criminal Justice Commission and Board of Parole and Post-Prison Supervision administrative rules, imposed by the Department of Corrections or a county community corrections agency for violation(s) of conditions of supervision. Administrative sanctions are less than a revocation action and include, but are not limited to local confinement in jails, restitution centers, work release centers, treatment facilities, or similar facilities or community services work, work crew, and house arrest.

(2) Administrative Sanctions Sanctioning Grid: The sentencing grid used to determine an offender's presumptive sentencing guidelines sentence established by rules of the Criminal Justice Commission.

(3) Agency: The Department of Corrections or the county community corrections agency responsible for supervising the offender on parole, post-prison supervision or probation.

(4) Compact Offender: An offender who resides in and is being supervised by the State of Oregon, although sentenced in another state, Oregon being given the authority to supervise the offender by the rules of the Interstate Compact for Adult Offender Supervision.

(5) Conditions of Probation, Parole, and Post-Prison Supervision: General and specific directives (special conditions) given to an offender placed on probation, parole, or post-prison supervision by the sentencing judge, the Board of Parole and Post-Prison Supervision, or local supervisory authority as a condition of supervision.

(6) Custody/Sanction Units: Custodial conditions of probation/sanctions imposed as a number of custody/sanction units as established by rules of the Criminal Justice Commission, including but not limited to, jail, restitution centers, work release, house arrest, community service, and inpatient treatment.

(7) Inmate: Any person under the supervision of the Department of Corrections that is not on probation, parole, or post-prison supervision status.

(8) Interventions: Interventions imposed by the Department of Corrections or a county community corrections agency for violations of one or more conditions of supervision. Interventions include, but are not limited to, verbal reprimand, written reprimand, job search programming, increased reporting requirements, curfew, day reporting, modification of conditions, and outpatient treatment. Intervention responses are not counted as custody units and may be imposed along with sanctions.

(9) New Criminal Violation: Any conduct constituting a violation of criminal law whether or not it has led to new criminal charge(s) and which has occurred since the offender was placed on community supervision.

(10) Non-prison Leave: A period of leave not to exceed 90 days preceding an established release date granted to inmates successfully completing the institution phase of an Alternative Incarceration Program (AIP). Non-prison leave is designed to provide inmates with transitional opportunities that promote successful reintegration into the community and is granted in accordance with ORS 137.751 and 421.510 and the department's rule on Alternative Incarceration Programs (OAR 291-062).

(1140) Offender: Any person under the supervision of the Department of Corrections or a county community corrections agency that is on probation, parole, or post-prison supervision status.

(4412) Officer: Any county or state employed parole or probation officer.

(4213) Revocation: Termination of supervision as result of violating behavior or a determination by the sentencing court, Board of Parole and Post-Prison Supervision, or local supervisory authority that the purposes of an offender's supervision are not being served.

(4314) Releasing Authority: The Department of Corrections, the Court, Board of Parole and Post-Prison Supervision, or local supervisory authority.

(4415) Risk or Supervision Level: The supervision level assigned to an offender as a result of computation of score utilizing the Oregon Case Management System Risk Instrument, Public Safety Checklist or PROXY risk instruments.

(4516) Short-Term Transitional Leave: A period of leave not to exceed 90 days preceding an established release date designed to provide inmates with transitional opportunities that promote successful reintegration into the community. Short-term transitional leave is granted in

accordance with ORS 421.168 and the department's rules on Short-Term Transitional Leave, Emergency Leave, and Supervised Trips (OAR 291-063).

~~Short-Term Transitional Leave/Non-Prison Leave: A leave for a period not to exceed 90 days preceding an established release date that allows an inmate opportunity to secure appropriate transitional support when necessary for successful reintegration into the community. Short-term transitional leave/non-prison leave is granted in accordance with ORS 421.510 and the Department's rule on Short-Term Transitional Leave, Emergency Leaves, and Supervised Trips (OAR 291-163).~~

~~(4617) Supervisory Authority: The state and local corrections official or officials designated in each county by that county's Board of County Commissioners or county court to operate corrections supervision services, custodial facilities, or both.~~

~~Stat Auth: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 421.168, 421.510, 423.020, 423.030 and 423.075~~

~~Stat Impl: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 421.168, 421.510, 423.020, 423.030 and 423.075~~

Procedures

291-058-0030

Application to Offenders

(1) These rules shall apply to all offenders on probation for a felony committed on or after September 1, 1993, unless the court retained jurisdiction.

(2) These rules shall apply to offenders on probation for a felony committed prior to September 1, 1993, if:

(a) The sentencing judge orders the offender to be subject to the structured, intermediate sanctions sanctioning process; and

(b) The offender consents in writing or on the record to be subject to the structured, intermediate sanctions sanctioning process.

(3) The supervising agency or / officer shall present offenders on probation for a felony committed prior to September 1, 1993, with the option of consenting to be subject to the structured, intermediate sanctions sanctioning process for violation~~(s)~~ of conditions of probation supervision. Offenders may consent in writing to be subject to the structured, intermediate sanctions sanctioning process by signing a Structured, Intermediate Sanctions Sanctioning Process Consent form/~~order~~ (CD 1274). The supervising agency/officer shall present an offender's written consent to be subject to the structured, intermediate sanctions sanctioning process to the sentencing court for the court's approval and signature.

(4) These rules shall apply to all ~~compact offenders supervised in Oregon and all offenders on parole and post-prison supervision~~ and all compact offenders supervised in Oregon.

(5) These rules apply to all inmates on short-term transitional leave with specific limitations set forth in OAR 291-058-0046.

(6) These rules apply to all inmates on non-prison leave with specific limitations set forth in OAR 291-058-0047.

~~Stat Auth: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 421.168, 421.510, 423.020, 423.030 and 423.075~~

Stat Impl: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 421.168, 421.510, 423.020, 423.030 and 423.075

Structured, Intermediate Sanctions Sanctioning Process

291-058-0040

Identification and Presentation of Violation Behavior

(1) Upon identifying violation behavior, the officer will prepare and present to the offender a copy of the Violation Report/Sanction Reporting form describing the alleged violation behavior.

(2) Notice of Rights/Decisions about Rights:

(a) Probation Cases: Using the Department of Corrections Notice of Rights form (CD 1272), the offender shall be notified of his/her rights to a violation hearing before the court, and to be represented by an attorney at the hearing and to have an attorney appointed for him/her at state expense if he/she cannot afford one.

(b) Parole and Post-Prison Supervision Cases: Using the Board of Parole and Post-Prison Supervision or local supervisory authority Notice of Rights form for parole and post-prison supervision offenders, the offender shall be notified of his/her rights to a violation hearing before the Board or local supervisory authority.

(c) Compact Cases: Using the Compact Notice of Rights form for compact offenders, the offender shall be notified of his/her rights to a violation hearing before an assigned hearings officer.

(d) Short-Term Transitional Leave and Non-prison Leave Cases: Using the Department of Corrections Notice of Rights form (CD 1497), the inmate shall be notified of his/her rights to a violation hearing before an assigned hearings officer upon return to a Department of Corrections facility.

(A) All Notice of Rights forms shall include a description of the sanction~~(s)~~ which will be imposed if the offender chooses to waive his/her right to a violation hearing and right to counsel, and in lieu of a violation hearing elects to participate in the administrative sanctioning process.

(B) A copy of the Notice of Rights form shall be provided to the offender at the time of or after the offender is presented with a copy of the Violation Report/Sanction Reporting form describing the alleged violation behavior, and prior to the imposition of sanctions~~(s)~~. The Notice of Rights may be administered by any agency personnel or other person at the direction of agency personnel.

~~(d)~~ The person administering the Notice of Rights shall ask the offender if he/she can read and understand the Notice of Rights form printed in the English language. If the offender informs the person administering the Notice of Rights that he/she ~~can not~~ cannot read the form, but can understand the English language, the person shall read the Notice of Rights form to the offender. If the offender informs the person administering the Notice of Rights that he/she cannot read or understand the English language, the person shall provide the offender with a form in the offender's language if available, or when necessary, a language interpreter.

~~(e)~~ If, after receiving Notice of Rights in writing or orally as necessary, the offender indicates to the person administering the Notice of Rights that he/she understands his/her rights as stated in the Notice of Rights form, the offender shall sign the Notice of Rights form acknowledging that the offender understands his/her rights, and indicate by checking the appropriate box~~(es)~~ on the form whether he/she wants a violation hearing before the court, Board of Parole and Post-Prison Supervision, Department of Corrections, or local supervisory authority or to accept the administrative sanction~~(s)~~ listed on the form. If an offender refuses to sign the form

acknowledging he/she has read, or has had read to him/her, and understands the Notice of Rights, the person administering the Notice of Rights shall so indicate on the Notice of Rights form, and the officer shall report the violation behavior to the court, Board of Parole and Post-Prison Supervision, Department of Corrections, or local supervisory authority for disposition in lieu of proceeding with the administrative sanctioning process.

(fg) If, after receiving Notice of Rights in writing or orally as necessary, the offender indicates to the person administering the Notice of Rights that he/she does not understand his/her rights as stated in the Notice of Rights form, the officer shall report the violation behavior to the court, Board of Parole and Post-Prison Supervision, Department of Corrections, or local supervisory authority for disposition in lieu of proceeding with the administrative sanctioning process. For compact cases, a probable cause hearing shall be scheduled with an assigned hearings officer.

(gh) If the offender admits to the alleged violation behavior or does not contest the information regarding the alleged violation behavior and the offender accepts the administrative sanction(s) to be imposed by the sanctioning agent as listed on the form, the sanctioning agent shall impose the administrative sanction(s).

(hi) If the offender denies or otherwise contests the alleged violation behavior, or does not accept the administrative sanction(s) to be imposed by the sanctioning agent as listed on the form, the officer shall report the violation behavior to the court, Board of Parole and Post-Prison Supervision, Department of Corrections, or local supervisory authority for disposition in lieu of proceeding with the administrative sanctioning process. For compact cases, a probable cause hearing shall be scheduled with an assigned hearings officer.

Stat Auth: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 421.168, 421.510, 423.020, 423.030 and 423.075

Stat Impl: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 421.168, 421.510, 423.020, 423.030 and 423.075

291-058-0045

Imposition of Administrative Sanction(s)/ Intervention(s) on Offenders

(1) The officer shall determine whether the alleged violation behavior is appropriately responded to with interventions(s) or with structured, intermediate sanctions(s), or both.

(2) If the officer determines that the alleged violation behavior is appropriately responded to with intervention(s), the officer may direct the offender into appropriate intervention(s) outside of the administrative sanctioning process as authorized by the supervising agency.

(3) If the officer determines that the alleged violation behavior is appropriately responded to with administrative sanctions, the officer shall determine and impose appropriate administrative sanction(s) using the Administrative Sanctions Sanctioning Grid (Attachment A) and the Sanction Equivalency Table (Attachment B), and the following procedures:

(a) Identify the seriousness of the violation behavior using the Administrative Sanctions Sanctioning Grid. For a series of violations, select the violation that fits into the highest behavior level.

(b) If the offender has violated conditions of supervision imposed in more than one case (i.e., multiple cases from a single jurisdiction, cases from multiple jurisdictions, or on supervision for parole/post-prison supervision and probation), determine the grid block section that applies to the criminal conviction(s) in the case to which the administrative sanction(s) will be imposed. An administrative sanction or intervention at the agency level cannot be imposed on more than one

case at a time and cases cannot be sanctioned separately for individual violations arising from a series of violations.

(c) If the offender is under supervision for conviction of a felony crime committed on or after November 1, 1989, determine the section that contains the Sentencing Guidelines Grid block assigned to the offender at sentencing. If the offender is under supervision for a felony crime~~(s)~~ committed prior to November 1, 1989 (pre-sentencing guidelines) or is a compact case being supervised in Oregon, determine the grid block section that would have applied to the underlying felony conviction had the offender been sentenced under sentencing guidelines.

~~(d) Identify the offender's current supervision level. If the offender's current supervision level is the result of an agency mandated override to a less intensive supervision level because the offender was unavailable for more intensive supervision (i.e., the offender is in custody, on abscond, pending transfer, or in inpatient treatment in excess of 30 days, etc.), use the supervision level that would have been assigned to the offender absent the agency mandated override.~~

(e) For probation cases, determine the number of jail and non-jail custody/sanction units remaining for use as structured, intermediate sanctions~~(s)~~ applicable to the offender's probationary sentence~~(s)~~ or order~~(s)~~. There is no limit to the amount of total sanction time that can be imposed during a period of parole or post-prison supervision or on compact cases.

(f) Determine the range of custody/sanction units which may be imposed by cross indexing the violation behavior category, Sentencing Guidelines Grid block, and the offender's supervision level at the time of the violation behavior~~(s)~~.

(g) Determine the appropriate sanction~~(s)~~ to impose. Sanctions~~(s)~~ may not exceed the maximum number of custody/sanction units as indicated on the Administrative Sanctions Sanctioning Grid, using the Sanction Equivalency Table.

(h) If the indicated level of sanction response is considered insufficient to address the seriousness of the violation behavior, a higher level of sanction, up to and including returning an offender to court or the Board of Parole and Post-Prison Supervision, may be imposed only after consultation and agreement of the unit supervisor or approval process established by the county agency or local supervisory authority. For revocation recommendations submitted under this section of rule, an offender may be returned to court or the Board of Parole and Post-Prison Supervision only after consultation with the unit supervisor and the agreement of the local supervisory authority or designee.

(i) Level of Authority for Probation Cases: Determine the level of authority that may impose the sanction~~(s)~~ (agency or court). Jail confinement imposed as an administrative sanction may not exceed 60 days per violation report. The total number of days of jail confinement for all violation reports per conviction may not exceed the maximum number of available jail custody/sanction units as provided by rules of the Criminal Justice Commission. The officer shall follow agency policy for supervisory review when imposing jail confinement sanctions~~(s)~~.

(A) If the appropriate sanction~~(s)~~ falls within the agency level designation, the officer shall impose the sanction~~(s)~~ following agency procedures for consultation with supervisory personnel.

(B) If the appropriate sanction~~(s)~~ falls within the court level designation, the officer may impose a sanction~~(s)~~ from the agency level designation or report the violation behavior to the court with a recommendation that the appropriate sanction~~(s)~~ from the court level designation be imposed.

(C) If the offender has previously served all of the available custody/sanction units applicable to his/her probationary sentence~~(s)~~ or order~~(s)~~, the officer may order appropriate interventions or report the violation~~(s)~~ to the court for disposition.

(j) Level of Authority for Parole and Post-Prison Supervision and Compact Cases: Determine the level of authority that may impose the sanction(s) (i.e., supervising officer, hearings officer or other agency designee, Board of Parole and Post-Prison Supervision, local supervisory authority, or releasing authority for compact cases).

(A) A supervising officer may order local sanctions, including a local confinement sanction not exceeding 30 days.

(B) A hearings officer or agency designee may order local sanctions including a local confinement sanction not exceeding 60 days.

(C) The Board of Parole and Post-Prison Supervision, local supervisory authority, or releasing authority in the state of conviction for compact cases may order administrative sanctions not exceeding 90 days.

(D) Revocation Sanctions: If structured sanctions are not felt sufficient to manage the offender, the local supervisory authority or the Board shall hold a hearing to determine whether incarceration is appropriate and may impose an appropriate revocation term of incarceration in compliance with the Oregon Criminal Justice Commission rules (OAR 213-005-0004) and the Board of Parole and Post-Prison Supervision rules (OAR 255-075).

(E) Revocation Sanctions for Compact Cases: If structured sanctions are not felt sufficient to manage the offender, the supervising officer shall prepare a compact violation report detailing the alleged violation and recommending the offender's return to the sending state to address the violation behavior. A revocation sanction shall never be imposed on a compact offender.

(F) An offender ordered to serve a term of incarceration following revocation for a post-prison supervision violation is not eligible for earned credit time or transitional leave.

(G) An offender ordered to serve a term of prison incarceration as a sanction for a post-prison supervision violation shall receive credit for time served in a state or local correctional facility on the supervisory violation prior to the Board's imposition of a prison term sanction.

(4) Level of Authority for Short-Term Transitional Leave Cases: Determine the level of authority that may impose the sanction (i.e., supervising officer, hearings officer or other agency designee, or releasing authority).

(A) A supervising officer may order local sanctions, including a local confinement sanction not exceeding 30 days.

(B) A hearings officer or agency designee may order local sanctions including a local confinement sanction not exceeding 60 days.

(C) The releasing authority may order sanctions up to and including revocation of leave and return to a Department of Corrections facility.

(D) Any local confinement sanctions shall be reported to the releasing authority in accordance with 291-058-0047.

(5) Level of Authority for Non-prison Leave Cases: Determine the level of authority that may impose the sanction (i.e., supervising officer, hearings officer or other agency designee, or releasing authority).

(A) A supervising officer may order local sanctions, including a local confinement sanction not exceeding three days.

(B) A hearings officer or agency designee may order local sanctions including a local confinement sanction not exceeding three days.

(C) The releasing authority may order sanctions up to and including revocation of leave and return to a Department of Corrections facility.

(D) All sanctions shall be reported to the releasing authority in accordance with 291-058-0047.

(6) Nothing in these rules shall limit the authority of the officer and supervising agency to direct the offender into appropriate interventions outside of the administrative sanctioning process.

(75) Sanctioning of Offenders Held in Jail on Officer's Detainer for Violation(s) of Probation Conditions:

(a) When an offender is arrested and detained in a county jail on authority of an officer's detainer for a violation(s) of the conditions of probation, the officer shall complete the imposition of administrative sanction(s) within the first 36 hours of the offender's detention, excluding Saturdays, Sundays and holidays, unless later disposition is authorized by supervisory personnel. Agency supervisory personnel, in consultation with the jail supervisory personnel, may authorize an extension of the 36-hour period for up to five judicial days if the officer is unable to collect the necessary information or meet with the offender within the 36-hour period.

(b) If the imposition of administrative sanctions is not completed within the authorized period, the officer shall notify the jail supervisor and remove his/her detainer lodged with the county jail authority. Nothing in these rules shall prohibit an officer from issuing a new detainer for the offender's arrest and detention for a violation(s) of the conditions of probation upon receipt of the information necessary for the officer to assess the full nature and extent of the violation(s), and impose appropriate administrative sanctions.

(c) If the offender does not consent to administrative sanctions imposed by the officer, the officer, as soon as practicable, but within one judicial day, shall report the arrest or detention to the court that imposed the probation. The officer shall promptly submit to the court a report showing in what manner the offender has violated the conditions of probation.

(86) Sanctioning of offenders held in jail on officer's detainer for violations of parole or ~~post-prison supervision, short-term transitional leave, or non-prison leave~~ conditions. Within 15 days of the offender's arrest, either a structured sanction must be imposed or violation hearing proceedings initiated.

Stat Auth: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 421.168, 421.510, 423.020, 423.030 and 423.075

Stat Impl: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 421.168, 421.510, 423.020, 423.030 and 423.075

291-058-0046

Imposition of Administrative Sanctions/Interventions on Short-Term Transitional Leave Inmates

(1) The process to impose administrative sanctions or interventions on inmates on short-term transitional leave shall be the same as for offenders on probation, parole, post-prison supervision, and compact cases with the restrictions listed in subsections (2) through (3)~~(9)~~ below.

(2) If an inmate does not consent to the administrative sanctions or interventions imposed by the officer, the officer, as soon as practicable but within five days, shall report the violation to the Assistant Director of Community Corrections or designee in accordance with the department's rule on Short-Term Transitional Leave, Emergency Leave, and Supervised Trips; specifically OAR 291-063-0160.

~~(3) If the indicated level of sanction response is considered to be insufficient to address the seriousness of the violation behavior, a higher level of sanction, up to and including revocation of short-term transitional leave and returning the inmate to a Department of Corrections facility, may be imposed only after consultation and agreement of the Assistant Director of Community Corrections or designee. For revocation of short-term transitional leave recommendations submitted under this section, supervising officers shall use the process outlined in OAR 291-063-0160.~~

~~(2) Only violations in the "System Response"; "Behavior Level 1"; and "Behavior Level 2" columns on the Administrative Sanctions Sanctioning Grid (Attachment A) shall be addressed with an administrative sanction or intervention response.~~

~~(3) Violations found to be in the "Behavior Level 3" of Attachment A shall be addressed in accordance with the Department's rule on Short-Term Transitional Leaves, Emergency Leaves and Supervised Trips, specifically OAR 291-063-0036(2) and (3).~~

~~(4) If the indicated level of sanction response is considered to be insufficient to address the seriousness of the violation behavior, a higher level of sanction, up to and including returning the inmate to a Department of Corrections facility, may be imposed only after consultation and agreement of the unit supervisor.~~

~~(a) For revocation recommendations under this section, an inmate may be returned to the releasing institution only after consultation with the unit supervisor and the agreement of the institution functional unit manager or designee.~~

~~(b) For revocations, supervising officers shall use the process outlined in subsection (3) above.~~

~~(5) Section 3 Crime Seriousness/Criminal History Grid (1, 2, 3, 4C-4I, 5G-5I) on Attachment A shall be used for all inmates on short-term transitional leave regardless of where they would be placed on the Sentencing Guidelines Grid.~~

~~(6) The maximum number of units available for short-term transitional leave violations shall be determined by the process outlined in 291-058-0045 with the above listed limitations in subsections (2) and (3) above.~~

~~(7) Use of jail sanctions for inmates on 90-day transitional leave from an Alternative Incarceration Program (AIP) must be agreed upon by both Department of Corrections and the local county. A jail sanction cannot exceed three days. Credit for sanction units for work crew, community service, restitution or work release centers, and house arrest shall be distributed according to Attachment B.~~

~~(8) Sanction reports shall be forwarded to the releasing institution. The institution functional unit manager or designee shall have the override authority of other releasing authorities. The sanction report shall be submitted via FAX transmittal or electronically the same day the sanction is imposed. The institution functional unit manager or designee may override the given sanction at any time without time limitations.~~

~~(9) The Notice of Rights form (CD 1497) developed specifically for violations of short-term transitional leave shall be utilized when serving the Notice of Rights to the inmate.~~

Stat Auth: 137.595, 179.040, 421.168, 423.020, 423.030, and 423.075

Stat Impl: 137.595, 179.040, 421.168, 423.020, 423.030, and 423.075

291-058-0047

Imposition of Administrative Sanctions/Interventions on Non-prison Leave Inmates

(1) The process to impose administrative sanctions or interventions on inmates on non-prison leave shall be the same as for offenders on probation, parole, post-prison supervision, and compact cases with the restrictions listed in subsections (2) through (7) below.

(2) Only violations in the "System Response"; "Behavior Level 1"; and "Behavior Level 2" columns on the Administrative Sanctions Sanctioning Grid (Attachment A) shall be addressed with an administrative sanction or intervention response.

(3) Violations found to be in the "Behavior Level 3" of Attachment A shall be addressed in accordance with the Department's rule on Alternative Incarceration Programs, specifically OAR 291-062-0165(2).

(4) If an inmate does not consent to the administrative sanctions or interventions imposed by the officer, the officer, as soon as practicable, but within five days, shall report the violation to the institution functional unit manager or designee in accordance with the Department's rule on Alternative Incarceration Programs; specifically OAR 291-062-0165(2).

(5) If the indicated level of sanction response is considered to be insufficient to address the seriousness of the violation behavior, a higher level of sanction, up to and including revocation of non-prison leave and returning the inmate to a Department of Corrections facility, may be imposed only after consultation and agreement of the institution functional unit manager or designee. For revocation of non-prison leave recommendations submitted under this section, supervising officers shall use the process outlined in OAR 291-062-0165.

(6) Section 3 Crime Seriousness/Criminal History Grid (1, 2, 3, 4C-4I, 5G-5I) on Attachment A shall be used for all inmates on non-prison leave regardless of where they would be placed on the Sentencing Guidelines Grid.

(7) Use of jail sanctions for inmates on non-prison leave from an Alternative Incarceration Program (AIP) must be agreed upon by both Department of Corrections and the local county. A jail sanction cannot exceed three days. Credit for sanction units for work crew, community service, restitution or work release centers, and house arrest shall be distributed according to Attachment B.

Stat Auth: ORS 137.595, 179.040, 421.510, 423.020, 423.030, and 423.075

Stat Impl: ORS 137.595, 179.040, 421.510, 423.020, 423.030, and 423.075

291-058-0050

Reporting of Sanctions for Probation Cases/Role of Court and District Attorney

(1) Whenever administrative sanctions~~(s)~~ are imposed, the sentencing court~~(s)~~ and the district attorney~~(s)~~ on probation cases shall be notified utilizing the Department of Corrections Violation Report/Sanction Reporting form. When a probation intervention/sanction involves modifying conditions of probation, the court must sign and return the request before the amended condition~~(s)~~ is in effect, unless specific authority has been granted to the community corrections agency by the sentencing court.

(2) Notification shall be sent via facsimile where available during the same working day in which a sanction~~(s)~~ is imposed. Where facsimile is not available, notification shall be mailed the same working day in which the sanction~~(s)~~ is imposed.

(3) Prior to the imposition of any administrative sanction~~(s)~~ or within four judicial days after receiving notice that a structured, intermediate sanction~~(s)~~ has been imposed on a probationer, the court, upon motion of the district attorney or on its own motion, may cause the offender to be brought before the court for a hearing, and may revoke probation or impose such other or additional sanctions~~(s)~~ or modify the conditions of probation as authorized by law. In no case

may the sentencing judge cause an offender to be brought before the court for a hearing and revoke probation or impose other or additional sanctions~~(s)~~ after the probationer has completed a structured, intermediate sanctions~~(s)~~ imposed by the Department of Corrections or a county community corrections agency.

Stat Auth: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 179.040, 423.020, 423.030, and 423.075

Stat Impl: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 179.040, 423.020, 423.030, and 423.075

291-058-0060

Reporting of Sanctions for Parole and Post-Prison Supervision Cases/Role of Supervisory Authority and Board of Parole and Post-Prison Supervision

(1) Whenever administrative sanctions~~(s)~~ are imposed, the supervisory authority or the Board of Parole and Post-Prison Supervision shall be notified utilizing the Department of Corrections Violation Report/Sanction Reporting form.

(2) When custody is imposed or conditions of supervision are modified, a completed Sanction Reporting form and Notice of Rights notification will be submitted to the local supervisory authority or the Board of Parole and Post-Prison Supervision.

(3) Notification shall be sent utilizing the automated structured sanction module within the Corrections Information System whenever possible, or via facsimile where available during the same working day in which a sanction~~(s)~~ is imposed. Where facsimile is not available, notification shall be mailed the same working day in which the sanction~~(s)~~ is imposed.

Stat Auth: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 179.040, 423.020, 423.030, and 423.075

Stat Impl: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 179.040, 423.020, 423.030, and 423.075

291-058-0065

Reporting of Sanctions for Compact Cases/Role of the Oregon Interstate Compact Office

(1) Whenever administrative sanctions are imposed, conditions of supervision are modified, or custody is imposed for a significant violation, as defined by the compact rules, the sending state may be notified utilizing the compact violation report form. A completed Sanction Reporting form and Notice of Rights notification may be included with the compact violation report form.

(2) Notification shall be sent within 30 days of the violation to the Oregon Interstate Compact office ~~via facsimile or email where available. Where facsimile or email is not available, notification shall be mailed~~utilizing the Interstate Compact Offender Tracking System.

Stat Auth: ORS 144.600, 144.615, 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 144.600, 144.615, 179.040, 423.020, 423.030 and 423.075

291-058-0066

Reporting of Sanctions for Short-Term Transitional Leave Cases/Role of the Department of Corrections Community Corrections Division Office

(1) Whenever jail sanctions are imposed, a completed Short-Term Transitional Leave Violation Report form and Notice of Rights will be submitted to the Assistant Director of Community Corrections or designee.

(2) Notification shall be sent electronically during the same working day in which the sanction is imposed.

(3) The Assistant Director of Community Corrections or designee shall have the override authority of other releasing authorities and may override the given sanction at any time without time limitations.

Stat Auth: 137.595, 179.040, 421.168, 423.020, 423.030, and 423.075

Stat Impl: 137.595, 179.040, 421.168, 423.020, 423.030, and 423.075

291-058-0067

Reporting of Sanctions for Non-prison Leave Cases/Role of the Department of Corrections Offender Management and Rehabilitation Division Office

(1) Whenever administrative or jail sanctions are imposed, the completed sanction report and Notice of Rights shall be forwarded to the institution functional unit manager or designee at the releasing institution.

(2) Notification shall be sent electronically during the same working day in which the sanction is imposed.

(3) The institution functional unit manager or designee shall have the override authority of other releasing authorities and may override the given sanction at any time without time limitations.

Stat Auth: 137.595, 179.040, 421.168, 423.020, 423.030, and 423.075

Stat Impl: 137.595, 179.040, 421.168, 423.020, 423.030, and 423.075

291-058-0070

Misdemeanor Cases

Nothing in these rules shall limit the authority of county corrections agency from developing their own structured sanctioning process for misdemeanor cases.

Stat Auth: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 179.040, 423.020, 423.030, and 423.075

Stat Impl: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 179.040, 423.020, 423.030, and 423.075