

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

255-060-0006

Exit Interviews: Parole Plan; and Psychiatric Records

- (1) At any time prior to an inmate's scheduled release to post-prison supervision or parole, the Board on its own initiative or at the request of the Department of Corrections, may conduct an exit interview to review the inmate's:
 - (a) release plan;
 - (b) victim's statements, if any;
 - (c) PSR or similar report;
 - (d) psychiatric/psychological reports, if any;
 - (e) conduct while in confinement; and
 - (f) any other information relevant to the inmate's reintegration into the community that the inmate, the inmate's attorney, the Department of Corrections or any other person submits.
- (2) The procedures for records, disclosure and notice outlined in Division 15 and 30 shall govern exit interviews.
- (3) A panel shall conduct the interview and the Board shall make decisions pursuant to OAR 255-030-0015.

Statutory Authority: ORS 144.098, 144.125, 144.800

History: (2/1/79; 5/20/80; 2/15/81; 11/4/81, temporary; 5/19/82; 5/31/85;
5/19/88; 11/1/89; 4/5/90; 5/1/91, temporary; 10/15/91; 2/12/92,
temporary; 4/15/92; 10/9/92, 03/14/97 11/09/98)

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

255-060-0006

Exit Interviews: Parole Plan; and Psychiatric Records

- (1) At any time prior to an inmate's scheduled release to post-prison supervision or parole, the Board on its own initiative or at the request of the Department of Corrections, may conduct an exit interview to review the prisoner's:
 - (a) release plan;
 - (b) victim's statements, if any;
 - (c) PSR or similar report;
 - (d) psychiatric/psychological reports, if any;
 - (e) conduct while in confinement; and
 - (f) any other information relevant to the inmate's reintegration into the community that the inmate, the inmate's attorney, the Department of Corrections or any other person submits.
- (2) The procedures for records, disclosure and notice outlined in Division 15 and 30 shall govern exit interviews.
- (3) A panel shall conduct the interview and the Board shall make decisions pursuant to OAR 255 30-015.

Statutory Authority: ORS 144.098, 144.125, 144.800

History: (2/1/79; 5/20/80; 2/15/81; 11/4/81, temporary; 5/19/82; 5/31/85; 5/19/88; 11/1/89; 4/5/90; 5/1/91, temporary; 10/15/91; 2/12/92, temporary; 4/15/92; 10/9/92, 03/14/97)

Permanent effective 3/14/97

Exit Interviews; Parole Plan; and Psychiatric Records
255-60-006

- (1) At any time prior to a prisoner's scheduled release to post-prison supervision or parole, the Board on its own initiative or at the request of the Department of Corrections, may conduct an exit interview to review the prisoner's:
 - (a) release plan;
 - (b) victim's statements, if any;
 - (c) PSR or similar report;
 - (d) psychiatric/psychological reports, if any;
 - (e) conduct while in confinement; and
 - (f) any other information relevant to the prisoner's reintegration into the community that the prisoner, the prisoner's attorney, the Department of Corrections or any other person submits.
- (2) The procedures for records, disclosure and notice outlined in Divisions 15 and 30 shall govern exit interviews.
- (3) [Two Board members] A panel shall conduct the interview and the Board shall make decisions pursuant to [OAR 255-30-015(6)-(7)] OAR 255-30-015.

Statutory Authority: (ORS 144.098, 144.125, 144.800)

History: (2/1/79; 5/20/80; 2/15/81; 11/4/81, temporary; 5/19/82; 5/31/85; 5/19/88; 11/1/89; 4/5/90; 5/1/91, temporary; 10/15/91; 10/9/92)

Statutory Authority: (ORS 144.035(5))
History: (2/1/79; 5/31/85; 5/19/88; 10/9/92)

Permanent effective 10/9/92

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

Exit Interviews; Parole Plan; and Psychiatric Records

(ORS 144.098, 144.125, 144.800)

255-60-006 (2/1/79; 5/20/80; 2/15/81; 11/4/81, temporary; 5/19/82; 5/31/85;
5/19/88; 11/1/89; 4/5/90; 5/1/91, temporary; 10/15/91; 02/12/92,
temporary)

- (1) At any time prior to [ten days before] a prisoner's scheduled release to post-prison supervision or parole, the Board on its own initiative or at the request of the Department of Corrections, may conduct an exit interview to review the prisoner's:
 - (a) release plan
 - (b) victim's statements, if any;
 - (c) PSR or similar report;
 - (d) psychiatric/psychological reports, if any;
 - (e) conduct while in confinement; and
 - (f) any other information relevant to the prisoner's reintegration into the community that the prisoner, the prisoner's attorney, the Department of Corrections or any other person submits.
- (2) The procedures for records, disclosure and notice outlined in Divisions 15 and 30 shall govern exit interviews.
- (3) Two Board members shall conduct the interview and make decisions pursuant to OAR 255-30-015(6)-(7).

Temporary effective 2/12/92 to 8/9/92

but became permanent 4/15/92

Parole Release & Exit Interview

OREGON ADMINISTRATIVE RULES
CHAPTER 255. DIVISION 60 — BOARD OF PAROLE

DIVISION 60

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

Exit Interviews; Parole Plan; and Psychiatric Records

(ORS 144.098, 144.125, 144.800)

255-60-006 (2/1/79; 5/20/80; 2/15/81; 11/4/81, temporary; 5/19/82; 5/31/85;
5/19/88; 11/1/89; 4/5/90; 5/1/91, temporary; 10/15/91)

- (1) At any time prior to ten days before a prisoner's scheduled release to post-prison supervision or parole, the Board on its own initiative or [on] at the request of the Department of Corrections, may conduct an exit interview to review the prisoner's:
 - (a) release plan;
 - (b) victim's statements, if any;
 - (c) PSR or similar report;
 - (d) psychiatric/psychological reports, if any;
 - (e) conduct while in confinement; and
 - (f) any other information relevant to the prisoner's reintegration into the community that [may be submitted by] the prisoner, the prisoner's attorney, the Department of Corrections or any other person submits.
- (2) The [procedures governing exit interviews shall be the same as the] procedures for records, disclosure and notice outlined in Divisions 15 and 30 shall govern exit interviews.
- (3) Two Board members shall conduct the interview and make decisions pursuant to OAR 255-30-015(6)-(7).

Permanent effective 10/15/91

DIVISION 60

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

Exit Interviews; Parole Plan; and Psychiatric Records

(ORS 144.098, 144.125, 144.800)

255-60-006 (2/1/79; 5/20/80; 2/15/81; 11/4/81, temporary; 5/19/82; 5/31/85;
5/19/88; 11/1/89; 4/5/90; 5/1/91, temporary)

- (1) At any time prior to ten days before a prisoner's scheduled release to post-prison supervision or parole, the Board on its own initiative or on the request of the Department of Corrections, may conduct an exit interview to review the prisoner's:
 - (a) release plan
 - (b) victim's statements, if any;
 - (c) PSR or similar report;
 - (d) psychiatric/psychological reports, if any;
 - (e) conduct while in confinement; and
 - (f) any other information relevant to the prisoner's reintegration into the community that may be submitted by the prisoner, the prisoner's attorney, the Department of Corrections or any other person.
- (2) The procedures governing exit interviews shall be the same as the procedures for records, disclosure and notice outlined in Divisions 15 and 30.
- (3) Two Board members shall conduct the interview and make decisions pursuant to OAR 255-30-015(6)-(7).

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

DIVISION 60

[PAROLE] RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

Exit Interviews [; Parole Release Plan; and Psychiatric Records]
255-60-006 (2/1/79; 5/20/80; 2/15/81; 11/4/81, temporary; 5/19/82;
5/31/85; 5/19/88; 11/1/89; 4/5/90)

- (1) At any time prior to ten days before a prisoner's scheduled [parole] release to post-prison supervision or parole [date], the Board on its own initiative or on the request of the Department of Corrections, may conduct an exit interview to review the prisoner's:
 - (a) [parole] release plan;
 - (b) victim's statements, if any;
 - (c) PSR or similar report;
 - (d) psychiatric/psychological reports, if any; [and]
 - (e) conduct while in confinement; and
 - (f) any other information relevant to the prisoner's reintegration into the community that may be submitted by the prisoner, the prisoner's attorney, the Department of Corrections or any other person.

[Pursuant to ORS 144.125, the Board may order any available psychiatric/psychological report(s) from the Department of Corrections.]

- (2) The procedures governing exit interviews shall be the same as the procedures for records, disclosure and notice outlined in Divisions 15 and 30.

Permanent effective 4/5/90

Release Plans & Exit Interviews

DIVISION 60

PAROLE RELEASE AND EXIT INTERVIEWS

Exit Interviews; [Purpose: To Reveiw] Parole Plan; [Prison] and
Psychiatric Records [/Notification of Prisoner]
255-60-006

- (1) At any time prior to a prisoner's scheduled parole release date, the Board on its own initiative or on the request of the Department of Corrections, may conduct an exit interview [parole release hearing] to review the prisoner's parole plan, psychiatric/psychological reports, if any, and conduct while in confinement. Pursuant to ORS 144.125, the Board may order any available psychiatric/psychological report(s) from the Department of Corrections [Division].
- (2) The procedures governing exit interviews shall be the same as the the procedures outlined in Divisions 15 and 30.
- [At a reasonable time prior to the hearing, the Board shall notify the prisoner of the scheduled hearing. The prisoner may provide to the Board may information he/she feels is pertinent to release.]
- [(3) Disclosure of information is governed by the rules of Division 30.]
- [(4) The parole release hearing shall be convicted by a panel or Full Board in accordance with OAR 255-30-015.]
- (3) [(5)] The Board shall examine the prisoner's plans for residence, employment, or other situation in the community to determine whether the parole plan is adequate. [,] The plan may include, but is not limited to:
- (a) [An acceptable plan may include] employment; [,]
 - (b) school, or other situation (e.g., retirement income); [,]
 - (c) [and] verifiable residence;
 - (d) [,it may require] treatment programs; and
 - (e) prescribed medication. [;]
- (4) [(b) Parole release may be deferred up to ninety (90) days from the parole release date when a plan is deficient or unverified in order to obtain verification of a satisfactory plan from the Department of Corrections [Division]. (A report shall be presented to the Board after sixty (60) days by the Corrections Division, pursuant to ORS 144.125(4).)]

Permanent effective 5/19/88

- (5) [(c)] A prisoner requesting an out-of-state parole waives the ninety (90) day limitation on deferral of release. Such waiver is for the purpose of an adequate parole plan in the accepting state.
- (6) The prisoner shall receive notice of the parole release hearing results, including the facts and specific reasons for the decision and the individual votes of the Board members.
- (7) The Board may order a psychiatric/psychological report anytime prior to release. If the record indicates that a psychiatric or psychological condition of severe emotional disturbance, such as to constitute a danger to the health or safety of the community, is present, the Board may [order a psychiatric/psychological report to] consider deferring [the deferral of the scheduled] parole release until a specified future date. [:]
- (8) If the evaluation does not make a finding of a severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board shall affirm the parole release date and set parole conditions.
- [(a) The psychiatric or psychological evaluation shall be conducted to determine if a severe emotional disturbance still exists or is in remission. 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 pertinent data. The evaluation should include recommendations for treatment or medication that would assist the prisoner in performing satisfactorily in the community upon release.]
- (9) The majority of the Board may defer a scheduled parole release date up to two years. A panel may defer a scheduled parole release date up to 18 months.
- (10) [(b)] The Board may not deny release on parole solely because of a prisoner's severe emotional disturbance.
- (11) When a prisoner has a detainer from another jurisdiction, the detainer shall take precedence and parole will begin upon the prisoner's release into the community from the holding jurisdiction.
- (12) [(8)] If a parolee is released by the Department of Corrections [Division] to a detainer from [of] another jurisdiction and is recommitted to the Oregon Department of Corrections, [Division] the previous parole order shall be voided.

Permanent effective 5/19/88 .

DIVISION 60

PAROLE RELEASE

255-60-005

Exit Interview Purpose: To Review Parole Plan, Prison and Psychiatric Records/Notification of Prisoner [Parole Release Interview: Purpose; Deferrred and Scheduling]

- (1) At any time prior a prisoner's scheduled parole release date, the Board may conduct a parole release hearing to review the prisoner's parole plan, psychiatric/psychological reports, if any, and conduct while in confinement. Pursuant to ORS 144.125, the Board may order any available psychiatric/psychological report(s) from the Corrections Division. [At any time prior to ninety (90) days of the scheduled release on parole of any prisoner, the Board on its own initiative or at the request of the Corrections Division, may conduct exit interview to review the parole plan, the prisoner's psychiatric or psychological report, if any, and the record of the prisoner's conduct during confinement. The Board may order, pursuant to ORS 144.125, any psychiatric or psychological reports held by the Division not endorsed by the examiner in a manner to preclude disclosure.]
- (2) At a reasonable time prior to the hearing, the Board shall notify the prisoner of the scheduled hearing. The prisoner may provide to the Board any information he/she feels is pertinent to release. [Exit interviews shall be conducted by one or more voting members of the Board. The purpose of the interview shall be to examine the prisoner's parole plan, his/her psychological report, if any and the record of his/her conduct during confinement. If information available to the Board is deficient or unverified, the interviewer may continue the interview and hold the record open for period up to ninety (90) days. In no case shall an exit interview be continued past the scheduled release date unless the Board takes action under Sections (3), (4), or (5) of this rule to defer release in accordance with ORS 144.125.]
- (3) Disclosure of information is governed by the rules of Division 30.
- (4) The parole release hearing shall be conducted by a panel or Full Board in accordance with OAR 255-30-015.

- (5)[(3)] The Board [interview] shall examine the prisoner's plan for residence, employment, or other situation in the community to determine whether the parole plan is adequate:
- (a) An acceptable plan may include employment, school or other situation (e.g., retirement income), and verifiable residence, it may require treatment programs and prescribed medication;
 - [(b) If any portion of the plan is deficient or unverified, the Board may order deferred release to a verified plan approved by a panel, or to a plan approved by the Administrator of the Corrections Division;]
- (b)[(c)] Parole release may be deferred up to ninety (90) days from the parole release date when a plan is deficient or unverified in order to obtain verification of a satisfactory plan from the Corrections Division, pursuant to ORS 144.125(4).[according to its letter of agreement with the Board;]
- (c)[(d)] A prisoner requesting an out-of-state parole waives the ninety (90) day limitation on deferral of release. Such waiver is for the purpose of an adequate parole plan in the accepting state. [postponements for developing an adequate parole plan]
- (6) The prisoner shall receive notice of the parole release hearing results, including the facts and specific reasons for the decision and the individual votes of the Board members.
- (7)[(4)] If the record indicates that a psychiatric or psychological condition of severe emotional disturbance, such as to constitute a danger to the health or safety of the community, is present, the Board may order a psychiatric/psychological report to consider the deferral [postponement] of the scheduled parole release until a specified future date. [or until the prisoner or institution presents the evidence that the emotional disturbance is over or is in remission:]
- [(a) In determining if a severe emotional disturbance exists, the Board may order a psychiatric or psychological evaluation;]

(a)[(b)] If ordered,] T[t]he psychiatric or psychological evaluation shall be conducted to determine if a severe emotional disturbance still exists or is in remission [and the prisoner's potential for rehabilitation]. [An] The evaluation [shall be] provided [which] may consist of a diagnostic study, including a comprehensive evaluation of [pertinent medical, psychiatric, psychological, vocational, educational, cultural, social and environmental factors which bear on the individual's handicap to employment and rehabilitation potential, and, to the degree needed, an evaluation of] the individual's personality, intelligence level, [educational achievements, work experience, vocational aptitudes, and interests], personal and social adjustments, [employment opportunities,] or other pertinent data [helpful in determining the nature and scope of service needed]. The evaluation should include recommendations for treatment or medication [if necessary to] that would assist [in the rehabilitation of] the prisoner in performing satisfactorily in the community upon release. [or to protect the health and safety of the community. After considering the evaluation, the panel may require that the evaluation and specific evaluations of emotional stability;]

(b)[(c)] The Board may not deny release on parole solely because of a prisoner's severe emotional disturbance. [Should the prisoner be diagnosed as a danger to himself or others or unable to provide for the basic personal needs necessary for his health or safety, the Board may initiate the civil commitment procedure as provided in ORS Chapter 426].

(8) If a parolee is released by the Corrections Division to a detainer of another jurisdiction and is recommitted to the Corrections Division the previous parole order shall be voided.

[(5) If the prisoner has engaged in serious institutional misconduct, a hearing shall be conducted by the Board to consider deferring the parole release date. The procedure for hearing in Divisions 30 and 50 shall apply.

(6) In all cases involving deferral or postponement of the parole release date, the Board shall clearly state the facts and specific reasons for its decisions. The individual votes of the Board members shall be listed.]

DIVISION 60

PAROLE RELEASE

Parole Release Interviews: Purpose; Review of Parole Plan; Procedure if Plan is Inadequate; Maximum Deferred and Scheduling
255-60-005 (1)

[A prisoner who has been given a parole release date shall be interviewed prior to his/her parole release.] At any time prior to ninety (90) days of the scheduled release on parole of any prisoner, the Board, on its own initiative or at the request of the Corrections Division, may conduct an exit interview to review the parole plan, the prisoner's psychiatric or psychological report, if any, and the record of the prisoner's conduct during confinement. The Board may order, pursuant to ORS 144.125, any psychiatric or psychological reports held by the division not endorsed by the examiner in a manner to preclude disclosure.

(2) Exit [I] interviews shall be conducted by one or more voting members of the Board. The purpose of the interview shall be to examine the prisoner's parole plan, his/her psychological report, if any, and the record of his/her conduct during confinement. If information available to the Board is deficient or unverified, the interviewer may continue the interview and hold the record open for a period up to ninety (90) days. In no case shall an exit interview be continued past the scheduled release date unless the Board takes action under subsections (3), (4) or (5) of this rule to defer release in accordance with ORS 144.125.

(3) The interviewer shall examine the prisoner's plan for residence, employment, or other situation in the community to determine whether the parole plan is adequate:

(a) An acceptable plan may include employment, school, or other situation (e.g., retirement income), and verifiable residence; it may require treatment programs and prescribed medication.

(b) If any portion of the plan is deficient or unverified, the Board may order deferred release to a verified plan approved by a panel, or to a plan approved by the Administrator of the Corrections Division.

(c) Parole release may be deferred up to ninety (90) days from the parole release date when a plan is deficient or unverified in order to obtain verification of a satisfactory plan from the Corrections Division. A report shall be presented to the Board after sixty (60) days by the Corrections Division, according to its letter of agreement with the Board.

(d) A prisoner requesting an out-of-state parole waives the ninety (90) day limitation on postponements for developing an adequate parole plan.

(4) If the record indicates that a psychiatric or psychological condition of severe emotional disturbance, such as to constitute a danger to the health or safety of the community, is present, the Board may order the postponement of the scheduled parole release until a specified future date or until the prisoner or institution presents evidence that the emotional disturbance is over or in remission.

(a) In determining if a severe emotional disturbance exists, the Board may order a psychiatric or psychological evaluation.

(b) If ordered, the psychiatric or psychological evaluation shall be conducted to determine if a severe emotional disturbance exists and the prisoner's potential for rehabilitation. An evaluation shall be provided which may consist of a diagnostic

study, including a comprehensive evaluation of pertinent medical, psychiatric, psychological, vocational, educational, cultural, social and environmental factors which bear on the individual's handicap to employment and rehabilitation potential, and, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes, and interests, personal and social adjustments, employment opportunities, or other pertinent data helpful in determining the nature and scope of services needed. The evaluation should include recommendations for treatment or medication if necessary to assist in the rehabilitation of the prisoner or to protect the health and safety of the community. After considering the evaluation, the panel may require that the prisoner develop a plan with provisions which are recommended in the evaluation and specific evaluations of emotional stability.

(c) The Board may not deny release on parole solely because of a prisoner's severe emotional disturbance. Should the prisoner be diagnosed as a danger to himself or others or unable to provide for the basic personal needs necessary for his health or safety, the Board may initiate the civil commitment procedure as provided in ORS Chapter 426.

(5) If the prisoner has engaged in serious institutional misconduct, a hearing shall be conducted by the Board to consider deferring the parole release date. The procedure for hearings in Divisions 30 and 50 shall apply.

(6) In all cases involving deferral or postponement of the parole release date, the Board shall clearly state the facts and specific reasons for its decision. The individual votes of the Board members shall be listed.

DIVISION 60

PAROLE RELEASE

Parole Release Interviews: Purpose [; Review of Parole Plan; Procedure if Plan is Inadequate; Maximum Deferred] and Scheduling

255-60-005(1)

[A prisoner who has been given a parole release date shall be interviewed prior to his/her parole release.] Within ninety (90) days of the scheduled release on parole of any prisoner, the Board, on its own initiative or at the request of the Corrections Division, may conduct an exit interview to review the parole plan, the prisoner's psychiatric or psychological report, if any, and the record of the prisoner's conduct during confinement. The Board may order, pursuant to ORS 144.125, any psychiatric or psychological reports held by the division not endorsed by the examiner in a manner to preclude disclosure.

(2) Exit [I] interviews shall be conducted by one or more voting members of the Board. The exit interview and the materials provided by the Corrections Division shall be reviewed for the purpose of determining whether probable cause exists to find that misconduct justifies a reset to a later date, to examine the parole plan, or to determine if a severe emotional disturbance exists such that the prisoner is a danger to himself or others. If the information available to the Board is deficient or unverified, the interviewer may continue the interview and hold the record open for a specified period of time to receive further evidence. The interviewer may order a psychiatric or psychological diagnosis and evaluation. The exit interview shall not be continued beyond ninety (90) days of the release date. Any further extension shall follow a hearing.

[(3) The purpose of the interview shall be to examine the prisoner's parole plan, his/her psychological report, if any, and the record of his/her conduct during confinement.]

(3) If ordered, the psychiatric or psychological diagnosis shall be conducted to determine if a severe emotional disturbance exists and the prisoner's potential for rehabilitation. An evaluation shall be provided which may consist of a diagnostic study, consisting of a comprehensive evaluation of pertinent medical, psychiatric, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential, including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes, and interests, personal and social adjustments, employment opportunities, or other pertinent data helpful in determining the nature and scope of services needed. The evaluation should include recommendations for treatment or medication if necessary to assist in the rehabilitation of the prisoner or to protect the health and safety of the community. After considering the evaluation, the panel may require that the prisoner develop a plan with provisions which are recommended in the evaluation.

[4) The interviewer shall examine the prisoner's plan for residence, employment, or other situation in the community to determine whether the parole plan is adequate:

(a) An acceptable plan includes employment, school, or other situation (e.g., retirement income), and suitable residence; it may require treatment programs and prescribed medication.

(b) If any portion of the plan is deficient or unverified, the Board may order deferred release to a verified plan approved by a panel, or to a plan approved by the Administrator of the Corrections Division.

(c) If the prisoner's record includes a psychiatric or psychological diagnosis of severe emotional disturbance, the Board may order a psychological evaluation to determine the prisoner's rehabilitation potential.

(A) The evaluation shall consist of a diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychiatric, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individ-

ual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed.

(B) The evaluation should include recommendations for treatment or medication if necessary to assist in the rehabilitation of the prisoner or to protect the health and safety of the community. After considering the evaluation, the Board may require that the prisoner include in his plan provisions which are recommended in the evaluation.

(d) Parole release may be deferred up to 90 days from the parole release date when a plan is deficient or unverified in order to obtain verification of a satisfactory plan from the Corrections Division. A report shall be presented to the Board after 60 days by the Corrections Division, according to its letter of agreement with the Board.]

(4) [(5)] A prisoner requesting an out-of-state parole waives the 90-day limitation on postponements for developing an adequate parole plan.

(5) [(6) The Board shall clearly state the facts and specific reasons for its decision if parole release is deferred.]
The individual votes of the Board members shall be listed.

Temporary effective 11/4/81 to 5/2/82

ITEM 4

AMENDMENT TO 255-60-005

Amending 255-60-005(1) to read as follows:

Parole Release interviews: Purpose; Review of Parole Plan; Procedure if Plan is Inadequate; Maximum Deferred

255-60-005(1) A prisoner who has been given a parole release date shall be interviewed prior to his/her parole release.

- (2) Interviews shall be conducted by one or more voting members of the Board.
- (3) The purpose of the interview shall be to examine the prisoner's Parole Plan, his/her psychological report, if any, and the record of his/her conduct during confinement.
- (4) The interviewer shall examine the prisoner's plans for residence, employment, or other situation in the community to determine whether the parole is adequate:
 - (a) An acceptable plan includes employment, school, or other situation (e.g., retirement income), and suitable residence; it may require treatment programs and prescribed medication.
 - (b) If any portion of the plan is deficient or unverified, the Board may order deferred release to a verified plan approved by a panel, or to a plan approved by the Administrator of the Corrections Division.
 - (c) If the prisoner's record includes a psychiatric or psychological diagnosis of severe emotional disturbance, the Board may order a psychological evaluation to determine the prisoner's rehabilitation potential.
The evaluation shall consist of a diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychiatric, psychological, vocational, educational, cultural,

social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes, and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed.

The evaluation should include recommendations for treatment or medication if necessary to assist in the rehabilitation of the prisoner or to protect the health and safety of the community. After considering the evaluation, the Board may require that the prisoner include in his plan provisions which are recommended in the evaluation.

[(c)](d) Parole release may be deferred up to 90 days from the parole release date when a plan is deficient or unverified in order to obtain verification of a satisfactory plan from the Corrections Division. A report shall be presented to the Board after 60 days by the Corrections Division, according to its letter of agreement with the Board.

- (5) A prisoner requesting an out-of-state parole waives the 90-day limitation on postponements for developing an adequate parole plan.
- (6) The Board shall clearly state the facts and specific reasons for its decision if parole release is deferred. The individual votes of the Board members shall be listed.

ITEM 4

AMENDMENT TO 255-60-005

Amending 255-60-005(1) to read as follows:

Parole Release interviews: Purpose; Review of Parole Plan; Procedure if Plan is Inadequate; Maximum Deferred

255-60-005(1) A prisoner who has been given a parole release date shall be interviewed prior to his/her parole release.

- (2) Interviews shall be conducted by one or more voting members of the Board.
- (3) The purpose of the interview shall be to examine the prisoner's Parole Plan, his/her psychological report, if any, and the record of his/her conduct during confinement.
- (4) The interviewer shall examine the prisoner's plans for residence, employment, or other situation in the community to determine whether the parole is adequate:
 - (a) An acceptable plan includes employment, school, or other situation (e.g., retirement income), and suitable residence; it may require treatment programs and prescribed medication.
 - (b) If any portion of the plan is deficient or unverified, the Board may order deferred release to a verified plan approved by a panel, or to a plan approved by the Administrator of the Corrections Division.
 - (c) If the prisoner's record includes a psychiatric or psychological diagnosis of severe emotional disturbance, the Board may order a psychological evaluation to determine the prisoner's rehabilitation potential.

The evaluation shall consist of a diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychiatric, psychological, vocational, educational, cultural,

social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes, and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed.

The evaluation should include recommendations for treatment or medication if necessary to assist in the rehabilitation of the prisoner or to protect the health and safety of the community. After considering the evaluation, the Board may require that the prisoner include in his plan provisions which are recommended in the evaluation.

[(c)](d) Parole release may be deferred up to 90 days from the parole release date when a plan is deficient or unverified in order to obtain verification of a satisfactory plan from the Corrections Division. A report shall be presented to the Board after 60 days by the Corrections Division, according to its letter of agreement with the Board.

- (5) A prisoner requesting an out-of-state parole waives the 90-day limitation on postponements for developing an adequate parole plan.
- (6) The Board shall clearly state the facts and specific reasons for its decision if parole release is deferred. The individual votes of the Board members shall be listed.

DIVISION 60

PAROLE RELEASE

Parole Release Interviews: Purpose; Review of Parole Plan; Procedure if Plan is Inadequate; Maximum Deferred

255-60-005 (1) A prisoner who has been given a parole release date shall be interviewed prior to his/her parole release.

(2) Interviews shall be conducted by one or more voting members of the Board.

(3) The purpose of the interview shall be to examine the prisoner's parole plan, his/her psychological report, if any, and the record of his/her conduct during confinement.

(4) The interviewer shall examine the prisoner's plans for residence, employment, or other situation in the community to determine whether the parole plan is adequate:

(a) An acceptable plan includes employment, school, or other situation (e.g., retirement income), and suitable residence; it may require treatment programs and prescribed medication.

(b) If any portion of the plan is deficient or unverified, the Board may order deferred release to a verified plan approved by a panel, or to a plan approved by the Administrator of the Corrections Division.

(c) Parole release may be deferred up to 90 days from the parole release date when a plan is deficient or unverified in order to obtain verification of a satisfactory plan from the Corrections Division. A report shall be presented to the Board after 60 days by the Corrections Division, according to its letter of agreement with the Board.

(5) A prisoner requesting an out-of-state parole waives the 90-day limitation on postponements for developing an adequate parole plan.

(6) The Board shall clearly state the facts and specific reasons for its decision if parole release is deferred. The individual votes of the Board members shall be listed.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

255-060-0008

Release Plans

- (1) At any time prior to release on parole or post-prison supervision, the Board shall examine the inmate's plans for residence, employment, or other situation in the community to determine whether the release plan is adequate. The plan may include, but is not limited to:
 - (a) employment;
 - (b) school, or other situation (e.g., retirement income);
 - (c) verifiable residence;
 - (d) a description of support services, program opportunities and treatment programs;
 - (e) prescribed medication;
 - (f) recommended conditions of supervision for the purpose of reformation and public safety, including a recommendation for waiver of the condition of supervision that the inmate reside for the first six months in the county where the inmate resided at the time of the offense that resulted in imprisonment;
 - (g) level of supervision consistent with the prisoner's risk assessment classification; and
 - (h) a restitution and compensatory fine payment schedule.
- (2) The Board may defer parole release up to ninety (90) days from the parole release date when a plan is deficient or unverified in order to obtain verification or a satisfactory plan from the Department of Corrections.
- (3) An inmate requesting an out-of-state parole waives the ninety (90) days limitation on deferral of release. Such waiver is for the purpose of an adequate parole plan in the accepting state.
- (4) Except as provided in OAR 255-060-0014, the Board shall not defer release to post-prison supervision. The following procedure shall apply:
 - (a) If the release plan the Department of Corrections or designee of Local Supervisory Authority submits at least 60 days prior to release is deficient, the Board will return it to the submitting agency with the Board's recommended modifications.
 - (b) The Department or designee of Local Supervisory Authority shall submit a revised plan to the Board not less than ten days prior to the inmate's release.
 - (c) If the Board does not accept the revised plan, the Board shall determine the provisions of the final plan prior to the prisoner's release.
- (5) One Board member shall review and approve the release plan.

(6) When an offender is released from the custody of the Department of Corrections or Local Supervisory Authority, after serving a sentence of incarceration as a result of a conviction for an offense listed in subsection (a) of this section, the Board or Local Supervisory Authority shall subject the inmate/offender to intensive supervision as defined in OAR 255-005, for the full period of the offender's parole or post-prison supervision if the inmate/offender was eighteen (18) years of age or older at the time the inmate/offender committed the offense and the Board or Local Supervisory Authority finds that the inmate/offender is a sexually violent dangerous offender, as defined in OAR 255-005..

(a) The crimes to which section (6) of this rule apply are:

(1) Rape in the First Degree and Sodomy in the First Degree if the victim was subject to forcible compulsion or under 12 years of old or was incapable of consent by reason of mental defect, mental incapacitation or physical helplessness; and

(2) Unlawful Sexual Penetration in the First Degree; and

(3) An Attempt to commit a crime listed in this subsection.

(b) When the Board or Local Supervisory Authority makes a finding that an inmate/offender is a sexually violent dangerous offender under this section, the Board or Local Supervisory Authority shall make this finding in the Order of Supervision.

Statutory Authority: ORS 144.096, 144.125, 144.185, Chapter 924 (1999 OR Laws)
History: (4/5/90; 5/1/91, temporary; 10/15/91; 1992 proposed change, 03/14/97, 9-22-99, 02-15-00)

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE AND EXIT INTERVIEWS

255-060-0008

Release Plans

- (1) At any time prior to release on parole or post-prison supervision, the Board shall examine the inmate's plans for residence, employment, or other situation in the community to determine whether the release plan is adequate. The plan may include, but is not limited to:
 - (a) employment;
 - (b) school, or other situation (e.g., retirement income);
 - (c) verifiable residence;
 - (d) a description of support services, program opportunities and treatment programs;
 - (e) prescribed medication;
 - (f) recommended conditions of supervision for the purpose of reformation and public safety, including a recommendation for waiver of the condition of supervision that the inmate reside for the first six months in the county where the inmate resided at the time of the offense that resulted in imprisonment;
 - (g) level of supervision consistent with the prisoner's risk assessment classification; and
 - (h) a restitution and compensatory fine payment schedule.
- (2) The Board may defer parole release up to ninety (90) days from the parole release date when a plan is deficient or unverified in order to obtain verification or a satisfactory plan from the Department of Corrections.
- (3) An inmate requesting an out-of-state parole waives the ninety (90) days limitation on deferral of release. Such waiver is for the purpose of an adequate parole plan in the accepting state.
- (4) Except as provided in OAR 255-060-0014, the Board shall not defer release to post-prison supervision. The following procedure shall apply:
 - (a) If the release plan the Department of Corrections or designee of Local Supervisory Authority submits at least 60 days prior to release is deficient, the Board will return it to the submitting agency with the Board's recommended modifications.
 - (b) The Department or designee of Local Supervisory Authority shall submit a revised plan to the Board not less than ten days prior to the inmate's release.
 - (c) If the Board does not accept the revised plan, the Board shall determine the provisions of the final plan prior to the prisoner's release.
- (5) One Board member shall review and approve the release plan.

Statutory Authority: ORS 144.096, 144.125, 144.185

History: (4/5/90; 5/1/91, temporary; 10/15/91; 1992 proposed change, 03/14/97, 9-22-99)

Permanent effective 9/22/99

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

255-060-0008

Release Plans

- (1) At any time prior to release on parole or post-prison supervision, the Board shall examine the inmate's plans for residence, employment, or other situation in the community to determine whether the release plan is adequate. The plan may include, but is not limited to:
 - (a) employment;
 - (b) school, or other situation (e.g., retirement income);
 - (c) verifiable residence;
 - (d) a description of support services, program opportunities and treatment programs;
 - (e) prescribed medication;
 - (f) recommended conditions of supervision for the purpose of reformation and public safety, including a recommendation for waiver of the condition of supervision that the inmate reside for the first six months in the county where the inmate resided at the time of the offense that resulted in imprisonment;
 - (g) level of supervision consistent with the prisoner's risk assessment classification; and
 - (h) a restitution and compensatory fine payment schedule.
- (2) The Board may defer parole release up to ninety (90) days from the parole release date when a plan is deficient or unverified in order to obtain verification or a satisfactory plan from the Department of Corrections.
- (3) An inmate requesting an out-of-state parole waives the ninety (90) days limitation on deferral of release. Such waiver is for the purpose of an adequate parole plan in the accepting state.
- (4) The Board shall not defer release to post-prison supervision. The following procedure shall apply:
 - (a) If the release plan the Department of Corrections or designee of Local Supervisory Authority submits at least 60 days prior to release is deficient, the Board will return it to the submitting agency with the Board's recommended modifications.
 - (b) The Department or designee of Local Supervisory Authority shall submit a revised plan to the Board not less than ten days prior to the inmate's release.
 - (c) If the Board does not accept the revised plan, the Board shall determine the provisions of the final plan prior to the prisoner's release.
- (5) One Board member shall review and approve the release plan.

Statutory Authority: ORS 144.096, 144.125, 144.185

History: (4/5/90; 5/1/91, temporary; 10/15/91; 1992 proposed change, 03/14/97)

Permanent effective 3/14/97

DIVISION 60

Release Plans (ORS 144.096, 144.125, 144.185)
255-60-008 (4/5/90; 5/1/91, temporary; 10/15/91)

- (1) Any time prior to release on parole or post-prison supervision, [T]the Board shall examine the prisoner's plans for residence, employment, or other situation in the community to determine whether the release plan is adequate. The plan may include, but is not limited to:
 - (a) employment;
 - (b) school, or other situation (e.g., retirement income);
 - (c) verifiable residence;
 - (d) a description of support services, program opportunities and treatment programs;
 - (e) prescribed medication;
 - (f) recommended conditions of supervision for the purpose of reformation and public safety, including a recommendation for waiver of the condition of supervision that the inmate reside for the first six months in the county where the inmate resided at the time of the offense that resulted in imprisonment;
 - (g) level of supervision consistent with the prisoner's risk assessment classification; and
 - (h) a restitution and compensatory fine payment schedule.
- (2) The Board may defer [P]parole release [may be deferred] up to ninety (90) days from the parole release date when a plan is deficient or unverified in order to obtain verification [of] or a satisfactory plan from the Department of Corrections.
- (3) A prisoner requesting an out-of-state parole waives the ninety (90) day limitation on deferral of release. Such waiver is for the purpose of an adequate parole plan in the accepting state.
- (4) The Board shall not defer [R]release to post-prison supervision [may not be deferred]. The following procedure shall apply:
 - (a) If the release plan [which is submitted by] the Department of Corrections submits at least 60 days prior to release, is deficient, [it] the Board will [be returned] return it to the Department of Corrections with the Board's recommended modifications.
 - (b) The Department shall submit a revised plan to the Board not less than ten days prior to the prisoner's release.
 - (c) If the Board does not accept the revised plan [is not acceptable to the Board], the Board shall determine the provisions of the final plan prior to the prisoner's release.

Permanent effective 10/15/91

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

Release Plans (ORS 144.096, 144.125, 144.185)
255-60-008 (4/5/90; 5/1/91, temporary)

- (1) The Board shall examine the prisoner's plans for residence, employment, or other situation in the community to determine whether the release plan is adequate. The plan may include, but is not limited to:
 - (a) employment;
 - (b) school, or other situation (e.g., retirement income);
 - (c) verifiable residence;
 - (d) a description of support services, program opportunities and treatment programs;
 - (e) prescribed medication;
 - (f) recommended conditions of supervision for the purpose of reformation and public safety, including a recommendation for waiver of the condition of supervision that the inmate reside for the first six months in the county where the inmate resided at the time of the offense that resulted in imprisonment;
 - (g) level of supervision consistent with the prisoner's risk assessment classification; and
 - (h) a restitution and compensatory fine payment schedule.
- (2) Parole release may be deferred up to ninety (90) days from the parole release date when a plan is deficient or unverified in order to obtain verification of a satisfactory plan from the Department of Corrections.
- (3) A prisoner requesting an out-of-state parole waives the ninety (90) day limitation on deferral of release. Such waiver is for the purpose of an adequate parole plan in the accepting state.
- (4) Release to post-prison supervision may not be deferred. The following procedure shall apply:
 - (a) If the release plan which is submitted by the Department of Corrections at least 60 days prior to release, is deficient, it will be returned to the Department of Corrections with the Board's recommended modifications.
 - (b) The Department shall submit a revised plan to the Board not less than ten days prior to the prisoner's release.
 - (c) If the revised plan is not acceptable to the Board, the Board shall determine the provisions of the final plan prior to the prisoner's release.
- (5) Two Board members shall review and approve the release plan in accordance with OAR 255-30-015(6)-(7).

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

Release Plans

255-60-008 (4/5/90)

- [(3)](1) The Board shall examine the prisoner's plans for residence, employment, or other situation in the community to determine whether the [parole] release plan is adequate. The plan may include, but is not limited to:
- (a) employment;
 - (b) school, or other situation (e.g., retirement income);
 - (c) verifiable residence;
 - (d) a description of support services, program opportunities and treatment programs; [and]
 - (e) prescribed medication;[.]
 - (f) recommended conditions of supervision for the purpose of reformation and public safety, including a recommendation for waiver of the condition of supervision that the inmate reside for the first six months in the county where the inmate resided at the time of the offense that resulted in imprisonment;
 - (g) level of supervision consistent with the prisoner's risk assessment classification; and
 - (h) a restitution and compensatory fine payment schedule.
- [(4)](2) Parole release may be deferred up to ninety (90) days from the parole release date when a plan is deficient or unverified in order to obtain verification of a satisfactory plan from the Department of Corrections.
- [(5)](3) A prisoner requesting an out-of-state parole waives the ninety (90) day limitation on deferral of release. Such waiver is for the purpose of an adequate parole plan in the accepting state.
- [(6)] The prisoner shall receive notice of the hearing results, including the facts and specific reasons for the decision and the individual votes of the Board members.]
- (4) Release to post-prison supervision may not be deferred. The following procedure shall apply:
- (a) If the release plan, which is submitted by the Department of Corrections at least 60 days prior to release, is deficient, it will be returned to the Department of Corrections with the Board's recommended modifications.
 - (b) The Department shall submit a revised plan to the Board not less than ten days prior to the prisoner's release.
 - (c) If the revised plan is not acceptable to the Board, the Board shall determine the provisions of the final plan prior to the prisoner's release.

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0009

Residence Requirements for Certain Sex Offenders
Upon Release from Custody

- (1) A sex offender classified as a sexually violent dangerous offender (ORS 137.765) or a predatory sex offender (ORS 181.765) may not reside near locations where children are the primary occupants or users.
- (2) This prohibition applies to permanent housing and not to transitional housing. For purposes of this rule, transitional housing means housing intended to be occupied by a sexually violent dangerous offender or a predatory sex offender for 45 days or less immediately after release from custody.
- (3) Exceptions to this prohibition may be made by the supervising parole/probation officer if it is determined that there is sufficient information to support this placement in terms of public safety and the rehabilitation of the offender. In making this determination, the following factors must be considered:
 - a. Other residential placement options pose a higher risk to the community, or
 - b. An enhanced support system that endorses supervision goals and community safety efforts is available at this residence, or
 - c. Enhanced supervision monitoring will be in place (e.g. electronic supervision, curfew, live-in-care provider, along with community notification), or
 - d. This residence includes 24-hour case management, or
 - e. The offender is being released from prison unexpectedly and more suitable housing will be arranged as soon as possible.

If any of these factors apply to the offender and the residence under review, an exception to the permanent residence prohibition may be allowed.

4. The supervising officer must inform the community affected by this decision about the reasons for the decision prior to the offender's release from custody.

Statutory Authority:

History: (Temp/Notice 12-15-01, 01-29-02, 04-15-02-Temp/Notice, 06-17-02,
10-10-03)

PERM EFFECTIVE 10-10-03

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0009

Residence Requirements for Certain Sex Offenders
Upon Release from Custody

- (1) A sex offender classified as a sexually violent dangerous offender (ORS 137.765) or a predatory sex offender (ORS 181.765) may not reside near locations where children are the primary occupants or users.
- (2) This prohibition applies to permanent housing and not to transitional housing. For purposes of this rule, transitional housing means housing intended to be occupied by a sexually violent dangerous offender or a predatory sex offender for 45 days or less immediately after release from custody.
- (3) Exceptions to this prohibition may be made by the supervising parole/probation officer if it is determined that there is sufficient information to support this placement in terms of public safety and the rehabilitation of the offender. In making this determination, the following factors must be considered:
 - a. Other residential placement options pose a higher risk to the community, or
 - b. An enhanced support system that endorses supervision goals and community safety efforts is available at this residence, or
 - c. Enhanced supervision monitoring will be in place (e.g. electronic supervision, curfew, live-in-care provider, along with community notification), or
 - d. This residence includes 24-hour case management, or
 - e. The offender is being released from prison unexpectedly and more suitable housing will be arranged as soon as possible.

If any of these factors apply to the offender and the residence under review, an exception to the permanent residence prohibition may be allowed.

4. [If a supervising officer makes an exception under this rule, t]The supervising officer must inform the community affected by this decision about the reasons for the decision prior to the offender's release from custody.

Statutory Authority:

History: (Temp/Notice 12-15-01, 01-29-02, 04-15-02-Temp/Notice, 06-17-02,
06-13-03 - NOTICE/TEM P)

TEMP EFFECTIVE 06-13-03 to 12-09-03
PERM EFFECTIVE 10-10-03

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0009

Residence Requirements for Certain Sex Offenders
Upon Release from Custody

- (1) A sex offender classified as a sexually violent dangerous offender (ORS 137.765) or a predatory sex offender (ORS 181.765) may not reside near locations where children are the primary occupants or users.
- (2) This prohibition applies to permanent housing and not to transitional housing. For purposes of this rule, transitional housing means housing intended to be occupied by a sexually violent dangerous offender or a predatory sex offender for 45 days or less immediately after release from custody.
- (3) Exceptions to this prohibition may be made by the supervising parole/probation officer if it is determined that there is sufficient information to support this placement in terms of public safety and the rehabilitation of the offender. In making this determination, the following factors must be considered:
 - a. Other residential placement options pose a higher risk to the community, or
 - b. An enhanced support system that endorses supervision goals and community safety efforts is available at this residence, or
 - c. Enhanced supervision monitoring will be in place (e.g. electronic supervision, curfew, live-in-care provider, along with community notification), or
 - d. This residence includes 24-hour case management, or
 - e. The offender is being released from prison unexpectedly and more suitable housing will be arranged as soon as possible.

If any of these factors apply to the offender and the residence under review, an exception to the permanent residence prohibition may be allowed.

4. [If a supervising officer makes an exception under this rule, t]The supervising officer must inform the community affected by this decision about the reasons for the decision prior to the offender's release from custody.

Statutory Authority:

History: (Temp/Notice 12-15-01, 01-29-02, 04-15-02-Temp/Notice, 06-17-02)

PERMANENT EFFECTIVE 06-17-02

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0009

Residence Requirements for Certain Sex Offenders
Upon Release from Custody

- (1) A sex offender classified as a sexually violent dangerous offender (ORS 137.765) or a predatory sex offender (ORS 181.585) may not reside near locations where children are the primary occupants or users.
- (2) This prohibition applies to permanent housing and not to transitional housing. For purposes of this rule, transitional housing means housing intended to be occupied by a sexually violent dangerous offender or a predatory sex offender for 45 days or less immediately after release from custody.
- (3) Exceptions to this prohibition may be made by the supervising parole/probation officer if it is determined that there is sufficient information to support this placement in terms of public safety and the rehabilitation of the offender. In making this determination, the following factors must be considered:
 - a. Other residential placement options pose a higher risk to the community, or
 - b. An enhanced support system that endorses supervision goals and community safety efforts is available at this residence, or
 - c. Enhanced supervision monitoring will be in place (e.g. electronic supervision, curfew, live-in-care provider, along with community notification), or
 - d. This residence includes 24-hour case management, or
 - e. The offender is being released from prison unexpectedly and more suitable housing will be arranged as soon as possible.

If any of these factors apply to the offender and the residence under review, an exception to the permanent residence prohibition may be allowed.

4. [If a supervising officer makes an exception under this rule, t]The supervising officer must inform the community affected by this decision about the reasons for the decision prior to the offender's release from custody.

Statutory Authority: 144.644

History: (Temp/Notice 12-15-01, 01-29-02, 04-15-02- Temp/Notice)

TEMPORARY EFFECTIVE
04-15-02 to 10-11-02
became permanent 06-17-02

- ~~(3) An Attempt to commit a crime listed in this subsection.~~
- ~~(b) When the Board or Local Supervisory Authority makes a finding that an inmate/offender is a sexually violent dangerous offender under this section, the Board or Local Supervisory Authority shall make this finding in the Order of Supervision.~~

~~Statutory Authority: ORS 144.096, 144.125, 144.185, Chapter 924 (1999 OR Laws)
History: (4/5/90; 5/1/91, temporary; 10/15/91; 1992 proposed change, 03/14/97, 9-22-99, 02-15-00)~~

255-060-0009

**Residence Requirements for Certain Sex Offenders
Upon Release from Custody**

- (1) A sex offender classified as a sexually violent dangerous offender (ORS 137.765) or a predatory sex offender (ORS 181.765) may not reside near locations where children are the primary occupants or users.
- (2) This prohibition applies to permanent housing and not to transitional housing. For purposes of this rule, transitional housing means housing intended to be occupied by a sexually violent dangerous offender or a predatory sex offender for 45 days or less immediately after release from custody.
- (3) Exceptions to this prohibition may be made by the supervising parole/probation officer if it is determined that there is sufficient information to support this placement in terms of public safety and the rehabilitation of the offender. In making this determination, the following factors must be considered:
- a. Other residential placement options pose a higher risk to the community, or
 - b. An enhanced support system that endorses supervision goals and community safety efforts is available at this residence, or
 - c. Enhanced supervision monitoring will be in place (e.g. electronic supervision, curfew, live-in-care provider, along with community notification), or
 - d. This residence includes 24-hour case management, or
 - e. The offender is being released from prison unexpectedly and more suitable housing will be arranged as soon as possible.

If any of these factors apply to the offender and the residence under review, an exception to the permanent residence prohibition may be allowed.

4. If a supervising officer makes an exception under this rule, the supervising officer must inform the community affected by this decision about the reasons for the decision prior to the offender's release from custody.

Statutory Authority:

History: (Temp/Notice 12-15-01)

02-15-2000

TEMPORARY EFFECTIVE 1/1/02 to 6/29/02
became permanent 1/29/02
Parole Release & Exit Interview



OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

PAROLE RELEASE

[255-60-010 Waiver of 90-Day Limitation; Deferral for Serious
Misconduct

- (1) A prisoner requesting an out-of-state parole waives the ninety (90) day limitation on postponement for developing an adequate parole plan.
- (2) If the prisoner has engaged in serious institutional misconduct, the provisions of Division 50 shall apply.
- (3) The Board shall clearly state the facts and specific reasons for its decision. The individual votes of the Board members shall be indicated.]

Repealed

Permanent effective 5/31/85

DIVISION 60

PAROLE RELEASE

[Deferring Parole Release Following an Interview: Basis; Procedure] Waiver of 90-Day Limitation; Deferral for Serious Misconduct 255-60-010 (1) [Should the exit interview indicate that: (a) A psychiatric or psychological diagnosis of the prisoner reveals a present severe emotional disturbance which the Board findings based upon the crime of committal and/or behavior in the institution poses a threat to the health and/or safety of the community; or (b) The prisoner has engaged in serious institutional misconduct, a hearing shall be conducted by the Board to consider deferring the parole release date. The procedure for hearings in Division 30 shall apply.

(2) Following a hearing, a panel may order postponement of the scheduled release of a prisoner found to have a present emotional disturbance which the Board finds poses a threat to the health or safety of the community until a specified future date not to exceed one year or until the prisoner or institution presents evidence that the emotional disturbance is over or in remission.

(3) The Board may not deny release on parole solely because of a prisoner's severe emotional disturbance. Should the prisoner be diagnosed as a danger to himself or others or unable to provide for the basic personal needs necessary for his health or safety, the Board may initiate the civil commitment procedure as provided in ORS Chapter 426.]

(1) A prisoner requesting an out-of-state parole waives the ninety (90) day limitation on postponements for developing an adequate parole plan.

(2) [(4)] If the prisoner has engaged in serious institutional misconduct, the provisions of Division 50 shall apply.

(3) [(5)] The Board shall clearly state the facts and specific reasons for its decision. The individual votes of the Board members shall be indicated.

DIVISION 60

Deferring Parole Release Following an Interview: Basis;
Procedure

255-60-010 (1) Should the exit interview indicate that: (a) [A psychiatric or psychological diagnosis of the prisoner reveals a present severe emotional disturbance which the Board findings based upon the crime of committal and/or behavior in the institution poses a threat to the health and/or safety of the community; or] There is probable cause to believe that a present severe emotional disturbance exists which, based upon the crime of committal or behavior in the institution, poses a threat to the health or safety of the community, the interviewer may order postponement of the scheduled release of a prisoner, and order a hearing pursuant to the procedure for hearings in Division 30. The hearing shall be held no more than sixty (60) days from conclusion of the exit interview.

(b) The prisoner has engaged in serious institutional misconduct, a hearing shall be conducted by the Board to consider deferring the parole release date. The procedure for hearings in Division 30 shall apply.

(2) Following a hearing, a panel may order postponement of the scheduled release of a prisoner found to have a present severe emotional disturbance which the Board finds poses a threat to the health or safety of the community until a specified future date or until the prisoner or institution presents evidence that the emotional disturbance is over or in remission.

(3) The Board may not deny release on parole solely because of a prisoner's severe emotional disturbance. Should the pri-

soner be diagnosed as a danger to himself or others or unable to provide for the basic personal needs necessary for his health or safety, the Board may initiate the civil commitment procedure as provided in ORS Chapter 426.

(4) If the prisoner has engaged in serious institutional misconduct, the provisions of Division 50 shall apply.

(5) The Board shall clearly state the facts and specific reasons for its decision. The individual votes of the Board members shall be indicated.

DIVISION 60

255-60-010(1) Should the interview indicate that:

- (a) A psychiatric or psychological diagnosis of the prisoner reveals a present severe emotional disturbance [; or] which the Board finds based upon the crime of committal and/or behavior in the institution poses a threat to the health and/or safety of the community; or
 - (b) The prisoner has engaged in serious institutional misconduct, a hearing shall be conducted by the Board to consider deferring the parole release date. The procedure for hearings in division 30 shall apply.
- (2) Following the hearing, a panel may order postponement of the scheduled release of a prisoner found to have a present emotional disturbance which the Board finds poses a threat to the health or safety of the community until after a specified future date not to exceed one year or until the prisoner or institution presents evidence that the emotional disturbance is over or in remission.
- (3) The Board may not deny release on parole solely because of a prisoner's severe emotional disturbance. Should the prisoner be diagnosed as a danger to himself or others or unable to provide for the basic personal needs necessary for his health or safety, the Board may initiate the civil commitment procedure as provided in ORS Chapter 426.
- (4)[(3)] If the prisoner has engaged in serious institutional misconduct, the provisions of division 50 shall apply.
- (5)[4] The Board shall clearly state the facts and specific reasons for its decision. The individual votes of the Board members shall be indicated.

Permanent effective 2/15/81

255-60-010(1) Should the interview indicate that:

- (a) A psychiatric or psychological diagnosis of the prisoner reveals a present severe emotional disturbance [; or] which the Board finds based upon the crime of committal and/or behavior in the institution poses a threat to the health and/or safety of the community; or
 - (b) The prisoner has engaged in serious institutional misconduct, a hearing shall be conducted by the Board to consider deferring the parole release date. The procedure for hearings in division 30 shall apply.
- (2) Following the hearing, a panel may order postponement of the scheduled release of a prisoner found to have a present emotional disturbance which the Board finds poses a threat to the health or safety of the community until after a specified future date not to exceed one year or until the prisoner or institution presents evidence that the emotional disturbance is over or in remission.
- (3) The Board may not deny release on parole solely because of a prisoner's severe emotional disturbance. Should the prisoner be diagnosed as a danger to himself or others or unable to provide for the basic personal needs necessary for his health or safety, the Board may initiate the civil commitment procedure as provided in ORS Chapter 426.
- (4)[(3)] If the prisoner has engaged in serious institutional misconduct, the provisions of division 50 shall apply.
- (5)[4] The Board shall clearly state the facts and specific reasons for its decision. The individual votes of the Board members shall be indicated.

Permanent effective 5/20/80

STAT. AUTH. ORS Ch. 144
Hist: 2PB 1-1979 & ef. 2-1-79

DIVISION 60

PAROLE RELEASE

Deferring Parole Release Following an Interview: Basis; Procedure

255-60-010 (1) Should the interview indicate that:

(a) A psychiatric or psychological diagnosis of the prisoner reveals a present severe emotional disturbance; or

(b) The prisoner has engaged in serious institutional misconduct, a hearing shall be conducted by the Board to consider deferring the parole release date. The procedure for hearings in division 30 shall apply.

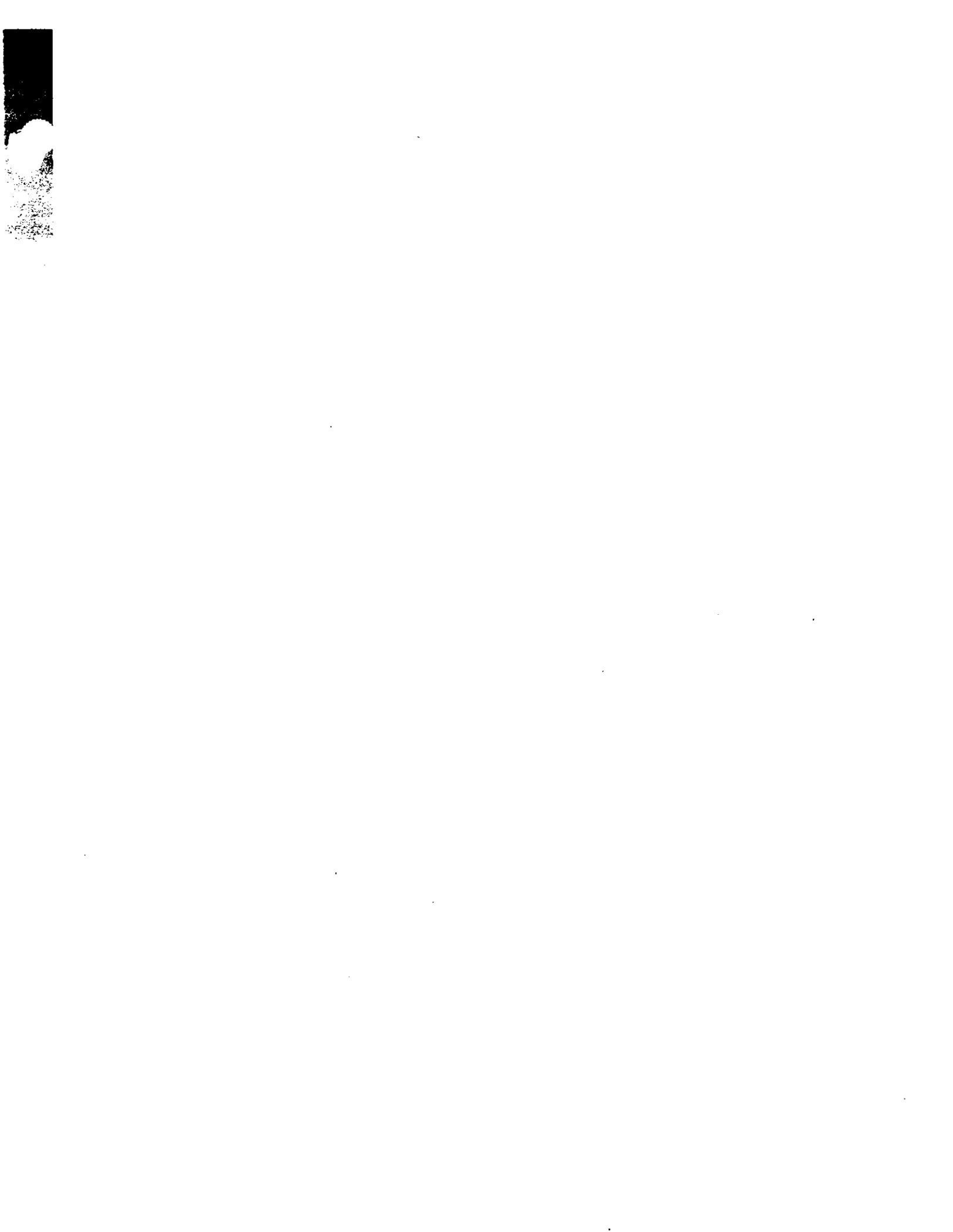
(2) Following the hearing, a panel may order postponement of the scheduled release of a prisoner found to have a present emotional disturbance until a specified future date or until the prisoner or institution presents evidence that the emotional disturbance is over or in remission.

(3) If the prisoner has engaged in serious institutional misconduct, the provisions of division 50 shall apply.

(4) The Board shall clearly state the facts and specific reasons for its decision. The individual votes of the Board members shall be indicated.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79



DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE AND EXIT INTERVIEWS

255-060-0011

Procedures for Predatory Sex Offender Designation

- (1) For purposes of this rule, a predatory sex offender is defined as a person who exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree, or has been convicted of attempting to commit one or has been found guilty except for insanity of one of these crimes. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use the STATIC-99 (Exhibit Q-I) and definitions (Exhibit Q-II), which have been approved by the Department of Corrections as required by ORS 181.585(2). The Board may also consider any other evidence that the inmate or the offender exhibits characteristics showing a tendency to victimize or injure others.
- (2) Predatory sex offender designations made by the board for inmates or offenders released from a Department of Corrections institution before February 10, 2005, are not included in this rule. Those designations are governed by the rules in effect when the designation was made.
- (3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate or offender is a candidate for predatory sex offender designation, if the inmate or offender scores six or more points on the STATIC-99.
- (4) Subject to the procedures set forth below, inmates or offenders who score six or more points on the STATIC-99, and have been identified as a candidate for predatory designation, have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.
 - (a) Written objections must be received by a Department of Corrections' institution or release counselor, a supervising officer or the Board within three days of the date the offender or inmate signed the Notice of Rights (Exhibit Q-III).
 - (b) The Board must receive and review the signed Notice of Rights (Exhibit Q-III) or written documentation that the inmate or offender refused to sign the Notice of Rights before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding.
 - (c) The Board must consider any written objections to the score on the STATIC-99 timely submitted by the inmate or offender before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding. The Board may find an inmate or offender is a candidate for predatory sex offender designation if there is evidence to support a score on the STATIC-99 of six or more points.
 - (c) Inmates or offenders may elect to waive their right to submit written objections. Any such waiver must be in writing. When an inmate or offender waives their right to submit written objections, the Board may find an inmate or offender is a candidate for predatory sex offender designation if the inmate's or offender's score on the STATIC-99 is six or more points.

Permanent Effective 1-11-08

Page 1 of 2

- (5) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. The finding may only be made after the inmate or offender has participated in an evidentiary hearing or waived participation in such a hearing to determine whether the offender is exhibiting characteristics showing a tendency to victimize or injure others. A finding that an offender is a predatory sex offender will be contained in the inmate's or offender's original order of supervision or an amended order of supervision.
- (6) The sole purpose of the evidentiary hearing will be to determine whether the inmate or offender exhibits characteristics showing a tendency to victimize or injure others. The Board may receive a written report from a supervising officer or a release counselor of any Department of Corrections institution indicating that an inmate or offender who has been determined to be a candidate for designation as a predatory sex offender under paragraphs (3) and (4) exhibits characteristics showing a tendency to victimize or injure others.
- (a) Upon receipt of a written report from a supervising officer or a release counselor, the Board will review it to determine whether it contains sufficient information to conduct an evidentiary hearing for purposes of determining whether the inmate or offender should be designated as a predatory sex offender. If the Board determines there is sufficient information in the report, it will forward the report to its Hearing Officer, who will schedule an evidentiary hearing.
- (b) The Board's Hearing Officer will provide the inmate or offender with a copy of the Notice of Rights (Exhibit Q-V) prior to the evidentiary hearing. Upon receipt of the Notice of Rights (Exhibit Q-V), the inmate or offender may proceed with the evidentiary hearing or waive their right to the hearing. At the evidentiary hearing, the Hearings Officer will consider the written report submitted by the supervising officer or release counselor and the results of the STATIC-99 risk assessment scale, and may accept additional evidence supporting the STATIC-99 score or otherwise indicating that the inmate or offender exhibits characteristics showing a tendency to victimize or injure others. The inmate or offender may present evidence rebutting claims made in the written report submitted by a supervising officer or release counselor, challenging the score on the STATIC-99, or rebutting other evidence that the inmate or offender exhibits characteristics showing a tendency to victimize or injure others. At the conclusion of the evidentiary hearing, the Hearing Officer will submit his report to the Board with a recommendation as to whether the inmate or offender exhibits characteristics showing a tendency to victimize or injure others.
- (c) Upon receipt of the report and recommendation from the Board's Hearing Officer, the Board will review the report and recommendation and determine whether the inmate or offender exhibits characteristics showing a tendency to victimize or injure others and is, therefore, a predatory sex offender.
- (7) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

Statutory Authority: ORS 144.050, ORS 144.140, ORS 181.585, ORS 181.586.
History: (02/15000, 03012002, 06/13/03, 10/10/03, 01/14/04–Temp/Notice, 06/14/04, 03/20/06 – Temp/Notice, 06/14/06, 06/15/06–Temp/Notice, 10/09/06, 01/11/08)

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0011

Procedures for Predatory Sex Offender Designation

- (1) For purposes of this rule, a predatory sex offender is defined as a person who exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use the STATIC-99 (Exhibit Q-I) and definitions (Exhibit Q-II), which have been approved by the Department of Corrections as required by ORS 181.585(2). The Board may also consider any other evidence that the inmate or the offender exhibits characteristics showing a tendency to victimize or injure others.
- (2) Predatory sex offender designations made by the board for inmates or offenders released from a Department of Corrections institution before February 10, 2005, are not included in this rule. Those designations are governed by the rules in effect when the designation was made.
- (3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate or offender is a candidate for predatory sex offender designation, if the inmate or offender scores six or more points on the STATIC-99.
- (4) Subject to the procedures set forth below, inmates or offenders who score six or more points on the STATIC-99, and have been identified as a candidate for predatory designation, have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.
 - (a) Written objections must be received by a Department of Corrections' institution or release counselor, a supervising officer or the Board within three days of the date the offender or inmate signed the Notice of Rights (Exhibit Q-III).
 - (b) The Board must receive and review the signed Notice of Rights (Exhibit Q-III) or written documentation that the inmate or offender refused to sign the Notice of Rights before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding.
 - (c) The Board must consider any written objections to the score on the STATIC-99 timely submitted by the inmate or offender before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding. The Board may find an inmate or offender is a candidate for predatory sex offender designation if there is evidence to support a score on the STATIC-99 of six or more points.
 - (d) Inmates or offenders may elect to waive their right to submit written objections. Any such waiver must be in writing. When an inmate or offender waives their right to submit written objections, the Board may find an inmate or offender is a candidate for predatory sex offender designation if the inmate's or offender's score on the STATIC-99 is six or more points.
- (5) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. The finding may only be made after the inmate or offender has participated in an evidentiary hearing or waived participation in such a hearing to determine whether the offender is exhibiting characteristics showing a tendency to victimize or injure others. A finding that an offender is a predatory sex offender will be contained in the inmate's or offender's original order of supervision or an amended order of supervision.

Temporary Effective 06/15/06 thru 12/11/06

Permanently effective 10/09/06

Page 1 of 2

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

- (6) The sole purpose of the evidentiary hearing will be to determine whether the inmate or offender exhibits characteristics showing a tendency to victimize or injure others. The Board may receive a written report from a supervising officer or a release counselor of any Department of Corrections institution indicating that an inmate or offender who has been determined to be a candidate for designation as a predatory sex offender under paragraphs (3) and (4) exhibits characteristics showing a tendency to victimize or injure others.
- (a) Upon receipt of a written report from a supervising officer or a release counselor, the Board will review it to determine whether it contains sufficient information to conduct an evidentiary hearing for purposes of determining whether the inmate or offender should be designated as a predatory sex offender. If the Board determines there is sufficient information in the report, it will forward the report to its Hearing Officer, who will schedule an evidentiary hearing.
- (b) The Board's Hearing Officer will provide the inmate or offender with a copy of the Notice of Rights (Exhibit Q-V) prior to the evidentiary hearing. Upon receipt of the Notice of Rights (Exhibit Q-V), the inmate or offender may proceed with the evidentiary hearing or waive their right to the hearing. At the evidentiary hearing, the Hearings Officer will consider the written report submitted by the supervising officer or release counselor and the results of the STATIC-99 risk assessment scale, and may accept additional evidence supporting the STATIC-99 score or otherwise indicating that the inmate or offender exhibits characteristics showing a tendency to victimize or injure others. The inmate or offender may present evidence rebutting claims made in the written report submitted by a supervising officer or release counselor, challenging the score on the STATIC-99, or rebutting other evidence that the inmate or offender exhibits characteristics showing a tendency to victimize or injure others. At the conclusion of the evidentiary hearing, the Hearing Officer will submit his report to the Board with a recommendation as to whether the inmate or offender exhibits characteristics showing a tendency to victimize or injure others.
- (c) Upon receipt of the report and recommendation from the Board's Hearing Officer, the Board will review the report and recommendation and determine whether the inmate or offender exhibits characteristics showing a tendency to victimize or injure others and is, therefore, a predatory sex offender.
- (7) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

Statutory Authority: ORS 144.050, ORS 144.140, ORS 181.585, ORS 181.586.
History: (02-15-00, 03-12-02, 06/13/03, 10-10-03, 01/14/04–Temp/Notice,
06-14-04, 3-20-06 – Temp/Notice, 6-14-06, **06-15-06-Temp/Notice**)

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0011

Procedures for Predatory Sex Offender Designation

- (1) For purposes of this rule, [a person is] a predatory sex offender is defined as a person [if the person] who exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use [only] the STATIC-99 (Exhibit Q-I) and definitions (Exhibit Q-II), which have been approved by the Department of Corrections as required by ORS 181.585(2). The Board may also consider any other evidence that the inmate or the offender exhibits characteristics showing a tendency to victimize or injure others.
- (2) Predatory sex offender designations made by the board for inmates or offenders released from a Department of Corrections institution before [May 1, 2004] February 10, 2005, are not included in this rule. Those designations are governed by the rules in effect when the designation was made.
- (3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate or offender is a candidate for predatory sex offender designation, if the inmate or offender scores [four] six or more points on the STATIC-99.
- (4) Subject to the procedures set forth below, inmates or offenders who score [four] six or more points on the STATIC-99, and have been identified as a candidate for predatory designation, have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.
 - (a) Written objections must be received by a Department of Corrections' institution or release counselor, a supervising officer or the Board within three days of the date the offender or inmate signed the Notice of Rights (Exhibit Q-III).
 - (b) The Board must receive and review the signed Notice of Rights (Exhibit Q-III) or written documentation that the inmate or offender refused to sign the Notice of Rights before [a predatory sex offender finding is made.] an evidentiary hearing is conducted or waived to determine a predatory sex offender finding.
 - (c) The Board must consider any written objections to the score on the STATIC-99 timely submitted by the inmate or offender before an evidentiary hearing is conducted or waived to determine [making] a predatory sex offender finding. The Board [shall] may find an inmate or offender is a candidate [make the] for predatory sex offender designation [finding] if there is evidence to support a score on the STATIC-99 of [four] six or more points.
 - (d) Inmates or offenders may elect to waive their right to submit written objections. Any such waiver must be in writing. When an inmate or offender waives their right to submit written objections, the Board may [make] find an inmate or offender is a candidate for [the] predatory sex offender designation [finding] if the inmate's or offender's score on the STATIC-99 is [four] six or more points. [An inmate's or offender's waiver of the right to submit written objections to the STATIC-99 score under this paragraph does not affect his or her right to challenge the score at an evidentiary hearing conducted under paragraph 6.]

Temporary effective 03/20/06 through 09/15/06

Permanently effective 06/14/06

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

- (5) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. The finding may only be made after the inmate or offender has participated in an evidentiary hearing or waived participation in such a hearing to determine whether the offender is exhibiting characteristics showing a tendency to victimize or injure others. A finding that an offender is a predatory sex offender will be contained in the inmate's or offender's original order of supervision or an amended order of supervision.
- (6) The sole purpose of the evidentiary hearing will be to determine whether the inmate or offender exhibits characteristics showing a tendency to victimize or injure others. The Board may receive a written report from a supervising officer or a release counselor of any Department of Corrections institution indicating that an inmate or offender who has been determined to be a candidate for designation as a predatory sex offender under paragraphs (3) and (4) exhibits characteristics showing a tendency to victimize or injure others.
- (a) Upon receipt of a written report from a supervising officer or a release counselor, the Board will review it to determine whether it contains sufficient information to conduct an evidentiary hearing for purposes of determining whether the inmate or offender should be designated as a predatory sex offender. If the Board determines there is sufficient information in the report, it will forward the report to its Hearing Officer, who will schedule an evidentiary hearing.
- (b) The Board's Hearing Officer will provide the inmate or offender with a copy of the Notice of Rights (Exhibit Q-V) prior to the evidentiary hearing. Upon receipt of the Notice of Rights (Exhibit Q-V), the inmate or offender may proceed with the evidentiary hearing or waive their right to the hearing. At the evidentiary hearing, the Hearings Officer will consider the written report submitted by the supervising officer or release counselor and the results of the STATIC-99 risk assessment scale, and may accept additional evidence supporting the STATIC-99 score or otherwise indicating that the inmate or offender exhibits characteristics showing a tendency to victimize or injure others. The inmate or offender may present evidence rebutting claims made in the written report submitted by a supervising officer or release counselor, challenging the score on the STATIC-99, or rebutting other evidence that the inmate or offender exhibits characteristics showing a tendency to victimize or injure others. At the conclusion of the evidentiary hearing, the Hearing Officer will submit his report to the Board with a recommendation as to whether the inmate or offender exhibits characteristics showing a tendency to victimize or injure others.
- (c) Upon receipt of the report and recommendation from the Board's Hearing Officer, the Board will review the report and recommendation and determine whether the inmate or offender exhibits characteristics showing a tendency to victimize or injure others and is, therefore, a predatory sex offender.
- [(6)](7) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

Statutory Authority: [Chapter 163 (1999 OR Laws)] ORS 144.050, ORS 144.140, ORS 181.585, ORS 181.586.

History: (02-15-00, 03-12-02, 06/13/03, 10-10-03, 01/14/04--Temp/Notice, 06-14-04, **3-20-06-TEMP/NOTICE**)

Temporary effective 03/20/06 through 09/15/06
Permanently effective 06/14/06

255-060-0011

Procedures for Predatory Sex Offender

- (1) For purposes of this rule, a person is a predatory sex offender if the person exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use only the ~~Sex Offender Risk Assessment Scale~~ STATIC-99 (Exhibit Q-I) and definitions (Exhibit Q-II) which have been approved by the Department of Corrections as required by ORS 181.585(2).
- (2) The procedures set forth in this rule only apply to inmates or offenders released from a Department of Corrections institution on or after May 1, 2004, after serving a sentence of more than 12 months. whose original order of supervision is issued by the Board on or after January 1, 1999. Predatory sex offender designations made by the board for inmates or offenders released from a Department of Corrections institution before May 1, 2004, are not included in this rule. Those designations are governed by the rules in effect when the designation was made.
- (3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate or offender is a predatory sex offender if the inmate or offender scores ~~three or more starred (*) items or one or more automatic override item(s) on the Sex Offender Risk Assessment Scale. The Board may make a finding that an inmate or offender is a predatory sex offender if the inmate or offender scores less than three or more starred (*) items and has no automatic override item(s) but scores at least~~ 50 on the Sex Offender Risk Assessment Scale. four or more points on the STATIC-99.
- (4) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. A finding that an offender is a predatory sex offender will be contained in the inmate's or offender's original order of supervision or an amended order of supervision.
- (5) Subject to the procedures set forth below, inmates or offenders who score ~~three or more starred (*) items or one or more automatic override item(s) on the Sex Offender Risk Assessment Scale~~ four or more points on the STATIC-99 have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.
 - (a) Written objections must be received by a Department of Corrections' institution or release counselor, a supervising officer or the Board within three days of the date the offender or inmate signed the Notice of Rights (Exhibit Q-III).
 - (b) The Board must receive and review the signed Notice of Rights (Exhibit Q-III) or written documentation that the inmate or offender refused to sign the Notice of Rights before a predatory sex offender finding is made.
 - (c) The Board must consider any written objections to the score on the ~~Sex Offender Risk Assessment Scale~~ STATIC-99 timely submitted by the inmate or offender before making a predatory sex offender finding. The Board shall make the predatory sex offender finding if there is evidence to support a score on the ~~Sex Offender Risk Assessment Scale (Exhibit Q-I) of three or more starred (*) items or one or more automatic override item(s) using the definitions for the Sex Offender Risk Assessment Scale (Exhibit Q-I).~~ STATIC-99 of four or more points.

~~(6) The Board may also make a predatory finding for inmates or offenders with a total score of at least 5.0 on the Sex Offender Risk Assessment Scale but fewer than three starred (*) items and no automatic override items.~~

~~(a) Inmates or offenders referred to in section (6) of this rule are entitled to a Morrissey-type hearing prior to the Board making a predatory sex offender finding. This hearing must be held in accordance with the rules governing supervision violations as set forth in OAR 255-075-0031 through 255-075-0056. OAR 255-075-0065 does not apply to this rule.~~

~~(b) Following the hearing, the hearing officer shall submit written findings to the Board. A Board Member must review these written findings prior to making a predatory sex offender finding. A Board Member shall make a predatory sex offender finding if the Board Member determines that the evidence presented at the hearing supports a score of at least 5.0 on the Sex Offender Risk Assessment Scale.~~

(6) Inmates or offenders may elect to waive their right to submit written objections. ~~or waive their right participate in a hearing as set forth in this rule.~~ Any such waiver must be in writing. When an inmate or offender waives their right to submit written objections or to participate in a hearing, the Board may make the predatory sex offender finding if the inmate's or offender's score on the ~~Sex Offender Risk Assessment Scale is at least 5.0, or there are at least three starred (*) items or there is at least one automatic override item.~~ STATIC-99 is four or more points.

(7) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

Statutory Authority: Chapter 163 (1999 OR Laws)

History: (02-15-00, 03-12-02, 06/13/03, 10-10-03, 01/14/04 – Temp/Notice)

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0011

Procedures for Predatory Sex Offender

- (1) For purposes of this rule, a person is a predatory sex offender if the person exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use only the Sex Offender Risk Assessment Scale (Exhibit Q-I) and definitions (Exhibit Q-II) which have been approved by the Department of Corrections as required by ORS 181.585(2).
- (2) The procedures set forth in this rule only apply to inmates or offenders whose original order of supervision is issued by the Board on or after January 1, 1999.
- (3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate or offender is a predatory sex offender if the inmate or offender scores three or more starred (*) items or one or more automatic override item(s) on the Sex Offender Risk Assessment Scale. The Board may make a finding that an inmate or offender is a predatory sex offender if the inmate or offender scores less than three or more starred (*) items and has no automatic override item(s) but scores at least -50 on the Sex Offender Risk Assessment Scale.
- (4) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. A finding that an offender is a predatory sex offender will be contained in the inmate's or offender's original order of supervision or an amended order of supervision.
- (5) Inmates or offenders who score three or more starred (*) items or one or more automatic override item(s) on the Sex Offender Risk Assessment Scale have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.
 - (a) Written objections must be received by a Department of Corrections' institution or release counselor, a supervising officer or the Board within three days of the date the offender or inmate signed the Notice of Rights (Exhibit Q-III).
 - (b) A Board Member must receive and review the signed Notice of Rights (Exhibit Q-III) or written documentation that the inmate or offender refused to sign the Notice of Rights before a predatory sex offender finding is made.
 - (c) A Board Member must consider any written objections to the score on the Sex Offender Risk Assessment Score timely submitted by the inmate or offender before making a predatory sex offender finding. A Board Member shall make the predatory sex offender finding if there is evidence to support a score on the Sex Offender Risk Assessment Scale (Exhibit Q-I) of three or more starred (*) items or one or more automatic override item(s) using the definitions for the Sex Offender Risk Assessment Scale (Exhibit Q-I).

PERM EFFECTIVE 10-10-03

page 1 of 2

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

- (6) The Board may also make a predatory finding for inmates or offenders with a total score of at least -50 on the Sex Offender Risk Assessment Scale but fewer than three starred (*) items and no automatic override items.
- (a) Inmates or offenders referred to in section (6) of this rule are entitled to a Morrissey-type hearing prior to the Board making a predatory sex offender finding. This hearing must be held in accordance with the rules governing supervision violations as set forth in OAR 255-075-0031 through 255-075-0056. OAR 255-075-0065 does not apply to this rule.
- (b) Following the hearing, the hearing officer shall submit written findings to the Board. A Board Member must review these written findings prior to making a predatory sex offender finding. A Board Member shall make a predatory sex offender finding if the Board Member determines that the evidence presented at the hearing supports a score of at least -50 on the Sex Offender Risk Assessment Scale.
- (7) Inmates or offenders may elect to waive their right to submit written objections or waive their right participate in a hearing as set forth in this rule. Any such waiver must be in writing. When an inmate or offender waives their right to submit written objections or to participate in a hearing, the Board may make the predatory sex offender finding if the inmate's or offender's score on the Sex Offender Risk Assessment Scale is at least -50, or there are at least three starred (*) items or there is at least one automatic override item.
- (8) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

Statutory Authority: Chapter 163 (1999 OR Laws)
History: (02-15-00, 03-12-02, 10-10-03)

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

- (a) Inmates or offenders referred to in section (6) of this rule are entitled to a Morrissey-type hearing prior to the Board making a predatory sex offender finding. This hearing must be held in accordance with the rules governing supervision violations as set forth in OAR 255-075-0031 through 255-075-0056. OAR 255-075-0065 does not apply to this rule.
- (b) Following the hearing, the hearing officer shall submit written findings to the Board. A Board Member must review these written findings prior to making a predatory sex offender finding. A Board Member shall make a predatory sex offender finding if the Board Member determines that the evidence presented at the hearing supports a score of at least -50 on the Sex Offender Risk Assessment Scale.
- (7) Inmates or offenders may elect to waive their right to submit written objections or waive their right to participate in a hearing as set forth in this rule. Any such waiver must be in writing. When an inmate or offender waives their right to submit written objections or to participate in a hearing, the Board may make the predatory sex offender finding if the inmate's or offender's score on the Sex Offender Risk Assessment Scale is at least -50, or there are at least three starred (*) items or there is at least one automatic override item.
- (8) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

Statutory Authority: Chapter 163 (1999 OR Laws)

History: (02-15-00, 03-12-02 - 06/13/03 - NOTICE)

TEMP EFFECTIVE 06-13-03 to 12-09-03

PERM EFFECTIVE 10-10-03

page 2 of 2

255-060-0011

Procedures for Predatory Sex Offender

- (1) For purposes of this rule, a person is a predatory sex offender if the person exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use only the Sex Offender Risk Assessment Scale (Exhibit Q-I) and definitions (Exhibit Q-II) which have been approved by the Department of Corrections as required by ORS 181.585(2).
- (2) The procedures set forth in this rule only apply to inmates or offenders whose original order of supervision is issued by the Board on or after January 1, 1999.
- (3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate or offender is a predatory sex offender if the inmate or offender scores three or more starred (*) items or one or more automatic override item(s) on the Sex Offender Risk Assessment Scale. The Board may make a finding that an inmate or offender is a predatory sex offender if the inmate or offender scores less than three or more starred (*) items and has no automatic override item(s) but scores at least -50 on the Sex Offender Risk Assessment Scale.
- (4) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. A finding that an offender is a predatory sex offender will be contained in the inmate's or offender's original order of supervision or an amended order of supervision.
- (5) Inmates or offenders who score three or more starred (*) items or one or more automatic override item(s) on the Sex Offender Risk Assessment Scale have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.
 - (a) Written objections must be received by a Department of Corrections' institution or release counselor, a supervising officer or the Board within three days of the date the offender or inmate signed the Notice of Rights (Exhibit Q-III).
 - (b) A Board Member must receive and review the signed Notice of Rights (Exhibit Q-III) or written documentation that the inmate or offender refused to sign the Notice of Rights before a predatory sex offender finding is made.
 - (c) A Board Member must consider any written objections to the score on the Sex Offender Risk Assessment Score timely submitted by the inmate or offender before making a predatory sex offender finding. A Board Member shall make the predatory sex offender finding if there is evidence to support a score on the Sex Offender Risk Assessment Scale (Exhibit Q-I) of three or more starred (*) items or one or more automatic override item(s) using the definitions for the Sex Offender Risk Assessment Scale (Exhibit Q-I).
- (6) The Board may also make a predatory finding for inmates or offenders with a total score of at least -50 on the Sex Offender Risk Assessment Scale but fewer than three starred (*) items and no automatic override items.

- (a) Inmates or offenders referred to in section (6) of this rule are entitled to a Morrissey-type hearing prior to the Board making a predatory sex offender finding. This hearing must be held in accordance with the rules governing supervision violations as set forth in OAR 255-075-0031 through 255-075-0056. OAR 255-075-0065 does not apply to this rule.
- (b) Following the hearing, the hearing officer shall submit written findings to the Board. A Board Member must review these written findings prior to making a predatory sex offender finding. A Board Member shall make a predatory sex offender finding if the Board Member determines that the evidence presented at the hearing supports a score of at least -50 on the Sex Offender Risk Assessment Scale.
- (7) Inmates or offenders may elect to waive their right to submit written objections or waive their right participate in a hearing as set forth in this rule. Any such waiver must be in writing. When an inmate or offender waives their right to submit written objections or to participate in a hearing, the Board may make the predatory sex offender finding if the inmate's or offender's score on the Sex Offender Risk Assessment Scale is at least -50, or there are at least three starred (*) items or there is at least one automatic override item.
- (8) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

Statutory Authority: Chapter 163 (1999 OR Laws)
History: (Notice 02-15-00, Temp/Notice 01-15-2002)

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

255-060-0011

Procedures for Predatory Sex Offender

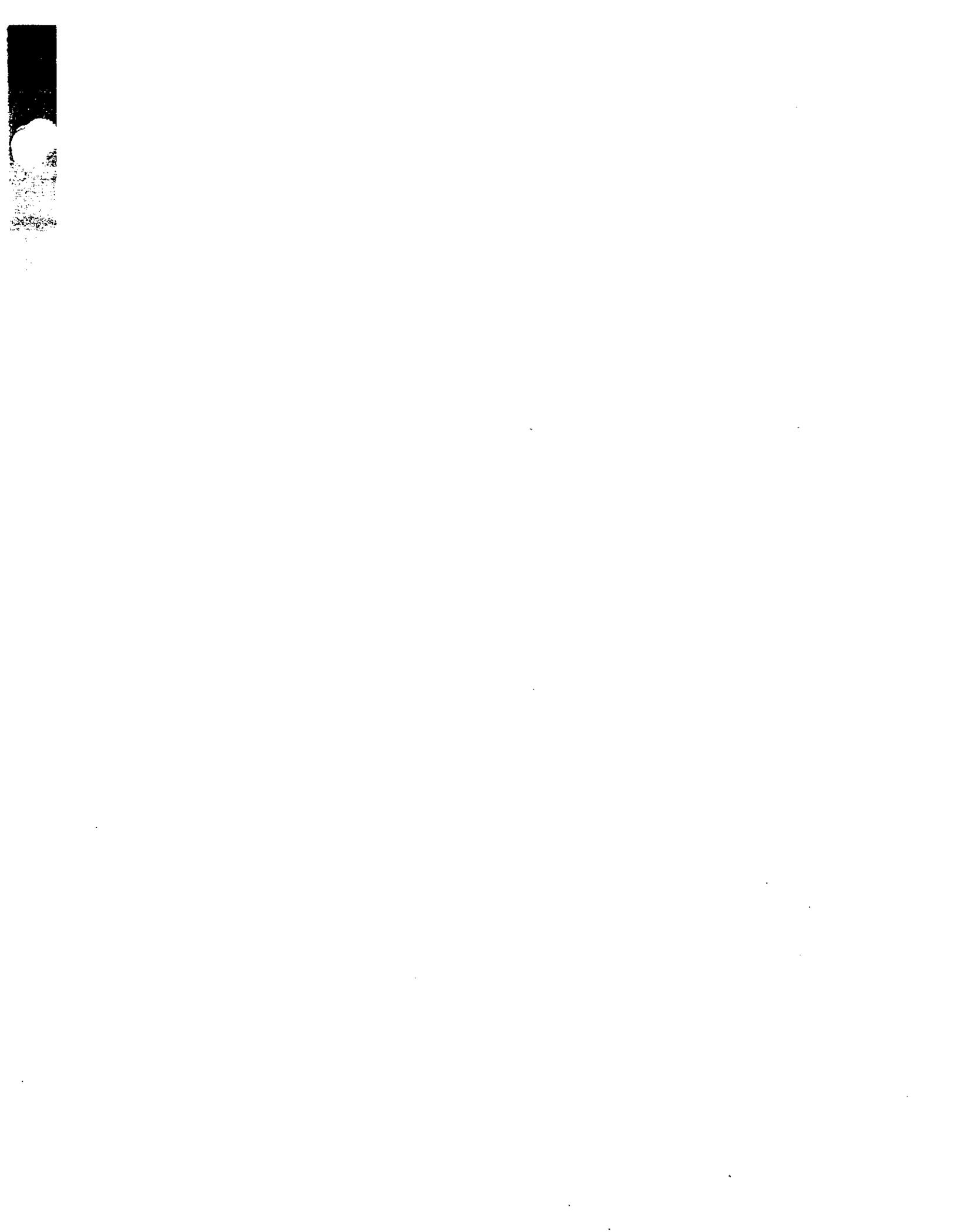
- (1) For purposes of this rule, a person is a predatory sex offender if the person exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use only the Sex Offender Risk Assessment Scale (Exhibit Q-I) and definitions (Exhibit Q-II) which have been approved by the Department of Corrections as required by ORS 181.585(2).
- (2) The procedures set forth in this rule only apply to inmates or offenders whose original order of supervision is issued by the Board on or after January 1, 1999.
- (3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate or offender is a predatory sex offender if the inmate or offender scores three or more starred (*) items or one or more automatic override item(s) on the Sex Offender Risk Assessment Scale. The Board may make a finding that an inmate or offender is a predatory sex offender if the inmate or offender scores less than three or more starred (*) items and has no automatic override item(s) but scores at least -50 on the Sex Offender Risk Assessment Scale.
- (4) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. A finding that an offender is a predatory sex offender will be contained in the inmate's or offender's original order of supervision or an amended order of supervision.
- (5) Inmates or offenders who score three or more starred (*) items or one or more automatic override item(s) on the Sex Offender Risk Assessment Scale have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.

02-15-2000

Parole Release & Exit Interview

- (a) Written objections must be received by a Department of Corrections' institution or release counselor, a supervising officer or the Board within three days of the date the offender or inmate signed the Notice of Rights (Exhibit Q-III).
 - (b) A Board Member must receive and review the signed Notice of Rights (Exhibit Q-III) or written documentation that the inmate or offender refused to sign the Notice of Rights before a predatory sex offender finding is made.
 - (c) A Board Member must consider any written objections to the score on the Sex Offender Risk Assessment Score timely submitted by the inmate or offender before making a predatory sex offender finding. A Board Member shall make the predatory sex offender finding if there is evidence to support a score on the Sex Offender Risk Assessment Scale (Exhibit Q-I) of three or more starred (*) items or one or more automatic override item(s) using the definitions for the Sex Offender Risk Assessment Scale (Exhibit Q-I).
- (6) The Board may also make a predatory finding for inmates or offenders with a total score of at least -50 on the Sex Offender Risk Assessment Scale but fewer than three starred (*) items and no automatic override items.
- (a) Inmates or offenders referred to in section (6) of this rule are entitled to a Morrissey-type hearing prior to the Board making a predatory sex offender finding. This hearing must be held in accordance with the rules governing supervision violations as set forth in OAR 255-075-0031 through 255-075-0056. OAR 255-075-0065 does not apply to this rule.
 - (b) Following the hearing, the hearing officer shall submit written findings to the Board. A Board Member must review these written findings prior to making a predatory sex offender finding. A Board Member shall make a predatory sex offender finding if the Board Member determines that the evidence presented at the hearing supports a score of at least -50 on the Sex Offender Risk Assessment Scale.
- (7) Inmates or offenders may elect to waive their right to submit written objections or waive their right participate in a hearing as set forth in this rule. Any such waiver must be in writing. When an inmate or offender waives their right to submit written objections or to participate in a hearing, the Board may make the predatory sex offender finding if the inmate's or offender's score on the Sex Offender Risk Assessment Scale is at least -50, or there are at least three starred (*) items or there is at least one automatic override item.
- (8) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

Statutory Authority: Chapter 163 (1999 OR Laws)
History: (Notice 02-15-00)



DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

255-060-0012

Psychological or Psychiatric Reports

Sections 1-6 of this rule do not apply to inmates whose only crimes are committed on or after November 1, 1989.

- (1) Pursuant to ORS 144.125, the Board may order any available psychiatric/psychological report(s) from the Department of Corrections.
- (2) Pursuant to ORS 144.223, the Board may postpone the parole release date administratively and order a psychiatric/psychological evaluation of any inmate anytime prior to release.
- (3) After review of the psychiatric/psychological reports, and all other information or documents presented during the hearing the Board may defer parole release until a specified future date upon finding:
 - (a) the inmate has a present severe emotional disturbance, such as to constitute a danger to the health or safety of the community.
- (4) The Board shall not deny release on parole solely because of an inmate's present severe emotional disturbance. The Board must also find the condition constitutes a danger to the health or safety of the community.
- (5) The majority of the Board may defer a scheduled parole release date up to two years. A panel may defer a scheduled parole release date up to 18 months.
- (6) If the Board finds the inmate does not have a present severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board shall affirm the parole release date and set parole conditions.
- (7) For purposes of the Board finding that an inmate/offender is a sexually violent dangerous offender pursuant to OAR 255-060-0008, the Board may order a psychological or psychiatric evaluation.

Statutory Authority: ORS 144.125, 144.223, Chapter 924 (1999 OR Laws)
History: (4/5/90; 1/13/92; 7/26/93, temporary; 10/29/93, 03/14/97,
11/09/98, 02-15-00)

Permanent effective 2/15/00

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0012

Psychological or Psychiatric Reports

This rule does not apply to inmates whose only crimes are committed on or after November 1, 1989.

- (1) Pursuant to ORS 144.125, the Board may order any available psychiatric/psychological report(s) from the Department of Corrections.
- (2) Pursuant to ORS 144.223, the Board may postpone the parole release date administratively and order a psychiatric/psychological evaluation of any inmate anytime prior to release.
- (3) *After review of the psychiatric/psychological reports, and all other information or documents presented during the hearing the Board may defer parole release until a specified future date upon finding:*
 - (a) the inmate has a present severe emotional disturbance, such as to constitute a danger to the health or safety of the community.
- (4) The Board shall not deny release on parole solely because of an inmate's present severe emotional disturbance. The Board must also find the condition constitutes a danger to the health or safety of the community.
- (5) The majority of the Board may defer a scheduled parole release date up to two years. A panel may defer a scheduled parole release date up to 18 months.
- (6) If the Board finds the inmate does not have a present severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board shall affirm the parole release date and set parole conditions.

Statutory Authority: ORS 144.125, 144.223

History: (4/5/90; 1/13/92; 7/26/93, temporary; 10/29/93, 03/14/97,
11/09/98)

Permanent effective 11/9/98

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

255-060-0012

Psychological or Psychiatric Reports

This rule does not apply to inmates whose only crimes are committed on or after November 1, 1989.

- (1) Pursuant to ORS 144.125, the Board may order any available psychiatric/psychological report(s) from the Department of Corrections.
- (2) Pursuant to ORS 144.223, the Board may postpone the parole release date administratively and order a psychiatric/psychological evaluation of any inmate anytime prior to release.
- (3) After review of the psychiatric/psychological reports, and all other testimony information or documents presented during the hearing the Board may defer parole release until a specified future date upon finding:
 - (a) the inmate has a present severe emotional disturbance, such as to constitute a danger to the health or safety of the community.
- (4) The Board shall not deny release on parole solely because of an inmate's present severe emotional disturbance. The Board must also find the condition constitutes a danger to the health or safety of the community.
- (5) The majority of the Board may defer a scheduled parole release date up to two years. A panel may defer a scheduled parole release date up to 18 months.
- (6) If the Board finds the inmate does not have a present severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board shall affirm the parole release date and set parole conditions.

Statutory Authority: ORS 144.125, 144.223

History: (4/5/90; 1/13/92; 7/26/93, temporary; 10/29/93, 03/14/97)

Permanent effective 3/14/97

DIVISION 60

Psychological or Psychiatric Reports
255-60-012

This rule does not apply to prisoner's whose only crimes are committed on or after November 1, 1989.

- (1) Pursuant to ORS 144.125, the Board may order any available psychiatric/psychological report(s) from the Department of Corrections.
- (2) Pursuant to ORS 144.223, the Board may order a psychiatric/psychological evaluation of any prisoner anytime prior to release.
- (3) After review of [If] the psychiatric/psychological reports [indicate that a psychiatric or psychological condition of severe emotional disturbance, such as to constitute a danger to the health or safety of the community, is present], the Board may defer parole release until a specified future date upon finding:
 - (a) the prisoner has a [severe emotional disturbance] mental or emotional disturbance, deficiency, condition or disorder; and
 - (b) the condition [renders] predisposes the prisoner to the commission of a crime to a degree rendering the prisoner a danger to the health or safety of the community.
 - (c) the prisoner cannot be adequately controlled with supervision and mental health treatment or the necessary supervision and treatment are unavailable.
- (4) The Board shall not deny release on parole solely because of a prisoner's severe emotional disturbance, deficiency, condition or disorder. The Board must also find the condition predisposes the prisoner to the commission of a crime to a degree rendering the prisoner a danger to the health or safety of the community.
- ~~[(4)]~~(5) The majority of the Board may defer a scheduled parole release date up to two years. A panel may defer a scheduled parole release date up to 18 months.
- ~~[(5)]~~(6) If the Board [makes a finding] finds [that a severe emotional disturbance such as to constitute a] the prisoner does not have a mental or emotional disturbance, deficiency, condition or disorder predisposing the prisoner to the commission of a crime to a degree rendering the prisoner a danger to the health or safety of the community [does not exist], the Board shall affirm the parole release date and set parole conditions.
- (7) If the Board finds the prisoner has a mental or emotional disturbance, deficiency, condition or disorder predisposing the prisoner to the commission of a crime to a degree rendering the prisoner a danger to the health or safety of the community, the Board may postpone or continue further hearing, order a field parole analysis and release plan, including verification of supervision level and immediate availability of mental health treatment. After reviewing the required reports, if the Board finds the prisoner can be adequately controlled with supervision and mental health treatment and that the necessary supervision and treatment are available, the Board may affirm the parole release date and set parole conditions.

Statutory Authority: ORS 144.125, 144.223
History: (4/5/90; 1/13/92; 7/26/93, temporary)

7/26/93

58

Parole Release & Exit Interview

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

DIVISION 60

Psychological or Psychiatric Reports

255-60-012

This rule does not apply to prisoner's whose only crimes are committed on or after November 1, 1989.

- (1) Pursuant to ORS 144.125, the Board may order any available psychiatric/psychological report(s) from the Department of Corrections.
- (2) Pursuant to ORS 144.223, the Board may order a psychiatric/psychological evaluation of any prisoner anytime prior to release.
- (3) If the psychiatric/psychological reports indicate that a psychiatric or psychological condition of severe emotional disturbance, such as to constitute a danger to the health or safety of the community, is present, the Board may defer parole release until a specified future date upon finding:
 - (a) the prisoner has a severe emotional disturbance; and
 - (b) the condition renders the prisoner a danger to the health or safety of the community.

The Board [may] shall not deny release on parole solely because of a prisoner's severe emotional disturbance.

- (4) The majority of the Board may defer a scheduled parole release date up to two years. A panel may defer a scheduled parole release date up to 18 months.
- (5) If the Board makes a finding that a severe emotional disturbance such as to constitute a danger to the health or safety of the community does not exist, the Board shall affirm the parole release date and set parole conditions.

Statutory Authority: (ORS 144.125. 144.223)

History: (4/5/90; 1/13/92)

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

Psychological or Psychiatric Reports

255-60-012 (4/5/90)

This rule does not apply to prisoner's whose only crimes are committed on or after November 1, 1989.

- [(7)](1) Pursuant to ORS 144.125, the Board may order any available psychiatric/psychological report(s) from the Department of Corrections.
- (2) Pursuant to ORS 144.223, [T]he Board may order a psychiatric/psychological evaluation of any prisoner [report] anytime prior to release. [If the report [record] indicates that a psychiatric or psychological condition of severe emotional disturbance, such as to constitute a danger to the health or safety of the community, is present, the Board may consider deferring parole release until a specified future date.]
- [(8)](3) If the psychiatric/psychological reports indicate that a psychiatric or psychological condition of severe emotional disturbance, such as to constitute a danger to the health or safety of the community, is present, the Board may defer parole release until a specified future date upon finding:
- (a) the prisoner has a severe emotional disturbance;
and
 - (b) the condition renders the prisoner a danger to the health or safety of the community.
- [(10)] The Board may not deny release on parole solely because of a prisoner's severe emotional disturbance.
- [(9)](4) The majority of the Board may defer a scheduled parole release date up to two years. A panel may defer a scheduled parole release date up to 18 months.
- [(8)](5) If the Board [evaluation does not] makes a finding that [of] a severe emotional disturbance such as to constitute a danger to the health or safety of the community does not exist, the Board shall affirm the parole release date and set parole conditions.



DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

255-060-0013

Postponement Order

Any order regarding the postponement of parole release shall be sent to the inmate and shall set forth:

- (1) the facts and specific reasons for the decision and the [individual] votes of the Board members;
- (2) notice of the right to administrative appeal pursuant to the procedures of Division 80.

Statutory Authority: ORS 144.125, 144.135, 144.335

History: (4/5/90, 03/14/97)

03/14/97

Parole Release & Exit Interview

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

Postponement Order
255-60-013 (4/5/90)

Any order regarding the postponement of parole release shall be sent to the prisoner and shall set forth:

- (1) the facts and specific reasons for the decision and the individual votes of the Board members;
- (2) notice of the right to administrative appeal pursuant to the procedures of Division 80.

Permanent effective 4/5/90

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0014

Detainers

- ~~(1) — When an inmate has a detainer from another jurisdiction, the Department of Corrections will release the inmate to the detainer and Oregon active community supervision shall begin upon the inmate's release into the community from the holding jurisdiction, if the Oregon sentences have not expired while the inmate is incarcerated in another jurisdiction.~~
- ~~(2) — If a parolee is released by the Department of Corrections to a detainer from another jurisdiction and is recommitted to the Oregon Department of Corrections, the previous parole order shall be voided.~~
- ~~(3) — When an inmate has a new Sentencing Guidelines commitment to the Department of Corrections' custody, the Oregon active community supervision shall begin upon the inmate's release into the community, if the sentences have not expired while the inmate is incarcerated.~~
- ~~(4) — For Sentencing Guidelines inmates released from a Department of Corrections Institution directly to a hold or sentence that results in the offender remaining in jail or prison for more than 30 days continuously, the post-prison supervision start date will be calculated from the date the offender is released from that hold or sentence. The following procedure shall apply:
 - ~~(a) — The Board will issue an order of supervision when the offender is released from a Department of Corrections institution to the hold or sentence. The Order shall state that post-prison supervision has started on the date the offender left the Department of Corrections institution.~~
 - ~~(b) — The supervising officer must inform the Board in writing of the date the offender was or will be released from the hold or sentence that kept the offender in jail or prison for more than 30 continuous days. If the supervising officer knows the exact length of the hold or sentence, the supervising officer shall inform the Board in writing of the date the offender will be released from the hold or sentence. The supervising officer shall submit a written, updated release planning form to include the new release date, any changes in conditions, and the offender's new address, if any.~~
 - ~~(c) — The Board shall issue an amended order calculating the start of post-prison supervision based on the date provided by the supervising officer pursuant to subsection (b) or this rule.~~~~

Statutory Authority: ORS 144.305, 144.310

History: (4/5/90; 10/9/92, 03/14/97, 11/09/98, 9-22-99, 01-14-04-Repeal Notice)

Temp effective 01-14-04 to 07-11-04

Permanently Repealed 06-14-04

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE AND EXIT INTERVIEWS

255-060-0014

Detainers

- (1) When an inmate has a detainer from another jurisdiction, the Department of Corrections will release the inmate to the detainer and Oregon active community supervision shall begin upon the inmate's release into the community from the holding jurisdiction, if the Oregon sentences have not expired while the inmate is incarcerated in another jurisdiction.
- (2) If a parolee is released by the Department of Corrections to a detainer from another jurisdiction and is recommitted to the Oregon Department of Corrections, the previous parole order shall be voided.
- (3) When an inmate has a new Sentencing Guidelines commitment to the Department of Corrections' custody, the Oregon active community supervision shall begin upon the inmate's release into the community, if the sentences have not expired while the inmate is incarcerated.
- (4) For Sentencing Guidelines inmates released from a Department of Corrections Institution directly to a hold or sentence that results in the offender remaining in jail or prison for more than 30 days continuously, the post-prison supervision start date will be calculated from the date the offender is released from that hold or sentence. The following procedure shall apply:
 - (a) The Board will issue an order of supervision when the offender is released from a Department of Corrections institution to the hold or sentence. The Order shall state that post-prison supervision has started on the date the offender left the Department of Corrections institution.
 - (b) The supervising officer must inform the Board in writing of the date the offender was or will be released from the hold or sentence that kept the offender in jail or prison for more than 30 continuous days. If the supervising officer knows the exact length of the hold or sentence, the supervising officer shall inform the Board in writing of the date the offender will be released from the hold or sentence. The supervising officer shall submit a written, updated release planning form to include the new release date, any changes in conditions, and the offender's new address, if any.
 - (c) The Board shall issue an amended order calculating the start of post-prison supervision based on the date provided by the supervising officer pursuant to subsection (b) or this rule.

Statutory Authority: ORS 144.305, 144.310

History: (4/5/90; 10/9/92, 03/14/97, 11/09/98, 9-22-99)

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0014

Detainers

- (1) When an inmate has a detainer from another jurisdiction, the Department of Corrections will release the inmate to the detainer and Oregon active community supervision shall begin upon the inmate's release into the community from the holding jurisdiction, if the Oregon sentences have not expired while the inmate is incarcerated in another jurisdiction.
- (2) If a parolee is released by the Department of Corrections to a detainer from another jurisdiction and is recommitted to the Oregon Department of Corrections, the previous parole order shall be voided.
- (3) When an inmate has a new Sentencing Guidelines commitment to the Department of Corrections' custody, the Oregon active community supervision shall begin upon the inmate's release into the community, if the sentences have not expired while the inmate is incarcerated.

Statutory Authority: ORS 144.305, 144.310
History: (4/5/90; 10/9/92, 03/14/97, 11/09/98)

Permanent effective 11/9/98

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

255-060-0014

Detainers

- (1) When an inmate has a detainer from another jurisdiction, the Department of Corrections will release the inmate to the detainer and Oregon active community supervision shall begin upon the inmate's release into the community from the holding jurisdiction, if the Oregon sentences have not expired while the prisoner is incarcerated in another jurisdiction.
- (2) If a parolee is released by the Department of Corrections to a detainer from another jurisdiction and is recommitted to the Oregon Department of Corrections, the previous parole order shall be voided.
- (3) When an inmate has a new Sentencing Guidelines commitment to the Department of Corrections' custody, the Oregon active community supervision shall begin upon the inmate's release into the community, if the sentences have not expired while the inmate is incarcerated.

Statutory Authority: ORS 144.305, 144.310
History: (4/5/90; 10/9/92, 03/14/97)

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

Detainers and New Sentencing Guidelines Sentences
255-60-014

- (1) When a prisoner has a detainer from another jurisdiction, the Department of Corrections will release the prisoner [will be released] to the detainer and Oregon [parole or post-prison supervision] active community supervision [will] shall begin upon the prisoner's release into the community from the holding jurisdiction, if the Oregon sentences have not expired while the prisoner is incarcerated in another jurisdiction.
- (2) If a parolee is released by the Department of Corrections to a detainer from another jurisdiction and is recommitted to the Oregon Department of Corrections, the previous parole order shall be voided.
- (3) When a prisoner has a new Sentencing Guidelines commitment to the Department of Corrections' custody, the Oregon active community supervision shall begin upon the prisoner's release into the community, if the sentences have not expired while the prisoner is incarcerated.

Statutory Authority: (ORS 144.305, 144.310)

History: (4/5/90; 10/9/92)

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

Detainers
255-60-014

(4/5/90)

[(11)](1)

When a prisoner has a detainer from another jurisdiction, the prisoner will be released to the detainer [shall take precedence] and Oregon parole or post-prison supervision will begin upon the prisoner's release into the community from the holding jurisdiction.

[(12)](2)

If a parolee is released by the Department of Corrections to a detainer from another jurisdiction and is recommitted to the Oregon Department of Corrections, the previous parole order shall be voided.



OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

PAROLE RELEASE

[255-60-015 Instate Parole Release Interview Procedures

- (1) Notice: At a reasonable time prior to a parole release interview, the prisoner shall be notified at his/her place of confinement of the scheduled parole release interview and shall be advised that information may be provided to the Board in writing or by persons sending written information to the Board.
- (2) Disclosure of information considered by the Board shall be governed by Division 30.
- (3) The prisoner shall receive notice of the interview results, including the facts and specific reasons for the decision and the individual votes of the Board members.]

Repealed

Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

PAROLE RELEASE

Instate Parole Release Interview Procedures

255-60-015 (1) Notice: At a reasonable time prior to a parole release interview, the prisoner shall be notified at his/her place of confinement of the scheduled parole release interview and shall be advised that information may be provided to the Board in writing or by persons sending written information to the Board.

(2) Disclosure of information considered by the Board shall be governed by Division 30.

[(3) No person, other than the prisoner, shall appear in the prisoner's behalf unless the prisoner is incapable of presenting his/her position due to language barriers or lack of mental capacity. Assistance will be provided to prisoners meeting these criteria by persons recommended by the superintendent and appointed by the chairperson of the Board.]

(3) [(4)] The prisoner shall receive notice of the interview results, including the facts and specific reasons for the decision and the individual votes of the Board members.

Stat. Auth.: ORS Ch. 144
Hist: 2PB 1-1979, f. & ef. 2-1-79

Permanent effective 5/19/82

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

PAROLE RELEASE

Instate Parole Release Interview Procedures

255-60-015 (1) Notice: At a reasonable time prior to a parole release interview, the prisoner shall be notified at his/her place of confinement of the scheduled parole release interview and shall be advised that information may be provided to the Board in writing or by persons sending written information to the Board.

(2) Disclosure of information considered by the Board shall be governed by Division 30.

[(3) No person, other than the prisoner, shall appear in the prisoner's behalf unless the prisoner is incapable of presenting his/her position due to language barriers or lack of mental capacity. Assistance will be provided to prisoners meeting these criteria by persons recommended by the superintendent and appointed by the chairperson of the Board.]

(3) [(4)] The prisoner shall receive notice of the interview results, including the facts and specific reasons for the decision and the individual votes of the Board members.

Stat. Auth.: ORS Ch. 144
Hist: 2PB 1-1979, f.& ef. 2-1-79

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

PAROLE RELEASE

Instate Parole Release Interview Procedures

255-60-015 (1) Notice: At a reasonable time prior to a parole release interview, the prisoner shall be notified at his/her place of confinement of the scheduled parole release interview and shall be advised that information may be provided to the Board in writing or by persons sending written information to the Board.

(2) Disclosure of information considered by the Board shall be governed by division 30.

(3) No person, other than the prisoner, shall appear in the prisoner's behalf unless the prisoner is incapable of presenting his/her position due to language barriers or lack of mental capacity. Assistance will be provided to prisoners meeting these criteria by persons recommended by the superintendent and appointed by the chairperson of the Board.

(4) The prisoner shall receive notice of the interview results, including the facts and specific reasons for the decision and the individual votes of the Board members.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79

Permanent effective 2/1/79

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

255-060-0016

Procedures for Predatory Sex Offender Designation for Inmates.

- (1) For purposes of this rule, a predatory sex offender is defined as a person who exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree, or has been convicted of attempting to commit one or has been found guilty except for insanity or one of these crimes. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use the STATIC-99 (Exhibit Q-I) and definitions (Exhibit Q-II), which have been approved by the Department of Corrections as required by ORS 181.585(2). The Board may also consider evidence that the inmate is behaving in a manner that is consistent with exhibiting characteristics showing a tendency to victimize or injure others submitted in written reports prepared by an approved evaluator and a release counselor of any Department of Corrections institution.
- (2) Predatory sex offender designations made by the board for inmates released from a Department of Corrections institution before August 7, 2006, are not included in this rule. Those designations are governed by the rules in effect when the designation was made or when the inmate was released from custody.
- (3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate is eligible for predatory sex offender designation, if the inmate scores six or more points on the STATIC-99.
- (4) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. The finding may only be made after the inmate has participated in a sex offender evaluation or refused participation in such an evaluation, and participated in an evidentiary hearing or waived participation in such a hearing to determine whether the offender is exhibiting characteristics showing a tendency to victimize or injure others. A finding that an offender is a predatory sex offender will be contained in the offender's original order of supervision or an amended order of supervision.
- (5) Subject to the procedures set forth below, inmates who score six or more points on the STATIC-99, and have been identified as eligible for predatory designation are required to participate in a sex offender evaluation to determine whether the inmate is exhibiting characteristics showing a tendency to victimize or injure others. Refusal to participate in such an evaluation will be used as evidence to determine whether the inmate is exhibiting characteristics showing a tendency to victimize or injure others.
- (6) Subject to the procedures set forth below, inmates who score six or more points on the STATIC-99, and have been identified as eligible for predatory designation, have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.

- (a) Written objections must be received by a Department of Corrections' institution or release counselor, or the Board within three days of the date the inmate signed the Notice of Rights (Exhibit Q-III).
 - (b) The Board must receive and review the signed Notice of Rights (Exhibit Q-III) or written documentation that the inmate refused to sign the Notice of Rights before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding.
 - (c) The Board must consider any written objections to the score on the STATIC-99 timely submitted by the inmate before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding. The Board may find an inmate is eligible for predatory sex offender designation if there is evidence to support a score on the STATIC-99 of six or more points.
 - (d) Inmates may elect to waive their right to submit written objections. Any such waiver must be in writing. When inmates waive their right to submit written objections, the Board may find an inmate or offender is eligible for predatory sex offender designation if the inmate's score on the STATIC-99 is six or more points.
- (7) The sole purpose of the evidentiary hearing will be to determine whether the inmate is exhibiting characteristics showing a tendency to victimize or injure others. The Board shall receive the sex offender evaluation of the inmate, a copy of the STATIC-99, and any written objections from the inmate to consider at the hearing. The Board may receive a written report from a release counselor of any Department of Corrections institution indicating that the inmate is engaging in behavior that shows the inmate is exhibiting characteristics showing a tendency to victimize or injure others.
- (a) Upon receipt of the abovementioned information, including the written report from a release counselor of any Department of Corrections institution, the Board will review it to determine whether it contains sufficient information to conduct an evidentiary hearing for purposes of determining whether the inmate should be designated as a predatory sex offender. If the Board determines there is sufficient information in the report, it will schedule an evidentiary hearing.
 - (b) The Board will provide the inmate with a copy of the Notice of Rights (Exhibit Q-V) prior to the evidentiary hearing. Upon receipt of the Notice of Rights (Exhibit Q-V), the inmate may proceed with the evidentiary hearing or waive his or her right to the hearing. At the evidentiary hearing, the inmate will be given the opportunity to rebut claims made in the sex offender evaluation, STATIC-99, and any written report submitted by a release counselor. At the conclusion of the evidentiary hearing, the Board will make a determination as to whether the inmate should be designated as a predatory sex offender.
- (8) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

Statutory Authority: [Chapter 163 (1999 OR Laws)] ORS 144.050, ORS 144.140, ORS 181.585, ORS 181.586.

History: 08-07-2006-temp/notice, 08/30/06-temp/notice, 10/30/06, 07/17/07

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

255-060-0016

Procedures for Predatory Sex Offender Designation for Inmates.

- (1) For purposes of this rule, a predatory sex offender is defined as a person who exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use the STATIC-99 (Exhibit Q-I) and definitions (Exhibit Q-II), which have been approved by the Department of Corrections as required by ORS 181.585(2). The Board may also consider evidence that the inmate is behaving in a manner that is consistent with exhibiting characteristics showing a tendency to victimize or injure others submitted in written reports prepared by an approved evaluator and a release counselor of any Department of Corrections institution.
- (2) Predatory sex offender designations made by the board for inmates released from a Department of Corrections institution before August 7, 2006, are not included in this rule. Those designations are governed by the rules in effect when the designation was made or when the inmate was released from custody.
- (3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate is eligible for predatory sex offender designation, if the inmate scores six or more points on the STATIC-99.
- (4) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. The finding may only be made after the inmate has participated in a sex offender evaluation or refused participation in such an evaluation, and participated in an evidentiary hearing or waived participation in such a hearing to determine whether the offender is exhibiting characteristics showing a tendency to victimize or injure others. A finding that an offender is a predatory sex offender will be contained in the offender's original order of supervision or an amended order of supervision.
- (5) Subject to the procedures set forth below, inmates who score six or more points on the STATIC-99, and have been identified as eligible for predatory designation are required to participate in a sex offender evaluation to determine whether the inmate is exhibiting characteristics showing a tendency to victimize or injure others. Refusal to participate in such an evaluation will be used as evidence to determine whether the inmate is exhibiting characteristics showing a tendency to victimize or injure others.
- (6) Subject to the procedures set forth below, inmates who score six or more points on the STATIC-99, and have been identified as eligible for predatory designation, have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.

Temporary effective 08/07/06 thru 02/02/07

Suspended 08/30/06

Temporary Effective 08/30/06 thru 02/2/07

Permanently effective 10/30/06

Page 1 of 3

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

- (a) Written objections must be received by a Department of Corrections' institution or release counselor, or the Board within three days of the date the inmate signed the Notice of Rights (Exhibit Q-III).
- (b) The Board must receive and review the signed Notice of Rights (Exhibit Q-III) or written documentation that the inmate refused to sign the Notice of Rights before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding.
- (c) The Board must consider any written objections to the score on the STATIC-99 timely submitted by the inmate before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding. The Board may find an inmate is eligible for predatory sex offender designation if there is evidence to support a score on the STATIC-99 of six or more points.
- (d) Inmates may elect to waive their right to submit written objections. Any such waiver must be in writing. When inmates waive their right to submit written objections, the Board may find an inmate or offender is eligible for predatory sex offender designation if the inmate's score on the STATIC-99 is six or more points.
- (7) The sole purpose of the evidentiary hearing will be to determine whether the inmate is exhibiting characteristics showing a tendency to victimize or injure others. The Board shall receive the sex offender evaluation of the inmate, a copy of the STATIC-99, and any written objections from the inmate to consider at the hearing. The Board may receive a written report from a release counselor of any Department of Corrections institution indicating that the inmate is engaging in behavior that shows the inmate is exhibiting characteristics showing a tendency to victimize or injure others.
- (a) Upon receipt of the abovementioned information, including the written report from a release counselor of any Department of Corrections institution, the Board will review it to determine whether it contains sufficient information to conduct an evidentiary hearing for purposes of determining whether the inmate should be designated as a predatory sex offender. If the Board determines there is sufficient information in the report, it will schedule an evidentiary hearing.
- (b) The Board will provide the inmate with a copy of the Notice of Rights (Exhibit Q-V) prior to the evidentiary hearing. Upon receipt of the Notice of Rights (Exhibit Q-V), the inmate may proceed with the evidentiary hearing or waive his or her right to the hearing. At the evidentiary hearing, the inmate will be given the opportunity to rebut claims made in the sex offender evaluation, STATIC-99, and any written report submitted by a release counselor. At the conclusion of the evidentiary hearing, the Board will make a determination as to whether the inmate should be designated as a predatory sex offender.

Temporary effective 08/07/06 thru 02/02/07
Suspended 08/30/06
Temporary Effective 08/30/06 thru 02/2/07
Permanently effective 10/30/06

Page 2 of 3

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

(8) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

Statutory Authority: [Chapter 163 (1999 OR Laws)] ORS 144.050, ORS 144.140, ORS 181.585, ORS 181.586.

History: 08-07-2006-Temp/Notice

Temporary effective 08/07/06 thru 02/02/07
Suspended 08/30/06
Temporary Effective 08/30/06 thru 02/2/07
Permanently effective 10/30/06

Page 3 of 3



DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0020

Out-of-State Parole Release Hearing Procedures

An inmate in the Department of Corrections' custody who is housed in an out-of-state facility may receive a teleconference exit interview in conformance with rule 255-060-0006.

Statutory Authority: ORS 144.098, 144.125

History: (2/1/79; 5/31/85; 5/19/88; 10/9/92, 03/14/97, **Notice 11/09/98**)

Permanent effective 11/9/98

DIVISION 60

**RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS**

255-060-0020

Out-of-State Parole Release Hearing Procedures

An inmate in the Department of Corrections' custody who is housed in an out of state facility may receive a teleconference exit interview in conformance with rule 255.60-006.

Statutory Authority: ORS 144.098, 144.125

History: (2/1/79; 5/31/85; 5/19/88; 10/9/92, 03/14/97)

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

Out-of-State Parole Release Hearing Procedures
255-60-020

A prisoner in the Department of Corrections' custody [of the Department of Corrections] who is housed in an out-of-state facility may receive [an] a teleconference exit interview [, if ordered by the Board] in conformance with rule 255-60-006. [All proceedings may be conducted by teleconference.]

Statutory Authority: (ORS 144.035(5))

Permanent effective 10/9/92

History: (2/1/79; 5/31/85; 5/19/88; 10/9/92)

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

Out-of-State Parole Release Hearing Procedures
255-60-020

A prisoner [who is] in the custody of the Department of Corrections [Division] who is housed in an out-of-state facility may [shall] receive an exit interview [parole release hearing] if ordered by the Board in conformance with rule 255-60-005. All proceedings may be conducted by teleconference [conference telephone call].

Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

PAROLE RELEASE

255-60-020 Out-Of-State Parole Release Hearing [Interview]
Procedures

A prisoner who is in the custody of the Corrections Division who is housed in an out-of-state facility shall receive a parole release [interview] hearing if ordered by the Board in conformance with Rule 255-60-005[015].
[However,] [a] All proceedings may be conducted by conference telephone call.

Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

PAROLE RELEASE

Out-Of-State Parole Release Interview Procedures

255-60-020 A prisoner who is in the custody of the Corrections Division who is housed in an out-of-state facility shall receive a parole release interview in conformance with rule 255-60-015. However, all proceedings may be conducted by conference telephone call.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79

Permanent effective 2/1/79

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

PAROLE RELEASE

[255-60-025 Parole Consideration for Prisoners in a Local Jail

A prisoner who is not committed to the legal and physical custody of the Corrections Division is not eligible for parole by the State Board of Parole.]

Repealed

Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 -- BOARD OF PAROLE

DIVISION 60

PAROLE RELEASE

Parole Consideration for Prisoners in a Local Jail

255-60-025 (1) A prisoner [confined in a jail facility as defined in ORS 144.050 with a sentence of at least six months shall be given a hearing to determine whether parole will be granted when:

- (a) Written application is submitted to the Board; and
 - (b) The prisoner has served at least four months of the sentence.
- (2) Hearings shall be conducted by one voting member of the Board.
- (3) The Board member may order parole, establish a parole release date, continue the hearing for a reasonable period of time, or deny parole.

(4) The procedures in rule 255-60-015 shall be followed.]

who is not committed to the legal and physical custody of the Corrections Division is not eligible for parole by the State Board of Parole.

Permanent effective 5/19/82

DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0011

Procedures for Predatory Sex Offender

- (1) For purposes of this rule, a person is a predatory sex offender if the person exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use only the Sex Offender Risk Assessment Scale (Exhibit Q-I) and definitions (Exhibit Q-II) which have been approved by the Department of Corrections as required by ORS 181.585(2).
- (2) The procedures set forth in this rule only apply to inmates or offenders whose original order of supervision is issued by the Board on or after January 1, 1999.
- (3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate or offender is a predatory sex offender if the inmate or offender scores three or more starred (*) items or one or more automatic override item(s) on the Sex Offender Risk Assessment Scale. The Board may make a finding that an inmate or offender is a predatory sex offender if the inmate or offender scores less than three or more starred (*) items and has no automatic override item(s) but scores at least -50 on the Sex Offender Risk Assessment Scale.
- (4) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. A finding that an offender is a predatory sex offender will be contained in the inmate's or offender's original order of supervision or an amended order of supervision.
- (5) Inmates or offenders who score three or more starred (*) items or one or more automatic override item(s) on the Sex Offender Risk Assessment Scale have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.
 - (a) Written objections must be received by a Department of Corrections' institution or release counselor, a supervising officer or the Board within three days of the date the offender or inmate signed the Notice of Rights (Exhibit Q-III).
 - (b) A Board Member must receive and review the signed Notice of Rights (Exhibit Q-III) or written documentation that the inmate or offender refused to sign the Notice of Rights before a predatory sex offender finding is made.
 - (c) A Board Member must consider any written objections to the score on the Sex Offender Risk Assessment Score timely submitted by the inmate or offender before making a predatory sex offender finding. A Board Member shall make the predatory sex offender finding if there is evidence to support a score on the Sex Offender Risk Assessment Scale (Exhibit Q-I) of three or more starred (*) items or one or more automatic override item(s) using the definitions for the Sex Offender Risk Assessment Scale (Exhibit Q-I).
- (6) The Board may also make a predatory finding for inmates or offenders with a total score of at least -50 on the Sex Offender Risk Assessment Scale but fewer than three starred (*) items and no automatic override items.

TEMP EFFECTIVE 06-13-03 to 12-09-03
PERM EFFECTIVE 10-10-03

DIVISION 60

PAROLE RELEASE

Parole Consideration for Prisoners in a Local Jail

255-60-025 (1) A prisoner confined in a jail facility as defined in ORS 144.050 [with a sentence of at least six months shall be given a hearing to determine whether parole will be granted when:

- (a) Written application is submitted to the Board; and
- (b) The prisoner has served at least four months of the sentence.

(2) Hearings shall be conducted by one voting member of the Board.

(3) The Board member may order parole, establish a parole release date, continue the hearing for a reasonable period of time, or deny parole.

(4) The procedures in rule 255-60-015 shall be followed.]

is not eligible for parole by the State Board of Parole.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

PAROLE RELEASE

Parole Consideration for Prisoners in a Local Jail

255-60-025 (1) A prisoner confined in a jail facility as defined in ORS 144.050 with a sentence of at least six months shall be given a hearing to determine whether parole will be granted when:

- (a) Written application is submitted to the Board; and
- (b) The prisoner has served at least four months of the sentence.

(2) Hearings shall be conducted by one voting member of the Board.

(3) The Board member may order parole, establish a parole release date, continue the hearing for a reasonable period of time, or deny parole.

(4) The procedures in rule 255-60-015 shall be followed.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79



DIVISION 60

RELEASE TO POST-PRISON SUPERVISION OR PAROLE
AND EXIT INTERVIEWS

255-060-0030

Exit Interview Board Review Packet

The exit interview Board Review Packet shall contain:

- (1) institution face sheet;
- (2) all Board Action Forms since the prison term hearing, if any;
- (3) psychiatric and/or psychological evaluations (previous 6 months);
- (4) correspondence;
- (5) field parole analysis report, a pre-sentence investigation report or comparable report;
- (6) court orders;
- (7) misconduct reports; and
- (8) release plan.
- (9) Inmate's Notice of Rights and Board of Parole & Post-Prison Supervision Procedures.

Statutory Authority: ORS 144.096, 144.098, 144.185

History: (5/19/88; 4/5/90, 03/14/97)

permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

Exit Interview Board Review Packet
255-60-030 (5/19/88; 4/5/90)

The exit interview Board Review Packet shall contain:

- (1) institution face sheet;
- (2) all Board Action Forms since the prison term hearing, if any;
- (3) psychiatric and/or psychological evaluations (previous 6 months);
- (4) correspondence;
- (5) field parole analysis report, a pre-sentence investigation report or comparable report; [and]
- (6) court orders; [.]
- (7) misconduct reports; and
- (8) release plan.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 60 — BOARD OF PAROLE

DIVISION 60

Exit Interview Board Review Packet
255-60-030

The exit interview Board Review Packet shall contain:

- (1) institution face sheet;
- (2) all Board Action Forms since the prison term hearing;
- (3) psych evaluations (previous 6 months);
- (4) correspondence;
- (5) field parole analysis report; and
- (6) court orders.

Permanent effective 5/19/88