

Topic:	Individuals Releasing from Oregon Department of Corrections Facilities
Date Issued/Updated:	03/08/2022-DRAFT

Overview

Description: When an individual that is determined to be eligible for Intellectual and Developmental Disabilities (IDD) services is incarcerated in a facility under the supervision of the Oregon Department of Corrections, the Case Management Entity (CME) is expected to coordinate services upon release from the institution, as requested by the individual. In some instances, the individual may not accept services after release, *if this is the case, the efforts to offer services should be clearly documented.*

Referrals to residential services:

As with other residential referrals the CMEs' assigned Designated Referral Contact should complete and send updated referral information to qualified providers, initially in the home county of the individual and then expanded regionally and statewide if there are no interested providers locally.

Communicating and coordinating with Parole and Probation:

It's important that **all** referrals to residential services are coordinated with the Community Corrections Parole and Probation Officer assigned. The Parole and Probation officer must approve any placement while the individual is under post release supervision. If the home county has no resources available at the time of release, the CME should discuss the options available in other counties with the assigned Parole Officer. If the Parole Officer agrees that the individual can be placed in another county, they can then make the request to the Parole/Probation office in that county. The Parole Officer may request a waiver to have the individual supervised by another county Community Corrections office. However, the receiving P&P office must agree to accept the supervision. If accepted, the receiving county would maintain supervision of the individual for duration of the post release supervision. And the home CME may then request to transfer the case management to the receiving county.

Myths and Rumors and FAQs:

- **Can a provider require an individual follow a court order?**

The conditions of parole are ordered to the individual and are required by the judicial system. The provider and ISP team should make every effort to support the individual to be in compliance with the conditions. Enforcement of these conditions is the responsibility of the Parole Office. Compliance is the responsibility of the individual. Providers and the CDDP should report any known violations to the Parole Officer. Any new crimes should be reported to law enforcement.

- **Can a SC/PA require an individual to follow Parole Conditions?**
The Parole Conditions are placed on individuals convicted of a crime and have completed the incarceration portion of their sentence as directed by the court. Courts cannot order a provider to comply or enforce an individual's parole conditions. Compliance is the responsibility of the individual.
- **Do SC/PA/Providers need to report to anyone if the individual isn't following parole and probation conditions?**
Any violations of the parole conditions known to the SC/PA or providers should be reported to the Parole Officer. (EX: Refusing treatment or refusing to register with the OSP offender registry). As determined by the ISP team, in agreement with the PO. Any new crimes should be reported to law enforcement.
- **What if a provider gives involuntary notice to an individual – who needs to report to whom?**
If the individual is still under post release supervision, the assigned Parole Officer should be advised of the potential loss of placement. NOTE- PO cannot force a provider to continue to serve an individual.
Who needs to know if an individual is missing for more time than the ISP permits?
If an individual under post release supervision is unable to be located, the parole office should be notified as noted in the ISP with the parole officer in agreement.
- **What additional forms should be kept within the ISP if any?** *The ISP should reflect the supports provided to the individual to assist in complying with court orders. EX: Court orders requiring the individual to attend Mental Health treatment 2x weekly during the parole jurisdiction, the ISP should reflect that the provider will offer transportation to the appointment in support of complying with treatment. Documented when the individual refuses or cannot attend.*
- **Does the provider have to keep any additional documentation related to court proceedings?** *Parole conditions and any court orders for the individual should be retained in the individuals' records.*

Purpose/Rationale: To assist Case Managers to understand the responsibilities and processes for releases from Oregon Department of Corrections (ODOC) to a residential community placement.

Applicability: CDDP/Brokerages, Incarcerated adults with I/DD within the Oregon Department of Corrections

Identification, tracking and notification to CDDP:

ODOC release of Adults in Custody (AIC)

The Oregon Department of Corrections (ODOC) notifies ODDS when they believe a person experiencing an Intellectual or Developmental Disability is at the Intake Center. ODDS is notified by ODOC by receiving an email with the name and Date of Birth in the ODDS Field Liaison email box. ODOC should report that the person has reportedly had services from

ODDS in the past and is requesting services at release or is wanting to apply. The IDD history confirmed by the ODDS Field Liaison and tracked at the central office. If there is no history of the AIC in the system, they may still apply to the county of release. The ODDS Field Liaison will either confirm history of previous IDD eligibility or if there is no previous IDD eligibility the ODDS Field Liaison will direct ODOC to the county of release to assist the Adult in Custody (AIC) in applying for services.

Procedure(s) that apply:

When the internal ODDS tracking indicates that an AIC is approaching six months from release, ODDS Will assist the ODOC in connecting with the CDDP to notify them that there is a person in custody that will be releasing to their county and has an interest in receiving services. ODDS can assist the ODOC in identifying the CDDP contacts at the county to apply for services and obtain the application and appropriate releases. This should be done regardless of the individuals eligibility history. ODOC then assigns the AIC a Correctional Counselor who will meet regularly with the AIC to identify any resources/supports within the institution that they may access. The placement within the ODOC is tracked by ODDS through a monthly meeting to update cases with the ODOC representative. This may also be communicated via email/phone contact due to schedule limitations. The assigned Correctional Counselor may assist the AIC as needed to complete and submit the application and appropriate releases of information.

1. ODOC reaches out to ODDS via the ODDS.FieldLiaison@dhsosha.state.or.us
2. If confirmed eligible – ODDS connects ODOC and CDDP contact to begin the discussion of release planning.
3. If not yet eligible, ODDS connects ODOC with CDDP for application for services and eligibility determination.

If eligibility is needed AND testing for DD eligibility and/or case planning, testing may be done at the facility when a psychologist is identified who agrees to enter the facility and conduct testing before release. This should be coordinated by the CDDP with the assistance of the Correctional Counselor. Once determined eligible for Services the CDDP can begin looking at resources to support the individual at release.

The CDDP should work with the ODOC counselor in obtaining records from the ODOC when necessary and available. If the CDDP needs support in obtaining ODOC information they can request assistance from ODDS. The CDDP confirms eligibility and if eligible will refer for placement in the local county identified at the time of release.

The CDDP should be sure to ask the PO some additional questions during case planning prior to release. Some questions to consider:

- What is the duration of the post release supervision?
- How often is the individual required to make contact with the PO?
- Is the individual required to register with the State Police?
- Are there any restrictions around being in the proximity of children or known victims?
- Requirements to work with the CDDP on obtaining placement?
- And any other special conditions required for the duration of the supervision

The ODDS Liaison can assist with additional guidance around specific requirements for AIC. The CDDP and the provider should have a clear knowledge and understanding of the conditions required by the individual to help the provider in supporting the individual in understanding the conditions and encouraging the individual in meeting the expectations.

The referral process picks up here with the DRC looking, locally and then statewide for a placement.

All referrals from the ODOC must follow the same process as with any residential referral” DRCs must explore all other available and qualified providers in the county of release. And then statewide if necessary.

CDDP sends the residential referral packet to residential providers following the Residential referral process. The AIC, as part of the post release supervision must accept the placement as directed by the Parole Officer supervising the case during the time under supervision. The Parole Officer may defer to the DD system but should be invited to be part of the ISP team and should always be consulted when placing or moving the individual while under post-release supervision.

When a Provider is identified and agrees to serve the individual:

The CME should contact the ODOC Release Counselor assigned who can assist in arranging institutional visits prior to release and any logistics of the day of release. If possible, the provider may also make arrangements to pick up the individual on release day.

- On the day of release there may be appointments that the individual needs to attend to as soon as possible: Initial meeting with the Parole Officer (usually same day), Social Security Administration (re-establish benefits) Oregon Health Plan, and in some cases, they may need to register with the State Police Sex Offender Registry.
- CME may contact the Field Liaison at any time to discuss concerns or changes to the plan at release.

If there is no qualified provider identified at release:

After the local provider search is completed, and there are no available providers identified in the county of release the individual may need to access temporary placement through the community corrections in a post release setting designed for adults releasing from ODOC. This must be coordinated with the correctional counselor and the assigned Parole Officer from the county of release. *If the Parole Officer denies a move to another county, then they should be advised that there are no current IDD provider resources in the county of release. The Parole Officer has the final say as to where the individual resides while under supervision. This means the individual may need to access post release housing through the Community Corrections office.*

Additional Info for DOC releases that may apply depending on the AIC offense/disposition. See Below:

Sex Offender registration at release from ODOC.

1. Best practices and documentation recommendations and requirements specific to serving individuals with court ordered restrictions for the CDDP.

- *Retain all legal documentation in the individuals file for future reference and case planning.*
- *Conditions on individuals (SO treatment, community service, P&P reporting etc) and the legal expectations need to be documented clearly. Persons who may have SO issues but are not adjudicated may also attend treatments but may not be required to do so. If they wish to attend treatment it must be their choice and not a condition of residence.*
- *This should be outlined in the ISP.*
- *Pay close attention to the jurisdiction dates. The dates of the legal requirements may end the requirement during the middle of an ISP period. Necessary changes to the plan should reflect the new/ or lack of further legal requirement.*

2. Information regarding registered sex offender requirements and how this impacts service planning – i.e., legal restrictions for individuals required to register but the court order has expired.

- *In the State of Oregon, many convicted sex offenders must register with the Oregon State Police Sex Offender Registration Unit. This information is provided to the public for general public safety and awareness.*
- *sex offender in Oregon are classified in one of the following levels:*
 - (1) A level one sex offender who presents the lowest risk of reoffending and requires a limited range of notification.*
 - (2) A level two sex offender who presents a moderate risk of reoffending and requires a moderate range of notification.*
 - (3) A level three sex offender who presents the highest risk of reoffending and requires the widest range of notification.*

• **Initial registration** - Offenders must register within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release
Additional reporting requirements:

- *Within 10 days (up to 10 days before and up to 10 days after) the offender's date of birth.*
- *Within 10 days of any address change (includes a move out of state).*
- *Within 10 days of starting employment or vocation at an institute of higher education.*
- *Within 10 days of stopping/changing employment or vocation at an institute of higher education.*
- *Within 10 days of starting enrollment/attendance at an institute of higher education.*
- *Within 10 days of stopping/changing enrollment/attendance vocation at an institute of higher education.*

*Initial Registration for offenders moving to Oregon:
No later than 10 days of moving to Oregon.*

Form(s) that apply:

Adult Residential Services Referral (form de4123)

Definition(s):

AIC- Adult in Custody. Only applicable while in the institution.

Community Corrections- County Parole and Probation Offices within the County of release responsible for post release supervision and reporting to the Parole Board.

Offender Registration- Applicable to AICs releasing with requirements to register with the Oregon State Police Sex Offender Registry.

STTL- Short Term Transition Leave- For AICs who have a record of good behavior during their incarceration, may be eligible for STTL. STTL grants an early release of up to 3 months.

During this time the AIC remains under the jurisdiction of the ODOC and if they have any new offenses they are revoked and returned back to the ODOC to finish their initial sentence, plus any added time for the violation.

P.O. – abbreviation for Parole or Probation Officer

Reference(s):

Oregon State Police Sex Offender Registry Section

Phone: (503)-934-1258 Sexoffender.Questions@osp.oregon.gov

Contact(s):

Name: ODDS Field liaison

Phone: **Email:** ODDS.FieldLiaison@dhsoha.state.or.us

OR

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