

Local Supervisory Authority (LSA)

Procedure Manual V.2

Prepared by Oregon Department of Corrections
in collaboration with the Oregon Board of Parole and Post-Prison Supervision

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The information provided in this manual is not intended to act as legal advice.
If you have questions or concerns about legal procedures, please consult with your county counsel.

Table of Contents

I. DEFINITIONS..... 6

II. LOCAL SUPERVISORY AUTHORITY.....10

Duties:..... 10

Jurisdiction: 10

III. INCARCERATION12

Sentence length:..... 12

Servitude: 12

Time calculations:..... 14

Escape warrants: 14

Deferred sentences:..... 15

Consecutive Sentences: 15

Concurrent sentences:..... 16

Housed in another state prison or federal facility:..... 16

Transfers:..... 16

IV. RELEASE PLANS.....18

Plan preparation:..... 18

Plan approval:..... 20

Victim notifications:..... 20

County of record:..... 20

Waivers: 21

V. POST-PRISON SUPERVISION (PPS)23

Sentence length:..... 23

AICs Held Beyond Their Sentence Release Date:23

Max indeterminate sentences: 24

Conditions:	24
PPS Orders:.....	28
Active Supervision Review (ASR) date:.....	28
PPS order language:	29
Signing PPS Orders:	29
LSA documents:	29
Warrants:	29
Warrants and arrests out-of-state:.....	30
Regarding extradition cost of LSA AOSs:	30
Suspend and Detain hold:.....	31
Abscond warrants:	31
Auto-Revoke:.....	31
PPS Revocation Sentences:	32
Inoperative (INOP) Time:	33
Inactive Supervision (UNSU):	34
Returning from inactive supervision:	36
Earned Discharge:.....	36
Expiration of Post-Prison Supervision (PPS) & Certificate of Expiration:	36
VI. SANCTIONS.....	37
Imposition:	37
Copies of Notice of Rights and Sanctions Reporting Form/Violation Report:	37
Hearings:	38
Due process:.....	38
Deferral and postponement of hearings:.....	39
OAR 255-075-0031 Hearings Process:.....	39
Initiating the Hearing	39
Waive a Hearing:.....	39
Results of Hearing:	40
Rights Before and During the Hearing:.....	40
Reporting Instructions for In-custody Hearings:	40
Formal Hearings Procedure:	41
Advising AOS's to Not Comment on New Criminal Activity:	41
Out-of-Custody Formal Hearings on Parole and PPS AOSs:.....	41
Appointment of Attorney:	41
Retained Attorneys:.....	41
Witnesses:	42
Independent Examination of Witnesses:	42
Rights After the Hearing and Appeals:	42
Ten-Day Period for AOS's Evidence and Exceptions:	43
Override Hearings Officer Sanction:.....	43

Compact hearings:.....	43
Interstate Compact Appeals:	43
Making changes to conditions of PPS and when those changes are effective:.....	43
Request for Transcript of a Taped Hearing:	44
Sanctioning for Violations of Jail Rules:	44
Finding of Facts and Violations:	44
Abscond Violations:	44
Violations occurring during a PPS Revocation sentence:.....	45
Making a finding of failing to obey all laws, if the same failing to obey all laws violation was addressed during previous PPS violation proceeding:	45
Financial Obligations:.....	45
Conduct Constituting a Crime (New Criminal Activity):.....	46
Indictments and Finding of Violation:	46
Refusal to participate in or comply with conditions of prescribed treatment programs:.....	46
Polygraph and Countermeasures:	46
Aggravating Factors and Prior Revocations:.....	47
Overrides:	47
FAQ:.....	47
1. Is a due process hearing required if a sanctioned AIC is returned to a higher level of custody?	47
2. Where do PPS SB1145 AOSs who are apprehended out-of-state serve their time?.....	47
3. Is there a policy on sanctioning PPS absconders?.....	47
4. Can an AOS be required to complete the balance of a sanction they failed to complete, in addition to receiving a separate new sanction for failing to complete the imposed sanction?.....	48
5. Is there a limit to the length of time that can be imposed on an administrative sanction for PPS AOSs?	48
6. What is the 58-45 rule and how does that affect sanctions imposed?	48
VII. PPS REVOCATION SENTENCES.....	49
Imposition:	49
Servitude:	49
Revo units available:.....	50
Stop/Start time:.....	50
To calculate max indeterminate time with PPS revocations:	51
Stop/start time is calculated as follows:	51
Auto-revoke:.....	52
Notice of Rights:	52
Hearings:	53
Early release from custody:	53
Sanction Module completion:.....	53

VIII. ADMINISTRATIVE REVIEW	54
IX. SAMPLE FORMS	55
Notice of Rights:	55
Notice of Pending Action:	56
Alternative to incarceration agreements:	57
1. <i>Inpatient Treatment alternate to custody release agreement</i>	57
2. <i>Drug Enforcement Misdemeanor alternate to custody release agreement</i>	59
3. <i>Generic alternate to custody release agreement</i>	61
Morrisey Hearing subpoena:	64
Certificate of Expiration:	67
TTY or Word doc for PPS revocation sentence:	68
PPS original order:	69
PPS amended order:	73
PPS reactivate order:	77
PPS extend/continue order:	78
Warrant Recall form:	80
Board Action Form:	81

I. DEFINITIONS

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

Adult on Supervision (AOS): Any adult who is on formal supervision.

Administrative Sanction: Local, structured, or intermediate sanctions as termed in [OAR 291-058-0010](#) et al, and may include periods of local confinement in jails, restitution centers, treatment facilities, or similar facilities.

Active Supervision Review/SG Supervision Review (ASR/SSR) Date: is used to determine the minimum amount of supervision required for specific cases before being eligible for inactive status; the date is computed/entered by the LSA:

- (1) ASR applies to those AIC's/AOS's with a matrix conviction for a crime committed between 12/4/86 and 10/31/89 (BM10); or,
- (2) SSR applies to those AIC's/AOS's with a sentencing guidelines (SGL) conviction.

Auto-Revoke: When an AOS is sentenced to a new period of prison time, the LSA can vote to Auto-Revoke. When an AOS is auto-revoked, supervision continues to run. Generally, this is because supervision will run out before they are released from prison and there is no need to keep the offense open or hold interest in an AOS. This decision can be made on both AOS' serving time in-state or out-of-state.

Board Action Form (BAF): A Board (or LSA) order generated after a decision is determined.

Board: Board of Parole and Post-Prison Supervision.

Cite-in-Lieu Warrant: A warrant that is intended for the field officer to issue an AOS a directive to report to their PO and communicate the contact to the PO. Can be upgraded to an arrest warrant after 30 days or per county policy.

Compensatory Fines: A court-imposed penalty for the commission of a crime resulting in injury for which the person injured has a remedy by civil action (unless the issue of punitive damages has been previously decided on a civil case arising out of the same act and transaction). The court may award compensatory fines in addition to restitution.

Custody Alternatives: The non-custodial methods by which a Local Control incarceration sentence can be served, i.e. inpatient treatment, in the community, etc. For the LSA to use alternatives, the sentencing order must contain language that allows for them or mention the ORS that allows for them ([137.750](#)).

Drug Enforcement Misdemeanors: HB4002 designates specific drug possession crimes as unclassified misdemeanors that are funded cases, which will be adjudicated according to the

bill with the final stage of progression, the incarceration time, being tracked in CIS. These are the only misdemeanors that are entered as Local Control cases in CIS.

Earned Discharge: A process by which an AOS placed on felony probation, designated misdemeanor probation, or PPS may receive a reduction in the period of supervision.

Dangerous Offenders: [ORS 161.725, 161.735, and 161.737](#) outline the definition of “Dangerous Offender” and the sentence guidelines related to such. It is highly likely there will not be “Dangerous Offenders” sentenced to Local Control incarceration, as these sentences are at a minimum sentence guideline presumptive sentence or up to twice the maximum presumptive sentence.

Detainer: An order by the LSA to arrest/detain an adult on formal supervision in lieu of a warrant. The detainer period is only effective for 15 days and the supervision period continues to toll.

DOC Sentence: A felony sentence that includes a term of incarceration that exceeds 12 months.

Future Disposition Hearing: A hearing the Board may set at its discretion for purposes of deciding whether to deny or grant re-release for a violation of parole or PPS when authorized by law.

Inactive Post-Prison Supervision (PPS): The AOS remains under supervision however,
(a) There is no direct supervision by a supervising officer and no requirement of regular reporting; and
(b) The AOS remains subject to arrest by a supervising officer for violating conditions of supervision and returns to active supervision at any time until expiration of the sentence or PPS term as outlined in [OAR 255 Division 94](#).

**Those being supervised in another state via Compact are not eligible and must remain on active PPS.

In-Camera Hearing: The inspection of a document by the Hearings Officer in private before the document may be introduced as evidence.

Inoperative (INOP) Time: Time spent on abscond, escape, or unauthorized departure from custody, leave, parole or PPS, which does not count toward service of the sentence. The INOP start date is based on the date the local supervisory warrant is issued. The stop date is based on the date the warrant is served, regardless of what agency serves the warrant, as long as it is served in Oregon. If the warrant is served out of state, the stop date is based on the date the AOS returns (in custody) to Oregon.

Local Control (LC) Incarceration Sentence: A felony sentence that includes a term of incarceration of 12 months or less, as qualified under SB 156 and SB 1145.

Local Supervisory Authority (LSA): The state or local corrections agency or official designated in each county by that county's board of county commissioners or county (circuit) court to operate correction supervision services, custodial facilities, or both (per ORS 144.087(1) and 137.124).

Physical Custody: when an AOS is in the actual physical location of the LSA or Department of Corrections (DOC), ex: in jail or prison.

Post-Prison Supervision (PPS): Applies to crimes committed on or after November 1, 1989. A term, as set by statute or the court under the supervision of the Department of Corrections or a correctional agency designated by the Department, the Board or an LSA.

Releasing Authority: Entity who has authority to release an individual from custody (DOC, Court, Board, LSA).

Revocation Sentence (PPSVSANC): An action by a Sanction Authority to terminate an AOS's parole or PPS. Sanction Authority may resume an AOS's parole or PPS following the act of revocation.

Sanction/Sentencing Authority:

(a) The Board or its designee for:

(A) Any AOS for a felony who received a sentence of more than twelve (12) months in the custody of the Department of Corrections; or

(B) Any AOS for a felony who received a sentence of twelve (12) months or less, but who also has an additional sentence(s) of greater than twelve (12) months.

(i) If an AOS is on PPS for multiple sentences which include a sentence that exceeds twelve (12) months ("Board case") and a less than twelve (12)-month sentence ("LC sentence"), the Board will maintain jurisdiction of the PPS LC sentence until the Board's active involvement in the Board case(s) expires. Following expiration of the Board's case(s), the Board will maintain jurisdiction over the PPS LC sentence(s) until an AOS is re-released following revocation of the PPS for the LC sentence(s), or until the LSA petitions to assume jurisdiction, whichever comes first. Jurisdiction will fall under the LSA at that point.

(ii) If the Board issued the order of PPS for an AOS whose only sentence was twelve (12) months or less, jurisdiction will remain with the Board until petition by the LSA to assume jurisdiction or upon re-release following revocation of the PPS for that sentence; whichever comes first.

(iii) For purposes of reference, the rules associated with structured sanctions are found in Chapter 213-005 and 291-058 of the Oregon Administrative Rules.

(b) The LSA or its designee for any felony AOS whose crime was committed after November 1, 1989, was sentenced by the court to twelve (12) months or less, and who does not have an additional sentence of more than twelve (12) months for a felony.

(c) The Court for any AOS convicted of a misdemeanor or felony who has been sentenced to probation, conditional discharge, and/or diversion supervision.

Sanction Reporting Form (SRF): The form used to prepare a sanction in CIS.

Senate Bill (SB) 156 AOSs: When the LSA is the Releasing and Sanctioning Authority over the AOS's PPS (See Sanction Authority under Definitions).

Stop/Start time: Stop/start time is applied when an AOS serves a PPS revocation sentence, which is equal to the sentence length (i.e., 90 days revocation = 90 days stop/start time). This varies slightly from INOP in that it only applies to PPS revocation sentences and is affected by max indeterminate sentences.

Suspend and Detain Warrant: Holds AOS in custody when an in-custody hearing or final sanction cannot be completed within 15 days.

If a suspend and detain warrant is not issued by the 15th day, the AOS must be released and an out-of-custody hearing scheduled (see [OAR 255-075-0005](#)).

Victim: The actual victim, victim's next of kin or a representative selected by the victim [per [ORS 144.750\(4\)](#)]. The person or persons who have suffered financial, social, psychological, or physical harm as a result of a crime and includes, in the case of a homicide or abuse or corpse in any degree, a member of the immediate family of the decedent and, in the case of a minor victim, the legal guardian of the minor (Per [ORS 131.007](#)).

II. LOCAL SUPERVISORY AUTHORITY

Duties:

The LSA is obligated to perform the following duties:

- Incarcerate, or provide custody alternative to, AOSs sentenced by the courts to 12 months or less incarceration
- Incarcerate AOSs sentenced by the Board of Parole and Post-Prison or the LSA to a PPS revocation sentence of 12 months or less (custody alternatives NOT allowed)
- Monitor on formal supervision those AOSs who have been ordered PPS following felony incarceration of 12 months or less
- Create and review release plans for those incarceration sentences of 12 months or less with PPS and PPS revocation sentences of 12 months or less
- Impose conditions of supervision for PPS subsequent to incarceration sentences of 12 months or less
- Impose sanctions on those AOSs who are supervised for PPS subsequent to LC incarceration sentences
- Impose revocation sentences on those AOSs who are supervised for PPS subsequent to LC incarceration sentences
- Prepare and send a message (AM in LEDS or email) to the jail and community corrections office outlining terms of PPS revocation sentences and/or auto-revoke
- Perform proper data entry into CIS regarding LC incarceration sentences and subsequent PPS
- Petition the Board of Parole and Post-Prison Supervision to transfer authority when all institution incarceration sentences' PPS terms have expired
- Prepare a Board Action Form when PPS revocation sentences or auto-revokes have been imposed
- Prepare sentence time calculations on all LC incarceration sentences, regardless of where the sentence will be served
- Define the roles and responsibilities of each LSA member, including who has authority for each of the varying custody types
- Create and maintain a release agreement for Custodial Alternatives
- Duty by the jail to notify community corrections if a custodial alternative that shifts the authority is going to be used
- Issue warrants as appropriate
- Provide a hearings officer and allow for a hearing for PPS revocation sentences

Jurisdiction:

Sentencing under SB 1145 (effective January 1, 1997, [ORS 137.124](#)): Sentences of 12 months or less are served under the LSA of the county of conviction for new sentences and revoked probation cases, and the LSA of the county of last supervision for revoked parole and PPS cases.

The LSA has the ability to move an AIC from one custody-type to another or to determine the most appropriate custody-type given the behavior and compliance of the AIC (custody alternatives). However, the court must order that alternative programming is an option on the case (see [ORS 137.124, 137.750, and 137.752](#)). Absent the order in open court, the AIC cannot be considered for early release or alternative programs.

SB 156 cases released on PPS prior to November 1, 1997, remain the jurisdiction of the Board of Parole & Post-Prison Supervision until revocation of that PPS sentence, then will fall under the jurisdiction of the LSA upon re-release.

If an SB 156 AOS also has a case that falls under the Board's jurisdiction, the Board maintains jurisdiction over all cases, including the SB 156 case(s). Following expiration of the Board's case(s), the Board will maintain jurisdiction over the SB 156 case(s) until petition to assume authority by the LSA has been submitted or revocation of that PPS sentence has occurred, then will fall under the jurisdiction of the LSA upon the Board's issuance of a Certificate of Expiration or upon re-release.

Upon revocation of PPS, the Board sends out a teletype/AM message that contains language to the effect that the "AOS's local control PPS will be returned to the jurisdiction of the LSA upon completion of the revocation sentence at which time the Board will close interest." Upon receipt of information of the Board closing interest due to the expiration of the Board-ordered PPS, the local jurisdiction should prepare a local PPS order associated with the remaining local control PPS case.

When an AIC serves an LC sentence via the custody alternative STND (standard supervision), if the supervising county is different than the LSA incarceration county, the supervising county will supervise during the STND portion of the LC sentence and report any issues or violations immediately to the LSA.

III. INCARCERATION

Sentence length:

Incarceration sentences of 12 months or less.

Servitude:

Once started, the period of incarceration will run continuously unless, and until, the incarceration term is served in full, or the AIC escapes incarceration and a warrant is issued.

The LSA has the ability to move an AIC from one custody type to another and to determine the most appropriate custody type given the behavior and compliance of the AIC, as long as the court order sentencing to LC incarceration allows for alternate programming/custody. Custody types other than jail are called Custody Alternatives. Who the authority is (jail or community) during any custody type is determined in part by the custody type; otherwise, determined by your LSA.

When an AIC is to be returned to jail custody after violating their release agreement during a Custody Alternative, the jail will conduct an administrative hearing per their county policy.

Custody types, short description, and the intended use for each custody type are as follows:

COUR - Out to Court - Used when an AIC is moved to another jail to appear in court while serving their LC sentence [AUTHORITY – JAIL] *one of six options for Drug Enforcement Misdemeanors LC incarceration

CSWK - Ordered Community Service Work – Used when an AIC is completing a work program during the day and sleeps at home (or other non-secured facility) at night to serve an LC sentence [AUTHORITY – LSA decides]

DAYR - Day Reporting - Used when an AIC is required to report daily to serve their LC sentence [AUTHORITY – LSA decides]

DETA – Detainer - Used when an AIC is moved to another jail on a detainer while still serving your LC sentence [AUTHORITY – JAIL]

ELHA - Electronic House Arrest – Used when an AIC is serving their LC sentence at home using an electronic monitoring device [AUTHORITY – LSA decides]

INTX - Inpatient Alcohol and Drug Treatment - Used when an AIC is in inpatient residential treatment to serve their LC sentence [AUTHORITY – LSA decides] *one of six options for Drug Enforcement Misdemeanors LC incarceration. When used for tracking a Drug Enforcement Misdemeanor the authority is Community.

ISP - Intensive Supervision – Used for intensive supervision program determined by the community corrections agency [AUTHORITY – LSA decides]

JAIL - Housed in jail – Used when the AIC is housed in the county jail [AUTHORITY – JAIL] *one of six options for Drug Enforcement Misdemeanors LC incarceration

MATR - Matrix Release from Jail – OUTDATED CUSTODY TYPE

This custody type is no longer used but remains for historical purposes. Original use was “When the Jail has released the AIC from custody prior to their legal physical release date, and before the AIC is on PPS. For Local Control AICs only.” Currently if an AIC is released from jail due to matrix release, the STND custody type is used to indicate they are on a standard supervision custody type. [AUTHORITY – N/A code no longer used]

MEDI - Medical Leave – Used when the AIC is out on medical leave, which could mean in a hospital or receiving outpatient treatment. [AUTHORITY – LSA decides]

NLHA - Non-Electronic House Arrest – Used when an AIC is allowed to serve their LC sentence at home, but is not monitored electronically at all. [AUTHORITY – LSA decides]

OUTC - Outcount / Other code - Used only when no other supervision status code applies; ex: when an AIC is serving an out-of-state prison sentence concurrently with their LC sentence; when an AIC is housed in OSH, etc. [AUTHORITY – LSA decides] *one of six options for Drug Enforcement Misdemeanors LC incarceration

OUTX – Outpatient treatment – Used when an AIC is allowed to stay at home while attending outpatient treatment. [AUTHORITY – Community] *one of six options for Drug Enforcement Misdemeanors LC incarceration

REST - Restitution/Work Center – Used when an AIC completes a program during the day and sleeps in a county-run, locked-down work center at night. [AUTHORITY – LSA decides]

SCTX - Secure Treatment Within a Jail – Used when an AIC is receiving secured treatment while housed with the jail. [AUTHORITY – JAIL] *one of six options for Drug Enforcement Misdemeanors LC incarceration

STND - Standard supervision – Used when an AIC is serving an LC sentence in the community like any other AIC on standard supervision including all reporting requirements, condition adherence, etc. [AUTHORITY – Community location]

WKRL - Work Release – Used when an AIC is completing a work program during the day and sleeps in the jail at night. [AUTHORITY – JAIL]

Time calculations:

Each county jail, at the discretion of the sheriff, calculates earned time credits for good behavior and for work for those AICs serving a sentence of 12 months or less, regardless of where the inmate will be housed. Sentence reductions are calculated according to the laws that apply to local correctional facilities ([ORS 169](#)) and not to laws that apply to the Department of Corrections ([ORS 421.121](#)).

Note: [OAR 291-058-0045](#) clearly outlines sanctions are not eligible for good and work time credits or early release.

The calculated sentence-served date should be provided to the community corrections agency of the county of the LC incarceration sentence conviction as soon as it's calculated or at the earliest opportunity possible. If the AIC is in DOC custody, the sentencing date and the calculated sentence-served date should be provided to OISC via email to: PTAOISC@doc.state.or.us as soon as it's calculated or at the earliest opportunity possible.

[ORS 137.375](#) Release of prisoners whose terms expire on weekends or legal holidays. When the date of release from imprisonment of any prisoner in an adult correctional facility under the jurisdiction of the Department of Corrections, or any prisoner in a county or city jail, falls on Saturday, Sunday or a legal holiday, the prisoner shall be released, at the discretion of the releasing authority, on the first, second or third day preceding the date of release which is not a Saturday, Sunday, or legal holiday. Prisoners of a county or city jail serving a mandatory minimum term specifically limited to weekends shall be released only at the time fixed in the sentence.

This early release ORS does not apply to AICs serving PPS revocation sentences. Those sentences must be served in full in custody.

Escape warrants:

If an AIC leaves any Local Control Incarceration custody type, an escape warrant will be issued by the LSA. To determine if the AIC has "left" the custody type, a reasonable effort must be made to ensure the AIC has made themselves unavailable for incarceration.

Who (jail or community) issues the warrant is decided by your LSA and should be determined by who has authority over the AIC during the custody type from which the AIC walked away. This does not prevent the LSA from making an alternate agreement as to who issues warrants (jail or community).

When the warrant is issued it will be entered into LEDS. The original date of the warrant is used for data entry movement purposes and to determine the amount of INOP time accrued on the incarceration sentence. Any time spent on escape does not count toward the servitude of the Local Control Incarceration sentence, but instead will be considered inoperative time and

added back to the AIC's sentence. The escape (INOP) period is considered to have ended when the AIC is arrested, and the escape warrant served.

If an AIC is arrested out of state, and the warrant is not cleared at that time, the AIC remains on escape status until which time they have returned to Oregon and the warrant has been served. If the warrant issued was extraditable and is cleared upon arrest in another state, INOP time will continue to accrue until extradition is complete and the AIC has returned to Oregon.

Deferred sentences:

Sometimes the court will defer the start of the LC sentence and provide a date by which the AIC must turn themselves in (TSI) to begin their sentence. If the AIC fails to report by court ordered TSI date, first confirm there is no amended order changing the TSI date. Once the TSI date is confirmed, staff will admit to LC status using the TSI date and move to the outcount ESCA using the same date. The county-determined agency should issue a warrant within 48 hours of failure to TSI.

Upon arrest and admission to jail to begin serving the sentence, community will return from escape status and add INOP time to the sentence.

Consecutive Sentences:

There are three scenarios of Local Control Incarceration consecutive sentences to consider:

1. Two or more Local Control incarceration sentences only: All LC sentences are served at the local level (county jail) under the LSA.

If a Court imposes an LSA sentence, the court shall commit the defendant to the legal and physical custody of the supervisory authority of the county in which the crime of conviction occurred.

2. Local Control incarceration sentence consecutive to a DOC incarceration sentence: LC sentence should be served at the institution level

If the LSA sentence is to be served consecutive to a previously imposed DOC sentence or a sentence imposed in the same proceedings that exceeds 12 months, the court shall commit the defendant to the legal and physical custody of the Department of Corrections.

3. DOC incarceration sentence consecutive to a Local Control incarceration sentence: LC sentence may be served at the local level or institution level depending on the timing of transport. The intent is that both sentences will be served in DOC custody, but if the LC sentence is time served at the time of transport, then it will not.

If the DOC sentence is to be consecutive to the LSA sentence, the defendant shall serve any remaining part of the previously imposed LSA sentence in the legal and physical custody of the Department of Corrections.

Concurrent sentences:

If a local control incarceration sentence is ordered to be served concurrently with a DOC sentence, that LC sentence will be served in DOC custody, unless that sentence is already considered “time served” at the time of transport to DOC.

If a local control incarceration sentence is to be served concurrently with a DOC sentence and that DOC sentence is completed prior to the local control incarceration sentence completion, the remaining time of the local control incarceration sentence will be served at the county level.

If an AIC is pending new crimes, the courts/DA can request the AIC remain at the local level during the servitude of the local control incarceration sentence and even after that local control incarceration sentence has been completed, for the AIC to receive credit for time served on the AIC’s new charges that are pending adjudication - ORS 137.370. In this scenario, the entire local control incarceration sentence may be completed at the local level despite concurrent language.

Housed in another state prison or federal facility:

If an AIC receives a local control incarceration sentence that runs concurrently with an out-of-state or federal incarceration sentence, time spent in an out-of-state or federal facility shall count toward the local control incarceration sentence, unless otherwise ordered by the court. The LSA is responsible for time calculations of the local control incarceration sentence and should provide those calculations to the incarcerating institution and the supervising community corrections office as soon as determined, no later than the date the term of incarceration is completed.

A detainer or notifier to the respective facility should be sent, with copy to AIC, where the AIC is housed advising that the AIC is serving a concurrent sentence. Notification should include the date the local control incarceration sentence will be “time served,” and outlines their obligation to PPS, including the date the PPS begins and the date PPS ends.

Transfers:

According to ORS 135.767, if there are pending charges in another county, the LSA is obligated to surrender the AIC to the sheriff of the county with pending charges, and/or provide an opportunity for the AIC to appear through electronic transmission for those court appearances.

The county of conviction’s LSA has authority over the adult in custody’s sentence, even upon transfer to another county jail for purposes of court appearance. If the AIC is sentenced to a

new local control incarceration sentence in a second county, that second convicting county's LSA will have authority over their own local control incarceration sentence. The two jails (LSAs) can work to mutually agree where the AIC will serve both sentences. If any one sentence is considered time served at some point during the concurrent serving of two sentences, the AIC will transport back to the county of conviction that still has time owed on their local control incarceration sentence, unless the AIC has pending charges in that or another county.

Control over the AIC is maintained by the county's LSA who has a local control incarceration sentence being served. This could mean more than one LSA has control over the AIC at any given time, should the AIC be serving more than one LC sentence at a time. "Control" in this instance can be different than custody. Time calculations are done by each LSA for their respective LC sentence regardless of location of servitude.

IV. RELEASE PLANS

Plan preparation:

Circumstances that DO require a release plan:

- Person is NOT on supervision and picks up a new Local Control incarceration sentence.
- Person is on probation, conditional discharge, or diversion status and picks up a new Local Control incarceration sentence.
- Person is on probation, conditional discharge, or diversion status and has a sentence revoked to Local Control incarceration.
- Person who is on PPS under the Board or Local authority who picks up a PPS revocation sentence

Circumstances that DO NOT require a release plan:

- Person who is on PPS under the Board authority and picks up a new Local Control incarceration sentence.
- Person who is on PPS under the Board authority and has a probation, conditional discharge, or diversion sentence revoked to LC incarceration

The convicting county's LSA is responsible for creating a release plan. [ORS 144.096\(2\)](#)

Release Packets must include the following information (as applicable) in the following order:

- Release Plan – to include conditions, restitution, notables, etc.
- Offenses and Sentences Sheet
- Judgment/s
- Any available risk and need assessments
- Case Plan
- Sex Offender Registration Notice, if applicable
- Police Reports (for applicable crimes)
- Conditional Waiver Request, if applicable
- Reporting Instructions

Packets should be uploaded to OMS release packet module to be made available to the investigating county.

[ORS 144.096](#) Release plan; contents; rules....

(2) The local supervisory authority that is responsible for correctional services for an adult in custody shall prepare a proposed release plan for the adult in custody prior to the release from jail. The local supervisory authority shall approve the release plan under its rules. If the adult in custody was sentenced under section 29, chapter 649, Oregon Laws 2013, and the supervisory

authority recommends that the adult in custody participate in a reentry court, the supervisory authority shall provide a copy of the release plan to the reentry court.

(3) A release plan prepared under subsection (1) or (2) of this section must include:

(a) A description of support services and program opportunities available to the adult in custody, including any transitional housing or treatment programs to which the adult in custody has been accepted.

(b) The recommended conditions of post-prison supervision.

(c) The level of supervision that shall be consistent with the risk assessment classification of the adult in custody.

(d) Any other conditions and requirements as may be necessary to promote public safety.

(e) For all adults in custody whose sentence to make restitution under ORS 137.106 has been suspended for the term of imprisonment, a restitution payment schedule; and

(f) Any conditions necessary to assist the reformation of the adult in custody. [1989 c.790 §32; 1997 c.525 §6; 2013 c.649 §30; 2017 c.40 §1; 2017 c.438 §1; 2019 c.213 §26]

The LSA will review information from a variety of sources, which may include electronic and hard files, LEDS, eCourt, previous sanctions, MH/DD status, protection/restraining orders, police reports, risk and need assessments, psychological reports, case plans, etc., to determine appropriate conditions for the PPS order.

When there are more than one LC incarceration sentences from more than one county of conviction overlapping (being served either concurrently or consecutively) the county of conviction with the longest running sentence will prepare the release plan and PPS order. If sentences from different counties end on the same date, the county who will supervise the AIC will prepare the release plan and PPS order.

If an AOS is revoked from probation supervision and given an LC incarceration sentence, and the county of supervision is different than the county of conviction, the county of conviction would initiate the release planning process and work with the county of residence/last supervision to complete the planning process.

The LSA will meet with (in person or by phone) and interview the AIC thirty (30) days prior to release if the length of sentence allows.

If the AIC is released before the LSA has an opportunity to prepare a release plan because the LC incarceration sentence is short or the AIC receives credit for time served, a plan will be prepared as soon as possible after release.

The county completing the release plan is responsible to send the completed release plan and necessary documentation to the LSA so they can prepare the PPS order.

The county of supervision must prepare a release plan and submit it to the Board of Parole and Post-Prison Supervision when a Board-controlled AOS is given a PPS revocation sentence.

Plan approval:

When the investigating county approves a release plan, they must send notification of approval to the LSA who prepared the plan.

Victim notifications:

The Board of Parole and Post-Prison Supervision will continue to notify registered victims on all AOSs released from DOC custody.

Counties may enhance the victim notification process by explaining to victims about how local control sentences can be served locally. Counties may also want to continue the victim notification process on cases affected by SB 156. The county may consider use of the victims' assistance program through their District Attorney's Office to assist in this process.

County of record:

The Oregon Association of Community Corrections Directors (OACCD) has agreed that for release planning purposes, county of residence is established as county of last supervision for AOSs revoked off active supervision. For new sentences, it is either the county of conviction or the county of residence.

LSA should mirror Board practice and follow [ORS 144.102](#) to establish the county of residency:

ORS144.102 (7)(a) When a person is released from imprisonment on post-prison supervision, the board shall order as a condition of post-prison supervision that the person reside for the first six months after release in the county that last supervised the person, if the person was on active supervision as an adult for a felony at the time of the offense that resulted in the imprisonment.

(b) If the person was not on active supervision as an adult for a felony at the time of the offense that resulted in the imprisonment, the board shall order as a condition of post-prison supervision that the person reside for the first six months after release in the county where the person resided at the time of the offense that resulted in the imprisonment.

(c) For purposes of paragraph (b) of this subsection:

(A) The board shall determine the county where the person resided at the time of the offense by examining records such as:

- (i) An Oregon driver license, regardless of its validity;
- (ii) Records maintained by the Department of Revenue;
- (iii) Records maintained by the Department of State Police;
- (iv) Records maintained by the Department of Human Services;
- (v) Records maintained by the Department of Corrections; and
- (vi) Records maintained by the Oregon Health Authority.

(B) If the person did not have an identifiable address at the time of the offense, or the address cannot be determined, the person is considered to have resided in the county where the offense occurred.

(C) If the person is serving multiple sentences, the county of residence is determined according to the date of the last arrest resulting in a conviction.

(D) In determining the person's county of residence, the board may not consider offenses committed by the person while the person was incarcerated in a Department of Corrections facility.

For an adult on supervision to move within the first six (6) months after release, a conditional waiver must be used.

Waivers:

Waiver: Allows an AIC to release to a county other than their county of record; return to sending county can only happen through IRT process

Conditional Waiver: Allows an AIC to release to a county other than their county of record; allows the AIC to be returned to sending county if they become significantly non-compliant and/or the release plan becomes unviable and both counties approve of the return

OACCD has an agreement in place to use conditional waivers for LSA sentences. Conditional waivers are allowed under the following parameters:

Within the first six months of supervision following release from custody, if an AOS becomes significantly non-compliant and/or the transition plan becomes no longer viable, the receiving county may (not shall) return the AOS to the original county of record.

PROCESS:

1. The Release Counselor will submit waiver request to the receiving county.
2. The receiving county will investigate the request and may then:
 - a. Deny the request for waiver
 - b. Approve the request for waiver
 - c. Approve a conditional waiver
3. Upon being notified that a conditional waiver has been approved, the Release Counselor will then review the attached "Conditional Waiver Agreement" with the AIC and have the AIC sign. This signed document will be forwarded to the receiving county.
4. If the AOS becomes significantly non-compliant, and/or the release plan becomes unviable within the first six months of supervision, the supervising officer may then seek to return the AOS to the original county of record. If agreement cannot be reached, the Directors of both offices will staff the case and resolve the dispute.

5. When an AOS successfully completes six months of active supervision in the receiving county, the conditional waiver shall be considered null, and the receiving county shall then be considered the “county of residence.”

V. POST-PRISON SUPERVISION (PPS)

Sentence length:

The law mandates that a period of PPS must be ordered ([Oregon Administrative Rule 213-05-002](#)) unless the court order specifically spells out no PPS will be imposed. The Gaynor decision on April 3, 2000, upheld that if the judge orders no PPS or an incorrect amount of PPS at the time of sentencing, the Board cannot overrule that amount (which also applies to the LSA). In the Gaynor decision, the Court of Appeals ruled that only the sentencing judge can set the length of PPS. Even if the judge does not set the length the way the law requires, the LSA cannot change it. The only way it can be changed is by the sentencing judge.

If an order was received with no PPS time mentioned, and no specific language prohibiting the imposition of PPS time, inquire in writing to the Judge, DA, and Defense Attorney to clarify the court's intent and if appropriate, ask they provide an amended order.

The period of PPS is established in Sentencing Guidelines and based on the sentencing order. The judge sets the length of PPS, regardless of whether it meets the Sentencing Guidelines. Counties can request an amended order from the sentencing court; but ultimately must prepare a PPS order to adhere to the length of PPS ordered by the judge.

If a court order is later amended to comply with Oregon law, the LSA will issue amended orders of PPS to reflect these changes.

PPS begins upon completion of the local control sentence, or if there are multiple incarceration sentences running consecutively or concurrently, the PPS begins when the longest running sentences is completely served.

The sentence-served date is calculated by the jail and includes:

- Time in custody (which includes credit for time served)
- Good time and work credits (calculated under the parameters in [ORS 169](#))

All credits and time in custody should equal the sentence length, which is set by the Court and can be found on the judgment.

AICs Held Beyond Their Sentence Release Date:

Pursuant to *Baty vs. Slater*, if an AIC has been held in custody on their felony sentence beyond the calculated release date (due to amended judgments, additional time served credit, etc.), the AIC must be credited with the overage time toward their PPS term. In operative terms this means the AOS's PPS sentence began while the AOS was still incarcerated. The physical release date on the Order of Supervision remains the actual physical release date from incarceration; however, the begin date of the PPS term would reflect the date PPS should have started. For example, the physical release date from DOC was 6/27/07 but the adjusted calculated release

date was 4/5/07, the admission date to PPS [POST] would reflect the physical release date of 6/27/07, however, the PPS sentence begin date is 4/5/07, reflective of the recalculated date.

Max indeterminate sentences:

A max indeterminate sentence refers to a sentence where the combination of time served in incarceration plus the time served on PPS cannot exceed the length of time determined by statute for that crime category.

To calculate max indeterminate sentence expiration dates, do the following:

- Take the sentence begin date (date the person begins their LC sentence)
- Subtract the time they received for credit for time served
- That produces the adjusted begin date
- Add the proper number of years based on the felony level to that adjusted begin date – that provides the indeterminate PPS expiration date that the sentence max date cannot go beyond.
- Calculations do adjust the max indeterminate end date based on INOP by adding the number of INOP days accrued on that sentence (only INOP from escape or abscond is added – NOT stop/start time)

Example: sentence begin date: 04/12/2014, minus 125 days of CTS = 12/07/2013. If this was a class C felony, proper calculations would add 5 years to this date. This would show the indeterminate PPS expiration date that the sentence cannot go beyond. In this example, the date would be 12/06/2018. If INOP is added, that will move the max indeterminate date into the future to account for days not serving PPS or incarceration, for example if calculations add 349 days of INOP the new max indeterminate date would be 11/19/2019.

A Felony = 20 years
B Felony = 10 years
C Felony = 5 years

It is required to update the calculated indeterminate PPS expiration date every time an AOS receives a PPS revo sentence to determine whether calculations can add stop/start time due to the currently imposed PPS revo sentence. See PPS revo section for details.

Conditions:

The LSA of the convicting county prepares a release plan, including recommended conditions, and submits that plan to the supervising county. The supervising county should review the plan and proposed conditions, and then communicate with the LSA regarding those conditions. The supervising county may suggest conditions be added or removed based on their knowledge about the AOS.

Special conditions of PPS may be imposed that are necessary to promote public safety and/or related to reformation of the AOS, such as a “no victim contact” condition, regardless if those conditions were originally imposed on a now-expired case.

Prior to release the LSA may modify the conditions at any time. After PPS has commenced, conditions may be altered upon the AOS’s signed consent or after opportunity to be heard, orally or in writing.

The LSA’s authority to order special conditions comes from [ORS 144.102\(4\)\(a\) and 144.104\(2\)](#) for PPS cases. In essence they state the LSA may establish special conditions that they consider necessary because of the individual circumstances of the person on PPS.

The LSA will need some explanation if the PO is recommending special conditions that don’t appear appropriate for the crime of conviction. For example, if the recommendation is for DV-specific conditions, but the person is incarcerated for a drug crime; the LSA will need an explanation under Notable Issues on the Release Plan as to why there is a recommendation for DV-specific conditions.

When a sentencing court recommends a special condition, the LSA is not required to impose it.

SPECIAL CONDITIONS –Board language for special conditions should be mirrored whenever possible and as follows:

SC-1. Be evaluated by a mental health evaluator and follow all treatment recommendations.

SC-2. Continue to take any psychiatric or psychotropic medication that was prescribed prior to or at the time of release from custody until otherwise directed by a physician. At the direction of the supervising officer, the supervised person shall undergo a psychiatric evaluation and take any medications recommended. The supervised person shall comply with a medication monitoring program at the request of the supervising officer.

SC-3. Without prior written approval of the supervising officer, a prohibition against contacting a person under 18 years of age.

SC-4. Without prior written approval of the supervising officer, a prohibition against being present more than one time at or on property adjacent to a place primarily intended for the use by persons under 18 years of age or places where they regularly congregate.

SC-5. Submit to random polygraph tests as part of a sex offense surveillance program. Failure to submit to the tests may result in return to custody. Specific responses to the tests shall not be the sole basis for return to custody.

SC-6. Enter and complete or be successfully discharged from a recognized and approved sex offender treatment program at the direction of the supervising officer, which may include polygraph and plethysmograph testing. Abide by all rules and conditions of the sex offender

treatment program. Abide by a prohibition of sexually deviant materials, activities, or behavior that the individual may use for the purpose of deviant sexual arousal, unless otherwise allowed by the supervising officer in writing.

SC-7. Pay court ordered restitution to the clerk of the court of the county of sentencing (ORS 137.103-106, OAR 255-065-0005).

SC8. If required to report as a Sex Offender under ORS 163A, report to Oregon State Police, a chief of police, a county sheriff, or the supervising agency when supervision begins, within 10 days of a change in residence and once a year within 10 days of the AOS's date of birth.

SC-9. Without prior written approval of the supervising officer, shall not possess or use intoxicating substances, including but not limited to alcohol, inhalants, or controlled substances (except pursuant to a medical prescription).

SC-10. Other: Special conditions may be imposed that are not listed above when the Local Supervisory Authority determines that such conditions are necessary.

SC-11. Have no contact direct or indirect with those listed below:

SC-12. Consent to search of computer or other electronic equipment upon the request of the supervising officer or their representative, if the supervising officer has reasonable grounds to believe that evidence of a violation will be found.

Sex Offender Package:

Agreement to comply with a curfew set by the Board, the supervisory authority, or the supervising officer.

A prohibition against contacting a person under 18 years of age without the prior written approval of the Board, supervisory authority, or supervising officer.

A prohibition against being present more than one time, without the prior written approval of the Board, supervisory authority, or supervising officer, at a place where persons under 18 years of age regularly congregate.

In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition against being present, without the prior written approval of the Board or supervising officer, at, or on property adjacent to, a school, childcare center, playground, or other place intended for use primarily by persons under 18 years of age.

A prohibition against working or volunteering at a school, day care center, park, playground, or other place where persons under 18 years of age regularly congregate.

Entry into and completion of or successful discharge from a sex offender treatment program approved by the Board, supervisory authority, or supervising officer. The supervised person

shall abide by all rules and conditions of the sex offender treatment program. The program may include polygraph and plethysmograph testing. The person is responsible for paying for the treatment program.

A prohibition against direct or indirect contact with the victim, unless approved by the victim, the person's treatment provider and the Board, supervisory authority, or supervising officer.

Unless otherwise indicated for the treatment required under subparagraph (F) of this paragraph, a prohibition against viewing, listening to, owning, or possessing sexually stimulating visual or auditory materials that are relevant to the person's deviant behavior.

Agreement to consent to a search of the person or the vehicle or residence of the person upon the request of a representative of the Board or supervisory authority if the representative has reasonable grounds to believe that evidence of a violation of a condition of PPS will be found.

Participation in random polygraph examinations to obtain information for risk management and treatment. The person is responsible for paying the expenses of the examinations. The results of a polygraph examination under this subparagraph may not be used in evidence in a hearing to prove a violation of PPS.

Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless approved by the Board, supervisory authority, or supervising officer.

A prohibition against using a post-office box unless approved by the Board, supervisory authority, or supervising officer.

A prohibition against residing in a dwelling in which another sex offender who is on probation, parole or PPS resides unless approved by the Board, supervisory authority, or supervising officer, or in which more than one other sex offender who is on probation, parole or post-prison supervision resides unless approved by the Board or the director of the supervisory authority, or a designee of the Board or director. As soon as practicable, the supervising officer of a person subject to the requirements of this subparagraph shall review the person's living arrangement with the persons' sex offender treatment provider to ensure that the arrangement supports the goals of AOS rehabilitation and community safety.

Note on SC7 Restitution Condition:

Statutes, Attorney General opinions, and case law state that the judge must order restitution (ORS 137.106) in order for the LSA to have the authority to impose it as a condition of supervision (ORS 144.275).

[ORS 144.102](#)

(5)(a) The board or supervisory authority may require the person to pay, as a condition of post-prison supervision, compensatory fines, restitution or attorney fees:

- (A) As determined, imposed or required by the sentencing court; or
 - (B) When previously required as a condition of any type of supervision that is later revoked.
- (b) The board may require a person to pay restitution as a condition of post-prison supervision imposed for an offense other than the offense for which the restitution was ordered if the person:
- (A) Was ordered to pay restitution as a result of another conviction; and
 - (B) Has not fully paid the restitution by the time the person has completed the period of post-prison supervision imposed for the offense for which the restitution was ordered.

If a judgment is made in a case for restitution or compensatory fines, the LSA will include it in their PPS order if they are made aware of it.

Note: This statute allows the LSA to order restitution as a condition of an AOS's current PPS, if there is restitution owing on any prior PPS case that has previously expired. When a restitution condition is recommended, the LSA should ensure there is a judgment ordering as such. It is recommended the original judgment order is included in the release packet for easy reference.

Note: The LSA has no authority to order the payment of restitution on concurrent probation cases.

PPS Orders:

Regardless of how many PPS sentences are being served, the client is only serving PPS under one authority, in one county, under one PPS order. There is only a single term of PPS, which incorporates all cases, and there is only one supervisory authority, in the county supervising (or incarcerating) the body, and the responsibility of the supervisory authority transfers with the body.

The county of conviction creates the release plan and PPS order. When the county of conviction is different than the supervising county and there is already an existing PPS order maintained by the supervising county, the county of conviction would prepare a release plan and the supervising county shall add the new conviction to their existing order based on information provided in the release plan prepared by the convicting county.

Active Supervision Review (ASR) date:

This is the date the PO should review the record to determine if the AOS can be put on "inactive" supervision or should extend their active supervision to the expiration date. The ASR date is calculated by either half the PPS sentence length or 12 months, whichever is shorter. The ASR date is adjusted day for day into the future when INOP is applied.

Depending on the crime or crime commit dates, different rules for active supervision length could apply. Likely due to the nature of sentencing, most Local Control sentences will not fall into this category. See [OAR 255 division 94](#) for details.

PPS order language:

See sample forms at the end of this manual. It is suggested to mirror the Board on structure and language when creating an LSA PPS orders but replace any reference to Board with LSA as shown in the sample.

Signing PPS Orders:

The AOS should review and sign the PPS order (new or amended) either while still in custody or as soon as possible after release from an LC incarceration sentence. The LSA signs the original PPS order, as well. Provide a copy of the order to the client and keep the signed original in the hard file.

The AOS has 45 days from the date they sign or the date the order is provided to them for review to contest the order. If the AOS mails in their objection, the envelope must be postmarked by the 45th day, which means it may not be received until a few days later.

LSA documents:

All documents created by the LSA in relation to an AOS's PPS should be provided to the AOS as soon as reasonably possible. These documents can be time sensitive and should be delivered as soon as possible.

Examples of LSA documents may include:

- 1.) Administrative Review Response,
- 2.) Board Action Forms (BAF), and
- 3.) Orders of Supervision.

When a PO receives an e-mail copy of an LSA administrative review response form or a BAF, the PO should make a copy for the AOS, as well as the PO's file. The PO should chrono when the order is delivered to the AOS, allowing the LSA to more accurately assess whether an AOS is appealing the order in a timely manner.

Failure to deliver these documents to the AOS as soon as possible after receipt could negatively impact the AOS's ability to appeal a decision, which could result in a legal action being filed by the AOS.

Warrants:

LSA should move to mirror the practice of the Board when issuing warrants in that abscond warrants will only be issued if the AOS has changed residence and whereabouts is unknown, or if attempts to contact the AOS at known residence have been unsuccessful. There may be other circumstances when the LSA issues a warrant, such as when an AOS presents a significant

risk to the community and the warrant would aid in the AOS's swift apprehension, but this will be on a case-by-case basis.

LSA warrants are to be entered into CIS/DOC400 warrants module and processed properly.

Once started, the period of PPS will run continuously unless, and until, the PPS term expires, the AOS absconds supervision and a warrant is issued, or PPS is revoked by the LSA, and a revocation sentence is imposed.

When a warrant is issued for an AOS on PPS, the post-prison expiration date is re-calculated based on the amount of abscond or inoperative time.

Warrants and arrests out-of-state:

When an adult on Oregon supervision is arrested out of state and also has an LSA warrant, three scenarios can occur:

Warrant is not served out of state, the AOS is returned to Oregon

The warrant is considered served when they are lodged in an Oregon jail, is cleared from LEDS at that time, INOP is applied from the date the warrant was issued through the date the warrant was served. This will usually happen with an Oregon-only warrant that is not serviceable in the other state or if Oregon will not extradite.

Warrant is served out of state, extradition has been ordered

The warrant is considered served and cleared from LEDS, extradition is ordered. INOP is applied for the dates between when the warrant was issued and when the AOS returns to Oregon and will be applied when the AOS returns to Oregon.

Warrant is served out of state, extradition will not be implemented

The warrant is cleared from LEDS, an extradition order is requested but denied, INOP will not yet be applied because another warrant will be issued to replace the one that was cleared (all INOP will be calculated upon arrest/return to Oregon), the new warrant will be issued and entered into LEDS/NCIC with the original date of warrant.

The auto revocation action clears the warrant (so warrant is withdrawn at that time), and the supervising community corrections agency then files a notifier with the appropriate agency/institution in the other state.

Regarding extradition cost of LSA AOSs:

The LSA/county can access the "arrest and return fund" controlled by the Governor's Office. Call (503) 378-3720 for assistance. Your local sheriff or District Attorney should be able to assist

in the extradition process. The Governor's Office has limitations on the crime-types that will be extradited.

Suspend and Detain hold:

Suspend and Detain holds are issued when an AOS is taken into custody for a violation by a PO or police officer and the Suspend and Detain is necessary to keep the person in custody for violation proceeding (because a warrant had never been issued). This is a no-bail hold placed with the jail.

Suspend and Detain holds do not stop PPS from running, except for the one scenario described below.

If the AOS is near the end of their supervision and their violation is egregious enough to warrant a revocation sentence, the LSA can stop the PPS from running with a Suspend and Detain hold, but the final determination by the LSA has to be PPS revocation, there must stop/start time available (meaning max indeterminate hasn't run), and revocation days must be available. The LSA should review and determine they will impose the revo sentence prior to imposing the Suspend and Detain hold.

Abscond warrants:

When the LSA issues an abscond warrant, PPS stops running and restarts upon service of that warrant. INOP is added for the time between the date the warrant is issued, and the AOS is arrested.

If an abscond warrant is issued by the LSA, upon arrest, the warrant is sufficient to hold the AOS in custody until the violation is dealt with. The LSA has 120 days from the date of arrest to impose a sanction. A Suspend and Detain hold does not also have to be issued, as either a warrant or Suspend and Detain is the mechanism by which the Releasing Authority says there is enough information of a violation for this person to be in custody; therefore, once a warrant is issued, a Suspend and Detain would not need to be issued following the arrest on the warrant.

The Releasing Authority has jurisdiction over the AOS until the proceedings are resolved during the time the AOS is in custody on the warrant.

Auto-Revoke:

When an AOS receives a new incarceration sentence that will either be served in the Oregon Department of Corrections or an out-of-state prison, the currently running PPS may automatically terminate (PPS time continues to run while they are in custody). Essentially, the LSA's authority over the AOS is temporarily suspended while they are in DOC custody and resumes upon release if there is any remaining PPS time on those prior offenses in addition to the new PPS. Almost all circumstances like this result in auto-revoke, but if the new crimes are very egregious, the LSA may choose to extradite and sanction/sentence upon return.

Auto-revoke is an end to the sanctioning process for the violation that resulted in the new offense/s for which the person is going to prison. This avoids the need to sanction on that recent violation behavior since the AOS will be serving time in the institution and is, in essence, “sanctioned” by means of a new conviction.

When an AOS released on PPS is convicted of a crime and sentenced to the Department of Corrections or its counterpart in other states [including federal sentences], PPS automatically terminates [[ORS 144.345\(2\)](#)]. There is no distinction in the statute between crimes where the felony sentence is more than 12 months or less than 12 months; however, if an AOS receives a new conviction in Oregon and is sentenced to local control, by statute, the LSA cannot auto-revoke because a county jail is not an institution of the Department of Corrections. However, all cases where a person is sentenced to a term of imprisonment in a prison in another state or in federal custody, then the LSA can auto-revoke subject to the provisos mentioned above.

When reviewing the record to determine if auto-revoke is appropriate, the LSA must ensure the crime/new conviction isn’t one that was used to impose a prior sanction.

When an AOS receives a new conviction in this or any other state, the Releasing Authority may auto-revoke and re-release to the new conviction, but would not impose a sanction. The LSA is doing an auto-revoke based on the new conviction and immediately re-releases the AOS to the new sentence. There will not be any reference to any sanction time for the auto-revoke. PPS will not stop running for an auto-revoke.

The LSA may choose to initiate an auto-revoke on AOSs whose conviction occurs during supervision for a crime that was committed prior to supervision if it has been confirmed the “new crime” was not used to impose a prior sanction. Not auto-revoking under this circumstance is acceptable.

If an AOS was convicted of a crime and sentenced to the Department of Corrections or its counterpart in other states for a crime the LSA already addressed as a violation, the LSA cannot impose any other "sanction" for that same conduct. Therefore, if a prior sanction was imposed, the LSA cannot auto-revoke. The LSA should do nothing as it’s already addressed the conduct. If the AOS had committed a technical violation in addition to the criminal violation, but the LSA only addressed the technical violation initially, then after the conviction the LSA could auto-revoke.

PPS Revocation Sentences:

An AOS’s Post-Prison Supervision (PPS) can be revoked by the LSA. This usually occurs when the AOS’s violations rise to a certain level that a regular sanction does not seem appropriate for the severity of the violation. Generally, revocations are reserved for new law violations. Sometimes, if an AOS is having contact with victims or potential victims, in the case of sex AOSs and DV AOSs, those violations could also rise to the level of PPS revocation sentence.

A PPS revocation sentence will incur stop/start time. For max indeterminate sentences, the LSA must ensure there is enough time left before imposing stop/start time.

A PPS revocation sentence must be served in its entirety, no good time/work credit are allowed, and must be served in a locked-down facility. If the full sentence being served means the AIC is to release on a weekend or holiday, therefore must be released early, the supervising agency should contact the LSA to resentence the AOS to a length of sentence that creates the release date to be on a weekday. If the supervising agency is strong in their belief that the AIC is best served by moving to inpatient treatment, they can petition the LSA for a reduced sentence length to allow the AIC to move out of jail and into a treatment facility. The LSA must approve this petition and resentence the AOS to a shorter length of PPS revocation sentence.

The LSA is to mirror the Board regarding PPS revocation sentences and follow the rules outlined in [OAR 255, parts of division 75](#) that are applicable to LSA. This includes all steps in the PPS revocation process, i.e., notice of rights, hearings opportunities, etc.

Inoperative (INOP) Time:

When Inoperative Time Applies:

PPS AOSs who have an LSA warrant issued, and they are arrested: If a warrant is issued and the individual is arrested, INOP time is calculated from the date the warrant is issued to the date the individual is arrested.

PPS AOSs who have an LSA warrant issued, and they are not arrested because the warrant has been recalled: A policy change occurred in approximately June 2020. If a PO requests an LSA warrant be withdrawn, INOP time will automatically be added for the time the warrant was active. If the PO does not think INOP time should be added (i.e., the warrant was issued based on inaccurate information) justification should be provided to the LSA.

PPS AOSs who have an LSA warrant issued, receive a new felony sentence in another state, and are arrested: The LSA calculates inoperative time from the date the abscond warrant was issued to the arrest date, if the arrest date is known. If the arrest date is not known, then inoperative time is from the date the warrant was issued to the date of sentencing on the new conviction. The latter is the most common occurrence. That is the extent of the inoperative time unless there is an extradition order. If an extradition order is in place, PPS time does not begin to run again until they are returned to Oregon.

A Local Control AIC who has escaped from the incarceration portion of their sentence and a warrant has been issued, and they have been arrested: INOP time is calculated from the date of the warrant to the date of arrest.

PPS Revocation Sentence: When an AOS's PPS has been revoked due to violation and an incarceration sentence imposed, stop/start time is applied from the date of the violation arrest

to the completion of the sentence provided the maximum indeterminate sentence does not prevent it.

When INOP is not added:

A warrant is quashed by the LSA: If the LSA quashes a warrant issued in error and the person hasn't been arrested, INOP time is not imposed.

PPS AOSs who have an LSA warrant issued, and they are not arrested because the warrant has been recalled: The PO provides justification why INOP should not be added and the LSA agrees.

PPS Revocation on a Maximum Indeterminate Sentence: The LSA should review and calculate the maximum indeterminate sentence to ensure there is room left on the sentence to apply the stop/start. If there is not, stop/start time cannot be applied to the sentence.

To calculate whether there is enough time left on a max indeterminate sentence to apply stop/start time:

1. Take the sentence begin date, subtract any time served credits.
2. Take that date ("adjusted sentence begin date") and add the max indeterminate length (C felony = 5 years, B felony = 10 years, A felony = 20 years) to get the "end date."
3. PPS cannot run past that calculated end date.

Example:

- C felony sentenced to 12-month incarceration, 36 months PPS
- AIC sentence began 06-01-2021 with 60 days credit for time served
- Adjusted "begin date" of incarceration is 4-1-2021 (6-1-2021 – 60 days) + 5 years = 3-31-2026
- The end date of PPS cannot be past 3-31-2026, including the stop/start time which extends the end date of PPS
- If there is INOP time, that gets added to your calculation to push the end date out

[Division 75 of OAR 255](#) gives detailed instructions and information regarding this topic.

Inactive Supervision (UNSU):

Oregon Admirative Rules [Chapter 255, Division 94](#) outlines the rules for inactive supervision in detail. Here are some general guidelines:

PPS will be actively supervised until the AOS meets certain criteria that make them eligible to move to inactive supervision. When inactive supervision is approved, the AOS must comply with all imposed conditions but are no longer required to report.

Time frame for eligibility is as follows:

PPS length of 12 months = eligible after 6 months
PPS length of 18+ months = eligible after 12 months

If an AOS has not substantially fulfilled the supervision conditions, they are not eligible for inactive supervision. Regarding restitution and compensatory fine: must either be paid in full or the AOS must have established and remain current on a PO-approved payment plan.

Some of the actions that qualify as “not substantially fulfilled the supervision conditions” include:

- New criminal activity
- Failure to complete any recommended treatment programs with set durations or time frames or failure to participate in on-going treatment programs (includes substance abuse, DV, mental health, cognitive, etc.,)

[House Bill 3508, section 23](#) indicates the following:

(3) No sooner than 30 days prior to the expiration of an AOS’s active post-prison supervision period as provided in subsection (1) of this section, the parole and probation officer responsible for supervising the AOS may send to the supervisory authority a report requesting the supervisory authority to extend the active post-prison supervision period or to return the AOS to active supervision status, not to exceed the supervision term imposed by the sentencing court under the rules of the Oregon Criminal Justice Commission and applicable laws, if the AOS has not substantially fulfilled the supervision conditions or has failed to complete payment of restitution. The report shall include:

- (a) An evaluation of the AOS’s compliance with supervision conditions;
- (b) The status of the AOS’s court-ordered monetary obligations, including fines and restitution, if any;
- (c) The AOS’s employment status;
- (d) The AOS’s address;
- (e) Treatment program outcome;
- (f) Any new criminal activity; and
- (g) A recommendation that the supervisory authority extend the supervision period or return the AOS to active supervision status.

(4) After reviewing the report submitted under subsection (3) of this section, the supervisory authority may extend the active post-prison supervision period or return the AOS to active supervision status, not to exceed the supervision term imposed by the sentencing court under the rules of the Oregon Criminal Justice Commission and applicable laws, if the supervisory authority finds that the AOS has not substantially fulfilled the supervision conditions or has failed to complete payment of restitution

[ORS 144.103](#) states the following ORSs cannot move to inactive supervision: [163.365](#) (Rape II), [163.375](#) (Rape I), [163.395](#) (Sodomy II), [163.405](#) (Sodomy I), [163.408](#) (Unlawful sexual

penetration II), [163.411](#) (Unlawful sexual penetration I), [163.425](#) (Sex abuse I), and [163.427](#) (Sex abuse I new); also [ORS 163.235](#) (Kidnapping I) when the offense is committed in furtherance of the commission or attempted commission of rape in the first degree, sodomy in the first degree or unlawful sexual penetration in the first degree if the victim is under 12 years of age.

ORS [164.415](#) (Robbery I) and ORS [163.325](#) (Arson I) with a crime commit date of 06/30/1995 and forward cannot move to inactive supervision because [OAR 255-94-0006\(2\)\(i\) and \(2\)\(j\)](#) requires 36 months PPS be served prior to being eligible for inactive and most Robbery I and Arson I will be sentenced to 36 months PPS total.

Incoming and outgoing Compact AOSs are not eligible for inactive supervision.

Returning from inactive supervision: Either an email or a return to active supervision form can be submitted to the LSA; or a statement at the end of the sanction imposed indicating a return to active supervision is requested. The LSA then issues a new PPS order with the indication that return to active supervision has occurred.

Earned Discharge:

A person is eligible for EDIS (Earned Discharge) while on Local Control PPS based on parameters outlined in OAR [291-209](#).

Expiration of Post-Prison Supervision (PPS) & Certificate of Expiration:

There is only a single term of PPS, and the Order of PPS incorporates all open PPS offenses into a single term. Whereas CIS/DOC400 lists the offenses individually. As the Certificate is a legal document signed by the LSA certifying that PPS expired, it cannot be issued until the single term of PPS is expired (which would be the farthest out maximum date of all open PPS offenses).

This DOES NOT mean that open probation cases must reach their expiration date as well before a "Certificate of Expiration of Post-Prison Supervision" is issued.

In cases with multiple PPS offenses, the field can close individual PPS offense lines in CIS/DOC400 as they expire. Community Corrections offices do not need a "Certificate of Expiration of Post-Prison Supervision" to do this.

When a PPS AOS is held on an LSA abscond warrant, the period of PPS is stayed and the LSA has jurisdiction over the AOS until the proceedings are resolved. Do not issue a Certificate of Expiration until the hold and violations are resolved and the INOP time has been added.

The LSA will issue a Certificate of Expiration if the AOS has other warrants outstanding (i.e., probation warrant) but no PPS abscond warrant outstanding.

VI. SANCTIONS

Imposition:

When an AOS under community corrections supervision violates the conditions of their supervision, they can be sanctioned. An AOS can be supervised under both General Conditions and Special Conditions. The PPS order outlines the Special Conditions. Oregon Administrative Rule [291-058](#) governs sanctions for all AOSs.

Notice of Rights (NOR) and Sanction Report Form (SRF) need to be presented to the AOS in accordance with [OAR 291-058-0040](#).

Notice of Rights must be presented within 15 days of custody begin. If the NOR is not presented to the AOS within the 15-day timeframe, they WILL BE RELEASED regardless of warrant status.

SRF should be presented within the 15 days of custody begin, but if the SRF cannot be served within 15 days of custody, a Notice of Pending Action (NOPA) must be served within that time frame. A NOPA does not replace an NOR or SRF, it just gives the PO additional time to prepare and present the sanction. The SRF must presented within reasonable time frame.

Per [OAR 291-058-0045 \(g\)](#) If the indicated level of sanction response is considered insufficient to address the seriousness of the violation behavior, a higher level of sanction, up to and including returning an AOS to court or the Board of Parole and Post-Prison Supervision, may be imposed only after consultation and agreement of the unit supervisor or approval process established by the agency or local supervisory authority. For revocation recommendations submitted under this section of rule, an AOS may be returned to court or the Board of Parole and Post-Prison Supervision only after consultation with the unit supervisor and the agreement of the local supervisory authority or designee.

For AOSs returned from other states, the sanction custody start date would be the date the AOS arrived in Oregon. For AOSs arrested in Oregon, the sanction custody start date is the date arrested in Oregon.

Copies of Notice of Rights and Sanctions Reporting Form/Violation Report:

The following is a clarification and reminder of the rules regarding the distribution of copies of the Notice of Rights (NOR), Sanctioning Reporting Forms (SRF) to an AOS in custody for a Morrissey Hearing (informal or formal):

In compliance with Oregon Administrative Rules and department policy governing the structured sanctioning process, all Parole and Probation Officers (POs) must provide copies of the Notice of Rights and SRF to AOSs prior to the imposition of a sanction. Understanding that many sanctions occur while AOSs are in custody, please review these documents with the AOS either telephonically or in person prior to imposing a sanction. If done telephonically and the release of an AOS is not imminent, please forward copies of these documents to the

appropriate correctional facility. If it appears the AOS will be released before copies can be provided, please ensure the AOS receives these documents if/when they report to their supervising officer.

Three-Day Waiting Period on Notice of Rights: When an AOS requests a formal hearing, they have the absolute right to have at least three working days to prepare their defense. When an AOS does NOT waive the three-day waiting period, three working days must pass before a formal hearing is held. They don't have an absolute right to have more time than that, although more time can be given if the HO agrees. If the three-day waiting period is waived, the formal hearing can take place right away if everyone is available (PO, witnesses, etc.).

This provision does NOT apply when the hearing is waived, and no formal hearing is conducted.

Adults in Custody serving PPS sanctions CANNOT receive good time or work time credits. They must serve their imposed jail sanction in full and should not be released early. [OAR 291-058-0045](#)

Hearings:

Due process:

Pursuant to the United States Supreme Court ruling in *Morrissey v. Brewer*, 408 US 471 (1972), the minimum requirements of due process for a post-prison violation hearing are:

- (1) Written notice of the claimed violations of supervision;
- (2) Disclosure to the AOS of the evidence against them;
- (3) An opportunity to be heard in person and to present witnesses and documentary evidence;
- (4) The right to confront and cross-examine adverse witnesses (unless the hearings officer specifically finds good cause for not allowing confrontation);
- (5) A neutral and detached hearing body such as a traditional Parole Board (LSA), whose members need not be judicial officers or lawyers; and
- (6) A written statement by the fact finders as to the evidence relied upon and the reasons for revoking supervision.

[OAR 255-075-0005](#) Hearing Requirement: Procedure

(3) Except in the cases set forth in [OAR 255-075-0015](#) and [section \(6\)](#) of this rule, the Sanction Authority shall impose administrative sanctions or shall initiate a hearing within fifteen (15) days of arrest or detention for the violation of parole or post-prison supervision conditions.

(4) If an in-custody violation hearing and a final order cannot be accomplished within fifteen (15) days, a supervising officer or Hearings Officer shall request a non-bailable suspend and detain warrant from the Sanction Authority.

Deferral and postponement of hearings:

Please see [OAR 255-075-0046](#) for guidelines regarding postponement.

Any time there is a request to defer/postpone a Morrissey hearing, a hearings report should still be prepared with a recommendation. If the deferral period has lapsed without a hearing after 120 days, the AOS should be released, and the HO shall schedule an out-of-custody hearing.

Any time spent in custody on a deferral/postponement counts toward sanction or revocation days; therefore, once a hearing is complete, the AOS will receive credit for time served if a sanction or revocation was imposed. For auto-revokes, there is nothing to credit.

OAR 255-075-0031 Hearings Process:

- (1) The Hearings Officer shall conduct the violation hearing reasonably near the place of the alleged violation or the place of confinement or may conduct the hearing by teleconference or video conference.
- (2) Unless the Hearings Officer finds good cause on the record, the parole and post-prison supervision officer shall present information and evidence at the hearing and arrange for the presence of witnesses for the state. The parole and post-prison supervision officer shall make dispositional recommendations.
- (3) The Hearings Officer shall make a tape recording of the hearing.

Initiating the Hearing:

POs must give the AOS a written notice of the alleged violation(s) while in custody and a copy of their Notice of Rights (provided at the same time or after) for the upcoming hearing both within 15 days of arrest. The PO does not need to confirm the AOS understands their rights or their decision about rights at that time; it is only for the AOS to review. The PO or HO will confirm their understanding and decision at the time of the Morrissey hearing (informal or formal) after the AOS has had an opportunity to review the SRF and any additional evidence submitted.

Waive a Hearing:

The AOS may waive the hearing in two ways:

- (1) voluntarily, by checking the appropriate box and signing their name on the Decision of Rights form (back side of the NOR); or
- (2) involuntarily, by refusing to participate in your hearing.

If the AOS waives the hearing:

- AOS admits to violating one or more of the conditions alleged or the AOS does not contest the allegations and neither admit nor deny them.

- The Hearings Officer and, if applicable, the LSA, will make findings based on the Supervising Officer's Violation Report alone. There will be no other hearing.
- If the AOS voluntarily waives a hearing, they may offer a written statement contesting the sanction, not the violation(s).

Results of Hearing:

Unless the AOS waives their right to a hearing, an impartial Hearings Officer will conduct the hearing and will either:

1. Order a sanction or modification of conditions within the Hearings Officer's authority. When the Hearings Officer's order is the final order, it is immediately effective, but subject to override by the LSA; or
2. Make findings, conclusions, and recommendations to the LSA. The LSA may order a sanction, revocation that includes local detention or return to Local Control incarceration, or modification of conditions different from those recommended based upon the record of the hearing without another hearing or appearance.

Rights Before and During the Hearing:

The AOS has the right to:

Present relevant oral and written information.

Examine witnesses presenting evidence that they violated conditions of supervision, unless the Hearings Officer finds good cause not to allow that opportunity.

Request witnesses who have relevant information regarding the alleged violations, unless the Hearings Officer finds good cause not to allow certain witnesses to testify.

Obtain an attorney at their own expense. The AOS also has the right to request an appointed attorney, provided they cannot afford an attorney and their request is based on a timely and colorable claim (a) the AOS did not commit the alleged violation, or (b) there are substantial or complex mitigating circumstances which make revocation inappropriate even if they admit the violations or it is a matter of record, or (c) the AOS appears incapable of representing themself.

Reporting Instructions for In-custody Hearings:

When a PO requests an abscond warrant on an AOS who never reported following release from a jail sanction, they need to be able to verify that the AOS was given reporting instructions. Instructions should be given to the AOS by the Hearings Officer during the formal sanction hearing and should be documented in the HO's findings.

Formal Hearings Procedure:

During formal hearings, recount on record all the decisions the LSA and/or PO made up to that point, including why denied appointed attorney.

During formal hearings, ask the AOS “what additional information would you like the LSA to consider for further disposition” and put that on record.

During formal hearings, advise the AOS that they will receive copy of report with findings and will have ten days to submit written appeal on decision (unless waived). The ten-day waiting period will start the date the recommendation report is received by the AOS. If the AOS is no longer in custody when the LSA attempts to deliver the report, send the AOS a hard copy of the hearings recommendation report via the supervising officer.

Hearings officer is not to complete the sanction if the AOS reserves the ten-day waiting period.

If found in violation of a condition not noted on SRF, this will be added into the HO text.

Advising AOS’s to Not Comment on New Criminal Activity:

It is good practice to advise an AOS when addressing new criminal activity as a GC10 (or GCh) violation that any comment they make can be used against them in future criminal proceedings.

Out-of-Custody Formal Hearings on Parole and PPS AOSs:

Make sure that if the AOS is requesting an out-of-custody formal hearing that they are provided a copy of the Notice of Rights form with a copy of the SRF. If the LSA is relying on other documentation describing the alleged violation behavior, such as a Warrant Request, the AOS should get a copy of that, too. This is required by administrative rule.

This will ensure that the AOS has had the opportunity to review the documents and/or review the documents with their attorney (if they have one) prior to the formal hearing, and to expedite the hearings process.

Appointment of Attorney:

The Board Rule ([OAR 255-075-0035](#)) regarding appointment of an attorney is relevant to those under LSA authority.

Retained Attorneys:

Once an AOS has requested a formal hearing and has an attorney representing them, the HO should speak/correspond through the attorney on the hearing matters.

Witnesses:

See [OAR 255-75-0036](#) – “Board subpoenas; Witness” for information that is relevant to LSA-controlled AOSs.

Independent Examination of Witnesses:

The AOS does not have the right to cross-examine and does not participate in the independent examination of the witnesses. The HO would call the witnesses with a date and time to appear, and the HO will ask the witnesses to tell their version or ask them pointed questions. Their testimony would be made part of the hearings report that is sent to the Sanctioning Authority. If the witnesses do not appear, it is noted on the record just the same as it would be during a normal hearing.

Witness is an Individual that AOS has No-Contact Condition: If a person who the AOS is ordered no-contact is present during a Morrissey hearing as a witness, it is not a violation of SC11.

To avoid reimbursement of fees and mileage, the LSA should consider having witnesses appear by phone, subsequently requiring no payment of funds.

The LSA should consult with their county counsel; however, the subpoena form provided by the Board would suffice for both LSA and Board cases, unless the LSA wishes to develop a form of their own. (See [Sample forms – Morrissey Hearing Subpoena](#))

Victim Notification of Formal Hearings: When a formal hearing is scheduled, contact the LSA to see if any victim of the supervised crime requests attendance at the formal hearing. By statute, the victim has the right to attend formal PPS hearings if they so request.

Rights After the Hearing and Appeals:

The AOS has the right to:

1. Submit exceptions or arguments to the Hearings Officer’s findings, conclusions, and recommendations to the LSA within 10 days of the Hearing Officer’s report (10-day waiting period).
2. Submit a request asking the LSA to conduct administrative review of the Hearings Officer’s or LSA’s final order within 45 days of the mailing date of the final order by submitting a letter stating: “This is an administrative review request” and their substantiation of their request for review; and
3. If administrative relief is denied, the AOS may seek judicial review by petitioning the Oregon Court of Appeals within 60 days of the mailing date of the LSA’s response to your request for administrative review.

Ten-Day Period for AOS's Evidence and Exceptions:

After the HO has presented the AOS with their post-hearing recommendation for the sanction to be imposed, prior to the LSA making its final decision, they must wait 10 days to allow for objection. When the AOS reserves the 10-day waiting period, the 10-day waiting period starts the date the AOS is provided a copy of the HO's final report.

See [OAR 255-075-0065](#) - Ten-Day Period for AOS's Evidence and Exceptions for information that is relevant to LSA-controlled AOSs and the 10-day waiting period.

Counties may fax, email, or hand deliver the final copy of the HO's final report to the jail to forward to the AOS.

Override Hearings Officer Sanction:

The LSA override does not have to be a revocation. As the override authority, the LSA may impose any sanction that the LSA feels would be more appropriate. If more time is in order, the LSA may impose that; if less time is appropriate, that could also be an option.

Compact hearings:

When Oregon is the Sending State: If an Oregon AOS is returned to Oregon following a Compact probable cause hearing, it is not necessary to conduct a second hearing upon their return to Oregon. The HO may refer to the receiving state's violation report and findings after meeting with the AOS. The HO should make sure the PO gets a copy of the Notice/Decisions About Rights form used by receiving state in case it is needed on appeal.

Interstate Compact Appeals: Per Oregon Interstate Compact, the appeal process for an AOS on a probation case would go to the presiding judge in the county where they are being held. If the case is an LSA-controlled post-prison case, the appeal would go to the LSA. Compact would also get a copy of the appeal request from the AOS.

Making changes to conditions of PPS and when those changes are effective:

Once PPS is underway, to add PPS special conditions, due process must occur. Here are the ways due process can occur:

Through the sanctioning process. The addition of special conditions must be outlined in writing, usually on the Sanction Report Form, so the Adult on Supervision has an opportunity to review what additional conditions are being requested. If the AOS is not in agreement with the addition of the special conditions, they can request a formal hearing. The special condition is in effect from the date the hearing officer or supervising officer orders it.

Through a consent to modify. A PO can create a form that is a stipulated consent to modify conditions of PPS that the AOS can sign. If this form is signed, there is no need for a hearing, the change to conditions is accepted by their signature. The special condition is in effect from the date the AOS signs the consent.

Through an out-of-custody hearing. If the PO wants to change conditions at a time other than during the sanction process, they can do so by presenting a consent to modify form, but if the AOS does not want to consent, a formal hearing must be held to determine if the condition changes are approved by the LSA. If a formal hearing was requested, the desired additional conditions are enforceable during the interim until the hearing takes place. The special condition is in effect from the date the hearing officer orders it.

Once PPS is underway, special conditions can be removed without any due process, but do require notification to the LSA.

NOTE: When an AIC comes out of Local Control, the LSA has 60 days from the start of PPS to amend PPS conditions administratively when a clear error in imposing conditions was made. Example: old conditions package no longer available was imposed, or a victim was inadvertently left off the order.

Request for Transcript of a Taped Hearing:

The LSA should consult with their county counsel, but the LSA is not obligated to provide a transcript of taped hearings if requested. If a transcript is requested as part of a public information request, the LSA could just provide an audiotape/CD copy of the hearing tape and charge for copying process.

Retention of Hearing Recording: All recorded hearings (formal and informal) shall be retained 4 years.

Sanctioning for Violations of Jail Rules:

Violations of jail/custodial rules need to be handled through the custodial facility's internal disciplinary process. Violations of supervision must be specific to violations of general and special conditions of supervision. Not abiding by the direction of a corrections officer is not a violation of supervision. Jail/custodial rule violations that constitute a crime, such as possession of contraband, or assaultive behavior, would be violations of supervision and subject to sanctioning. Such violations should be reported to the supervising officer for imposition of additional sanctioning.

Finding of Facts and Violations:

Abscond Violations:

For the purposes of imposing a sanction using the sanctioning grid, abscond must meet the criteria as follows:

- changed residence without permission
- stopped reporting
- do not know whereabouts
- supervising officer has exhausted all reasonable means to locate
- has requested a warrant

If the AOS just changed residence but is still reporting and/or PO knows whereabouts, the violations would be changing residence without permission, not abscond.

Violations occurring during a PPS Revocation sentence:

An AOS cannot be sanctioned on PPS for behavior occurring during a revocation sentence. However, the AOS can be sanctioned for newly discovered violation behavior that occurred before the revocation sentence.

If an AOS has been in continuous custody while serving a revocation sentence and they are violated for previously unaddressed behavior, the Board has advised that the start date of the sanction on the new behavior could be argued to begin the date the violation was discovered. This event is a rarity; however, for simplicity and consistency with previous practice, the LSA should use the end date of the last sanction to start the new sanction. Questions should be staffed with the supervisor.

Making a finding of failing to obey all laws, if the same failing to obey all laws violation was addressed during previous PPS violation proceeding:

If the Hearings Officer found an AOS not in violation of a criminal behavior during a previous hearing, the AOS cannot be found in violation of that same behavior/event at a subsequent hearing. If in the initial proceedings, the Hearings Officer indicated "that there was insufficient information presented in the report to make a finding in regard to GC10 at this time," then the violation could be addressed at a later time.

Financial Obligations:

Even if not alleged, the HO or LSA may make a finding of violation for failing to pay court-ordered financial obligations (COFOs), based on the information pulled into the violation report (especially if AOS stipulates). Please see sanction grid for appropriate sanction or intervention response. There must be some evidence of an AOS's ability to pay.

Conduct Constituting a Crime (New Criminal Activity):

While any traffic infraction is technically a violation of the law (failing to obey all laws), it cannot be considered new criminal activity unless the conduct constitutes a misdemeanor or felony.

If it is conduct constituting a crime, the maximum sanction is 180 revocation units. If the conduct is not a crime, but still a law violation, the AOS can be sanctioned up to 90 revocation units.

Indictments and Finding of Violation:

When using an indictment to find a violation, the details of the crime must be substantiated, i.e., who, what, where, when. The violation report must stand on its own and provide probable cause a violation occurred.

Refusal to participate in or comply with conditions of prescribed treatment programs:

In order to distinguish if a behavior constitutes "refusal to participate in or comply with conditions of prescribed treatment programs" (Behavior Level III) or "participates irregularly or fails to successfully complete prescribed treatment programs" (Behavior Level II), the Hearings Officer and LSA should consider whether the AOS outright refused treatment, the AOS was previously warned and documented by the Parole/Probation Officer at the time of being sanctioned for treatment non-compliance that failure to enter treatment in the future would be considered a refusal, or there has been a continued and repeated pattern of documented and sanctioned treatment non-compliance.

Polygraph and Countermeasures:

AOSs are astute in awareness that countermeasures, such as muscle tightening/flexing, can distort polygraph results. The number of polygraphs given to an AOS are limited over a supervision period and engaging in countermeasures is viewed as a willful refusal to participate in prescribed treatment, as a polygraph is a condition of and an integral part of an AOS's Sexual Offense treatment.

It should be made clear to the AOS up front by the supervising officer that new technology exists that measures countermeasures when taking polygraphs, that polygraphs are a part of prescribed treatment, and engaging in countermeasures can be viewed as a refusal to participate in or comply with prescribed treatment. When an AOS has been found in violation for such behavior, the HO should advise that engaging in countermeasures on polygraphs can be viewed as a refusal to participate in or comply with prescribed treatment. Consistent language should be used by officers (and even the polygrapher and treatment providers).

The HO would make their decision on what "Behavior Level" category to place the violation based on the totality of the report, how well the violation is documented, prior violations for like behavior, etc.

Aggravating Factors and Prior Revocations:

Prior revocations can be from prior supervision cycles and not part of the current custody/supervision cycle.

Overrides:

When the LSA overrides or modifies a sanction, a teletype should be sent to Jail Records and the supervising officer for the AOS's file, detailing the override/modification. This process will follow the same process as the Board does on overrides. A copy of the teletype will serve as an action form of the LSA's decision.

When the LSA orders a sanction (anything other than PPS revo sentence) that is different than what the PO put in the given field in the sanction module, that information goes into the "Court/PB/LV Ordered" section. The length of the sanction imposed by the LSA could be more or less than what is in the given field. The type of sanction can also be different. Only when the length or type is different does this field get filled in for sanctions on LSA-controlled AOSs. This is different than the way the Board uses this field.

FAQ:

1. Is a due process hearing required if a sanctioned AIC is returned to a higher level of custody?

Per prior appellate court decisions, the "lower level" of custody can be interpreted to be an alternative cell assignment and the supervisory authority can move an AIC from one cell assignment to another without a due process hearing. Moving an AIC to home detention, treatment, electronic monitoring, or the like is not a release, but simply an alternative to custody for serving the balance of the sentence. This also applies if an AIC is being returned to a higher level to serve the balance of the sentence. (Reference: Sandin v. Connor, 515 U.S. 472 (1995)).

2. Where do PPS SB1145 AOSs who are apprehended out-of-state serve their time?

An absconder, apprehended out-of-state, is returned to the local jail (usually local to the county of conviction) at first. Occasionally the AOS may funnel through DOC first, but the goal is to get the AOS to the county of conviction or supervising county's local jail as soon as possible. If the AOS receives a sanction, the AOS would likely return to jail of the county of supervision to serve the sanction.

3. Is there a policy on sanctioning PPS absconders?

No. The supervising agency will impose a sanction based on the circumstances in each case.

4. Can an AOS be required to complete the balance of a sanction they failed to complete, in addition to receiving a separate new sanction for failing to complete the imposed sanction?

Yes.

5. Is there a limit to the length of time that can be imposed on an administrative sanction for PPS AOSs?

The maximum length of a structured sanction is 90 days for PPS AOSs. According to [OAR 291-58-0045 \(i\)\(A-C\)](#) an officer can impose no more than a 30-day sanction, HO or agency designee can impose no more than a 60-day sanction, and the LSA can impose no more than a 90-day sanction. There is no limit to how many jail sanctions an AOS may receive.

6. What is the 58-45 rule and how does that affect sanctions imposed?

According to [OAR 291-58-0045](#) a community corrections agency can impose a jail sanction for a length beyond the sanctioning grid if the grid is inadequate to address the violation behavior. The PO should cite the 58-45 rule and why they are using it in the sanction report form (SRF) if they are going outside of the statewide sanctioning grid.

VII. PPS REVOCATION SENTENCES

Imposition:

The LSA has the authority to impose a PPS revocation sentence on SB156 AOSs. Likely this type of sentence is reserved for egregious violations that warrant longer incarceration than typical jail sanctions. PPS revocations are typically imposed due to new law violations rather than technical violations. Ordering a PPS revocation causes stop/start time to be imposed, which extends the expiration date of PPS.

If the AOS has been convicted of a new crime and sentenced to ODOC incarceration, the LSA must impose the PPS revo sentence PRIOR to the AOS's admission to ODOC. Once the AOS is admitted to an Oregon DOC institution, the LSA's authority to impose sanctions or revocations sentences is suspended.

If a PPS revo sentence was imposed after admission to an institution in error, it should be withdrawn and changed to zero days imposed based on auto-revoke. The PPS revocation has an effect on institution sentence calculations and this reversal should occur as quickly as possible.

The LSA should prepare a document/statement sent via AM message through LEDS to the supervising agency and the jail outlining the PPS revocation sentence. Information in this message should include: the LSA decision date (aka LSA action date), sentence length, credit for time served, re-release date. It's helpful to mention arrest date as well.

A Board Action Form (BAF) is then generated. The BAF should be sent to the AOS c/o the supervising office, the LSA file, and the SOON Representative for inclusion in the AOS file.

Note: On Board-controlled AOSs, when the AOS's re-release date comes up, if all the SG cases are complete and only LC cases remain after the PPS revo is served, the Board's file is closed and the Board sends a Notice of File Closure document to the county where the AOS is being supervised. On the bottom of the document, it is indicated that the Board is closing its interest in the AOS and that the expiration date for the SG cases' PPS is _____. There should also be language on that document stating that the AOS's PPS has now reverted back to the jurisdiction of the LSA.

Note: The supervising county will complete the data entry regarding the revocation sentence (PPSVSanc), including housing movement regardless of the location the AOS is serving this sentence. The data entry will be based on the data provided in the teletype/AM Message from the LSA.

Servitude:

The post-prison revocation sentence is to be served in a physical custody situation, meaning jail or prison. Placement in a restitution center/work center/work release center is acceptable as long as the AIC remains in the facility and does not go out to work or out to participate in a

program and cannot walk away from the center (locked facilities only). [[OAR 255-075-0098\(6\)](#)]
[ORS 144.108\(3\)](#)]

Post-prison revocation AOSs are not eligible for any sentence reduction (good time/work credit). If an AIC were released earlier than the set re-release date, the LSA must be contacted immediately. The LSA will then decide whether to adjust the sentence length to match the time served, or to instruct the AIC to return to custody to complete their PPS revocation sentence.

From the time the AOS is arrested on the violation(s) that results in the PPS revocation, they will receive credit for this time served toward their revo sentence.

Revo units available:

PPS length	Revo units available
12 months	180 days
24 months	270 days
36+ months	360 days

If the AOS picks up a new incarceration sentence (institution or Local Control) revo units reset based on the new crime PPS length. Leftover units prior to the new incarceration do NOT come forward and add to the new revo units. Just the new number of units is available.

Stop/Start time:

If an AOS's PPS is revoked by the LSA, PPS will stop during the period of time ordered for the revocation sentence. The PPS expiration date will be re-calculated and extended to exclude the period of incarceration ordered for the revocation sentence, so long as the maximum incarceration time has not been met. It will be very rare, if not impossible for the max incarceration time to be met on LC cases, see below for calculation information.

Effective October 1, 1999, when the LSA revokes an AOS, the LSA will order a revocation sentence and re-calculate the PPS expiration date according to the length of the incarceration. The AOS's PPS will begin again upon re-release. If the jail does not keep the AIC in custody for the full sentence and releases early, the LSA must be notified immediately so the sentence length can be adjusted to match actual time served, as well as the re-release date adjusted, and stop/start time adjusted.

Stop/start time may not apply to all possible AOSs whose original term of PPS extends to the maximum period of the indeterminate sentence for their conviction(s) ([ORS 144.103](#)).

For all AOSs, the term of PPS cannot exceed the maximum indeterminate sentence date for the offense for which the AOS is on PPS.

To calculate max indeterminate time with PPS revocations:

A felony is 20 years max combination of incarceration plus PPS

B felony is 10 years max combination of incarceration plus PPS

C felony is 5 years max combination of incarceration plus PPS

It is very rare that Local Control sentences will run out of time to impose stop/start. Likely that will only happen if a series of new Local Control sentences are convicted at different times throughout the years, each one giving a fresh set of revo days to impose.

Stop/start time is calculated as follows:

First determine max indeterminate end date by determining the calculated “start date” and adding the appropriate number of years to that. C felony is used for this example.

- Conviction to Local Control incarceration for six months occurs on 2-1-2020
- AIC gets 1 month credit for time served
- Therefore “start date” to calculate max indeterminate end date is 1-1-2020 (subtracting the credit for time served from the incarceration start date).
- Add the 5 years for C felony to the calculated “start date” and get 12-31-2025 – that’s our “max indeterminate date.” This is the furthest max date that PPS can run until.
- If PPS begins 7-1-2020 and runs 36 months, the max (or expiration) date on PPS is 6-30-2023
- The most revo units available for 36 months PPS is 360 days
- 6-30-2023 + 360 days = 6-23-2024 . . . well within the max indeterminate date of 12-31-2025

To show how an offense can run out of room for stop/start time, let’s call the sentence described above “Sentence A.” For sake of the example, let’s pretend all 360 revo units have been applied to the above-described person and their expiration date has been extended to 6-23-2024 due to all the stop/start time.

Sentence B gets imposed for 11 months incarceration and 24 months PPS on 4-1-2024

- A 24-month PPS sentence allows for 270 revo units
- Sentence B gets two PPS revo sentences imposed using all 270 units
- Sentence A extended max date of 6-23-2024 + 270 days = 3-19-2025 still within the max indeterminate date of 12-31-2025, so no problem to impose all stop/start

Sentence C get imposed for 6 months incarceration and 12 months PPS on 2-1-2025

- A 12-month PPS sentence allows for 180 revo units
- Sentence C gets a PPS revo sentence for 180 days
- Sentence A extended max date of 3-19-2025 + 180 days = 9-15-2025 still within the max indeterminate date of 12-31-2025, so no problem to impose all stop/start

Sentence D gets imposed for 30 days incarceration and 12 months PPS on 6-1-2025

- A 12-month PPS sentence allows for 180 revo units
- Sentence D gets a PPS revo sentences imposed for 180 days
- Sentence A extended max date of 9-15-2025 + 180 = 3-13-2026 – the end date has finally surpassed our max indeterminate date! Therefore, on this last PPS revo sentence, the LSA can only impose 108 days of stop/start to Sentence A because 9-15-2025 + 108 = 12-31-2025 – which is the date that cannot be exceeded.

Full stop/start would be applied to Sentences B, C, and D because they have not surpassed their calculated max indeterminate date.

Please note on the last example where Sentence A stop/start time finally exceeds the max indeterminate length, the full 180 revo sentence can be imposed, and only the stop/start time must be reduced to not exceed the max indeterminate length.

Auto-revoke:

“Auto-revoke” is an administrative term used to describe what happens when a PPS AOS is sentenced to Oregon DOC. Once the AOS is admitted to an Oregon prison, the authority of the LSA is suspended. Upon re-release from the institution, the Parole Board will be the authority.

When an auto-revoke occurs, the PPS runs while the person is incarcerated. If there is any time left to serve on previously running PPS upon release from an Oregon prison, PPS will resume. If the expiration date of the PPS has been reached while in ODOC custody, the previously running PPS will be closed upon release.

The LSA, just like the Board, can choose to impose an auto-revoke for AOSs who are sentenced to out-of-state or federal prisons, if a sentencing order is provided.

If the AOS is serving time in out-of-state or federal prison the LSA, like the Board, has a right to not allow an auto-revoke to occur, but instead issue a warrant. That warrant creates tolling, so INOP will be applied after release and return to Oregon. Previously running PPS will resume upon re-entry into Oregon when the warrant is served/cleared.

If the AOS is serving time in out-of-state or federal prison, and the LSA allows an auto-revoke, when PPS expires, the supervising agency should close the file.

The LSA can choose to not impose a PPS revocation sentence on the basis of an impending auto-revoke. Once physical admission to the ODOC has occurred, an auto-revoke automatically occurs and it’s too late to impose a PPS revo sentence.

Notice of Rights:

Rules and format of notice of rights for PPS revocation sentences are identical to structured sanctions.

Hearings:

Rules for PPS revocation sentence hearings are identical to structured sanctions, including all rights and responsibilities.

Early release from custody:

The Local Supervisory Authority is the sole authority to set the re-release date for PPS revocation sentences for SB156 AOSs. If an AIC were released earlier than the set re-release date, the LSA must be contacted immediately. The LSA will then decide whether to adjust the sentence length to match the time served, or to instruct the AIC to return to custody to complete their PPS revocation sentence.

Sanction Module completion:

When the LSA approves a PPS revocation sentence, the “Court/PB/LV Ordered” section of the sanction report form must be filled in with the final decision of the sentence imposed. The code would be REVO, and the length could either match, be more, or be less than what is entered in the “Sanction Given” section.

When the LSA chooses not to impose a PPS revocation sentence due to auto-revoke, the “Court/PB/LV Ordered” section of the sanction report form should be left blank. The “Sanction Given” section should say REVO as the code and the units section should be left blank; Auth and User ID should be filled in by the person making that auto-revoke decision – likely the HO, but possibly a PO.

VIII. ADMINISTRATIVE REVIEW

If an AOS objects to conditions or sanctions imposed by the LSA, they can request an administrative review, seeking relief from the objected to condition or sanction.

An AOS can file an administrative review as outlined by the rules governing the Parole Board administrative review process, which can be found in [OAR 255 division 80](#), where the application for relief is submitted directly to the controlling Local Supervisory Authority.

The LSA clients have the same rights and responsibilities concerning administrative review as Board clients. The Local Supervisory Authority has the same rights and responsibilities for LSA-controlled clients as the Board does for Board-controlled clients, as outlined in [OAR 255 division 80](#).

Regarding objections to conditions or sanctions, the AOS would first seek an administrative review response from the LSA (on LSA cases). If the LSA denies relief, then the AOS may submit to the Board for administrative review; they would then be able to seek judicial review [through Court of Appeals] if relief is denied by the Board. [ORS 144.101](#)

IX. SAMPLE FORMS

Notice of Rights:

NOTICE OF RIGHTS

AOS: _____

SID #: _____

Hearing: You have been provided a copy of the violation report describing your violation behavior. You are entitled to a violation hearing. The purpose of the hearing is to determine whether there is probable cause to believe that you violated conditions listed on the violation report. If that finding is made the Hearings Officer may order or recommend a sanction or revocation that may include local detention, return to prison, or modification of conditions of supervision.

Waive a Hearing: You may waive the hearing in two ways: (1) voluntarily, by checking the appropriate box and signing your name on the back of this form; or (2) involuntarily, by refusing to participate in your hearing. If you waive the hearing:

- You admit violating one or more of the conditions alleged or you do not contest the allegations and neither admit nor deny them.
- The Hearings Officer and, if applicable, the Board, will make findings based on the Supervising Officer's Violation Report alone. There will be no other hearing.
- If you voluntarily waive a hearing, you may offer an oral or written statement with reasons why the Hearings Officer or Board should not order sanctions, modifications of conditions, or return to prison.

Results of Hearing: Unless you waive your right to a hearing, an impartial Hearings Officer will conduct the hearing and will either:

1. Order a sanction or modification of conditions within the Hearings Officer's authority. When the Hearings Officer's order is the final order, it is immediately effective, but subject to override by the Board; **or**
2. Make findings, conclusions, and recommendations to the Board. The Board may order a sanction, revocation that includes local detention or return to prison, or modification of conditions different from those recommended based upon the record of the hearing **without another hearing or appearance.**

Rights Before and During the Hearing: You have the right to:

1. Present relevant oral and written information.
2. Examine witnesses presenting evidence that you violated conditions of supervision, unless the Hearings Officer finds good cause not to allow you that opportunity.
3. Request witnesses who have relevant information regarding the alleged violations, unless the Hearings Officer finds good cause not to allow certain witnesses to testify.
4. Obtain an attorney at your own expense, or request an appointed attorney provided you cannot afford an attorney and **(a)** you did not violate the conditions and your claim has substantial merit, or **(b)** there are substantial reasons that justify or mitigate the violation that are complex and difficult to present without an attorney, or **(c)** you cannot speak effectively on your behalf.

Rights After the Hearing and Appeals: You have the right to:

1. Submit exceptions or arguments to the Hearings Officer's findings, conclusions, and recommendations to the Board **within 10 days** of the Hearing Officer's report (10-day waiting period).
2. Submit a request asking the Board to conduct administrative review of the Hearings Officer's or Board's final order **within 45 days of the mailing date of the final order** by using an Administrative Appeal Request form (Exhibit O) or by letter stating: "This is an administrative review request pursuant to Division 80 of Board rules"; and
3. If administrative relief is denied you may seek judicial review by petitioning the **Oregon Court of Appeals within 60 days** of the mailing date of the Board's response to your request for administrative review.

Notice of Pending Action:

NOTICE OF PENDING ACTION

Today's Date, 202X

AOS:

SID #:

PO:

You are being held in custody for alleged violations of your parole or post-prison supervision. You may have other charges pending; however, this only pertains to your parole or post-prison supervision.

A structured sanction/violation report containing the alleged violations with a recommendation for disposition is being prepared, and it will be presented to you. You can expect to hear from your PO or a hearings officer within the next 30 days.

At this time, it is alleged you are in violation of the following conditions:

- 1.
- 2.
- 3.
- 4.

Signing this form **does not** constitute agreement, stipulation to, or a guilty plea to the violations that are being alleged, simply that you have received this information. Attached is your Notice of Rights, which outlines your options regarding the above allegations. When the hearings officer meets with you, and you have been given an opportunity to read your sanction report, you will then be asked to make a decision about your rights pertaining to the above allegations.

I have read or had read to me this document informing me of what I can expect to happen with my alleged violations(s) of my parole or post-prison supervision.

Client signature

Date

Alternative to incarceration agreements:

1. *Inpatient Treatment alternate to custody release agreement*

YOUR COUNTY SHERIFF’S OFFICE

ALTERNATIVE TO INCARCERATION AGREEMENT – INPATIENT TREATMENT

I understand that as a condition of my temporary release from custody to attend inpatient treatment that I am required to go directly to the treatment facility with no unauthorized stops between the jail and the treatment facility. I further understand that I am to remain at the treatment facility until I complete the program. In the event I do not complete the program, or I leave the treatment facility, I understand that I am to turn myself in to the Your County Corrections Facility immediately and that failure to do so will result in a warrant being issued for my arrest and may also result in my arrest for the new crime of escape.

Inpatient Treatment Facility:

Name of treatment facility/program: _____

Street Address City State Zip Phone

Name of facility contact person: _____

Client Name: _____ SID #: _____ DOB: _____

Street Address City State Zip Phone

Alternative to incarceration begins: _____

Alternative to incarceration ends: _____

CONDITIONS OF RELEASE

You agree to abide by all general conditions shown on page 2 of this agreement, all program rules/regulations imposed, and the following special conditions:

1. List any special conditions you want to impose: ex: no trespass, no contact minors, etc.,
2. Shall not possess or use intoxicating substances, including but not limited to alcohol, inhalants, or controlled substances (except pursuant to a medical prescription).
3. Fully comply with all recommendations, treatment plans, and rules of the program and your PO.
4. Report in person within one business day to Your County Community Corrections upon your discharge from the program or incarceration sentence served date.
5. Sign a release of information necessary for the coordination of care and services and to allow Your County Community Corrections to monitor your compliance.
6. If required, return to jail on the date listed above.

Client signature: _____ Date: _____

Witness/PO signature: _____ Date: _____

GENERAL CONDITIONS

- A . Pay fines, restitution, or other fees ordered by the court or the Board.
- B . Submit to testing for controlled substance, cannabis, or alcohol use if the supervised person has a history of substance abuse or if there is a reasonable suspicion that the supervised person has illegally used controlled substances.
- C . Participate in a substance abuse evaluation as directed by the supervising officer and follow the recommendations of the evaluator if there are reasonable grounds to believe there is a history of substance abuse.
- D . Remain in the State of Oregon until written permission to leave is granted by the Department of Corrections or a county community corrections agency. Extradition is waived if the person under supervision absconds from supervision and leaves the state.
- E . Not change residence without prior permission from the Department of Corrections or a county community corrections agency and inform the parole and probation officer of any change in employment.
- F . Permit the parole and probation officer to visit the supervised person or the person's work site or residence and to conduct a walk-through of the common areas and of the rooms in the residence occupied by or under the control of the supervised person.
- G . Consent to the search of person, vehicle, or premises upon the request of a representative of the supervising officer if the supervising officer has reasonable grounds to believe that evidence of a violation will be found, and submit to fingerprinting or photographing, or both, when requested by the Department of Corrections or a county community corrections agency for supervision purposes.
- H . Obey all laws, municipal, county, state and federal, and in circumstances in which state and federal law conflict, obey state law.
- I . Promptly and truthfully answer all reasonable inquiries by the Department of Corrections or a county community corrections agency.
- J . Not possess weapons, firearms, or dangerous animals.
- K . Report as directed.
- L . If recommended by the supervising officer, successfully complete a sex offender treatment program approved by the supervising officer and submit to polygraph examinations at the direction of the supervising officer if the Supervised Person: (A) Is under supervision for a sex offense as defined in ORS 163A.005; (B) Was previously convicted of a sex offense as defined in ORS 163A.005; or (C) Was previously convicted in another jurisdiction of an offense that would constitute a sex offense as defined in ORS 163A.005 if committed in this state.
- M . Participate in a mental health evaluation as directed by the supervising officer and follow the recommendation of the evaluator.
- N . If required to report as a sex offender under ORS 163A.010, report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county to which the person was discharged, paroled, released or in which the person was otherwise placed: (A) Within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release; (B) Within 10 days of a change of residence; (C) Within 10 days of a legal change of name; (D) Once each year within 10 days of the person's birthdate, regardless of whether the person changed residence; (E) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; (F) Within 10 days of a change in work, vocation, or attendance status at an institution of higher education; and (G) At least 21 days prior to any intended travel outside of the United States.
- O . Submit to a risk and needs assessment as directed by the supervising officer and follow reasonable recommendations resulting from the assessment.
- P . Be under the supervision of the Department of Corrections and its representatives or other supervisory authority and abide by their direction and counsel.

2. Drug Enforcement Misdemeanor alternate to custody release agreement

YOUR COUNTY SHERIFF'S OFFICE
ALTERNATIVE TO INCARCERATION AGREEMENT
DRUG ENFORCMENT MISDEMEANOR – OUTPATIENT/INPATIENT TREATMENT

I understand that as a condition of my temporary release from custody to attend outpatient/inpatient treatment that I am required to go directly to the treatment facility with no unauthorized stops between the jail and the treatment facility. I further understand that I am to remain at the inpatient treatment facility until I complete the program. If attending outpatient treatment, I fully understand that I am to report as directed for every treatment session prescribed to me. In the event I do not complete the program, or I leave the treatment facility, I understand that I am to turn myself in to the Your County Corrections Facility immediately and that failure to do so will result in a warrant being issued for my arrest and may also result in my arrest for the new crime of escape.

Outpatient/Inpatient Treatment Facility:

Name of treatment facility/program: _____

Street Address City State Zip Phone

Name of facility contact person: _____

Client Name: _____ SID #: _____ DOB: _____

Street Address City State Zip Phone

Alternative to incarceration begins: _____ Alternative to incarceration ends: _____

CONDITIONS OF RELEASE

You agree to abide by all general conditions shown on page 2 of this agreement, all program rules/regulations imposed, and the following special conditions:

1. List any special conditions you want to impose: ex: no alcohol, no contact minors, etc.
2. Shall not possess or use intoxicating substances, including but not limited to alcohol, inhalants, or controlled substances (except pursuant to a medical prescription).
3. Fully comply with all recommendations, treatment plans, and rules of the program and your PO.
4. When released to an outpatient treatment, report to your PO within 24 hours from custody and regularly as directed.
5. Report in person within one business day to Supervising County Community Corrections upon your discharge from the program or incarceration sentence served date.
6. Sign a release of information necessary for the coordination of care and services and to allow Supervising County Community Corrections to monitor your compliance.
7. If required, return to jail on the date listed above.

Client signature: _____ Date: _____

PO name: _____ County of Supervision: _____

Witness/PO signature: _____ Date: _____

GENERAL CONDITIONS

- A . Pay fines, restitution, or other fees ordered by the court or the Board.
- B . Submit to testing for controlled substance, cannabis, or alcohol use if the supervised person has a history of substance abuse or if there is a reasonable suspicion that the supervised person has illegally used controlled substances.
- C . Participate in a substance abuse evaluation as directed by the supervising officer and follow the recommendations of the evaluator if there are reasonable grounds to believe there is a history of substance abuse.
- D . Remain in the State of Oregon until written permission to leave is granted by the Department of Corrections or a county community corrections agency. Extradition is waived if the person under supervision absconds from supervision and leaves the state.
- E . Not change residence without prior permission from the Department of Corrections or a county community corrections agency and inform the parole and probation officer of any change in employment.
- F . Permit the parole and probation officer to visit the supervised person or the person's work site or residence and to conduct a walk-through of the common areas and of the rooms in the residence occupied by or under the control of the supervised person.
- G . Consent to the search of person, vehicle, or premises upon the request of a representative of the supervising officer if the supervising officer has reasonable grounds to believe that evidence of a violation will be found, and submit to fingerprinting or photographing, or both, when requested by the Department of Corrections or a county community corrections agency for supervision purposes.
- H . Obey all laws, municipal, county, state and federal, and in circumstances in which state and federal law conflict, obey state law.
- I . Promptly and truthfully answer all reasonable inquiries by the Department of Corrections or a county community corrections agency.
- J . Not possess weapons, firearms, or dangerous animals.
- K . Report as directed.
- L . If recommended by the supervising officer, successfully complete a sex offender treatment program approved by the supervising officer and submit to polygraph examinations at the direction of the supervising officer if the Supervised Person: (A) Is under supervision for a sex offense as defined in ORS 163A.005; (B) Was previously convicted of a sex offense as defined in ORS 163A.005; or (C) Was previously convicted in another jurisdiction of an offense that would constitute a sex offense as defined in ORS 163A.005 if committed in this state.
- M . Participate in a mental health evaluation as directed by the supervising officer and follow the recommendation of the evaluator.
- N . If required to report as a sex offender under ORS 163A.010, report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county to which the person was discharged, paroled, released or in which the person was otherwise placed: (A) Within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release; (B) Within 10 days of a change of residence; (C) Within 10 days of a legal change of name; (D) Once each year within 10 days of the person's birthdate, regardless of whether the person changed residence; (E) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; (F) Within 10 days of a change in work, vocation, or attendance status at an institution of higher education; and (G) At least 21 days prior to any intended travel outside of the United States.
- O . Submit to a risk and needs assessment as directed by the supervising officer and follow reasonable recommendations resulting from the assessment.
- P . Be under the supervision of the Department of Corrections and its representatives or other supervisory authority and abide by their direction and counsel.

3. Generic alternate to custody release agreement

**YOUR COUNTY SHERIFF'S OFFICE
ALTERNATIVE TO INCARCERATION AGREEMENT**

You are currently serving a sentence of incarceration that falls under the Supervisory Authority of the Your County Sheriff's Office as specified in ORS 137.124. Under this statute, you are being granted the opportunity to participate in an alternative to custody while fulfilling the balance of your incarceration sentence.

Be advised that while you are participating in this alternative to incarceration, you are still considered an ADULT IN CUSTODY, and failure to abide by all conditions of your alternative to incarceration will result in your immediate return to the physical custody of the Your County Jail with the possible loss of all good time and work time that was previously granted. Even though you are not serving your sentence in a correctional facility, you are still considered an adult in custody of the Your County Corrections Facility and under the Your County Local Supervisory Authority.

Be further advised that if you fail to report as directed by your supervising officer or otherwise make yourself unavailable for supervision, a warrant for your arrest will be issued and you may also be charged with the new crime of Escape.

While serving this alternative to incarceration, the Your County Sheriff may place you under the supervision and control of Your County Community Corrections agency, who has the power to act on behalf of the Local Supervisory Authority and in any capacity necessary to ensure the public safety and compliance to release conditions. This includes the authority to arrest and return to the physical custody of the Your County Sheriff's Office.

Client Name: _____ SID #: _____ DOB: _____

Street address City State Zip Phone

Alternative to incarceration begins: _____

Alternative to incarceration ends: _____ [] sentence served [] return to jail

CONDITIONS OF RELEASE

You agree to abide by all general conditions shown on page 2 of this agreement, any and all program rules/regulations imposed, and the following special conditions:

1. List any special conditions you want to impose ex: no alcohol, no contact minors, etc.,
2. Fully comply with all recommendations, treatment plans, and rules of the program and your PO.
3. Report in person within one business day to Your County Community Corrections upon your discharge from the program.
4. Sign a release of information necessary for the coordination of care and services and to allow Your County Community Corrections to monitor your compliance.
5. If required, return to jail on the date listed above.

Client signature: _____ Date: _____

Witness/PO signature: _____ Date: _____

GENERAL CONDITIONS

- A . Pay fines, restitution, or other fees ordered by the court or the Board.
- B . Submit to testing for controlled substance, cannabis, or alcohol use if the supervised person has a history of substance abuse or if there is a reasonable suspicion that the supervised person has illegally used controlled substances.
- C . Participate in a substance abuse evaluation as directed by the supervising officer and follow the recommendations of the evaluator if there are reasonable grounds to believe there is a history of substance abuse.
- D . Remain in the State of Oregon until written permission to leave is granted by the Department of Corrections or a county community corrections agency. Extradition is waived if the person under supervision absconds from supervision and leaves the state.
- E . Not change residence without prior permission from the Department of Corrections or a county community corrections agency and inform the parole and probation officer of any change in employment.
- F . Permit the parole and probation officer to visit the supervised person or the person's work site or residence and to conduct a walk-through of the common areas and of the rooms in the residence occupied by or under the control of the supervised person.
- G . Consent to the search of person, vehicle, or premises upon the request of a representative of the supervising officer if the supervising officer has reasonable grounds to believe that evidence of a violation will be found, and submit to fingerprinting or photographing, or both, when requested by the Department of Corrections or a county community corrections agency for supervision purposes.
- H . Obey all laws, municipal, county, state and federal, and in circumstances in which state and federal law conflict, obey state law.
- I . Promptly and truthfully answer all reasonable inquiries by the Department of Corrections or a county community corrections agency.
- J . Not possess weapons, firearms, or dangerous animals.
- K . Report as directed.
- L . If recommended by the supervising officer, successfully complete a sex offender treatment program approved by the supervising officer and submit to polygraph examinations at the direction of the supervising officer if the Supervised Person: (A) Is under supervision for a sex offense as defined in ORS 163A.005; (B) Was previously convicted of a sex offense as defined in ORS 163A.005; or (C) Was previously convicted in another jurisdiction of an offense that would constitute a sex offense as defined in ORS 163A.005 if committed in this state.
- M . Participate in a mental health evaluation as directed by the supervising officer and follow the recommendation of the evaluator.
- N . If required to report as a sex offender under ORS 163A.010, report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county to which the person was discharged, paroled, released or in which the person was otherwise placed: (A) Within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release; (B) Within 10 days of a change of residence; (C) Within 10 days of a legal change of name; (D) Once each year within 10 days of the person's birthdate, regardless of whether the person changed residence; (E) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; (F) Within 10 days of a change in work, vocation, or attendance status at an institution of higher education; and (G) At least 21 days prior to any intended travel outside of the United States.
- O . Submit to a risk and needs assessment as directed by the supervising officer and follow reasonable recommendations resulting from the assessment.
- P . Be under the supervision of the Department of Corrections and its representatives or other supervisory authority and abide by their direction and counsel.

Conditional Waiver Agreement:

**Oregon Association of Community Correction Directors
Conditional Waiver Agreement**

I, first - middle - last name, am applying to have my county of record and Post-Prison Supervision waived to receiving county. I understand that this transfer of supervision will be subject to the rules and directives of the receiving county.

I understand that my supervision in another county may be different than the supervision I would be subject to in my county of record. I agree to accept any differences that may exist because I believe that transferring my supervision to receiving county will improve my chances for making a good adjustment in the community.

In support of my application for waiver of county of record, I make the following statements:

1. If I am allowed to Waiver my supervision to receiving county, I plan to live at full address, until I am allowed by the supervising authority to change my address.
2. I will comply with the terms and conditions of my supervision, as imposed by the Oregon Board of Parole and Post-Prison Supervision or any other releasing authority.
3. I understand that if I do not comply with the terms and conditions of my supervision, receiving county may choose to return my supervision to the original county of record, as well as sanction or return my case to the releasing authority for sanctioning purposes.

I agree by signing this waiver that I have read or have had read to me these requirements, and I agree to these stipulations.

AOS's Signature: _____ Date: _____

Printed name: _____

Release Counselor's Signature: _____ Date: _____

Printed name: _____

Morrisey Hearing subpoena:

General Information:

In a violation hearing on a proposed parole/post-prison supervision (PPS) sanction or revocation, ORS 144.347 requires a hearings officer to issue a subpoena requiring the attendance and testimony of a witness on:

- The request of a party to the hearing, *combined with*
- The party's proper showing of:
 - general relevance, *and*
 - reasonable scope of the testimony to be offered. ORS 144.347(1); OAR 255-075-0036(1).

Evidence is "relevant" if it has "any tendency to make the existence of a fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Oregon Evidence Code Rule 401. In other words, testimony is relevant if it supports or refutes, in any measure, a germane fact. As a practical matter, if the proposed testimony is relevant, it will, to that extent, also be reasonable in scope. (The hearings officer may control the focus of the testimony at the hearing if the witness begins to wander too far afield.)

The requesting party is responsible for serving or arranging for the service of the subpoena on a witness. To be legally effective and enforceable, the subpoena should either be served personally on the witness by the party or another person 18 years of age or older, or be served by certified or registered mail, restricted delivery in accordance with Oregon Rule of Civil Procedure 55D. To ensure effectiveness of service by mail, the requesting party should refer to Oregon Rule of Civil Procedure 55D (3). The person serving the subpoena should prepare a Certificate of Service.

The witness must be given or offered fees and mileage at the same time service is made. And, as noted above, the requesting party is responsible for service or arranging service. **Except for** the parties or state officers or employees, witnesses appearing under subpoena are entitled to receive **fees and mileage** under ORS 44.415(2): \$5 for each day's attendance and 25 cents per mile (total not to exceed the necessary cost of transportation on reasonably available common carriers). ORS 144.347(3).

If after receiving the testimony the hearings officer or the Board certifies that the witness's testimony was **relevant and material** to the hearing, the Board will reimburse any person who has paid fees and mileage to that witness. ORS 144.347(3); OAR 255-075-0036(2)

In the event a subpoenaed witness fails to appear or refuses to testify, the Board, the hearings officer or the party who requested the subpoena may apply to the judge of a circuit court to compel obedience by proceedings for contempt. ORS 144.347(4); OAR 255-075-0040.

A model form of subpoena is on the next page.

Questions?

Contact the Board at (503) 945-0900 or visit us at www.oregon.gov/boppps.

Oregon Board of Parole & Post-Prison Supervision
1321 Tandem Ave NE
Salem, Oregon 97301

<p>OREGON BOARD OF PAROLE & POST-PRISON SUPERVISION In the Matter of the violation hearing of:</p> <p>_____</p> <p>SID# _____</p> <p>Petitioner</p> <p>TO: _____</p>	<p>SUBPOENA TO APPEAR AT THE VIOLATION HEARING SCHEDULED FOR _____, 20__</p>
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IN THE NAME OF THE STATE OF OREGON, you are directed to appear before the Oregon Board of Parole and Post-Prison Supervision, at _____ A.M./P.M., on _____, 20__, to testify at a hearing on the above-captioned matter. This hearing will be conducted by teleconference. To appear by telephone, you must contact the Board’s Hearings Officer at (503) 945-9235 at least 24 hours prior to the hearing to make arrangements for telephonic testimony.

Your testimony is relevant to the Board’s violation hearing concerning the above-named AOS. This subpoena is issued pursuant to ORS 144.347 and OAR 255-075-0036.

DATED this _____ day of _____, 20__.

[Name]
Hearings Officer for the
Oregon Board of Parole and Post-Prison Supervision

You must include a certificate of service. Two examples are shown on the next page.

SAMPLE 1

Certificate of Personal Service

I certify that on [date], I served the attached Subpoena to Appear at Violation Hearing upon [name] by delivering to [him/her] in person a copy thereof at [address].

[Signature]

SAMPLE 2

Certificate of Service by Registered or Certified Mail

I certify that on [date], I served the attached Subpoena to Appear at Violation Hearing by mailing [registered/certified] in a sealed envelope, with postage prepaid, a copy thereof addressed as follows:

Name
Address
City, State ZIP

[Signature]

Certificate of Expiration:

**COUNTY OF Your County
LOCAL SUPERVISORY AUTHORITY**

CERTIFICATE OF SUPERVISION EXPIRATION

SUPERVISING COUNTY

To all whom it may concern:

Last name, First name middle name, SID # 12345678, has completed the period of post-prison supervision imposed and is expired from supervision effective this day type in date here.

Signature goes here

Name of signer typed here
Your County Local Supervisory Authority/designee

CERTIFICATE OF SUPERVISION EXPIRATION

TTY or Word doc for PPS revocation sentence:

You can create a template or smart key in LEDS to create the bulk of this message and fill in specifics for each case or create a Word document sent via email.

To: the lodging jail
the supervising P&P office
Re: AOS last name, first name middle name
SID # 12345678
Post-prison revocation sentence

By Local Supervisory Authority action of put decision date here the above-named AOS's supervision has been revoked and number of days here days of custody has been ordered.

This is your authorization to lodge the AOS in your facility until the re-release date of put calculated custody end date here. The LSA does not have a hold on the AOS after the re-release date. Please instruct the AOS to report to the local community corrections office upon release to resume supervision.

Please advise the LSA IMMEDIATELY if the AOS is released prior to the designated re-release date noted above.

Probation/Parole officer: please submit a release plan to the LSA

Warrant Date: put date warrant was issued, if applicable
Arrest Date: put date went into custody here
Credit for Time Served: put calculated number here
Sanction: REVO put length of sentence here
Re-release date: put re-release date here

Name of LSA here
Your County Local Supervisory Authority
Your phone number

PPS original order:

**YOUR COUNTY LOCAL SUPERVISORY AUTHORITY
POST-PRISON SUPERVISION ORDER OF SUPERVISION CONDITIONS**

NAME: Last name, First and middle
SID #: 12345678
PHYSICAL RELEASE DATE: 04/03/2023

LSA ACTION DATE: 04/01/2023
OFFICE / CASELOAD: WASH / 5232
ACTIVE SUPERVISION REVIEW: 10/02/2023
PPS EXPIRATION DATE: 04/02/2024

Report To: Supervising County Community Corrections, Street address, City, State, Zip

If the AOS is classified as a Level III sex AOS, put that here. Example language:

AOS has been classified to a **LEVEL III** Sex Offender Notification Level, pursuant to ORS 181.800.

OFFENSE	CNTY	CASE #	PPS	PPS EXP DATE
UN USE VEH	WASH	22CR123456/02	12	04/02/2024

FIRST MIDDLE LAST NAME IS HEREBY RELEASED. Post-Prison Supervision shall begin on release from physical custody. The minimum active supervision period shall be 6 months, or to the sentence expiration date. Extension of the active supervision period is contingent on a recommendation from the supervising officer and LSA approval. Supervision conditions may be modified as necessary. If you violate any of these conditions, you may be incarcerated or sanctioned in the community. You are subject to all General Conditions and to the following Special Conditions:

List specials imposed here, some examples below:

7. Pay court ordered restitution to the clerk of the court of the county of sentencing (ORS 137.103-106, OAR 255-065-0005).

9. Without prior written approval of the supervising officer, shall not possess or use intoxicating substances, including but not limited to alcohol, inhalants, or controlled substances (except pursuant to a medical prescription).

11. Have no contact direct or indirect with those listed below: No contact with victim(s), Sally Victim, including direct, indirect, second- or third-party contact or knowingly being within 1,000 feet of a victim's residence, employment, school, daycare, or motor vehicle without prior written consent of the PO.

YOUR COUNTY LOCAL SUPERVISORY AUTHORITY
ORDER OF SUPERVISION CONDITIONS

GENERAL SUPERVISION CONDITIONS

- A . Pay fines, restitution, or other fees ordered by the court or the Board.

- B . Submit to testing for controlled substance, cannabis, or alcohol use if the supervised person has a history of substance abuse or if there is a reasonable suspicion that the supervised person has illegally used controlled substances.

- C . Participate in a substance abuse evaluation as directed by the supervising officer and follow the recommendations of the evaluator if there are reasonable grounds to believe there is a history of substance abuse.

- D . Remain in the State of Oregon until written permission to leave is granted by the Department of Corrections or a county community corrections agency. Extradition is waived if the person under supervision absconds from supervision and leaves the state.

- E . Not change residence without prior permission from the Department of Corrections or a county community corrections agency and inform the parole and probation officer of any change in employment.

- F . Permit the parole and probation officer to visit the supervised person or the person's work site or residence and to conduct a walk-through of the common areas and of the rooms in the residence occupied by or under the control of the supervised person.

- G . Consent to the search of person, vehicle, or premises upon the request of a representative of the supervising officer if the supervising officer has reasonable grounds to believe that evidence of a violation will be found, and submit to fingerprinting or photographing, or both, when requested by the Department of Corrections or a county community corrections agency for supervision purposes.

- H . Obey all laws, municipal, county, state and federal, and in circumstances in which state and federal law conflict, obey state law.

- I . Promptly and truthfully answer all reasonable inquiries by the Department of Corrections or a county community corrections agency.

- J . Not possess weapons, firearms, or dangerous animals.

- K . Report as directed.

- L . If recommended by the supervising officer, successfully complete a sex offender treatment program approved by the supervising officer and submit to polygraph examinations at the direction of the supervising officer if the Supervised Person: (A) Is under supervision for a sex offense as defined in ORS 163A.005; (B) Was previously convicted of a sex offense as defined in ORS 163A.005; or (C) Was previously convicted in another jurisdiction of an offense that would constitute a sex offense as defined in ORS 163A.005 if committed in this state.

**YOUR COUNTY LOCAL SUPERVISORY AUTHORITY
ORDER OF SUPERVISION CONDITIONS**

GENERAL SUPERVISION CONDITIONS

M . Participate in a mental health evaluation as directed by the supervising officer and follow the recommendation of the evaluator.

N . If required to report as a sex offender under ORS 163A.010, report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county to which the person was discharged, paroled, released or in which the person was otherwise placed: (A) Within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release; (B) Within 10 days of a change of residence; (C) Within 10 days of a legal change of name; (D) Once each year within 10 days of the person's birthdate, regardless of whether the person changed residence; (E) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; (F) Within 10 days of a change in work, vocation, or attendance status at an institution of higher education; and (G) At least 21 days prior to any intended travel outside of the United States.

O . Submit to a risk and needs assessment as directed by the supervising officer and follow reasonable recommendations resulting from the assessment.

P . Be under the supervision of the Department of Corrections and its representatives or other supervisory authority and abide by their direction and counsel.

**YOUR COUNTY LOCAL SUPERVISORY AUTHORITY
ORDER OF SUPERVISION CONDITIONS**

Pursuant to ORS 144.102(2) and ORS 144.270(2), special conditions may be imposed that are not listed above when the Local Supervisory Authority determines that such conditions are necessary.

If the AOS's actual physical release date is different than the release date noted on this order, the supervision expiration date will be modified accordingly. Physical release to detainer custody of 30 days or longer may also result in an adjustment to the post-prison supervision start date and expiration date(s).

I have read, or have had read to me, and fully understand and acknowledge the conditions under which I am being released. I will strictly abide by them, and I understand that my failure to do so may result in return to imprisonment and forfeiture of all good time credits, if any, earned by me prior to the effective date of this order.

Pursuant to OAR 255-080-0005 through OAR 255-080-0015, you may seek administrative review of this order by submitting a written request for administrative review to the Local Supervisory Authority within 45 days from the date you signed the order or the date the supervisory authority acknowledged you received the order. After the LSA has issued an administrative review response, first file an administrative review with the Parole Board, after their response, you may seek judicial review of this order by filing a petition for judicial review in the Court of Appeals, State of Oregon Supreme Court Building, Salem, OR 97310, within 60 days after the date the board mails the administrative review response. Judicial review is pursuant to the provisions of ORS 144.335 and ORS 183.482(8).

Upon release from custody, report as directed to the supervising agency, or within 24 hours.

LSA's name
Local Supervisory Authority

Date

AOS

Date

Witness

Date

PPS amended order:

**YOUR COUNTY LOCAL SUPERVISORY AUTHORITY
ORDER TO CONTINUE/AMEND SUPERVISION**

NAME: Last name, First and middle
SID #: 12345678
PHYSICAL RELEASE DATE: 04/03/2023

LSA ACTION DATE: 06/01/2023
OFFICE / CASELOAD: WASH / 5232
ACTIVE SUPERVISION REVIEW: 10/02/2023
PPS EXPIRATION DATE: 06/02/2024

Report To: Supervising County Community Corrections, Street address, City, State, Zip

If the AOS is classified as a Level III Sex Offender, put that here. Example language:

AOS has been classified to a **LEVEL III** Sex Offender Notification Level, pursuant to ORS 181.800.

OFFENSE	CNTY	CASE #	PPS	PPS EXP DATE
UN USE VEH	WASH	22CR123456/02	12	06/02/2024

**THE FOLLOWING SUPERVISION CONDITIONS ARE ORDERED:
ALL SPECIAL CONDITIONS:**

List specials imposed here, some examples below:

7. Pay court ordered restitution to the clerk of the court of the county of sentencing (ORS 137.103-106, OAR 255-065-0005).

9. Without prior written approval of the supervising officer, shall not possess or use intoxicating substances, including but not limited to alcohol, inhalants, or controlled substances (except pursuant to a medical prescription).

11. Have no contact direct or indirect with those listed below: No contact with victim(s), Sally Victim, including direct, indirect, second- or third-party contact or knowingly being within 1,000 feet of a victim's residence, employment, school, daycare, or motor vehicle without prior written consent of the PO.

YOUR COUNTY LOCAL SUPERVISORY AUTHORITY
ORDER TO CONTINUE/AMEND SUPERVISION

GENERAL SUPERVISION CONDITIONS

- A . Pay fines, restitution, or other fees ordered by the court or the Board.

- B . Submit to testing for controlled substance, cannabis, or alcohol use if the supervised person has a history of substance abuse or if there is a reasonable suspicion that the supervised person has illegally used controlled substances.

- C . Participate in a substance abuse evaluation as directed by the supervising officer and follow the recommendations of the evaluator if there are reasonable grounds to believe there is a history of substance abuse.

- D . Remain in the State of Oregon until written permission to leave is granted by the Department of Corrections or a county community corrections agency. Extradition is waived if the person under supervision absconds from supervision and leaves the state.

- E . Not change residence without prior permission from the Department of Corrections or a county community corrections agency and inform the parole and probation officer of any change in employment.

- F . Permit the parole and probation officer to visit the supervised person or the person's work site or residence and to conduct a walk-through of the common areas and of the rooms in the residence occupied by or under the control of the supervised person.

- G . Consent to the search of person, vehicle, or premises upon the request of a representative of the supervising officer if the supervising officer has reasonable grounds to believe that evidence of a violation will be found, and submit to fingerprinting or photographing, or both, when requested by the Department of Corrections or a county community corrections agency for supervision purposes.

- H . Obey all laws, municipal, county, state and federal, and in circumstances in which state and federal law conflict, obey state law.

- I . Promptly and truthfully answer all reasonable inquiries by the Department of Corrections or a county community corrections agency.

- J . Not possess weapons, firearms, or dangerous animals.

- K . Report as directed.

- L . If recommended by the supervising officer, successfully complete a sex offender treatment program approved by the supervising officer and submit to polygraph examinations at the direction of the supervising officer if the Supervised Person: (A) Is under supervision for a sex offense as defined in ORS 163A.005; (B) Was previously convicted of a sex offense as defined in ORS 163A.005; or (C) Was previously convicted in another jurisdiction of an offense that would constitute a sex offense as defined in ORS 163A.005 if committed in this state.

**YOUR COUNTY LOCAL SUPERVISORY AUTHORITY
ORDER TO CONTINUE/AMEND SUPERVISION**

GENERAL SUPERVISION CONDITIONS

M . Participate in a mental health evaluation as directed by the supervising officer and follow the recommendation of the evaluator.

N . If required to report as a sex offender under ORS 163A.010, report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county to which the person was discharged, paroled, released or in which the person was otherwise placed: (A) Within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release; (B) Within 10 days of a change of residence; (C) Within 10 days of a legal change of name; (D) Once each year within 10 days of the person's birthdate, regardless of whether the person changed residence; (E) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; (F) Within 10 days of a change in work, vocation, or attendance status at an institution of higher education; and (G) At least 21 days prior to any intended travel outside of the United States.

O . Submit to a risk and needs assessment as directed by the supervising officer and follow reasonable recommendations resulting from the assessment.

P . Be under the supervision of the Department of Corrections and its representatives or other supervisory authority and abide by their direction and counsel.

YOUR COUNTY LOCAL SUPERVISORY AUTHORITY
ORDER TO CONTINUE/AMEND SUPERVISION

I have read, or have had read to me, and fully understand and acknowledge the amendment(s) to the Order of Supervision Conditions, and the regulations, and restrictions governing my supervision. I will strictly abide by them, and I understand that my failure to do so may result in return to imprisonment and forfeiture of all good time credits, if any, earned by me prior to the effective date of this order. The maximum sentence expiration date on this order may change due to sentence calculations by the Local Supervisory Authority. Parole officer may modify the order to reflect correct date.

Pursuant to OAR 255-080-0005 through OAR 255-080-0015, you may seek administrative review of this order by submitting a written request for administrative review to the Local Supervisor Authority within 45 days from the date you signed the order or the date the supervisory authority acknowledged you received the order. After the LSA has issued an administrative review response, first file an administrative review with the Parole Board, after their response, you may seek judicial review of this order by filing a petition for judicial review in the Court of Appeals, State of Oregon Supreme Court Building, Salem, OR 97310, within 60 days after the date the board mails the administrative review response. Judicial review is pursuant to the provisions of ORS 144.335 and ORS 183.482(8).

LSA's name
Local Supervisory Authority

Date

AOS

Date

Witness

Date

PPS reactivate order:

YOUR COUNTY LOCAL SUPERVISORY AUTHORITY
ORDER OF RETURN TO SUPERVISION STATUS

NAME: Last name, First and middle
SID #: 12345678
PHYSICAL RELEASE DATE: 04/03/2023

BOARD ACTION DATE: 04/01/2023
OFFICE / CASELOAD: WASH / 5232
ACTIVE SUPERVISION REVIEW: 10/02/2023
PPS EXPIRATION DATE: 04/02/2024

Report To: Supervising County Community Corrections, Street address, City, State, Zip

If the AOS is classified as a Level III Sex Offender, put that here. Example language:

AOS has been classified to a **LEVEL III** Sex Offender Notification Level, pursuant to ORS 181.800.

OFFENSE	CNTY	CASE #	PPS	PPS EXP DATE
UN USE VEH	WASH	22CR123456/02	12	04/02/2024

FIRST MIDDLE LAST NAME IS HEREBY RETURNED TO ACTIVE SUPERVISION. Inactive supervision is not serving the best interests of AOS and society. Placement on inactive supervision prior to expiration is at the discretion of the parole officer. Supervision conditions may be added on your signed consent or after a hearing. If you violate any of these conditions, you may be incarcerated or sanctioned in the community. You are subject to all General Conditions and to the following Special Conditions:

List specials imposed here, some examples below:

7. Pay court ordered restitution to the clerk of the court of the county of sentencing (ORS 137.103-106, OAR 255-065-0005).

9. Without prior written approval of the supervising officer, shall not possess or use intoxicating substances, including but not limited to alcohol, inhalants, or controlled substances (except pursuant to a medical prescription).

11. Have no contact direct or indirect with those listed below: No contact with victim(s), Sally Victim, including direct, indirect, second- or third-party contact or knowingly being within 1,000 feet of a victim's residence, employment, school, daycare, or motor vehicle without prior written consent of the PO.

PPS extend/continue order:

**YOUR COUNTY LOCAL SUPERVISORY AUTHORITY
ORDER TO CONTINUE/AMEND SUPERVISION**

NAME: Last name, First and middle
SID #: 12345678
PHYSICAL RELEASE DATE: 04/03/2023

BOARD ACTION DATE: 04/01/2023
OFFICE / CASELOAD: WASH / 5232
ACTIVE SUPERVISION REVIEW: 10/02/2023
PPS EXPIRATION DATE: 04/02/2024

If the AOS is classified as a Level III Sex Offender, put that here. Example language:

AOS has been classified to a **LEVEL III** Sex Offender Notification Level, pursuant to ORS 181.800.

OFFENSE	CNTY	CASE #	PPS	PPS EXP DATE
UN USE VEH	WASH	22CR123456/02	12	04/02/2024

Active supervision has been continued to the longest expiration date. Placement on inactive supervision prior to expiration is at the discretion of the Parole Officer.

THE FOLLOWING SUPERVISION CONDITIONS ARE ORDERED:

ALL SPECIAL CONDITIONS:

List specials imposed here, some examples below:

7. Pay court ordered restitution to the clerk of the court of the county of sentencing (ORS 137.103-106, OAR 255-065-0005).

9. Without prior written approval of the supervising officer, shall not possess or use intoxicating substances, including but not limited to alcohol, inhalants, or controlled substances (except pursuant to a medical prescription).

11. Have no contact direct or indirect with those listed below: No contact with victim(s), Sally Victim, including direct, indirect, second- or third-party contact or knowingly being within 1,000 feet of a victim's residence, employment, school, daycare, or motor vehicle without prior written consent of the PO.

YOU ARE STILL SUBJECT TO ALL GENERAL CONDITIONS OF SUPERVISION

YOUR COUNTY LOCAL SUPERVISORY AUTHORITY
ORDER TO CONTINUE/AMEND SUPERVISION

I have read, or have had read to me, and fully understand and acknowledge the amendment(s) to the Order of Supervision Conditions, and the regulations, and restrictions governing my supervision. I will strictly abide by them, and I understand that my failure to do so may result in return to imprisonment and forfeiture of all good time credits, if any, earned by me prior to the effective date of this order. The maximum sentence expiration date on this order may change due to sentence calculations by the Local Supervisory Authority. Parole officer may modify the order to reflect correct date.

Pursuant to OAR 255-080-0005 through OAR 255-080-0015, you may seek administrative review of this order by submitting a written request for administrative review to the Local Supervisor Authority within 45 days from the date you signed the order or the date the supervisory authority acknowledged you received the order. After the LSA has issued an administrative review response, first file an administrative review with the Parole Board, after their response, you may seek judicial review of this order by filing a petition for judicial review in the Court of Appeals, State of Oregon Supreme Court Building, Salem, OR 97310, within 60 days after the date the board mails the administrative review response. Judicial review is pursuant to the provisions of ORS 144.335 and ORS 183.482(8).

LSA's name
Local Supervisory Authority

Date

AOS

Date

Witness

Date

Warrant Recall form:

LOCAL CONTROL WARRANT RECALL MEMO

YOUR COUNTY COMMUNITY CORRECTIONS

Street address

City, State, Zip

Phone

To: Your County Sheriff's Department

From: Your Director's Name, Title*

Subject: Warrant Recall RE: client's name here

Date: enter date here

Please recall warrant number: wx number here for client's name here. This is a Local Control Warrant, and reason for recall here. (Examples: the AOS showed up in the office voluntarily; the warrant is 20 years old, and recall is in the best interest of justice.)

Thank you for your assistance in this matter of importance.

Your Director's Name, Title*

*Can be whoever is authorized to act on behalf of your division or the LSA

Board Action Form:

Legal documentation presented to the AOS and copied to the AOS's file when a hearing decision has taken place, and/or a PPS revocation sentence has been imposed.

A sample of this form along with a key to what each field represents is found here:

[baf_key.pdf \(oregon.gov\)](#)

If link is broken, it's because this form was updated and reuploaded. You can get to the form by following this path:

- open the Board website:

[OREGON BOARD OF PAROLE : Welcome to the Board of Parole's Website : State of Oregon](#)

- click under the supervision section "supervision forms"
- click under "Forms for Offender on Supervision" the first box "Board Keys and Sample Forms"
- click Board Action for (BAF)

Copy and modify this form to create a template for your agency.