

**ALTERNATIVE INCARCERATION PROGRAMS**  
**Division 062**

**291-062-0100**

**Authority, Purpose and Policy**

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in accordance with ~~2003 Or Laws, Ch 464, 2008 Or Laws, Ch 35,~~ ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of these rules is to establish special alternative incarceration programs and establish ~~d~~Department policy and procedures for the program's operation and management in accordance with ORS 421.500 to 421.512.

(3) Policy: Within the inherent limitations of resources, and the need to maintain facility security, internal order, and discipline, and the health and safety of staff, inmates, and the public, it is the policy of the Department of Corrections to discharge its statutory responsibilities to establish alternative incarceration programs by creating and operating programs that promote inmate rehabilitation during incarceration and reduce the risk of continuing criminal conduct when the inmate is returned to the community.

Stat Auth: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

**291-062-0110**

**Definitions**

(1) Alternative Incarceration Program (AIP): A highly structured corrections program that includes intensive interventions, rigorous personal responsibility and accountability, physical labor, and service to the community.

(2) Custody Cycle: The time period during which an offender begins incarceration with the Department of Corrections and is under the supervision of community corrections until discharge from all Department of Corrections and community corrections incarceration and supervision.

(3) Other charges: Any criminal or civil accusatory instrument that alleges wrong doing and for which a person may be imprisoned or incarcerated.

(4) ~~Short-Term Transitional Leave/Non-Prison Leave: A leave for a period of leave not to exceed 90 days preceding an established release date designed to provide that allows an inmates opportunity to secure appropriate with transitional opportunities support when necessary for that promote successful reintegration into the community. Short-term transitional leave/non-prison leave is granted in accordance with ORS 421.158, 421.148, ORS 421.510 and the Department's rule on Short-Term Transitional Leave, Emergency Leaves and Supervised Trips (OAR 291-063). For purposes of these rules, short-term transitional leave is non-prison leave.~~

(5) 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 137.750, 137.751, 421.508, and 421.510, and the department's rules on Alternative Incarceration Programs (OAR 291-062).

~~(6)~~ Term of Incarceration: The period of commitment to the legal and physical custody of the ~~d~~Department imposed by a sentencing court in a judgment. For purposes of these administrative rules, "term of incarceration" includes pre-sentence incarceration credit granted to an inmate by the

~~d~~Department under ORS 137.370(2)(a), as well as any time an inmate spends on short-term transitional under ORS 421.168 or /non-prison/non-prison leave under ORS 421.510.

Stat Auth: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

### **291-062-0120**

#### **General**

(1) The Department of Corrections has established and operates ~~two types of~~ alternative incarceration programs.

(a) ~~One of the a~~Alternative incarceration programs encompass intensive cognitive programming, intensive addictions treatment, or a combination of the two. ~~is an intensive cognitive program and the other is an intensive addictions program that includes intensive addiction intervention and treatment.~~

(b) Each alternative incarceration program is a minimum of 270 days duration and includes two components – a structured institution program and a period of structured ~~short-term transitional non-prison~~ leave.

(c) Each alternative incarceration program ~~will~~ require its participants to engage in a minimum of 14 hours per day of highly structured routine seven days per week for the duration of the program.

(2) Inmates are required to participate in and successfully complete transition classes offered as a condition of program graduation. The number and frequency of these classes will be determined by each facility.

(3) ~~Short-Term Transitional Leave:~~ The ~~d~~Department in its discretion may grant ~~individual inmates a period of structured, short-term transitional leave as part of non-prison leave to inmates who successfully complete the institution phase of their~~ an alternative incarceration program assignment if:

(a) The inmate's sentencing judgment authorizes a release to post-prison supervision in accordance with ORS 421.508, 137.750, and 137.751; and

~~(b)~~ (a) The inmate has identified viable self-support options in the community: or

~~(c)~~ (b) The supervising community corrections agency has approved a temporary subsidy such as treatment transition funds that will assist allow the inmate with successful community transition, to successfully transition in the community.

~~(d)~~ (e) All expenses not otherwise approved by the supervising community corrections agency must be borne covered by the inmate, unless otherwise specifically authorized.

(4) For those whose crimes were committed prior to January 1, 2009, transitional leave for alternative incarceration programs was authorized under ORS 421.128. For the purposes of these rules, the operational aspects, processes and any subsequent violation sanctions are the same as and subject to rules referencing non-prison leave.

Stat Auth: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

### **291-062-0130**

#### **Inmate Eligibility**

(1) The ~~d~~Department will identify inmates eligible to participate in alternative incarceration programs. To be eligible to participate in the program an inmate must:

(a) Be sentenced to the legal and physical custody of the Department and be subject to a term of post-prison supervision upon satisfaction of a term of physical confinement in a Department of Corrections facility;

(b) Be at least 18 years of age at the time of entry into the program, or may be under 18 years of age and have been convicted of a crime upon remand from juvenile court; and

(c) Be assigned Level 1 or Level 2 in accordance with the Department's rules on **Classification (Inmate)** (OAR 291-104) and have no more than 36 months to serve at the time of program entry.

(2) An inmate is not eligible to participate in alternative incarceration programs during service of a sentence for conviction of a crime described in:

(a) ORS 163.095 (Aggravated Murder),

(b) ORS 163.115 (Murder),

(c) ORS 163.118 (Manslaughter I),

(d) ORS 163.235 (Kidnapping I),

(e) ORS 163.355 (Rape III),

(f) ORS 163.365 (Rape II),

(g) ORS 163.375 (Rape I),

(h) ORS 163.385 (Sodomy III),

(i) ORS 163.395 (Sodomy II),

(j) ORS 163.405 (Sodomy I),

(k) ORS 163.408 (Unlawful Sexual Penetration II),

(l) ORS 163.411 (Unlawful Sexual Penetration I),

(m) ORS 163.415 (Sexual Abuse III),

(n) ORS 163.425 (Sexual Abuse II),

(o) ORS 163.427 (Sexual Abuse I),

(p) ORS 163.435 (Contributing to the Delinquency of a Minor),

(q) ORS 163.525 (Incest),

(r) ORS 164.325 (Arson I), or

(s) ORS 164.415 (Robbery I).

(3) An inmate who is serving a sentence, including a sentence imposed under ORS 137.712, for a crime listed in ORS 137.700, 137.707, 163.095, or ~~181.594(4)~~163A.005(5) committed on or after January 1, 2009, is not eligible to participate in alternative incarceration programs.

(4) An inmate is not eligible to participate in alternative incarceration programs if the inmate is serving a sentence under the provisions of ORS 137.635.

(5) An inmate is not eligible to participate in alternative incarceration programs if the inmate is serving a sentence under ORS 161.610 until the inmate completes the minimum incarceration term imposed by the court less earned time under ORS 421.121.

(6) An inmate is not eligible to participate in alternative incarceration programs if the inmate:

(a) Has an adult conviction for felony escape ~~that~~which was committed within three years prior to the time of program entry, or has a conviction for unauthorized departure from the legal and/or

physical custody of the Oregon Department of Corrections or its authorized agents ~~that~~ which was committed within three years prior to the time of program entry.

(b) Is serving non-sentencing guidelines prison terms (sentences with crime dates prior to November 1, 1989), or has unresolved criminal prosecutions, consecutive county jail terms, or any other circumstances that would conflict with the inmate's ~~his/her~~ release from prison upon satisfactory completion of an alternative incarceration program.

(c) Has a current detainer.

(A) Inmates who are serving a sentence for a crime committed prior to January 1, 2009, and who have detainers lodged with the ~~d~~Department after they have been selected and assigned to one of the programs, and the detainer is discovered after the inmate has completed approximately one-half of the program may be permitted to continue their participation in the program at the discretion of the functional unit manager or designee based on ~~their~~ program performance to date.

(B) Inmates who are serving a sentence for a crime committed on or after January 1, 2009, and who have a current detainer from any jurisdiction that will not expire prior to the inmate's calculated date of release ~~to~~ post-prison supervision are not eligible for, and shall not be permitted to continue participation in, an alternative incarceration program.

(d) Is currently assigned to special security housing for reasons of protective custody, and the inmate's assignment to the program is otherwise determined by ~~d~~Department officials to pose a threat to the safe, secure, and orderly operation and management of the program, including the safety of ~~d~~Department staff and inmates.

(e) Has less than ten months to serve from the first day of program entry. Inmates that have between nine and ten months to serve may participate in alternative incarceration programs with the functional unit manager's or designee's approval.

(f) Is serving a parole or post-prison supervision violation sanction pursuant to ~~ORS 421.168(4) and~~ ORS 144.108(3)(b).

(7) For sentences imposed for crimes committed prior to January 1, 2009, an inmate is not eligible to participate in alternative incarceration programs if the inmate is serving a sentence under the provision of ORS 137.700 or ORS 137.707 until completion of the mandatory minimum incarceration term. For sentences imposed for crimes committed on or after December 5, 1996, the inmate is eligible after completion of the mandatory minimum incarceration term only upon order of the sentencing court as ordered in a judgment pursuant to ORS 137.750.

(8) For sentences imposed for crimes committed prior to January 1, 2009, an inmate is ~~not~~ eligible to participate in alternative incarceration programs if the inmate, on or after April 1, 1995, commits and is convicted of:

(a) Assault II as defined in ORS 163.175(1)(b) (Intentionally or knowingly causes physical injury to another by means of a deadly or dangerous weapon);

(b) Kidnapping II (ORS 163.225); or

(c) Robbery II (ORS 164.405); unless the sentencing court, notwithstanding ORS 137.700 and 137.707, has imposed a lesser sentence pursuant to ORS 137.712 and (for crimes committed on or after December 5, 1996 and prior to January 1, 2009) only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(9) For sentences imposed for crimes committed prior to January 1, 2009, an inmate is not eligible to participate in alternative incarceration programs if the inmate on or after October 23, 1999, commits and is convicted of Manslaughter II as defined in ORS 163.125, unless the sentencing court, notwithstanding ORS 137.700 and 137.707, has imposed a lesser sentence pursuant to

ORS 137.712 and only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(10) An inmate is not eligible to participate in alternative incarceration programs if the inmate is serving a sentence under the provisions of ORS 161.725 or ORS 161.737 (dangerous offenders) for a crime committed on or after November 1, 1989. An inmate shall not be allowed to participate in alternative incarceration programs even after completion of the required minimum incarceration term (determinate sentence) even if the Board of Parole and Post-Prison Supervision finds that the person is no longer dangerous or finds that the person remains dangerous but can be adequately controlled with supervision and mental health treatment and sets a post-prison supervision release date.

(11) If otherwise eligible under Oregon law, any person sentenced for a crime committed on or after December 5, 1996 and prior to January 1, 2009, may be considered for alternative incarceration programs only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(12) If otherwise eligible under Oregon law, an inmate sentenced for a crime committed on or after January 1, 2009, may be considered for ~~short-term transitional~~ non-prison leave and release onto post-prison supervision only upon order of the sentencing court as directed in a judgment pursuant to ORS 421.508(4).

(13) An inmate is not eligible for an alternative incarceration program during the current admission if he or she previously participated in another alternative incarceration program in the same custody cycle.

(14) An inmate is not eligible for an alternative incarceration program who:

(a) Scores a six or higher on the Static 99-R and Definitions risk assessment tool (Attachments A, B, and C);

(b) Has a predatory sex offender designation; or

(c) Is classified as a Tier III sex offender pursuant to OAR 255-085-0020.

Stat Auth: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

**291-062-0140**

### **Inmate Selection**

(1) The ~~d~~Department in its discretion may accept eligible inmates into an alternative incarceration program based on its determination that the inmate's participation in such a program is consistent with the safety of the community, the welfare of the applicant, the program objectives and the rules of the ~~d~~Department.

(2) The functional unit manager or designee of each facility that has an alternative incarceration program shall appoint a committee that is responsible for making recommendations to the functional unit manager or designee on the placement of inmates in the program based on treatment readiness.

(3) An inmate will not be accepted into an alternative incarceration program unless the inmate submits a written request to participate.

(a) The request must contain a statement signed by the inmate applicant providing that the inmate~~he/she~~:

(A) Is physically and mentally able to withstand the rigors of the program; and

(B) Has reviewed the alternative incarceration program descriptions provided by the dDepartment and agrees to comply with each of the requirements.

(b) Otherwise eligible inmate applicants with a physical or mental disability will be evaluated individually by the dDepartment to determine whether the inmate may successfully participate in the fundamental components of an alternative incarceration program.

(c) The dDepartment shall make the final determination regarding an inmate's physical or mental ability to withstand the rigors of the program.

~~(4) Inmates who score a six or higher on the Static 99 risk assessment tool (Exhibits AI and AII) will not be accepted into an AIP.~~

~~(5) Inmates with a predatory sex offender designation will not be accepted into an AIP.~~

Stat Auth: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

## **291-062-0150**

### **Removal or Suspension From an Alternative Incarceration Program**

(1) The functional unit manager or designee in his/her discretion may remove or suspend an inmate from any portion of an alternative incarceration program, and may reassign the inmate to another Department of Corrections facility to serve the balance of the inmate's court-imposed incarceration term(s), for administrative or disciplinary reasons. The decision to remove or suspend an inmate from the program will be made in consultation with a committee appointed by the functional unit manager or designee that is responsible to review the performance of inmates participating in an alternative incarceration program.

(2) Administrative Removal/Suspension:

(a) The functional unit manager or designee in his/her discretion may immediately remove or suspend an inmate from the program and reassign the inmate to another Department of Corrections facility without a hearing, for administrative reasons.

(b) An inmate who is not available to participate substantially in the program (e.g., physical and mental illness, court appearance(s), disciplinary segregation, etc.) for up to 30 days following placement will be ~~have his/her program participation~~ suspended from participation and will be evaluated by the committee to determine whether the inmate will be removed from the program or accepted back into the program at the program level deemed appropriate by the functional unit manager or designee.

(c) Any change in status that would cause an inmate to be ineligible to continue participating in the program as described in OAR 291-062-0130 (e.g., discovery of a detainer), may result in a suspension.

(A) If suspended, the inmate will have 30 days to resolve his/her eligibility status with the dDepartment. If the inmate's eligibility status remains unresolved, the inmate will be removed from the program.

(B) An extension may be made by the functional unit manager or designee on a case-by-case basis.

(d) If other charges will result in immediate incarceration upon release to ~~short-term transitional~~ non-prison leave, the inmate will have 30 days to resolve his/her eligibility status with the dDepartment. If the inmate's eligibility status remains unresolved, the inmate will be removed from the program. An extension may be made by the functional unit manager or designee on a case-by-case basis.

(e) Inmates are expected to participate in all aspects of their program assignment at a level consistent with the length of time they have been assigned to the program.

(A) The functional unit manager or designee in his/her discretion may suspend an inmate from the program for 30 days or more when, in consultation with the program performance review committee, the functional unit manager or designee determines that the inmate is not making adequate program progress. During the suspension, the inmate will be given an opportunity to come into compliance with established program standards.

(B) If the inmate comes into compliance, the inmate he/she will be placed at a program level deemed appropriate by the functional unit manager or designee. ~~The~~ if the inmate fails to meet program expectations, he/she may be removed from the program for failure to meet program expectations. If the inmate is assigned to an intensive alternative incarceration addiction program, the inmate may have the length of the his/her program extended beyond 270 days.

(3) Disciplinary Removal/Suspension: An inmate who after a hearing in accordance with procedures provided in the ~~d~~Department's rules on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105) is found to have committed a major disciplinary rule violation may be removed from the program and transferred to another Department of Corrections facility at the discretion of the functional unit manager or designee.

(4) Voluntary Removal: An inmate may elect to be removed ~~remove himself/herself~~ from an alternative incarceration program; however, to do so the inmate must sign a document requesting removal from the program to the functional unit manager or designee. Voluntary removal from the program constitutes a program failure.

~~(5) Once an inmate has been removed from an alternative incarceration program as a program failure or completes the program and returns to prison on another crime, he/she will be ineligible to participate in another alternative incarceration program during the same custody cycle. An inmate who fails~~ If the failure is from an alternative incarceration additions program, he/she will be ineligible to participate in any other alcohol and drug non-AIP intensive treatment program during the same custody admission cycle (this does not include dual diagnosis programs).

(6) Administrative Review of Removal for Program Failure:

(a) When the functional unit manager or designee removes an inmate from the inmate's program assignment for a program failure, the inmate will be notified in writing of the reason(s) for the removal decision, and given the opportunity for administrative review of the decision.

(b) To obtain an administrative review of the removal decision, an inmate must send a request for administrative review in writing to the Assistant Director for ~~Transitional Services~~ Offender Management and Rehabilitation or designee, together with any supporting documentation. The Assistant Director for Offender Management and Rehabilitation ~~Transitional Services~~ or designee must receive the request within 20 business ~~15 calendar~~ days of the date of the notice of the administrative removal.

(c) The review should be completed within 15-20 business days after receiving an inmate's review request. The Assistant Director for ~~Transitional Services~~ Offender Management and Rehabilitation or designee's decision on administrative review shall be final.

Stat Auth: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

**291-062-0160**

**Alternative Incarceration Program Prison Management**

(1) To the extent that other Department of Corrections rules may conflict with provisions in these rules (OAR 291-062-0100 to 291-062-0160), such rules are inapplicable to alternative incarceration programs and are modified as provided below to reflect the purposes of alternative incarceration programs and the relatively short period of confinement.

(2) Modified Rules:

~~(a) Short-Term Transitional Leave, Emergency Leaves and Supervised Trips (OAR 291-063):~~

~~(A) An inmate who completes, to the Department's satisfaction, all of the requirements of the structured institution program may be released into the community on short-term transitional leave.~~

~~(B) OAR 291-063 is modified with respect to alternative incarceration program participants to provide that violations of short-term transitional leave conditions will be addressed in accordance with Department of Corrections rule on Structured Intermediate Sanctions, OAR 291-058.~~

~~(C) Additionally, an inmate's short-term transitional leave agreement will constitute the Department of Corrections expectations for both behavior and programming compliance. Accordingly, if an inmate violates his/her conditions of short-term transitional leave, he/she will not be awarded either institutional conduct or programming compliance credit for the period of time while on short-term transitional leave status.~~

~~(ab) **Hygiene, Grooming and Sanitation (Inmate)** (OAR 291-123) and **Personal Property (Inmate)** (OAR 291-117):~~ The functional unit managers in the facilities where alternative incarceration programs are provided may establish separate and distinct standards for personal grooming and hygiene as a means to support program goals. Commissary operations and purchases, food services and educational requirements for participants may be modified by those facilities where alternative incarceration programs are offered as a means of supporting program goals. Each facility may develop internal processes for staff and inmates outlining the applicable requirements or restrictions specific to these programs.

~~(be) **Performance Recognition and Award System (PRAS)** (OAR 291-077):~~ Inmates assigned to an alternative incarceration program will receive a standard number of points for their PRAS award as determined by the ~~d~~Department for work and program participation. Inmates are eligible for special recognition awards pursuant to the ~~d~~Department's rules on **Performance Recognition and Award System**.

~~(ce) **Mail (Inmate)** (OAR 291-131):~~ Inmates participating in ~~the~~ SUMMIT ~~an~~ alternative incarceration program may not be allowed to correspond with inmates ~~participating in the same program and may not be allowed to correspond with other inmates~~ housed in general population at the facility where the program is operating.

~~(e) **Prison Term Modification** (OAR 291-097):~~ Inmates who begin an alternative incarceration program will be considered to be participating in their primary program plan. ~~If an inmate fails to complete any portion of the program because of inadequate program performance, disciplinary reasons, or voluntary removal, the inmate will be considered noncompliant with his/her primary program plan, and will not be granted earned time credit for programming during that review period.~~

~~(f) **Assessment, Assignment, and Supervision of Inmates for Work Assignments and Unfenced Minimum Housing** (OAR 291-082):~~ Inmates participating in the SUMMIT alternative incarceration program and who are otherwise ineligible for outside work crews and unfenced minimum housing may participate in outside work crews after reaching red hat status and reside in an unfenced minimum housing so long as the victim of their crime does not reside in the area.

Stat Auth: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

**291-062-0165**

Nonprison Leave Violations

(1) For alternative incarceration program participants who violate their conditions of nonprison leave, administrative sanctions/interventions may be imposed in accordance with the Department's rules on Structured, Intermediate Sanctions (OAR 291-058).

(2) Revocation of Nonprison Leave

(a) An inmate found in violation while on nonprison leave, may be subject to revocation and be returned to a Department of Corrections facility (OAR 291-105-0069 (1)(e)) and may be subject to other sanctions in accordance with the Department of Corrections rules on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105).

(A) If the inmate's whereabouts are unknown, it shall be the responsibility of the supervising officer to immediately submit a warrant request in writing to the institution functional unit manager or designee. A warrant will be issued in accordance with the Department of Corrections policy on Escape, #70.1.1. Upon apprehension, it shall be the responsibility of the supervising officer to report the alleged violation and recommended sanction in writing to the institution functional unit manager or designee.

(B) If the inmate's whereabouts are known and the violation is believed to support a revocation of the nonprison leave, it shall be the responsibility of the supervising officer to report the alleged violation in writing to the institution functional unit manager or designee within five working days of the alleged violation.

(b) When revocation of nonprison leave is approved, the releasing authority shall ensure that a misconduct report is submitted in accordance with the department's rules on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).

(c) When the inmate is returned to a Department of Corrections facility and a misconduct report is submitted, a hearing shall be conducted in accordance with the Department of Corrections rules on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).

(3) For alternative incarceration program participants who fail to successfully complete their period of nonprison leave and receive a revocation, the inmate will be considered a program failure and non-compliant with institution conduct for the length of the inmate's nonprison leave. Their earned time credits shall be computed as outlined in the Department's rules on Prison Term Modification (OAR 291-097).

Stat Auth: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

**291-062-0170**

**Release onto Post-Prison Supervision**

(1) For inmates serving a sentence for a crime committed prior to January 1, 2009, upon successfully conforming to directed activities while on non-prison leave participating in the short-term transitional leave component of the program, the inmate shall be released into the community onto post-prison supervision.

(2) For inmates serving a sentence for a crime committed on or after January 1, 2009, the inmate shall be released ~~onto~~ post-prison supervision only if all of the following requirements are met:

(a) The sentencing court has ~~issued an order contained~~ ordered in a judgment that ~~authorizes the Department to may release consider~~ the inmate for release onto post-prison supervision;

(b) The inmate has served at least one year of the term of incarceration imposed by the sentencing court;

(c) The inmate's release would not reduce the term of incarceration imposed by the court the inmate would otherwise be required to serve by more than 20 percent, minus ~~does not result in the inmate being released onto post-prison supervision earlier than the length of physical confinement imposed by the sentencing court, including any earned time credits, minus 20 percent;~~ and

(d) The inmate has successfully conformed to directed activities while participating in the ~~short-term transitional~~ non-prison leave component of the program.

Stat Auth: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.500 to 421.512, 423.020, 423.030, and 423.075