

DIVISION 36

DANGEROUS OFFENDERS

For Crimes Occurring Prior to November 1, 1989

Parole Consideration Hearings

255-036-0005

- (1) Within six (6) months after commitment to the Department of Corrections' custody of any person sentenced as a dangerous offender, the Board shall set a date for a parole consideration hearing which shall be no later than ten (10) days prior to the date the inmate would have been eligible for parole release under Division 35 of these rules if the court had not sentenced the offender pursuant to ORS 161.725 and 161.735 as a dangerous offender.
- (2) A person sentenced as a dangerous offender for felonies committed prior to November 1, 1989 is eligible for parole release:
 - (a) after having served the Board ordered prison term; and
 - (b) the Board finds the inmate no longer dangerous; or
 - (c) the Board finds the inmate remains dangerous but can be adequately controlled with supervision and mental health treatment and that the necessary resources for supervision and treatment are available to the inmate.
- (3) If the Board is unable to make the findings required by section (2) of this rule, the Board shall schedule reviews once every two (2) years until:
 - (a) the Board is able to make the required findings; or
 - (b) the maximum court ordered sentence, less good time, expires.
- (4) If after the Board makes the findings required by section (2) of this rule, the Board later has reasonable cause to believe the inmate's dangerousness has returned and/or the inmate cannot be adequately controlled with supervision and mental health treatment or that the necessary resources for supervision and treatment are unavailable, the Board may order an evaluation pursuant to ORS 144.226 and shall conduct a new parole consideration hearing.
- (5) If, at the parole consideration hearing or at any subsequent review, the Board makes the findings required by section (2) of this rule, the Board shall order parole release, subject to ORS 144.125 144.270-.275 regarding review of release plans and supervision conditions.
- (6) At any hearing or review, the Board may consider:
 - (a) the examining psychologist or psychiatrist's written report;
 - (b) a written report from the executive officer of Department of Corrections institution in which the inmate has been confined;
 - (c) a field analysis report and release plan, including verification that adequate supervision and mental health treatment are immediately available for the particular inmate;
 - (d) any other information regarding the inmate that the Board finds relevant.

Statutory Authority: ORS 144.226, 144.228

History: (7/26/93, temporary; 10/29/93, 8/26/98)

Evaluations

Permanent effective 8/27/98

DIVISION 36

DANGEROUS OFFENDERS

For Crimes Occurring Prior to November 1, 1989

Parole Consideration Hearings
255-36-005

- (1) Within six (6) months after commitment to the Department of Corrections' custody of any person sentenced as a dangerous offender, the Board shall set a date for a parole consideration hearing which shall be no later than ten (10) days prior to the date the offender would have been eligible for parole release under Division 35 of these rules if the court had not sentenced the offender pursuant to ORS 161.725 and 161.735 as a dangerous offender.
- (2) A person sentenced as a dangerous offender for felonies committed prior to November 1, 1989 is eligible for parole release:
 - (a) after having served the Board ordered prison term; and
 - (b) the Board finds the prisoner no longer dangerous; or
 - (c) the Board finds the prisoner remains dangerous but can be adequately controlled with supervision and mental health treatment and that the necessary resources for supervision and treatment are available to the prisoner.
- (3) If the Board is unable to make the findings required by section (2) of this rule, the Board shall schedule reviews once every two (2) years until:
 - (a) the Board is able to make the required findings; or
 - (b) the maximum court ordered sentence, less good time, expires.
- (4) If after the Board makes the findings required by section (2) of this rule, the Board later has reasonable cause to believe the offender's dangerousness has returned and/or the offender cannot be adequately controlled with supervision and mental health treatment or that the necessary resources for supervision and treatment are unavailable, the Board may order an evaluation pursuant to ORS 144.226 and shall conduct a new parole consideration hearing.
- (5) If, at the parole consideration hearing or at any subsequent review, the Board makes the findings required by section (2) of this rule, the Board shall order parole release, subject to ORS 144.125 144.270-.275 regarding review of release plans and supervision conditions.
- (6) At any hearing or review, the Board may consider:
 - (a) the examining psychologist or psychiatrist's written report;

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Permanent effective 10/29/93

- (b) a written report from the executive officer of Department of Corrections institution in which the prisoner has been confined;
- (c) a field analysis report and release plan, including verification that adequate supervision and mental health treatment are immediately available for the particular offender;
- (d) any other information regarding the prisoner that the Board finds relevant.

Statutory Authority: ORS 144.226, 144.228
History: (7/26/93, temporary; 10/29/93)

Permanent effective 10/29/93

DIVISION 36

DANGEROUS OFFENDERS

For Crimes Occurring Prior to November 1, 1989

Parole Consideration Hearings
255-36-005

- (1) Within six (6) months after commitment to the Department of Corrections' custody of any person sentenced as a dangerous offender, the Board shall set a date for a parole consideration hearing which shall be no later than ten (10) days prior to the date the offender would have been eligible for parole release under Division 35 of these rules if the court had not sentenced the offender pursuant to ORS 161.725 and 161.735 as a dangerous offender.
- (2) A person sentenced as a dangerous offender for felonies committed prior to November 1, 1989 is eligible for parole release:
 - (a) after having served the Board ordered prison term; and
 - (b) the Board finds the prisoner no longer dangerous; or
 - (c) the Board finds the prisoner remains dangerous but can be adequately controlled with supervision and mental health treatment and that the necessary resources for supervision and treatment are available to the prisoner.
- (3) If the Board is unable to make the findings required by section (2) of this rule, the Board shall schedule reviews once every two (2) years until:
 - (a) the Board is able to make the required findings; or
 - (b) the maximum court ordered sentence, less good time, expires.
- (4) If after the Board makes the findings required by section (2) of this rule, the Board later has reasonable cause to believe the offender's dangerousness has returned and/or the offender cannot be adequately controlled with supervision and mental health treatment or that the necessary resources for supervision and treatment are unavailable, the Board may order an evaluation pursuant to ORS 144.226 and shall conduct a new parole consideration hearing.
- (5) If, at the parole consideration hearing or at any subsequent review, the Board makes the findings required by section (2) of this rule, the Board shall order parole release, subject to ORS 144.125 144.270-.275 regarding review of release plans and supervision conditions, and subject to eligibility for release under statute and rule.
- (6) At any hearing or review, the Board may consider:
 - (a) the examining psychologist or psychiatrist's written report;
 - (b) a written report from the executive officer of Department of Corrections institution

7/26/93

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Temporary effective 7/26/93 to 1/24/94

superceded by permanent filing 10/29/93

in which the prisoner has been confined;

(c) a field analysis report and release plan, including verification that adequate supervision and mental health treatment are immediately available for the particular offender;

(d) any other information regarding the prisoner that the Board finds relevant.

Statutory Authority: ORS 144.226, 144.228

History: (7/26/93, temporary) Superceded by permanent filing 10/29/93



DIVISION 36

DANGEROUS OFFENDERS

For Crimes Occurring Prior to November 1, 1989

Evaluations
255-036-0010

- (1) Within one hundred twenty (120) days of the last day of the prison term and at least every two years thereafter, the Board shall order a complete mental and psychological or psychiatric examination of the inmate.
- (2) The evaluation provided may consist of a diagnostic study, including a comprehensive evaluation of the individual's personality, intelligence level, personal and social adjustments, or other information the psychologist or psychiatrist believes will aid the Board in determining whether the examined person is eligible for release.
- (3) The report of the psychologist or psychiatrist shall:
 - (a) include a statement as to whether the dangerous offender has any mental or emotional disturbance, deficiency, condition, or disorder predisposing him/her to the commission of any crime to a degree rendering the inmate a danger to the health or safety of others;
 - (b) any other information which would aid the Board in determining whether the inmate is eligible for release;
 - (c) state progress or changes in the condition of the examined inmate;
 - (d) contain recommendations for treatment or medication that would assist the inmate in performing satisfactorily in the community upon release;
 - (e) be filed with the Board within 60 days after the examination;
 - (f) be certified and sent to the inmate, the inmate's attorney, and to the institution superintendent.

Statutory Authority: ORS 144.226, 144.228

History: (7/26/93, temporary; 10/29/93; 8/15/94, 8/27/98, **4/5/06**)

DIVISION 36

DANGEROUS OFFENDERS

For Crimes Occurring Prior to November 1, 1989

Evaluations

255-036-0010

- (1) Within sixty (60) days of the last day of the prison term and at least every two years thereafter, the Board shall order a complete mental and psychological or psychiatric examination of the inmate.
- (2) The evaluation provided may consist of a diagnostic study, including a comprehensive evaluation of the individual's personality, intelligence level, personal and social adjustments, or other information the psychologist or psychiatrist believes will aid the Board in determining whether the examined person is eligible for release.
- (3) The report of the psychologist or psychiatrist shall:
 - (a) include a statement as to whether the dangerous offender has any mental or emotional disturbance, deficiency, condition, or disorder predisposing him/her to the commission of any crime to a degree rendering the inmate a danger to the health or safety of others;
 - (b) any other information which would aid the Board in determining whether the inmate is eligible for release;
 - (c) state progress or changes in the condition of the examined inmate;
 - (d) contain recommendations for treatment or medication that would assist the inmate in performing satisfactorily in the community upon release;
 - (e) be filed with the Board within 60 days after the examination;
 - (f) be certified and sent to the inmate, the inmate's attorney, and to the institution superintendent.

Statutory Authority: ORS 144.226, 144.228

History: (7/26/93, temporary; 10/29/93; 8/15/94, 8/27/98)

8/27/98

Dangerous Offender/Pre-Nov. 1, 1989

Permanent effective 8/27/98

Evaluations
255-36-010

- (1) Within sixty (60) days of the last day of the prison term and at least every two years thereafter, the Board shall order a complete mental and psychological or psychiatric examination of the offender.
- (2) The evaluation provided may consist of a diagnostic study, including a comprehensive evaluation of the individual's personality, intelligence level, personal and social adjustments, or other information the psychologist or psychiatrist believes will aid the Board in determining whether the examined person is eligible for release.
- (3) The report of the psychologist or psychiatrist shall:
 - (a) include a statement as to whether the dangerous offender has any mental or emotional disturbance, deficiency, condition, or disorder predisposing him/her to the commission of any crime to a degree rendering the offender a danger to the health or safety of others;
 - (b) any other information which would aid the Board in determining whether the offender is eligible for release;
 - (c) state progress or changes in the condition of the examined offender;
 - (d) contain recommendations for treatment or medication that would assist the offender in performing satisfactorily in the community upon release;
 - (e) be filed with the Board within [40] 60 days after the examination;
 - (f) be certified and sent to the offender, the offender's attorney, and to the institution superintendent.

Statutory Authority: ORS 144.226, 144.228
History: (7/26/93, temporary; 10/29/93; 8/15/94)

8/15/94

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Permanent effective 8/15/94

Evaluations
255-36-010

- (1) Within sixty (60) days of the last day of the prison term and at least every two years thereafter, the Board shall order a complete mental and psychological or psychiatric examination of the offender.
- (2) The evaluation provided may consist of a diagnostic study, including a comprehensive evaluation of the individual's personality, intelligence level, personal and social adjustments, or other information the psychologist or psychiatrist believes will aid the Board in determining whether the examined person is eligible for release.
- (3) The report of the psychologist or psychiatrist shall:
 - (a) include a statement as to whether or not the dangerous offender has any mental or emotional disturbance, deficiency, condition, or disorder predisposing him/her to the commission of any crime to a degree rendering the offender a danger to the health or safety of others;
 - (b) any other information which would aid the Board in determining whether the offender is eligible for release;
 - (c) state progress or changes in the condition of the examined offender;
 - (d) contain recommendations for treatment or medication that would assist the offender in performing satisfactorily in the community upon release;
 - (e) be filed with the Board within 40 days after the examination;
 - (f) be certified and sent to the offender, the offender's attorney, and to the institution superintendent.

Statutory Authority: ORS 144.226, 144.228
History: (7/26/93, temporary)

Dangerous Offender/Pre-Nov. 1, 1989

Temporary effective 7/26/93 to 1/24/94
became permanent 10/29/93



DIVISION 36

DANGEROUS OFFENDERS

For Crimes Occurring Prior to November 1, 1989

Department of Corrections Written Reports
255-036-0015

The written report of the executive officer of the Department of Corrections, which the Board shall review at the parole consideration hearing, shall contain:

- (1) a detailed account of the inmate's conduct while confined;
- (2) all infractions of rules and discipline, the circumstances, and the punishment imposed;
- (3) extent to which the inmate has responded to efforts made in the institution to improve his/her mental and moral condition;
- (4) a statement as to the person's present attitude towards society, the sentencing judge, the district attorney, and the arresting police officer;
- (5) a statement as to the inmate present attitude towards his/her previous criminal career;
- (6) the work record, showing average number of hours worked per day and the nature of the occupations;
- (7) the program history, including a summary of any psychological or substance abuse treatment and other activities that will assist the Board in:
 - (a) understanding the psychological adjustment and social skills and habits of the inmate; and
 - (b) determining the likelihood for successful community reentry.

Statutory Authority: ORS 144.228
History: (11/1/89; 7/26/93, temporary; 10/29/93, 8/27/98)

Permanent effective 8/27/98

Department of Corrections Written Reports
255-36-015

The written report of the executive officer of the Department of Corrections, which the Board shall review at the parole consideration hearing, shall contain:

- (1) a detailed account of the offender's conduct while confined;
- (2) all infractions of rules and discipline, the circumstances, and the punishment imposed;
- (3) extent to which the offender has responded to efforts made in the institution to improve his/her mental and moral condition;
- (4) a statement as to the person's present attitude towards society, the sentencing judge, the district attorney, and the arresting police officer;
- (5) a statement as to the offender's present attitude towards his/her previous criminal career;
- (6) the work record, showing average number of hours worked per day and the nature of the occupations;
- (7) the program history, including a summary of any psychological or substance abuse treatment and other activities that will assist the Board in:
 - (a) understanding the psychological adjustment and social skills and habits of the offender; and
 - (b) determining the likelihood for successful community reentry.

Statutory Authority: ORS 144.228
History: (11/1/89; 7/26/93, temporary)

Dangerous Offender/Pre-Nov. 1, 1989

Temporary effective 7/26/93 to 1/24/94
became permanent 10/29/93



DIVISION 36

DANGEROUS OFFENDERS

For Crimes Occurring Prior to November 1, 1989

Request for Review Prior to Release Hearing Date

255-036-0020

- (1) Notwithstanding subsection 1 of OAR 255-036-0005, a inmate sentenced as a dangerous offender under ORS 161.725 and 161.735 may request a parole consideration hearing prior to the earliest time the inmate is eligible for parole release or a two year review. The Board may consider information presented by the inmate to determine whether the inmate is no longer dangerous or that even though dangerous, can be adequately controlled with supervision and mental health treatment which are in fact available to the inmate.
- (2) The Board shall review the request for a parole consideration hearing by administrative file pass.
- (3) If the Board finds, based upon the request and the information therein, there is reasonable cause to believe the inmate is no longer dangerous or even though dangerous, can be adequately controlled with supervision and mental health treatment which are in fact available to the inmate, the Board shall order the documents required by ORS 144.228 and this division and conduct a parole consideration hearing as soon as reasonably convenient.
- (4) If the Board finds there is not reasonable cause to believe the inmate is no longer dangerous or even though the inmate remains dangerous, the inmate can be adequately controlled with supervision and mental health treatment and that the necessary resources for supervision and treatment are available to the inmate, the Board will review the inmate case at the originally scheduled parole consideration hearing pursuant to OAR 255-036-0005(1).

Statutory Authority: ORS 144.228

History: (7/26/93, temporary; 10/29/93; 8/15/94, 8/27/98)

Permanent effective 3/27/98

Request for Review Prior to Release Hearing Date
255-36-020

- (1) Notwithstanding subsection 1 of OAR 255-36-005, a prisoner sentenced as a dangerous offender under ORS 161.725 and 161.735 may[, if the prisoner can present evidence that he/she is no longer dangerous or that even though dangerous, can be adequately controlled with supervision and mental health treatment which are in fact available to the prisoner,] request a parole consideration hearing prior to the earliest time the prisoner is eligible for parole release or a two year review. The Board may consider information presented by the prisoner to determine whether the prisoner is no longer dangerous or that even though dangerous, can be adequately controlled with supervision and mental health treatment which are in fact available to the prisoner.
- (2) The Board shall review the request for a parole consideration hearing by administrative file pass.
- (3) If the Board finds, based upon the request and the information therein, there is reasonable cause to believe the prisoner is no longer dangerous or even though dangerous, can be adequately controlled with supervision and mental health treatment which are in fact available to the prisoner, the Board shall order the documents required by ORS 144.228 and this division and conduct a parole consideration hearing as soon as reasonably convenient.
- (4) If the Board finds there is not reasonable cause to believe the prisoner is no longer dangerous or even though the prisoner remains dangerous, the prisoner can be adequately controlled with supervision and mental health treatment and that the necessary resources for supervision and treatment are available to the prisoner, the Board will review the prisoner's case at the originally scheduled parole consideration hearing pursuant to OAR 255-36-005(1).

Statutory Authority: ORS 144.228
History: (7/26/93, temporary; 10/29/93; 8/15/94)

Request for Review Prior to Release Hearing Date
255-36-020

- (1) Notwithstanding subsection 1 of OAR 255-36-005, a prisoner sentenced as a dangerous offender under ORS 161.725 and 161.735 may, if the prisoner can present evidence that he/she is no longer dangerous or that even though dangerous, can be adequately controlled with supervision and mental health treatment which are in fact available to the prisoner, request a parole consideration hearing prior to the earliest time the prisoner is eligible for parole release or a two year review.
- (2) The Board shall review the request for a parole consideration hearing by administrative file pass.
- (3) If the Board finds, based upon the request and the information therein, there is reasonable cause to believe the prisoner is no longer dangerous or even though dangerous, can be adequately controlled with supervision and mental health treatment which are in fact available to the prisoner, the Board shall order the documents required by ORS 144.228 and this division and conduct a parole consideration hearing as soon as reasonably convenient.
- (4) If the Board finds there is not reasonable cause to believe the prisoner is no longer dangerous or even though the prisoner remains dangerous, the prisoner can be adequately controlled with supervision and mental health treatment and that the necessary resources for supervision and treatment are available to the prisoner, the Board will review the prisoner's case at the originally scheduled parole consideration hearing pursuant to OAR 255-36-005(1).

Statutory Authority: ORS 144.228
History: (7/26/93, temporary)

Dangerous Offender/Pre-Nov. 1, 1989

Temporary effective 7/26/93 to 1/24/94
became permanent 10/29/93



The Release Hearing Packet
255-36-025

The Parole Consideration Hearing Packet shall contain:

- (1) institution face sheet;
- (2) all prior Board Action Forms;
- (3) psychological or psychiatric evaluations; and reports pursuant to ORS 144.226 to ORS 144.228;
- (4) documents listed in OAR 255-36-005(6);
- (5) correspondence;
- (6) field parole analysis report or report of similar content which shall include verification of supervision level and admission to mental health treatment; and
- (7) court orders.

Statutory Authority: ORS 144.228
History: (7/26/93, temporary)

Dangerous Offender/Pre-Nov. 1, 1989

Temporary effective 7/26/93 to 1/24/94
became permanent 10/29/93



DIVISION 36

DANGEROUS OFFENDERS

For Crimes Occurring Prior to November 1, 1989

Parole Supervision
255-036-0030

A dangerous offender released to parole prior to the sentence expiration shall serve the remainder of the sentence term imposed under ORS 161.725 and 161.735 on parole. The inmate shall serve at least three years of supervised parole.

Statutory Authority: Oregon Laws 1993, Chapter 680, Section 1(b) [SB139]
History: (7/26/93, temporary; 10/29/93, 8/27/98)

8/27/98

Dangerous Offender/Pre-Nov. 1, 1989

Permanent effective 8/27/98

Parole Supervision
255-36-030

A dangerous offender released to parole prior to the sentence expiration shall serve the remainder of the sentence term imposed under ORS 161.725 and 161.735 on parole. The offender shall serve at least three years of supervised parole.

Statutory Authority: ORS 144.???, SB139
History: (7/26/93, temporary)

7/26/93

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Temporary effective 7/26/93 to 1/24/94
became permanent 10/29/93