

**SHORT-TERM TRANSITIONAL LEAVES,  
EMERGENCY LEAVES, AND SUPERVISED TRIPS  
Division 063**

**Short-Term Transitional Leave**

**291-063-00050100**

**Authority, Purpose, and Policy**

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, ~~421.166~~, 421.168, 423.020, 423.030, and 423.075

(2) Purpose: To provide uniform procedures, standards, and guidelines for granting or denying short-term transitional leaves, ~~emergency leaves or supervised trips~~ and to establish supervision standards for such leaves.

(3) Policy:

(a) It is the policy of the Department of Corrections, pursuant to ~~ORS 421.166~~ and 421.168, to allow inmates short-term transitional leaves, ~~emergency leaves or supervised trips~~ from correctional facilities when circumstances indicate a leave ~~or supervised trip~~ would be in accordance with generally accepted correctional and rehabilitation practices and enough time exists to prepare an appropriate transitional leave release plan as determined by the releasing authority.

(b) These rules do not apply to inmates:

(A) Releasing from a DOC facility with no subsequent post-prison supervision; or

(B) Housed in an Oregon Youth Authority facility.

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

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

**291-063-00100110**

**Definitions for OAR 291-063-0100 to 291-063-0160**

(1) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

~~(2) Emergency Leave: A leave of ten days duration or less within the state for the specific purposes listed in 291-063-0050(2)(a) where the inmate is expected to return to the releasing facility.~~

~~(3) Employee: Any person employed full-time, part-time or under temporary appointment by the Department of Corrections.~~

~~(4) Enter Parole/Probation Record (EPR): A record on the Law Enforcement Data System (LEDS) which identifies an inmate who is in the community on parole, probation, post-prison supervision, short-term transitional leave, or emergency leave exceeding five days.~~

~~(5) Immediate Family Member: Spouse, domestic partner, parent, sibling, child, aunt, uncle, niece, nephew, grandchildren, and grandparents including foster, in-law, and step-relationships of such. Immediate family also includes the caregiver of the inmate's minor child.~~

~~(6) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation status.~~

~~(7) 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, 421.508, and 421.510, and the department's rules on Alternative Incarceration Program(OAR 291-062).

(6) Predatory Sex Offender: A special designation made by the supervisory authority in accordance with former ORS 181.507 or 181.585.

(7) Releasing Authority: The Assistant Director of the Community Corrections or designee.

(8) Sexually Violent Dangerous Offender: A special designation made by the court under ORS 137.765 and the Board of Parole and Post-Prison Supervision or local supervisory authority under ORS 144.635.

(9) 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.

(10) Term of Incarceration: The period of commitment to the legal and physical custody of the Department imposed by a sentencing court in a judgement. For purposes of these administrative rules, "term of incarceration" includes pre-sentence incarceration credit granted to an inmate by the department under ORS 137.370, as well as any time an inmate spends on short-term transitional leave under ORS 421.168 or non-prison leave under ORS 421.510.

(11) Tier III Sex Offender: A special designation made by the Board of Parole and Post-Prison Supervision in accordance with OAR 255-085-0010 to 255-085-0050.

~~(7) Releasing Authority: The functional unit manager or designee of the correctional facility from which the inmate is to be or has been released on 90-day transitional leave/non-prison leave from an alternative incarceration program, supervised trip, or emergency leave. For short-term transitional leave, the releasing authority is the Assistant Director of Transitional Services or designee.~~

~~(8) Short-Term Transitional Leave: A leave for a period not to exceed 30 days preceding an established projected release date which allows an inmate opportunity to secure appropriate transitional support when necessary for successful reintegration into the community. The department may grant a transitional leave of up to 90 days for inmates participating in an alternative incarceration program in accordance with ORS 421.500 and the department's rule on Alternative Incarceration Programs (OAR 291-062).~~

~~(9) Supervised Trip: Any non-routine trip outside a Department of Corrections facility within the State of Oregon which is supervised by an employee of the Department of Corrections or a person authorized to supervise or maintain custody of persons outside of correctional facilities.~~

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

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

Short-Term Transitional Leaves

**291-063-00160120**

## **Procedures**

(1) Sentencing Restrictions on Eligibility:

(a) Persons incarcerated for parole revocation sanctions shall not be eligible for short-term transitional leave.

(b) Persons incarcerated for post-prison supervision revocation sanctions shall not be eligible for short-term transitional leave pursuant to ORS 144.108(3)(b).

(c) Any person serving a sentence for a crime committed prior to November 1, 1989 (matrix offense), shall not be eligible for short-term transitional leave.

(d) Any person serving a sentence under the provisions of ORS 161.610 (using a firearm during the commission of a felony) shall not be eligible for short-term transitional leave until the person has served the minimum incarceration term imposed by the court less earned time under ORS 421.121.

(e) Any person serving a sentence under the provisions of ORS 161.725 to 161.737 (dangerous offenders) shall not be eligible for short-term transitional leave even if the Board of Parole and Post-Prison Supervision finds that the condition that made the person dangerous is absent or in remission and sets a post-prison supervision release date.

(f) Any person serving a sentence under the provisions of ORS 137.635, 137.700, and 137.707 shall not be eligible for short-term transitional leave regardless of the date the crime was committed.

(g) With the exception of sentences covered in subsection (h) of this section, a person shall not be eligible to participate in short-term transitional leave during service of a sentence for conviction of a crime listed below:

(A) ORS 163.095 (Aggravated, Attempted Aggravated, or Conspiracy to Commit Aggravated Murder),

(B) ORS 163.115 (Murder, Attempted Murder, or Conspiracy to Commit Murder),

(C) ORS 163.118 (Manslaughter I),

(D) ORS 163.125 (Manslaughter II)

(E) ORS 163.175 (Assault II)

(F) ORS 163.185 (Assault I),

(G) ORS 163.149 (Aggravated Vehicular Homicide),

(H) ORS 163.225 (Kidnapping II)

(I) ORS 163.235 (Kidnapping I),

(J) ORS 163.365 (Rape II),

(K) ORS 163.375 (Rape I),

(L) ORS 163.395 (Sodomy II),

(M) ORS 163.405 (Sodomy I),

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

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

(P) ORS 163.427 (Sexual Abuse I),

(Q) ORS 163.670 (Use of a Child in Display of Sexually Explicit Conduct),

(R) ORS 164.325 (Arson I),

(S) ORS 164.405 (Robbery II)

(T) ORS 164.415 (Robbery I), or

(U) ORS 167.017 (Compelling Prostitution).

(h) A person is eligible for short-term transitional leave during service of a sentence for conviction of the following crimes after conditions are met as outlined in ORS 137.712:

(A) Any person serving a sentence under the provisions of ORS 137.712 for Robbery II, Kidnapping II, or Assault II committed:

(i) On or after April 1, 1995 and prior to December 5, 1996 is eligible for short-term transitional leave.

(ii) On or after December 5, 1996 is eligible for short-term transitional leave only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(B) Any person serving a sentence under the provisions of ORS 137.712 for Manslaughter II committed on or after October 23, 1999 is eligible for short-term transitional leave only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(C) Any person serving a sentence under the provisions of ORS 137.712 for Rape II, Sodomy II, Unlawful Sexual Penetration II, or Sex Abuse 1 committed on or after January 1, 2002 is eligible for short-term transitional leave only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(D) If otherwise eligible under Oregon law, any person serving a sentence for a crime committed on or after December 5, 1996, shall be eligible for short-term transitional leave only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(2) Additional Eligibility Requirements: An inmate who meets the sentencing eligibility requirements as referenced in (1) above may be approved for short-term transitional leave if he/she meets the following criteria:

(a) Incarcerated for at least six months, including applicable county jail time credits, before being eligible for short-term transitional leave.

(b) Be classified as minimum (Level 1 or Level 2) custody in accordance with the Department of Corrections rules on Classification (Inmate) (OAR 291-104);

(c) Shall reside within the State of Oregon through the full term of short-term transitional leave;

(d) Does not have a current detainer or other charges that would result in incarceration upon release to short-term transitional leave;

(e) Has not been found guilty of any Level 1 or 2 major violations of prohibited conduct within 15 months of the inmate's projected release date;

(f) Has not received a Failure of Corrections Plan (FOCP) within 15 months of the inmate's projected release date;

(g) Has not already failed non-prison or short-term transitional leave during the current term of incarceration or the term immediately preceding the current term of incarceration;

(h) Has not been designated as a Sexually Violent Dangerous Offender, Predatory Sexual Offender, or classified as a Tier III sex offender; and

(i) Is currently in suitable physical and mental condition

(3) An inmate shall not be eligible if the releasing authority has determined that he/she presents a significant safety, security, or compliance risk to the community.

(1) Eligibility Requirements:

(a) An inmate must be incarcerated for six months, including applicable county jail time credits, before being eligible for short-term transitional leave.

~~(b) Any person serving a sentence for a crime committed prior to November 1, 1989, shall not be eligible for short-term transitional leave.~~

~~(c) Persons incarcerated for parole revocation sanctions are not eligible for short-term transitional leave pursuant to ORS 421.168(1) and ORS 144.108(3)(b).~~

~~(d) Persons incarcerated for post-prison supervision revocation sanctions are not eligible for short-term transitional leave pursuant to ORS 421.168(1) and ORS 144.108(3)(b). However, such persons are eligible for emergency leave pursuant to ORS 421.166 and ORS 144.108(3).~~

~~(e) Under the provisions of ORS 144.260, any inmate sentenced on or after December 4, 1986, require that a notification be distributed to the sentencing judge, district attorney, and sheriff 30 days prior to unescorted release from physical custody. Upon request, victims will be notified in the same manner.~~

~~(f) Any person serving a sentence under the provisions of ORS 137.635 shall not be eligible for short-term transitional leave.~~

~~(g) Any person serving a sentence under the provisions of ORS 161.610 shall not be eligible for short-term transitional leave until the person has served the minimum incarceration term imposed by the court less earned time under ORS 421.121.~~

~~(h) Any person serving a sentence under the provisions of ORS 163.105 for aggravated murder committed on or after November 1, 1989, shall not be eligible for short-term transitional leave. The person shall not be eligible for short-term transitional leave even after completion of the minimum incarceration term imposed by the court, or if the Board of Parole and Post Prison Supervision converts the sentence to "life with possibility of parole, release to post-prison supervision, or work release."~~

~~(i) Any person serving a sentence under the provisions of ORS 163.115 for murder:~~

~~(A) Committed on or after November 1, 1989, and prior to April 1, 1995, shall not be eligible for short-term transitional leave until the person has served the minimum incarceration term imposed by the court less earned time under ORS 421.121;~~

~~(B) Committed on or after April 1, 1995 and prior to June 30, 1995, shall not be eligible for short-term transitional leave until the person has served the minimum incarceration term imposed by the court; or~~

~~(C) Committed on or after June 30, 1995, shall not be eligible for short-term transitional leave. The person shall not be eligible for short-term transitional leave even after completion of the minimum incarceration term imposed by the court, or if the Board of Parole and Post Prison Supervision converts the sentence to "life with possibility of parole, release to post-prison supervision, or work release."~~

~~(j) Any person serving a sentence under the provisions of ORS 137.700 or ORS 137.707 for a crime:~~

~~(A) Committed prior to December 5, 1996, shall not be allowed short-term transitional leave until completion of the mandatory minimum incarceration term; or~~

~~(B) Committed on or after December 5, 1996, shall not be allowed short-term transitional leave until completion of the mandatory minimum incarceration term and only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.~~

~~(k) Any person serving a sentence under the provisions of ORS 137.712 for Robbery II, Kidnapping II, or Assault II committed:~~

~~(A) On or after April 1, 1995 and prior to December 5, 1996 is eligible for short-term transitional leave.~~

~~(B) On or after December 5, 1996 is eligible for short-term transitional leave only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.~~

~~(l) Any person serving a sentence under the provisions of ORS 137.712 for Manslaughter II committed on or after October 23, 1999 is eligible for short-term transitional leave only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.~~

~~(m) Any person serving a sentence under the provisions of ORS 137.712 for Rape II, Sodomy II, Unlawful Sexual Penetration II, or Sex Abuse 1 committed on or after January 1, 2002 is eligible for short-term transitional leave only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.~~

~~(n) Any person serving a sentence under the provisions of ORS 161.725 to ORS 161.737 (dangerous offenders) for a crime committed on or after November 1, 1989 shall not be eligible for short-term transitional leave during service of the required minimum term of incarceration (determinate sentence) imposed by the court. The person shall not be eligible for short-term transitional leave even after completion of the required minimum term of incarceration (determinate sentence) even if the Board of Parole and Post Prison Supervision finds that the condition that made the person dangerous is absent or in remission and sets a post-prison supervision release date.~~

~~(o) If otherwise eligible under Oregon law, any person serving a sentence for a crime committed on or after December 5, 1996, shall be eligible for short-term transitional leave only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.~~

~~(2) Criteria: In order for an inmate to be approved for any form of leave, he/she must meet the following criteria:~~

~~(a) Be classified as minimum custody in accordance with the Department of Corrections rule on Classification (Inmate) (OAR 291-104);~~

~~(b) Plan to reside within the State of Oregon;~~

~~(c) Does not have a current detainer of other charges that would result in incarceration upon release to transitional leave;~~

~~(d) Acceptable performance in the completion of correctional programming to address assessed needs and reduce the risk of future criminal behavior;~~

~~(e) Be in suitable physical and mental condition; and~~

~~(f) Institution conduct and program compliance warrant leave consideration.~~

~~(3) The supervising community corrections office must review and approve any transitional leave release plan.~~

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

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

### **291-063-0130**

#### **Duration of Short-Term Transitional Leave**

(1) Inmates sentenced on or after August 1, 2013 are eligible for a period of short-term transitional leave of up to 90 days.

(2) Inmates sentenced prior to August 1, 2013 are eligible for a period of short-term transitional leave of up to 30 days.

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

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

**291-063-00300140**

**Approval of Short-Term Transitional Leaves**

(1) Short-term transitional leaves may be granted from any Department of Corrections facility with proper approval of the releasing authority.

(2) Transitional Leave Release Plan:

(a) Designated staff members shall initiate the short-term transitional leave process by identifying eligible inmates.

(b) Designated staff members, in conjunction with the supervising authority for the county, shall assist eligible inmates in preparing a transitional leave release plan.

~~(2) Application:~~

~~(a) The inmate may initiate the short-term transitional leave process by filling out the appropriate Short-Term Transitional Leave application and submitting it to the assigned institutional counselor or designated staff member.~~

~~(c) Designated staff members will verify the information given and submit the leave recommendation and other relevant information to the releasing authority.~~

(3) Approval:

(a) The releasing authority or designee may grant a short-term transitional leave ~~up to 30 days prior to the inmate's release to post-prison supervision~~ to allow an inmate to participate in an approved release plan.

(b) Under the provisions of ORS 144.260, notification must be sent to the district attorney 30 days before unescorted release from actual physical custody. If the sentencing judge or victim's request, they will be notified in the same manner.

~~(c) No short-term transitional leave will be granted to allow the inmate to reside with a Department of Corrections employee, contractor, or volunteer unless the inmate is an immediate family member of the employee, pursuant to ORS 144.108(3)(b).~~

~~(e) The releasing authority or designee will stipulate the special conditions necessary to enhance community safety. Short-term transitional leave conditions will replicate as much as possible post-prison supervision conditions. Short-term transitional leave conditions may hold an inmate to a higher standard than post-prison supervision.~~

(d) If the transition plan is not approved, the inmate may obtain administrative review of that decision by submitting a request in writing to the Assistant Director of Community Corrections Division. All administrative review decisions are final.

(4) All expenses while on short-term transitional leave shall be borne by the inmate unless otherwise specifically authorized. Inmates placed on short-term transitional leave are responsible for their own medical care.

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

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

**291-063-0150**

**Conditions of Supervision for Short-Term Transitional Leave**

If short-term transitional leave is approved, the releasing authority or designee will impose the conditions that are necessary to enhance community safety as referenced in ORS 144.102. Short-term transitional leave conditions will replicate as much as possible post-prison supervision conditions. Short-term transitional leave conditions may hold an inmate to a higher standard than post-prison supervision.

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

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

## **291-063-00360160**

### **Violations of Short Term Transitional Leaves**

(1) Sanctions may be imposed at the local level in accordance with OAR 291-058-0046 if:

- (a) The supervising officer determines that the violation can appropriately be addressed; and
- (b) The inmate admits the violation and accepts the sanction.

#### (2) Revocation of Transitional Leave

(a) An inmate found in violation while he or she is on transitional leave may be subject to a revocation of the leave 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, the supervising officer must immediately submit a warrant request in writing to the releasing authority. A warrant will be issued. Upon apprehension of the inmate, the supervising officer must report the alleged violation and recommended sanction in writing to the releasing authority.

(B) If the inmate's whereabouts are known and the violation is believed to support revocation of short-term transitional leave, the supervising officer must report the alleged violation in writing to the releasing authority within five working days of the alleged violation.

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

~~(2) A Misconduct Report shall be submitted any time a violation of short-term transitional leave may result in revocation of that leave. In such instances it shall be the responsibility of the supervising officer to report the alleged violation in writing to the releasing authority within five working days of the infraction. The releasing authority shall ensure that a misconduct report is submitted in accordance with the department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105)~~

~~(3) When a misconduct report is submitted, a hearing shall be conducted in accordance with the Department of Corrections rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105). An inmate found in violation of a rule of prohibited conduct while he/she is on transitional leave, may be subject to a revocation of the leave 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 rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).~~

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

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

### **Emergency Leave and Supervised Trips**

#### **291-063-1000**

##### **Authority, Purpose, and Policy**

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 421.166, 423.020, 423.030, and 423.075

(2) Purpose: To provide uniform procedures, standards, and guidelines for granting or denying emergency leave or supervised trips and to establish supervision standards for such leaves.

(3) Policy: It is the policy of the Department of Corrections to allow inmates emergency leaves or supervised trips from department facilities when circumstances indicate a leave or supervised trip would be in accordance with generally accepted correctional and rehabilitation practices.

Stat Auth: ORS 179.040, 421.166, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.166, 423.020, 423.030, and 423.075

#### **291-063-1010**

##### **Definitions for OAR 291-063-1000 to 291-063-1040**

(1) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(2) Emergency Leave: A leave of ten days duration or less within the state for the specific purposes listed in 291-063-1020(3) where the inmate is expected to return to the releasing facility.

(3) Enter Parole/Probation Record (EPR): A record on the Law Enforcement Data System (LEDS) which identifies an inmate who is in the community on parole, probation, post-prison supervision, short-term transitional leave, non-prison leave, or emergency leave exceeding five days.

(4) Functional Unit Manager: Any person within the Department of Corrections who reports to the Director, Deputy Director, an Assistant Director, or administrator and has responsibility for the delivery of services or coordination of program operations.

(5) Immediate Family Member: Spouse, domestic partner, parent, sibling, child, aunt, uncle, niece, nephew, grandchildren and grandparents, including foster, in-law, and step-relationships. Immediate family also includes the caregiver of the inmate's minor child.

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

(7) Supervised Trip: Any non-routine trip outside a Department of Corrections facility within the State of Oregon that is supervised by an employee of the Department of Corrections or a person authorized to supervise or maintain custody of persons outside of correctional facilities.

Stat Auth: ORS 179.040, 421.166, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.166, 423.020, 423.030, and 423.075

#### **291-063-00501020**

##### **Emergency Leaves**

(1) Emergency leaves may be granted by any Department of Corrections facility with proper approval of the functional unit manager or designee. ~~releasing authority.~~ The same eligibility requirements that apply to short-term transitional leave in OAR 291-063-~~0120~~0046 also apply to

emergency leave, ~~except that other than~~ persons incarcerated for parole or post-prison supervision revocation sanctions are not eligible for short-term transitional leave, ~~pursuant to ORS 421.168(1) and ORS 144.108(3)(b)~~. However, such persons are eligible for emergency leave pursuant to ORS 421.166 and ORS 144.108(3).

(24) Application:

(a) The inmate may apply for a leave by filling out an appropriate request~~application~~ and submitting it to the assigned counselor or designated staff member.

(b) ~~Requests~~Applications must be submitted in sufficient time for staff to review and verify the information provided.

(c) Counselors or designated staff members will verify the information given and submit the necessary documentation and/or any other relevant information for the releasing authority.

(32) Approval: The functional unit manager or designee may grant an emergency leave to an inmate for the following reasons:

~~(a) Emergency Leaves: Any releasing authority may grant emergency leaves for the following reasons:~~

~~(aA)~~ To visit a terminally ill family member if the member lives within the state.

~~(bB)~~ To visit a gravely ill child of the inmate if the child lives within the state.

~~(cC)~~ To attend the funeral or view the remains of an immediate family member if the funeral is in the state.

~~(4b)~~ The duration of the emergency leave shall be restricted to only the time necessary to accomplish the purpose of the leave.

~~(5e)~~ Emergency leave will not be granted in the company of a Department of Corrections employee or volunteer unless the inmate is an immediate family member of the employee or volunteer.

~~(6d)~~ In approving an emergency leave, the functional unit manager ~~releasing authority~~ will impose stipulate conditions of release necessary for approval of the emergency leave.

~~(7e)~~ Inmates requesting non-emergency medical treatment while on emergency leave shall return to the releasing facility for examination and treatment if necessary.

~~(83)~~ Expenses: Funds to cover expenses of any leave must be available in the inmate's account before leave may be granted, unless otherwise specifically authorized by the functional unit manager or designee ~~releasing authority~~. Any funds received designated for this purpose will not be used to reduce any indebtedness.

(94) Community Corrections Monitoring: When an emergency leave exceeds five days, the functional unit manager ~~releasing authority~~ or his/her designee must arrange with Community Corrections staff for monitoring of the inmate while the inmate is in the community. Upon departure from the facility, an EPR shall be initiated by the releasing facility.

(a) Assigned Community Corrections staff may, when deemed necessary, request that the functional unit manager ~~releasing authority~~ modify leave conditions stipulations or release plan with written prior notice to the inmate and documentation to the file.

(b) Within ten days of the functional unit manager's ~~releasing authority's~~ approval to modify, the inmate may appeal to the Assistant Director of Operations ~~Institutions~~ the changes in leave conditions stipulations or release plan.

(105) Emergency Leave Violations: Violations of the conditions ~~or stipulations~~ of an emergency leave constitute the basis for disciplinary action which will be handled in accordance with the

Department of Corrections rules on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).

(a) Community Corrections staff have the authority to detain any inmate on emergency leave status and lodge him/her in a local jail pending investigation and/or return to a Department of Corrections intake facility.

(b) ~~If in the event~~ the decision is made to remove an inmate from emergency leave status and return him/her to the releasing facility, the responsibility for return will be as follows:

(A) Inmates who have been apprehended out-of-state will be returned to a Department of Corrections intake facility.

(B) Inmates who have been removed from emergency leaves will be returned to the releasing facility.

(C) If the inmate fails to report as instructed, the supervising officer will immediately investigate the circumstances and report the incident to the functional unit manager, releasing authority or designee ~~in accordance with the Department of Corrections policy on Unusual Incident Reporting Process, #40.1.6.~~

(D) If the inmate fails to report or return to the releasing facility as instructed, a warrant will be issued ~~in accordance with the Department of Corrections policy on Escape Notification, #70.1.1.~~

Stat Auth: ORS 179.040, 421.166, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.166, 423.020, 423.030, and 423.075

### **291-063-00401030**

#### **Supervised Trips**

(1) Supervised trips may be granted from any Department of Corrections facility ~~facilities~~ with proper approval of the functional unit manager or designee, releasing authority.

(2) Application:

(a) An inmate may apply for a supervised trip by directing an appropriate supervised trip ~~request~~ application to his/her assigned counselor or designated staff member. Except for the purpose of attending a private viewing before or after a funeral or bedside visits, these ~~requests~~ applications should be submitted no more than ~~15~~ fifteen and no less than seven working days in advance of the supervised trip date.

(b) The counselor or designated staff member will verify the information and submit the ~~request~~ application and other relevant information to the functional unit manager, releasing authority.

(3) Approval: ~~(a)~~ The functional unit manager or designee, releasing authority may grant supervised trips to inmates for the following reasons:

~~(a)~~ (A) To allow the inmate to visit a seriously ill relative with whom a meaningful relationship exists;

~~(b)~~ (B) To attend a private viewing before or after the funeral of an immediate family member;

~~(c)~~ (C) To allow the inmate to obtain medical and/or dental services not provided by the facility; or  
and

~~(d)~~ (D) For Q other reasons consistent with accepted correctional and/or rehabilitation practices.

~~(4)~~ (b) The functional unit manager or designee, releasing authority may approve supervised trips for those inmates who do not meet the eligibility criteria for emergency leaves as specified in these rules.

(aA) No inmate of the Department of Corrections will be allowed a supervised trip unless the supervision is provided by a Department of Corrections employee or a person authorized to supervise or maintain custody of persons outside of correctional facilities.

(bB) No supervised trips will be authorized for social reasons.

(cC) Supervised trips may be authorized for civic purposes (i.e., work projects or speaking engagements relative to crime prevention or substance abuse).

(dD) Approval for all proposed supervised trips for club projects must be requested of the functional unit manager or designee in writing and staff must verify the request.

(5e) Inmates approved for supervised trips will fall into two categories:

(aA) When inmates judged by staff to be a threat to the community ~~and/or~~ themselves are granted supervised trips, appropriate protective restraints and escorts will be used.

(bB) Inmates who are not considered a threat to the community or themselves must meet the following criteria:

(A*i*) Inmate is in suitable physical and mental condition consistent with the reason for the trip;

(B*ii*) Programming and interests are consistent with trip purposes; and

(C*iii*) Depending upon the reason for the trip, the inmate has demonstrated a level of performance during incarceration indicating a reasonable expectation that the supervised trip will be successful.

(64) Expenses: Unless specific arrangements are approved in advance by the functional unit manager or designee ~~releasing authority~~, the inmate will pay for any expenses incurred for supervised trips.

(75) Violation:

(a) Failure to return from supervised trip shall be an escape. A warrant will be issued ~~in accordance with the department's policy on Escape Notification~~.

(b) All rules of prohibited conduct cited in the Department of Corrections rules on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105) apply to inmates on supervised trips.

Stat Auth: ORS 179.040, 421.166, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.166, 423.020, 423.030, and 423.075

## **291-063-00601040**

### **Warrants**

Issuing Warrants:

(1) Supervising officers will notify the functional unit manager ~~releasing authority~~ or designee regarding an inmate's unauthorized departure whenever an inmate makes him/herself unavailable for supervision.

(2) The functional unit manager ~~releasing authority~~ or designee will ensure a warrant is issued ~~in accordance with the Department of Corrections policy on Escape Notification~~, if the circumstances and facts so justify.

Stat Auth: ORS 179.040, 421.166, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 421.166, 423.020, 423.030, and 423.075