



## **PAROLE AND PROBATION VIOLATIONS**

### **POLICY.**

Corrections staff will accept into custody and process offenders who violate the conditions of their parole, post-prison supervision (PPS), or probation according to statute.

### **PURPOSE.**

The purpose of this policy is to establish guidelines for corrections staff in the processing of parole and probation violators.

**OREGON JAIL STANDARDS:** None

### **REFERENCES:**

- ORS 135.775 to 135.793, Detainer
- ORS 137.520 to 137.630, Probation and Parole by Committing Magistrate
- ORS 144.096 to 144.109, Post-Prison Supervision
- ORS 144.110 to 144.275, Parole Process
- ORS 144.315 to 144.395, Termination of Parole

### **DEFINITIONS.**

**Detainer.** A pink slip detention warrant that is filled out by the parole or probation officer. The detainer provides the name, date of incarceration, State Identification Number (SID), authority held for, place of confinement, and court case number of the case(s) violated.

**Morrissey Hearing.** A hearing held by a state parole agent (Hearings Officer) to determine if conditions of one's parole or PPS status have been violated. The violator may have parole or PPS revoked or receive a sanction to serve time in jail or prison for violated conditions. The name for the hearing comes from the *Morrissey v. Brewer* (408 U.S. 471) court case, which set down the minimum due-process requirements for revocation of parole.

**Parole.** A conditional release of a prisoner who served part of his sentence at a state correctional facility and is released into the community, but remains under the control of and in the legal custody of a parole authority. Any violation of the conditions of parole can result in the return of the person to prison. "Parole" applies to felony offenders whose offenses were committed before November 1, 1989.

**Post-prison supervision (PPS).** Similar to parole, but applies to offenders whose offenses were committed on or after November 1, 1989, who are released after serving a prison term given under sentencing guidelines laws. Violations of PPS can result in jail time.

**Probation.** A form of sentencing a judge imposes along with, or in lieu of, incarceration. The sentence usually has special conditions attached that the convicted person must abide by, such as not to leave the state, drink alcohol, consume drugs, or not to go to a specific place or contact a certain person. The judge (bench) or a probation officer will supervise the probation. Failure to obey a probation order may be cause for immediate incarceration.

**Revocation.** Termination of supervision as a result of behavior violating probation; based on the determination by the sentencing court, Board of Parole and Post-Prison Supervision, local supervisory authority (SAB), or Morrissey Hearings Officer that the purpose of an offender's supervision is not being served. Typically results in the suspension of time served credit and may be cause for additional jail/prison time.

**Supervisory Authority Board (SAB).** The local board designated in Deschutes County to be responsible for community based supervision, sanctions and services for felony offenders who are on parole, probation, post-prison supervision, sentenced on or after January 1, 1997, to 12-months or less incarceration or sanctioned on or after January 1, 1997, by a court or the State Parole and Post-Prison Supervision Board to 12-months or less incarceration for violation of a condition of parole, probation or post-prison supervision; and on conditional release under ORS 420A.206.

**Structured Sanction.** A method of discipline that a probation officer can use to hold an offender accountable for violations of his or her supervision.

**Suspend and Detain.** A method used by Parole and Probation to hold a violator for a period not to exceed one hundred and twenty (120) days, in order to conduct an investigation prior to a Morrissey Hearing.

**Temporary Detainer.** A sanction placed on individuals under Parole and Probation supervision who have been incarcerated for being intoxicated and who have no new criminal charges. Temporary Detainer sanctions will be a maximum of twelve (12) hours, unless the offender's ability to comprehend is still obstructed by the influence of alcohol and/or drugs after twelve hours. Those individuals will be detained until their ability to comprehend is no longer obstructed.

## **PROCEDURES.**

### ***SECTION A: PAROLE AND PPS VIOLATIONS***

#### **A-1. Arrest of Parole or PPS Violators**

When a parole officer arrests a parole or post prison violator, they will transport the arrestee to the jail for processing.

**A-2. Booking Parole and PPS Violators**

Booking deputies will book parole or PPS violators according to current procedures, as outline in DCAJ [policy CD-5-1, Intake and Booking](#). Booking deputies will likewise follow procedures for booking the inmate with the correct codes and entering any transport order.

**A-3. Housing and Transport of Parole or PPS Violators**

Corrections staff will treat parole or post prison matters as local holds for the county of supervision. The table below is a guide for lodging and transporting of inmates with pending parole, local supervisory control, or post-prison supervision (PPS) matters.

Arrest charge is—	Parole officer is—	Transport Inmate?	Comments
Parole violation	Local	No	Hearing and sanction are completed in county of supervision
	Other agency	Yes	Hearing and sanction are completed in county of supervision
Parole violation <i>and</i> local charge	Local	No	Both court and parole matters completed in county of supervision
	Other agency	Resolve local charges before sending inmate to county of supervision.	If a parole sanction has been offered and accepted while the inmate is in the custody of the DCAJ on local charges, the inmate may be sent to the supervising county to finish the sanction after the local sentence has expired.
Parole violation <i>and</i> other agency (OTHA) charge	Local	Resolve parole hold first. After sanctioning, transport the inmate to OTHA with a copy of the sanction report and a detainer.	Inmate may complete sentence or sanction in jurisdiction with longer time to serve. <i>Note:</i> If the inmate demands a formal hearing the DA will file a motion to transport to OTHA. Inmate will have a detainer for the parole hold. Inmate will return to the DCAJ when OTHA matter is resolved.
Parole violation <i>and</i> local warrant from a third agency	Other agency	Transport inmate to closer county with a detainer for the farther county.	If a parole sanction is imposed while the inmate is in custody on the local warrant, the inmate will serve time in the county with the longest sentence or sanction.

**A-4. Dress-In of Parole and PPS Violators**

Parole and PPS violations are non-releasable charges. Therefore, deputies will dress-in, search if appropriate and lodge all parole and PPS violators, per DCAJ [policy CD-8-7, Inmate Searches](#).

**A-5. Notifying the Parole Board and Probation Officer (PO)**

Booking deputies will send a teletype to the parole board (LEDS code: PBN) to give notice that the parole violator is in custody. The parole board will be responsible to notify a hearings officer in order to initiate a Morrissey Hearing. If the parole officer was not the person bringing the violator in, booking deputies will also send a teletype to the violator's parole officer giving notice of the parole violation (and other charges, if applicable).

**A-6. Morrissey Hearings**

A violator held on Deschutes County Adult Parole and Probation Detention Warrant (pink-slip detainer) with a Morrissey Hearing designation will initiate the process or hold the hearing within the first 15 days of incarceration unless the offender has been placed on *suspend and detain* status to determine if he or she has committed a parole or PPS violation. The Hearings Officer (HO) may visit with the violator before the hearing. Staff will treat a Morrissey Hearings Officer as an official visitor for visiting purposes. (See policy [CD-12-2, Inmate Visiting Control](#), for professional visit procedures.)

**A-7. Support for Parole and PPS Violation Matters**

The administrative lieutenant, or designee, will oversee all parole and PPS related matters and will do the following:

- a. Track detainees on parole and PPS violators. (These types of detainees are valid for 15 days.)
- b. Track Morrissey Hearings, structured sanctions and status of pre-hearing violators.

**SECTION B: PROBATION VIOLATIONS****B-1. Booking Probation Violations**

Booking deputies will book probation violators according to current procedures, as outline in DCAJ policy [CD-5-1, Intake and Booking](#). Information such as case numbers, charges and bail will be included along with appropriate court dates and times.

**B-2. Violators Eligible for Release**

Probation violators are eligible for release only if the probation violation warrant allows for the posting of security. Any other release on the probation violation will occur only if the jail is overcrowded, the court orders release, or the bed limit restriction described in Section E-1 is reached.

- a. If the jail is overcrowded and the probationer is to be “force released,” a booking deputy will notify the PO by teletype, telephone, or other available means. If the PO indicates that the probationer is at risk or poses a possible threat to a member of the public, the PO can request “no forced release.” Such requests will be submitted in writing and require the approval of the Corrections Captain.
- b. A corrections supervisor may call the PO’s supervisor (or other probation authority) if the PO cannot be contacted, but it is important for a probation authority to make a detainer or “force release” decision in the interest of public safety.

**B-3. Notification of Probation Officer**

A booking deputy will send a teletype to the probationer’s probation officer giving notice of the arrest (and other charges, if applicable) if the probation officer was not the person bringing the probationer in or was not previously notified for other reasons.

**B-4. Probation Violation Hearings**

The arraignment judge will set a time for a probation violation hearing (commonly known as a “show-cause hearing”). At the time of the hearing, the probationer must show cause why the judge should not find the defendant in violation of conditions of probation and send him or her to jail or prison.

***SECTION C: SANCTIONS*****C-1. Sanction Guidelines**

In lieu of court action involving a sentencing judge, parole and probation officers may sanction offenders to a fixed period of incarceration. This type of action, referred to as a structured sanction, is a method of discipline that parole and probation officers can use to hold an offender accountable for violations of his or her supervision. Sanctions are considered day for day and are not subject to earned good time. Furthermore, structured sanctions do not require court arraignment proceedings.

**C-2. Sanction Filing Time Limit - Probation**

All required paperwork to detain sanctioned probationers in the jail will be provided within thirty-six (36) hours of booking. If the sanction paperwork is not provided within this time frame, the no bail status of the individual will be removed and the probationer will become eligible for “forced release.”

**C-3. Sanction Filing Time Limit – Parole**

Unless a “suspend and detain” has been issued by the Parole Board, all required paperwork to detain individuals on a parole sanction in the jail will be provided within fifteen (15) days of booking. If sanction paperwork is not provided within this time frame, the no bail status of the individual will be removed and the individual will become eligible for “forced release.”

***SECTION D: TRANSPORT AND RELEASE*****D-1. Transport of Violators**

Violators will be transported to the appropriate agency as soon as possible. When transport deputies arrange transport for a parole or PPS violator arrested with charges from two different jurisdictions, they will prepare and send a detainer for the second jurisdiction. (See chart under A-2 for transport guidelines.)

**D-2. Release**

Upon release of the violator, the release deputy will send a teletype (CCC) informing the PO of the date and time of release to the probation officer. The release deputy will also verbally inform the offender to report to Parole and Probation as previously instructed by his or her PO.

***SECTION E: PAROLE AND PROBATION JAIL BED LIMIT*****E-1. Bed Limit**

The Deschutes County Sheriff's Office and Parole and Probation Department (P&P) have agreed to limit the number of jail beds reserved for sanctioned P&P clients. This agreement is intended to enhance public safety by ensuring that those inmates that pose the greatest threat to our community are allocated maximum bed space. Therefore, the following terms and conditions apply:

- a. P&P is limited to fifteen (15) jail beds for sanctions. This limit only applies to structured sanctions and excludes any sanction imposed by the courts or Parole Board or any sanction coupled with pending criminal charges.
- b. When this fifteen (15) bed sanction limit is reached, the jail supervisor will decline to accept additional sanctioned individuals, unless new criminal charges are presented, or until one of the fifteen bed spaces is made available by P&P staff.
- c. P&P supervisory staff will be responsible to maintain a current list of sanctioned inmates lodged in the jail. This list will be provided daily to jail staff. Contact with P&P regarding release decisions will be the responsibility of the on-duty jail supervisor.

**F-1. Intoxicated Probationers**

Individuals under P&P supervision who have been incarcerated for being intoxicated and who have no new criminal charges will be held in jail a maximum of twelve (12) hours. A detainer will be completed by P&P indicating the twelve (12) hour hold. Exceptions will be made for individuals whose ability to comprehend is still impaired by the influence of alcohol and/or drugs after twelve hours. Those individuals will be detained until their ability to comprehend is no longer obstructed.

**FORMS USED**

- Deschutes County Adult Parole and Probation Detention Warrant