



OREGON DEPARTMENT OF CORRECTIONS

Early Release Options

Scenarios in which an adult in custody (AIC) may be released from the Department of Corrections (DOC) prior to the completion of their full incarceration sentence(s) include the following:

Application of earned time

Under ORS 421.121, individuals sentenced to the custody of DOC for felonies committed on or after November 1, 1989, may be eligible for “earned time” reductions in their terms of incarceration. Many factors determine whether an AIC is eligible for earned time, and if so, whether it is applied at a 20 percent or 30 percent rate. AICs receive earned time reductions toward the completion of their sentence for compliance with programming and institution conduct. For crimes committed since December 5, 1996, ORS 137.750 requires the judgment to authorize sentence reduction for the AIC to be statutorily eligible for consideration.

Application of statutory good time and extra good time

Under ORS 421.120, individuals sentenced to the custody of DOC for felonies committed prior to November 1, 1989, may be eligible for statutory good time (SGT) and extra good time (EGT) toward their terms of incarceration. As with earned time, not all sentences are eligible for SGT/EGT reductions, and the application of SGT/EGT may have no impact on the release date set by the Board of Parole and Post-Prison Supervision. If applicable, SGT is an automatic one-third reduction, with EGT applied at varying rates for work performed and/or school or college attended.

Release to short-term transitional leave (STTL)

DOC may also authorize an AIC to release on leave for a period not to exceed 120 days preceding an established projected release date, which allows the AIC the opportunity to secure appropriate transitional support when necessary for successful reintegration into the community. STTL may be granted for the purpose of obtaining employment, education, treatment, housing, or other transitional opportunities in the community to which the AIC will be released. With STTL, the AIC serves their entire sentence and does not receive a reduction in time. For crimes committed since December 5, 1996, ORS 137.750 requires the judgment to authorize leave for an individual to be statutorily eligible for consideration.

Release to non-prison leave following completion of Alternative Incarceration Program (AIP)

DOC operates two types of AIPs per ORS 421.500-421.512. One is an intensive cognitive program and the other is an intensive addictions program. Both are a minimum duration of 270 days and include two components – a structured institution program followed by a period of

structured non-prison leave up to 90 days. Typically, the successful completion of AIP results in the commutation (time reduction) of the remainder of the person's sentence(s). For crimes committed since December 5, 1996, ORS 137.750 and ORS 137.751 require the judgment to authorize AIP for an individual to be statutorily eligible for consideration.

Post-conviction court proceedings, such as appellate judgment, post-conviction relief, habeas cases, or order for release pending appeal

After someone is convicted and sentenced by a trial court in a particular case, his or her conviction and/or sentence may be affected by subsequent proceedings in that case. Upon DOC's receipt of judgments or orders from post-conviction proceedings, the release of the AIC from DOC is often required. Frequently, they will return to the local county for retrial or resentencing in their case.

Release to second look conditional release

Someone who is 15, 16, or 17 years of age at the time of committing a crime can be tried in adult court pursuant to ORS 137.707 (Measure 11 for juveniles) or ORS 419C.349 (waiver). If the person is convicted, they may be sentenced to DOC custody. Depending on many factors, they may be eligible for a "second look" hearing under ORS 420A.203(1)(a). If approved, the individual will be conditionally released to serve the remainder of their sentence on "second look" in the community. The crime must have been committed on or after June 30, 1995, to be eligible. For crimes committed on or after December 5, 1996, ORS 137.750 requires the judgment to authorize conditional release for the person to be eligible for consideration.

Commutation/clemency by the Governor

Article V, Section 14, of the Oregon Constitution and ORS 144.649 authorizes the Governor to commute AIC sentences entirely or in part. The release process begins once the signed commutation of sentence is received.

Early medical/compassionate release by the Board of Parole and Post-Prison Supervision

ORS 144.126 and OAR 255-040-0028 allow the BPPPS to authorize the early release for AICs who have a severe medical condition or are an incapacitated elderly person. Not all crimes or sentences are eligible for early medical release. For crimes committed on or after June 12, 1997, the judgment must authorize early release for the AIC to be considered.