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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

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CHAPTER 291
DEPARTMENT OF CORRECTIONS

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FILING CAPTION: Structured, Intermediate Sanctions - Reattach Administrative Sanctions Sanctioning Grid and the Sanction Equivalency Table

EFFECTIVE DATE: 10/01/2025 THROUGH 03/29/2026

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NEED FOR THE RULE(S):

The Department of Corrections Division 058 rules establish department policy and procedures regarding imposition of structured, intermediate sanctions for violation of supervision conditions for adults on supervision. Supplementary documents attached to and incorporated in these rules, Attachment A - Administrative Sanctions Sanctioning Grid and Attachment B - Sanction Equivalency Table, are used to uniformly apply penalties for violations of supervision conditions, such as probation or parole. These attachments were inadvertently removed from the rules during a Statutory Minor Correction filing in May 2025. To provide a consistent statewide framework and structure for imposing structured, intermediate sanctions on adults on supervision for violation of supervision conditions, these proposed amendments to the department's Division 058 rules are needed to reattach and reincorporate the attachments in the rules, Attachment A - Administrative Sanctions Sanctioning Grid and Attachment B - Sanction Equivalency Table, and to apply the procedures prospectively and retroactively.

JUSTIFICATION OF TEMPORARY FILING:

The Department of Corrections finds that following the permanent rulemaking process, rather than taking this temporary rulemaking action, will result in serious prejudice to the public interest because the department's failure to promptly reattach and reincorporate Attachment A - Administrative Sanctions Sanctioning Grid and Attachment B - Sanction Equivalency Table in the rules and to apply the procedures prospectively and retroactively will seriously hinder the department's ability to provide for a consistent statewide framework and structure for imposing structured, intermediate sanctions on adults on supervision for violation of supervision conditions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None.

AMEND: 291-058-0045

RULE TITLE: Imposition of Administrative Sanctions or Interventions on Adults on Supervision

RULE SUMMARY: Amends rule to reattach Administrative Sanctions Sanctioning Grid (Attachment A) and the Sanction

Equivalency Table (Attachment B), which were inadvertently removed during a Statutory Minor Correction filing in May 2025, and apply the procedures prospectively and retroactively.

RULE TEXT:

- (1) The officer shall determine whether the alleged violation behavior is appropriately responded to with interventions or with administrative sanctions, or both.
- (2) If the officer determines that the alleged violation behavior is appropriately responded to with an intervention, the officer may direct the adult on supervision into appropriate interventions in lieu of administrative sanctions.
- (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 sanctions using the Administrative Sanctions Sanctioning Grid (Attachment A) and the Sanction Equivalency Table (Attachment B), and the following procedures:
 - (a) Identify the adult on supervision's current supervision level.
 - (b) Identify the behavior severity level using the Behavior Severity Level Chart on the Administrative Sanctions Sanctioning Grid. For a series of violations, select the violation that fits into the highest behavior severity level.
 - (c) Determine the appropriate matrix based on the type of case being sanctioned. Using the supervision and behavior severity levels, identify the appropriate behavior response level.
 - (d) For probation cases, determine the number of jail and non-jail sanction units remaining for use as administrative sanctions applicable to the adult on supervision's probationary sentence or order.
 - (e) Determine the appropriate sanction response to impose within the identified behavior response level. Sanctions may not exceed the maximum number of sanction units as indicated on the Administrative Sanctions Sanctioning Grid, using the Sanction Equivalency Table.
 - (f) An administrative sanction or intervention at the agency level cannot be imposed on more than one case at a time. A case cannot be sanctioned separately for individual violations arising from the same criminal episode or series of violations.
 - (g) If the officer determines that the sanction response options within the identified behavior response level are inappropriate, an override may be considered to move to a higher behavior response level within the grid. Examples of override reasons may include:
 - (A) The adult on supervision threatens or is violent;
 - (B) The adult on supervision evades or escapes, or attempts to evade or escape;
 - (C) The adult on supervision puts the supervising officer or law enforcement in a dangerous or unsafe situation;
 - (D) The adult on supervision is already in custody; or
 - (E) Specific circumstances surrounding a violation that the PPO in consultation with and upon receiving approval from the supervisor, determines to support an override.
 - (h) If the officer determines that any behavior response level within the grid is insufficient to address the seriousness of the violation behavior, a higher sanction response, up to and including a revocation recommendation to the court, Board of Parole and Post-Prison Supervision, Department of Corrections, or local supervisory authority, may be imposed only after consultation and agreement of the unit supervisor or per approval process established by the agency or local supervisory authority.
 - (i) These procedures shall apply prospectively and also shall apply retroactively to violation proceedings commencing or continuing on or after May 1, 2025.
- (4) Level of Authority for Probation Cases: Determine the level of authority that may impose the sanction (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 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.
 - (a) If the appropriate sanction falls within the agency level of authority designation, the officer shall impose the sanction following agency procedures for consultation with supervisory personnel.

- (b) If the appropriate sanction falls within the court level of authority designation, the officer may impose a sanction from the agency level designation or report the violation behavior to the court with a recommendation that the appropriate sanction from the court level of authority designation be imposed.
 - (c) If the adult on supervision has previously served all of the available sanction units applicable to their probationary sentence or order, the officer may order appropriate interventions or report the violation to the court for disposition.
 - (d) Credit for sanction units shall only be granted for time actually served. Good time credits, work time credits, or early release shall not count towards satisfaction of sanction units.
- (5) Level of Authority for Parole and Post-Prison Supervision and Compact Cases: Determine the level of authority that may impose the sanction (that is, officer, hearings officer or other agency designee, Board of Parole and Post-Prison Supervision, local supervisory authority, or releasing authority for compact cases).
- (a) An 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 Recommendations: If administrative sanctions are determined to be insufficient to manage the adult on supervision, the local supervisory authority or the Board of Parole and Post-Prison Supervision shall hold a hearing to determine whether revocation is appropriate and may impose an appropriate revocation term of incarceration in compliance with the Oregon Criminal Justice Commission rules and the Board of Parole and Post-Prison Supervision rules.
 - (e) Revocation Recommendations in Compact Cases: If the officer determines that structured sanctions are insufficient to manage the adult on supervision in a compact case, the officer shall prepare a compact violation report detailing the alleged violation and recommending the adult on supervision's return to the sending state to address the violation behavior. Oregon authorities shall not impose a revocation term of incarceration or other action on an adult on supervision in a compact case.
- (6) Level of Authority for Short-Term Transitional Leave Cases: Determine the level of authority that may impose the sanction (that is, officer, hearings officer or other agency designee, or releasing authority).
- (a) An 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 OAR 291-058-0066.
- (7) Level of Authority for Nonprison Leave Cases: Determine the level of authority that may impose the sanction (that is, officer, hearings officer or other agency designee, or releasing authority).
- (a) An 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 OAR 291-058-0067.
- (8) Nothing in these rules shall limit the authority of the officer and agency to direct the adult on supervision into appropriate interventions outside of the administrative sanctioning process.
- (9) Sanctioning of Adults on Supervision Held in Jail on Officer's Detainer for Violation of Probation Conditions:
- (a) When an adult on supervision is arrested and detained in a county jail on authority of an officer's detainer for a violation of the conditions of probation, the officer shall complete the imposition of administrative sanctions within the first 36 hours of the adult on supervision'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 adult on supervision 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 their detainer lodged with the county jail authority. Nothing in these rules shall prohibit an officer from issuing a new detainer for the adult on supervision's arrest and detention for a violation of the conditions of probation upon receipt of the information necessary for the officer to assess the full nature and extent of the violation and impose appropriate administrative sanctions.

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

(10) Sanctioning of Adults on Supervision Held in Jail on Officer's Detainer for Violations of Parole, Post-prison Supervision, Short-term Transitional Leave, or Nonprison Leave Conditions: Within 15 days of the adult on supervision's arrest, either an administrative sanction must be imposed or violation hearing proceedings initiated.

STATUTORY/OTHER AUTHORITY: 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, 423.075

STATUTES/OTHER IMPLEMENTED: 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, 423.075

Attachment A
ADMINISTRATIVE SANCTIONS SANCTIONING GRID

Determine Supervision and Behavior Severity Levels

BEHAVIOR SEVERITY LEVEL CHART		
Low Behavior Severity Level	Medium Behavior Severity Level	High Behavior Severity Level
<ul style="list-style-type: none"> Changes residence without permission Does not report Does not answer truthfully Does not abide by a case plan, a directive, or any supervision condition not otherwise listed Does not attend a treatment session or attends, but is not engaged Does not pay fines or fees 	<ul style="list-style-type: none"> Commits a non-person misdemeanor Does not take medication as prescribed Willfully refuses to pay restitution/ compensatory fines Willfully fails to enter or is non-compliant with treatment or does not obtain an evaluation Leaves the state without authorization Exhibits pattern of non-compliance with case plan or supervision Does not comply with or obtain a polygraph 	<ul style="list-style-type: none"> Absconds (a warrant was requested) Commits a person crime Commits a new felony Possesses a weapon (for Board cases refer to OAR 255-070-0001, Exhibit J Definitions) Violates a no contact order or condition Refuses to comply with a 'no relationships' condition Refuses to allow a home visit Refuses or does not submit to a search Refuses to comply with imposed sanctions Refuses to comply with case plan Terminated from treatment Violates curfew/geographic restrictions Possesses sexually deviant material (SC 6 & SC10)

Determine the appropriate Behavior Response Level. The level identified represents the maximum allowable response without citing an override or 58-45 exception. Any violation can be addressed with a lower-level response.

* Maximum of 30 sanction units available for HB4002 cases*

Behavior Severity Level				
Supervision Level		L	M	H
	L	INV	L	M
	M	L	M	H
H	M	M	M	H

BEHAVIOR RESPONSES		
INTERVENTIONS & NON-UNIT SANCTIONS		
<ul style="list-style-type: none"> Increase or require programming Outpatient treatment Increase contact or intensive supervision Day Reporting Curfew 		<ul style="list-style-type: none"> Modify Conditions Random Drug/Alcohol testing Verbal or Written Reprimand GPS Monitoring without House Arrest Electronic Alcohol Monitoring
LOW-LEVEL SANCTIONS <p>Up to 5 units of:</p> <ul style="list-style-type: none"> Work Crew Community Service Court/Lobby Sanction 		Up to 3 units of: <ul style="list-style-type: none"> Jail House Arrest Restitution/Work Center
MEDIUM-LEVEL SANCTIONS		
Up to 7 units of: <ul style="list-style-type: none"> Work Crew Community Service Court/Lobby Sanctions 		<ul style="list-style-type: none"> Jail House Arrest Restitution/Work Center
HIGH-LEVEL SANCTIONS		
Up to 8 units of: <ul style="list-style-type: none"> Work Crew Community Service Court/Lobby Sanctions 		Up to 45 units of: <ul style="list-style-type: none"> Jail House Arrest Restitution/Work Center
 Rule 58-45 may be used if the grid is altogether insufficient to address a violation 		

A lower-level sanction or intervention may always be used to respond to a violation.

An override can be applied to use a higher-level sanction **within** the grid.

Attachment A
ADMINISTRATIVE SANCTIONS SANCTIONING GRID

- **Override Considerations:** An override is a response to a violation that exceeds the calculated Behavior Response Level but still lies within the Administrative Sanctions Sanctioning Grid as a whole. *If the calculated response level is inappropriate, overrides may be used to move to a higher severity level **within** the grid.* Examples of override reasons may include:

Override Considerations
<ul style="list-style-type: none"> • The adult on supervision threatens or is violent. • The adult on supervision evades or escapes, or attempts. • The adult on supervision puts the PPO/Law Enforcement in danger or unsafe situation. • The adult on supervision is already in custody. • Specific circumstances surrounding a violation that the PPO in consultation with and upon receiving approval from the supervisor, determines to support an override.

- **Rule 58-45: OAR 291-058-0045 is used if the parameters of the Administrative Sanctions Sanctioning Grid are insufficient to address the severity of a violation.** If a High-Level Behavior Response (for example, a jail sanction in excess of 45 days) is insufficient to address the seriousness of a violation, a higher level of sanction, up to and including returning an adult on supervision to Court or to the Board of Parole and Post-Prison Supervision with a revocation recommendation, may be imposed only after consultation and agreement of the unit supervisor or approval process established by the county agency or local supervisory authority. Examples for sanctions **outside** of the grid may include, but are not limited to:
 - Threat of or actual violence toward a witness or victim
 - Repetition of behavior patterns which contribute to criminal conduct (i.e., engaging in behaviors like those involved in instant offense)
 - Exhibiting extreme indifference to the safety of others

- **Levels of Authority**

Probation
<ul style="list-style-type: none"> • Agency 0-60 Units • Court Over 60 Units
Parole/PPS
<ul style="list-style-type: none"> • Parole Officer 0-30 Units • Agency/Hearings Officer 31-60 Units • Supervisory Authority/Board 61-90 Units
Short-Term Transitional Leave
<ul style="list-style-type: none"> • Parole Officer 0-30 Units • Agency/Hearings Officer 31-60 Units • Department of Corrections Over 60 Units
Non-Prison Leave
<ul style="list-style-type: none"> • Parole Officer 0-3 Units • Agency/Hearings Officer 0-3 Units • Department of Corrections Over 3 Units

- **Additional Considerations:**

- The sanctioning units are caps only. The sanctioning authority may impose sanctions below the cap.
- An adult on supervision can be required to complete the balance of a previously imposed sanction that was not complied with, in addition to receiving a new sanction for failing to comply with an imposed sanction.
- Abscond: The adult on supervision's whereabouts are unknown; have made themselves unavailable or avoiding supervision. The supervising officer has exhausted all reasonable means to locate and re-engage the adult on supervision, and a warrant has been requested.

- **Drug Enforcement Misdemeanors**

- The total amount of sanction units a Drug Enforcement Misdemeanor may receive is 30 days.
- Technical violations associated with ongoing substance abuse and addiction should be addressed at the lowest appropriate level, with jail utilized only when there is a demonstrable risk to public safety.

Attachment B
SANCTION EQUIVALENCY TABLE

Sanction Type	Unit Equation	Stipulation
Jail	1 day equals 1 unit	only for actual days in custody
Restitution or Work Center	1 day equals 1 unit	only for actual days in custody
House Arrest	1 day equals 1 unit	only for actual days in custody
Community Service	16 hours equals 1 unit	only if completed satisfactorily
Work Crew	16 hours equals 1 unit	only if completed satisfactorily
Inpatient Treatment (Residential or Custodial)	1 day equals 1 unit	only if completed satisfactorily, including one year aftercare
Interventions	Intervention responses are not counted as sanction units.	

Criminal Justice Commission Administration Rules (OAR 213-005-0012)

Credit for sanction units shall only be granted for time actually served. Good time credits, work time credits, or early release shall not count towards satisfaction of sanction units.

The adult on supervision shall receive credit for having served those sanction units as follows:

JAIL: Each day of jail incarceration equals one (1) sanction unit.

RESIDENTIAL CUSTODIAL TREATMENT FACILITY: Each day of actual confinement in a 24-hour residential custodial treatment facility equals one (1) sanction unit when the program is satisfactorily completed including up to one year of any required aftercare.

Aftercare may continue for more than one year, but custody unit credit shall be granted following satisfactory completion for one year. **NOTE:** OAR 213-05-012(5) states that when the sentencing judge finds that a custodial rehabilitation program addressing alcohol & drug or sexual behavior is essential in reducing an adult on supervision's risk of recidivism, the requirement that an adult on supervision enter and complete such a program shall not be limited by the sanction units.

RELEASE PROGRAMS: Each day of partial confinement in a release program, in which the adult on supervision is confined in a custodial facility when not on release, equals one (1) sanction unit for each day of partial incarceration.

HOUSE ARREST: Each day of satisfactory compliance with the requirements of house arrest equals one (1) sanction unit if the adult on supervision satisfactorily completes the house arrest.

COMMUNITY SERVICE: Sixteen hours of community service under the direct supervision of a supervisor designated by the supervisory authority equals one (1) sanction unit.

The supervisory authority shall keep a record of all sanction units served by the adult on supervision during the course of the probation terms. When sanction units are served only upon the satisfactory completion of a custodial program, the supervisory authority, when appropriate, shall certify that the adult on supervision has satisfactorily completed a custodial program and the number of sanction units served by the adult on supervision as part of the program.