

STRUCTURED, INTERMEDIATE SANCTIONS
Division 058

291-058-0046

Imposition of Administrative Sanctions/ Interventions on Transitional Leave Inmates

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment A
ADMINISTRATIVE SANCTIONS SANCTIONING GRID

SYSTEM RESPONSE	BEHAVIOR LEVEL I	BEHAVIOR LEVEL II	BEHAVIOR LEVEL III
<p>Fails to report truthfully or notify Probation Officer as directed.</p> <p>Willfully fails to meet payment schedule.</p> <p>NOTE: SYSTEM RESPONSE TO BE USED WHEN OTHER RESPONSES ARE NOT APPLICABLE</p>	<p>Prohibited use of alcohol and/or drugs (1 or 2 times) or fails to submit to testing.</p> <p>Misses appointments (1 or 2 times) for treatment programs.</p> <p>Refuses to accept personal responsibilities.</p> <p>Willfully fails to meet Restitution/Compensatory Fine payment schedule</p>	<p>Crimes with Crime Seriousness Scale of 3 and less (Sentencing Guidelines Grid).</p> <p>Participates irregularly and fails to successfully complete prescribed treatment programs; takes prescribed psychotropic medications irregularly.</p> <p>Fails to take antabuse.</p> <p>Prohibited use of alcohol and/or drugs or fails to submit to testing (3 or more times).</p> <p>Fails to recognize the authority of the Releasing Authority or Probation Officer and consistently fails to follow the directives of the Releasing Authority and probation officer related to conditions of supervision not otherwise listed.</p> <p>Non-authorized association with individuals or groups in violation of Court/Board orders</p>	<p>Crimes with Crime Seriousness Scale of 4 and above (Sentencing Guidelines Grid) and all Person-To-Person Crimes.</p> <p>Possession or use of dangerous/deadly weapons.</p> <p>Prohibited contact with minors/victims/survivors.</p> <p>Refusal to take prescribed psychotropic medications.</p> <p>Refusal to participate in or comply with conditions of prescribed treatment programs.</p> <p>*Refuses to comply with imposed sanctions.</p> <p>**Absconds supervision (See notation below).</p>

<p><u>Level of Authority for Parole / PPS</u></p> <p>Parole/Probation Officer: 0-30 units Agency/Hearings Officer: 31-60 units Supervisory Authority/Board: 61-90 units</p> <p><u>Level of Authority for Probation</u></p> <p>Agency: up to 60 units Court: over 60 units</p>

Supervision Level **SECTION 1 CRIME SERIOUSNESS/CRIMINAL HISTORY GRID (7A, 8A-8D, 9, 10, 11)**

HIGH	0-5 UNITS	0-25 UNITS	0-90 UNITS	0-90 UNITS
MEDIUM	0-2 UNITS	0-20 UNITS	0-30 UNITS	0-90 UNITS
LOW	0-2 UNITS	0-15 UNITS	0-25 UNITS	0-90 UNITS

Supervision Level **SECTION 2 CRIME SERIOUSNESS/CRIMINAL HISTORY GRID (4A-4B, 5A-5F, 6, 7B-7I, 8E-8I)**

HIGH	0-5 UNITS	0-20 UNITS	0-25 UNITS	0-90 UNITS
MEDIUM	0-2 UNITS	0-15 UNITS	0-20 UNITS	0-90 UNITS
LOW	0-2 UNITS	0-10 UNITS	0-15 UNITS	0-30 UNITS

Supervision Level **SECTION 3 CRIME SERIOUSNESS/CRIMINAL HISTORY GRID (1, 2, 3, 4C-4I, 5G-5I)**

HIGH	0-5 UNITS	0-15 UNITS	0-20 UNITS	0-90 UNITS
MEDIUM	0-2 UNITS	0-10 UNITS	0-15 UNITS	0-30 UNITS
LOW	0-2 UNITS	0-5 UNITS	0-10 UNITS	0-25 UNITS

*An offender 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 imposed sanction.

**Abscond: Changed residence, do not know whereabouts; supervising officer has exhausted all reasonable means to locate and has requested a warrant.

☞ The sanctioning units are caps only. The sanctioning authority may impose sanctions below the cap.

Version date: April 15, 2008

Attachment B
SANCTION EQUIVALENCY TABLE

Sanction Type	Unit Equation	Stipulation
Jail	1 day equals 1 unit	only for actual days in custody
Restitution/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 (Resid. Custodial Tx.)	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 offender 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 offender's risk of recidivism, the requirement that an offender 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 offender 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 offender 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 offender 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 offender has satisfactorily completed a custodial program and the number of sanction units served by the offender as part of the program.