



DEPARTMENT OF CORRECTIONS
Institutions



Title:	Status Letters for Adults in Custody	DOC Policy:	40.2.15
Effective:	07/18/24	Supersedes:	N/A
Applicability:	All employees, non-employee service providers, including volunteers and contractors, and persons or entities requesting an AIC status letter		
Directives Cross-Reference:	ORS 137.218 Joint Petition for Reconsideration of Conviction or Sentence OAR 291-015 Volunteer Services/Student Interns OAR 291-037 Release of Public Records OAR 291-039 Release of Public Information OAR 291-124 Health Services (AIC) OAR 291-131 Mail (AIC) DOC Policy 100.1.1 Non-Employee Service Provider (Carded and Noncarded)		
Attachments:	Attachment – DOC AIC Status Letter Process		

I. PURPOSE

The purpose of this policy is to establish internal management guidelines to Department of Corrections (DOC) employees and non-employee service providers, including, but not limited to, volunteers and contractors; and to provide guidelines for the provision of correspondence on behalf of an adult in custody (AIC) or a former adult in custody to non-DOC entities for clemency applications and Board of Parole and Post-Prison Supervision actions.

II. DEFINITIONS

- A. Adult in Custody (AIC):** Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.
- B. AIC Status Letter Point of Contact (POC):** The person appointed by the Assistant Director of Correctional Services who serves as the department point of contact for adult in custody status letter requests. This person may also be referred to as the Letter POC.
- C. Contractor:** For the purposes of this policy, any person under contractual arrangement with the department and paid by the department to supervise adults in custody and provide services to the department.

- D. Correspondence on Behalf of Adults in Custody:** For the purposes of this policy, correspondence on behalf of adults in custody is a communication from the Department of Corrections to a non-DOC entity regarding an adult in custody or former adult in custody and includes:
1. Written communications, such as letters, memoranda, emails, etc., that convey an adult in custody's or former adult in custody's work assignment and performance, program history and performance, conduct history, and current status.
 2. Verbal communications, when the requestor is attempting to solicit the same type of information from a department employee or non-employee service provider (such as a volunteer or contractor) regarding an adult in custody or former adult in custody that would typically be included in Department of Corrections written correspondence on behalf of an adult in custody.
- E. Department of Corrections Employee (Employee):** Any person employed full-time, part-time, or under temporary appointment by the Department of Corrections.
- F. Non-Employee Service Provider:** An individual who provides services or programs to the department or to adults in custody, including an individual who provides services or programs remotely, but not as a paid employee of the department. Examples of non-employee service providers may include contractors, volunteers, mentors, criminal justice partners, and government agency partners.
- G. Personal Reference:** Letter or other correspondence (written or verbal) on behalf of an adult in custody by a Department of Corrections employee or non-employee service provider (including contractor and volunteer), in which the individual makes clear they are providing information or opinion in their personal capacity, unrelated to their role in the department, and not on behalf of the department. Personal references that express support of the adult in custody's or former adult in custody's request may sometimes also be referred to as letters of support, letters of recommendation or character references.
- H. Projected Release Date:** The date upon which an adult in custody is anticipated to complete service of the adult in custody's incarceration term.
- I. Status Letter:** Correspondence from the Department of Corrections to a non-DOC entity on behalf of an adult in custody documenting the adult in custody's work assignment and performance, program history and performance, conduct history, or current status.
- J. Volunteer:** An approved person who donates time, knowledge, skills, or effort to enhance the mission, activities, and programs of the department. Volunteers serve at the pleasure of the department and are not considered employees.

III. POLICY

A. General

1. The Department of Corrections may provide status letters on behalf of adults in custody who are applying to the Governor for clemency or who have been scheduled for an action before Board of Parole and Post-Prison Supervision in accordance with the requirements and standards set forth in this policy.
2. The Department of Corrections will not provide status letters for other purposes including legal proceedings initiated under ORS 137.218 (Senate Bill 819 2021) resentencing.
3. The Department of Corrections will not provide “letters of support,” “letters of recommendation,” or “character references” on behalf of adults in custody.
4. Requests for adult in custody information or records must be made in accordance with applicable rules and policies including, but not limited to, OAR 291-037 Release of Public Records, OAR 291-039 Release of Public Information, and OAR 291-124 Health Services (AIC).

B. DOC Employees and Non-Employee Service Providers (excluding Volunteers) Roles and Responsibilities

1. Department of Corrections employees and non-employee service providers (excluding volunteers) are prohibited from providing personal references or other correspondence on behalf of adults in custody to adults in custody or non-DOC entities, except in a non-professional capacity unrelated to their role in the department. This includes telephone or other verbal requests for information from attorneys or other entities either before or after a request is made to the AIC Status Letter POC for a written letter.

Exceptions:

- a. Communication of health-related information covered under Health Services (AIC).
- b. Work assignment performance evaluations completed in the DOC Offender Management System Work Performance module.
- c. Subpoenaed oral testimony or deposition.

2. If a Department of Corrections employee or non-employee service provider (excluding a volunteer) elects to provide a personal reference or other correspondence on behalf of an adult in custody, the personal reference or other correspondence must make clear that the employee and non-employee service provider (excluding a volunteer) is providing information or opinion in their non-professional capacity unrelated to their role in the department and not on behalf of the department.
3. Department of Corrections employees and non-employee service providers (excluding volunteers) are not authorized to access or provide department information in a personal reference or other correspondence on behalf of an adult in custody.

C. DOC Volunteer Roles and Responsibilities

1. DOC volunteers must comply with all applicable Department of Corrections rules and policies including, but not limited to, OAR 291-015 Volunteer Services/Student Interns, OAR 291-037 Release of Public Records, OAR 291-039 Release of Public Information, and OAR 291-124 Health Services (AIC), OAR 291-131 Mail (AIC), and DOC Policy 100.1.1 Non-Employee Service Providers (Carded and Noncarded) when providing written correspondence to or on behalf of an adult in custody.
2. If a Department of Corrections volunteer elects to provide a personal reference on behalf of an adult in custody, the letter must make clear that the volunteer is providing personal views, information, or opinion and not on behalf of the department.
3. Department of Corrections volunteers are not authorized to access or provide DOC information in a personal reference on behalf of an adult in custody.

D. Status Letter Coordination and Oversight

1. The Assistant Director of Correctional Services shall have responsibility for the coordination of all requests for and issuance of adult in custody status letters.
2. The Assistant Director of Correctional Services may delegate responsibility for coordinating and managing status letter requests. This person shall serve as the department point of contact for adult in custody status letter requests (AIC Status Letter POC).

E. Status Letter Request Process

1. The Governor's office, attorneys representing an adult in custody for a Board of Parole and Post-Prison Supervision hearing or clemency application, and

Department of Corrections employees and contractors may initiate a request for an adult in custody status letter and provide input for an adult in custody status letter by contacting the AIC Status Letter POC.

2. Adults in custody cannot request a status letter directly from the AIC Status Letter POC. Adults in custody not working with an attorney must request the support of an institution employee or contractor to request a status letter on the adult in custody's behalf. If the employee or contractor, based on their own supervision and observation of the adult in custody, supports the request for a status letter, the employee or contractor will contact the AIC Status Letter POC to request a letter.
3. The AIC Status Letter POC will verify the adult in custody:
 - a. Has been scheduled for a Board of Parole and Post-Prison Supervision hearing (or other action) and there is sufficient time before the hearing date to prepare a letter; or
 - b. If the adult in custody is not working with an attorney, that the adult in custody has submitted the clemency application to the Governor's office.
4. The AIC Status Letter POC will record the request and verify the adult in custody has at least one year to their projected release date.
5. The AIC Status Letter POC will check the adult in custody's record to verify they have at least two years of clear conduct (no major misconduct reports) before proceeding.
 - a. If the adult in custody does not have at least two years of clear conduct, the request will be elevated to the Office of the Inspector General and the Assistant Director of Correctional Services for consultation together. Decisions by the Office of the Inspector General and the Assistant Director of Correctional Service for adults in custody with less than two years clear conduct will be made on a case-by-case basis.
 - b. If the adult in custody has at least two years of clear conduct or the Office of the Inspector General and Assistant Director of Correctional Services, together, approved the request for a status letter, the AIC Status Letter POC will initiate the letter process by requesting information regarding the adult in custody's work assignment and performance, program history and performance, conduct history, or current status.
6. The AIC Status Letter POC will prepare the information received into a draft status letter for the Assistant Director of Correctional Services to review and approve.

7. The completed status letter will be sent as follows:
 - a. For clemency applications where the adult in custody is not working with an attorney: Governor's Office;
 - b. For Board of Parole and Post-Prison Supervision hearings where the adult in custody is not working with an attorney: Board of Parole and Post-Prison Supervision; and
 - c. For adults in custody working with an attorney on a clemency application or Board of Parole and Post-Prison Supervision hearing: Requesting attorney.

F. Status Letter Content

1. Status letters may only include quantifiable and factual information about work assignment and performance, program history and performance, conduct history, or current status regarding an adult in custody's current incarceration status.
2. Status letters will not indicate support for an early release, speculate or predict future success after release, or include character-evaluation statements.
3. Status letters will not identify Department of Corrections employees or non-employee service providers that provided input.

IV. IMPLEMENTATION

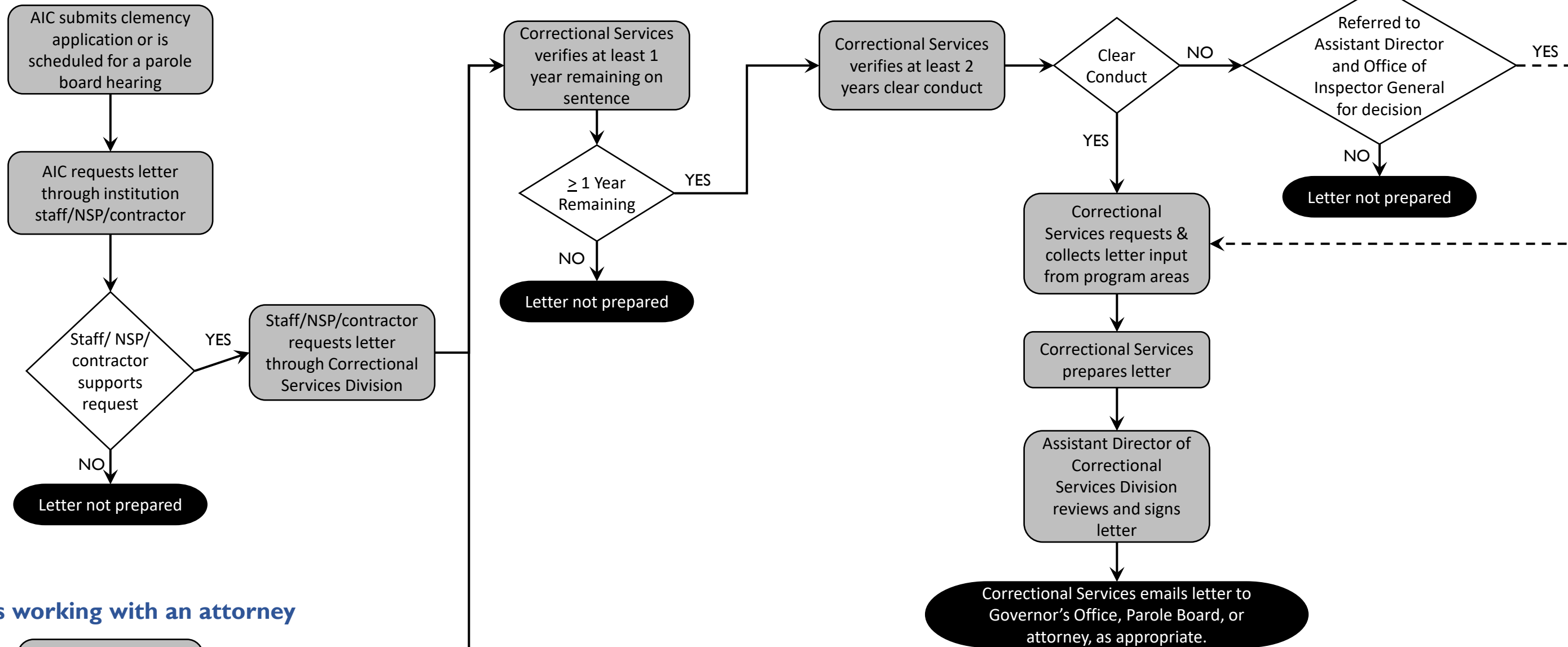
This policy will be adopted immediately without further modification.

Certified: _____ signature on file _____
Julie Vaughn, Rules Coordinator

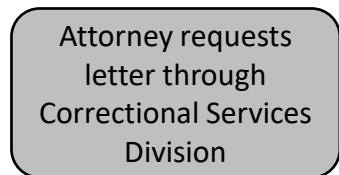
Approved: _____ signature on file _____
Heidi Steward, Deputy Director

DOC Clemency Application or Parole Board Hearing AIC Status Letter Process

AICs not working with an attorney



AICs working with an attorney



NOTE: DOC is not obligated to provide a letter for an AIC’s clemency application package or parole board hearing. DOC may decline to provide a letter at any time during the process.