



## PASSES AND LEAVES

### POLICY.

It is the policy of the Deschutes County Sheriff's Office – Adult Jail (AJ) to allow an inmate to take temporary leave from incarceration for certain reasons, but only with proper approval.

### PURPOSE.

The purpose of this policy is to specify the reasons under which AJ members may grant passes and leaves, and the conditions that will apply.

### OREGON JAIL STANDARDS:

- G-208 Elective Procedures

### REFERENCES:

- ORS 137.520, Power of Committing Magistrate to Parole and Grant Temporary Release to Persons Confined in County Jail; Authority of Sheriff to Release County Jail Inmates; Disposition of Work Release Earnings
- ORS 137.635, Determinate Sentences Required for Certain Felony Convictions
- ORS 137.750, Sentencing Requirements Concerning Defendant's Eligibility for Certain Types of Leave, Release, or Programs
- ORS 162.175, Unauthorized Departure
- ORS 169.115, Temporary Leave

### DEFINITIONS.

**Leave.** An inmate's approved absence from the jail for up to 10 days.

**Pass.** An inmate's approved absence from the jail for up to 24 hours.

**Relative.** The father, mother, spouse, sibling, child or grandparent of the inmate. The Captain may broaden "relative" to include a domestic partner, surrogate parent or like situation, on a case-by-case basis.

**Responsible Person.** A sober adult with no pending warrants or criminal charges.

**Supervisory Authority Board (SAB).** The State or local corrections agency or official designated in each county to operate corrections supervision services, custodial facility or both.

**Transitional Supervision.** A sentence of imprisonment under ORS 137.124 that falls under the Supervisory Authority of the Sheriff. Under this statute, an inmate may be granted the opportunity to participate in alternative incarceration while fulfilling the balance of their sentence (*Refer to Deschutes County Supervisory Authority Board Policy & Procedures*).

**PROCEDURES.**

**SECTION A: GUIDELINES**

- A-1. Passes and leaves are a privilege, not a right.
- A-2. The Captain or designee may deny a pass or leave for any reason even if the inmate meets all eligibility requirement. Denials should include a reason why.
- A-3. The Sheriff or designee will be the approval authority for all passes (Exception: Temporary Check-Out **Section E-1**). Though a pass may be for up to 24-hours, it normally will be for 12 hours or less.
- A-4. The Sheriff or designee will be the approval authority for a leave. A leave may not be longer than 10 days.
- A-5. An inmate going on a pass or leave should be released into the physical custody of a responsible person. A supervisor may make an exception for an inmate admitted to a hospital following a medical emergency. Any other exceptions must be approved by the Sheriff or designee.
- A-6. The inmate and responsible person must arrange for all transportation needs.
- A-7. The Sheriff or designee may extend a pass or leave.
- A-8. The Sheriff's Office will not use passes and leaves as a way to reduce jail overcrowding.

**SECTION B: MEDICAL PASSES AND LEAVES**

- B-1. An inmate may request a leave or medical pass to get specialized health care treatment at another facility that is not available in the jail. The inmate will turn in a request to the Medical Unit on a *Health Care Request Form No. 545*.
- B-2. To be eligible for a medical pass, the inmate must be:
  - a. Sentenced.
  - b. Have a sentencing order that permits a pass or leave.

- c. Be free of any holds, detainers, or warrants from any jurisdiction.
  - d. Not be considered a threat to society.
  - e. Not be considered an unauthorized departure risk.
  - f. Be free of a conviction on a charge of unauthorized departure, escape, or supplying contraband.
- B-3.** A nurse or the Medical Director will determine if the inmate has a legitimate need for a medical pass or leave. If so, they will fill out a *Request for Temporary Leave Form No. 306*, and forward it to the shift supervisor. If not, they will inform the inmate and note the reasons for denial in the inmate's health care record.
- B-4.** Medical Unit members must be careful not to divulge any protected patient health information when filling out a *Request for Temporary Leave Form*. If the approval authority does not have enough information on the form to make an informed decision, the inmate will have to sign a *Release of Information* consent form to allow health care members to provide more information. Medical Unit members will provide the consent form to the inmate.
- B-5.** A supervisor will determine if the inmate is eligible for the pass or leave. If eligible, the shift supervisor will fill out the *Request for Temporary Leave* form and forward it to the appropriate approval authority. If not, they will return the request to the inmate with the reason for denial.
- a. A supervisor may initiate a medical pass or leave for a sentenced inmate admitted to a hospital following a medical emergency. (See [Policy CD-10-8, Emergency Medical Care](#)) Deputies will have the inmate sign the *AJ Form No. 306*, at the hospital. An inmate must be conscious and mentally alert to sign *AJ Form No. 306*. A deputy will also sign as a witness if medical status hindered the ability of the inmate to sign their signature as it normally appears.
  - b. Depending on the inmate's length of care, the Sheriff or designee may approve a medical leave for the inmate.

### **SECTION C: SPECIAL PASSES AND LEAVES**

- C-1.** An inmate may receive a special pass or leave to visit a seriously ill relative or to attend the funeral of a relative.
- C-2.** To be eligible for a special pass or leave, an inmate must meet the conditions listed below. The Sheriff or designee may waive certain eligibility conditions. For a special pass needing waivers, The Sheriff or designee is the approval authority. To be eligible for a special pass or leave, an inmate must:
- a. Be sentenced for at least 30 days. (waivable)
  - b. Have a sentencing order that does not prohibit a pass or leave.
  - c. Not have had a pass or leave within the last 30 days. (waivable)

- d. Be classified medium or below.
  - e. Be free of any holds, detainers, or warrants from any jurisdiction.
  - f. Be free of a conviction on a charge of unauthorized departure, escape, or supplying contraband. (waivable)
  - g. Not be considered a threat to society.
  - h. Not be considered an unauthorized departure risk.
  - i. Pass a health screening.
  - j. Have an exceptionally good record of conduct. Inmates with any “guilty” formal disciplinary report within 120 days or more than one informal discipline report within 30 days of the pass request are **not** eligible.
- C-3.** An inmate will use an *Inmate Message Form No.103* to ask for a special pass or leave. The inmate will turn the request into the shift supervisor.
- C-4.** A supervisor will review the inmate’s record to see if the inmate meets the eligibility conditions with possible waivers. If so, they will forward the request to the Medical Unit. If not, they will return the request to the inmate with the reason for denial.
- C-5.** Medical Unit members must give a health clearance on the inmate. They will also need to identify any medications the inmate may have to take while on leave. Medical Unit members will forward the request to the requesting supervisor or back to the inmate, as appropriate.
- C-6.** If the approval authority approves the request, they will assign a supervisor to fill out a Request for *Temporary Leave Form No. 306*. The supervisor will set the start and stop times and any special conditions for the pass or leave. They will base the times and conditions on what may best serve the inmate’s needs, protect the public, and meet the family’s needs.
- C-7.** The supervisor will send the completed form, with the request attached, to the approval authority.

#### **SECTION D: RELEASE AND TRACKING PROCEDURES**

- D-1.** The shift supervisor will determine which personal property the inmate may take on the pass or leave. If the pass or leave is for a residential treatment facility, members will return all of the inmate’s personal property.
- D-2.** The release deputy will do the following:
- a. Run a criminal history check on the responsible person.
  - b. With the exception or releasing property as noted in **Section D-2** above, follow normal release procedure for releasing the inmate. This includes victim notification.
  - c. Have the responsible person sign the *AJ Form 306*, to agree to and acknowledge an understanding of their responsibilities.

- d. Update the inmate's location in the Jail Management System (JMS) as being on a pass or leave.

***SECTION E: TEMPORARY CHECK-OUT***

- E-1.** If a law enforcement officer (LEO) requests to temporarily take an inmate out of the AJ, the shift supervisor will complete the *Temporary Check-Out Form No. 417*. The Captain and a captain of requesting agency will be the approval authority for a pass. In the absence of a captain, the Sheriff or designee will be the approval authority.

***SECTION F: TRANSITIONAL LEAVE***

- F-1.** The Sheriff or designee will be the approval authority for transitional leave.
- F-2.** An inmate may be released from custody to serve the balance of jail time on transitional leave. The inmate meets criteria for transitional leave if they are serving a sentence of imprisonment that falls under the Supervisory Authority Board (SAB) of the Deschutes County Sheriff's Office, as specified in ORS 137.124. See the guidelines outlined in *Deschutes County Sheriff's Office Supervisory Authority Board Policy and Procedures*.
- F-3.** The Programs deputy or programs supervisor will ensure compliance with SAB policy and completion of *Transitional Supervision Authorization Form No. 707*, prior to release from custody.
- F-4.** The SAB will review eligible inmates for transitional leave and recommend the potential inmate(s) to the approval authority.

**FORMS USED:**

- Health Care Request Form No. 545
- Inmate Message Form No. 103
- Request for Temporary Leave Form No. 306
- Temporary Check-Out Form No. 417
- Transitional Supervision Authorization Form No. 707