

OREGON DEPARTMENT OF CORRECTIONS
CUSTODY CLASSIFICATION GUIDE
OAR 291-104-0116

ESCAPE HISTORY:

- None 1
- ESPO 2
- ESMO 3
- ESSV4

Escape history is scored by utilizing the Escape History designator screen; the data entered into the selected escape designator will be captured in CIS and used to auto-score the corresponding policy element in the classification tool.

- (A) In the case of any noted escape behavior, review the three escape codes and determine which category is most appropriate to the inmate’s escape history.
- (B) Use the date of apprehension for non-DOC escapes and the date of return to DOC custody for DOC escapes.
- (C) On the designator screen, enter the category, escape begin date, and details of the escape.
- (D) A designator shall be placed in the case of any escape, attempted escape or conspiracy to escape based on the documented escape behavior, independent of escape convictions.
- (E) The following shall require an Escape Designator:
 - (1) Unlawful departure of a person from custody (as defined herein) or escape, attempted escape or conspiracy to escape from any correctional facility, including state, federal, county, juvenile facilities, equivalent out-of-state facilities, or departure with or without permission from any facility in which a person was court ordered to reside,
 - (2) Unauthorized departure or absence from this state by a person who is under the jurisdiction of the Psychiatric Security Review Board or the Oregon Health Authority under ORS 161.315 to 161.351,
 - (3) Abscond while on temporary release or transitional leave from a facility,
 - (4) Escape or attempted escape from the custody of a peace officer after restraints were applied, or after being placed in a law enforcement vehicle for transport,
 - (5) Escape or attempted escape from the custody of officials while in a legitimate criminal justice building for court appearance,
 - (6) Escape or departure from any court ordered housing in which an offender is living in lieu of jail, with or without written permission or a legitimate pass.
- (G) The following shall not require an Escape Designator:
 - (1) Failure to comply with provisions of a conditional release (ORS 135.245),
 - (2) Constructive escape (as defined in OAR 291.100) in which an inmate has any unserved felony sentence(s) in excess of 12 months and, by no effort of the inmate, is voluntarily absent from the Department of Corrections (e.g. where an inmate is released from custody after serving a local supervisory sentence despite the inmate having any unserved felony sentence(s) in excess of 12 months),
 - (3) Abscond from Parole or Post-Prison Supervision, except while on Transitional Leave from a correctional facility,
 - (4) Resisting arrest when there was no evidence of full custody.
 - (5) Leaving any housing which is not court ordered in lieu of jail, with or without permission.

However, if in the professional judgment of the assigned Intake or Institution Counselor, or Counselor supervisor, any such incident or pattern of incidents contains elements of concern, a Behavior/Criminal History Concerns (BECR) designator may be placed to prevent housing in an

unfenced minimum facility or placement on a community work crew. In cases where there is question about the appropriateness of an escape designator, the assigned Intake or Institution Counselor may opt to submit the case to the Office of Population Management, where it will be staffed for a final decision.

Potential Escape Risk

- (a) **ESPO Designator** – Use an ESPO designator when, within the past three years, a person’s behavior has been such that it presents a minimal or potential escape risk:
 - (A) The person absconded from temporary release while out on a legitimate pass.
 - (B) The person absconded while on Transitional Leave from a correctional facility.
 - (C) The person escaped from the custody of a peace officer attempting to make an arrest after restraints had been applied, but before being placed in a law enforcement vehicle for transport.
 - (D) The person escaped or departed with permission (i.e. with a legitimate pass) and failed to return to any court-ordered housing in lieu of jail.

Moderate Escape Risk

- (b) **ESMO Designator** – Use an ESMO designator when, within the past 5 years, a person’s behavior has been such that it presents a moderate escape risk:
 - (A) The person escaped from custody with or without restraints, while in a legitimate criminal justice building for court appearance.
 - (B) Having been convicted or found guilty of a felony, the person escaped from custody imposed as a result thereof.
 - (C) The person escaped or attempted escape from the custody of a peace officer attempting to make an arrest after restraints had been applied and after being placed in a law enforcement vehicle for transport.
 - (D) The person escaped or departed without permission (i.e. without a legitimate pass) from any court-ordered housing in lieu of jail.
 - (E) The person escaped, attempted to escape, or conspired to escape from the grounds of an unfenced correctional facility.
 - (F) While under the jurisdiction of the Psychiatric Security Review Board or under the jurisdiction of the Oregon Health Authority (OHA) under ORS 161.315 to 161.351, the person departed, was absent from or failed to return to the state without written authorization from the Board or OHA.
 - (G) The person walked away from a community work crew while under the direct supervision of a DOC Employee or Contractor authorized to supervise inmates outside the secure perimeter of an institution.
 - (H) The person was sanctioned by the parole officer for removing, altering or modifying or failing to charge an electronic device in an attempt to escape detection.
 - (I) The person was in possession of a device intended to be used for escape, such as but not limited to handcuff key, saw blade, wire cutters, or cell phone while under secure custody.
 - (J) The person escaped from the custody of a peace officer during transport after being taken into full custody.
 - (K) The person, already in full custody or an inmate serving time in a correctional facility, and having been transported to another location for reasons such as medical treatment, a court appearance, a bedside visit, funeral viewing or any other reason, escaped from the custody of a peace officer or correctional officer.
 - (L) The person has engaged in three or more incidents of escape, attempted escape, or conspiracy to escape that would require ESPO designators.

Severe Escape Risk

- (c) **ESSV Designator** - Use an ESSV designator when a person’s behavior has been such that it presents a severe escape risk (no time limit):
 - (A) The person breached physical security measures.
 - (B) The person escaped, attempted to escape or conspired to escape from a fenced correctional facility.
 - (C) The person aided in the escape, the attempted escape, or conspiracy to escape of another person.
 - (D) The person used or threatened to use physical force to escape, attempt to escape or conspire to escape from custody or a fenced correctional facility.
 - (E) The person used or threatened to use a dangerous or deadly weapon to escape, attempt to escape, or conspired to escape from custody or from a fenced correctional facility.
 - (F) The person committed a person-to-person crime while on Escape status.
 - (G) The person has engaged in three or more incidents of escape, attempted escape, or conspiracy to escape, at least one of which would require an ESMO or ESSV designator.

SENTENCE REMAINING:

- 0 to 48 months..... 1
- >48 to 120 months.....3
- >120 months 4
- Death..... 5

- (A) Sentence remaining is an automated field entry utilizing CIS information. The score is calculated from the inmate’s projected release date.
- (B) All matrix sentences are documented with a “serving matrix” flag.

DETAINERS:

- Detainer – Not applicable..... 1
- Detainer - Low..... 2
- Detainer - High..... 3

Detainers are an automatic field entry utilizing CIS information. Selection is made from the highest category to determine the level of detainer.

Detainer – Not applicable

- (a) No detainer on record
- (b) Tried felony or misdemeanor offenses with an expiration date prior to the inmate’s projected release date.
- (c) Other charges - noted in CIS which could include situations where another agency has informed DOC they do not wish to take custody of the inmate upon the inmate’s release from DOC.

Detainer – Low

- (a) Untried misdemeanor detainers.
- (b) Tried misdemeanor detainers that expire one year or less from the inmate’s projected release date.

Detainer – High

- (a) Untried, unverified, or consecutive felony detainees.
- (b) Unclassified or Unknown detainees.
- (c) Tried felony offenses with an expiration date after the inmate’s projected release date.
- (d) ICE, Federal and U.S. Marshal detainees.
- (e) Tried misdemeanor offenses with an expiration date more than one year beyond the inmate’s projected release date.
- (f) Psychiatric Security Review Board/Oregon Health Authority detainees with no expiration date or expiration date after the inmate’s projected release date.
- (g) OYA detainees with no expiration date or expiration date after the inmate’s projected release date.

INSTITUTIONAL BEHAVIOR:

- (a) Behavioral Risk Level 1
 - (A) No rule violations..... 1
 - (B) One Level IV rule violations..... 1
- (b) Behavioral Risk Level 2
 - (A) One Level III rule violation..... 2
 - (B) Two Level IV rule violations..... 2
 - (C) One Level III and one Level IV rule violations..... 2
- (c) Behavioral Risk Level 3
 - (A) Two or more Level III rule violations..... 3
 - (B) Three or more Level IV rule violations..... 3
 - (C) One Level II rule violation..... 3
 - (D) One Level III and 2 or more Level IV rule violations..... 3
- (d) Behavioral Risk Level 4
 - (A) One or more Level I rule violations with no serious management concern .. 4
 - (B) Two or more Level II rule violations..... 4
 - (C) IMU release for 12 months..... 4
- (e) Behavioral Risk Level 5
 - (A) One or more Level I rule violations with serious management concern..... 5
 - (B) Serious management concerns5

Major misconduct violations are an automatic field entry utilizing CIS information.

- (a) All major misconduct violations are counted within the past 12 months.
- (b) Violation count is determined by hearing case number.
- (c) The most serious rule violation under each hearings case number determines the severity level of the misconduct.
- (d) Severity level is based upon OAR 291-105, Prohibited Inmate Misconduct Major Violation Grid.
- (e) Inmates that receive an adjudicated misconduct violation in another jurisdiction while receiving DOC time served credits will be counted as a DOC rule violation by using professional judgment to determine which DOC rule violation most closely matches the adjudicated rule violation. Information will be entered into CIS for accurate automatic scoring.

Serious Management Concern Misconduct

Serious Management Concerns: Participation either individually, or in a group, in behavior which poses a significant threat to the safe and secure operation of the facility, including, but not limited to,

- (a) Threatening or inflicting bodily injury on another person;
- (b) Posing an immediate risk of escape;
- (c) Promoting or engaging in disruptive group behavior;
- (d) Promoting security threat group activities; or
- (e) Being involved in any other activity that could significantly threaten the safe and secure operation of the facility, and that such behavior poses a sufficient threat that, in the judgment of the department, can only be adequately controlled in appropriate special housing.

All inmates released from IMU will receive a score of 4 for 12 months after the IMU release date.