

DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

Release Hearings

255-037-0005

- (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 release hearing which shall be no later than ten (10) days prior to the date the inmate is eligible for release on post-prison supervision.
- (2) A person sentenced as a dangerous offender for felonies committed on or after November 1, 1989 is eligible for release on post-prison supervision:
 - (a) after having served the incarceration term set forth on the judgment order; 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 indeterminate sentence 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 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 release hearing.
- (5) If, at the release hearing or at any subsequent review, the Board makes the findings required by section (2) of this rule, the Board shall order release to post-prison supervision, subject to ORS 144.096, 144.098 and 144.102 regarding supervision conditions and review of release plans, 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 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, 144.232

History: (11/1/89; 7/1/91, temporary; 12/1/91; 7/26/93, temporary; 10/29/93, 8/27/98)

Evaluations

255-037-0010

- (1) Within sixty (60) days of the last day of the incarceration 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 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 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: (11/1/89; 7/1/91, temporary; 12/1/91; 7/26/93, temporary; 10/29/93; 8/15/94, 8/27/98)

Department of Corrections Written Reports
255-037-0015

The written report of the executive officer of the Department of Corrections, which the Board shall review at the release 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'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 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)

Request for Review Prior to Release Hearing Date
255-037-0020

- (1) Notwithstanding subsection 1 of OAR 255-037-0005, a inmate sentenced as a dangerous offender under ORS 161.725 and 161.735 may request a release hearing prior to the earliest time the inmate is eligible for release to post-prison supervision 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 release 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 this division and conduct a release 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's case at the originally scheduled release hearing pursuant to OAR 255-037-0005(1).

Statutory Authority: ORS 144.228

History: (11/1/89; 7/26/93, temporary; 10/29/93; 8/15/94, 8/27/98)

The Release Hearing Packet
255-037-0025

The Post-Prison Supervision Release 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 255-37-005(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: (11/1/89; 7/1/91, temporary; 12/1/91; 7/26/93, temporary; 10/29/93)

Post-Prison Supervision
255-037-0030

- (1) A dangerous offender released to post-prison supervision prior to the sentence expiration shall serve the remainder of the sentence term imposed under ORS 161.725 and 161.735 on post-prison supervision.
- (2) The Board of Parole and Post-Prison Supervision may return an inmate for a period of 180 days as a sanction for any supervision violation. Notwithstanding ORS 137.010 and the rules of the State Sentencing Guidelines Board, the Board may impose the sanction repeatedly for subsequent violations during the term of post-prison supervision.
- (3) The Board may at any time, return the inmate to prison and require that the inmate submit to an examination as provided in ORS 144.226. If the Board finds the inmate dangerous and/or cannot be adequately controlled with supervision and mental health treatment and/or the necessary resources for supervision and treatment are unavailable to the inmate, the Board shall return the inmate to prison for an indefinite period of time, not to exceed the sentence expiration date.

The Board shall review an inmate returned to prison once every two years as provided in OAR 255-037-0005.

Statutory Authority: ORS 144.232

History: (11/1/89; 7/1/91, temporary, 12/1/91; 7/26/93, temporary; 10/29/93, 8/27/98)

8/27/98

Dangerous Offender/Nov. 1, 1989

DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

Release Hearings
255-037-0005

- (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 release hearing which shall be no later than ten (10) days prior to the date the inmate is eligible for release on post-prison supervision.
- (2) A person sentenced as a dangerous offender for felonies committed on or after November 1, 1989 is eligible for release on post-prison supervision:
 - (a) after having served the incarceration term set forth on the judgment order; 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 indeterminate sentence 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 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 release hearing.
- (5) If, at the release hearing or at any subsequent review, the Board makes the findings required by section (2) of this rule, the Board shall order release to post-prison supervision, subject to ORS 144.096, 144.098 and 144.102 regarding supervision conditions and review of release plans, 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 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, 144.232

History: (11/1/89; 7/1/91, temporary; 12/1/91; 7/26/93, temporary; 10/29/93, 8/27/98)

Permanent effective 8/27/98

DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

Release Hearings

255-37-005

- (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 release hearing which shall be no later than ten (10) days prior to the date the offender is eligible for release on post-prison supervision.
- (2) A person sentenced as a dangerous offender for felonies committed on or after November 1, 1989 is eligible for release on post-prison supervision:
 - (a) [after the Board finds the condition which made the prisoner dangerous absent or in remission; and
 - (b)] after having served the [presumptive sentence] incarceration term set forth on the judgment order[.]; 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) [When the Board finds the dangerous condition not absent or in remission,] 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 [finds the condition absent or in remission, at which time the Board shall set a release date; or] is able to make the required findings; or
 - (b) the maximum indeterminate sentence expires.
- (4) If after the Board [finds the dangerous condition absent or in remission] makes the findings required by section (2) of this rule, the Board later has reasonable cause to believe the [condition] 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 release hearing.
- (5) If, at the release hearing or at any subsequent review, the Board makes the findings required by section (2) of this rule [finds the condition is absent or in remission], the Board shall order release to post-prison supervision, subject to ORS 144.096, 144.098 and 144.102 regarding supervision conditions and review of release plans, and subject to eligibility for release under statute and rule.

7/26/93

Dangerous Offender/Nov. 1, 1989

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

DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

- (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 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;
- [(c)](d) any other information regarding the prisoner that the Board finds relevant.

Statutory Authority: ORS 144.226, 144.228, 144.232

History: (11/1/89; 7/1/91, temporary; 12/1/91; 7/26/93, temporary)

7/26/93

Dangerous Offender/Nov. 1, 1989

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

DIVISION 37

DANGEROUS OFFENDERS
(ORS 144.226, 144.228, 144.232)

For Crimes Occurring on or after November 1, 1989

Release Hearings

255-37-005 (11/1/89; 7/1/91, temporary; 12/1/91)

- (1) Within six (6) months after commitment to the Department of Correction's custody [of the Department of Corrections] of any person sentenced as a dangerous offender, the Board shall set a date for a release hearing which shall be no later than ten (10) days prior to the date the offender is eligible for release on post-prison supervision.
- (2) A person sentenced as a dangerous offender for felonies committed on or after November 1, 1989 is eligible for release on post-prison supervision:
 - (a) after the Board finds the condition which made the prisoner dangerous [is] absent or in remission; and
 - (b) after having served the presumptive sentence set forth on the judgment order.
- (3) When the Board finds the dangerous condition [is] not absent or in remission, the Board shall schedule reviews [will be scheduled at least] once every two (2) years until:
 - (a) the Board finds the condition [is] absent or in remission, at which time the Board shall set a release date [will be set.]; or
 - (b) the sentence expires.
- (4) If after the Board finds [finding] the dangerous condition [is] absent or in remission, the Board later has reasonable cause to believe the condition has returned, the Board may order [a psychiatric] an evaluation pursuant to ORS 144.226 and shall conduct a new release hearing.
- (5) If, at the release hearing or at any subsequent review, the Board [determines] finds the condition [is] absent or in remission, the Board shall order release to post-prison supervision, subject to ORS 144.096, 144.098 and 144.102 [.,] regarding supervision conditions and review of release plans, and subject to eligibility for release.
- (6) At any hearing or review, the Board may consider:
 - (a) the [written report of the] examining psychologist or psychiatrist's written report;
 - (b) a written report [to be made by] from the executive officer of Department of Corrections institution in which the prisoner has been confined;
 - (c) any other information regarding the prisoner that the Board finds relevant.

Dangerous Offenders/Nov. 1, 1989

Permanent effective 12/1/91

DIVISION 37

DANGEROUS OFFENDERS

(ORS 144.226, 144.228, 144.232)

For Crimes Occurring on or after November 1, 1989

Release Hearings

255-37-005 (11/1/89; 7/1/91, temporary)

- (1) Within six (6) months after commitment to the custody of the Department of Corrections of any person sentenced as a dangerous offender, the Board shall set a date for a release hearing which shall be no later than ten (10) days prior to the date the offender is eligible for release on post-prison supervision.
- (2) A person sentenced as a dangerous offender for felonies committed on or after November 1, 1989 is eligible for release on post-prison supervision:
 - (a) after the Board finds the condition which made the prisoner dangerous is absent or in remission; and
 - (b) after having served the presumptive sentence set forth on the judgment order.
- (3) When the Board finds the dangerous condition is not absent or in remission, reviews will be scheduled at least once every two (2) years until the condition is absent or in remission at which time a release date will be set.
- (4) If after finding the dangerous condition is absent or in remission, the Board later has reasonable cause to believe the condition has returned, the Board may order [a psychiatric] an evaluation pursuant to ORS 144.226 and shall conduct a new release hearing.
- (5) If, at the release hearing or at any subsequent review, the Board determines the condition is absent or in remission, the Board shall order release to post-prison supervision subject to ORS 144.096, 144.098 and 144.102, regarding supervision conditions and review of release plans, and subject to eligibility for release.
- (6) At any hearing or review, the Board may consider:
 - (a) the written report of the examining psychologist or psychiatrist;
 - (b) a written report to be made by the executive officer of Department of Corrections institution in which the prisoner has been confined;
 - (c) any other information regarding the prisoner that the Board finds relevant.

Temporary effective 7/1/91 to 12/1/91

Superseded by permanent filing 12/1/91

DIVISION 37

DANGEROUS OFFENDERS

November 1, 1989 and After

The entire text of this rule is new.

Release Hearings

255-37-005

- (1) Within six (6) months after commitment to the custody of the Department of Corrections of any person sentenced as a dangerous offender, the Board shall set a date for a release hearing which shall be no later than ten (10) days prior to the date the offender is eligible for release on post-prison supervision.
- (2) A person sentenced as a dangerous offender for felonies committed on or after November 1, 1989 is eligible for release on post-prison supervision:
 - (a) after the Board finds the condition which made the prisoner dangerous is absent or in remission; and
 - (b) after having served the presumptive sentence set forth on the judgment order.
- (3) When the Board finds the dangerous condition is not absent or in remission, reviews will be scheduled at least once every two (2) years until the condition is absent or in remission at which time a release date will be set.
- (4) If after finding the dangerous condition is absent or in remission, the Board later has reasonable cause to believe the condition has returned, the Board may order a psychiatric evaluation pursuant to ORS 144.226 and shall conduct a new release hearing.
- (4) If, at the release hearing or at any subsequent review, the Board determines the condition is absent or in remission, the Board shall order release to post-prison supervision subject to the provisions of Sections 32a and 32b of HB2250, regarding supervision conditions and review of release plans and subject to eligibility for release.
- (6) At any hearing or review, the Board may consider:
 - (a) the written report of the examining psychiatrist;
 - (b) a written report to be made by the executive officer of Department of Corrections institution in which the prisoner has been confined;
 - (c) any other information regarding the prisoner that the Board finds relevant.



DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or After November 1, 1989

Evaluations

255-037-0010

- (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 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

Evaluations

255-037-0010

- (1) Within sixty (60) days of the last day of the incarceration 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 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 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: (11/1/89; 7/1/91, temporary; 12/1/91; 7/26/93, temporary; 10/29/93; 8/15/94, 8/27/98)

Permanent effective 8/27/98

8/27/98

Dangerous Offender/Nov. 1, 1989

Evaluations
255-37-010

- (1) Within sixty (60) days of the last day of the incarceration 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] 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 144.228
History: (11/1/89; 7/26/93, temporary; 10/29/93; 8/15/94)

Permanent effective 8/15/94

DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

Evaluations
255-37-010

- (1) Within sixty (60) days of the last day of the [presumptive sentence] incarceration 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, [or] condition, or disorder predisposing him/her to the commission of any crime to a degree rendering the offender a [menace] 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;
 - [(b)][c] state progress or changes in the condition of the examined offender;
 - [(c)][d] contain recommendations for treatment or medication that would assist the offender in performing satisfactorily in the community upon release;
 - [(d)][e] be filed with the Board within 40 days after the examination;
 - [(e)][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: (11/1/89; 7/1/91, temporary; 12/1/91; 7/26/93, temporary)

7/26/93

Dangerous Offender/Nov. 1, 1989

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

DIVISION 37

DANGEROUS OFFENDERS
(ORS 144.226, 144.228, 144.232)

For Crimes Occurring on or after November 1, 1989

[Psychiatric] Evaluations

253-37-010 (11/1/89; 7/1/91, temporary; 12/1/91)

- (1) Within sixty (60) days of the last day of the presumptive sentence and at least every two years thereafter, the Board shall order [from the Oregon State Hospital] a complete [physical,] 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's report shall:
 - (a) include a statement [as to] concerning whether or not the dangerous offender has any mental or emotional disturbance, deficiency or condition predisposing him/her to the commission of any crime to a degree rendering the offender a menace to the health or safety of others;
 - (b) state progress or changes in the condition of the examined offender;
 - (c) contain recommendations for treatment or medication that would assist the offender in performing satisfactorily in the community upon release;
 - (d) be filed with the Board within 40 days after the examination;
 - (e) be certified and sent to the offender, the offender's attorney, and to the institution superintendent.

Permanent effective 12/1/91

DIVISION 37

DANGEROUS OFFENDERS
(ORS 144.226, 144.228, 144.232)

For Crimes Occurring on or after November 1, 1989

[Psychiatric] Evaluations
253-37-010 (11/1/89; 7/1/91, temporary)

- (1) Within sixty (60) days of the last day of the presumptive sentence and at least every two years thereafter, the Board shall order [from the Oregon State Hospital] a complete [physical,] 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 or condition predisposing him/her to the commission of any crime to a degree rendering the offender a menace to the health or safety of others;
 - (b) state progress or changes in the condition of the examined offender;
 - (c) contain recommendations for treatment or medication that would assist the offender in performing satisfactorily in the community upon release;
 - (d) be filed with the Board within 40 days after the examination;
 - (e) be certified and sent to the offender, the offender's attorney, and to the institution superintendent.

Temporary effective 7/1/91 to 12/1/91
superceded by permanent filing 12/1/91

DIVISION 37

DANGEROUS OFFENDERS

November 1, 1989 and After

The entire text of this rule is new.

Psychiatric Evaluations

253-37-010

- (1) Within sixty (60) days of the last day of the presumptive sentence and at least every two years thereafter, the Board shall order from the Oregon State Hospital a complete physical, mental and 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 psychiatrist believes will aid the Board in determining whether the examined person is eligible for release.
- (3) The report of the psychiatrist shall:
 - (a) include a statement as to whether or not the dangerous offender has any mental or emotional disturbance, deficiency or condition predisposing him/her to the commission of any crime to a degree rendering the offender a menace to the health or safety of others;
 - (b) state progress or changes in the condition of the examined offender;
 - (c) contain recommendations for treatment or medication that would assist the offender in performing satisfactorily in the community upon release;
 - (d) be filed with the Board within 40 days after the examination;
 - (e) be certified and sent to the offender, the offender's attorney, and to the institution superintendent.

Permanent effective 11/1/89



DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

Department of Corrections Written Reports
255-037-0015

The written report of the executive officer of the Department of Corrections, which the Board shall review at the release 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'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 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

DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

Department of Corrections Written Reports

255-37-015

The written report of the executive officer of the Department of Corrections, which the Board shall review at the release 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 [industrial] work record, showing average number of hours worked per day and the nature of the occupations;
- (7) [a recommendation as to the kind of work, if any, the person is best fitted to perform and at which he/she is most likely to succeed upon leaving the institution.] 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)

7/26/93

Dangerous Offender/Nov. 1, 1989

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

DIVISION 37

DANGEROUS OFFENDERS

November 1, 1989 and After

The entire text of this rule is new.

Department of Corrections Written Reports
255-37-015

The written report of the executive officer of the Department of Corrections, which the Board shall review at the release 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 industrial record, showing average number of hours worked per day and the nature of the occupations;
- (7) a recommendation as to the kind of work, if any, the person is best fitted to perform and at which he/she is most likely to succeed upon leaving the institution.

Permanent effective 11/1/89



DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

Request for Review Prior to Release Hearing Date
255-037-0020

- (1) Notwithstanding subsection 1 of OAR 255-037-0005, a inmate sentenced as a dangerous offender under ORS 161.725 and 161.735 may request a release hearing prior to the earliest time the inmate is eligible for release to post-prison supervision 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 release 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 this division and conduct a release 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's case at the originally scheduled release hearing pursuant to OAR 255-037-0005(1).

Statutory Authority: ORS 144.228

History: (11/1/89; 7/26/93, temporary; 10/29/93; 8/15/94, 8/27/98)

Permanent effective 8/27/98

Request for Review Prior to Release Hearing Date
255-37-020

- (1) Notwithstanding subsection 1 of OAR 255-37-005, 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 release hearing prior to the earliest time the prisoner is eligible for release to post-prison supervision 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 release 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 this division and conduct a release 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 release hearing pursuant to OAR 255-37-005(1).

Statutory Authority: ORS 144.228

Permanent effective 8/15/94

History: (11/1/89; 7/26/93, temporary; 10/29/93; 8/15/94)

DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

Request for Review Prior to Release Hearing Date
255-37-020

- (1) Notwithstanding subsection 1 of OAR 255-37-005, a prisoner sentenced as a dangerous offender under ORS 161.725 and 161.735 may, if the prisoner can present evidence that [his/her] he/she is no longer dangerous [condition may be absent or in remission] 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 release hearing prior to the earliest time the prisoner is eligible for release to post-prison supervision or a two year review.
- (2) The Board shall review the request for a release 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 [condition is absent or in remission] 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 this division and conduct a release hearing as soon as reasonably convenient.
- (4) If the Board finds there is not reasonable cause to believe the prisoner is no longer dangerous [condition is absent or in remission] 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 [condition] case [will be reviewed] at [his] the originally scheduled release hearing pursuant to OAR 255-37-005(1).

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

7/26/93

Dangerous Offender/Nov. 1, 1989

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

DIVISION 37

DANGEROUS OFFENDERS

November 1, 1989 and After

The entire text of this rule is new.

Request for Review Prior to Release Hearing Date
255-37-020

- (1) Notwithstanding subsection 1 of 255-37-005, a prisoner sentenced as a dangerous offender under ORS 161.725 and 161.735 may, if the prisoner can present evidence that his/her dangerous condition may be absent or in remission, request a release hearing prior to the earliest time the prisoner is eligible for release to post-prison supervision or a two year review.
- (2) The Board shall review the request for a release hearing by administrative file pass.
- (3) If Board finds, based upon the request and the information therein, there is reasonable cause to believe the dangerous condition is absent or in remission, the Board shall conduct a release hearing as soon as reasonably convenient.
- (4) If the Board finds there is not reasonable cause to believe the dangerous condition is absent or in remission, the prisoner's condition will be reviewed at his originally scheduled release hearing pursuant to OAR 255-37-005(1).

Permanent effective 11/1/89



DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

The Release Hearing Packet
255-37-025

The Post-Prison Supervision Release 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 255-37-005(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: (11/1/89; 7/1/91, temporary; 12/1/91; 7/26/93, temporary)

7/26/93

Dangerous Offender/Nov. 1, 1989

40

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

DIVISION 37

DANGEROUS OFFENDERS
(ORS 144.226, 144.228, 144.232)

For Crimes Occurring on or after November 1, 1989

The Release Hearing Packet

255-37-025 (11/1/89; 7/1/91, temporary; 12/1/91)

The Post Prison Supervision Release Hearing Packet shall contain:

- (1) institution face sheet;
- (2) all prior Board Action Forms;

- (3) [Oregon State Hospital] psychological or psychiatric evaluations, and reports pursuant to ORS 144.226 to ORS 144.228
- (4) documents listed in OAR 255-37-005(5);
- (5) correspondence;
- (6) field parole analysis report or report of similar content; and
- (7) court orders.

Permanent effective 12/1/91

DIVISION 37

DANGEROUS OFFENDERS
(ORS 144.226, 144.228, 144.232)

For Crimes Occurring on or after November 1, 1989

The Release Hearing Packet
255-37-025 (11/1/89; 7/1/91, temporary)

The Post Prison Supervision Release Hearing Packet shall contain:

- (1) institution face sheet;
- (2) all prior Board Action Forms;
- (3) [Oregon State Hospital] psychological or psychiatric evaluations, and reports pursuant to ORS 144.226 to ORS 144.228
- (4) documents listed in OAR 255-37-005(5);
- (5) correspondence;
- (6) field parole analysis report or report of similar content; and
- (7) court orders.

Temporary effective 7/1/91 to 12/1/91
superceded by permanent filing 12/1/91
Dangerous Offenders/Nov. 1, 1989

7/1/91

DIVISION 37

DANGEROUS OFFENDERS

November 1, 1989 and After

The entire text of this rule is new.

The Release Hearing Packet
255-37-025

The Post Prison Supervision Release Hearing Packet shall contain:

- (1) institution face sheet;
- (2) all prior Board Action Forms;
- (3) Oregon State Hospital psychiatric evaluations, and reports pursuant to ORS 144.226 to ORS 144.228
- (4) documents listed in OAR 255-37-005(5);
- (5) correspondence;
- (6) field parole analysis report or report of similar content; and
- (7) court orders.

Permanent effective 11/1/89



DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

Post-Prison Supervision
255-037-0030

- (1) A dangerous offender released to post-prison supervision prior to the sentence expiration shall serve the remainder of the sentence term imposed under ORS 161.725 and 161.735 on post-prison supervision.
- (2) The Board of Parole and Post-Prison Supervision may return an inmate for a period of 180 days as a sanction for any supervision violation. Notwithstanding ORS 137.010 and the rules of the State Sentencing Guidelines Board, the Board may impose the sanction repeatedly for subsequent violations during the term of post-prison supervision.
- (3) The Board may at any time, return the inmate to prison and require that the inmate submit to an examination as provided in ORS 144.226. If the Board finds the inmate dangerous and/or cannot be adequately controlled with supervision and mental health treatment and/or the necessary resources for supervision and treatment are unavailable to the inmate, the Board shall return the inmate to prison for an indefinite period of time, not to exceed the sentence expiration date.

The Board shall review an inmate returned to prison once every two years as provided in OAR 255-037-0005.

Statutory Authority: ORS 144.232
History: (11/1/89; 7/1/91, temporary, 12/1/91; 7/26/93, temporary; 10/29/93, 8/27/98)

Permanent effective 8/27/98

DIVISION 37

DANGEROUS OFFENDERS

For Crimes Occurring on or after November 1, 1989

Post-Prison Supervision
255-37-030

- (1) A dangerous offender released to post-prison supervision prior to the sentence expiration shall serve the remainder of the sentence term imposed under ORS 161.725 and 161.735 on post-prison supervision.
- (2) The Board of Parole and Post-Prison Supervision may return an offender for a period of 180 days as a sanction for any supervision violation. Notwithstanding ORS 137.010 and the rules of the State Sentencing Guidelines Board, the Board may impose the sanction repeatedly for subsequent violations during the term of post-prison supervision.
- (3) The Board may at any time, return the offender to prison and require that the offender submit to an examination as provided in ORS 144.226. If the Board finds [the condition that made] the offender dangerous [is no longer in remission or has otherwise returned] and/or cannot be adequately controlled with supervision and mental health treatment and/or the necessary resources for supervision and treatment are unavailable to the prisoner, the Board shall return the offender to prison for an indefinite period of time, not to exceed the sentence expiration date.
- (4) The Board shall review an offender returned to prison once every two years as provided in OAR 255-37-005.

Statutory Authority: ORS 144.232

History: (11/1/89; 7/1/91, temporary, 12/1/91; 7/26/93, temporary)

7/26/93

Dangerous Offender/Nov. 1, 1989

40

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

DIVISION 37

DANGEROUS OFFENDERS
(ORS 144.226, 144.228, 144.232)

For Crimes Occurring on or after November 1, 1989

Post-Prison Supervision

255-37-030 (11/1/89; 7/1/91, temporary; 12/1/91)

- (1) A dangerous offender released to post-prison supervision prior to the sentence expiration shall serve the remainder of the sentence term imposed under ORS 161.725 and 161.735 on post-prison supervision.
- (2) The Board of Parole and Post-Prison Supervision may return an offender for a period of 180 days as a sanction for any supervision violation. Notwithstanding ORS 137.010 and the rules of the State Sentencing Guidelines Board, the Board may impose the sanction [may be imposed] repeatedly for subsequent violations during the term of post-prison supervision.
- (3) The Board may at any time require that the offender [to] submit to [a psychiatric] an examination as provided in ORS 144.226. If the Board finds [that] the condition that made the offender dangerous is no longer in remission or has otherwise returned, the Board shall return the offender to prison for an indefinite period of time.
- (4) The Board shall review [A] an offender returned to prison [is entitled to periodic reviews] once every two years as provided in 255-37-005.

DIVISION 37

DANGEROUS OFFENDERS
(ORS 144.226, 144.228, 144.232)

For Crimes Occurring on or after November 1, 1989

Post-Prison Supervision

255-37-030 (11/1/89; 7/1/91, temporary)

- (1) A dangerous offender released to post-prison supervision prior to the sentence expiration shall serve the remainder of the sentence term imposed under ORS 161.725 and 161.735 on post-prison supervision.
- (2) The Board of Parole and Post-Prison Supervision may return an offender for a period of 180 days as a sanction for any supervision violation. Notwithstanding ORS 137.010 and the rules of the State Sentencing Guidelines Board, the sanction may be imposed repeatedly for subsequent violations during the term of post-prison supervision.
- (3) The Board may at any time require the offender to submit to [a psychiatric] an examination as provided in ORS 144.226. If the Board finds that the condition that made the offender dangerous is no longer in remission or has otherwise returned, the Board shall return the offender to prison for an indefinite period of time.
- (4) An offender returned to prison is entitled to periodic reviews once every two years as provided in 255-37-005.

DIVISION 37

DANGEROUS OFFENDERS

November 1, 1989 and After

The entire text of this rule is new.

Post-Prison Supervision
255-37-030

- (1) A dangerous offender released to post-prison supervision prior to the sentence expiration shall serve the remainder of the sentence term imposed under ORS 161.725 and 161.735 on post-prison supervision.
- (2) The Board of Parole and Post-Prison Supervision may return an offender for a period of 180 days as a sanction for any supervision violation. Notwithstanding ORS 137.010 and the rules of the State Sentencing Guidelines Board, the sanction may be imposed repeatedly for subsequent violations during the term of post-prison supervision.
- (3) The Board may at any time require the offender to submit to a psychiatric examination as provided in ORS 144.226. If the Board finds that the condition that made the offender dangerous is no longer in remission or has otherwise returned, the Board shall return the offender to prison for an indefinite period of time.
- (4) An offender returned to prison is entitled to periodic reviews once every two years as provided in 255-37-005.

Permanent effective 11/1/89