

BOARD OF PAROLE AND POST-PRISON SUPERVISION

DIVISION 5

DEFINITIONS

255-005-0005

Definitions

(59) "Victim":

(a) Any person determined by the prosecuting attorney, the court or the Board to have suffered direct financial, psychological, or physical harm as a result of a crime that is the subject of a proceeding conducted by the State Board of Parole and Post-Prison Supervision.

(b) Any person determined by the Board to have suffered direct financial, social, psychological, or physical harm as a result of some other crime connected to the crime that is the subject of a proceeding conducted by the State Board of Parole and Post-Prison Supervision. The term "some other crime connected to the crime that is the subject of the proceeding" includes: other crime(s) connected through plea negotiations, or admitted at trial to prove an element of the offense. The Board may request information from the District Attorney of the committing jurisdiction to provide substantiation for such a determination.

(c) Any person determined by the Board to have suffered direct financial, social, psychological, or physical harm as a result of some other crime connected to the sentence for which the offender seeks release that is the subject of a proceeding conducted by the State Board of Parole and Post-Prison Supervision. The term "connected to the sentence for which the offender seeks release" includes other crime(s) which were used as a basis for: a departure sentence, a merged conviction, a concurrent or a consecutive sentence, an upper end grid block sentence, a dangerous offender sentence, a sentence following conviction for murder or aggravated murder. The Board may request information from the District Attorney of the committing jurisdiction to provide substantiation for such a determination.

Stat. Auth.: ORS 144.050 & 144.140

Stats. Implemented:

Hist.: 2PB 2-1986(Temp), f. & ef. 11-13-86; 2PB 3-1986(Temp), f. & ef. 12-2-86; PAR 6-1988, f. & ef. 5-19-88; PAR 7-1988, f. & ef. 7-1-88; PAR 8-1988, f. & ef. 7-1-88; PAR 9-1988(Temp), f. & ef. 7-14-88; PAR 12-1988(Temp), f. & ef. 7-20-88; PAR 13-1988(Temp), f. & ef. 8-5-88; PAR 14-1988(Temp), f. & ef. 9-20-88; PAR 18-1988, f. & ef. 12-6-88; PAR 4-1989, f. & ef. 11-1-89; PAR 5-1990, f. & cert. ef. 10-5-90; PAR 5-1991, f. & cert. ef. 10-15-91; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 1-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 11-1997(Temp), f. & cert. ef. 11-14-97; PAR 1-1998, f. & cert. ef. 5-1-98; PAR 4-2000, f. & cert. ef. 2-15-00; PAR 1-2005, f. & cert. ef. 4-25-05; PAR 4-2010(Temp), f. 7-2-10, cert. ef. 7-6-10 thru 1-1-11; PAR 10-2010, f. & cert. ef. 12-1-10

DIVISION 30

PRISON TERM HEARING AND HEARING PROCEDURES

255-030-0013

Notification of Hearing

(1) The Board shall send written notice of the hearing and its purpose to the inmate. The inmate shall receive a copy of the Board Review Packet, including the notice of rights (Exhibit NOR-1), at least 14 days prior to the hearing.

(2) If the inmate did not receive 14 days notice, the Board may reschedule the hearing or the inmate may waive the notice and the Board shall conduct the hearing.

(3) The Board shall attempt to notify the victim, if the victim requests notification and furnishes the Board a current address, and the District Attorney of the committing county at least ninety (90) days before all hearings by sending written notice to the current addresses of both parties.

[ED. NOTE: Exhibits referenced are not included in rule text. [Click here for PDF copy of exhibit\(s\).](#)]

Stat. Auth.: ORS 144.120(7) & 144.130

Stats. Implemented: ORS 144.120(7) & 144.130

Hist.: 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 1-1990(Temp), f. & cert. ef. 2-20-90; PAR 2-1990, f. & cert. ef. 4-5-90; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 7-2010, f. & cert. ef. 9-3-10; PAR 8-2010, f. & cert. ef. 9-29-10; PAR 2-2012(Temp), f. & cert. ef. 6-28-12 thru 12-25-12; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13; PAR 4-2012, f. & cert. ef. 10-15-12; PAR 2-2013, f. & cert. ef. 3-1-13; PAR 5-2013, f. & cert. ef. 11-27-13

DIVISION 32

AGGRAVATED MURDER

255-032-0022

Murder Review Hearings Notice

The Board's notice (Exhibit NOR-3MR) must include:

- (1) A statement that the sole issue to be considered shall be whether or not the inmate is likely to be rehabilitated within a reasonable period of time, and that the inmate shall have the burden of proof, by a preponderance of the evidence;
- (2) A statement of the inmate's right to be represented by counsel; and if the inmate is without sufficient funds, counsel will be appointed by the Board at Board expense;
- (3) A statement that the Board has authority and jurisdiction to hold a hearing on the issue pursuant to ORS 163.105(2) or 163.115(5); and
- (4) A statement of rights of the inmate at the hearing.

Stat. Auth.: ORS 183.415, 163.105(2), 163.115(5)

Stats. Implemented:

Hist.: PAR 2-2007(Temp), f. & cert. ef. 2-1-07 thru 7-30-07; PAR 5-2007, f. & cert. ef. 7-30-07; PAR 2-2012(Temp), f. & cert. ef. 6-28-12 thru 12-25-12; PAR 4-2012, f. & cert. ef. 10-15-12

OAR 255-085-0010

Definitions

The following definitions apply to OAR 255-085-0001 to 255-085-0050:

- (1) “Adult male registrant” means a male who was convicted of a sex crime and required to register as a sex offender or who was found guilty except for insanity of a sex crime and required to register as a sex offender, and was at least 18 years of age when he committed the offense.
- (2) “Category B registrant” means a person of either gender or any age at the time of crime commission who is required to register as a sex offender based only on a conviction for a Category B sex crime.
- (3) “Category B sex crime” means any type of criminal offense within the scope of “Category B offenses” used to administer the Static-99R and listed in Exhibit Q-II and which is also a sex crime for which reporting is required.
- (4) “Existing registrant” means a person for whom the event triggering the obligation to make an initial report under ORS 181.806(3)(a)(A), 181.807(4)(a)(A), 181.808(1)(a)(A), 2(a)(A) or (3)(a)(A) occurred before January 1, 2014.
- (5) “Female registrant” means a female who was convicted of a sex crime and required to register as a sex offender or who was found guilty except for insanity of a sex crime and required to register as a sex offender, regardless of her age when she committed the offense.
- (6) “Sex crime” has the definition contained in ORS 181.805(5).
- (7) “Young male registrant” means a offender who was convicted of a sex crime and required to register as a sex offender or who was found guilty except for insanity of a sex crime and required to register as a sex offender, and who was 17 years of age or younger when he committed the offense.

Stat. Auth: ORS 181.800 and 181.803 Stat.

255-085-0020 Sex Offender Risk Assessment Methodology

- (1) For classification and community notification for adult male registrants, the classifying agency shall use the Static-99R (Exhibit Q-I) and definitions (Exhibit Q-II). Classifying agencies shall score and place into one of the following levels:
 - (a) Level I: Low (Static-99R score of -3 to 3);
 - (b) Level II: Moderate (Static-99R score of 4 to 5); or
 - (c) Level III: High (Static-99R score of 6 or higher).
- (2) For classification of adult female registrants, category B registrants, and young male registrants, the classifying agency shall use the Level of Services/Case Management Inventory (LS/CMI) as supplemented by an independent sexual offense-specific evaluation report. Classifying agencies shall score and place the registrant into one of the following levels:
 - (a) Level I: Low (Score 0 to 10; LS/CMI as supplemented by an independent sexual offense-specific evaluation);
 - (b) Level II: Moderate (Score 11 to 19; LS/CMI as supplemented by an independent sexual offense-specific evaluation); or
 - (c) Level III: High (Score 20 or higher; LS/CMI as supplemented by an independent sexual offense-specific evaluation).
- (3) Classifying agencies shall classify a person as a Level III sex offender who is designated as sexually violent dangerous offenders under ORS 137.765.

(4) The Board shall classify the following existing registrants as Level III sex offenders:

(a) A person who was previously designated as a predatory sex offender between February 10, 2005 and December 31, 2013;

(b) A person who is designated as a sexually violent dangerous offender under ORS 137.765;

(5) The Board or the Psychiatric Security Review Board shall classify an existing registrant who refuses or fails to participate in a sex offender risk assessment as directed by the classifying agency as a Level III sex offender on or after December 1, 2018.

Stat. Auth: ORS 181.800 and 181.803 Stat. Implemented: ORS 181.800 and 181.803

255-085-0030 Timelines for Classifying Registrants

(1) When a person convicted of a crime described in ORS 163.355 to 163.427 is sentenced to a term of imprisonment in a Department of Corrections institution for that crime, the Board shall conduct a risk assessment of the person utilizing the risk assessment methodology in OAR 255085-0020 before the person is released from custody.

(2) Subject to the procedures set forth in this rule, for a person described in ORS 181.801(4) who has not been assessed or classified prior to release, the Board shall conduct a risk assessment of the person utilizing the risk assessment methodology in OAR 255-085-0020 within 60 days of either the person's release from custody or the person's initial obligation to report in the State of Oregon.

(3) For persons who were released from custody or whose initial obligation to register occurred on or after January 1, 2014 but before the adoption of these rules, the Board shall conduct a risk assessment as soon as practicable.

(4) The Board will classify existing registrants by December 1, 2018.

Stat. Auth: ORS 181.801 and 181.802 Stat. Implemented: ORS 181.801 and 181.802

255-085-0040 Procedures for Classifying Adult Male Registrants

(1) The procedures contained in this administrative rule apply to all male offenders who are required to register as sex offenders and who were at least 18 years of age when they committed the offense that created the obligation to register.

(2) The Board will provide to the registrant the Static-99R score and a copy of the completed assessment, the Notice of Rights form (Exhibit SO-1 or SO-2), and the Written Objections form (Exhibit SO-3).

(3) Following the notification in subsection (2), the following timelines apply for a registrant to waive objections:

(a) If the registrant is supervised or in custody of the Department of Corrections and waives the right to submit Written Objections to the Static-99R score, the registrant will forward the Notice of Rights form (Exhibit SO-1) indicating the registrant's waiver to the Board within three business days of receiving the Notice of Rights.

(b) If the registrant is not supervised or in custody of the Department of Corrections and waives the right to submit Written Objections to the Static-99R score, the registrant will forward the Notice of Rights form (Exhibit SO-2) indicating the registrant's waiver to the Board within 60 days after the mailing date on the Notice of Rights.

(c) The Board will notify the Department of State Police of the results of the risk assessment and final classification within three business days of the date of the final classification.

(d) A registrant's refusal to participate in the notice of rights process shall be considered a waiver of objections to the Static-99R score.

(4) Following the notification in subsection (2), the following timelines apply for a registrant to submit written objections.

(a) If the registrant is supervised or in custody of the Department of Corrections, the registrant must submit his Static-99R assessment, the Notice of Rights form (exhibit SO-1) and any Written Objections (Exhibit SO-3) to the Static-99R score within three business days after receiving the Notice of Rights.

(b) If the registrant is not supervised or in custody of the Department of Corrections, the registrant must submit any his Static-99R assessment, the Notice of Rights form (Exhibit SO-2) and any Written Objections (Exhibit SO-3) to the Static-99R score to the Board within 60 days after the mailing date on the Notice of Rights.

(c) Objections that are not submitted within these timelines will not be reviewed, and the Board will proceed to final classification.

(5) Upon receipt of any timely submitted Written Objections (Exhibit SO-3), a Hearings Officer will conduct a review of the Static-99R score and supporting documents. The Hearings Officer will verify the accuracy of each point awarded on the Static-99R and prepare a memo that responds to the registrant's written objections. The Hearing Officer's review will detail the finding of the Static-99R and make a determination as to whether the registrant's Static-99R score is accurate or should be changed. Upon completing the review, the Hearings Officer will submit to the Board a memo detailing the review, as well as any information considered by the Hearing Officer.

(6) The Board will review the Hearings Officer's memo and will order the final classification level based on the Static-99R score and notify the Department of State Police of the results of the risk assessment within three business days of the date of the final classification.

(7) The Board's classification decision shall be final. The Board's classification decision is not subject to review under OAR Chapter 255 Division 80.

Stat. Auth: ORS 181.800, 181.801, 181.802 Stat. Implemented: ORS 181.800, 181.801, 181.802

255-085-0050 Procedures for Classifying Young Male Registrants, Female Registrants, and Category B Registrants

(1) These procedures apply to offenders for whom the Static-99R is not an appropriate assessment methodology as outlined in OAR 255-085-0020.

(2) With the cooperation of the Department of Corrections, the Board will identify young male registrants, female registrants, and Category B registrants sentenced to a term of imprisonment in a Department of Corrections institution for a sex crime.

(3) The Board will notify young male registrants, female registrants, and Category B registrants of the registrant's obligation to participate in the assessment and evaluation processes, the registrant's option to request a review of the assessment and evaluation, as well as the Board's final review of the review and evaluation report.

(4) Subject to the risk assessment methodology set forth in these administrative rules, the Board will classify

young male registrants, female registrants, and Category B registrants based on the LS/CMI and findings from an independent sexual offense-specific evaluation performed by a qualified provider who is certified by the Oregon Sex Offender Treatment Board to conduct sexual offense risk assessments. The independent evaluator will provide the Board with a written report stating the recommended sex offender classification and notification level, and will provide information regarding the registrant's risk for sexual re-offense. The evaluator should weigh the LS/CMI score when recommending a sex offender classification and notification level based on the sexual offense-specific evaluation.

(5) The Board will provide the registrant with a copy of the completed LS/CMI assessment and the independent sexual offense-specific evaluation report, the Notice of Rights form (Exhibit SO-1L or SO-2L), and the Written Objections form (Exhibit SO-3L).

(6) Following the notification in subsection (5), the following timelines apply for a registrant to waive objections:

(a) If the registrant is supervised or in custody of the Department of Corrections and waives the right to submit Written Objections to the LS/CMI score and evaluation report, the registrant will forward the Notice of Rights form (SO-1L) indicating the registrant's waiver to the Board within three business days of receiving the notice of rights.

(b) If the registrant is not supervised or in custody of the Department of Corrections and waives the right to submit Written Objections to the LS/CMI score and evaluation report, the registrant will forward the Notice of Rights form (SO-2L) indicating the registrant's waiver to the Board within 60 days after the mailing date on the Notice of Rights.

(c) The Board will notify the Department of State Police of the results of the risk assessment and final classification within three business days after the final classification.

(d) Refusal to participate in the notice of rights process will be considered a waiver of objections to the LS/CMI score and evaluation report.

(7) Following the notification in subsection (5), the following timelines apply for a registrant to submit written objections.

(a) If the registrant is supervised or in custody of the Department of Corrections, the registrant must submit the LS/CMI, evaluation report, Notice of Rights (SO-1L), and any Written Objections (Exhibit SO-3L) to the assessment and evaluation findings to the Board within three business days after receiving the Notice of Rights.

(b) If the registrant is not supervised or in custody of the Department of Corrections, the registrant must submit any Written Objections (Exhibit SO-4L) to the assessment and evaluation findings within 60 days after the mailing date on the Notice of Rights.

(c) Objections that are not submitted within these timelines will not be reviewed, and the Board will proceed to final classification.

(8) Upon the Board's receipt of the Written Objections (Exhibit SO-3L), a Hearings Officer will complete a review of the LS/CMI score, evaluation, and supporting documents. The review will verify the information, and the Hearings Officer will prepare a memo responding to the written objections, detail the finding of the evaluator, and make a determination as to whether the registrant's LS/CMI score is accurate or should be changed.

(a) If the score places the registrant in Level I or Level II, the Hearings Officer will provide this memo to the Board along with any information considered.

(b) If the score places the registrant in Level III, the Hearings Officer will schedule a hearing with the registrant. The following procedures shall apply:

(A) The Hearings Officer will provide the registrant with the documentation submitted for review 14 days before the hearing.

(B) At the hearing, the registrant may present additional evidence or information regarding the LS/CMI score

and evaluator's report.

(C) The Hearings Officer will write a supplement to the memo as provided for in subsection (9) of this rule and will provide the supplement to the Board.

(D) A registrant's refusal to participate in the hearing shall be considered a waiver.

(9) The Board will review the Hearings Officer's memo. The Board will order the classification level based on the LS/CMI score, evaluator's report, and any additional findings and memorandum made by Hearings Officer, and will notify the Department of State Police of the registrant's final classification within three business days of the date the Board makes its final classification.

(10) The Board's classification decision shall be final. The Board's classification decision is not subject to review under OAR Chapter 255 Division 80.

Stat. Auth: ORS 181.800, 181.801, 181.802 Stat. Implemented: ORS 181.800, 181.801, 181.802

OREGON BOARD OF PAROLE & POST-PRISON SUPERVISION

HEARING NOTICE & NOTICE OF RIGHTS PACKET

INMATE: _____

HEARING DATE: _____ **HEARING LOCATION:** _____

You have been scheduled by the board for a(n): _____ hearing.

If an attorney is going to represent you at your hearing, please tell the attorney that the date should be verified at least one day before the hearing date by calling the Board of Parole & Post-Prison Supervision at 503-945-0902. Please tell your attorney or any visitor(s) that they must contact the Board in advance to find out about attending and/or participating in the hearing. Please read the attached notice of rights and procedures carefully.

HEARING ABBREVIATIONS:

EI.....	EXIT INTERVIEW	PC.....	PAROLE CONSIDERATION
PH.....	PAROLE HEARING	PT.....	PRISON TERM
FD.....	FUTURE DISPOSITION	PR.....	PERSONAL REVIEW
AR.....	ADMINISTRATIVE REVIEW	PP.....	POSTPONEMENT
MR.....	AGGRAVATED MURDER REVIEW	PI.....	PERSONAL INTERVIEW
PD	PREDATORY SEX OFFENDER DESIGNATION	SVPS	SEXUALLY VIOLENT DANGEROUS OFFENDER DESIGNATION

(PSY or PS.....indicates that a psychological evaluation will be considered.)

BE PREPARED

1. Read all information before the hearing.
2. Bring your hearing packet to the hearing.
3. If you need an interpreter or other help, contact the Board or your institutional counselor immediately.
4. Any written information you want the Board consider at your hearing should be received by the Board at least ~~one week~~two weeks before the hearing. Please write on it: "FOR HEARING."
5. For a Prison Term Hearing, review your history risk score, aggravation, and mitigation carefully.
6. If you want to challenge any information in the PSI, you must provide a signed order showing that the court has approved changes to your PSI.

Copies of Board administrative rules are available in the inmate legal library.

DEFINITIONS OF HEARINGS

PRISON TERM:

Hearing held to establish a prison term, deny parole, or set a parole consideration hearing date.

PAROLE POSTPONEMENT:

Hearing to determine whether the parole release date should be postponed for misconduct.

The extension of the prison term can be from 5% to 100% of the prison term, but no more than 5 years. Inoperative (escape) time will be added.

FUTURE DISPOSITION:

Hearing conducted after parole revocation to determine whether the inmate should be re-released on parole.

PAROLE CONSIDERATION:

Hearing to determine whether a dangerous offender's condition is absent, in remission, or whether inmate remains dangerous but can be adequately controlled in the community with supervision and mental health treatment. If the dangerous condition is absent or in remission, a parole release date may be set. If the condition is present, another parole consideration hearing date may be scheduled to be held no sooner than 2 years and no longer than 10 years from the current parole consideration date.

ADMINISTRATIVE REVIEW:

Hearing conducted on a specific issue where it has been found that: prior Board action is not supported by the written findings; the written findings are inaccurate; pertinent information was not considered at a prior hearing; the action was inconsistent with Board rules or policies; or there is a change in the rules or statutes or a prison sentence.

PAROLE HEARING:

Interview of inmate who is under the Discretionary System (crime committed before approximately 1977), to determine whether to grant release on parole. This may result in no action or the setting of a parole date.

PERSONAL REVIEW:

Hearing to determine whether to grant a reduction in inmate's prison term, based on a positive recommendation from the Department of Corrections,, which would result in advancing the projected parole release date.

PERSONAL INTERVIEW:

A discretionary hearing scheduled by the **B**oard to review the progress of an inmate.

AGGRAVATED MURDER REVIEW:

Hearing to determine whether or not the inmate is likely to be rehabilitated within a reasonable period of time so that the terms of his/her sentence may be converted to life with the possibility of parole.

EXIT INTERVIEW:

Interview with the inmate to determine whether to affirm or defer inmate's projected parole release date. Projected parole release date may be affirmed, or postponed for no fewer than 2 years or no more than 10 years from the current projected parole release date.

PREDATORY SEX OFFENDER DESIGNATION:

Hearing to determine if an offender who meets the criteria to be designated a Predatory Sex Offender is currently exhibiting behavior that warrants the designation.

SEXUALLY VIOLENT DANGEROUS OFFENDER DESIGNATION:

Hearing to determine if an offender should be deemed a sexually violent dangerous offender under ORS 144.635 and OAR 255-060-0018.

**BOARD OF PAROLE AND POST-PRISON SUPERVISION
INMATE RIGHTS AND HEARINGS PROCEDURES
(OAR 255-030-0035(2)(a), OAR 255-030, 255-032, 255-040, 255-050, 255-060, 255-075)**

This is an informal summary of your rights at a hearing; please obtain and refer to the rules and statutes that govern the Board's conduct of hearings.

Law that Applies

You are scheduled for a hearing before the Oregon State Board of Parole and Post-Prison Supervision. Based on the hearing results, the Board will issue an order which may affect your release date from the institution. Refer to the previous page – Definitions of Hearings – for more specific information on the type of hearing.

You may be released on parole or post-prison supervision (PPS). It is also possible that your parole release date or parole consideration date may be postponed or that parole/PPS release may be denied.

The hearing will be conducted as provided in Chapter 144 of the Oregon Revised Statutes and as further provided in the administrative rules of the Oregon Board of Parole and Post-Prison Supervision, OAR Chapter 255. Ordinarily the Board will apply the substantive* rules in effect at the time you committed your crime(s) as well as the applicable procedural* rules and laws. These statutes and rules are available through the institution's inmate law library; please consult the law librarian or inmate legal assistant.

Right to an Attorney

The Board will not be represented by an attorney at the hearing. The Board will not appoint or pay an attorney for you. You may represent yourself at the hearing. You may also choose to bring your attorney at your expense. Legal aid organizations may be able to assist an inmate who has limited financial resources. Most Department of Corrections institutions have inmate legal assistants available through the legal library who can assist you in preparing for the hearing, and who may accompany you to the hearing. If you choose to consult an attorney or legal assistant, make sure you begin your contacts well before the hearing; the process can be time-consuming. If you hire an attorney, it is your responsibility to notify your attorney of the date of your hearing.

Who May Attend the Hearing

You may be accompanied by one person of your choice to the hearing, who may make a statement on your behalf. The hearing is public, and other persons who wish to observe or support you may attend in person, subject to Department of Corrections rules. Attendees may also participate by telephone if telephone access is available (the Board's phone lines are limited). Tell your supporters and attorney to contact the Board at least two weeks in advance to arrange to attend the hearing.

Victim(s) of your crime(s) and their supporters, and/or a representative of the District Attorney's office from the county where you were sentenced may also attend the hearing. The identified victim(s) and the DA representative have the right to make statements at the hearing under ORS 144.750 (*former* ORS144.120 (7)). You will be able to respond to any comments that are made.

Because Board hearings are public, representatives of the press may attend. The Board does not usually notify the parties that press representatives intend to be present at a hearing.

* "Substantive" rules or laws are those that create, define, or regulate the rights and duties of you and the Board. "Procedural" rules or laws are those that set out the methods for holding a hearing or taking an action. Procedural rules do not affect your rights.

Information Considered at the Hearing*

The Board will consider the documents in the packet prepared for your hearing and provided to you. It is your responsibility to provide any other information you want considered. Please be aware that information you submitted for previous hearings will not automatically be considered by the Board for this hearing. You must resubmit any such information. The Board will not research and obtain information for you. You may not call witnesses or cross-examine any one who has provided information to the Board.

In general, information that you want the Board to consider should be provided in writing at least **seven fourteen** days before the hearing and you should write clearly on it: "FOR HEARING." Please send a written list of your certificates, instead of photocopies of the certificates themselves. The Board, at its discretion, may also accept limited amounts of written information during the hearing. You and one support person or representative may make statements to the Board. The support person's statement is usually limited to 15 minutes.

Presiding Officer

Either the full Board or a panel of the Board (one or more members) will hear your case. One of the members will serve as the presiding officer (or "lead") and will rule on all matters that arise at the hearing. The Board will usually announce its decision at the end of the hearing. If not you will receive the decision in writing in a Board Action Form (BAF).

Notice and Waiver

The parole packet and a notice of your hearing are sent to you at least 14 days before the hearing date. If you do not receive these materials at least 14 days prior to your hearing, you may either waive the notice period or have your hearing rescheduled. If you are near to a hearing date and have not received a packet or other information, let the Board know right away.

Refusal

You may refuse to attend your hearing. If so, please write to the Board and specifically state that you plan to refuse to attend your hearing. If it is a last minute decision, please inform your counselor, who in turn can notify the Board. When you are called out for the hearing, you should honor the call-out, and then inform institution staff of your decision not to attend the hearing. The Board may then hold the hearing without you, and make its decision. You should be aware that in your absence, the Board may deny parole, or defer parole to a date close to your good time date.

Hearing Procedure

The Board's task is to gather information to make the best possible decision with the available information while assuring a fair and full hearing to all persons entitled to participate.

A Board hearing is less formal than a court appearance. Generally it is fairly short, so be prepared to speak briefly and to the point. You should bring your copy of the parole packet to your hearing. The Board may refer to some of the documents and may want to discuss them with you.

First, the Board will review the documents in your Board Packet, which will usually include the Presentence Report or a similar report, as well as information provided by police, the victim, or the district

* Please refer to the statutes and administrative rules for the type of hearing you are having. .

attorney, any Department of Corrections reports, and any recent psychological or psychiatric evaluations. You have the right to examine these documents before the hearing, subject to the exceptions listed in OAR 255-015-0010.

In the specific case of a Prison Term Hearing, the Board will tell you the proposed findings regarding your history/risk score and crime category. Go over the forms in your packet ahead of time. You have the right to present additional relevant information, including mitigating factors (refer to Exhibit E2 and E3) and you have the right to give the Board evidence or arguments on information that you believe is not accurate. If so, or if you wish to ask the Board to find mitigation, please send to the Board or bring with you written documentation to verify your statements. (Be aware that if you successfully appeal your conviction or sentence, any comments made to the Board during the hearing can be used upon retrial or resentencing.)

Depending on the purpose of the hearing, the Board will ask you questions about the crime(s) you committed, about your programming, prison adjustment or parole performance, efforts to deal with the factors that led to your criminal behavior, your parole planning, etc. If you have prepared a written statement, the Board prefers that you submit the statement to the Board and not plan to read aloud from it during the hearing. However, you can bring any notes that you want to remind yourself of what you want to tell the Board.

As noted above, your representative, the victim(s), and the DA representative may make statements to the Board. You will have an opportunity to speak to the Board and respond to the statements made by the victim(s) and DA.

Continuances

There are normally no continuances granted at the end of a hearing. You should be prepared to finish what you want to say or submit it in writing at the time of the hearing. However, if you can show that the record should remain open for additional evidence, the presiding Board member may, at his or her discretion, continue the hearing for a short period of time to allow you or others to submit extra information.

Decision

Following the fact-finding portion of the hearing, the Board will make its decision in private, and then will (usually) give its decision to you. There will not be an opportunity after the Board deliberates for re-arguments or objections. After the hearing, you will also be sent an order that states the Board's decision in your case. This order will be captioned Board Action Form (referred to as a "BAF").

Record

An audio recording will be made of the entire hearing to preserve the testimony for future reference and in the event of appeal from the Board's order. The hearing audio record will not be transcribed by the Board unless requested by the Department of Justice to prepare a record for a judicial appeal. Inmates may purchase a copy of the recording from the Board. The Board only keeps hearing recordings for 4 years from the date of the hearing; after 4 years they are destroyed.

Administrative Reviews and Appeals

If you believe the Board made a mistake in making its decision, you may seek administrative review.

You must ask the Board to examine your claims ("exhaust your administrative remedies") before you may ask for judicial review from the Court of Appeals (see ORS 144.335 and OAR 255-080-0001). You may

request review if you have evidence that:

1. The Board action is not supported by evidence in the record;
2. Pertinent information was available at the time of the hearing which through no fault of yours, was not considered;
3. Pertinent information was not available at the time of the hearing, e.g., information concerning convictions from other jurisdictions;
4. The Board acted inconsistently with its rules, policies, and procedures, and the inconsistency is not explained;
5. The Board acted in violation of a constitutional or statutory provision; or
6. The Board acted outside the range of discretion given to the agency by law.

Please use the blue form called Administrative Review Request Form (Exhibit O) to request a review. The form is available at the inmate law library. If you cannot get this form, please type or print your request in ink on blue or white paper. There are rules about how long the administrative review request can be, and about the format you should use. *Be sure* to look up OAR 255-080-0008 and follow the rules there.

The request for review must be received by the Board within 45 days after the date the Board Action Form is mailed, or within 45 days of the date you receive a supervision order. Read OAR 255-080-0005. Do not use the Exhibit O form to ask questions or to request corrections of obvious clerical errors. You can write to the Board for that.

The Board's limited staffing may result in the response to your review request taking several months. The Board regrets such delays, and works to complete your Administrative Review Response (ARR) as quickly as possible.

After you receive the Board response to your request, if you still believe that the Board erred, and you can show that the order "adversely affects or aggrieves" * you, you may then request judicial review from the Oregon Court of Appeals (see ORS 144.335). You must file a Petition for Review with the Oregon Court of Appeals within 60 days after the final administrative review response is mailed (see OAR 255-080-0001 to 0015).**

Pay attention to the time and format requirements for your administrative review request and your petition for review so that they will not be too late to be considered or may be rejected for other reasons.

* Harms you.

** If you cannot afford a lawyer to help you with an appeal to the court, you might qualify for appointed counsel. You should contact the Public Defender's Office about having an attorney appointed for you.

**BOARD OF PAROLE AND POST-PRISON SUPERVISION
AGGRAVATED MURDER REVIEW HEARING
INMATES' RIGHTS AND PROCEDURES
(OAR 255-030, 255-032)**

This is an informal summary of your rights at the hearing; please obtain and refer to the rules and statutes that govern the Board's conduct of Murder Review hearings.

Law that Applies

- 1) You are scheduled for a Murder Review hearing before the Oregon State Board of Parole and Post-Prison Supervision. The Board has the authority and jurisdiction to hold a hearing on the issue pursuant to ORS 163.105(2) or 163.115(5).
- 2) The sole issue to be considered shall be whether you are likely to be rehabilitated within a reasonable period of time. You have the burden of proving, by a preponderance of the evidence, the likelihood of rehabilitation within a reasonable period of time. If after hearing all the evidence, the full Board, upon a unanimous vote of all members, or by such other vote as is specified in statute, finds that you are capable of rehabilitation, and that the terms of your confinement should be changed to life imprisonment with the possibility of parole or work release, it shall convert the terms of confinement to life imprisonment with the possibility of parole of work release and may set a projected parole release date. Otherwise, the Board shall not change the terms of confinement.
- 3) The hearing will be conducted in the manner prescribed by ORS 163.105 or ORS 163.115, and in the manner provided in the administrative rules of the Oregon Board of Parole and Post-Prison Supervision, OAR chapter 255, Division 32. Ordinarily the Board will apply the substantive* rules in effect at the time you committed your crime(s) as well as the applicable procedural* rules and laws. These statutes and rules are available through the institution's inmate law library; please consult the law librarian or your inmate legal assistant.
- 4) OAR 255-032-0020 specifies that the criteria indicating whether an inmate is likely to be rehabilitated prior to release will include:
 - a. The inmate's involvement in correctional treatment, medical care, educational, vocational or other training in the institution which will substantially enhance his/her capacity to lead a law-abiding life when released;
 - b. The inmate's institutional employment history;
 - c. The inmate's institutional disciplinary conduct;
 - d. The inmate's maturity, stability, demonstrated responsibility, and any apparent development in the inmate personality which may promote or hinder conformity to law;
 - e. The inmate's past use of narcotics or other dangerous drugs, or past habitual and excessive use of alcoholic liquor;
 - f. The inmate's prior criminal history, including the nature and circumstances of previous offenses;
 - g. The inmate's conduct during any previous period of probation or parole;
 - h. The inmate does/does not have a mental or emotional disturbance, deficiency, condition or disorder predisposing them to the commission of a crime to a degree rendering them a danger to the health and safety of the community;
 - i. The adequacy of the inmate's parole plan including community support from family, friends, treatment providers, and others in the community; type of residence, neighborhood or community in which the inmate plans to live;

* "Substantive" rules or laws are those that create, define, or regulate the rights and duties of you and the Board. "Procedural" rules or laws are those that set out the methods for holding a hearing or taking an action. Procedural rules do not affect your rights.

- j. There is a reasonable probability that the inmate will remain in the community without violating the law, and there is substantial likelihood that the inmate will conform to the conditions of parole.

This is not an exclusive list, and the Board will consider such other information as may contribute to its ability to reach a decision.

Right to an Attorney

The Board may be represented by an attorney at the hearing. You may hire an attorney to represent you. In that case, it is your responsibility to notify the attorney of the date of your hearing. The Board will appoint and pay for an attorney if you do not have the funds to pay for an attorney and if you request an attorney. You may also represent yourself at the hearing. If you choose to represent yourself, but determine in the course of the hearing that an attorney is necessary, you may not request a recess.

Who May Attend the Hearing

The hearing is public, and persons who wish to observe or support you may attend in person, subject to Department of Corrections rules. Attendees may also participate by telephone as long as telephone access is available (the Board's phone lines are limited). Instruct your support persons and attorney to contact the Board at least two weeks in advance to arrange to attend the hearing.

Also attending the hearing, pursuant to statute and rule, may be victim(s) of your crime(s) and their supporters, and/or a representative of the District Attorney's office from the committing jurisdiction (the county where you were sentenced). The identified victim(s) and the DA representative have the right to make statements at the hearing under ORS 144.120(7). You will have an opportunity to respond to any comments that are made.

Because Board hearings are public, representatives of the press may attend. The Board does not usually notify the parties that press representatives intend to be present at a hearing.

Information Considered at the Hearing/Witnesses

All material relevant and pertinent to issues before the Board will be made a part of the record. Exhibits not available prior to the hearing will be made available to you or your attorney at the hearing. Any material considered but not made part of the public record shall be separated and a statement to that effect shall be placed in the record. The Board shall follow the criteria for denial or disclosure of records set out in OAR 255-015-0010.

Discovery is not permitted. Requests that the Board research and obtain information you want considered cannot be honored. It is your responsibility to provide that information.

You must make your own arrangements for calling and presenting witnesses. However, upon a proper showing of general relevance and reasonable scope of the evidence being sought, the Board may issue subpoenas on your behalf. Make your request to the Board as soon as possible. If the Board allows the subpoena, the subpoena will be sent to you. **You are responsible for serving it on the witness.** Witnesses are not required to appear in person unless good cause can be shown why an in-person appearance is necessary. Witnesses may participate via teleconference. Instruct your attorney, witnesses, or any other visitor(s) that they must contact the Board in advance to receive information about attending and/or participating in the hearing. Testimony of each witness will ordinarily be limited to ten minutes.

In general, information that you want the Board to consider should be provided in writing at least ~~one~~two weeks prior to the hearing and you should write clearly on it: "FOR HEARING." The Board, at its discretion, may accept limited amounts of information during the hearing. Please be aware that information you submitted for previous hearings **will not automatically be considered by the Board for this hearing.**

You must resubmit any such information. You and your representative may make oral statements to the Board.

Notice and Waiver

You should receive your parole packet and a notice of your hearing at least 14 days before your hearing date. You should bring your copy of the parole packet to your hearing. If you do not receive these materials at least 14 days prior to your hearing, you may either waive the notice period or have your hearing rescheduled.

Presiding Officer

The full Board will hear your case. One of the members will serve as the presiding officer and will rule on all matters that arise at the hearing.

Hearing Procedure

The Board's task at any hearing is to gather information to make the best possible decision with the available information while assuring a fair and full hearing to all persons entitled to participate. A Board hearing is less formal than a court appearance. Generally it is fairly short, so be prepared to speak concisely.

You should bring your copy of the parole packet to your hearing. You may want to call the Board's attention to one or more documents, or the Board may refer to various documents and may want to discuss them with you. The Board will have reviewed the documents in your Board Review Packet, which will usually include the Presentence Report or a report of similar content, as well as any additional information provided by the police, counsel, the victim, or the district attorney, any Department of Corrections reports, and any recent psychological/psychiatric evaluations, as well as what you have submitted.

Please remember that under statute you have the responsibility (the "burden") of proving, by a preponderance of the evidence, the likelihood of rehabilitation within a reasonable period of time. **Be prepared to present your evidence!** However, the Board may also ask you questions about the crime(s) you committed, about your programming, prison adjustment or parole performance, efforts to deal with the factors that led to your criminal behavior, your parole planning, etc. If you have prepared a written statement, the Board prefers that you submit the statement for review and not plan to read aloud from it during the hearing. However, you can bring any notes that you want to remind yourself of what you want to tell the Board.

Relevant evidence of a type of commonly relied upon by reasonably prudent persons in the conduct of their serious affairs is admissible and will be received. Hearsay evidence is not automatically excluded, but the fact that it is hearsay will affect how much reliance the Board will place on it in reaching a decision.

If you object to the admissibility of evidence you must state your objection at the time the evidence is offered.

You should be aware that irrelevant, immaterial, or unduly repetitious evidence will be excluded, and you should plan your witness list and your own testimony with that in mind.

(If you successfully appeal your conviction or sentence in a court of law, any comments made to the Board during the hearing can be used upon retrial or resentencing.)

Continuances/Cancellation

There are normally no continuances granted at the end of a hearing. You should be prepared to finish what you want to say or submit it in writing at the time of the hearing. However, if you can show that the record should remain open for additional evidence, or upon the Board's own motion, the presiding Board member may, at his or her discretion, continue the hearing for a period of time not to exceed 60 days, to obtain additional information required to assist the Board in its decision.

If you ask for cancellation of a hearing, it must be for good cause, in writing, and with seven days' advance notice. If the Board finds the cancellation request does not fulfill these requirements, an inmate shall not be eligible to request another hearing for 90 days from the date of the scheduled hearing.

The Board's Decision

At the end of the hearing the Board will close the testimony and adjourn the hearing. It will then deliberate and in most cases will issue its final order in writing. The Board may also issue its decision orally on the record at the hearing. If the Board does not find the likelihood of rehabilitation within a reasonable period of time, the order will include findings of fact and conclusion(s) of law. If the Board finds that you have proven by a preponderance of the evidence the likelihood of rehabilitation within a reasonable period of time, then it is not necessary that the final order include findings of fact or conclusions of law.

Please be aware that the Board's careful consideration of your case may result in preparation of the final order taking several months. The Board regrets such delays, and works to issue your order as quickly as possible.

Effect of Denying Relief Request

If the Board does not find likelihood of rehabilitation within a reasonable period of time, , and you have not been given an "extended deferral" (see next paragraph) you may petition again for a change in the terms of confinement no less than two years after the denial. Further petitions for a change may be made at intervals of not less than two years thereafter.

Extended Deferral

If the Board does not find that you have met your burden of proving that you are likely to be rehabilitated within a reasonable period of time, the Board may defer your opportunity to petition for a murder review hearing for no less than two years and for no more than 10 years from the date the petition is denied.

Exceptions to Order

After the hearing, you will be sent a final order reflecting the Board's decisions in your case. This final order will be captioned "Board Action Form." If you disagree with the final order, you may seek reconsideration of the order by means of an administrative review. See Appeals and Administrative Reviews below and Division 80 of the Board's rules. If you disagree with the administrative review response, you may appeal to the Oregon Court of Appeals pursuant to ORS 144.335. There will not be an opportunity after the Board issues its final order for re-arguments or objections.

Record

An audio recording will be made of the entire hearing to preserve the testimony and other evidence for future reference. The hearing record will not be transcribed by the Board unless requested by the Department of Justice to prepare a response for judicial appeal. Inmates may purchase a copy of the audio recording of the hearing from the Board. The Board only retains hearing recordings for four years from the date of the hearing. After four years, the record is destroyed.

Administrative Reviews and Appeals

You must exhaust your administrative review remedies before you may appeal to the Court of Appeals (see ORS 144.335 and OAR 255-80-0001). You may request administrative review from the Board if you have evidence that:

1. The Board action is not supported by evidence in the record;

2. Pertinent information was available at the time of the hearing which through no fault of yours, was not considered;
3. Pertinent information was not available at the time of the hearing, e.g., information concerning convictions from other jurisdictions;
4. The Board acted inconsistently with its rules, policies, and procedures and the inconsistency is not explained;
5. The Board acted in violation of a constitutional or statutory provision; or
6. The Board acted outside the range of discretion delegated to the agency by law.

In order to request a review, the Board asks you to use the blue form called Administrative Review Request Form (Exhibit O). The form is available at the inmate law library and the Board's website. If you cannot get this form, please type or print your request in ink on white paper. The request for review must be received by the Board within 45 days after the date the Board Action Form is mailed (see OAR 255-080-0005). Do not use this form to make inquiries or to request corrections of obvious clerical errors.

Please note that the Board's limited staffing may result in the response to your review request taking several months. The Board regrets such delays, and works to complete your Administrative Review Response (ARR) as quickly as possible.

After you receive the Board response to your request, if you still believe that the Board erred, and you can show that the order "adversely affects or aggrieves"* you, you may then request judicial review from the Oregon Court of Appeals (see ORS 144.335). You must file a Petition for Review with the Oregon Court of Appeals within 60 days after the final administrative review response is mailed (see OAR 255-080-0001 to 0015).

Pay attention to the time requirements for your administrative review request and your petition for review so that they will not be too late to be considered.

If you cannot afford a lawyer to help you with an appeal to the Court, you might qualify for appointed counsel. You should contact the Public Defender's Office about having an attorney appointed for you.

* Harms you.

Exhibit SO-1

Department of Corrections / Community Corrections

**NOTICE OF RIGHTS
SEX OFFENDER NOTIFICATION LEVEL CLASSIFICATION**

Registrant Name

SID#

Purpose of Review: You are entitled to a written review to determine if your Static-99R score is correct. Your score will determine your sex offender notification level, pursuant to ORS 181.800. Based on your notification level, you will be subject to community notification as described in ORS 181.835 (attached).

Waiver of Review: You may waive the review in two ways:

- (1) By checking the appropriate box and signing the back of this form; or
- (2) By refusing to participate in the objection process.

If you waive the review:

- You will be unable to contest your Static-99R score.
- The hearings officer and/or the Board will make findings based on the available record. There will be no other review.

Result of Review: If you do not waive your right to a review, the Board or a hearings officer will complete a review of your Static-99R score and your objections. If the Board or a hearings officer finds that your Static-99R score is correct, the Board will order that you be classified to a sex offender notification level based upon the record without another review process. If the Board or hearings officer finds that your Static-99R score is incorrect, the new score will be made part of the record and your sex offender notification level classification will be adjusted as required.

Rights During Review. You have the right to:

- Present written information to show that your Static-99R score is incorrect

Rights After Review

- You may not appeal the Board's final order classifying your sex offender notification level.

For further information see ORS Chapter 181.800 – 181.845 and OAR Chapter 255, Division 85.

My score on the STATIC-99R is (mark one):

_____ -3 to 3	Level I
_____ 4 to 5	Level II
_____ 6 or higher	Level III

DECISIONS ABOUT RIGHTS – SEX OFFENDER NOTIFICATION LEVEL CLASSIFICATION REVIEW

I understand the rights contained in this notice and I:

[] do want a review [] do not want a review

I waive my review:

[] **(Initial)** Having waived my right to a review, I understand that the Board, in the exercise of its authority, and based on the available record, may order that I be classified to a sex offender notification level under ORS 181.800, without further appeal.

You must return this Notice of Rights form **within three business days** of when you received it.

I do not waive my review:

You have a right to inform the Board in writing of the reasons you believe the score is wrong. You must fill out the form entitled “Written Objections to Score on the STATIC-99R for Sex Offender Notification Level Classification.” This form has been provided.

You must clearly state on the form which risk factors you believe were scored incorrectly and why.

You must return this Notice of Rights form with your Written Objections form and Static-99R **within three business days** of when you received it. The Board will consider your objections prior to making a final sex offender notification level classification.

I have read, or have had read to me, and fully understand this Notice of Rights and the Decisions.

Registrant Signature Date

Signature of Witness Date

Printed Name of Registrant

Printed Name of Witness

Date Given to Registrant: _____

Date Returned to Counselor or PO: _____

NOTIFICATION REQUIREMENTS FOR SEX OFFENDER NOTIFICATION LEVELS
ORS 181.835 Release of sex offender information according to classification.

(1)(a) A notifying agency or a supervising agency shall release, upon request, any information that may be necessary to protect the public concerning sex offenders who reside in a specific area or concerning a specific sex offender.

(b) A notifying agency or a supervising agency may release sex offender information to a law enforcement agency if the notifying agency or supervising agency determines that the release of information is in the public interest.

(c) In addition to the release of information described in this subsection and ORS 137.540, 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information to the public in accordance with subsections (2) to (4) of this section.

(2) If the sex offender is classified as a level three sex offender under ORS 181.800 (3):

(a) The Department of State Police shall release sex offender information on a website maintained by the department; and

(b) The supervising agency or a notifying agency may release sex offender information to:

(A) A person that resides with the sex offender;

(B) A person with whom the sex offender has a significant relationship;

(C) Residential neighbors and churches, community parks, schools and child care centers, convenience stores, businesses and other places that children or other potential victims may frequent;

(D) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, if the agency knows that the sex offender is seeking admission to the facility; and

(E) Local or regional media sources.

(3) Notwithstanding subsection (2)(a) of this section, the Department of State Police may not use the Internet to make available to the public information concerning a sex offender classified as a level three sex offender under ORS 181.800 (3) while the person is under the supervision of the Psychiatric Security Review Board or the Oregon Health Authority, unless the department is authorized to do so by a request of the supervising agency.

(4) If the sex offender is classified as a level two sex offender under ORS 181.800 (2), the supervising agency or a notifying agency may release sex offender information to the persons or entities described in subsection (2)(b)(A) to (D) of this section.

(5) If the sex offender is classified as a level one sex offender under ORS 181.800 (1), the supervising agency or a notifying agency may release sex offender information to a person described in subsection (2)(b)(A) of this section.

(6) As used in this section:

(a) "Notifying agency" means the Department of State Police, a city police department, a county sheriff's office or a police department established by a university under ORS 352.383.

(b) "Sex offender information" means information that the Department of State Police determines by rule is appropriate for release to the public.

(c) "Supervising agency" means a governmental entity responsible for supervising a person required to report as a sex offender under ORS 181.806 or 181.807.

Exhibit SO-2

Unsupervised / Existing Registrants

**NOTICE OF RIGHTS
SEX OFFENDER NOTIFICATION LEVEL CLASSIFICATION**

Registrant Name

SID#

Purpose of Review: You are entitled to a written review to determine if your Static-99R score is correct. Your score will determine your sex offender notification level, pursuant to ORS 181.800. Based on your notification level, you will be subject to community notification as described in ORS 181.835.

Waiver of Review: You may waive the review in two ways:

- (1) By checking the appropriate box and signing the back of this form; or
- (2) By refusing to participate in the objection process.

If you waive the review:

- You will be unable to contest that your Static-99R score is correct.
- The hearings officer and/or the Board will make findings based on the available record. There will be no other review.

Result of Review: If you do not waive your right to a review, the Board or a hearings officer will complete a review of your Static-99R score and your objections. If the Board or a hearings officer finds that your Static-99R score is correct, the Board will order that you be classified to a sex offender notification level based upon the record without another review process. If the Board or hearings officer finds that your Static-99R score is incorrect, the new score will be made part of the record and your sex offender notification level classification will be adjusted as required.

Rights During Review: You have the right to:

- Present written information to show that your Static-99R score is incorrect.

Rights After Review

- You may not appeal the Board's final order classifying your sex offender notification level.

For further information see ORS Chapter 181.800 – 181.845 and OAR Chapter 255, Division 85.

My score on the STATIC-99R is (mark one):

_____ -3 to 3	Level I
_____ 4 to 5	Level II
_____ 6 or higher	Level III

NOTIFICATION REQUIREMENTS FOR SEX OFFENDER NOTIFICATION LEVELS
ORS 181.835 Release of sex offender information according to classification.

(1)(a) A notifying agency or a supervising agency shall release, upon request, any information that may be necessary to protect the public concerning sex offenders who reside in a specific area or concerning a specific sex offender.

(b) A notifying agency or a supervising agency may release sex offender information to a law enforcement agency if the notifying agency or supervising agency determines that the release of information is in the public interest.

(c) In addition to the release of information described in this subsection and ORS 137.540, 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information to the public in accordance with subsections (2) to (4) of this section.

(2) If the sex offender is classified as a level three sex offender under ORS 181.800 (3):

(a) The Department of State Police shall release sex offender information on a website maintained by the department; and

(b) The supervising agency or a notifying agency may release sex offender information to:

(A) A person that resides with the sex offender;

(B) A person with whom the sex offender has a significant relationship;

(C) Residential neighbors and churches, community parks, schools and child care centers, convenience stores, businesses and other places that children or other potential victims may frequent;

(D) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, if the agency knows that the sex offender is seeking admission to the facility; and

(E) Local or regional media sources.

(3) Notwithstanding subsection (2)(a) of this section, the Department of State Police may not use the Internet to make available to the public information concerning a sex offender classified as a level three sex offender under ORS 181.800 (3) while the person is under the supervision of the Psychiatric Security Review Board or the Oregon Health Authority, unless the department is authorized to do so by a request of the supervising agency.

(4) If the sex offender is classified as a level two sex offender under ORS 181.800 (2), the supervising agency or a notifying agency may release sex offender information to the persons or entities described in subsection (2)(b)(A) to (D) of this section.

(5) If the sex offender is classified as a level one sex offender under ORS 181.800 (1), the supervising agency or a notifying agency may release sex offender information to a person described in subsection (2)(b)(A) of this section.

(6) As used in this section:

(a) "Notifying agency" means the Department of State Police, a city police department, a county sheriff's office or a police department established by a university under ORS 352.383.

(b) "Sex offender information" means information that the Department of State Police determines by rule is appropriate for release to the public.

(c) "Supervising agency" means a governmental entity responsible for supervising a person required to report as a sex offender under ORS 181.806 or 181.807.

EXHIBIT SO-3

**WRITTEN OBJECTIONS TO SCORE ON THE STATIC-99R FOR
SEX OFFENDER NOTIFICATION LEVEL CLASSIFICATION**

Registrant: _____
(Please Print)

SID# _____

Institution/Community Corrections Branch (If applicable): _____

Current release date _____

Supervision expiration date: _____

Date registrant was provided with this form _____

1. Please state which of the risk factors on the STATIC-99R you believe were not scored correctly.

2. For each risk factor listed above, please explain why you believe the risk factor was not scored correctly. Be specific. *You may attach additional pages or documents if necessary.*

A COPY OF YOUR NOTICE OF RIGHTS AND STATIC-99R WORKSHEET MUST BE ATTACHED TO THIS FORM.

Registrant's Signature

Date

Oregon Board of Parole and Post-Prison Supervision

2575 Center St NE, #100

Salem, OR 97301

Fax/(503) 378-7558

Exhibit SO-1L

Department of Corrections / Community Corrections

NOTICE OF RIGHTS

SEX OFFENDER NOTIFICATION LEVEL CLASSIFICATION

Registrant Name

SID#

Purpose of Review: You are entitled to a written review to determine if your LS/CMI score and evaluation report is correct. Your score and evaluation report will determine your sex offender notification level, pursuant to ORS 181.800. Based on your notification level, you will be subject to community notification as described in ORS 181.835.

Waiver of Review: You may waive the review in two ways:

- (1) By checking the appropriate box and signing the back of this form; or
- (2) By refusing to participate in the objection process.

If you waive the review:

- You will be unable to contest that your LS/CMI score and evaluation report is correct.
- The hearings officer and/or the Board will make findings based on the available record. There will be no other review.

Result of Review: If you do not waive your right to a review, the Board or a hearings officer will complete a review of your LS/CMI score, your evaluation report, your objections and any other documents submitted. **A hearing will be scheduled only for those who assess as Level III.** If the Board or a hearings officer finds that your LS/CMI score and evaluation report are correct, the Board will order that you be classified to a sex offender notification level based upon the record without another review process. If the Board or hearings officer finds that your LS/CMI score or evaluation report is incorrect, the new score will be made part of the record and your sex offender notification level classification will be adjusted as required.

Rights During Review. You have the right to:

- Present information to show that your LS/CMI score or evaluation report are incorrect.

Rights After Review

- You may not appeal the Board's final order classifying your sex offender notification level.

For further information see ORS Chapter 181.800 – 181.845 and OAR Chapter 255, Division 85.

My score on the LS/CMI is (mark one):

- _____ Score of 0 to 10 (Low)
- _____ Score of 11 to 19 (Moderate)
- _____ Score of 20+ (High, Very High)

The evaluator's recommended Sex Offender Notification Level is:

_____ Level I _____ Level II _____ Level III

Oregon Board of Parole and Post-Prison Supervision

2575 Center St NE, #100

Salem, OR 97301

Fax/(503) 378-7558

NOTIFICATION REQUIREMENTS FOR SEX OFFENDER NOTIFICATION LEVELS

ORS 181.835 Release of sex offender information according to classification.

(1)(a) A notifying agency or a supervising agency shall release, upon request, any information that may be necessary to protect the public concerning sex offenders who reside in a specific area or concerning a specific sex offender.

(b) A notifying agency or a supervising agency may release sex offender information to a law enforcement agency if the notifying agency or supervising agency determines that the release of information is in the public interest.

(c) In addition to the release of information described in this subsection and ORS 137.540, 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information to the public in accordance with subsections (2) to (4) of this section.

(2) If the sex offender is classified as a level three sex offender under ORS 181.800 (3):

(a) The Department of State Police shall release sex offender information on a website maintained by the department; and

(b) The supervising agency or a notifying agency may release sex offender information to:

(A) A person that resides with the sex offender;

(B) A person with whom the sex offender has a significant relationship;

(C) Residential neighbors and churches, community parks, schools and child care centers, convenience stores, businesses and other places that children or other potential victims may frequent;

(D) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, if the agency knows that the sex offender is seeking admission to the facility; and

(E) Local or regional media sources.

(3) Notwithstanding subsection (2)(a) of this section, the Department of State Police may not use the Internet to make available to the public information concerning a sex offender classified as a level three sex offender under ORS 181.800 (3) while the person is under the supervision of the Psychiatric Security Review Board or the Oregon Health Authority, unless the department is authorized to do so by a request of the supervising agency.

(4) If the sex offender is classified as a level two sex offender under ORS 181.800 (2), the supervising agency or a notifying agency may release sex offender information to the persons or entities described in subsection (2)(b)(A) to (D) of this section.

(5) If the sex offender is classified as a level one sex offender under ORS 181.800 (1), the supervising agency or a notifying agency may release sex offender information to a person described in subsection (2)(b)(A) of this section.

(6) As used in this section:

(a) "Notifying agency" means the Department of State Police, a city police department, a county sheriff's office or a police department established by a university under ORS 352.383.

(b) "Sex offender information" means information that the Department of State Police determines by rule is appropriate for release to the public.

(c) "Supervising agency" means a governmental entity responsible for supervising a person required to report as a sex offender under ORS 181.806 or 181.807.

Oregon Board of Parole and Post-Prison Supervision

2575 Center St NE, #100

Salem, OR 97301

Fax/(503) 378-7558

Exhibit SO-2L

Unsupervised / Existing Registrants

NOTICE OF RIGHTS

SEX OFFENDER NOTIFICATION LEVEL CLASSIFICATION

Registrant Name

SID#

Purpose of Review: You are entitled to a written review to determine if your LS/CMI score and evaluation report is correct. Your score and evaluation report will determine your sex offender notification level, pursuant to ORS 181.800. Based on your notification level, you will be subject to community notification as described in ORS 181.835.

Waiver of Review: You may waive the review in two ways:

- (1) By checking the appropriate box and signing the back of this form; or
- (2) By refusing to participate in the objection process.

If you waive the review:

- You will be unable to contest that your LS/CMI score and evaluation report is correct.
- The hearings officer and/or the Board will make findings based on the available record. There will be no other review.

Result of Review. If you do not waive your right to a review, the Board or a hearings officer will complete a review of your LS/CMI score, your evaluation report, your objections and any other documents submitted. **A hearing will be scheduled only for those who assess as Level III.** If the Board or a hearings officer finds that your LS/CMI score and evaluation report are correct, the Board will order that you be classified to a sex offender notification level based upon the record without another review process. If the Board or hearings officer finds that your LS/CMI score or evaluation report is incorrect, the new score will be made part of the record and your sex offender notification level classification will be adjusted as required.

Rights During Review. You have the right to:

- Present information to show that your LS/CMI score or evaluation report are incorrect.

Rights After Review

- You may not appeal the Board's final order classifying your sex offender notification level.

For further information see ORS Chapter 181.800 – 181.845 and OAR Chapter 255, Division 85.

My score on the LS/CMI is (mark one):

- _____ Score of 0 to 10 (Low)
- _____ Score of 11 to 19 (Moderate)
- _____ Score of 20+ (High, Very High)

The evaluator's recommended Sex Offender Notification Level is:

_____ Level I _____ Level II _____ Level III

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NOTIFICATION REQUIREMENTS FOR SEX OFFENDER NOTIFICATION LEVELS

ORS 181.835 Release of sex offender information according to classification.

(1)(a) A notifying agency or a supervising agency shall release, upon request, any information that may be necessary to protect the public concerning sex offenders who reside in a specific area or concerning a specific sex offender.

(b) A notifying agency or a supervising agency may release sex offender information to a law enforcement agency if the notifying agency or supervising agency determines that the release of information is in the public interest.

(c) In addition to the release of information described in this subsection and ORS 137.540, 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information to the public in accordance with subsections (2) to (4) of this section.

(2) If the sex offender is classified as a level three sex offender under ORS 181.800 (3):

(a) The Department of State Police shall release sex offender information on a website maintained by the department; and

(b) The supervising agency or a notifying agency may release sex offender information to:

(A) A person that resides with the sex offender;

(B) A person with whom the sex offender has a significant relationship;

(C) Residential neighbors and churches, community parks, schools and child care centers, convenience stores, businesses and other places that children or other potential victims may frequent;

(D) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, if the agency knows that the sex offender is seeking admission to the facility; and

(E) Local or regional media sources.

(3) Notwithstanding subsection (2)(a) of this section, the Department of State Police may not use the Internet to make available to the public information concerning a sex offender classified as a level three sex offender under ORS 181.800 (3) while the person is under the supervision of the Psychiatric Security Review Board or the Oregon Health Authority, unless the department is authorized to do so by a request of the supervising agency.

(4) If the sex offender is classified as a level two sex offender under ORS 181.800 (2), the supervising agency or a notifying agency may release sex offender information to the persons or entities described in subsection (2)(b)(A) to (D) of this section.

(5) If the sex offender is classified as a level one sex offender under ORS 181.800 (1), the supervising agency or a notifying agency may release sex offender information to a person described in subsection (2)(b)(A) of this section.

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(a) "Notifying agency" means the Department of State Police, a city police department, a county sheriff's office or a police department established by a university under ORS 352.383.

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