

DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

255-075-0001

Definitions

- (1) Administrative Sanction means local, structured, or intermediate sanctions as those terms are used in OAR 291-58-010 etal, and may include periods of local confinement in jails, restitution centers, treatment facilities, or similar facilities.
- (2) Sanction Authority means:
 - (a) The Board or its designee for:
 - (1) Any felony offender who received a sentence of more than twelve (12) months in the custody of the Department of Corrections; or
 - (2) Any felony offender who received a sentence of twelve (12) months or less but who also has an additional sentence(s) of greater than twelve (12) months.
 - (A) If an offender is on post-prison supervision for multiple sentences which include a sentence that exceeds twelve (12) months ("Board case") and a less than twelve (12)-month sentence ("Local Supervisory Authority case"), the Board will maintain jurisdiction of the post-prison supervision of the Local Supervisory Authority case until the Board's active involvement in the Board case(s) expires. Following expiration of the Board's case(s), the Board will maintain jurisdiction over the post-prison supervision of the Local Supervisory Authority case(s) until an offender is re-released following revocation of the post-prison supervision for the Local Supervisory Authority case(s), or until the Local Supervisory Authority petitions to assume jurisdiction, whichever comes first.
 - (B) If the Board issued the order of post-prison supervision for an offender whose only sentence was twelve (12) months or less, jurisdiction will remain with the Board until petition by the Supervisory Authority to assume jurisdiction or upon re-release following revocation of the post-prison supervision for that sentence; whichever comes first.
- (b) The Local Supervisory Authority or its designee for any felony offender whose crime was committed after November 1, 1989, was sentenced by the court to twelve (12) months or less, and who does not have an additional sentence of more than twelve (12) months for a felony.

Statutory Authority: ORS 144.140

History: (2/28/85; 3/14/88, temporary; 5/19/88, repealed, temporary 11/14/97;
05/11/98;08/27/98)

08/27/98

Conditions Violations

Temporary effective 07/13/98 to 01/09/99
permanent 08/27/98

DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
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POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

255-075-0001

Definitions

- (1) Administrative Sanction means local, structured, or intermediate sanctions as those terms are used in OAR 291-58-010 etal, and may include periods of local confinement in jails, restitution centers, treatment facilities, or similar facilities.
- (2) Sanction Authority means:
- (a) The Board or its designee for:
- (1) Any felony offender who received a sentence of more than twelve (12) months in the custody of the Department of Corrections; or
- (1) Any felony offender who received a sentence of twelve (12) months or less but who also has an additional sentence(s) of greater than twelve (12) months.
- (A) If an offender is on post-prison supervision for multiple sentences which include a sentence that exceeds twelve (12) months ("Board case") and a less than twelve (12)-month sentence ("Local Supervisory Authority case"), the Board will maintain jurisdiction of the post-prison supervision of the Local Supervisory Authority case until the Board's active involvement in the Board case(s) expires. Following expiration of the Board's case(s), the Board will maintain jurisdiction over the post-prison supervision of the Local Supervisory Authority case(s) up to sixty (60) days following expiration of the Board case, or until the Local Supervisory Authority petitions to assume jurisdiction, whichever comes first. Jurisdiction will fall under the Local Supervisory Authority at that point.
- (B) If the Board issued the order of post-prison supervision for an offender whose only sentence was twelve (12) months or less, jurisdiction will remain with the Board until petition by the Supervisory Authority to assume jurisdiction or upon re-release following revocation of the post-prison supervision for that sentence; whichever comes first.
- (b) The Local Supervisory Authority or its designee for any felony offender whose crime was committed after November 1, 1989, was sentenced by the court to twelve (12) months or less, and who does not have an additional sentence of more than twelve (12) months for a felony.

Statutory Authority: ORS 144.140

History: (2/28/85; 3/14/88, temporary; 5/19/88, repealed, temporary 11/14/97;
05/11/98)

05/11/98

Conditions Violations
Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Definitions

255-75-001

- [(1) "Active Parole Supervision": Supervision requiring periodic contact and monitoring by the supervising officer to assure that the conditions of parole are being met, that the parolee has committed no new crimes and to assure repayment of restitution, if required.]
- [(2) "Active Supervision" will not include:
- (a) Period of confinement in local, state, or federal correctional facilities during the parole.
 - (b) The period of time between suspension of parole and the date parole is reinstated.]
- [(3) "Major Technical Violation": A violation of parole condition involving] the possession of a weapon or firearm, absconding supervision by leaving the State of Oregon without permission, a new law violation not resulting in a new felony sentence, or a finding pursuant to a hearing conducted under Division 75 that new criminal activity has occurred which constitute a Class "A" misdemeanor or felony.]
- [(4) "Minor Technical Violation": "Violations" as described by ORS 161.565 and 161.575 and all parole violations except major technical violations and law violations.]

Repealed

Permanent effective 5/19/88

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Definitions
255-75-001

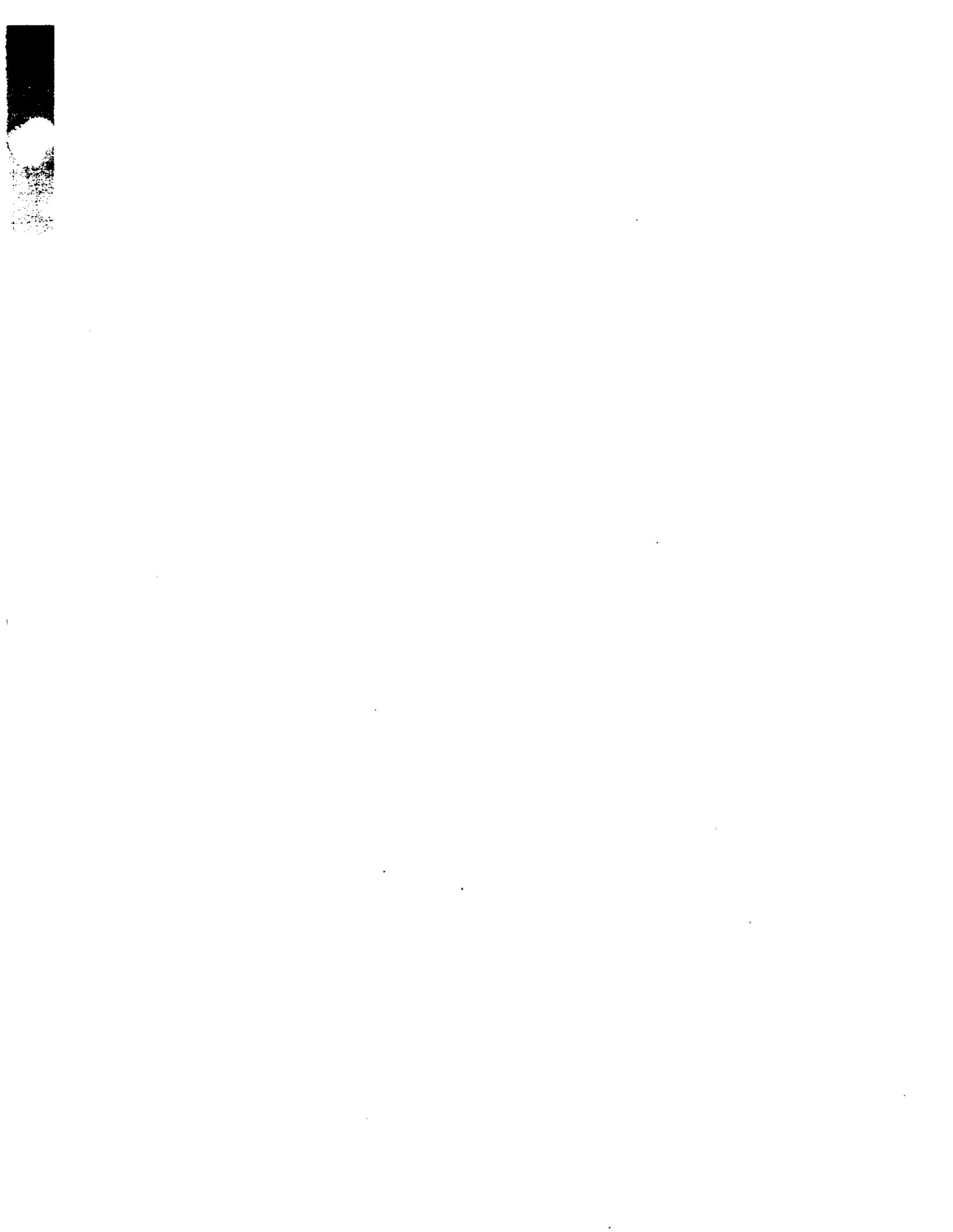
- (1) "Active Community [Parole] Supervision": An uninterrupted period of at least six months [S]supervision in the community, requiring regular [periodic] contact and monitoring by the supervising officer to assure that the conditions of parole are being met, that the parolee has committed no new crimes and to assure repayment of restitution, if required.
- (2) "Parole": A conditional release from a state correcctional facility into the community.
- [(2) "Active Supervision" will not include:
- (a) Period of confinement in local, state, or federal correctional facilities during the parole.
 - (b) The period of time between suspension of parole and the date parole is reinstated.]
- [(3) "Major Technical Violation": A violation of parole condition involving] the possession of a weapon or firearm, absconding supervision by leaving the State of Oregon without permission, a new law violation not resulting in a new felony sentence, or a finding pursuant to a hearing conducted under Division 75 that new criminal activity has occurred which constitute a Class "A" misdemeanor or felony.]
- [(4) "Minor Technical Violation": "Violations" as described by ORS 161.565 and 161.575 and all parole violations except major technical violations and law violations.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-001 Definitions

- (1) "Active Parole Supervision": Supervision requiring periodic contact [with the supervision officer or] and monitoring by the supervising officer to assure that [parolee has committed no new crimes or monitoring by supervising officer] the conditions of parole are being met, that the parolee has committed no new crimes and to assure repayment of [a] restitution [amount.], if required.
- (2) "Active Supervision" will not include:
 - (a) Period of confinement in local, state, or federal correctional facilities during the parole.
 - (b) The period of time between suspension of parole and the date parole is reinstated.
- [(2) "Intensive Parole Supervision":
 - (a) Supervision requiring at least monthly contact with the supervising officer; or
 - (b) Monitoring of parole by the supervising officer to assure adherence to special conditions of parole by the parolee which are by direction of the Board and not left to the discretion of the supervising officer.]
- (3) "Major Technical Violation": A violation of parole condition involving the possession of a weapon or firearm, absconding supervision by leaving the State of Oregon without permission, a new law violation not resulting in a new felony sentence, or a finding pursuant to a hearing conducted under Division 75 that new criminal activity has occurred which constitute a Class "A" misdemeanor or felony.
- (4) "Minor Technical Violation": "Violations" as described by ORS 161.565 and 161.575 and all parole violations except major technical violations and law violations.



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0002

Suspension of Parole or Post-Prison Supervision; Citation to Appear

- (1) When the supervising officer or other person informs the Sanction Authority of reasonable grounds to believe that a person has violated the conditions of parole or post-prison supervision, or that supervision is no longer in the best interests of the offender or the community, and that the revocation of parole or post-prison supervision may be justified or, in the case of parole only, an extension of parole may be justified, the Sanction Authority may:
 - (a) suspend the running of the sentence and the parole or post-prison supervision term and order the offender arrested and detained pending a violation hearing; or
 - (b) issue a citation to appear at a violation hearing without first suspending parole or the post-prison supervision term or ordering detention.
- (2) The Sanction Authority may issue a suspend and detain warrant or a citation to appear at a violation hearing.
- (3) The Sanction Authority may authorize, in writing, that its designated representative may issue citations to appear at a violation hearing.

Statutory Authority: ORS 144.025(3), 144.106, 144.331, 144.334

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89;
4/30/92, temporary; 6/24/92, temporary; 10/9/92, temporary 11/14/97;
05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON SUPERVISION CONDITIONS VIOLATIONS

Suspension of Parole or Post-Prison Supervision; Citation to Appear
255-75-002

(1) When the [Board is informed] supervising officer or other person informs the Board of reasonable grounds to believe that a person has violated the conditions of parole or post-prison supervision, or that parole is no longer in the best interests of the parolee or the community, and that the revocation of parole or post-prison supervision may be justified or, in the case of parole only, an extension of parole may be justified, the Board may:

[(1)](a) suspend the running of the sentence and the parole or post-prison supervision term and order the [parolee/]offender arrested and detained pending a [revocation] violation hearing; or

[(2)](b) issue a citation to [show cause why parole or post-prison supervision should not be revoked] appear at a violation hearing without first suspending parole or the post-prison supervision term or ordering detention. [The citation may be issued by the Board or the Board may expressly authorize its designated representative to issue a citation.]

(2) One Board member may issue a suspend and detain warrant or a citation to appear at violation hearings.

(3) The Board may authorize, in writing, that its designated representative may issue citations to appear at a violation hearing.

Statutory Authority: (ORS 144.025(3), 144.106, 144.331, 144.334)

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 4/30/92, temporary; 6/24/92, temporary)

Temporary effective 6/24/92 to 12/20/92
became permanent 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Suspension of Parole or Post-Prison Supervision; Citation to Appear
255-75-002

(1) When the [Board is informed] supervising officer or other person informs the Board of reasonable grounds to believe that a person has violated the conditions of parole or post-prison supervision, or that parole is no longer in the best interests of the parolee or the community, and that the revocation of parole or post-prison supervision may be justified or, in the case of parole only, an extension of parole may be justified, the Board may:

[(1)](a) suspend the running of the sentence and the parole or post-prison supervision term and order the [parolee/]offender arrested and detained pending a [revocation] violation hearing; or

[(2)](b) issue a citation to [show cause why parole or post-prison supervision should not be revoked] appear at a violation hearing without first suspending parole or the post-prison supervision term or ordering detention. [The the citation or the Board may expressly authorize its designated representative to issue a citation.]

(2) One Board member may issue a suspend and detain warrant or a citation to appear at a violation hearing.

(3) In cases of community safety conditions violations, the supervisory authority shall issue a citation to appear and may request a suspend and detain order for:

(a) highest risk offenders who engage in serious or moderately serious violation behavior; and

(b) medium risk offenders who engage in serious violation behavior.

(4) The supervisory authority shall issue a citation to appear to:

(a) highest risk offenders who engage in less serious violation behavior;

(b) medium risk offenders who engage in moderately serious violation behavior; and

Temporary effective 4/30/92 to 10/26/92
superceded by temporary effective
6/24/92 to 12/20/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

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PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

- (c) lowest risk offenders who engage in serious violation behavior.
- (5) The supervisory authority shall request a Board suspend and detain warrant when the health or safety of the community is seriously at risk and community interventions cannot be successfully applied, when the Board orders an "Arrest, Suspend and Detain " condition, or when the offender:
- (a) has absconded supervision and the supervising officer has exhausted all reasonable means to locate;
- (b) commits person-to-person felony criminal activity (except Burglary I without a weapon); or
- (c) has demonstrated unwillingness or inability to comply with the intermediate local sanctions or interventions.
- (6) The supervisory authority may issue a citation to appear when:
- (a) the offender contests an alleged violation or declines to accept an intermediate local sanction or intervention.
- (b) possesses or uses a dangerous or deadly weapon; or
- (7) The temporary amendments made to this rule on April 30 , 1992 shall apply only to supervisory authorities conducting intermediate sanction guidelines pilot projects pursuant to written agreement with the Board. All other supervisory authorities shall continue to use the permanent rule filed and effective on October 16, 1989.

Statutory Authority: (ORS 144.025(3), 144.106, 144.331, 144.334)

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 4/30/92, temporary)

Temporary effective 4/30/92 to 10/26/92
superceded by temporary effective
6/24/92 to 12/20/92

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Suspension of Parole or Post-Prison
Supervision; Citation
255-75-002

When the Board is informed of reasonable grounds to believe that a person has violated the conditions of parole or post-prison supervision, or that parole is no longer in the best interests of the parolee or the community, and that the revocation of parole or, in the case of parole only, an extension of [supervised parole] supervision may be justified, the Board may:

- (1) suspend parole or post-prison supervision and order the parolee/offender arrested and detained pending a [parole violation] revocation hearing; or
- (2) issue a citation to show cause why parole or post-prison supervision should not be revoked without first suspending parole or the post-prison supervision term or ordering detention. The citation may be issued by the Board or the Board may expressly authorize its designated representative to issue a citation.

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PROCEDURES FOR REVOCATION OF PAROLE

Supension of Parole; Citation
244-75-002

When the Board is informed of reasonable grounds to believe that a person has violated the conditions of parole, or that parole is no longer in the best interests of the parolee or the community, and that the revocation of parole or an extension of supervised parole [the conditional discharge date] may be justified, the Board may:

- (1) [S] suspend parole and order the parolee arrested and detained pending a parole violation hearing; or
- (2) [I] issue a citation to show cause why parole should not be revoked [appear at a parole revocation hearing,] without first suspending parole or ordering detention. The citation may be issued [effected] by the Board or the Board may expressly authorize its designated representative to issue a citation.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-002 Suspension of Parole; Citation

- (1) When the Board is informed of reasonable grounds to believe a person has violated the conditions of parole and that revocation of parole or extension of the conditional discharge date may be justified, the Board may:
- (a) Suspend parole and order the parolee arrested and detained pending a parole violation hearing; or
 - (b) Issue a citation to appear at a parole violation hearing, without first suspending parole or ordering detention. The citation may be effected by the Board or its designated representative.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-001 Suspension of Parole; Citation

- (1) When the Board is informed of reasonable grounds to believe a person has violated the conditions of parole and that revocation of parole or extension of the conditional discharge date may be justified, the Board may:
- (a) Suspend parole and order the parolee arrested and detained pending a parole revocation hearing; or
- (b) Issue a citation to appear at a parole revocation hearing, without first suspending parole or ordering detention.

DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0003

Criteria for Allowing Offender to Remain in Community Pending Hearing

In determining whether to allow an offender to remain in the community pending the violation hearing and final order, the Sanction Authority may consider:

- (1) the seriousness of the allegations and the risk to the offender or the community
- (2) the likelihood of the offender absconding or failing to appear at the hearing;
- (3) the availability of resources in the community such as residence or employment.
- (4) any recommendation by the parole and post-prison supervision officer.
- (5) The Sanction Authority may release offenders detained under a Sanction Authority warrant, after the violation hearing, when recommending local sanctions or intervention and continuance of parole or post prison supervision.

Statutory Authority: ORS 144.331(2)

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89;
4/30/92, temporary, 10/9/92; 10/29/93, temporary 11/14/97; 05/11/98)

05/11/98

Conditions Violations

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

Criteria for Allowing Offender to Remain in Community Pending Hearing
255-75-003

In determining whether to allow an offender to remain in the community pending the violation hearing and final order, the Board or the Hearings Officer may consider:

- (1) the seriousness of the allegations and the risk to the offender or the community;
- (2) the likelihood of the offender absconding or failing to appear at the hearing;
- (3) the availability of resources in the community such as residence or employment;
- (4) any recommendation by the parole and post-prison supervision officer.
- (5) The Hearings Officer may release offenders detained under a Board warrant, after the violation hearing, when:
 - (a) recommending local sanctions or intervention and continuance of parole or post-prison supervision[;],
 - [(b) the alleged violation behavior is not person-to-person criminal activity; and
 - (c) the crimes for which the offender was sentenced to the Department of Correction's custody were non person-to-person crimes as defined by Exhibit A1 of the Board rules, except for Burglary I cases in which there was no physical threat or harm to victims.]

Statutory Authority: ORS 144.331(2)

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 4/30/92, temporary, 10/9/92; 10/29/93)

Permanent effective 10/29/93

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Criteria for Allowing [Parolee/]Offender to Remain in Community Pending
Hearing
255-75-003

In determining whether to allow an [a parolee/]offender to remain in the community pending the [revocation] violation hearing and final order, the Board or the Hearings Officer may consider:

- (1) the seriousness of the allegations and the risk to the [parolee/]offender or the community;
- (2) the likelihood of the [parolee/]offender absconding or failing to appear at the hearing;
- [(3) the availability of bail (when applicable);]

[(4)](3) the availability of resources in the community such as residence or employment; [or]

[(5)](4) any recommendation by the parole and post-prison supervision officer. [; or]

(5) The Hearings Officer may release offenders detained under a Board warrant, after the violation hearing, when:

- (a) recommending local sanctions or intervention and continuance of parole or post-prison supervision;
- (b) the alleged violation behavior is not person-to-person criminal activity; and
- (c) the crimes for which the offender was sentenced to the Department of Correction's custody were non person-to-person crimes as defined by Exhibit AI of the Board rules, except for Burglary I cases in which there was no physical threat or harm to victims.

Temporary effective 4/30/92 to 10/26/92
became permanent 10/9/92

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Criteria for Allowing Parolee/
Offender to Remain in Community
Pending Hearing
255-75-003

In determining whether to allow a parolee/offender to remain in the community pending the [parole violation] revocation hearing, the Board may consider:

- (1) the seriousness of the allegations and the risk to the parolee/offender or the community;
- (2) the likelihood of the parolee/offender absconding or failing to appear at the hearing;
- (3) the availability of bail (when applicable);
- 4) the availability of resources in the community such as residence or employment; or
- (5) any recommendation by the parole and post-prison supervision officer.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Criteria for Allowing Parolee to Remain in Community Pending
Hearing
255-75-003

In determining whether to allow a parolee to remain in the community pending the parole violation hearing, the Board may consider:

- (1) [T] the seriousness of the allegations and the risk to the parolee or the community;
- (2) [T] the likelihood of the parolee absconding or failing to appear at the hearing;
- (3) [T] the availability of bail (when applicable);
- (4) [T] the availability of resources in the community such as residence [and/] or employment; or
- (5) [A] any recommendation by the parole officer.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-003 Criteria For Allowing Parolee To Remain In Community
Pending Hearing

In determining whether to allow a parolee to remain in the
community pending the parole revocation hearing, the Board
may consider:

- (a) The seriousness of the allegations and the risk to
the community;
- (b) The likelihood of the parolee absconding or failing
to appear at the hearing;
- (c) The availability of bail (when applicable);
- (d) The availability of resources in the community such
as residence and/or employment;
- (e) Any recommendation by the parole officer.



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0004

Guidelines for "Best Interest" Return

When the Sanction Authority determines that an offender's release on parole or post-prison supervision is not in the best interest of the offender or in the best interest of society, the Sanction Authority may return the offender to custody. This type of return to custody may apply when:

- (1) The offender is suffering from an emotional or psychological disturbance which makes the offender dangerous to self or others if left in the community. The following behavior may indicate a dangerous emotional or psychological disturbance:
 - (a) showing a present capacity to carry out any statements or threats of violence against the offender or the community; or
 - (b) circumstances and conduct similar to that which led to the initial incarceration; or
- (2) The offender's behavior cannot be adequately controlled if left in the community.
- (3) Best interest returns for offenders on post-prison supervision shall not exceed 90 days, and must be approved by the Sanction Authority.

Statutory Authority: ORS 144.270(2)(g), 144.350(2)

History: (3/14/88, temporary; 5/19/88; 10/16/89; 10/9/92, temporary 11/14/97;
05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

DIVISION 75

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Guidelines for "Best Interest" Return

255-75-004

Revocation of parole or post-prison supervision, when it is not ["] in [my] the best interest of the offender or in the best interest of society, ["] shall refer to the following situations:

- (1) The [parolee/]offender is suffering from an emotional or psychological disturbance which makes the [parolee/]offender dangerous to self or others if left in the community. The following behavior may indicate a dangerous emotional or psychological disturbance [may be indicated by, but not limited to, threatening behavior in the form of]:
 - (a) showing a present capacity to carry out any statements or threats of violence against the [parolee/]offender or the community; or
 - (b) circumstances and conduct similar to that which led to [the substantial duplication of circumstances and conduct which led to] the initial incarceration; or
- (2) The [parolee's/]offender's behavior cannot be adequately controlled if left in the community [(e.g., demonstrated failure to follow through on a previously accepted mental health treatment program, or other treatment programs)]
- [(3) Upon release on parole or post-prison supervision, an existing probation is revoked, resulting in the prisoner's return to custody of the Department of Corrections' custody for criminal activity which did not occur while on parole or post-prison supervision; or]
- [(4) The parolee/offender receives a new conviction or new commitment to the custody of the Department of Corrections for criminal activity which did not occur while on parole or post-prison supervision.]

Statutory Authority: (ORS 144.270(2)(g), 144.350(2))

History: (3/14/88, temporary; 5/19/88; 10/16/89; 10/9/92)

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Guidelines for "Best Interest" Return
255-75-004

Revocation of parole or post-prison supervision when it is not "in my best interest or in the best interest of society" shall refer to the following situations:

- (1) The parolee/offender is suffering from an emotional or psychological disturbance which makes the parolee/offender dangerous to self or others if left in the community. The emotional or psychological disturbance may be indicated but not limited to threatening behavior in the form of:
 - (a) showing a present capacity to carry out any statements or threats of violence against the parolee/offender or the community; or
 - (b) The substantial duplication of circumstances and conduct which led to the initial incarceration;
- (2) The parolee's/offender's behavior cannot be adequately controlled if left in the community (e.g., demonstrated failure to follow through on a previously accepted mental health treatment program, or other treatment programs);
- (3) Upon release on parole or post-prison supervision, existing probation is revoked, resulting in the prisoner's return to [the] custody of the Department of Corrections for criminal activity which did not occur while on parole or post-prison supervision; or
- (4) The [prisoner]parolee/offender receives a new conviction or new commitment to the custody of the Department of Corrections for criminal activity which did not occur while on parole or post-prison supervision.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Guidelines for "Best Interest" Return
255-75-004

Revocation of parole when it is not "in my best interest or in the best interest of society" shall refer to the following situations:

- (1) The parolee is suffering from an emotional or psychological disturbance which makes the parolee dangerous to self or others if left in the community. The emotional or psychological disturbance may be indicated but not limited to threatening behavior in the form of:
 - (a) showing a present capacity to carry out any statements or threats of violence against the parolee or the community; or
 - (b) The substantial duplication of circumstances and conduct which led to the initial incarceration;
- (2) The parolee's behavior cannot be adequately controlled if left in the community (e.g., demonstrated failure to follow through on a previously accepted mental health treatment program, or other treatment programs);
- (3) Upon release on parole an existing probation is revoked, resulting in the prisoner's return to the custody of the Department of Corrections for criminal activity which did not occur while on parole; or
- (4) The prisoner receives a new commitment to the custody of the Department of Corrections for criminal activity which did not occur while on parole.



DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

255-075-0005

Hearing Requirement: Procedure

- (1) Except as otherwise provided by these rules, before the Board can revoke parole or extend active parole supervision for offenders whose crimes occurred on or after December 4, 1986, and before November 1, 1989 (BM10), the Board or Hearings Officer shall conduct a hearing.
- (2) When the offender waives the hearing and/or consents to the order, the Board need not conduct a hearing when the Board extends supervision for offenders whose crimes occurred on or after December 4, 1986 and before November 1, 1989 (BM10).
- (3) Except in the cases set forth in OAR 255-075-0015 and section (6) of this rule, the Sanction Authority shall impose administrative sanctions or shall initiate a hearing within fifteen (15) days of arrest or detention for the violation of parole or post-prison supervision conditions.
- (4) If an in-custody violation hearing and a final order cannot be accomplished within fifteen (15) days, a supervising officer or Hearings Officer shall request a non-bailable suspend and detain warrant from the Sanction Authority
- (5) A Hearings Officer can impose up to sixty (60) days of local confinement after conducting a violation hearing or if an offender waives the hearing. In doing so, the Hearings Officer may issue a final order subject to the approval of the Sanction Authority, but immediately effective. If the Hearings Officer recommends a sanction that exceeds sixty (60) days, it must be approved by the Supervisory Authority before being considered by the Sanction Authority. [Before a Hearings Officer can order more than sixty (60) days of local confinement without the offender's consent, the Hearings Officer shall conduct a violation hearing. Unless the Hearings Officer recommends a sanction, which is beyond his or her authority to order, the Hearings Officer may issue a final order subject to approval of the Sanction Authority, but immediately effective. If the recommended sanction exceeds sixty (60) days, it must be approved by the Supervisory Authority.]
- (6) If an offender consents to a sanction, intervention, or the recommendation of a revocation, a violation hearing is not required. A revocation involving a return to prison will require a future disposition hearing. If the offender contests any of the allegations, the offender may request a hearing. [A hearing is not required when an administrative sanction or intervention involves local confinement of ninety (90) days or less when the offender consents to the sanctions or interventions. If the offender contests the allegations, the offender may request a hearing.]

Statutory Authority: ORS 144.050, 144.106(3), 144.108, 144.140 144.331(2), 144.343, 144.350, 144.370

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 5/1/91, temporary; 10/15/91; 4/30/92, temporary; 10/9/92 temporary 11/14/97; 05/11/98, ~~08/30/06 NOTICE~~)

Permanently Effective 10/30/06

DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS**

255-075-0005

Hearing Requirement: Procedure

- (1) Except as otherwise provided by these rules, before the Board can revoke parole or extend active parole supervision for offenders whose crimes occurred on or after December 4, 1986, and before November 1, 1989 (BM10), the Board or Hearings Officer shall conduct a hearing.
- (2) When the offender waives the hearing and/or consents to the order, the Board need not conduct a hearing when the Board extends supervision for offenders whose crimes occurred on or after December 4, 1986 and before November 1, 1989 (BM10).
- (3) Except in the cases set forth in OAR 255-075-0015 and section (6) of this rule, the Sanction Authority shall impose administrative sanctions or shall initiate a hearing within fifteen (15) days of arrest or detention for the violation of parole or post-prison supervision conditions.
- (4) If an in-custody violation hearing and a final order cannot be accomplished within fifteen (15) days, a supervising officer or Hearings Officer shall request a non-bailable suspend and detain warrant from the Sanction Authority.
- (5) Before a Hearings Officer can order more than sixty (60) days of local confinement without the offender's consent, the Hearings Officer shall conduct a violation hearing. Unless the Hearings Officer recommends a sanction, which is beyond his or her authority to order, the Hearings Officer may issue a final order subject to approval of the Sanction Authority, but immediately effective. If the recommended sanction exceeds sixty (60) days, it must be approved by the Supervisory Authority.
- (6) A hearing is not required when an administrative sanction or intervention involves local confinement of ninety (90) days or less when the offender consents to the sanctions or interventions. If the offender contests the allegations, the offender may request a hearing.

Statutory Authority: ORS 144.106(3), 144.108, 144.331(2), 144.343, 144.350, 144.370
History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
10/16/89; 5/1/91, temporary; 10/15/91; 4/30/92, temporary; 10/9/92
temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON SUPERVISION CONDITIONS VIOLATIONS

Hearing Requirement: Procedure
255-75-005

- (1) Except as otherwise provided by these rules, [B]before the Board can revoke parole or post-prison supervision, modify conditions, or extend active parole supervision, the Board or a Hearings Officer shall conduct a [revocation] hearing.
- (2) The Board or Hearings Officer need not conduct a hearing when the offender waives the hearing and/or consents to the order or when the Board extends supervision for offenders whose crimes occurred on or after 12/4/86 and before 11/1/89 (BM10).
- [(2)](3) Except in the cases set forth in OAR 255-75-015 and section (6) of this rule, the Board or Hearings Officer shall conduct the hearing within a reasonable time after the [parole and post-prison supervision] supervising officer or other person notifies the Board or Hearings Officer of the alleged violations. [The Board or Hearings Officer shall conduct the hearing reasonably near the place of the alleged violation or the place of confinement or may conduct the hearing by teleconference.]
- [(3)] Except as otherwise provided by a letter of agreement, before a Hearings Officer can hold an out of custody hearing, the parole and post-prison supervision officer responsible for supervising the parolee/]offender shall obtain a citation to appear from the Board.]
- (4) [Except as otherwise provided by a letter of agreement, for an] If an in-custody [revocation] violation hearing and a final order cannot be accomplished within fifteen (15) days of arrest, the [parole and post-prison supervision] supervising officer or Hearings Officer shall request a non-bailable suspend and detain warrant from the Board.
- (5) [One Board member may issue a citation to appear or a suspend and detain warrant.] Before a Hearings Officer can modify conditions or order more than 15 days of local confinement without the offender's consent, the Hearings Officer shall conduct a violation hearing. Unless the Hearings Officer recommends a sanction, which is beyond his or her authority to order, the Hearings Officer may issue a final order subject to approval of the Board, but immediately effective.
- (6) A hearing is not required when an intermediate local sanction or intervention involves local confinement of 15 days or less or when the offender consents to other sanctions, interventions or conditions. If the offender contests the allegations, the offender may request a hearing.

Statutory Authority: (ORS 144.106(3), 144.108, 144.331(2), 144.343, 144.350, 144.370)

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 5/1/91, temporary; 10/15/91; 4/30/92, temporary; 10/9/92)

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Hearing Requirement: Procedure

255-75-005

(1) Before the Board can revoke parole or post-prison supervision, modify conditions, or extend active parole supervision, the Board or a Hearings Officer shall conduct a [revocation] hearing.

(2) The Board or Hearings Officer need not conduct a hearing when the offender waives the hearing and/or consents to the order or when the Board extends supervision for offenders whose crimes occurred on or after 12/4/86 and before 11/1/89 (BM10).

[(2)](3) Except in the cases set forth in OAR 255-75-015 and section (6) of this rule, the Board or Hearings Officer shall conduct the hearing within a reasonable time after the [parole and post-prison supervision] supervising officer or other person notifies the Board or Hearings Officer of the alleged violations. [The Board or Hearings Officer shall conduct the hearing reasonably near the place of the alleged violation or the place of confinement or may conduct the hearing by teleconference.]

[(3)] Except as otherwise provided by a letter of agreement, before a Hearings Officer can hold an out of custody hearing, the parole and post-prison supervision officer responsible for supervising the parolee/]offender shall obtain a citation to appear from the Board.]

(4) [Except as otherwise provided by a letter of agreement, for an] If an in-custody [revocation] violation hearing and a final order cannot be accomplished within fifteen (15) days of arrest, the [parole and post-prison supervision] supervising officer or Hearings Officer shall request a non-bailable suspend and detain warrant from the Board.

(5) [One Board member may issue a citation to appear or a suspend and detain warrant.] Before a Hearings Officer can modify conditions or order more than 15 days of local confinement without the offender's consent, the Hearings Officer shall conduct a violation hearing. Unless the Hearings Officer recommends a sanction beyond his or her written authority, the Hearings Officer may issue a final order subject to approval of the Board, but immediately effective.

(6) Unless an intermediate local sanction or intervention involves local confinement of more than 15 days or modification of conditions without consent, a hearing is not required. If the offender contests the allegations, the offender may request a hearing.

(7) The temporary amendments made to this rule on April 30, 1992 shall apply only to supervisory authorities conducting intermediate sanction guidelines pilot projects pursuant to written agreement with the Board. All other supervisory authorities shall continue to use the permanent rule filed and effective on October 15, 1991.

Statutory Authority: (ORS 144.106(3), 144.108, 144.331(2), 144.343, 144.350, 144.370)

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 5/1/91, temporary; 10/15/91; 4/30/92, temporary)

Temporary effective 4/30/92 to 10/26/92
Superseded by permanent filing 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Hearing Requirement: Procedure (ORS 144.331(2), 144.343, 144.370,) 255-75-005 (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 5/1/91, temporary; 10/15/91)

- (1) Before the Board can revoke parole or post-prison supervision, the Board or a Hearings Officer shall conduct a revocation hearing [shall be conducted].
- (2) Except in the cases set forth in OAR 255-75-015, the Board or Hearings Officer shall conduct the hearing [shall be held] within a reasonable time after the parole and post-prison supervision officer or other person notifies the Board [is notified] of the alleged violations. [and] The Board or Hearings Officer shall conduct the hearing reasonably near the place of the alleged violation or the place of confinement or may conduct the hearing by teleconference.
- (3) Except as otherwise provided by a letter of agreement, [B]before a Hearings Officer can hold an out-of-custody hearing, the parole and post-prison supervision officer responsible for supervising the parolee/offender [must] shall obtain a citation to appear from the Board.
- (4) Except as otherwise provided by a letter of agreement, [F]for an in-custody revocation hearing, the parole and post-prison supervision officer [must] shall request a non-bailable suspend and detain warrant from the Board.
- (5) One Board member may issue [A] a citation to appear or a suspend and detain warrant [requires three affirmative votes by the Board].

Permanent effective 10/15/91

Revocation of Parole

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Hearing Requirement: Procedure (ORS 144.331(2), 144.343, 144.370,
255-75-005 (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary;
5/19/88; 10/16/89; 5/1/91, temporary)

- (1) Before the Board can revoke parole or post-prison supervision, a revocation hearing shall be conducted.
- (2) Except in the cases set forth in OAR 255-75-015, the hearing shall be held within a reasonable time after the Board is notified of the alleged violations and reasonably near the place of the alleged violation or the place of confinement.
- (3) Before a Hearings Officer can hold an out of custody hearing, the parole and post-prison supervision officer responsible for supervising the parolee/offender must obtain a citation to appear from the Board.
- (4) For an in custody revocation hearing, the parole and post-prison supervision officer must request a non-bailable suspend and detain warrant from the Board.
- (5) One Board member may issue [A] a citation to appear or a suspend and detain warrant [requires three affirmative votes by the Board].

Temporary effective 5/1/91 to 10/27/91
superceded by permanent filing 10/15/91

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Hearing Requirement: Procedure
255-75-005

- (1) Before the Board can revoke parole or post-prison supervision, a [parole violation] revocation hearing shall be conducted.
- (2) Except in the cases set forth in OAR 255-75-015, [T]the hearing shall be held within a reasonable time after the Board is notified of the alleged violations and reasonably near the place of the alleged violation or the place of confinement.
- (3) Before a Hearings Officer can hold an out of custody hearing, the parole and post-prison supervision officer responsible for supervising the parolee/offender must obtain a citation to appear from the Board.
- (4) For an in custody [parole] revocation hearing, the parole and post-prison supervision officer must request a non-bailable suspend and detain warrant from the Board.
- (5) A citation to appear or a suspend and detain warrant requires three affirmative votes by the Board.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Hearing Requirement: Procedure
255-75-005

- (1) Before the Board can revoke parole, [it shall conduct] a parole violation hearing shall be conducted.
- (2) The hearing shall be held within a reasonable time after the Board is notified of the alleged violations and reasonably near the place of the alleged violation or the place of confinement.
- (3) Before a Hearings Officer can hold an out of custody hearing, the parole officer responsible for supervising the parolee must obtain a citation to appear from the Board.
- (4) For an in custody parole revocation hearing, the parole officer must request a non bailable suspend and detain warrant from the Board.
- (5) A citation to appear or a suspend and detain warrant requires three affirmative votes by the Board.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-005 Hearing Requirement: [Time; Place; Presiding Officer;]
Procedure

Before the Board can revoke parole, it shall conduct a parole violation hearing [according to the procedures in this Division:].

(1) The hearing shall be held within a reasonable time after the Board is notified of the alleged violations and reasonably near the place of the alleged violations or the place of confinement;

[(2) The hearing may be conducted by a Parole Board Hearings Officer.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-005 Hearing Requirement: Procedure [Time; Place; Presiding Officer];

Before the Board can revoke parole, it shall conduct a hearing according to the procedures in this Division.[:]

- [(1) The hearing shall be held within a reasonable time after the Board is notified of the alleged violations and reasonably near the place of the alleged violations or the place of confinement;
- (2) The hearing may be conducted by a Parole Board Hearings Officer.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Hearing Requirement: Time; Place; Presiding Officer

255-75-005 Before the Board can revoke parole, it shall conduct a hearing according to the procedures in this division.

(1) The hearing shall be held within a reasonable time after the Board is notified of the alleged violations and reasonably near the place of the alleged violations or the place of confinement.

(2) The hearing may be conducted by a Parole Board Hearings Officer.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS**

255-075-0006

Method of Hearing

The Hearing Officer may conduct hearings by teleconference or video conference. The Hearing Officer shall conduct hearings in person or by video conference in the following situations:

- (1) the alleged violations are contested and the offender or the offender's attorney shows that the witness's credibility, including observation of the witness's demeanor is necessary;
- (2) physical exhibits may be part of the record and viewing the exhibits is essential, and the exhibits can not be viewed in some other manner;
- (3) there are unusual circumstances not covered by this section, determined at the Hearing Officer's discretion.

Statutory Authority: ORS 144.035(5), 144.343(1)

History: (11/4/81, temporary; 5/19/82; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 10/9/92, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON SUPERVISION CONDITIONS VIOLATIONS

Method of Hearing
255-75-006

The Hearing Officer may conduct [H]hearings [may be conducted] by teleconference. The Hearing Officer shall conduct [P]person to person hearings [shall be conducted by a Hearings Officer] in the following situations:

- (1) the alleged violations are contested and the [parolee/]offender or the [parolee's/]offender's attorney shows that the witness's credibility [of the witness], including [the] observation of the witness's demeanor [would be] is necessary;
- (2) physical exhibits [are to] may be part of the record and viewing the exhibits [would be] is essential;
- (3) there are unusual circumstances not covered by this section, [to be] determined at the Hearing Officer's discretion [of the Hearings Officer]. [;or]
- [(4) when circumstances dictate that the Hearing Officer cannot conduct a teleconference hearing [hearings cannot be conducted by teleconference] (i.e., no telephone available for hearings in the confining facility).]

Statutory Authority: (ORS 144.035(5), 144.343(1))

History: (11/4/81, temporary; 5/19/82; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 10/9/92)

Permanent effective 10/9/92

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Method of Hearing

255-75-006

Hearings may be conducted by teleconference. Person to person hearings shall be conducted by a Hearings Officer in the following situations:

- (1) the alleged violations are contested and the parolee/offender or the parolee's/offender's attorney shows that the credibility of the witness, including the observation of the witness's demeanor would be necessary;
- (2) physical exhibits are to be part of the record and viewing the exhibits would be essential;
- (3) there are unusual circumstances not covered by this section, to be determined at the discretion of the Hearings Officer; or
- (4) when circumstances dictate that hearings cannot be conducted by teleconference (i.e., no telephone available for hearings in the confining facility).

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Method of Hearing
255-75-006

Hearings may [shall] be conducted by teleconference, [telephone call. Exceptions will be made in the following situations by the hearings officer when:] Person to person hearings shall be conducted by a Hearings Officer in the following situations:

- (1) [T] the alleged violations are contested and the parolee or the parolee's attorney shows that the credibility of the witness, including the observation of [his/her] the witness's demeanor would be necessary [.]
- (2) [P] physical exhibits are to be part of the record and viewing [of] the exhibits would be essential [.]
- (3) [T] there are unusual circumstances not covered by this section, to be determined at the discretion of the Hearings Officer; or [.]
- (4) [W] when circumstances dictate that hearings cannot be conducted by [telephone] teleconference [call] (i.e., no telephone available for hearings in the confining facility).

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-006 [Utilization of Conference Call Hearing; Objections to Conference Call Procedure; Determination of Situation Requiring On-Site Hearings] Method of Hearing

[All] [h]Hearings [under Division 75] shall be conducted by conference telephone call. Exceptions [to the rule] will be made [only] in the following situations by the hearings officer when:

- (1) [Where] [t]The alleged violations are contested and [there is an affirmative showing by either] the parolee or [his/her] attorney show that the credibility of the witness[es], including observation of [their] his/her demeanor[,], would be necessary. [a primary issue for determination by the Hearings Officer;]
- (2) Physical exhibits are to be [made a] part of the record and viewing of the exhibits would be essential. [in determining whether a violation of parole has occurred;]
- (3) [At the discretion of the Hearings Officer in situations not covered by either sections (1) or (2) of this rule.] There are unusual circumstances not covered by this section, to be determined at the discretion of the Hearings Officer.
- (4) When circumstances dictate that hearings cannot be conducted by telephone conference call (i.e., no telephone available for hearings in the confining facility

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-006 Method of Hearing [Utilization of Conference Call Hearing; Objections to Conference Call Procedure; Determination of Situation Requiring On-Site Hearings]

All hearings [under Division 75] shall be conducted by conference telephone call. Exceptions [to the rule] will be made [only] in the following situations by the hearings officer when:

- (1) [Where] [t]The alleged violations are contested and [there is an affirmative showing by either] the parolee or [his/her] attorney show that the credibility of the witness[es], including observation of [their] his/her demeanor[,] would be necessary. [a primary issue for determination by the Hearings Officer;]
- (2) Physical exhibits are to be [made a] part of the record and viewing of the exhibits would be essential. [in determining whether a violation of parole has occurred;]
- (3) There are unusual circumstances not covered by this section, to be determined at the discretion of the hearings officer. [At the discretion of the Hearings Officer in situations not covered by either sections (1) or (2) of this rule.]

Temporary effective 11/19/84 to 5/17/85

but superceded by permanent filing
2/28/85

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Method of Hearing: Utilization of Conference Call Hearing;
Objections to Conference Call Procedure; Determination
of Situation Requiring On-Site Hearings.

255-75-006 (1) All hearings under Division 75 shall be
conducted by conference telephone call. Exceptions to the
rule will be made only in the following situations:

(a) Where the alleged violations are contested and there
is an affirmative showing by either the parolee or his/her
attorney that credibility of the witnesses, including ob-
servations of their demeanor, would be a primary issue for
determination by the Hearings Officer.

(b) Physical exhibits are to be made a part of the record
and viewing of the exhibits would be essential in deter-
mining whether a violation of parole has occurred.

(c) At the discretion of the Hearings Officer in situ-
ations not covered by either subsection (a) or (b) above.



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0007

Designated Representative Conducts Hearing

- (1) The Sanction Authority or its designated representative shall conduct the probable cause and violation hearing.
- (2) "Designated representative" shall include those persons designated by the Sanction Authority, and trained and certified as Hearings Officers.

Statutory Authority: ORS 144.104(1), 144.331, 144.343

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89;
10/9/92, temporary 11/14/97; **05/11/98**)

05/11/98

Conditions Violations

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

DIVISION 75

PROCEDURES FOR [REVOCAION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Designated Representative Conducts Hearing; [Definitions]

255-75-007

- (1) The Board or the Board's designated representative shall conduct the [revocation] probable cause and violation hearing.
- (2) "Designated representative" shall include those persons designated by the Department of Corrections or the Board of Parole and Post-Prison Supervision as Hearings Officers.

Statutory Authority: (ORS 144.104(1), 144.331, 144.343)

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89;
10/9/92)

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Designated Representative to Conduct
Hearing
255-75-007

- (1) The Board's designated representative shall conduct the [parole] revocation hearing.
- (2) "Designated representative" shall include those persons designated by the Department of Corrections or the Board of Parole and Post Prison Supervision as Hearings Officers.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

[Hearings Officer/]Designated Representative to Conduct Hearing
255-75-007

- (1) The Board's [or its] designated representative shall conduct the parole revocation hearing.
- (2) "Designated representative" shall include those persons designated by the Department of Corrections or the Board of Parole [Division] as Hearings Officers.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-007 Presiding Officer; Designated Representative

- (1) The Board or its designated representative shall conduct the hearing.
- (2) "Designated representative" shall include those persons designated by the Corrections Division as Hearings Officer.



DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-008 Location of Hearing

The hearing will be held in or near the community where the violation is alleged to have occurred or where the parolee is in custody.



DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

[255-75-010 Board Action Upon Notification of Alleged Parole Violation; Criteria for; Release of Parolee Pending Hearing

- (1) When the Board is informed of reasonable grounds to believe a person has violated the conditions of his/her parole and that revocation of parole may be justified, the Board may:
 - (a) Suspend parole and order the parolee arrested and detained pending a parole revocation hearing;
 - (b) Suspend parole pending a parole revocation hearing without detaining the parolee;
 - (c) Continue parole and order a parole revocation hearing.

- (2) In determining whether to allow a parolee to remain in the community pending the parole revocation hearing, the Board shall consider:
 - (a) The risk presented by the parolee in light of the nature and seriousness of the allegations;
 - (b) The risk of the parolee absconding or failing to appear for the hearing;
 - (c) The availability of bail when applicable;
 - (d) The availability of resources or special situations in the community, including employment or school, evaluation or placement in a treatment program, medical emergencies or work release;
 - (e) Any recommendation by the parole officer.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

**Board Action Upon Notification of Alleged Parole Violation:
Criteria for; Release of Parolee Pending Hearing**

255-75-010 (1) When the Board is informed of reasonable grounds to believe a person has violated the conditions of his/her parole and that revocation of parole may be justified, the Board may:

(a) Suspend parole and order the parolee arrested and detained pending a parole revocation hearing.

(b) Suspend parole pending a parole revocation hearing without detaining the parolee.

(c) Continue parole and order a parole revocation hearing.

(2) In determining whether to allow a parolee to remain in the community pending the parole revocation hearing, the Board shall consider:

(a) The risk presented by the parolee in light of the nature and seriousness of the allegations;

(b) The risk of the parolee absconding or failing to appear for the hearing;

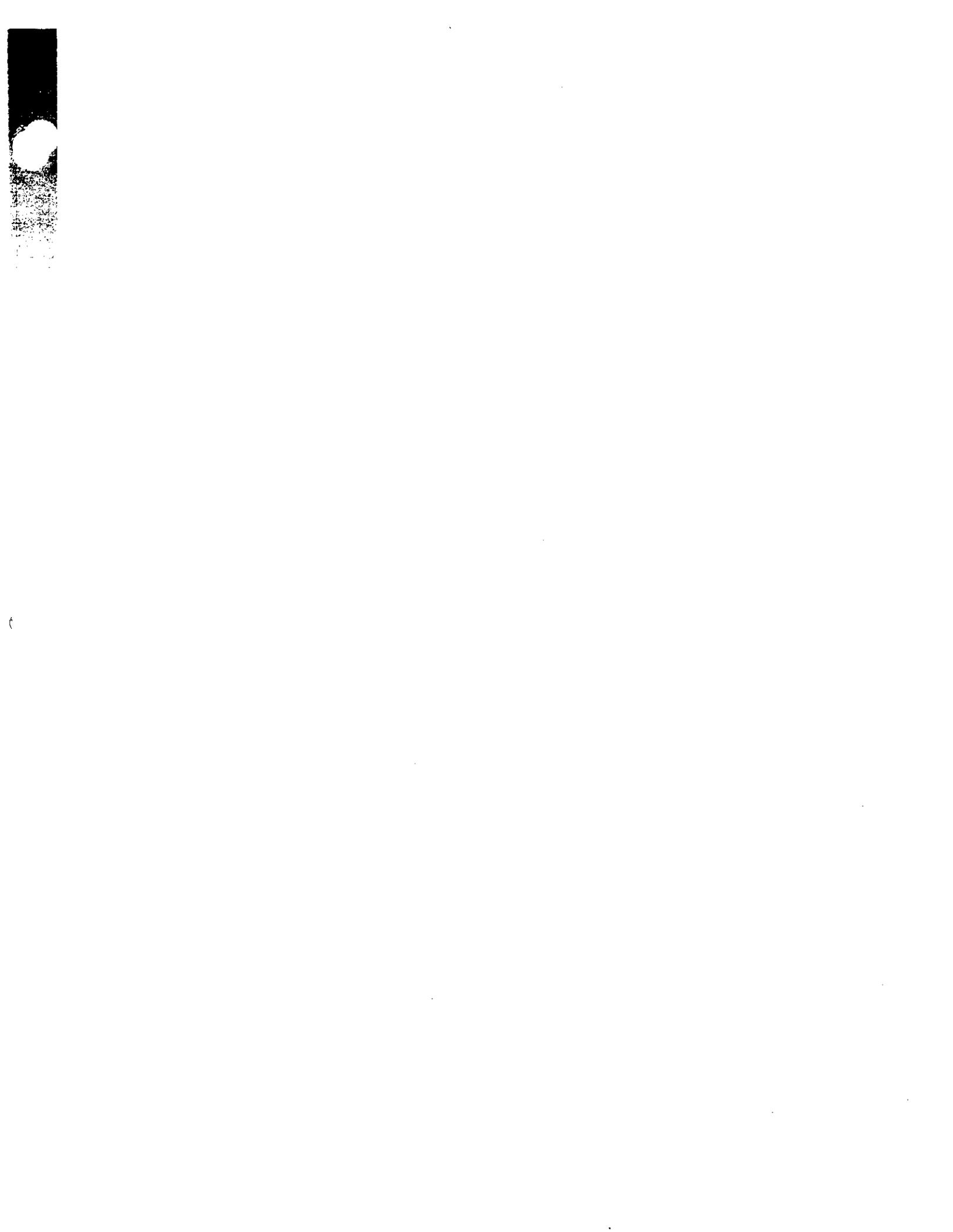
(c) The availability of bail when applicable;

(d) The availability of resources or special situations in the community, including employment or school, evaluation or placement in a treatment program, medical emergencies or work release;

(e) Any recommendation by the parole officer.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY

255-075-0015

When Offender in Another Jurisdiction: Return

- (1) The Sanction Authority may suspend parole or post-prison supervision and may order the offender's return to custody in Oregon without first conducting a hearing when:
 - (a) the offender has, without permission, left the state to which the Sanction Authority released the offender on parole or post-prison supervision, and is in custody in another jurisdiction;
 - (b) the offender is in custody in another correctional facility;
 - (c) the offender has absconded from supervision and the offender's whereabouts are unknown; or
 - (d) the offender has been convicted of a new crime.
- (2) Except as provided in ORS 144.345(2) and OAR 255-075-0005(6), the Sanction Authority or the Hearings Officer shall conduct a violation hearing after the offender returns to custody in Oregon. For purposes of these rules, the arrest date is the date the offender is returned to custody in Oregon.
- (3) Persons retaken and returned to this state from outside the state upon order or warrant of the Department of Corrections, the State Board of Parole & Post Prison Supervision or the Governor, for violation of conditions of parole or post-prison supervision, shall be detained in a Department of Corrections facility or a local correctional facility pending any hearing concerning the alleged violation and ultimate disposition by the State Board of Parole & Post-Prison Supervision.
- (4) Persons retaken and returned to this state from outside the state upon order or warrant of a local supervisory authority for violation of conditions of post-prison supervision may be detained in a local correctional facility pending a hearing concerning the alleged violation and ultimate disposition by the local supervisory authority.

Statutory Authority: ORS 144.340, 144.345(2), 144.349

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
10/16/89; 10/15/92, temporary; 4/15/92, temporary 11/14/97; 05/11/98,
01-25-00)

01-25-00 PERM

Conditions Violations

permanent effective 01/25/00

DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS**

255-075-0015

When Offender in Another Jurisdiction: Return

- (1) The Sanction Authority may suspend parole or post-prison supervision and may order the offender's return to custody in Oregon without first conducting a hearing when:
 - (a) the offender has, without permission, left the state to which the Sanction Authority released the offender on parole or post-prison supervision, and is in custody in another jurisdiction;
 - (b) the offender is in custody in another correctional facility;
 - (c) the offender has absconded from supervision and the offender's whereabouts are unknown; or
 - (d) the offender has been convicted of a new crime.

- (2) Except as provided in ORS 144.345(2) and OAR 255-075-0005(6), the Sanction Authority or the Hearings Officer shall conduct a violation hearing after the offender returns to custody in Oregon. For purposes of these rules, the arrest date is the date the offender is returned to custody in Oregon.

Statutory Authority: ORS 144.340, 144.345(2), 144.349

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
10/16/89; 10/15/92, temporary; 4/15/92, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

When Parolee/Offender in Another Jurisdiction: Return
255-75-015

- (1) The Board may suspend parole or post-prison supervision and may order the [parolee's/]offender's return to prison in Oregon without first conducting a hearing when:
- (a) the [parolee/]offender has, without permission, left the state to which the [parolee/offender was] Board released the offender on parole or post-prison supervision [without permission], and is in custody in another jurisdiction;
 - (b) the [parolee/]offender is in custody in another correctional facility;
 - (c) the [parolee/]offender has absconded from supervision and the [parolee's/]offender's whereabouts are unknown; or
 - (d) the [parolee/]offender has been convicted of a new crime.
- (2) Except as provided in ORS 144.345(2) and OAR 255-75-005(6), the Board or the Hearings Officer shall conduct a violation hearing [A]after the [parolee/]offender [is returned] returns to prison in Oregon. [, the parolee/offender shall be given a revocation hearing.]

Statutory Authority: (ORS 144.340; 144.345(2), 144.349)

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 4/15/92)

Permanent effective 4/15/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

When Parolee/Offender in Another Jurisdiction: Return

255-75-015 (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary;
5/19/88; 10/16/89; 10/15/91, temporary)

- (1) The Board may suspend parole or post-prison supervision and may order the parolee's/offender's return to prison in Oregon without first conducting a hearing when:
 - (a) the parolee/offender has left the state to which the parolee/offender was released on parole or post-prison supervision without permission, and is in custody in another jurisdiction;
 - (b) the parolee/offender is in custody in another correctional facility;
 - (c) the parolee/offender has absconded from supervision and the parolee's/offender's whereabouts are unknown; or
 - (d) the parolee/offender has been convicted of a new crime.

- (2) Except as otherwise provided by statute or rule, [A]after the parolee/offender is returned to prison in Oregon, the Board or a designated representative shall conduct a revocation hearing. [parolee/offender shall be given a revocation hearing.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Procedures When Parolee/Offender is
in Another Jurisdiction: Return of
Parolee/Offender
255-75-015

- (1) The Board may suspend parole or post-prison supervision and order the parolee's/offender's return to prison in Oregon without first conducting a hearing when:
 - (a) the parolee/offender has left the state to which the parolee/offender was released on parole or post-prison supervision [paroled] without permission, and is in custody in another jurisdiction;
 - (b) the parolee/offender is in custody in another correctional facility;
 - (c) the parolee/offender has absconded from supervision and the parolee's/offender's whereabouts are unknown; or
 - (d) the parolee/offender has been convicted of a new crime.
- (2) After the parolee/offender is returned to prison in Oregon, the parolee/offender shall be given a [parole] revocation hearing.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Procedures When Parolee is in Another Jurisdiction: Return of Parolee
255-75-015

- (1) The Board may suspend [a] parole and order the parolee's return to prison in Oregon without first conducting a hearing when:
 - (a) [T] the parolee has left the state to which the parolee [he/she] was paroled without permission, and is in custody in another jurisdiction;
 - (b) [T] the parolee is in [federal] custody in another correctional facility;
 - (c) [T] the parolee has absconded from supervision and the parolee's [his/her] whereabouts are unknown; or
 - (d) [T] the parolee has been convicted of a new crime [in another jurisdiction].
- (2) After the parolee is returned to prison in Oregon, the parolee [he/she] shall be given a parole revocation hearing [according to the provisions of this Division].

Temporary effective 3/14/88 to 9/9/88
permanent adoption 5/19/88

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-015 [Hearing Requirement] Procedure when Parolee is in Another Jurisdiction; Return of Parolee

- (1) The Board may suspend a parole and order the parolee's return to prison in Oregon without first conducting a hearing when:
 - (a) The Parolee has left the state to which he/she was paroled without permission and is in custody in another jurisdiction;
 - (b) The parolee is in federal custody;
 - (c) The parolee has absconded from supervision and his/her whereabouts are unknown;
 - (d) The parolee has been convicted of a new crime in another jurisdiction.
- (2) After the parolee is returned to prison in Oregon, he/she shall be given a parole revocation hearing according to the provisions of this [d] Division.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-015 Procedures When Parolee Is In Another Jurisdiction:
Return of Parolee [Hearing Requirement]

- (1) The Board may suspend a parole and order the parolee's return to prison in Oregon without first conducting a hearing when:
 - (a) The parolee has left the state to which he/she was paroled without permission and is in custody in another jurisdiction;
 - (b) The parolee is in federal custody;
 - [(c) The parolee has absconded from supervision and his/her whereabouts are unknown;]
 - (c) [(d)] The parolee has been convicted of a new crime in another jurisdiction.
- (2) After the parolee is returned to prison in Oregon, he/she shall be given a parole revocation hearing according to the provisions of this D[d]ivision.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Procedures When Parolee is in Another Jurisdiction: Return of Parolee; Hearing Requirement

255-75-015 (1) The Board may suspend a parole and order the parolee's return to prison in Oregon without first conducting a hearing when:

(a) The parolee has left the state to which he/she was paroled without permission and is in custody in another jurisdiction.

(b) The parolee is in federal custody.

(c) The parolee has absconded from supervision and his/her whereabouts are unknown.

(d) The parolee has been convicted of a new crime in another jurisdiction.

(2) After the parolee is returned to prison in Oregon, he/she shall be given a parole revocation hearing according to the provisions of this division.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

[255-75-020 Rights of a Parolee at a Formal Hearing

The parolee shall have the rights listed in ORS 144.343(4)
at a parole revocation hearing.]

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

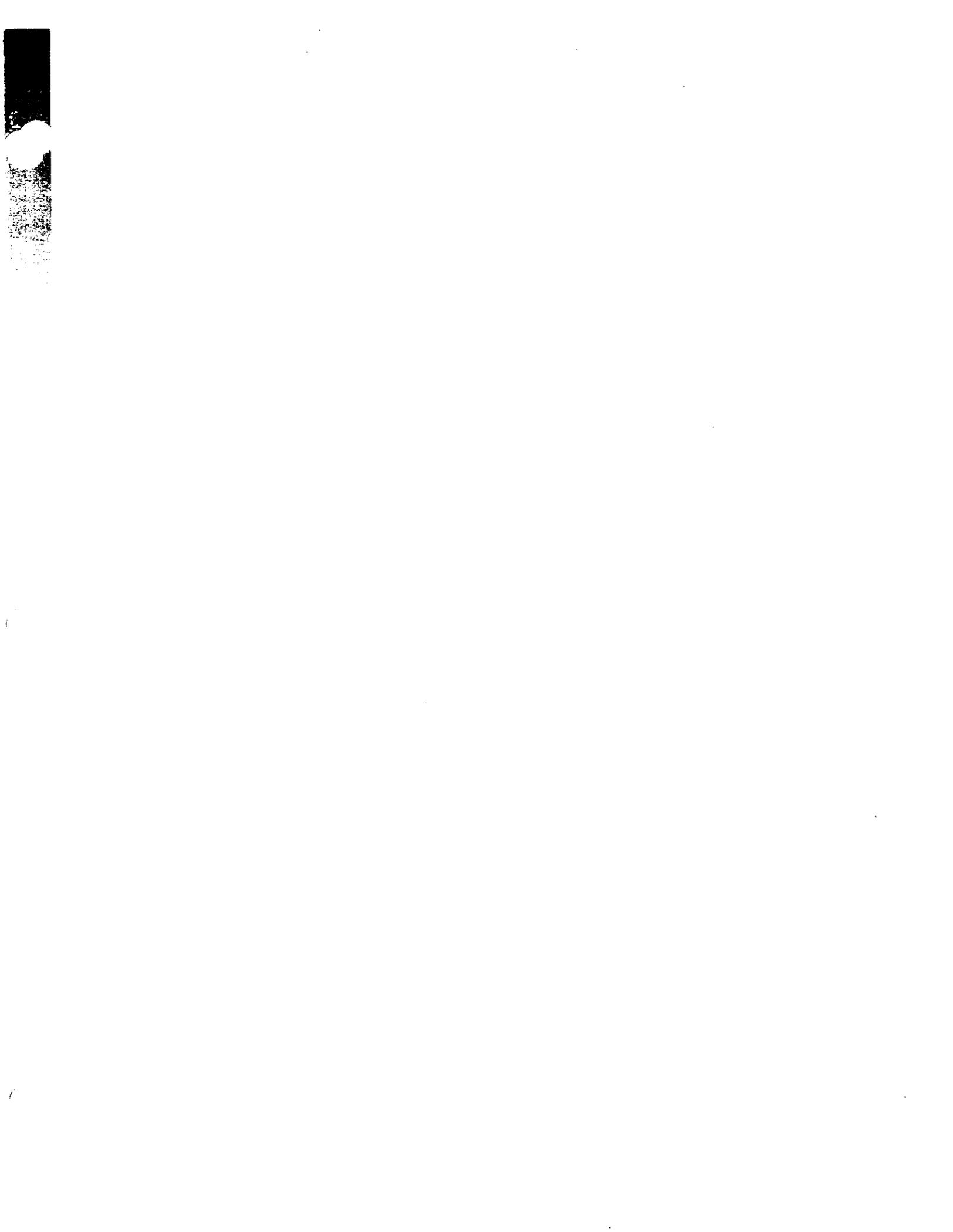
PROCEDURES FOR REVOCATION OF PAROLE

Rights of a Parolee at a Formal Hearing

255-75-020 The parolee shall have the rights listed in ORS 144.343(4) at a parole revocation hearing.

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

Permanent effective 2/1/79



DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

Manner of Review Hearing
255-032-0025

- (1) The Board shall conduct the proceeding in the manner prescribed for a contested case hearing under ORS 183.310 to 183.550 except that:
 - (a) The inmate shall have the burden of proving by a preponderance of the evidence the likelihood of rehabilitation within a reasonable period of time; and
 - (b) If the inmate is without sufficient funds to employ an attorney, the inmate shall have the right to Board appointed legal counsel. Board payment to legal counsel shall not exceed \$[60]75 per hour and \$[3]750 per case. The attorney shall send the Board a billing within 90 days of the hearing.
- (2) If upon hearing all the evidence, the Full Board upon a unanimous vote of all members finds that the inmate is capable of rehabilitation and that the terms of the inmate's confinement should be changed to life imprisonment with the possibility of parole or work release, it shall convert the terms of the inmate's confinement to life imprisonment with the possibility of parole or work release and may set a parole release date. Otherwise, the Board shall deny the relief sought in the petition.
- (3) When a inmate has a consecutive sentence for a crime other than aggravated murder or Murder as described in OAR 255-032-0005, the Board shall determine the prison term for the consecutive sentence(s) pursuant to ORS 144.120. The prison term for the consecutive sentence(s) will not begin to run until and unless the Board orders a release date on the aggravated murder sentence established pursuant to ORS 163.105, or the Murder sentence established pursuant to ORS 163.115.

Statutory Authority: (ORS 144.120, 163.105, 163.115, 183-310-550)
History: (5/31/85; 5/19/88; 11/1/89; 1/16/91; 5/1/91, temporary; 10/15/91;
10/29/93, 01-04-00, 02/06/01)

DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0025

Rights at Hearing

- (1) The designee of the Sanction Authority (eg. Hearings Officer) shall provide the offender a written notice of the hearing at least three (3) working days prior to the hearing.
- (2) The hearing notice shall include:
 - (a) a Notice of Rights as provided in ORS 144.343(3);
 - (b) a written statement of alleged violations; [and]
 - (c) any documents or evidence which form the basis of the alleged violations; and
 - (d) the date and location of the hearing.
- (3) The offender may elect to waive the three working day notification period prior to the hearing and begin the hearing immediately.
- (4) If the offender elects to waive the three working day notification period, the Hearings Officer shall obtain a written waiver or tape record the offender's verbal statement waiving the three working day notification period.
- (5) The Hearings Officer shall ascertain whether the offender has understood the allegations and the offender's rights and whether the offender can read, hear and understand the language of the proceedings. The Hearings Officer shall postpone the hearing if needed assistance is not readily available

Statutory Authority: ORS 144.343(3)

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
10/16/89; 10/9/92, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

DIVISION 75

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Rights at [Formal] Hearing
255-75-025

- (1) The Board or the supervisory authority shall provide the
[parolee/]offender [shall be provided with] a written notice of the
hearing at least three (3) working days prior to the hearing.
- (2) The hearing notice [will] shall include:
 - (a) a Notice of Rights as provided in ORS 144.343(3);
 - (b) a written statement of alleged violations; and
 - (c) any documents or evidence which form the basis of the alleged
violations [.] ;
 - (d) the date and location of the hearing.
- (3) The [parolee/]offender may elect to waive the three working day
notification period prior to the hearing and begin the hearing
immediately.
- (4) The Hearings Officer shall tape record the [parolee's/]offender's verbal
statement waiving the three working day notification period.
- (5) The Hearings Officer shall ascertain whether the offender has understood
the allegations and the offender's rights and whether the offender can
read, hear and understand the language of the proceedings. The Hearings
Officer shall postpone the hearing, if needed assistance is not readily
available.

Statutory Authority: (ORS 144.343(3))

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
10/16/89; 10/9/92)

Permanent effective 10/9/92

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Rights of an Parolee/Offender at a

255-75-025

- (1) The parolee/offender shall be provided with a written notice of the hearing at least three (3) working days prior to the hearing.
- (2) The hearing notice will include:
 - (a) a Notice of Rights;
 - (b) a written statement of alleged violations; and
 - (c) any documents or evidence which form the basis of the alleged violations.
- (3) The parolee/offender may elect to waive the three working day notification period prior to the hearing and begin the hearing immediately.
- (4) The Hearings Officer shall tape the parolee's/offender's verbal statement waiving the three working day notification period.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Rights of a Parolee at a Formal Hearing
255-75-026

- (1) The parolee shall be provided with a written notice of the hearing at least three (3) [calendar] working days prior to the hearing.
- (2) The hearing notice will include:
 - (a) a Notice of Rights;
 - (b) [W] a written statement of alleged violations; and
 - (c) [A] any documents or evidence which form the basis of the alleged violations.
- (3) The parolee may elect to waive the three working day [3-day] notification period prior to the hearing and begin the hearing immediately. [with the hearings officer taping the parolee's verbal statement.]
- (4) The Hearings Officer shall tape the parolee's verbal statement waiving the three working day notification period.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-025 Notice of [Alleged Parole Vilation and] Hearing

- (1) The parolee shall be [given] provided written notice of hearing at least three (3) calendar days prior to the hearing.
- (2) [Notice shall be given at a personal interview with the parolee or by other means which will assure that the parolee has received and understood the required notice.] The hearing notice will include:
 - (a) Notice of Rights;
 - (b) Written statement of alleged violations;
 - (c) Any documents or evidence which form the basis of the alleged violation.
- (3) The parolee may elect to waive the three-day notification period prior to hearing and begin the hearing immediately with hearings officer taping parolee's verbal statement.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-025 Notice of [Alleged Parole Violation and] Hearing

- (1) The parolee shall be [given] provided written notice of hearing at least three (3) calendar days prior to the hearing.
 - (2) The hearing notice will include:
 - (a) Notice of Rights;
 - (b) Written statement of alleged violations
 - (c) Any documents or evidence which form the basis of the alleged violation.
 - (3) The parolee may elect to waive the 3-day notification period prior to the hearing and begin the hearing immediately with the hearings officer taping the parolee's verbal statement.
- [(2) Notice shall be given at a personal interview with the parolee or by other means which will assure that the parolee has received and understood the required notice.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Notice of Alleged Parole Violation and Hearing

255-75-025 (1) The parolee shall be given written notice, as required by ORS 144.343(3), within a reasonable time before a hearing which may result in revocation of parole.

(2) Notice shall be given at a personal interview with the parolee or by other means which will assure that the parolee has received and understood the required notice.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS**

255-075-0026

Waiver of Hearing

- (1) In all cases, the offender may waive the right to a hearing by signing a Notice of Rights form. A refusal to participate in the hearings process shall also constitute a waiver of the right to a hearing.
- (2) When the purpose of a hearing is to consider a parole or post-prison supervision violation, the waiver of the right to a hearing acknowledges that the offender violated the conditions in whole or in part and that the Sanction Authority may order local sanctions, may modify conditions of supervision, may extend active supervision or that the Board may order return to prison, without further hearing.
- (3) When the purpose of the hearing is to modify parole or post-prison supervision conditions or, in the case of parole, to consider extending active supervision, the waiver of the hearing indicates acceptance of the modifications
- (4) If the offender waives the right to a hearing, the offender may offer a written or verbal statement pertaining to the dispositional phase of the violation hearing.
- (5) If the hearing is conducted via teleconference or video conference, the offender shall submit written waiver of the right to a hearing to the Hearings Officer within five (5) days after the waiver.
- (6) The person delivering the Notice of Rights shall tape record or document in writing any statement made at the time of waiver.
- (7) If the offender waives the right to a hearing, the Hearings Officer or Supervising Officer shall submit to the Sanction Authority the following:
 - (a) a Notice of Rights form;
 - (b) any written offender statements and/or a summary of oral statements;
 - (c) the Hearing Summary, including a history of local interventions and sanctions ordered and a recommendation regarding disposition;
 - (d) any supporting information, including the supervising officer's report and other documentary evidence submitted.

Statutory Authority: ORS 144.050, 144.140; 144.343

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 7/12/88,
temporary; 9/20/88; 10/16/89; 4/15/92, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Waiver of Hearing

255-75-026

- (1) In all cases, the [parolee/]offender may waive the right to a hearing by signing a Notice of Rights form. A refusal to participate in the hearings process shall also constitute a waiver of the right to a hearing.
- (2) When the purpose of a hearing is to consider a parole or post-prison supervision violation, the waiver of the right to a hearing acknowledges that the offender violated [there has been a violation of] the conditions in whole or in part and that the Board, the Hearings Officer, or the supervisory authority may order intermediate local sanctions, that the Board or the Hearings Officer may order modified conditions of supervision, or that the Board may order extension of active supervision or return to prison, without further hearing.
- (3) When the purpose of the hearing is to modify parole or post-prison supervision conditions or, in the case of parole, to consider extending active community supervision, the waiver of the hearing indicates acceptance of the modifications.
- (4) If the [parolee/]offender waives the right to a hearing, the [parolee/]offender may offer a written or verbal statement pertaining to the dispositional phase of the violation hearing.
- (5) The offender shall submit the written waiver of the right to a hearing [must be submitted] to the [Board of Parole and Post-Prison Supervision's designated representative] Hearings Officer within five (5) days after the waiver [the parolee/offender has waived the hearing].
- (6) The person delivering the Notice of Rights shall tape record [A]any statement made [to the designated representative] at the time of waiver [must be tape recorded].
- (7) If the [parolee/]offender waives the right to a hearing, the Hearings Officer [will] shall submit to the Board the following:
 - (a) a Notice of Rights form;
 - (b) any written [parolee/]offender statements and/or a summary of oral statements;
 - (c) the Hearing Report Summary, including a history of local interventions and sanctions ordered and a recommendation regarding disposition; [and]
 - (d) any supporting information, including the supervising officer's report and other documentary evidence submitted.

Statutory Authority: (ORS 144.050, 144.140; 144.343)

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 7/12/88, temporary; 9/20/88; 10/16/89; 4/15/92)

Permanent effective 4/15/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Waiver of Hearing
255-75-026

- (1) In all cases, the parolee/offender may waive the right to a hearing by signing a Notice of Rights form.
- (2) When the purpose of a [parole] hearing is to consider a parole or post-prison supervision violation, the waiver of the right to a hearing acknowledges that there has been a violation of the conditions [of parole] in whole or in part.
- (3) When the purpose of the hearing is to modify parole or post-prison supervision conditions or, in the case of parole, to consider extending active community supervision, the waiver of the hearing indicates acceptance of the modifications.
- (4) If the parolee/offender waives the right to a hearing, the parolee/offender may offer a written or verbal statement pertaining to the violation.
- (5) The written waiver of the right to a hearing must be submitted to the [Parole Board's] Board of Parole and Post-Prison Supervision's designated representative within five (5) days after the parolee/offender has waived the hearing.
- (6) Any statement made to the designated representative at the time of waiver must be tape recorded.
- (7) If the parolee/offender waives the right to a hearing, the Hearings Officer will submit to the [Parole] Board the following:
 - (a) a Notice of Rights form;
 - (b) any written parolee/offender statements and/or a summary of oral statements;
 - (c) the Hearing Report Summary; and
 - (d) any supporting information.

Permanent effective 10/16/89

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Waiver of Hearing
255-75-026

- (1) In all cases, the parolee may waive the right to a hearing by signing a Notice of Rights form.
- (2) When the purpose of a parole hearing is to consider a parole violation, the [W]waiver of the right to a hearing acknowledges that there has been a violation of the conditions of parole in whole or in part.
- (3) When the purpose of the hearing is to modify parole conditions or to consider extending active community supervision, the waiver of the hearing indicates acceptance of the modifications.
- (4) If the parolee waives the right to a hearing, the parolee [he/she] may offer a written or verbal statement pertaining to the violation. [:]
- (5) [(a)] The [W] written waiver of the right to a hearing [statement] must be submitted to the Parole Board's [or its] designated representative within five (5) days after the parolee has waived [r of] the hearing.
- (6) [(b)] Any statement made to the designated representative at the time of waiver must be tape recorded.
- (7) [(4)] If the parolee waives the right to a hearing, the [h] Hearings [o] Officer will submit to the Parole Board the following:
 - (a) a Notice of Rights form;
 - (b) [A] any parolee statements;
 - (c) the Hearing Report Summary; and
 - (d) [A] any supporting information.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-026 Waiver of Hearing

- (1) In all cases, the parolee may waive the right to a hearing by signing a Notice of Rights form.
- (2) Waiver of the right to a hearing acknowledges there has been a violation of conditions of parole in whole or in part.
- (3) If parolee waives the right to a hearing, he/she may offer written or verbal statement pertaining to the violation.
 - (a) Written statement must be submitted to the Parole Board or its designated representative within five (5) days after waiver of hearing.
 - (b) Any statement made to the designated representative at the time of waiver must be recorded.
- (4) If parolee waives the right to a hearing, the hearings officer will submit to the Parole Board the following:
 - (a) Notice of Rights form;
 - (b) Any parolee statements;
 - (c) Hearing Report Summary; and
 - (d) Any supporting information.

DIVISION 75

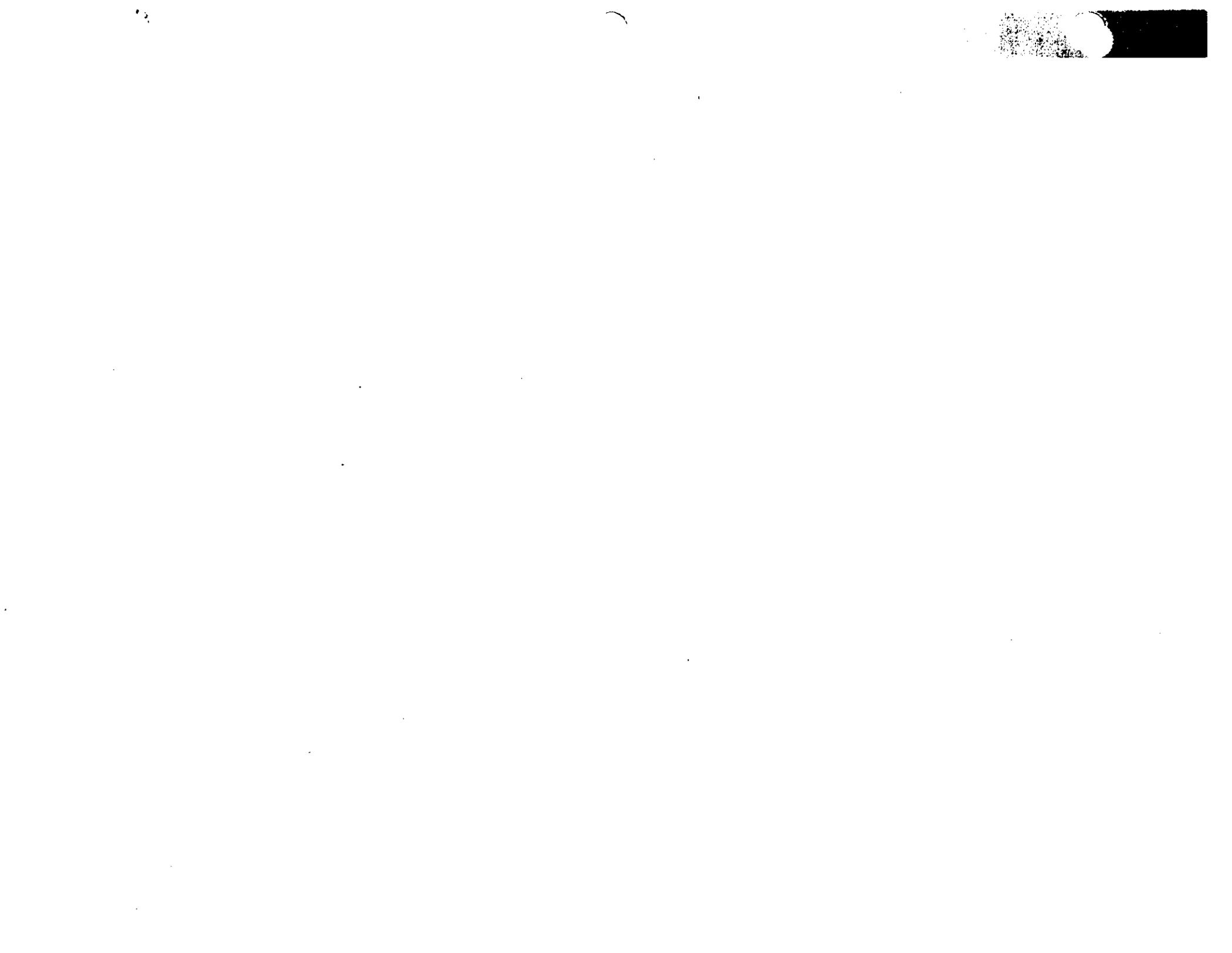
PROCEDURES FOR REVOCATION OF PAROLE

255-75-026 Waiver of Hearing

- (1) In all cases, the parolee may waive the right to a hearing by signing a Notice of Rights, Form No. CD 923B (Attachment 1).
- (2) Waiver of the right to a hearing acknowledges there has been a violation of conditions of parole in whole or in part.
- (3) If parolee waives the right to a hearing, he/she may offer written or verbal statement pertaining to the violation.
 - (a) Written statement must be submitted to the Parole Board within 48 hours after waiver of hearing.
 - (b) Any verbal statement must be made to the hearings officer at the time of waiver.
- (4) If parolee waives the right to a hearing, the hearings officer will submit to the Parole Board the following:
 - (a) Notice of Rights form;
 - (b) Any parolee statements;
 - (c) Hearing Report Summary, Form No. CD 924B, (attachment 2); and
 - (d) Any supporting information.

Temporary effective 11/19/84 to 5/17/85

but superceded by permanent filing
2/28/85



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0030

Rejection of Waiver

If the Sanction Authority is not satisfied that the offender knowingly and intelligently waived his or her hearing rights or if it needs more information before making its decision, it may order a new hearing, to be conducted by the Hearings Officer or the Sanction Authority.

Statutory Authority: ORS 144.050, 144.140, 144.343

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
10/9/92, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

DIVISION 75

PROCEDURES FOR [REVOCAATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Board Rejection of Waiver
255-75-030

If the Board is not satisfied that the offender knowingly and intelligently waived his or her hearing rights [waiver was made knowingly and intelligently] or if it [believes] needs more information [is necessary] before making its decision, it may order a new hearing.

Statutory Authority: (ORS 144.050, 144.140; 144.343)

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/9/92)

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Board Rejection of Waiver
255-75-030

If the Board is not satisfied that the waiver was made knowingly and intelligently or if it believes more information is necessary before making its decision, it may order a new hearing.

Temporary effective 3/14/88 to 9/9/88
permanent adoption 5/19/88

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-030 [Waiver of Parole Revocation Hearing: When;] Board
Rejection of Waiver[; Record Submitted to Board When
Hearing Waived]

[(1) After receiving notice and a full explanation of his/her rights, a parolee may waive the parole revocation hearing and the rights provided in Rule 255-75-025. The parolee may submit a statement to the Board to accompany his/her waiver.]

(1)[(2)] If the Board is not satisfied that the waiver was made knowingly and intelligently or if it believes more information is necessary before making its decision, it may order a hearing.

[(3) The record submitted to the Board shall consist of:

- (a) Notice forms properly executed;
- (b) A statement by the parolee that he/she has waived a parole revocation hearing and understands the significance of that waiver;
- (c) Evidence supporting the alleged violations, and
- (d) Any statement made by the parolee.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-030 [Waiver of Parole Revocation Hearing: When;] Rejection of Waiver[;] [Record Submitted to Board When Hearing Waived]

[(1) After receiving notice and a full explanation of his/her rights, a parolee may waive the parole revocation hearing and the rights provided in rule 255-75-025. The parolee may submit a statement to the Board to accompany his/her waiver.]

(1)[(2)] If the Board is not satisfied that the waiver was made knowingly and intelligently or if it believes more information is necessary before making its decision, it may order a hearing.

[(3) The record submitted to the Board shall consist of:

- (a) Notice forms properly executed;
- (b) A statement by the parolee that he/she has waived a parole revocation hearing and understands the significance of that waiver;
- (c) Evidence supporting the alleged violations, and
- (d) Any statements made by the parolee.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Waiver of Parole Revocation Hearing: When; Rejection of Waiver; Record Submitted to Board When Hearing Waived

255-75-030 (1) After receiving notice and a full explanation of his/her rights, a parolee may waive the parole revocation hearing and the rights provided in rule 255-75-025. The parolee may submit a statement to the Board to accompany his/her waiver.

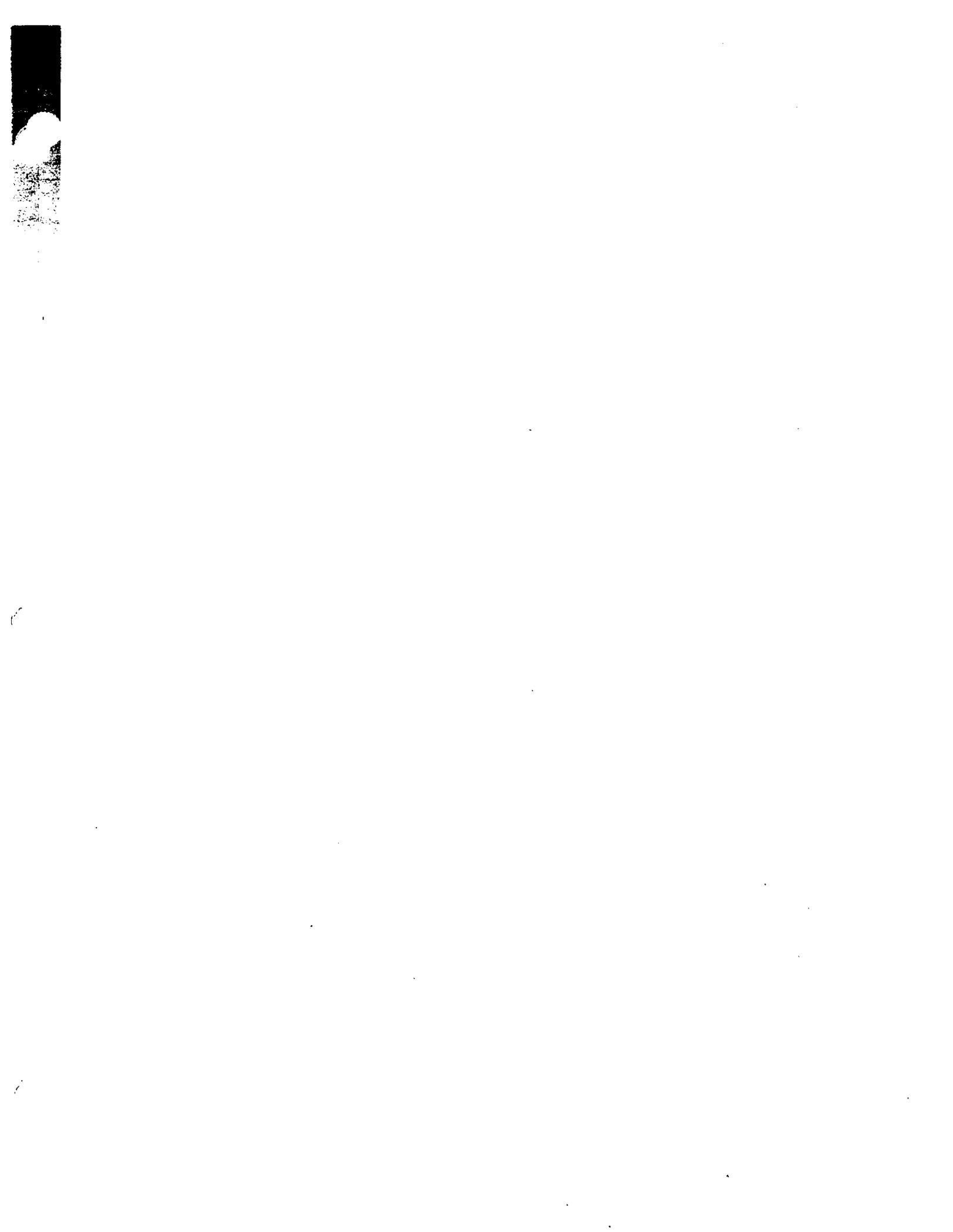
(2) If the Board is not satisfied that the waiver was made knowingly and intelligently or if it believes more information is necessary before making its decision, it may order a hearing.

(3) The record submitted to the Board shall consist of:

- (a) Notice forms properly executed;
- (b) A statement by the parolee that he/she has waived a parole revocation hearing and understands the significance of that waiver;
- (c) Evidence supporting the alleged violations; and
- (d) Any statements made by the parolee.

Stat. Auth.: ORS Ch. 144

Hlst: 2PB 1-1979, f. & cf. 2-1-79



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0031

Hearings Process

- (1) The Hearings Officer shall conduct the violation hearing reasonably near the place of the alleged violation or the place of confinement or may conduct the hearing by teleconference or video conference.
- (2) Unless the Hearings Officer finds good cause on the record, the parole and post-prison supervision officer shall present information and evidence at the hearing and arrange for the presence of witnesses for the state. The parole and post-prison supervision officer shall make dispositional recommendations.
- (3) The Hearings Officer shall make a tape recording of the hearing.

Statutory Authority: ORS 144.050, 144.106, 144.140, 144.343

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary, 5/19/88; 10/16/89;
10/9/92, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

DIVISION 75

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Hearings Process

255-75-031

(1) The Hearings Officer shall conduct the violation hearing reasonably near the place of the alleged violation or the place of confinement or may conduct the hearing by teleconference.

[(1)](2) Unless the Hearings Officer finds good cause on the record, [T]the parole and post-prison supervision officer [will] shall present information and evidence at the hearing and arrange for the presence of witnesses for the state [and present evidence, unless the hearing is waived]. The parole and post-prison supervision officer shall make dispositional recommendations.

[(2)](3) The Hearings Officer [will] shall make a tape recording of the hearing.

Statutory Authority: (ORS 144.050, 144.106, 144.140, 144.343)

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 10/9/92)

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Hearings Process
255-75-031

- (1) The parole and post-prison
supervision officer will present information at the hearing and arrange for the presence of witnesses for the state and present evidence, unless the hearing is waived.
- (2) The Hearings Officer will make a tape recording of the hearing.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Hearings Process
255-75-031

- (1) The parole officer will present information at the hearing and arrange for the presence of witnesses for the state [/ county,] and present [/or] evidence, unless the hearing is waived.
- (2) The [h] Hearings [o] Officer will make a tape recording of the hearing.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-031 Hearings Process

- (1) The parole officer most knowledgeable of the allegation(s) will present information at the hearing and arrange for the presence of witnesses for the state/county and/or evidence unless hearing is waived.
- (2) The hearings officer will make a tape recording of the hearing.



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY

255-075-0035

Representation/Ability to Pay Attorney Fees

- (1) In all cases, the offender is entitled to representation by an attorney at the offender's own expense.
- (2) For Board cases only, if the Hearings Officer or the Board deems the offender indigent, and unable to pay for an attorney, the offender is entitled to a Board appointed attorney if the Board or Hearings Officer further finds that the offender has made a timely and colorable claim that:
 - (a) the offender has not committed the alleged violation;
 - (b) there are substantial or complex mitigating circumstances which make revocation inappropriate even if the offender admits violation or it is a matter of record; or
 - (c) the offender appears incapable or representing himself/herself.
- (3) For Board cases only, after a Board member has approved findings that there is a timely and colorable claim, [if] the Hearings Officer may appoint[s] an attorney[,] [t]he Hearings Officer shall notify the Board of payment to be made to the appointed attorney. When the Board approves payment for a Board appointed attorney, it shall not exceed \$60 per hour and \$300 per case. The attorney shall send the Board a billing within 90 days of the violation hearing.
- (4) When the Hearings Officer or Board refuses to appoint an attorney, the Hearings Officer or Board shall state the grounds for refusal in the record.
- (5) For Local Supervisory Authority cases, the Local Supervisory Authority may set its own criteria for appointment of an attorney and shall set its own standards for payment of appointed attorneys.

Statutory Authority: ORS 144.343

History: (2/1/79; 5/19/82; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 7/12/88, temporary; 9/20/88; 10/16/89; 10/15/91; 10/9/92, temporary 11/14/97; 02/06/01, ~~10/07/05-NOTICE~~)

DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

255-075-0035

Representation/Ability to Pay Attorney Fees

- (1) In all cases, the offender is entitled to representation by an attorney at the offender's own expense.
- (2) For Board cases only, if the Hearings Officer or the Board deems the offender indigent, and unable to pay for an attorney, the offender is entitled to a Board appointed attorney if the Board or Hearings Officer further finds that the offender has made a timely and colorable claim that:
 - (a) the offender has not committed the alleged violation;
 - (b) there are substantial or complex mitigating circumstances which make revocation inappropriate even if the offender admits violation or it is a matter of record; or
 - (c) the offender appears incapable or representing himself/herself.
- (3) For Board cases only, if the Hearings Officer appoints an attorney, the Hearings Officer shall notify the Board of payment to be made to the appointed attorney. When the Board approves payment for a Board appointed attorney, it shall not exceed \$[4]60 per hour and \$[2]300 per case. The attorney shall send the Board a billing within 90 days of the violation hearing.
- (4) When the Hearings Officer or Board refuses to appoint an attorney, the Hearings Officer or Board shall state the grounds for refusal in the record.
- (5) For Local Supervisory Authority cases, the Local Supervisory Authority may set its own criteria for appointment of an attorney and shall set its own standards for payment of appointed attorneys.

Statutory Authority: ORS 144.343

History: (2/1/79; 5/19/82; 11/19/84, temporary; 2/28/85; 3/14/88, temporary;
5/19/88; 7/12/88, temporary; 9/20/88; 10/16/89; 10/15/91; 10/9/92,
temporary 11/14/97; 05/11/98, 02/06/01

DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

255-075-0035

Representation/Ability to Pay Attorney Fees

- (1) In all cases, the offender is entitled to representation by an attorney at the offender's own expense.
- (2) For Board cases only, if the Hearings Officer or the Board deems the offender indigent, and unable to pay for an attorney, the offender is entitled to a Board appointed attorney if the Board or Hearings Officer further finds that the offender has made a timely and colorable claim that:
 - (a) the offender has not committed the alleged violation;
 - (b) there are substantial or complex mitigating circumstances which make revocation inappropriate even if the offender admits violation or it is a matter of record; or
 - (c) the offender appears incapable or representing himself/herself.
- (3) For Board cases only, if the Hearings Officer appoints an attorney, the Hearings Officer shall notify the Board of payment to be made to the appointed attorney. When the Board approves payment for a Board appointed attorney, it shall not exceed \$60 per hour and \$300 per case. The attorney shall send the Board a billing within 90 days of the violation hearing.
- (4) When the Hearings Officer or Board refuses to appoint an attorney, the Hearings Officer or Board shall state the grounds for refusal in the record.
- (5) For Local Supervisory Authority cases, the Local Supervisory Authority may set its own criteria for appointment of an attorney and shall set its own standards for payment of appointed attorneys.

Statutory Authority: ORS 144.343

History: (2/1/79; 5/19/82; 11/19/84, temporary; 2/28/85; 3/14/88, temporary;
5/19/88; 7/12/88, temporary; 9/20/88; 10/16/89; 10/15/91; 10/9/92,
temporary 11/14/97; 02-06-01)

Permanent effective 02/06/2001

DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0035

Representation/Ability to Pay Attorney Fees

- (1) In all cases, the offender is entitled to representation by an attorney at the offender's own expense.
- (2) For Board cases only, if the Hearings Officer or the Board deems the offender indigent, and unable to pay for an attorney, the offender is entitled to a Board appointed attorney if the Board or Hearings Officer further finds that the offender has made a timely and colorable claim that:
 - (a) the offender has not committed the alleged violation;
 - (b) there are substantial or complex mitigating circumstances which make revocation inappropriate even if the offender admits violation or it is a matter of record; or
 - (c) the offender appears incapable or representing himself/herself.
- (3) For Board cases only, if the Hearings Officer appoints an attorney, the Hearings Officer shall notify the Board of payment to be made to the appointed attorney. When the Board approves payment for a Board appointed attorney, it shall not exceed \$40 per hour and \$200 per case. The attorney shall send the Board a billing within 90 days of the violation hearing.
- (4) When the Hearings Officer or Board refuses to appoint an attorney, the Hearings Officer or Board shall state the grounds for refusal in the record.
- (5) For Local Supervisory Authority cases, the Local Supervisory Authority may set its own criteria for appointment of an attorney and shall set its own standards for payment of appointed attorneys.

Statutory Authority: ORS 144.343

History: (2/1/79; 5/19/82; 11/19/84, temporary; 2/28/85; 3/14/88, temporary;
5/19/88; 7/12/88, temporary; 9/20/88; 10/16/89; 10/15/91; 10/9/92,
temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Representation/Ability to Pay Attorney Fees
255-75-035

- (1) In all cases, the [parolee/]offender is entitled to representation by an attorney at the [parolee's/]offender's own expense.
- (2) If the Hearings Officer deems the [parolee/]offender indigent, and unable to pay for an attorney, the [parolee/]offender may request [representation by] a Board appointed attorney if the [parolee/]offender makes a timely and colorable claim that:
 - (a) the [parolee/]offender has not committed the alleged violation;
 - (b) there are substantial or complex mitigating circumstances which make revocation inappropriate even if the [parolee/]offender admits violation or it is a matter of record; or
 - (c) the [parolee/]offender appears incapable of representing himself/herself.
- (3) If the [parolee/]offender requests a Board appointed attorney, the Hearings Officer shall notify the Board of payment to be made to the appointed attorney. When the Board approves payment, [such payment] it shall not exceed \$40 per hour and \$200 per case. The attorney [must] shall send the Board a billing within 90 days of the violation hearing.
- (4) When the Hearings Officer refuses to appoint an attorney, the Hearings Officer shall state the grounds for refusal in the record.

Statutory Authority: (ORS 144.343)

History: (2/1/79; 5/19/82; 11/19/84, temporary; 2/28/85; 3/14/88, temporary;
5/19/88; 7/12/88, temporary; 9/20/88; 10/16/89; 10/15/91; 10/9/92)

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Representation/Ability to Pay Attorney Fees

255-75-035 (2/1/79; 5/19/82; 11/19/84, temporary; 2/28/85; 3/14/88, temporary;
5/19/88; 7/12/88, temporary; 9/20/88; 10/16/89; 10/15/91)

- (1) In all cases, the parolee/offender is entitled to representation by an attorney at the parolee's/offender's own expense.
- (2) If the Hearings Officer deems the parolee/offender [is deemed] indigent, and unable to pay for an attorney, the parolee/offender may request representation by a Board appointed attorney, if the parolee/offender makes a timely and colorable claim that:
 - (a) the parolee/offender has not committed the alleged violation;
 - (b) there are substantial or complex mitigating circumstances which make revocation inappropriate even if the parolee/offender admits violation [is admitted] or it is a matter of record; or
 - (c) the parolee/offender appears incapable of representing himself/herself.
- (3) If the parolee/offender requests a Board appointed attorney [is requested by the parolee/offender], the Hearings Officer shall notify the Board of payment to be made to the appointed attorney. [Where] When the Board approves payment [is approved], such payment shall not exceed [\$30] \$40 per hour and \$200 per case. The attorney must send the Board a [B]billing [must be received] within 90 days of the violation hearing.
- (4) [In those instances where] When the Hearings Officer refuses to appoint an attorney, the Hearings Officer shall state the grounds for refusal [shall be stated] in the record.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Representation/Determination of
Ability to Pay Attorney Fees
255-75-035

- (1) In all cases, the parolee/offender is entitled to representation by an attorney at the parolee's/offender's own expense.
- (2) If the parolee/offender is deemed indigent, and unable to pay for an attorney, the parolee/offender may request to be represented by a Board appointed attorney if the parolee/offender makes a timely and colorable claim that:
 - (a) the parolee/offender has not committed the alleged violation;
 - (b) there are substantial or complex mitigating circumstances which make revocation inappropriate even if violation is admitted or a matter of record; or
 - (c) the parolee/offender appears incapable of representing himself/herself.
- (3) If a Board appointed attorney is requested by the parolee/offender, the Hearings Officer shall notify the Board of payment to be made to the appointed attorney. Where payment is approved, such payment shall not exceed \$30 per hour and \$200 per case. Billing must be received within 90 days.
- (4) In those instances where [counsel is refused] the [parolee] Hearings Officer refuses to appoint an attorney, the grounds for refusal shall be [succinctly] stated in the record.

Permanent effective 10/16/89

PROCEDURES FOR REVOCATION OF PAROLE

Representation/Determination of Ability to Pay Attorney Fees
255-75-035

[In all cases, the parolee is entitled to:]

- [(1) Board-appointed counsel at parolee's request to represent indigent parolee if the parolee makes a timely and colorable claim that:
- (a) He/She has not committed the alleged violation;
 - (b) There are substantial complex mitigating circumstances which make revocation inappropriate even if violation is admitted or a matter of record ; or
 - (c) The parolee appears incapable of speaking effectively in his/her behalf.]
- [(2) Representation by an attorney at the parolee's own expense;]
- [(3) Upon completion of the violation hearing, the Hearings Officer shall notify the Board of payment to be made to the appointed attorney. In those instances where counsel is refused, the grounds for refusal shall be succinctly stated in the record. Where payment is approved, such payment shall not exceed \$150 per case.]
- (1) In all cases, the parolee is entitled to representation by an attorney at the parolee's own expense.
- (2) If the parolee is deemed indigent, and unable to pay for an attorney, the parolee may request to be represented by a Board appointed attorney if the parolee makes a timely and colorable claim that:
- (a) the parolee has not committed the alledged violation;
 - (b) there are substantial or complex mitigating circumstances which make revocation inappropriate even if violation is admitted or a matter of record; or
 - (c) the parolee appears incapable of representing himself/herself.
- (3) If a Board appointed attorney is requested by the parolee, the Hearings Officer shall notify the Board of payment to be made to the appointed attorney. Where payment is approved, such payment shall not exceed \$30 per hour and \$200 per case. Billing must be received within 90 days.
- (4) In those instances where counsel is refused by the parolee, the grounds for refusal shall be succinctly stated in the record.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-031 Hearings Process

- (1) The parole officer will present information at the hearing and arrange for the presence of witnesses for the state/county and/or evidence unless hearing is waived.
- (2) The hearings officer will make a tape recording of the hearing.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-035 [Appointment of Counsel: Criteria; Case by Case; Affidavit of Indigency] Representation/Determination of Ability to Pay Attorney Fees

In all cases, the parolee is entitled to:

- (1) Board-appointed counsel at parolee's request to represent indigent parolee [If requested, the Board shall appoint counsel to represent indigent parolees at parole revocation hearings] if the parolee makes a timely and colorable claim that:
 - (a) He/she has not committed the alleged violation;
 - (b) There are substantial complex mitigating circumstances which make revocation inappropriate even if violation is admitted or a matter of record; or
 - (c) The parolee appears incapable of speaking effectively in his/her behalf.
- (2) [Cases shall be reviewed individually to determine whether the criteria have been met.] Representation by an attorney at the parolee's own expense;
- (3) Parolee shall be required to submit an affidavit of indigency at the hearing.]
- (3)[(4)] Upon completion of the [revocation] violation hearing, the [Board] Hearings Officer shall [determine whether the parolee for whom counsel was appointed is able to pay a portion or all of the attorney fees [to be paid by the state.] notify the Board of payment to be made to the appointed attorney. In those instances where counsel is refused, the grounds for refusal shall be succinctly stated in the record. Where payment is approved, such payment shall not exceed \$150 per case.
- (5) In determining whether the person is able to pay such portion, the Board shall take into account the other financial obligations of the person including any existing fines or orders to make restitution.]
- (6) If the Board determines that the person is able to pay such portion, the Board may order, as a condition of parole, that the person pay the portion to the appropriate officer of the state.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-035 Representation; Determination of Ability to Pay Attorney Fees [Appointment of Counsel: Criteria; Case by Case; Affidavit of Indigency]

In all cases, the parolee is entitled to:

- (1) Board-appointed counsel at parolee's request to represent indigent parolee [If requested, the Board shall appoint counsel to represent indigent parolees at parole revocation hearings] if the parolee makes a timely and colorable claim that:
 - (a) He/she has not committed the alleged violation;
 - (b) There are substantial complex mitigating circumstances which make revocation inappropriate even if violation is admitted or a matter of record; or
 - (c) The parolee appears incapable of speaking effectively in his/her behalf.
- (2) Representation by an attorney at the parolee's own expense; [Cases shall be reviewed individually to determine whether the criteria have been met.]
- (3) Self-representation; [Parolees shall be required to submit an affidavit of indigency at the hearing.]
- (4) Upon completion of the revocation hearing, the [Board] hearings officer shall determine whether the parolee for whom counsel was appointed is able to pay a portion or all of the attorney fees [to be paid by the state.] and shall make a recommendation to the Parole Board regarding payment.
- (5) In determining whether the person is able to pay such portion, the [Board] hearings officer shall take into account the other financial obligations of the [person]parolee including any existing fines or orders to make restitution.
- (6) If the Board determines that the person is able to pay such portion, the Board may order, as a condition of parole, that the person pay the portion to the appropriate officer of the state.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Appointment of Counsel: Criteria; Case by Case; Affidavit of Indigency

255-75-035 (1) If requested, the Board shall appoint counsel to represent indigent parolees at parole revocation hearings if the parolee makes a timely and colorable claim that:

- (a) He/she has not committed the alleged violation; or
- (b) There are substantial complex mitigating circumstances which make revocation inappropriate even if violation is admitted or a matter of record; or
- (c) The parolee appears incapable of speaking effectively in his/her behalf.

(2) Cases shall be reviewed individually to determine whether the criteria have been met.

(3) Parolees shall be required to submit an affidavit of indigency at the hearing.

(4) Upon completion of the parole revocation hearing, the Board shall determine whether the person for whom counsel was appointed is able to pay a portion of the attorney fees to be paid by the state.

(5) In determining whether the person is able to pay such portion, the Board shall take into account the other financial obligations of the person, including any existing fines or order to make restitution.

(6) If the Board determines that the person is able to pay such portion, the Board may order, as a condition of parole, that the person pay the portion to the appropriate officer of the state.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Appointment of Counsel: Criteria; Case by Case; Affidavit of Indigency

255-75-035 (1) If requested, the Board shall appoint counsel to represent indigent parolees at parole revocation hearings if the parolee makes a timely and colorable claim that:

- (a) He/she has not committed the alleged violation; or
- (b) There are substantial complex mitigating circumstances which make revocation inappropriate even if violation is admitted or a matter of record; or
- (c) The parolee appears incapable of speaking effectively in his/her behalf.

(2) Cases shall be reviewed individually to determine whether the criteria have been met.

(3) Parolees shall be required to submit an affidavit of indigency at the hearing.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0036

Subpoenas; Witnesses

- (1) Offenders shall make their own arrangements for calling and presenting witnesses. However, upon the request of any party to the hearing, and upon a proper showing of the relevance and reasonable scope of the testimony to be offered, the Sanction Authority or Hearings Officer shall issue subpoenas requiring the attendance and testimony of witnesses. In addition, the Sanction Authority or the Hearings Officer may subpoena documents when relevant.
- (2) The Board shall reimburse fees and mileage as prescribed by law to witnesses appearing under subpoena, other than the parties, state officers or employees, provided the Hearing Officer or Sanction Authority certifies that the witness's testimony was relevant and material to the hearing.
- (3) The offender may present witnesses who have relevant information, and has the right to confront the persons or witnesses who have presented information against the offender.
- (4) The Hearings Officer or Sanction Authority may deny confrontation of witnesses by the offender if that confrontation would subject the witness to the risk of harm.
- (5) If the Hearings Officer or Sanction Authority denies confrontation of witnesses, the Hearings Officer or Sanction Authority shall state the reason(s) for the decision and conduct an independent examination of the witness on the record.

Statutory Authority: ORS 144.347

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89;
4/15/92, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Board Subpoenas; Witness [or Documents]
255-75-036

- (1) Offenders shall make their own arrangements for calling and presenting witnesses, however, [U]upon the request of any party to the hearing, and upon a proper showing of the relevance and reasonable scope of the testimony to be offered, the Board or [designated representative] Hearings Officer shall, or the Board on its own motion may, issue subpoenas requiring the attendance and testimony of witnesses. [Parolees/offenders will make their own arrangements for presenting witnesses.] In addition, the Board or [its designated representative] the Hearings Officer may subpoena documents when relevant.
- (2) The Board shall reimburse fees and mileage as prescribed by law to [W]witnesses appearing under subpoena, other than the parties, state officers or employes, [shall be reimbursed fees and mileage by the Board of Parole and Post-Prison Supervision as prescribed by law,] provided the Hearings Officer certifies that the witness's testimony was relevant and material to the hearing.
- (3) The [parolee/]offender may present witnesses who [may] have relevant information, and has the right to confront the persons or witnesses who have presented information against the [parolee/]offender.
- (4) The Hearings Officer may deny [C]confrontation of witnesses by the [parolee/]offender [may be denied] if the Hearings Officer finds that confrontation would subject the witness to the risk of harm if the witness's identity was disclosed.
- (5) If the Hearings Officer denies confrontation of witnesses [by the parolee/offender is denied], the Hearings Officer shall state the reason(s) for the decision and conduct an independent examination of the witness on the record.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Subpoenas, Witnesses or Documents
255-75-036

- (1) Upon the request of any party to the hearing, and upon a proper showing of the relevance and reasonable scope of the testimony to be offered, the [Parole] Board or designated representative shall, or the [Parole] Board on its own motion may, issue subpoenas requiring the attendance and testimony of witnesses. Parolees/Offenders will make their own arrangements for presenting witnesses. In addition, the Board or its designated representative may subpoena documents when relevant.
- (2) Witnesses appearing under subpoena, other than the parties, state officers or employees, shall be reimbursed fees and mileage by the [Parole] Board of Parole and Post-Prison Supervision as prescribed by law, provided the Hearings Officer certifies that the witness's testimony was relevant and material to the hearing.
- (3) The parolee/offender may present witnesses who may have relevant information and has the right to confront the persons or witnesses who have presented information against the parolee/offender.
- (4) Confrontation of witnesses by the parolee/offender may be denied if the Hearings Officer finds that confrontation would subject the witness to the risk of harm if the witness's identity was disclosed.
- (5) If confrontation of witnesses by the parolee/offender is denied, the Hearings Officer shall state the reason(s) for the decision and conduct an independent examination of the witness on the record.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Board Subpoenas; Witness or Documents
255-75-036

- (1) Upon the request of any party to the hearing, and upon a proper showing of the relevance and reasonable scope of the testimony to be offered, the Parole Board or [a] designated representative shall, or the Parole Board on its own motion may, issue subpoenas requiring the attendance and testimony of witnesses. [The p] Parolees will make their [his/her] own arrangements for presenting witnesses. In addition, the Board or its designated representative may subpoena documents when relevant.
- (2) Witnesses appearing under subpoena, other than the parties, state officers or employes, shall be reimbursed fees and mileage by the Parole Board as prescribed by law, provided the [h] Hearings [o] Officer certifies that the witness's testimony [of the witness] was relevant and material to the hearing.
- (3) The parolee may present witnesses who may have relevant information, and has the right to confront the [of confrontation of] persons or witnesses who have [has] presented [adverse] information against the parolee.
- (4) Confrontation of witnesses by the parolee may be denied if the [h] Hearings [o] Officer finds that confrontation would subject the witness to the risk of harm if the witness's [his/her] identity was disclosed.
- (5) [(4)] If confrontation of witnesses by the parolee is denied, the [h] Hearings [o] Officer shall state the reason(s) for the decision and conduct an independent examination of the witness on the record.

Temporary effective 3/14/88 to 9/9/88
permanent adoption 5/19/88

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-036 Board Subpoenas; Witnesses or Documents

- (1) Upon request of any party to the hearing, the Parole Board or a designated representative shall, or the Parole Board on its own motion may, issue subpoenas requiring the attendance and testimony of witnesses. The parolee will make his/her own arrangements for presenting witnesses. In addition, the Board may subpoena documents when relevant.
- (2) Witnesses appearing under subpoena, other than the parties, state officers or employes, shall be reimbursed fees and mileage by the Parole Board as prescribed by law, provided the hearings officer certifies the testimony of the witness was relevant and material to the hearing.
- (3) The parolee may present witnesses who may have relevant information and has the right of confrontation of persons or witnesses who have presented adverse information against the parolee. Confrontation of witnesses by the parolee may be denied if the hearings officer finds that confrontation would subject the witness to risk of harm if his/her identity was disclosed.
- (4) If confrontation of witnesses by the parolee is denied, the hearings officer shall state the reason(s) for the decision and conduct an independent examination of the witness on the record.

DIVISION 75

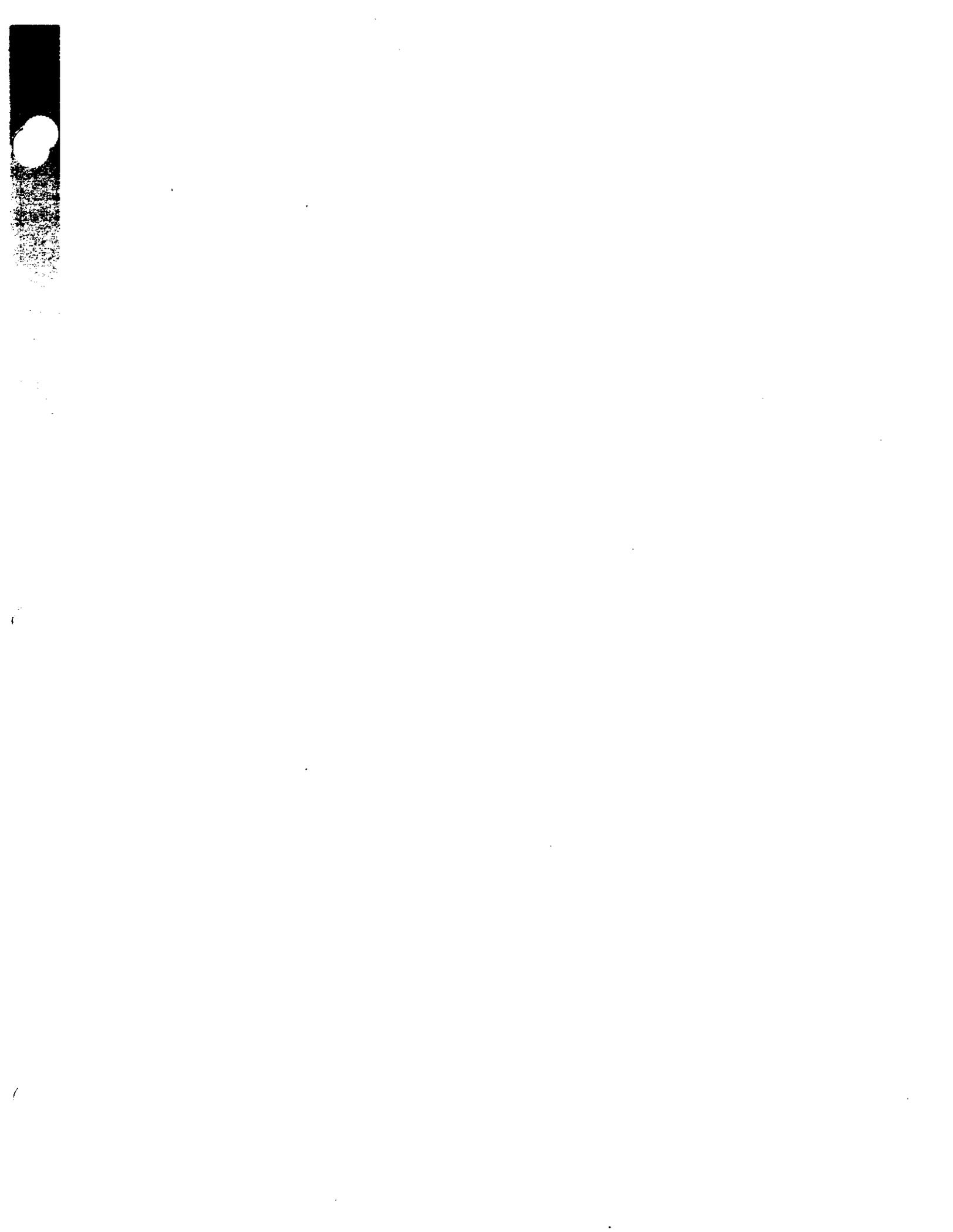
PROCEDURES FOR REVOCATION OF PAROLE

255-75-036 Witness

- (1) Upon request of any party to the hearing, the Parole Board or a designated representative shall, or the Parole Board on its own motion may, issue subpoenas requiring the attendance and testimony of witnesses. The parolee will make his/her own arrangements for presenting witnesses.
- (2) Witnesses appearing under subpoena, other than the parties, state officers or employes, shall be reimbursed fees and mileage by the Parole Board as prescribed by law, provided the hearings officer certifies the testimony of the witness was relevant and material to the hearing.
- (3) The parolee may present persons with relevant information and has the right of confrontation of persons or witnesses who have presented adverse information against the parolee.
- (4) Confrontation of persons or witnesses by the parolee may be denied if the hearings officer finds that confrontation would subject the witness to risk of harm if his/her identity was disclosed.
- (5) If confrontation of persons or witnesses by the parolee is denied, the hearings officer shall state the reason(s) for the decision and conduct an independent examination of the witness on the record.

Temporary effective 11/19/84 to 5/17/85

but superceded by permanent filing
2/28/85



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0040

Compelling of Witnesses: Contempt

The Sanction Authority or Hearings Officer or party requesting a subpoena, may seek contempt proceedings in the circuit court of any county against any person refusing to honor the subpoena.

Statutory Authority: ORS 144.347(4)

History: (2/1/79; 11/19/84, temporary; 2/28/85; 10/9/92; **05/11/98**)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOCATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Compelling of Witnesses: Contempt
255-75-040

The Board, [or its designated representative] the Hearings Officer or party requesting a subpoena, may seek contempt proceedings in the circuit court of any county against any person refusing to honor the subpoena.

Statutory Authority: (ORS 144.347(4))

History: (2/1/79; 11/19/84, temporary; 2/28/85; 10/9/92)

Permanent effective 10/9/92

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-040 Compelling Appearance of Witnesses: If Subpoena Requested; Board Motion; Failure to Obey

[(1) As provided in ORS 144.347, the Board has the power to subpoena witnesses and documents to a parole revocation hearing.

(2) The Board shall issue a subpoena for any witness whose appearance at a hearing is requested.

(3) At any time before a hearing has begun, the Board, on its own motion, may subpoena any witness or documents it feels are necessary to the full examination of the issues raised at the hearing. A hearing may be postponed to obtain the presence of a material witness or document.]

(1)[(4)] The Board, or its designated representative or party requesting a subpoena may seek contempt proceedings in the circuit court of any county against any person refusing to honor the subpoena.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

[255-75-040 Compelling Appearance of Witnesses: If Subpoena Requested; Board Motion; Failure to Obey

- (1) As provided in ORS 144.347, the Board has the power to subpoena witnesses and documents to a parole revocation hearing.
- (2) The Board shall issue a subpoena for any witness whose appearance at a hearing is requested.
- (3) At any time before a hearing has begun, the Board, on its own motion, may subpoena any witness or documents it feels are necessary to the full examination of the issues raised at the hearing. A hearing may be postponed to obtain the presence of a material witness or document.
- (4) The Board or party requesting a subpoena may seek contempt proceedings in the circuit court of any county against any person refusing to honor the subpoena.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

**Compelling Appearance of Witnesses: If Subpoena Requested;
Board Motion; Failure to Obey**

255-75-040 (1) As provided in ORS 144.347, the Board has the power to subpoena witnesses and documents to a parole revocation hearing.

(2) The Board shall issue a subpoena for any witness whose appearance at a hearing is requested.

(3) At any time before a hearing has begun, the Board, on its own motion, may subpoena any witness or documents it feels are necessary to the full examination of the issues raised at the hearing. A hearing may be postponed to obtain the presence of a material witness or document.

(4) The Board or party requesting a subpoena may seek contempt proceedings in the circuit court of any county against any person refusing to honor the subpoena.

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

Permanent effective 2/1/79



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0042

Probable Cause; Preliminary Hearing; Deferral of Revocation Hearing

- (1) The Sanction Authority or Hearings Officer may use evidence received and the order of a court at a preliminary hearing or a conviction or other reliable, relevant information to establish that probable cause exists to believe that the offender has committed a violation of a condition of parole or post-prison supervision.
- (2) Should the offender waive the right to a preliminary hearing, the waiver shall constitute a waiver of a probable cause hearing.
- (3) When the Sanction Authority or Hearings Officer defers completion of a violation hearing until a trial is over and until the court or the parole and post-prison supervision officer notifies the Sanction Authority or Hearings Officer of the final disposition of the case, the Sanction Authority or Hearings Officer shall use a finding of probable cause to support the decision to suspend and detain an offender charged with the commission of a new crime.
- (4) Notwithstanding subsection (3) of this section, the Sanction Authority or Hearings Officer shall not extend a deferral following a finding of probable cause for a period greater than 120 days from the date of the preliminary hearing or waiver, unless the offender is released from jail pending final disposition of the case, or waives in writing further delay. Subsequent waivers shall not extend beyond 120 days.

Statutory Authority: ORS 144.050, 144.140, 144.343

History: (11/25/81, temporary; 5/19/82; 11/19/84, temporary; 2/28/85; 3/14/88
temporary; 5/19/88; 10/16/89; 4/15/92, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Probable Cause; Preliminary Hearing; Deferral of Revocation Hearing
255-75-042

- (1) The Board may use [E]vidence received[, or] and the order of the court at the preliminary hearing or a conviction [may be used by the Board] to establish that probable cause exists to believe that the offender has committed a violation of a condition of parole or post-prison supervision [has occurred].
- (2) Should the [parolee/]offender waive the right to a preliminary hearing, the waiver shall constitute a waiver of a probable cause hearing [by the Board to determine whether there is a probable cause to believe that a violation of one or more of the conditions of parole or post-prison supervision has occurred].
- (3) [A finding of probable cause shall be used to support the Board's decision to suspend and detain a parolee/offender charged with the commission of a new crime.] When [T]he Board [may then defer] defers completion of a [revocation] violation hearing until the trial is over and until the court or the parole and post-prison supervision officer notifies the Board [is notified] of the final disposition of the case, the Board shall use a finding of probable cause to support the Board's decision to suspend and detain an offender charged with the commission of a new crime.
- (4) Notwithstanding subsection (3) of this section, the Board shall not extend a deferral following a finding of probable cause [may not be extended] for a period greater than 120 days from the date of the preliminary hearing or waiver, unless the offender is released from jail pending final disposition of the case.

Statutory Authority: (ORS 144.050, 144.140, 144.343)

History: (11/25/81, temporary; 5/19/82; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 4/15/92)

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Probable Cause; Effect of Preliminary
Hearing; Definition of Term; Deferral
of Revocation Hearing
255-75-042

- (1) Evidence received or the order of the court at the preliminary hearing may be used by the Board to establish that probable cause exists to believe that a violation of a condition of parole or post-prison supervision has occurred.
- (2) Should the parolee/offender waive the right to a preliminary hearing, the waiver shall constitute a waiver of a hearing by the Board to determine whether there is a probable cause to believe that a violation of one or more of the conditions of parole or post-prison supervision has occurred.
- (3) A finding of probable cause shall be used to support the Board's decision to suspend and detain an parolee/offender charged with the commission of a new crime. The Board may then defer completion of a [parole violation] revocation hearing until the trial is over and the Board is notified of the final disposition of the case.
- (4) Notwithstanding subsection (3) of this section, a deferral following a finding of probable cause may not be extended for a period greater than 120 days from the date of the preliminary hearing or waiver.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Probable Cause; Effect of Preliminary Hearing; Definition of Term;
Deferral of Revocation Hearing
255-75-042

- (1) Evidence received, [by and/] or the order of the court at the preliminary hearing may be used by the Board to establish that probable cause exists to believe that a violation of a condition of parole has occurred. [; and further, that]

- (2) [s] Should the parolee waive the right to a preliminary hearing, [such] the waiver shall [also] constitute a waiver of a hearing by the Board to determine whether there is a probable cause to believe that a violation of one or more of the conditions of parole has occurred.

["Probable Cause" shall be interpreted to mean a standard of proof lower than a preponderance (e.g., a reasonable belief that the violation did occur as opposed to proof by greater weight of the evidence).]

- (3) A finding of probable cause [Such findings] shall be used to support the Board's decision to suspend and detain a parolee charged with the commission of a new crime. The Board may then defer completion of a parole violation hearing until the trial is over [has been completed] and the Board is notified of the final disposition of the case.

- (4) [In no case, however, shall] Notwithstanding subsection (3) of this section, a deferral following a finding of probable cause may not be extended for a period greater than 120 [ninety (90)] days from the date of the preliminary hearing or waiver.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Probable Cause; Effect of Preliminary Hearing; Definition of Term;
Deferral of Revocation Hearing
255-75-042

- (1) Evidence received, [by and/] or the order of the court at the preliminary hearing may be used by the Board to establish that probable cause exists to believe that a violation of a condition of parole has occurred. [; and further, that]
- (2) [s] Should the parolee waive the right to a preliminary hearing, [such] the waiver shall [also] constitute a waiver of a hearing by the Board to determine whether there is a probable cause to believe that a violation of one or more of the conditions of parole has occurred.
- (3) "Probable Cause": a substantial objective basis for believing that more likely than not an offense or violation has been committed and the person to be arrested has committed it. [shall be interpreted to mean a standard of proof lower than a preponderance (e.g., a reasonable belief that the violation did occur as opposed to proof by greater weight of the evidence).]
- (4) A finding of probable cause [Such findings] shall be used to support the Board's decision to suspend and detain a parolee charged with the commission of a new crime. The Board may then defer completion of a parole violation hearing until the trial is over [has been completed] and the Board is notified of the final disposition of the case.
- (5) [In no case, however, shall] Notwithstanding subsection (3) of this section, a deferral following a finding of probable cause may not be extended for a period greater than 120 [ninety (90)] days from the date of the preliminary hearing or waiver.

Temporary effective 3/14/88 to 9/9/88
but see permanent adoption 5/19/88

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-042 Probable Cause; Effect of Preliminary Hearing;
Definition of Term; Deferral of Revocation Hearing

- (1) Evidence received by and/or the order of the court at the preliminary hearing may be used by the Board to establish that probable cause exists to believe that a violation of a condition of parole has occurred; and further, that should the parolee waive right to a preliminary hearing, such waiver shall also constitute a waiver of hearing by the Board to determine whether there is a probable cause to believe that a violation of one or more of the conditions of parole has occurred.
- (2) "Probable Cause" shall be interpreted to mean a standard of proof lower than a preponderance (e.g., a reasonable belief that the violation did occur as opposed to proof by greater weight of the evidence). Such findings shall be used to support the Board decision to suspend and detain a parolee charged with the commission of a new crime. The Board may then defer completion of a parole [revocation] violation hearing until trial has been completed. In no case, however, shall a deferral following a finding of probable cause extend for a period greater than ninety (90) days from the date of the preliminary hearing or waiver.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

[255-75-042 Probable Cause; Effect of Preliminary Hearing; Definition of Term; Deferral of Revocation Hearing

- (1) Evidence received by and/or the order of the court at the preliminary hearing may be used by the Board to establish that probable cause exists to believe that a violation of a condition of parole has occurred; and further, that should the parolee waive right to a preliminary hearing, such waiver shall also constitute a waiver of a hearing by the Board to determine whether there is probable cause to believe that a violation of one or more of the conditions of parole has occurred.
- (2) "Probable cause" shall be interpreted to mean a standard of proof lower than a preponderance (e.g., a reasonable belief that the violation did occur as opposed to proof by greater weight of the evidence). Such finding shall be used to support the Board decision to suspend and detain a parolee charged with the commission of a new crime. The Board may then defer completion of a parole revocation hearing until trial has been completed. In no case, however, shall a deferral following a finding of probable cause extend for a period greater than ninety (90) days from the date of the preliminary hearing or waiver.]

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

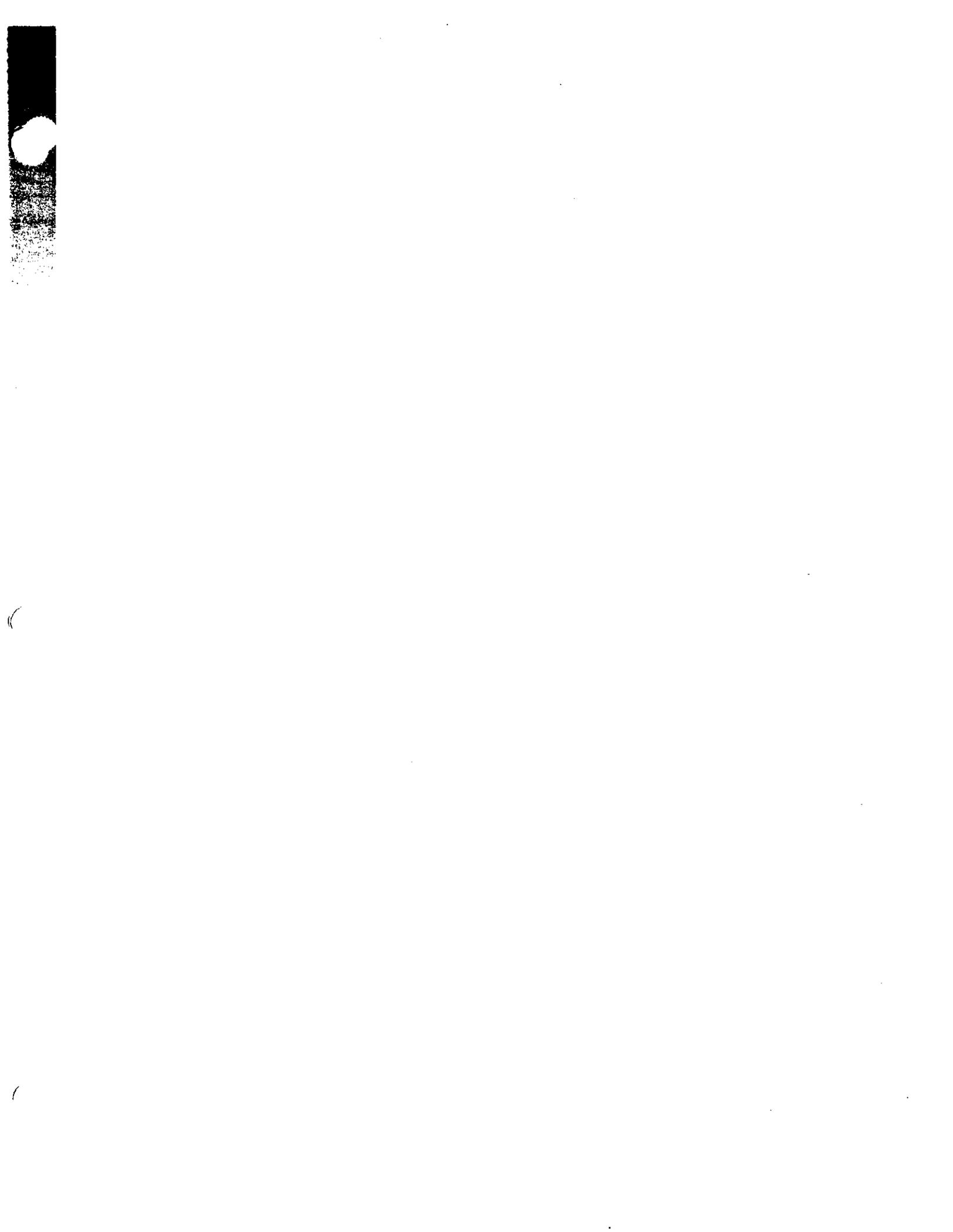
PROCEDURES FOR REVOCATION OF PAROLE

255-75-042 Probable cause; Effect of Preliminary Hearing; Definition of Term; Deferral of Revocation hearing.

(1) Evidence received by and/or the order of the court at the preliminary hearing may be used by the Board to establish that probable cause exists to believe that a violation of a condition of parole has occurred; and further, that should the parolee waive right to a preliminary hearing, such waiver shall also constitute a waiver of a hearing by the Board to determine whether there is probable cause to believe that a violation of one or more of the conditions of parole has occurred.

(2) "Probable cause" shall be interpreted to mean a standard of proof lower than a preponderance (e.g., a reasonable belief that the violation did occur as opposed to proof by greater weight of the evidence). Such finding shall be used to support the Board decision to suspend and detain a parolee charged with the commission of a new crime. The Board may then defer completion of a parole revocation hearing until trial has been completed. In no case, however, shall a deferral following a finding of probable cause extend for a period greater than ninety (90) days from the date of the preliminary hearing or waiver.

Temporary effective 11/25/81 to 5/23/82
but became permanent 5/19/82



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0045

Evidence; Subpoena of Documents

- (1) The Sanction Authority or Hearings Officer may receive the following as evidence at a violation hearing:
 - (a) oral testimony under oath;
 - (b) affidavits or other sworn statements;
 - (c) letters;
 - (d) documents;
 - (e) reports made in the course of official duty or professional practice (e.g., reports of law enforcement agencies, parole and post-prison supervision officers, doctors, psychologists, attorneys);
 - (f) uncertified copies of letters, documents, or reports shall be admissible in a revocation hearing if there is a reasonable showing by the person submitting the exhibit item that the copy is reliable;
 - (g) evidence of criminal activity even when charges have been dismissed, not brought or the offender has been acquitted at trial;
 - (h) reliable hearsay evidence; or
 - (i) any evidence determined to be material, relevant, and reliable, regardless of its nature.
- (2) Upon the request of any party to the hearing, the Sanction Authority, or Hearings Officer may issue a subpoena duces tecum upon a proper showing of relevant and reasonable scope of the documentary or physical evidence being sought. Otherwise, the offender shall make the offender's own arrangements for presenting evidence.
- (3) The Sanction Authority or Hearings Officer may exclude documents or physical evidence upon making a finding that such evidence would pose a hazard to facility security or would not assist in the resolution of the allegations(s). The reason for exclusion shall be made part of the record.
- (4) The Sanction Authority or Hearings Officer may classify documents or physical evidence as confidential upon making a finding that revealing such evidence would pose a threat to the safety of the person providing the evidence.
- (5) The Sanction Authority or Hearings Officer shall make evidence received without disclosing the identity of the witness a sealed part of the record.
- (6) When a witness is unavailable, the Sanction Authority or Hearings Officer may receive statements in the form of documentary evidence. The Sanction Authority or Hearings Officer shall determine at an in-camera hearing the reliability and relevance of the absent witness's statement.

Statutory Authority: ORS 144.343, 144.347

History: (2/1/79; 11/25/81, temporary; 5/19/82, 11/19/84, temporary; 2/28/85;
3/14/88, temporary; 5/19/88; 10/16/89; 10/9/92; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Evidence; Subpoena of Documents
255-75-045

- (1) The Hearings Officer may receive the following evidence [may be received] at a [revocation] violation hearing:
 - (a) oral testimony under oath;
 - (b) affidavits or other sworn statements;
 - (c) letters;
 - (d) documents;
 - (e) reports made in the course of official duty or professional practice (e.g., reports of law enforcement agencies, parole and post-prison supervision officers, doctors, psychologists, attorneys);
 - (f) uncertified copies of letters, documents, or reports shall be admissible in a revocation hearing if there is a reasonable showing by the person submitting the exhibit item that the copy is reliable;
 - (g) evidence of criminal activity even when charges have been dismissed, not brought, or the [parolee/]offender has been acquitted at trial;
 - (h) reliable hearsay evidence [shall be admissible]; or
 - (i) any evidence determined to be material, relevant, and reliable, regardless of its nature.
- (2) Upon the request of any party to the hearing, the Board of Parole and Post-Prison Supervision, or [its designated representative] the Hearings Officer, may issue a subpoena duces tecum upon a proper showing of relevant and reasonable scope of the documentary or physical evidence being sought. The [parolee/]offender [may] shall make the [parolee's/]offender's own arrangements for presenting evidence.
- (3) The Hearings Officer may exclude documents or physical evidence upon making a finding that such evidence would pose a hazard to facility security or would not assist in the resolution of the allegation(s). The reason for exclusion shall be made part of the record.
- (4) The Hearings Officer may classify documents or physical evidence as confidential upon making a finding that revealing such evidence would pose a threat to the safety of the person providing the evidence.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

- (5) The Hearings Officer shall make [E]vidence received without disclosing the identity of the witness [shall be made] a sealed part of the record.
- (6) When a witness is unavailable, the Hearings Officer may receive statements [may be received] in the form of documentary evidence. [when] [t]The Hearings Officer shall determine[s] at an in-camera hearing [that good cause for nondisclosure exists and supporting evidence establishes] the reliability and relevance of the absent witness's statement.

Statutory Authority: (ORS 144.343, 144.347)

History: (2/1/79; 11/25/81, temporary; 5/19/82; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 10/9/92)

Permanent effective 10/9/92

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Evidence
255-75-045

proper showing of relevant and reasonable scope of the documentary or physical evidence being sought. The parolee/offender may make the parolee's/offender's own arrangements for presenting evidence.

- (1) The following evidence may be received at a [parole violation] revocation hearing:
 - (a) oral testimony under oath;
 - (b) affidavits or other sworn statements;
 - (c) letters;
 - (d) documents;
 - (e) reports made in the course of official duty or professional practice (e.g., reports of law enforcement agencies, parole and post-prison supervision officers, doctors, psychologists, attorneys);
 - (f) uncertified copies of letters, documents, or reports shall be admissible in a [parole violation] revocation hearing if there is a reasonable showing by the person submitting the exhibit item that the copy is reliable;
 - (g) evidence of criminal activity even when charges have been dismissed, not brought, or the parolee/offender has been acquitted at trial;
 - (h) hearsay evidence shall be admissible; or
 - (i) any evidence determined to be material, relevant, and reliable, regardless of its nature.
- (2) Upon the request of any party to the hearing, the [Parole] Board of Parole and Post-Prison Supervision, or its designated representative, may issue a subpoena duces tecum upon a

- (3) The Hearings Officer may exclude documents or physical evidence upon making a finding that such evidence would pose a hazard to facility security or would not assist in the resolution of the allegation(s). The reason for exclusion shall be made part of the record.
- (4) The Hearings Officer may classify documents or physical evidence as confidential upon making a finding that revealing such evidence would pose a threat to the safety of the person providing the evidence.
- (5) Evidence received without disclosing the identity of the witness shall be made a sealed part of the record.
- (6) When a witness is unavailable, the statements may be received in the form of documentary evidence when the Hearings Officer determines at an in-camera hearing that good cause for nondisclosure exists and supporting evidence establishes the reliability of the absent witness's statement.

Permanent effective 10/16/89

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Evidence
255-75-045

- (1) The following evidence may be received at a parole violation hearing:
- (a) [(1)O] oral testimony under oath;
 - (b) [(2)A] affidavits or other sworn statements;
- [(3) Evidence determined to be material, relevant, and reliable, regardless of its nature, including:]
- (c) [(a)L] letters;
 - (d) [(b)D] documents;
 - (e) [(c)R] reports made in the course of official duty or professional practice (e.g., reports of law enforcement agencies, parole officers, doctors, psychologists, attorneys);
 - (f) [(d)U] uncertified copies of letters, documents, or reports shall be admissible in a parole violation hearing if there is a reasonable showing by the person submitting the exhibit item that the copy is reliable; [.]
 - (g) [(4)E] evidence of criminal activity even when charges have been dismissed, not brought, or the parolee has been acquitted at trial; [.]
 - (h) [(5)H] hearsay evidence shall be admissible; however, hearsay cannot alone form the evidentiary basis for revocation if objection is raised. This provision shall not apply to certain recognized exceptions to the hearsay rule. For Board purposes, Federal rules 803, 804, and 805 shall be utilized in determining exceptions to the hearsay rule; or [.]
 - (i) any evidence determined to be material, relevant, and reliable, regardless of its nature.
- (2) [(6)] Upon the request of any party to the hearing, the Parole Board, or its designated representative, may issue a subpoena duces tecum upon a proper showing of relevant and reasonable scope of the documentary or [/] physical evidence being sought. The parolee may make the parolee's [his/her] own arrangements for presenting evidence.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

- (3) [(7)] The [h] Hearings [o] Officer may exclude documents or [/] physical evidence upon making a finding that such evidence would pose a hazard to facility security or would not assist in the resolution of the allegation(s). The reason for exclusion shall be made part of the record.
- (4) [(8)] The [h] Hearings [o] Officer may classify documents or [/] physical evidence as confidential upon making a finding that revealing such evidence would pose a threat to the safety of the person providing the evidence.
- (5) [(9)] Evidence received without disclosing the identity of the witness shall be made a sealed part of the record.
- (6) [(10)] When a witness is unavailable, the [his/her] statements may be received in the form of documentary evidence when the [h] Hearings [o] Officer determines at an in-camera hearing that good cause for non[-]disclosure exists and supporting evidence establishes the reliability of the absent witness's statement.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Evidence
255-75-045

- (1) The following evidence may be received at a parole violation hearing:
- (a) [(1)O] oral testimony under oath;
 - (b) [(2)A] affidavits or other sworn statements;
- [(3) Evidence determined to be material, relevant, and reliable, regardless of its nature, including:]
- (c) [(a)L] letters;
 - (d) [(b)D] documents;
 - (e) [(c)R] reports made in the course of official duty or professional practice (e.g., reports of law enforcement agencies, parole officers, doctors, psychologists, attorneys);
 - (f) [(d)U] uncertified copies of letters, documents, or reports shall be admissible in a parole violation hearing if there is a reasonable showing by the person submitting the exhibit item that the copy is reliable; [.]
 - (g) [(4)E] evidence of criminal activity even when charges have been dismissed, not brought, or the parolee has been acquitted at trial; [.]
 - (h) [(5)H] hearsay evidence shall be admissible, however, hearsay cannot alone form the evidentiary basis for revocation if objection is raised. This provision shall not apply to certain recognized exceptions to the hearsay rule. For Board purposes, Federal rules 803, 804, and 805 shall be utilized in determining exceptions to the hearsay rule; or [.]
 - (i) evidence determined to be material, relevant, and reliable, regardless of its nature.
- (2) [(6)] Upon the request of any party to the hearing, the Parole Board, or its designated representative, may issue a subpoena duces tecum upon a proper showing of relevant and reasonable scope of the documentary or [/] physical evidence being sought. The parolee may make the parolee's [his/her] own arrangements for presenting evidence.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

- (3) [(7)] The [h] Hearings [o] Officer may exclude documents or [/] physical evidence upon making a finding that such evidence would pose a hazard to facility security or would not assist in the resolution of the allegation(s). The reason for exclusion shall be made part of the record.
- (4) [(8)] The [h] Hearings [o] Officer may classify documents or [/] physical evidence as confidential upon making a finding that revealing such evidence would pose a threat to the safety of the person providing the evidence.
- (5) [(9)] Evidence received without disclosing the identity of the witness shall be made a sealed part of the record.
- (6) [(10)] When a witness is unavailable, the [his/her] statements may be received in the form of documentary evidence when the [h] Hearings [o] Officer determines at an in-camera hearing that good cause for non[-]disclosure exists and supporting evidence establishes the reliability of the absent witness's statement.

Temporary effective 3/14/88 to 9/9/88
but see permanent adoption 5/19/88

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-045 Evidence [at Parole Revocation Hearing: What May be Received]

The following evidence may be received at a parole [revocation] violation hearing:

- (1) Oral testimony under oath;
- (2) Affidavits or other sworn statements;
- (3) Evidence determined to be material, relevant, and reliable, regardless of its nature, including:
 - (a) Letters;
 - (b) Documents;
 - (c) Reports made in the course of official duty or professional practice (e.g., reports of law enforcement agencies, parole officers, doctors, psychologists, attorneys);
 - (d) Uncertified copies of letters, documents, or reports shall be admissible in a parole [revocation] violation if there is a reasonable showing by the person submitting the exhibit item that the copy is reliable.
- (4) Evidence of criminal activity even when charges have been dismissed, not brought, or the parolee has been acquitted at trial.
- (5) Hearsay evidence[,] shall be [although] admissible, however, cannot alone form the evidentiary basis for revocation if objection is raised. This provision shall not apply to certain recognized exceptions to the hearsay rule. For Board purposes, Federal rules 803, 804, and 805 shall be utilized in determining exceptions to the hearsay rule.
- (6) Upon request of any party to the hearing, the Parole Board or its designated representative, may issue a subpoena upon a proper showing of relevant and reasonable scope of the documentary/physical evidence being sought. The parolee may make his/her own arrangement for presenting evidence.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

- (7) The hearings officer may exclude documents/physical evidence upon making a finding that such evidence would pose a hazard to facility security or would not assist in the resolution of the allegation(s). The reason for exclusion shall be made part of the record.
- (8) The hearings officer may classify documents/physical evidence as confidential upon making a finding that revealing such evidence would pose a threat to the safety of the person providing the evidence.
- (9) Evidence received without disclosing the identity of the witness shall be made a sealed part of the record.
- (10) When a witness is unavailable, his/her statements may be received in the form of documentary evidence when the Hearings Officer determines at an in-camera hearing that good cause for non-disclosure exists and supporting evidence establishes the reliability of the absent witness' statement.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-045 Evidence [at Parole Revocation Hearing: What May be Received]

The following evidence may be received at a parole revocation hearing:

- (1) Oral testimony under oath;
- (2) Affidavits or other sworn statements;
- (3) Evidence determined to be material, relevant, and reliable, regardless of its nature, including:
 - (a) Letters;
 - (b) Documents;
 - (c) Reports made in the course of official duty or professional practice (e.g., reports of law enforcement agencies, parole officers, doctors, psychologists, attorneys);
 - (d) Uncertified copies of letters, documents, or reports shall be admissible in a parole revocation if there is a reasonable showing by the person submitting the exhibit item that the copy is reliable.
- (4) Evidence of criminal activity even when charges have been dismissed, not brought, or the parolee has been acquitted at trial.
- (5) Hearsay evidence[,] shall be [although] admissible. [, cannot alone form the evidentiary basis for revocation of objection is raised. This provision shall not apply to certain recognized exceptions to the hearsay rule. For Board purposes, Federal rules 803, 804, and 805 shall be utilized in determining exceptions to the hearsay rule.]
- (6) Any party to the hearing, the Parole Board or its designated representative, shall issue a subpoena upon a proper showing of relevant and reasonable scope of the documentary/physical evidence being sought. The parolee may make his/her own arrangement for presenting evidence.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

- (7) The hearings officer may exclude documents/physical evidence upon making a finding that such evidence would pose a hazard to facility security or would not assist in the resolution of the allegation(s). The reason for exclusion shall be made part of the record.
- (8) Evidence shall be handled in accordance with Corrections Division "Rule Governing Searches of Persons Under Supervision of the Corrections Division, Employees, Visitors and Their Possessions, and Control of Contraband" (#38) and "Policy Governing Investigation and Reporting of Crimes in Corrections Division Facilities and Disposition of Contraband" (#32).
- (9) The hearings officer may classify documents/physical evidence as confidential upon making a finding that revealing such evidence would pose a threat to the safety of the person providing the evidence.
- (10) Evidence received without disclosing the identity of the witness shall be made a sealed part of the record.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Evidence at Parole Revocation Hearing: What May be Received
255-75-045

The following evidence may be received at a parole revocation hearing:

- (1) Oral testimony under oath;
- (2) Affidavits or other sworn statements;
- (3) Evidence determined to be material, relevant, and reliable, regardless of its nature, including:
 - (a) Letters;
 - (b) Documents;
 - (c) Reports made in the course of official duty or professional practice (e.g., reports of law enforcement agencies, parole officers, doctors, psychologists, attorneys);
 - (d) Uncertified copies of letters, documents, or reports shall be admissible in a parole revocation if there is a reasonable showing by the person submitting the exhibit item that the copy is reliable.
- (4) Evidence of criminal activity even when charges have been dismissed, not brought, or the parolee has been acquitted at trial.
- (5) Hearsay evidence, although admissible, cannot alone form the evidentiary basis for revocation if objection is raised. This provision shall not apply to certain recognized exceptions to the hearsay rule. For Board purposes, Federal rules 803, 804, and 805 shall be utilized in determining exceptions to the hearsay rule.

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

Temporary effective 11/25/81 to 5/23/82
but became permanent 5/19/82

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Evidence at Parole Revocation Hearing: What May be Received
255-75-045 The following evidence may be received at a parole revocation hearing:

- (1) Oral testimony under oath;
- (2) Affidavits or other sworn statements;
- (3) Evidence determined to be material, relevant, and reliable, regardless of its nature, including:
 - (a) Letters;
 - (b) Documents;
 - (c) Reports made in the course of official duty or professional practice (e.g., reports of law enforcement agencies, parole officers, doctors, psychologists, attorneys);
- (4) Evidence of criminal activity even when charges have been dismissed, not brought, or the parolee has been acquitted at trial.
- (5) Hearsay evidence, although admissible, cannot alone form the evidentiary basis for revocation if objection is raised.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0046

Postponement

- (1) The Sanction Authority or Hearings Officer with Sanction Authority approval, may postpone a hearing for good cause and for a reasonable period of time, which shall not exceed 120 days.
- (2) The criteria for "good cause" includes, but is not limited to:
 - (a) the preparation of defense;
 - (b) illness or unavailability of the offender or other persons;
 - (c) gathering of additional evidence; or
 - (d) avoiding interference with an ongoing police investigation or pending prosecution.
- (3) The Sanction Authority, or Hearings Officer with Sanction Authority approval, may make a finding of a violation and defer disposition for a reasonable time which may exceed 120 days if such delay is reasonably necessary for the offender, the Sanction Authority or Hearings Officer to obtain information relevant to disposition decision.

Statutory Authority: ORS 144.050, 144.140, 144.343

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/18/88; 10/16/89;
10/9/92, temporary; 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOCAION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Postponement

255-75-046

- (1) With Board approval, the Hearings Officer may postpone a [A] hearing [may be postponed by the Hearings Officer] for good cause and for a reasonable period of time, which shall not exceed 120 days.
- (2) The criteria for "good cause" includes, but is not limited to:
 - (a) the preparation of defense;
 - (b) illness or unavailability of the [parolee/]offender or other [15] persons;
 - (c) gathering of additional evidence; or
 - (d) avoiding interference with an ongoing police investigation or pending prosecution.

Statutory Authority: (ORS 144.050, 144.140, 144.343)

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
10/16/89; 10/9/92)

Permanent effective 10/9/92

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Postponement

255-75-046

- (1) A hearing may be postponed by the Hearings Officer for good cause and for a reasonable period of time.
- (2) The criteria for "Good cause" includes, but is not limited to:
 - (a) the preparation of defense;
 - (b) illness or unavailability of the parolee/offender or other persons;
 - (c) gathering of additional evidence; or
 - (d) avoiding interference with an ongoing police investigation or pending prosecution.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Postponement
255-75-046

- (1) A hearing may be postponed by the [h] Hearings [o] Officer for good cause and for a reasonable period of time.
- (2) The criteria for "Good cause" includes, but is not limited to:
 - (a) the [P] preparation of defense;
 - (b) [I] illness or unavailability of the parolee or other persons;
 - (c) [G] gathering of additional evidence; or
 - (d) [A] avoiding interference with an ongoing police investigation or pending prosecution.

DIVISION 75

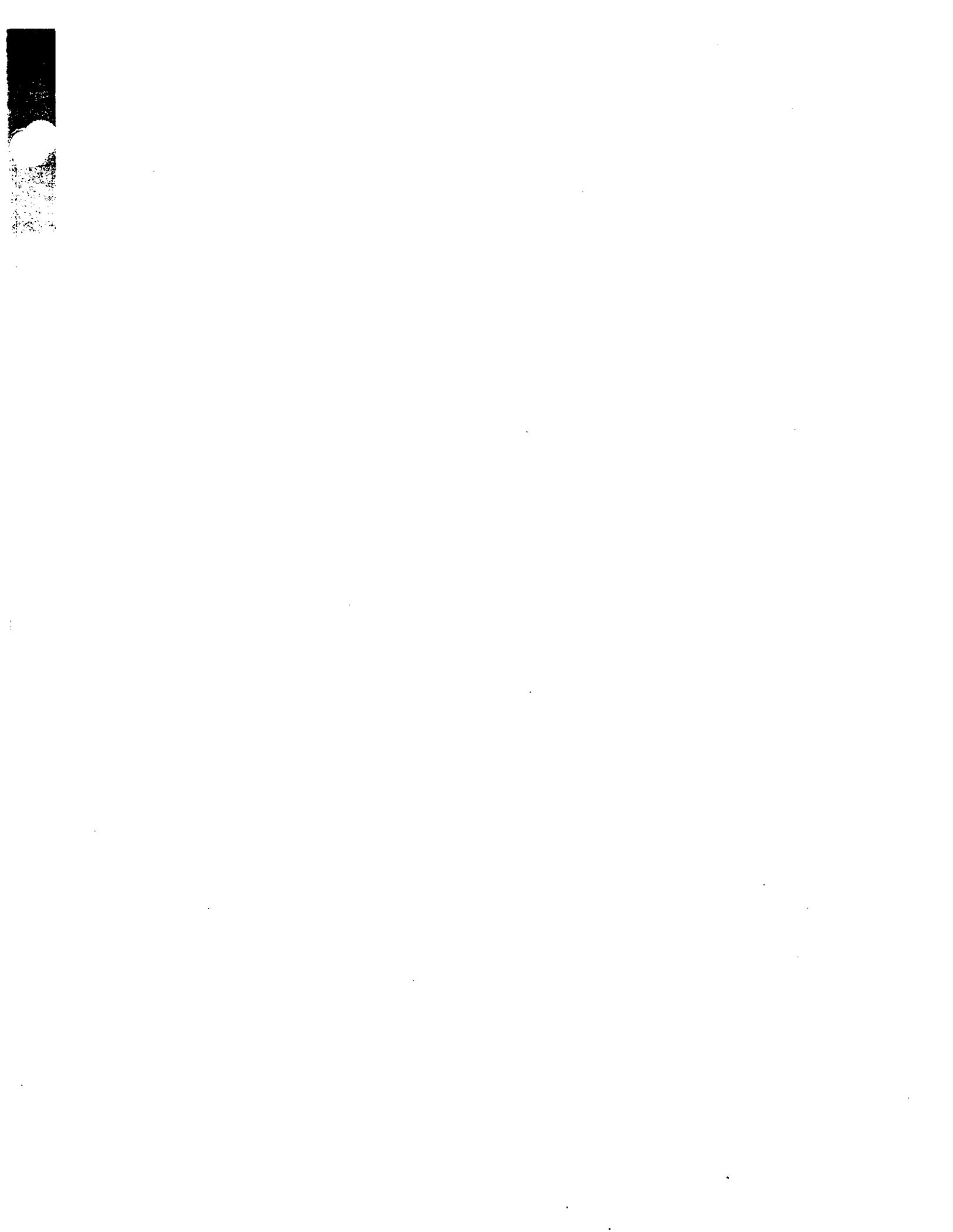
PROCEDURES FOR REVOCATION OF PAROLE

255-75-046 Postponement

- (1) A hearing may be postponed by the hearings officer for good cause and for a resonable period of time.
- (2) "Good cause" includes, but is not limited to:
 - (a) Preparation of defense;
 - (b) Illness or unavailability of the parolee or other persons;
 - (c) Gathering of additional evidence; or
 - (d) Avoiding interference with an ongoing police investigation or pending prosecution.

Temporary effective 11/19/84 to 5/17/85

but became permanent 2/28/85



DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

[255-75-050 Procedure for Receiving Evidence if Good Cause Exists Not to Require Confrontation or Disclosure of an Informant's Identity

- (1) When the Board receives material evidence from a witness who is likely to be subject to an actual threat of physical or psychological harm if his/her identity is disclosed to the parolee, the Board may receive the evidence provided by the witness without requiring confrontation or disclosure of the witness' identity.
- (2) The determination whether to disclose the identity of a witness shall be made at an in-camera hearing:
 - (a) If the Hearings Officer decides good cause does not exist, the evidence shall be disclosed unless withdrawn;
 - (b) If the Hearings Officer decides good cause does exist, he/she shall state the reasons for the decision and conduct an independent examination of the witness on the record.
- (3) Evidence received without disclosing the identity of the witness shall be made a sealed part of the record.
- (4) When a witness is unavailable, his/her statements may be received in the form of documentary evidence, following the procedures in this rule, when the Hearings Officer determines at an in-camera hearing that good cause for non-disclosure exists and supporting evidence establishes the reliability of the absent witness' statement.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Procedure for Receiving Evidence if Good Cause Exists Not to Require Confrontation or Disclosure of an Informant's Identity

255-75-050 (1) When the Board receives material evidence from a witness who is likely to be subject to an actual threat of physical or psychological harm if his/her identity is disclosed to the parolee, the Board may receive the evidence provided by the witness without requiring confrontation or disclosure of the witness' identity.

(2) The determination whether to disclose the identity of a witness shall be made at an in-camera hearing:

(a) If the Hearings Officer decides good cause does not exist, the evidence shall be disclosed unless withdrawn.

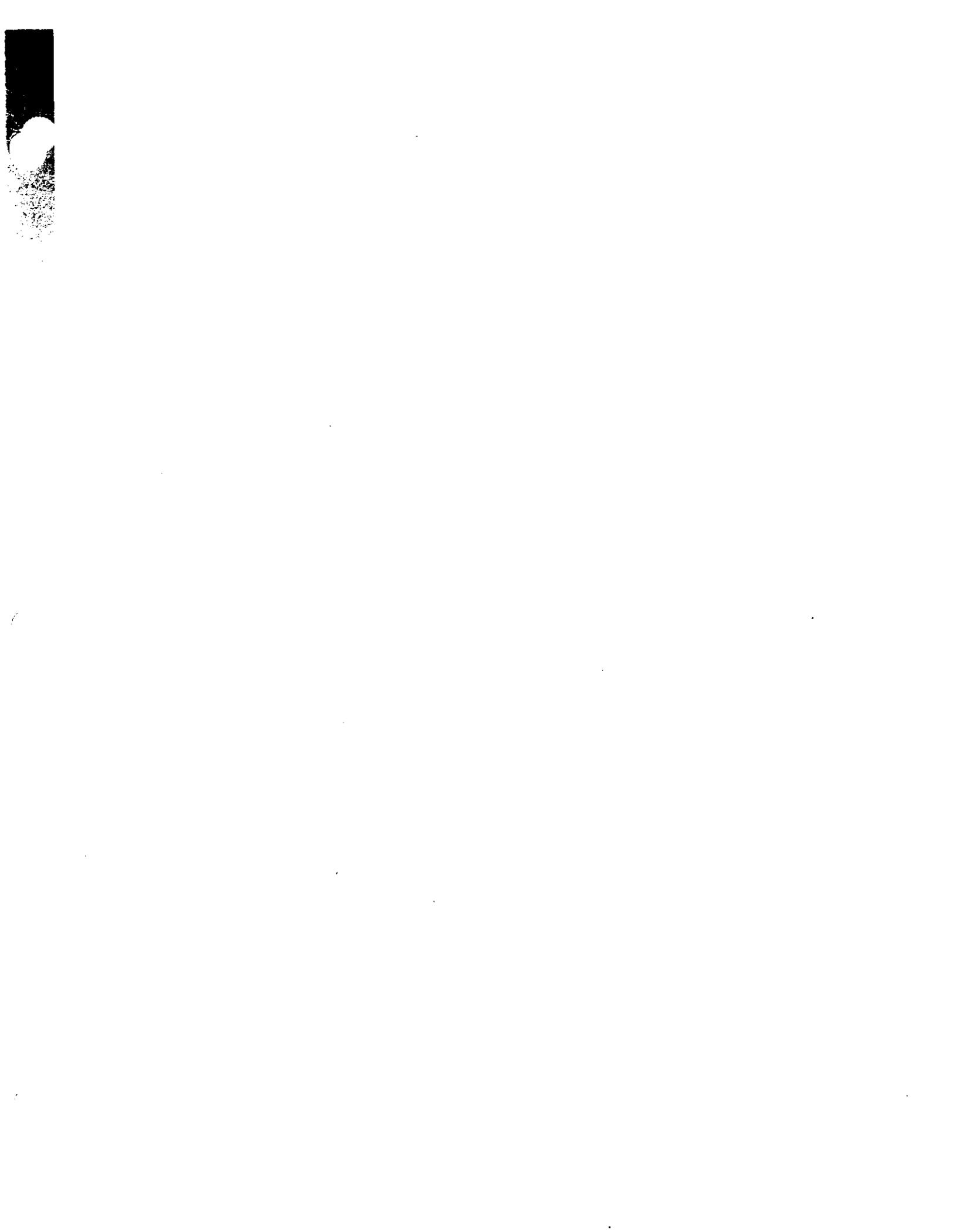
(b) If the Hearings Officer decides good cause does exist, he/she shall state the reasons for the decision and conduct an independent examination of the witness on the record.

(3) Evidence received without disclosing the identity of the witness shall be made a sealed part of the record.

(4) When a witness is unavailable, his/her statements may be received in the form of documentary evidence, following the procedures in this rule, when the Hearings Officer determines at an in-camera hearing that good cause for non-disclosure exists and supporting evidence establishes the reliability of the absent witness' statement.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0055

Reopening Hearings: Criteria; Procedure

- (1) After the completion of a violation hearing, the Sanction Authority or Hearings Officer may reopen a hearing if substantial new information is discovered which was not known or could not be anticipated at the time of the hearing and which would significantly affect the outcome of the hearing.
- (2) The Sanction Authority or Hearings Officer shall send the offender notice of the decision to reopen the hearing and the new information to be considered. The re-opened hearing shall conform to the procedures of this Division.

Statutory Authority: ORS 144.050, 144.140, 144.343

History: (2/1/79; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 10/9/92,
temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOCAION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Reopening Hearings: Criteria; Procedure
255-75-055

- (1) After the completion of a [revocation] violation hearing, and before a final decision, the Board may reopen a hearing if substantial new information is discovered which was not known or could not be anticipated at the time of the hearing and which would significantly affect the outcome of the hearing.
- (2) The Board shall send the [parolee/]offender [shall be given] notice of the decision to reopen the hearing and the new information to be considered. The hearing shall conform to the procedures of this Division.

Statutory Authority: (ORS 144.050, 144.140, 144.343)

History: (2/1/79; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 10/9/92)

Permanent effective 10/9/92

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Reopening Hearings for New
Information: Criteria; Procedure
255-75-055

- (1) After the completion of a [parole violation] revocation hearing, and before a final decision, the Board may reopen a hearing if substantial new information is discovered which was not known or could not be anticipated at the time of the hearing and which would significantly affect the outcome of the hearing.
- (2) The parolee/offender shall be given notice of the decision to reopen the hearing and the new information to be considered. The hearing shall conform to the procedures of this Division.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Reopening Hearings for New Information: Criteria; Procedure
255-75-055

- (1) After the completion of a parole violation hearing, and before a final decision, the Board may reopen a hearing if substantial new information is discovered which was not known or could not be anticipated at the time of the hearing and which would significantly affect the outcome of the hearing.
- (2) The parolee shall be given notice of the decision to reopen the hearing and the new information to be considered^[5]. The hearing shall conform to the procedures of this Division.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-055 Reopening Hearings for New Information: Criteria;
Procedure

- (1) After completion of a parole [revocation] violation hearing and before a final decision, the Board may reopen a hearing if substantial new information is discovered which was not known or could not be anticipated at the time of the hearing and which would significantly affect the outcome of the hearing.
- (2) The parolee shall be given notice of the decision to reopen the hearing and the new information to be considered. The hearing shall conform to the procedures of this division.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Reopening Hearings for New Information: Criteria; Procedure

255-75-055 (1) After completion of a parole revocation hearing and before a final decision, the Board may reopen a hearing if substantial new information is discovered which was not known or could not be anticipated at the time of the hearing and which would significantly affect the outcome of the hearing.

(2) The parolee shall be given notice of the decision to reopen the hearing and the new information to be considered. The hearing shall conform to the procedures of this division.

Stat. Auth.: ORS Ch. 144

Hlst: 2PB 1-1979, f. & cf. 2-1-79



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY

255-075-0056
Hearings Record

- (1) The hearings record shall include:
- (a) a Hearings Report Summary;
 - (b) a written statement of alleged violations;
 - (c) supporting materials, including documentary evidence admitted;
 - (d) a signed Notice of Rights;
 - (e) the Order of Parole or Post-Prison Supervision;
 - (f) a notice of time and place of hearing;
 - (g) a tape recording of the advice of rights and the hearing;
 - (h) the supervising officer's report, including recommended dispositions; and
 - (i) the history of supervision, local sanctions and modifications; and
 - (j) if any, the written waiver of the offender's right to three working days notice of the hearing.
- (2) The Hearings Officer shall retain the tape recording used in subsection (1)(g) of this rule for ~~(2)4~~ [two] four years.

Statutory Authority: ORS 144.343
History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89;
10/9/92, temporary 11/14/97; 05/11/98, 06-17-02,
06-13-03 – TEMP/NOT ICE)

Temporary Effective 06/13/03 thru 12/09/03
Permanently Effective 10/10/03

DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY

255-075-0056

Hearings Record

- (1) The hearings record shall include:
- (a) a Hearings Report Summary;
 - (b) a written statement of alleged violations;
 - (c) supporting materials, including documentary evidence admitted;
 - (d) a signed Notice of Rights;
 - (e) the Order of Parole or Post-Prison Supervision;
 - (f) a notice of time and place of hearing;
 - (g) a tape recording of the advice of rights and the hearing;
 - (h) the supervising officer's report, including recommended dispositions; [and]
 - (i) the history of supervision, local sanctions and modifications; and
 - (j) if any, the written waiver of the offender's right to three working days notice of the hearing.
- (2) The Hearings Officer shall retain the tape recording used in subsection (1)(g) of this rule for [two] ~~(2)~~ 4 four years.

Statutory Authority: ORS 144.343

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 10/9/92,
temporary 11/14/97; 05/11/98, PERM 06-17-02)

PERMANENT EFFECTIVE 06-17-02

DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0056

Hearings Record

- (1) The hearings record shall include:
- (a) a Hearings Report Summary;
 - (b) a written statement of alleged violations;
 - (c) supporting materials, including documentary evidence admitted;
 - (d) a signed Notice of Rights;
 - (e) the Order of Parole or Post Prison Supervision;
 - (f) a notice of time and place of hearing;
 - (g) a tape recording of the advice of rights and the hearing;
 - (h) the supervising officer's report, including recommended dispositions; [and]
 - (i) the history of supervision, local sanctions and modifications; and
 - (j) if any, the written waiver of the offender's right to three working days notice of the hearing.
- (2) The Hearings Officer shall retain the tape recording used in subsection (1)(g) of this rule for two (2) years.

Statutory Authority: ORS 144.343

History: (11/19/84, temporary; 2/28/85, 3/14/88, temporary; 5/19/88; 10/16/89;
10/9/92, temporary 11/14/97; 05/11/98)

05/11/98

Conditions Violations

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOCATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Hearings Record
255-75-056

- (1) The hearings record shall include:
- (a) a Hearings Report Summary [, including tape of hearing];
 - (b) a written statement of alleged violations;
 - (c) supporting materials, including documentary evidence admitted;
 - (d) a Notice of Rights; [and]
 - (e) the Order of Parole or Post-Prison Supervision; [.]
 - (f) a notice of time and place of hearing;
 - (g) a tape recording of the advice of rights and the hearing;
 - (h) the supervising officer's report, including recommended dispositions; and
 - (i) the history of supervision, local sanctions and modifications;
- (2) The Hearings Officer shall retain the tape recording used in subsection [(1)(a)] (1)(g) of this rule [shall be retained] for two (2) years.

Statutory Authority: (ORS 144.343)

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
10/16/89; 10/9/92)

Permanent effective 10/9/92

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Hearings Record
255-75-056

- (1) The hearings record shall include:
 - (a) a Hearings Report Summary including tape of hearing;
 - (b) a written statement of alleged violations;
 - (c) supporting materials;
 - (d) a Notice of Rights; and
 - (e) the Order of Parole or Post-Prison Supervision.
- (2) The tape recording used in subsection (1)(a) of this rule shall be [sent to and] retained [by the Parole Board] for two (2) years.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Hearings Record
255-75-056

- (1) The hearings record shall include:
- (a) a Hearings Report Summary; including tape of hearing;
 - [(b) The tape recording will be sent to and retained by the Parole Board for two (2) years.]
 - (b) [(2)W] a written statement of alleged violations;
 - (c) [(3)S] supporting materials;
 - (d) [(4)] a Notice of Rights; and
 - (e) [(5)] the Order of Parole.
- (2) The tape recording used in subsection (1)(a) of this rule shall be sent to and retained by the Parole Board for two (2) years.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-056 Hearings Record

The hearings record shall include:

- (1) Hearings Report Summary; including tape of hearing.
 - (a) The tape recording will be sent to and retained by the Parole Board for two (2) years.
- (2) Written statement of alleged violations;
- (3) Supporting materials;
- (4) Notice of Rights;
- (5) Order of parole.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

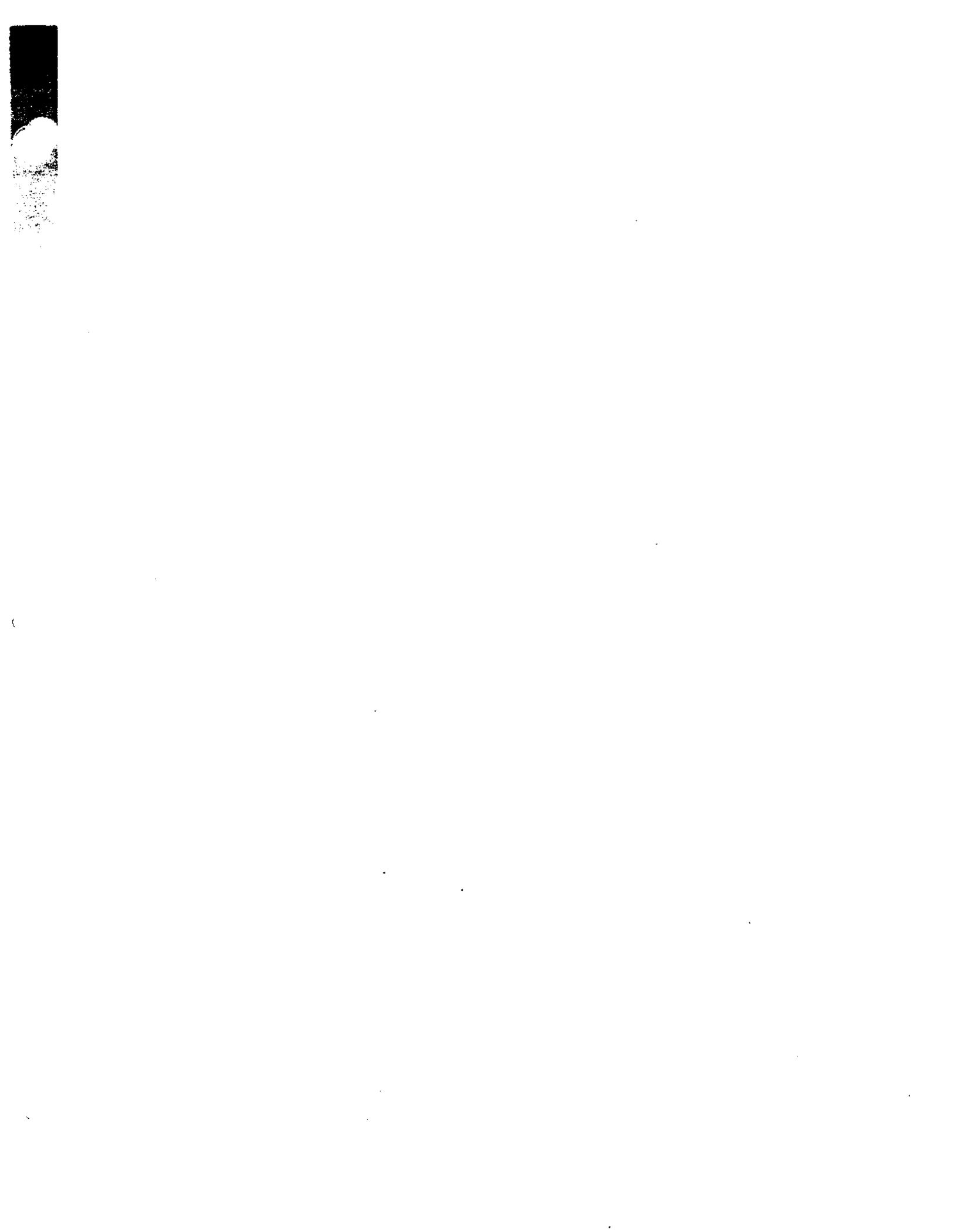
255-75-056 Hearings Record

The hearings record shall include:

- (1) Hearings Report Summary; including tape of hearing (if taped)
 - (a) The tape recording will be sent to and retained by the Parole Board for one (1) year.
- (2) Written statement of alleged violations;
- (3) Supporting materials;
- (4) Notice of Rights;
- (5) Order of parole.

Temporary effective 11/19/84 to 5/17/85

but superceded by permanent filing
2/28/85



DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

[255-75-060 Record of Parole Revocation Hearing

- (1) A record shall be made of the parole revocation hearing, including all evidence received and considered and a manual or mechanical recording of all oral testimony and presentations.
- (2) The record shall include evidence presented at the parole revocation hearing. Upon request, the presiding officer may hold the record open for a specified period of time to receive further evidence deemed material to the proceeding.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Record of Parole Revocation Hearing

255-75-060 (1) A record shall be made of the parole revocation hearing, including all evidence received and ordered and a manual or mechanical recording of all oral testimony and presentations.

(2) The record shall include evidence presented at the parole revocation hearing. Upon request, the presiding officer may hold the record open for a specified period of time to receive further evidence deemed material to the proceeding.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0065

Ten Day Period for Offender's Evidence and Exceptions

- (1) Within a reasonable time after the hearing, the Hearings Officer shall provide his or her report to the offender.
- (2) Unless the offender waives the right to respond, the offender shall have 10 days from the date the Hearings Officer mails the report to the offender to submit evidence and make written exceptions to the report for the Sanction Authority's consideration.
- (3) If the offender waives the right to respond, the Hearings Officer shall include the waiver in the Hearings Officer's report to the Sanction Authority.
- (4) When a Hearings Officer makes a final order pursuant to Board authority granted in writing, the offender shall not have a ten day period within which to submit evidence and written exceptions. The offender may appeal a Hearings Officer's order under Division 80 of these rules.

Statutory Authority: ORS 144:343(7)

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
4/19/89, temporary; 10/16/89; 10/15/91; 4/30/92, temporary; 10/9/92,
temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOCAION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Ten Day Period for Parolee's/Offender's Evidence and Exceptions
255-75-065

- (1) Within a reasonable time after the hearing, the Hearings Officer shall provide his[/] or her report to the [parolee/]offender.
- (2) Unless the [parolee/]offender waives the right to respond, the [parolee/]offender shall have 10 days from the date the Hearings Officer mails the report to the [parolee/]offender to submit evidence and make written exceptions to the report for the Board's consideration.
- (3) If the [parolee/]offender waives the right to respond, the Hearings Officer shall include the waiver in the Hearings Officer's report to the Board.
- (4) When a Hearings Officer makes a final order pursuant to Board authority granted in writing, the offender shall not have a ten day period within which to submit evidence and written exceptions. The offender may appeal a Hearings Officer's order under Division 80 of these rules.

Statutory Authority: (ORS 144.343(7))

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 4/19/89, temporary; 10/16/89; 10/15/91; 4/30/92, temporary; 10/9/92)

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Ten Day Period for Parolee's/Offender's Evidence and Exceptions
255-75-065

- (1) Within a reasonable time after the hearing, the Hearings Officer shall provide his[] or her report to the [parolee/]offender.
- (2) Unless the [parolee/]offender waives the right to respond, or unless the Hearings Officer has the authority to issue a final order, the [parolee/]offender shall have 10 days from the date the Hearings Officer mails the report to the [parolee/]offender to submit evidence and make-written exceptions to the report for the Board's consideration.
- (3) If the [parolee/]offender waives the right to respond, the Hearings Officer shall include the waiver in the Hearings Officer's report to the Board.

Statutory Authority: (ORS 144.343(7))

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 4/19/89, temporary; 10/16/89; 10/15/91; 4/30/92, temporary)

Temporary effective 4/30/92 to 10/26/92

Superseded by permanent filing 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Ten-Day Period for Parolee's/Offender's Evidence and Exceptions

255-75-065 (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary;
5/19/88; 4/19/89, temporary; 10/16/89; 10/15/91)

- (1) Within a reasonable time after the hearing, the Hearings Officer shall provide his/her report [Hearings Officer's] report [shall be provided] to the parolee/offender.
- (2) Unless the parolee/offender waives the right to respond [is waived], the parolee/offender shall have 10 days from the date the Hearings Officer mails the report [is mailed] to the parolee/offender to submit evidence and make written exceptions to the report for the Board's consideration.
- (3) If the parolee/offender waives the right to respond [is waived], the Hearings Officer shall include the waiver [shall be included] in the Hearings Officer's report to the Board.

Permanent effective 10/15/91

Revocation of Parole

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Ten Day Waiting Period for
Parolee's/Offender's Evidence [and
Arguments] and Exceptions
255-75-065

- (1) Within a reasonable time after the hearing, the Hearings Officer's report shall be provided to the parolee/offender.
- (2) Unless the right to respond is waived, the parolee/offender shall have 10 days from the date the report is mailed to the parolee/offender to submit evidence and make written exceptions [and arguments] to the report for the Board's consideration.
- (3) If the right to respond is waived, the waiver shall be included in the Hearings Officer's report to the Board.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Ten Day Waiting Period for Parolee's Evidence and Arguments [and
Exceptions]
255-75-065

- (1) Within a reasonable time after the hearing, the Hearings Officer's report shall be provided to the parolee.
- (2) Unless the right to respond is waived, the parolee shall have 10 days from the date the report is mailed to the parolee to submit evidence and make written exceptions [and arguments] to the report for the Board's consideration.
- (3) If the right to respond is waived, the waiver shall be included in the Hearings Officer's report to the Board.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Ten-Day Waiting Period for Parolee's Arguments and Exceptions
255-75-065

- (1) Within a reasonable time after the hearing, the Hearings Officer's report shall be provided to the parolee.
- (2) Unless the right to respond is waived, the parolee shall have 10 days from the date the report is mailed to the parolee to make written exceptions and arguments to the report for the Board's consideration.
- (3) If the right to respond is waived, the waiver shall be included in the Hearings Officer's report to the Board.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-065 [Hearings Officer's Report: Content; Copy to Parolee;]
Ten-Day Waiting Period for Parolee's Arguments and
Exceptions

[(1) After the hearing, the record of the hearing shall be given to the Board along with the report of the Hearings Officer, which shall include:

- (a) Grounds for denial of a request for Board-appointed counsel, if applicable;
- (b) Findings of fact;
- (c) A recommendation as to disposition of the case, with reasons for the recommendations; and
- (d) A proposed order;
- (e) The report may also include any exhibits submitted and a summary of the record.]

(1) [(2)] Within a reasonable time after the hearing, the Hearings Officer's report shall be provided to the parolee. Unless the right is waived, the parolee shall have 10 days from the date the report is mailed to make written exceptions and arguments to the report for the Board's consideration.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

**Hearings Officer's Report: Content; Copy to Parolee; Ten-Day
Waiting Period for Parolee's Arguments and Exceptions**

255-75-065 (1) After the hearing, the record of the hearing shall be given to the Board along with the report of the Hearings Officer, which shall include:

- (a) Grounds for denial of a request for Board-appointed counsel, if applicable;
- (b) Findings of fact;
- (c) A recommendation as to disposition of the case, with reasons for the recommendations; and
- (d) A proposed order;
- (e) The report may also include any exhibits submitted and a summary of the record.

(2) Within a reasonable time after the hearing, the Hearings Officer's report shall be provided to the parolee. Unless the right is waived, the parolee shall have 10 days from the date the report is mailed to make written exceptions and arguments to the report for the Board's consideration.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

255-075-0067

Final Action: Authority to Impose Administrative (Local) Sanctions,
Revoke Supervision or Modify Conditions of Supervision

- 1) If an offender waives a hearing after receipt and review of the notice of rights, as provided in OAR 255-075-0005(6) a supervising officer may order administrative sanctions, including a local confinement sanction not exceeding thirty (30) days. The Local Supervisory Authority's designee may review the decision to order a local confinement sanction if the offender's underlying sentence was for 12 months or less. The Board may review the decision if the underlying sentence was more than 12 months.
- 2) After a hearing, or if an offender waives a hearing after receipt of the notice of rights, as provided in OAR 255-075-0005(6), a Hearings Officer or agency designee may order administrative sanctions, including a local confinement sanction not exceeding sixty (60) days. The Hearings Officer or agency designee shall send a copy of the final order and report to the Sanction Authority and, upon request, shall send the record of the hearing as described in OAR 255-075-0056. The Hearings Officer or agency designee shall retain the record for [two (2) four (4) years.
- 3) After a hearing, or waiver, the Board may order administrative sanctions for offenders originally sentenced to more than 12 months, and a Local Supervisory Authority designee may order administrative sanctions for offenders originally sentenced to 12 months or less. The Board or a Local Supervisory Authority designee ordered local administrative confinement sanction may not exceed ninety (90) days.
- 4) The Board (for offenders originally sentenced to more than 12 months) or the Local Supervisory Authority designee (for offenders originally sentenced to 12 months or less) may override any sanction ordered by a supervising officer, agency designee or Hearings Officer.
- 5) Administrative Sanctions, including local confinement shall be applied in accordance with the Department of Corrections rules for structured, intermediate sanctions, OAR 291-58-010 et al., subject to jointly drafted revisions by the Department of Corrections and the Board.
- 6) If an administrative sanction is not sufficient to address the violation or to protect the public, the Sanction Authority may revoke supervision for a period(s) as set out in OAR 255-075-0079, or deny re-release for offenders on parole.
- 7) Conditions of supervision may be modified at any time by the Sanction Authority when necessary for the offender or public safety. If an offender objects to the modification, administrative review must be made within 45 days of the mailing date on the Board order or receipt of a written order by the Local Supervisory Authority.

Statutory Authority: ORS 144.106, 144.343

History: (4/30/92, temporary; 10/9/92; 10/29/93, temporary 11/14/97; 05/11/98,
5-13-03)

PERMANENT EFFECTIVE 05-13-03

DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS**

255-075-0067

Final Action: Authority to Impose Administrative (Local) Sanctions,
Revoke Supervision or Modify Conditions of Supervision

- 1) If an offender waives a hearing after receipt and review of the notice of rights, as provided in OAR 255-075-0005(6) a supervising officer may order administrative sanctions, including a local confinement sanction not exceeding thirty (30) days. The Local Supervisory Authority's designee may review the decision to order a local confinement sanction if the offender's underlying sentence was for 12 months or less. The Board may review the decision if the underlying sentence was more than 12 months.
- 2) After a hearing, or if an offender waives a hearing after receipt of the notice of rights, as provided in OAR 255-075-0005(6), a Hearings Officer or agency designee may order administrative sanctions, including a local confinement sanction not exceeding sixty (60) days. The Hearings Officer or agency designee shall send a copy of the final order and report to the Sanction Authority and, upon request, shall send the record of the hearing as described in OAR 255-075-0056. The Hearings Officer or agency designee shall retain the record for two (2) years.
- 3) After a hearing, or waiver, the Board may order administrative sanctions for offenders originally sentenced to more than 12 months, and a Local Supervisory Authority designee may order administrative sanctions for offenders originally sentenced to 12 months or less. The Board or a Local Supervisory Authority designee ordered local administrative confinement sanction may not exceed ninety (90) days.
- 4) The Board (for offenders originally sentenced to more than 12 months) or the Local Supervisory Authority designee (for offenders originally sentenced to 12 months or less) may override any sanction ordered by a supervising officer, agency designee or Hearings Officer.
- 5) Administrative Sanctions, including local confinement shall be applied in accordance with the Department of Corrections rules for structured, intermediate sanctions. OAR 291-58-010 et al., subject to jointly drafted revisions by the Department of Corrections and the Board.
- 6) If an administrative sanction is not sufficient to address the violation or to protect the public, the Sanction Authority may revoke supervision for a period(s) as set out in OAR 213-075-0079, or deny re-release for offenders on parole.
- 7) Conditions of supervision may be modified at any time by the Sanction Authority when necessary for the offender or public safety. If an offender objects to the modification, administrative review must be made within 45 days of the mailing date on the Board order or receipt of a written order by the Local Supervisory Authority

Statutory Authority: ORS 144.106, 144.343

History: (4/30/92, temporary; 10/9/92; 10/29/93, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

Final Action: Authority
255-75-067

- (1) Pursuant to a letter of agreement:
- (a) a supervising officer may order intermediate local sanctions, including a local confinement sanction not exceeding fifteen (15) days. When the supervising officer orders a local confinement sanction, the officer shall give the offender a notice of rights as provided in OAR 255-75-005(6). The supervising officer's supervisor shall review the decision to order a local confinement sanction. The supervising officer shall send a copy of the order to the Board.
 - (b) after a hearing, a Hearings Officer may order intermediate local sanctions. A local confinement sanction may not exceed thirty (30) days. The Hearings Officer shall send a copy of the final order and report to the Board and, upon request, shall send the record of the hearing as described in OAR 255-75-056. The Hearings Officer shall retain the record for two (2) years.
 - (c) after a hearing, the Board may order intermediate local sanctions. A Board ordered local confinement sanction may exceed thirty (30) days.
 - (d) the Board may override any sanction ordered by a supervising officer or Hearings Officer.

Statutory Authority: ORS 144.106, 144.343
History: (4/30/92, temporary; 10/9/92; 10/29/93)

Permanent effective 10/29/93

10/29/93

Conditions Violations

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOCAATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Final Action: Authority
255-75-067

(1) Pursuant to a letter of agreement:

- (a) a supervising officer may order intermediate local sanctions, including a local confinement sanction not exceeding fifteen (15) days. When the supervising officer orders a local confinement sanction, the officer shall give the offender a notice of rights as provided in OAR 255-75-005(6). The supervising officer's supervisor shall review the decision to order a local confinement sanction. The supervising officer shall a copy of the order to the Board.
- (b) after a hearing, a Hearings Officer may order intermediate local sanctions. A local confinement sanction may not exceed thirty (30) days. The Hearings Officer shall send a copy of the final order and report to the Board and, upon request, shall send the record of the hearing as described in OAR 255-75-056. The Hearings Officer shall retain the record for two (2) years.
- (c) after a hearing, the Board may order intermediate local sanctions. [of more than] A Board ordered local confinement sanction may exceed thirty (30) days.
- (d) the Board may override any sanction ordered by a supervising officer or Hearings Officer.

Statutory Authority: (ORS 144.106, 144.343)
History: (4/30/92, temporary; 10/9/92)

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Final Action: Authority
255-75-067

- (1) Pursuant to a letter of agreement:
- (a) a supervising officer may order intermediate local sanctions, including a local confinement sanction not exceeding fifteen (15) days. When the supervising officer orders a local confinement sanction, the officer shall give the offender a notice of rights as provided in OAR 255-75-005(6). The supervising officer's supervisor shall review the decision to order a local confinement sanction. The supervising officer shall a copy of the order to the Board.
 - (b) after a hearing, a Hearings Officer may order intermediate local sanctions. A local confinement sanction may not exceed thirty (30) days. The Hearings Officer shall send a copy of the final order and report to the Board and, upon request, shall send the record of the hearing as described in OAR 255-75-056. The Hearings Officer shall retain the record for two (2) years.
 - (c) after a hearing, the Board may order intermediate local sanctions. [of more than] A Board ordered local confinement sanction may exceed thirty (30) days.
 - (d) the Board may override any sanction ordered by a supervising officer or Hearings Officer.
- (2) This temporary rule effective April 30, 1992 shall apply only to supervisory authorities conducting intermediate sanction guidelines pilot projects pursuant to written agreement with the Board.

Statutory Authority: (ORS 144.106, 144.343)
History: (4/30/92, temporary)

Temporary effective 4/30/92 to 10/26/92
Superseded by permanent filing 10/9/92

DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

255-075-0070

Final Action: Procedure

- (1) When a case comes before the Board or Supervisory Authority or designee for decision, the Board or Supervisory Authority shall consider the Hearings Officer's report, and the offender's evidence and exceptions. The Board or Supervisory Authority or designee shall enter a decision, and shall record the decision in accordance with the sanction/intervention guidelines, OAR 291-58-010 et al. The Board shall vote in accordance with Exhibit K.
- (2) The Board or Supervisory Authority may adopt or reject any or all the Hearings Officer's findings and recommendations. The Board or Supervisory Authority may find a violation of conditions not alleged, if the evidence admitted at the hearing supports the finding and the evidence is uncontroverted. The final order shall indicate the findings adopted by the Board or Supervisory Authority.
- (3) A copy of the final order shall be forwarded to the offender with notice of the right to administrative and judicial review.
- (4) All final orders of the Board are subject to Administrative Review by the Board prior to seeking judicial review.

Statutory Authority: 144.125, 144.343

History: 2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
7/1/88; 10/18/88; 4/19/89, temporary; 10/16/89; 5/1/91, temporary;
10/15/91; 4/30/92, temporary; 10/9/92, temporary 11/14/97; 05/11/98,
01-12-01)

DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0070

Final Action: Procedure

- (1) When a case comes before the Board or Supervisory Authority or designee for decision, the Board or Supervisory Authority shall consider the Hearings Officer's report, and the offender's evidence and exceptions. The Board or Supervisory Authority or designee shall enter a decision, and shall record the decision in accordance with the sanction/intervention guidelines, OAR 291-58-010 et al. The Board shall vote in accordance with Exhibit K.
- (2) The Board or Supervisory Authority may adopt or reject any or all the Hearings Officer's findings and recommendations. The Board or Supervisory Authority may find a violation of conditions not alleged, if the evidence admitted at the hearing supports the finding and the evidence is uncontroverted. The final order shall indicate the findings adopted by the Board or Supervisory Authority.
- (3) A copy of the final order shall be forwarded to the offender with notice of the right to administrative and judicial review.
- (4) All final orders of the Board are subject to Administrative Review by the Board prior to seeking judicial review.

Statutory Authority: 144.125, 144.343

History: 2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
7/1/88; 10/18/88; 4/19/89, temporary; 10/16/89; 5/1/91, temporary;
10/15/91; 4/30/92, temporary; 10/9/92, temporary 11/14/97; **05/11/98**

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOCAION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Final Action: Procedure
255-75-070

- (1) When a case comes before the Board for decision, [T]the Board shall consider the Hearings Officer's report, and the [parolee's/]offender's evidence and exceptions. The Board shall enter a decision, and shall record the individual votes of the Board members in accordance with Exhibit K and the sanction/intervention guidelines.
- (2) The Board may adopt or reject any or all the Hearings Officer's findings and recommendations [of the Hearings Officer]. The Board may find a violation of conditions not alleged, if the documentary evidence admitted at the hearing supports the finding and the evidence is uncontroverted. The final order [of revocation] shall indicate the findings adopted by the Board.
- (3) A copy of the final order [of revocation] shall be forwarded to the [parolee/]offender with notice of the right to administrative and judicial review.

Statutory Authority: (ORS 144.135, 144.343)

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 7/1/88; 10/18/88; 4/19/89, temporary; 10/16/89; 5/1/91, temporary; 10/15/91; 4/30/92, temporary; 10/9/92)

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Final Action: Procedure
255-75-070

- (1) When the supervisory authority or Hearings Officer does not have the authority to issue a final order under a letter of agreement, [T]he Board shall consider the Hearings Officer's report, and the [parolee's/]offender's evidence and exceptions. The Board shall enter a decision, and shall record the individual votes of the Board members in accordance with Exhibit K and the letter of agreement.
- (2) The Board may adopt or reject any or all the Hearings Officer's findings and recommendations [of the Hearings Officer]. The Board may find a violation of conditions not alleged, if the documentary evidence admitted at the hearing supports the finding and the evidence is uncontroverted. The final order [of revocation] shall indicate the findings adopted by the Board.
- (3) A copy of the final order [of revocation] shall be forwarded to the [parolee/]offender with notice of the right to administrative and judicial review.

Statutory Authority: (ORS 144.108, 144.120(4), 144.125, 144.232, 144.345,
144.346, 144.395)

History: (4/19/89, temporary; 11/1/89; 10/15/90 temporary; 1/16/91)

Temporary effective 4/30/92 to 10/26/92
Superceded by permanent filing 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Final Action: Procedure

255-75-070 (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary;
5/19/88; 7/1/88; 10/18/88; 4/19/89, temporary; 10/16/89; 5/1/91,
temporary; 10/15/91)

- (1) The Board shall consider the Hearings Officer's report, and the parolee's/offender's evidence and exceptions. [A majority of the] The Board shall enter a decision, and shall record the individual votes of the Board members [shall be recorded] in accordance with Exhibit K.
- (2) The Board may adopt or reject any or all the recommendations of the Hearings Officer. The final order of revocation shall indicate the findings adopted by the Board.
- (3) A copy of the final order of revocation shall be forwarded to the parolee/offender with notice of the right to administrative and judicial review.

Permanent effective 10/15/91

Revocation of Parole

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Final Action: Procedure

255-75-070 (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary;
5/19/88; 7/1/88; 10/18/88; 4/19/89, temporary; 10/16/89; 5/1/91,
temporary)

- (1) The Board shall consider the Hearings Officer's report, and the parolee's/offender's evidence and exceptions. [A majority of the] The Board shall enter a decision, and the individual votes of the Board members shall be recorded in accordance with Exhibit K.
- (2) The Board may adopt or reject any or all the recommendations of the Hearings Officer. The final order of revocation shall indicate the findings adopted by the Board.
- (3) A copy of the final order of revocation shall be forwarded to the parolee/offender with notice of the right to administrative and judicial review.

Temporary effective 5/1/91 to 10/27/91
superceded by permanent filing 10/15/91

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Final Action by the Board: Procedure
255-75-070

- (1) The Board shall consider the Hearings Officer's report, and the parolees/offender's evidence and exceptions [and arguments]. A majority of the Board shall enter a decision, and the individual votes of the Board members shall be recorded in accordance with Exhibit K. [The Board shall indicate the adopted findings.]

- (2) The Board may adopt or reject any or all the recommendations of the Hearings Officer. The final order of revocation shall indicate the findings adopted by the Board.

- (3) A copy of the final order of [parole] revocation shall be forwarded to the parolee/offender with notice of the right to administrative and judicial review.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Final Action by the Board: Procedure
255-75-070

- (1) The Board shall consider the Hearings Officer's report, and the parolee's [exceptions] evidence and arguments. A majority of the Board shall enter a decision, and the individual votes of the Board members shall be recorded in accordance with Exhibit K. [The Board shall indicate the adopted findings.]
- (2) The Board may adopt or reject any or all the recommendations of the Hearings Officer. The final order of parole revocation shall indicate the findings adopted by the Board.
- (3) A copy of the final order of parole revocation shall be forwarded to the parolee with notice of the right to administrative and judicial review.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Final Action by the Board: Procedure [Quorum to Decide/Final
Order/Notice of Decision]

255-75-070

- (1) The Board shall consider [the record,] the Hearings Officer's report, and exceptions and arguments. A majority [quorum] of the Board shall enter a decision, and the individual votes of the Board members shall be recorded in accordance with Exhibit K. The Board shall indicate the adopted [the] findings.
- (2) The Board may adopt or reject any or all the recommendations of the Hearings Officer. [When the recommendations are rejected the Board shall state the reasons for rejections].
- (3) [(2)] A copy of the final order of parole revocation shall be forwarded to the parolee with notice of the right to administrative and judicial review.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-070 Final Action by the Board: Quorum to Decide/Final Order/Notice of Decision

- (1) The Board shall consider the record, Hearings Officer's report, and exceptions and arguments. A quorum of the Board shall enter a [final order] decision, and the individual votes of the Board members in accordance with Exhibit K. The Board shall [may choose to] adopt the findings. The Board may adopt or reject the recommendations of the Hearings Officer. When the recommendations are rejected the Board shall state the reasons for rejection. [and recommendation with reasons of the Hearings Officer as its own when entering the final order.]
- (2) A copy of the final order shall be forwarded to the parolee with notice of [his/her] the right to administrative [review under Division 80 of these rules] and judicial review [under ORS 144.335].

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-070 Final Action by the Board: Quorum to Decide; Final Order;
Notice of Decision

- (1) The Board shall consider the record, Hearings Officer's report, and exceptions and arguments. A quorum of the Board shall enter a [final decision] decision, and the individual votes of the Board members. The Board may choose to adopt the findings and recommendation with reasons of the Hearings Officer as its own when entering the final order.
- (2) A copy of the final order shall be forwarded to the parolee with notice of [his/her]the right to administrative [review under Division 80 of these rules] and judicial review [under ORS 144.335].

Temporary effective 11/19/84 to 5/17/85

but superceded by permanent filing
2/28/85

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

**Final Action by the Board: Quorum to Decide; Final Order;
Notice of Decision**

255-75-070 (1) The Board shall consider the record, Hearings Officer's report, and exceptions and arguments. A quorum of the Board shall enter a final order including findings of fact, the decision, reasons for the decision, and the individual votes of the Board members. The Board may choose to adopt the findings and recommendation with reasons of the Hearings Officer as its own when entering the final order.

(2) A copy of the final order shall be forwarded to the parolee with notice of his/her right to administrative review under division 80 of these rules and judicial review under ORS 144.335.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY

255-075-0072

Re-release Order After Revocation

- (1) At the time of a revocation decision, the Sanction Authority shall make an order concerning re-release.
- (2) In the re-release order, the Sanction Authority may:
 - (a) continue parole or post-prison supervision pursuant to 255-075-0075 or 255-075-0080; or
 - (b) set the re-release date in accordance with rule 255-075-0079; or
 - (c) The Board may defer the re-release decision pending a future disposition hearing for offenders on parole.
- (3) Upon notification that parole or post-prison supervision has terminated by operation of ORS 144.345(2), the Board shall apply subsection (2) of this rule.
- (4) Revocation of post-prison supervision stops the period of post-prison supervision from running while the offender is serving time in custody for a revocation sanction. The re-release order following a revocation sanction shall include a re-calculation of the post-prison supervision expiration date to account for the time the offender was in custody serving the revocation sanction.
- (5) The sum of the time actually served on the original incarceration sentence, all days served as a revocation sanction, and the time served in the community on post-prison supervision cannot exceed the maximum indeterminate sentence for the offense(s) for which the offender is on post-prison supervision.

Statutory Authority: ORS 144.346, 144.395

History: (4/19/89, temporary; 10/16/89; 4/15/92, temporary 11/14/97; 05/11/98 9-22-99)

Permanent effective 09/22/99

DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0072

Re-release Order After Revocation

- (1) At the time of a revocation decision, the Sanction Authority shall make an order concerning re-release.
- (2) In the re-release order, the Sanction Authority may:
 - (a) continue parole or post-prison supervision pursuant to 255-075-0075 or 255-075-0080; or
 - (b) set the re-release date in accordance with rule 255-075-0079; or
 - (c) The Board may defer the re-release decision pending a future disposition hearing for offenders on parole.
- (3) Upon notification that parole or post-prison supervision has terminated by operation of ORS 144.345(2), the Board shall apply subsection (2) of this rule.
- (4) Revocation of post-prison supervision stops the period of post-prison supervision from running while the offender is serving time in custody for a revocation sanction. The re-release order following a revocation sanction shall include a re-calculation of the post-prison supervision expiration date to account for the time the offender was in custody serving the revocation sanction.

Statutory Authority: ORS 144.346, 144.395

History: (4/19/89, temporary; 10/16/89; 4/15/92, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Rerelease Order
255-75-072

- (1) At the time of [the] a revocation decision, the Board shall make an order concerning rerelease [shall be made].
- (2) In the rerelease order, the Board may:
 - (a) continue parole or post-prison supervision pursuant to 255-75-075 or 255-75-080; or
 - (b) set the rerelease date in accordance with rule 255-75-079; or
 - (c) defer the rerelease decision pending a future disposition hearing.
- (3) Upon notification that parole or post-prison supervision has terminated by operation of ORS 144.345(2), the Board shall apply subsection (2) of this rule.

Statutory Authority: (ORS 144.346, 144.395)

History: (4/19/89, temporary; 10/16/89; 4/15/92)

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Rerelease Order (144.395, 144.346)
255-75-072 (4/19/89, temporary; 10/16/89; 10/15/91, temporary)

- (1) At the time of the revocation decision, the Board shall make an order concerning rerelease [shall be made].
- (2) In the rerelease order, the Board may:
 - (a) continue parole or post-prison supervision pursuant to 255-75-075 or 255-75-080; or
 - (b) set the rerelease date in accordance with rule 255-75-079; or
 - (c) defer the rerelease decision pending a future disposition hearing.
- (3) If the Board automatically revokes parole or post-prison supervision pursuant to ORS 144.345(2), the Board shall administratively order rerelease upon notification of the new sentence.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Rerelease Order

255-75-072

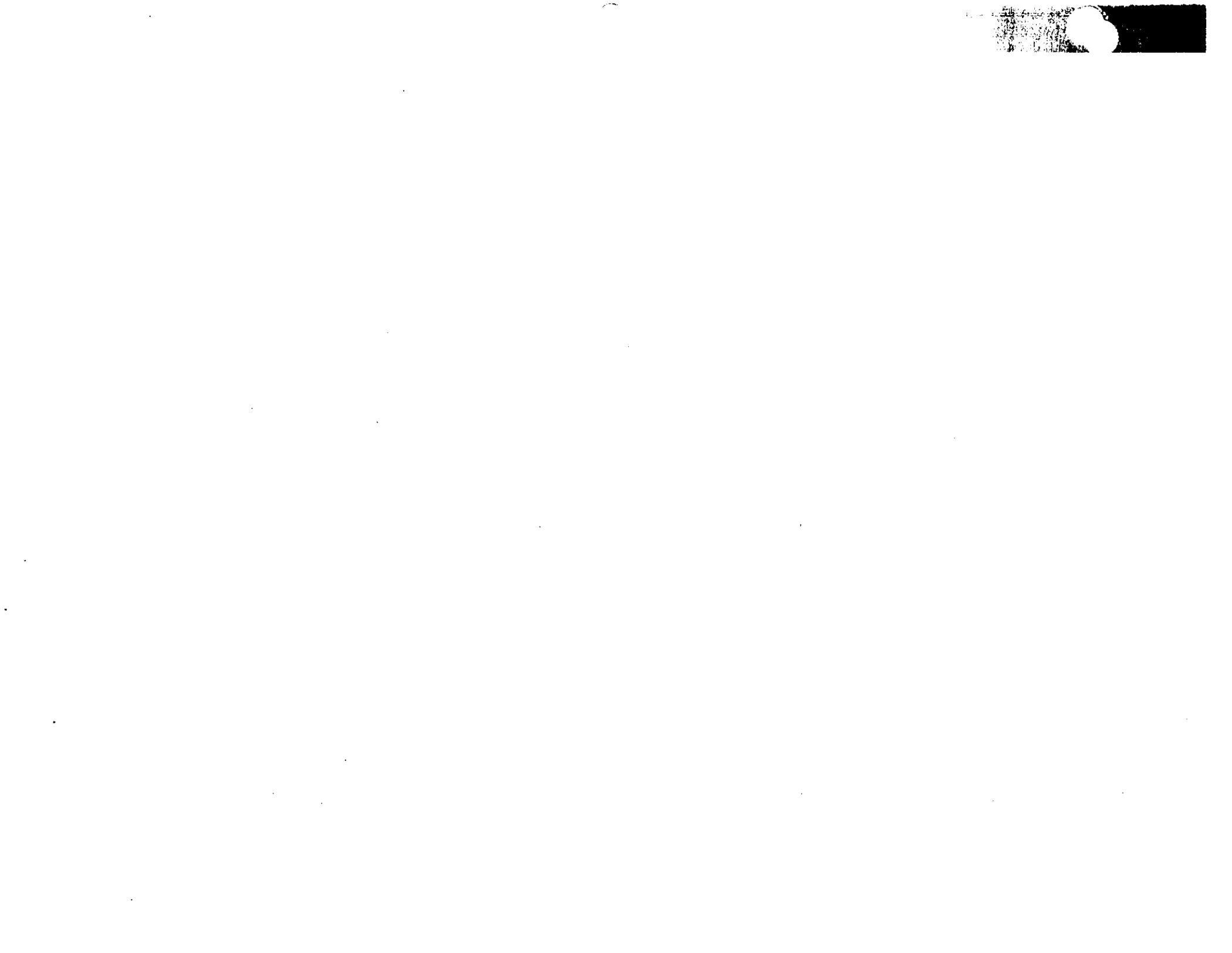
- (1) At the time of the revocation decision, an order concerning rerelease shall be made.
- (2) In the rerelease order, the Board may:
 - (a) continue parole or post-prison supervision pursuant to 255-75-075 or 255-75-080; or
 - (b) set the rerelease date in accordance with rule 255-75-079; or
 - (c) defer the rerelease decision pending a future disposition hearing.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Rerelease Order
255-75-072

- (1) At the time of the revocation decision, an order concerning rerelease on parole shall be made.
- (2) In the rerelease on parole order, the Board may:
 - (a) continue parole pursuant to 255-75-075 or 255-75-080; or
 - (b) set the rerelease date in accordance with rule 255-75-079; or
 - (c) defer the rerelease decision pending a future disposition hearing.



DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

Return to DOC for a Period of Greater than 12 months
255-075-0073

- (1) Post-prison supervision may be revoked and an offender returned to the custody of the Department of Corrections for a sanction that exceeds 12 months when:
 - (a) The offender is currently in violation of a condition of supervision; and
 - (b) The offender scores at least a total of 44 points on the scale in Exhibit R of these rules; and
 - (c) The community corrections agency supervising the offender and/or a hearings officer recommend a return to the Department of Corrections for a sanction exceeding 12 months; and
 - (d) The Board finds that a sanction exceeding 12 months is appropriate.
- (2) This rule may only be applied to offenders serving a term of post-prison supervision for a felony crime committed on or after July 14, 1997, and the term of post-prison supervision:
 - (a) follows completion of a sentence to a term of imprisonment that exceeds 12 months, or
 - (b) was imposed for a felony classified as crime category 8, 9, 10 or 11 of the sentencing guidelines grid, or
 - (c) was imposed as part of a sentence under ORS 137.700 or 137.707, or
 - (d) was imposed as part of a sentence as a dangerous offender under ORS 161.725 and 161.737, or
 - (e) is subject to ORS 144.103 (length of post-prison supervision for certain sex offenses).
- (3) A revocation hearing as described in OAR 255-075-0005 must be held when there is a recommendation under this rule.
- (4) A community corrections agency and/or hearing officer recommending a sanction under this rule must specifically state how the offender fits the requirements of this rule (including the score on the scale), what efforts have been made to manage the offender in the community and why the offender cannot be safely managed in the community. The recommendation may also contain any other information that may assist the board.
- (5) If a community corrections agency and/or hearing officer recommends a sanction under this rule, the board shall hold a hearing as described in OAR 255-075-0097 to determine whether a sanction exceeding 12 months is appropriate. After a hearing, the board can order a sanction of up to 24 months incarceration. The board must hold a subsequent hearing before it can order continued incarceration exceeding 24 months. The length of sanction imposed under this rule is determined by the board.

DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

- (6) Subject to the requirements of this rule, an offender may be required to serve a sanction under this rule up to the post-prison supervision expiration date for any offense for which an offender was on post-prison supervision at the time the board ordered a sanction under this rule. When an offender is released from a sanction imposed under this rule, the offender must serve the balance, if any, of any post-prison supervision remaining up to the post-prison supervision expiration date. If the offender is not released prior to the post-prison supervision expiration date, the post-prison supervision will expire. The periods of post-prison supervision for all offenses for which an offender was on post-prison supervision at the time the board ordered a sanction under this rule continue to run while an offender is serving a sanction under this rule.
- (7) Board hearings under this rule will be conducted in the same manner that the board conducts future disposition hearings. The board may order a psychological evaluation for a hearing under this rule. The procedures for records, disclosure and notice outlined in Divisions 15 and 30 shall govern these hearings. A panel may conduct the hearing and the board shall make decisions pursuant to OAR 255-030-0015.
- (8) In determining whether a sanction exceeding 12 months is appropriate or whether continued incarceration exceeding 24 months is appropriate, the board must consider the recommendation by the community corrections agency or hearing officer and may also consider the following:
- (a) the nature of the underlying conviction(s);
 - (b) the offender's criminal history;
 - (c) the history and nature of violations of post-prison supervision or parole;
 - (d) findings made by a psychologist in a psychological evaluation;
 - (e) conduct in institutions or jails;
 - (f) programs completed in custody and/or in the community;
 - (g) treatment available in the community;
 - (h) release plans;
 - (i) victim's statements, if any; and
 - (j) any indications of reformation and rehabilitation.

Statutory Authority: (ORS 144.107)

History: (03/12/01, 07/17/07)

Exhibit R
(of OAR 255-075-0073)
Return to DOC for a Period of Greater than 12 months

Assessment Scale

1. The following point scale corresponds with the highest sentencing guidelines grid classification for any felony for which the offender is on post-prison supervision at the time a sanction is sought under this rule. This rule may only be applied to offenders serving a term of post-prison supervision for a felony crime committed on or after July 14, 1997, and otherwise qualifying under OAR 255-075-0073(2).

Sentencing Guidelines Grid	Points for this Scale
11A	20
11B	20
11C	20
11D	20
10A	20
10B	18
10C	16
10D	14
9A	18
9B	16
9C	14
9D	12
8A	16
8B	14
8C	12
8D	10

Points _____

If the offense(s) for which the offender is on post-prison supervision is below an 8-D, score zero points for this item and move on to the next items on the scale.

2. Since initial release from a DOC institution to the current post-prison supervision, the offender threatens physical harm to another person and has some ability or capacity to carry out the threat.

Score 10 points

Points _____

3. Since initial release from a DOC institution to the current post-prison supervision, the offender fails to comply with a condition of supervision requiring participation in a psychiatric or psychotropic medication program.

Score 10 points

Points _____

4. Since initial release from a DOC institution to the current post-prison supervision, the offender engaged in conduct constituting a crime that has a crime seriousness rating of 4 or higher on the sentencing guidelines grid, or the offender engaged in conduct constituting a person-to-person crime as defined by the sentencing guidelines rule, or the offender engaged in any type of sexual crime.

Score 10 points

Points _____

5. Since initial release from a DOC institution to the current post-prison supervision, the offender had unauthorized contact with a minor, victim or survivor in violation of a condition of the post-prison supervision.

Score 10 points

Points _____

6. Since initial release from a DOC institution to the current post-prison supervision, the offender failed to comply with the conditions of a treatment program ordered as a general or special condition of post-prison supervision.

Score 10 points

Points _____

7. Since initial release from a DOC institution to the current post-prison supervision, the offender has received any type of sanction for supervision violations on eight or more occasions. This is not limited to revocation sanctions but does not include interventions.

Score 10 points

Points _____

Total number of points for this offender _____

***Note:** Do not score both #2 and #4 for the same conduct. Do not score both #3 and #6 unless the offender is required to be engaged in regular mental health treatment beyond merely taking prescription medications (e.g., attending counseling sessions).

DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

Return to DOC for a Period of Greater than 12 months
255-075-0073

- (1) Post-prison supervision may be revoked and an offender returned to the custody of the Department of Corrections for a sanction that exceeds 12 months when:
 - (a) The offender is currently in violation of a condition of supervision; and
 - (b) The offender scores at least a total of 44 points on the scale in Exhibit R of these rules; and
 - (c) The community corrections agency supervising the offender and/or a hearings officer recommend a return to the Department of Corrections for a sanction exceeding 12 months; and
 - (d) The Board finds that a sanction exceeding 12 months is appropriate.
- (2) This rule may only be applied to offenders serving a term of post-prison supervision for a felony crime committed on or after July 14, 1997, and the term of post-prison supervision:
 - (a) follows completion of a sentence to a term of imprisonment that exceeds 12 months, or
 - (b) was imposed for a felony classified as crime category 8, 9, 10 or 11 of the sentencing guidelines grid, or
 - (c) was imposed as part of a sentence under ORS 137.700 or 137.707, or
 - (d) was imposed as part of a sentence as a dangerous offender under ORS 161.725 and 161.737, or
 - (e) is subject to ORS 144.103 (length of post-prison supervision for certain sex offenses).
- (3) A revocation hearing as described in OAR 255-075-0005 must be held when there is a recommendation under this rule.
- (4) A community corrections agency and/or hearing officer recommending a sanction under this rule must specifically state how the offender fits the requirements of this rule (including the score on the scale), what efforts have been made to manage the offender in the community and why the offender cannot be safely managed in the community. The recommendation may also contain any other information that may assist the board.
- (5) If a community corrections agency and/or hearing officer recommends a sanction under this rule, the board shall hold a hearing as described in OAR 255-075-0097 to determine whether a sanction exceeding 12 months is appropriate. After a hearing, the board can order a sanction of up to 24 months incarceration. The board must hold a subsequent hearing before it can order continued incarceration exceeding 24 months. The length of sanction imposed under this rule is determined by the board.

DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

- (6) Subject to the requirements of this rule, an offender may be required to serve a sanction under this rule up to the post-prison supervision expiration date for any offense for which an offender was on post-prison supervision at the time the board ordered a sanction under this rule. When an offender is released from a sanction imposed under this rule, the offender must serve the balance, if any, of any post-prison supervision remaining up to the post-prison supervision expiration date. If the offender is not released prior to the post-prison supervision expiration date, the post-prison supervision will expire. The periods of post-prison supervision for all offenses for which an offender was on post-prison supervision at the time the board ordered a sanction under this rule continue to run while an offender is serving a sanction under this rule.
- (7) Board hearings under this rule will be conducted in the same manner that the board conducts future disposition hearings. The board may order a psychological evaluation for a hearing under this rule. The procedures for records, disclosure and notice outlined in Divisions 15 and 30 shall govern these hearings. A panel may conduct the hearing and the board shall make decisions pursuant to OAR 255-030-0015.
- (8) In determining whether a sanction exceeding 12 months is appropriate or whether continued incarceration exceeding 24 months is appropriate, the board must consider the recommendation by the community corrections agency or hearing officer and may also consider the following:
- (a) the nature of the underlying conviction(s);
 - (b) the offender's criminal history;
 - (c) the history and nature of violations of post-prison supervision or parole;
 - (d) findings made by a psychologist in a psychological evaluation;
 - (e) conduct in institutions or jails;
 - (f) programs completed in custody and/or in the community;
 - (g) treatment available in the community;
 - (h) release plans;
 - (i) victim's statements, if any; and
 - (j) any indications of reformation and rehabilitation.

Statutory Authority: (ORS 144.107)
History:

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

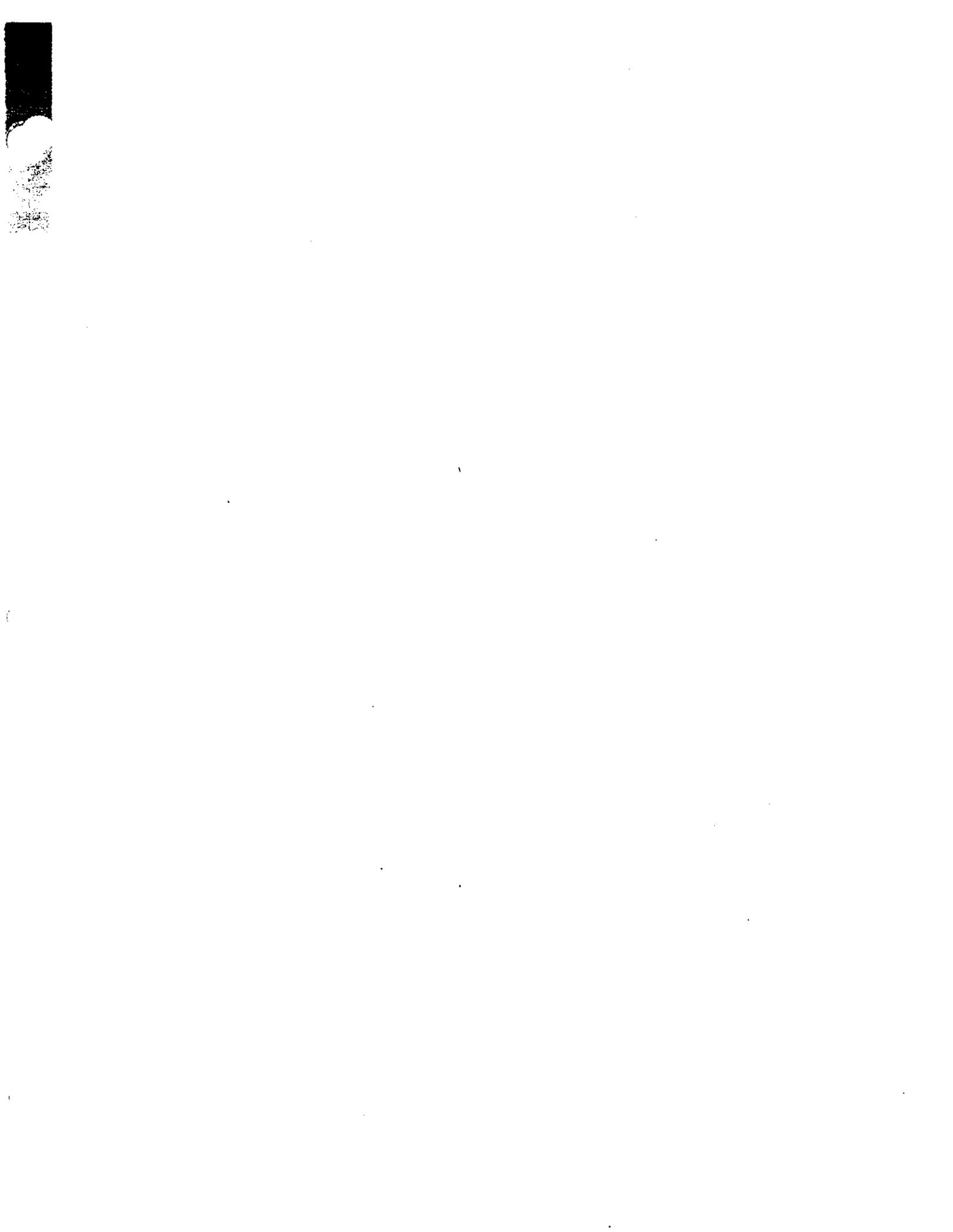
DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Additional Sentences Result in Revocation Without Hearing (144.345(2))
255-75-074 (10/15/91, temporary)

- (1) The Board shall automatically revoke parole or post-prison supervision without a hearing, pursuant to ORS 144.345(2), when it receives notification that an offender is serving a new sentence in the Department of Corrections' custody or its counterpart in another jurisdiction.
- (2) The Board shall set a rerelease date pursuant to OAR 255-75-072, except that the Board shall not set a rerelease date that is later than the release date of the new sentence unless it conducts a future disposition hearing.
- (3) The sanction for the violation shall begin on the date of sentencing.
- (4) The Board shall add the inoperative time to the sanction, which it shall count from the date the Board issued its arrest and detention warrant to the warrant confirmation date. The Board shall forward the dates to the Department of Corrections for use in recalculating the sentence good time and expiration date.
- (5) Notwithstanding ORS 144.345(2) and this section, the supervisory authority shall immediately notify the Board of any alleged criminal activity.

Temporary effective 10/15/91, suspended 11/6/91 to
4/15/92 expired without permanent adoption



DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS**

255-075-0075

Offenders Convicted of New Crime in This or Another Jurisdiction

- (1) If an offender has violated parole or post-prison supervision as a result of a conviction of a new crime and the court has ordered a prison term to the Department of Corrections, parole or post-prison supervision terminates without a violation hearing by operation of ORS 144.345(2).
- (2) Upon release from custody, if the Oregon sentence has not expired, Oregon supervision shall resume either in another jurisdiction under Interstate Compact or in Oregon. If, in preparing the re-release plan, the Department of Corrections cannot arrange supervision under Interstate Compact, the offender shall report to the appropriate Supervisory Authority for supervision.
- (3) The Sanction Authority shall make extradition decisions on a case-by-case basis in cooperation with the holding jurisdiction.
- (4) If the offender absconded supervision, the Sanction Authority shall count the inoperative time from the date the Sanction Authority issued its arrest and detention warrant to the arrest date in Oregon or if arrested out of state, upon return to Oregon custody. The Board shall forward the dates to the Department of Corrections for use in recalculating the sentence good time and expiration dates for those offenders under the Board's jurisdiction. For those not under the Board's authority, the inoperative time shall be calculated by the Supervisory Authority's designee.

Statutory Authority: ORS 144.345, 144.380, 144.610-622

History: (2/1/79; 3/14/88, temporary; 5/19/88; 4/19/89, temporary; 10/16/89;
4/15/92, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 -- BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Parolees/Offenders Convicted of New Crime in This or Another Jurisdiction
255-75-075

- (1) If an [a parolee/]offender has violated parole or post-prison supervision as a result of a conviction of a new crime [in another jurisdiction] and [has been] the court has ordered [sentenced to] a prison term [in prison], [the Board may:] parole or post-prison supervision terminates without a violation hearing by operation of ORS 144.345(2).
- [(1) suspend parole or supervision and order the parolee/offender returned to Oregon for a revocation hearing after serving the new sentence; or]
- (2) [if the parolee/offender has not absconded from supervision, continue parole or post-prison supervision to the prison sentence in the other jurisdiction in order to consolidate jurisdiction over the parolee/offender and allow the Oregon sentence to run concurrently.]
[Oregon supervision will resume] [u]Upon release from custody, if the Oregon sentence has not expired, Oregon supervision shall resume either in another jurisdiction under Interstate Compact or in Oregon. If, in preparing the re-release plan, the Department of Corrections cannot arrange supervision under Interstate Compact, the offender shall report to Oregon for supervision.
- (3) The Board shall make extradition decisions on a case-by-case basis in cooperation with the holding jurisdiction.
- (4) If the offender absconded supervision, the Board shall count the inoperative time from the date the Board issued its arrest and detention warrant to the warrant confirmation date. The Board shall forward the dates to the Department of Corrections for use in recalculating the sentence good time and expiration dates.

Statutory Authority: (ORS 144.345, 144.380, 144.610-.622)

History: (2/1/79; 3/14/88, temporary; 5/19/88; 4/19/89, temporary; 10/16/89; 4/15/92)

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Parolees/Offenders Convicted of New Crime in Another Jurisdiction

255-75-075 (2/1/79; 3/14/88, temporary; 5/19/88; 4/19/89, temporary;
10/16/89; 10/15/91, temporary)

(1) If a parolee/offender has violated parole or post-prison supervision [as a result of a conviction of a new crime in another jurisdiction and] because the court in another jurisdiction has sentenced him or her [has been sentenced] to a prison term [in prison], the Board may:

[(1)](a) suspend parole or supervision and, depending upon the crime seriousness of the original and the new offense, may order the parolee/offender's [returned] return to Oregon for a revocation hearing after serving the new sentence; or

[(2) if the parolee/offender has not absconded from supervision, continue parole or post-prison supervision to the prison sentence in the other jurisdiction in order to consolidate jurisdiction over the parolee/offender and allow the Oregon sentence to run concurrently. Oregon supervision will resume upon release from custody if the sentence has not expired.]

(b) automatically revoke parole or post-prison supervision and order that the violation sanction shall run concurrently with the other jurisdiction's sentence.

(2) If the Oregon sentence has not expired, Oregon supervision shall resume either in the other jurisdiction under Interstate Compact or in Oregon. If the Board cannot arrange supervision under Interstate Compact, the offender shall report to Oregon for supervision.

Temporary effective 10/15/91, suspended 11/6/91 to
4/15/92

superceded by permanent filing 4/15/92

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Parolees/Offenders Convicted of a New
Crime in Another Jurisdiction:
Return; Jurisdictional Reinstatement
255-75-075

If a parolee/offender has violated parole or post-prison supervision as a result of a conviction of a new crime in another jurisdiction and has been sentenced to a term in prison, the Board may:

- (1) suspend parole or supervision and order the parolee/offender returned to Oregon for a [parole] revocation hearing after serving the new sentence; or

- (2) if the parolee/offender has not absconded from supervision, continue parole or post-prison supervision to the prison sentence in the other jurisdiction in order to consolidate jurisdiction over the parolee/offender and allow the Oregon sentence to run concurrently.
[A continuance under these circumstances is not a recommendation for parole release.] Oregon supervision will resume upon release from custody if the sentence has not expired.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Parolees Convicted of a New Crime in Another Jurisdiction:
Return; Jurisdictional Reinstatement
255-75-075

If a parolee has violated parole as a result of a conviction of a new crime in another jurisdiction and has been sentenced to a term in prison, the Board may:

- (1) suspend parole and order the parolee returned to Oregon for a parole revocation hearing after serving the new sentence; or
- (2) if the parolee has not escaped, continue parole to the prison sentence in the other jurisdiction in order to consolidate jurisdiction over the parolee and allow the Oregon sentence to run concurrently. [A continuance under these circumstances is not a recommendation for parole release.] Oregon parole supervision will resume upon release from custody if the sentence has not expired.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

**Parolees Convicted of a New Crime in Another Jurisdiction:
Return; Jurisdictional Reinstatement**

255-75-075 If a parolee has violated his/her parole as a result of a conviction of a new crime in another jurisdiction and has been sentenced to a term in prison, the Board may:

(1) Suspend parole and order the parolee returned to Oregon for a parole revocation hearing after serving the new sentence; or

(2) Reinstate parole to the prison sentence in the other jurisdiction in order to consolidate jurisdiction over the parolee and allow the Oregon sentence to run concurrently. Reinstatement under these circumstances is not a recommendation for parole release.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

[Designation of Parole Failure
255-75-076]

[If the Board finds that a parolee has violated the conditions of parole but chooses to reinstate or continue parole, the reinstatement or continuation may be designated a parole failure.]

Temporary effective 3/14/88 to 9/9/88

Permanent repeal 5/19/88

DIVISION 75

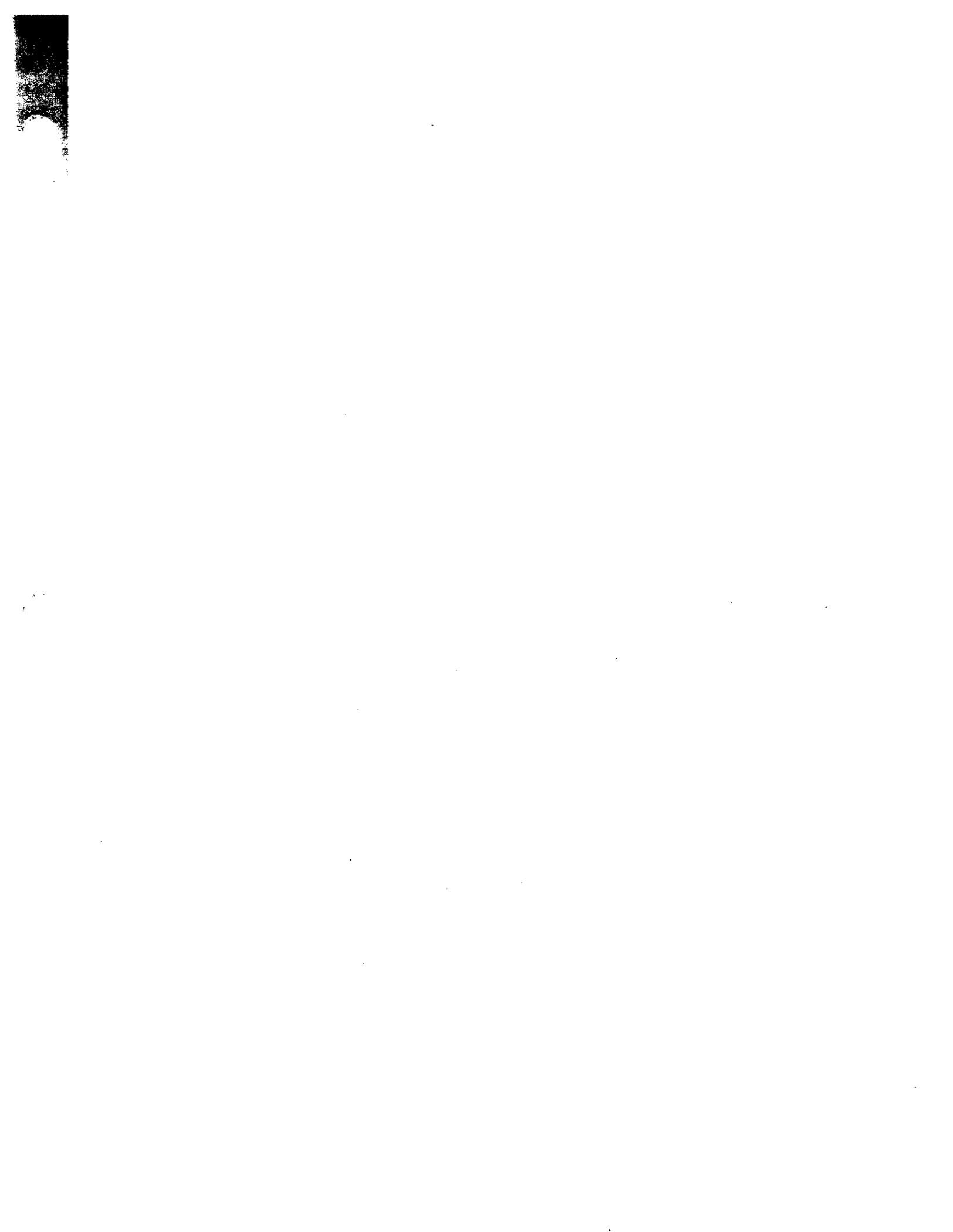
PROCEDURES FOR REVOCATION OF PAROLE

255-75-076 Designation of Parole Failure

If the Board finds that a parolee has violated the conditions of parole but chooses to reinstate or continue parole, the reinstatement or continuation may be designated a parole failure.

Temporary effective 11/19/84 to 5/17/85

became permanent 2/28/85



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0078

Commencement Date for Prison Term Following a Violation

- (1) The commencement date for a new commitment which is concurrent to an incarceration sanction for a violation of parole or post-prison supervision shall be the sentencing date for the new crime.
- (2) The commencement date for a new commitment which is consecutive to an incarceration sanction for a violation of parole or post-prison supervision shall be either the release date established for the violation or the sentencing date for the new crime, whichever is later.
- (3) Notwithstanding subsection (2) of this rule, when the new commitment is consecutive to a sanction for a violation, the Sanction Authority may treat the violation and the new commitment as if they were concurrent. If treated as concurrent, the commencement date for the new commitment shall be the sentencing date for the new crime plus adjustment for credit for time served.
- (4) If the offender is returned with a parole or post prison supervision violation and a new sentence which is consecutive to the sentence for which the offender was on parole, the commencement date for the new conviction shall be the date parole was revoked, if so stated on the court order.

Statutory Authority: ORS 144.346, 144.395, 144.780, 144.783

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5-19/88; 4/19/89,
temporary; 10/16/89; 10/9/92, temporary 11/14/97, 05/11/98)

05/11/98

Conditions Violations

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

DIVISION 75

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Commencement Date for Prison Term Following a Violation
255-75-078

- (1) The commencement date for a new commitment which is concurrent to an incarceration sanction for a violation of parole or post-prison supervision shall be the sentencing date for the new crime.
- (2) The commencement date for a new commitment which is consecutive to an incarceration sanction for a violation of parole or post-prison supervision shall be either the release date established for the violation or the sentencing date for the new crime, whichever is later.
- (3) Notwithstanding subsection (2) of this rule, when the new commitment is consecutive to a sanction for a violation, the full Board may treat the violation and the new commitment as if they were concurrent. If treated as concurrent, the commencement date for the new commitment shall be the sentencing date for the new crime plus adjustment for credit for time served.
- (4) If the [parolee/]offender is returned with a parole or post-prison supervision violation and a new sentence which is consecutive to the sentence for which the [parolee/]offender was on parole, the commencement date for the new conviction shall be the date parole was revoked, if so stated on the court order.

Statutory Authority: (ORS 144.346, 144.395, 144.780, 144.783)

History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 4/19/89, temporary; 10/16/89; 10/9/92)

Permanent effective 10/9/92

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

[Parole Violator with New Prison Commitment; Action Required]
Commencement Date for Prison Term Following a Parole Violation
255-75-078

[(1) Parole violators with pending charges shall be given a future disposition hearing within 120 days of the parolee's return to the institution followed by a prison term hearing in accordance with Division 30 of these rules.]

[(2) A parole violator with a new conviction shall see the Board for the violation at the prison term hearing for the new conviction.]

[(3) The following procedure shall apply to parole violators with new commitments which are concurrent to their parole violations:

(a) a future disposition hearing will be conducted and a sanction shall be imposed for the parole violation according to guidelines in rule 255-785-090; and

(b)](1) [t]The commencement date for [the] a new commitment which is concurrent to an incarceration sanction for a violation of parole or post-prison supervision shall be the sentencing date for the new crime.

[(4) The following procedure shall apply to parole violators with new commitments which are consecutive to their parole violations:

(a) a future disposition hearing shall be conducted, and a parole release date shall be established on the violation according to the guidelines in rule 255-75-090 prior to the prison term hearing for the new commitment; and

(b)](2) [t]The commencement date for [the] a new commitment which is consecutive to an incarceration sanction for a violation of parole or post-prison supervision shall be either the [parole] rerelease date established for the [parole] violation or the sentencing date for the new crime, whichever is later.

(3)](5) Notwithstanding subsection [(4)] (2) of this rule [section], when the new commitment is consecutive to a [parole] sanction for a violation, the [panel or] full Board may treat the [parole] violation sanction and the new commitment as if they were concurrent. If treated as concurrent, [T] the commencement date for the new commitment shall be the sentencing date for the new crime plus adjustment for credit for time served.

(4)](6) If the parolee/offender is returned with a parole or post-prison supervision violation and a new sentence which is consecutive to the sentence for which the parolee/offender was on parole, the commencement date for the new conviction [crime] shall be the date parole was revoked, if so stated on the court order.

PROCEDURES FOR REVOCATION OF PAROLE

[Parole Violator with New Prison Commitment; Action Required]
Commencement Date for Prison Term Following a Parole Violation
255-75-078

- [(1)] Parole violators with pending charges shall be given a future disposition hearing within 120 days of the parolee's return to the institution followed by a prison term hearing in accordance with Division 30 of these rules.]
- [(2)] A parole violator with a new conviction shall see the Board for the violation at the prison term hearing for the new conviction.]
- [(3)] The following procedure shall apply to parole violators with new commitments which are concurrent to their parole violations:
- (a) a future disposition hearing will be conducted and a sanction shall be imposed for the parole violation according to guidelines in rule 255-785-090; and
- (b)](1) [t]The commencement date for [the] a new commitment which is concurrent to a parole violation shall be the sentencing date for the new crime.
- [(4)] The following procedure shall apply to parole violators with new commitments which are consecutive to their parole violations:
- (a) a future disposition hearing shall be conducted, and a parole release date shall be established on the violation according to the guidelines in rule 255-75-090 prior to the prison term hearing for the new commitment; and
- (b)](2) [t]The commencement date for [the] a new commitment which is consecutive to a parole violation shall be either the parole release date established for the parole violation or the sentencing date for the new crime, whichever is later.
- (3)](5)] Notwithstanding subsection [(4)] (2) of this rule [section], when the new commitment is consecutive to a parole violation, the [panel or] full Board may treat the parole violation and the new commitment as if they were concurrent. If treated as concurrent, [T] the commencement date for the new commitment shall be the sentencing date for the new crime plus adjustment for credit for time served.
- (4)](6)] If the parolee is returned with a parole violation and a new sentence which is consecutive to the sentence for which the parolee was on parole, the commencement date for the new conviction [crime] shall be the date parole was revoked, if so stated on the court order.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Parole Violator with New Prison Commitment; Action Required
255-75-078

- (1) Parole violators [returned] with pending charges [a new prison commitment] shall be given a future disposition hearing within 120 days of the parolee's return to the institution followed by a prison term hearing in accordance with Division 30 of these rules.
- (2) A parole violator with a new conviction shall see the Board for the violation at the prison term hearing for the new conviction.
- (3) The following procedure shall apply to parole violators with new commitments which are concurrent to their parole violations:
 - (a) a future disposition hearing will be conducted and a sanction shall be imposed for the parole violation according to guidelines in rule 255-75-090; and
 - (b) the commencement date for the new commitment shall be the sentencing date for the new crime.
- (4) The following procedures shall apply to parole violators with new commitments which are consecutive to their parole violations:
 - (a) a future disposition hearing shall be conducted, and a parole release date shall be established on the violation according to the guidelines in rule 255-75-090 prior to the prison term hearing for the new commitment; and
 - (b) the commencement date for the new commitment shall be the parole release date established for the parole violation. or
- (5) Notwithstanding subsection (4) of this section, when the new commitment is consecutive to a parole violation, the panel or Full Board may treat the parole violation and the new commitment as if they were concurrent. The commencement date for the new commitment shall be the sentencing date for the new crime.
- (6) If the parolee is returned with a parole violation and a new sentence which is consecutive to the sentence for which the parolee was on parole, the commencement date for the new crime shall be the date parole was revoked, if so stated on the court order.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-078 Parole Violator With New Prison Commitment; Action
Required

Parole violators returned with a new prison commitment
shall be given a prison term hearing in accordance with
Division 30 of these rules.



DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

255-075-0079

Guidelines for Re-release

- (1) For technical violation(s):
 - (a) An offender whose parole has been revoked may serve further incarceration of up to 90 days for each revocation.
 - (b) An offender sentenced to post-prison supervision who has been revoked and returned to custody may serve further incarceration of up to 90 days for each return, not to exceed the total revocation sanction days allowed in OAR 213-011-0004.
- (2) For conduct constituting a crime:
 - (a) An offender whose parole has been revoked may serve further incarceration of up to 180 days for each revocation.
 - (b) An offender sentenced to post-prison supervision who has been revoked and returned to custody may serve further incarceration of up to 180 days, not to exceed the total revocation sanction days provided in OAR 213-11-004.
- (3) For conduct constituting a crime and resulting in automatic revocation to the Department of Corrections, pursuant to ORS 144.345(2), an offender may serve further incarceration of up to 180 days.
- (4) Offenders sentenced to life imprisonment or received a lifetime period of post-prison supervision for murder committed on or after ~~06-30-95~~ may serve further incarceration to the sentence expiration date. Offenders sentenced to life imprisonment for aggravated murder may serve further incarceration to the sentence expiration date.
- (5) Offenders sentenced as dangerous offenders may serve repeated incarcerations of 180 days or more up to the sentence expiration date.
- (6) Offenders sentenced as sexually violent dangerous offenders pursuant to HB 2327 (1999 Legislative Session) for crimes committed on or after October 23, 1999, may serve repeated incarcerations of 180 days or more for any violation of post-prison supervision unless or until the post-prison supervision is terminated by a court.
- (7)
 - (a) The commencement date for the further term of incarceration as a result of the violation of conditions shall be the date of arrest or return to Oregon custody if arrested out of state for the violation which resulted in the revocation of parole or post-prison supervision.
 - (b) The commencement date for the further term of incarceration as a result of termination of parole or post-prison supervision under ORS 144.345(2) shall be the sentencing date, if no further action is taken by the Board.

Temporary Effective 06/14/04 thru 12/10/04
Permanently Effective 11/02/04

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DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY

- (c) If the jailer, hearing officer, or Board releases the offender from custody pending the violation hearing, the time spent outside actual custody does not count toward the further term of incarceration.
- (8) The Board and the Department of Corrections may develop other programs that create exceptions to the sanctions provided in this rule.
- (9) Notwithstanding subsections 1-7 of this rule, the Board may choose to postpone re-release on parole pursuant to Divisions 50 and 60 of this chapter.
- (10) Notwithstanding subsections 1-8 of this rule, the Board may choose to deny re-release on parole pursuant to OAR 255-075-0096.
- (11) Administrative sanctions do not count toward the revocation sanction limits.

Statutory Authority: ORS 144.107, 144.108, 144.120(4), 144.125,
144.232, 144.345, 144.346, 144.395, 161.735

History: (4/19/89, temporary; 11/1/89; 10/15/90, temporary; 1/16/91; 10/9/92;
10/29/93, temporary 11/14/97; 05/11/98, 01-25-00, 05-13-03,
06-14-04- NOTICE/TEMP)

DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

255-075-0079

Guidelines for Re-release

- (1) For technical violation(s):
 - (a) An offender whose parole has been revoked may serve further incarceration of up to 90 days for each revocation.
 - (b) An offender sentenced to post-prison supervision who has been revoked and returned to custody may serve further incarceration of up to 90 days for each return, not to exceed the total revocation sanction days allowed in OAR 213-11-004.
- (2) For conduct constituting a crime:
 - (a) An offender whose parole has been revoked may serve further incarceration of up to 180 days for each revocation.
 - (b) An offender sentenced to post-prison supervision who has been revoked and returned to custody may serve further incarceration of up to 180 days, not to exceed the total revocation sanction days provided in OAR 213-11-004.
- (3) For conduct constituting a crime and resulting in automatic revocation to the Department of Corrections, pursuant to ORS 144.345(2), an offender may serve further incarceration of up to 180 days.
- (4) June 30, 1995 to present, [O]ffenders sentenced to life imprisonment for murder or aggravated murder may serve further incarceration to the sentence expiration date.
- (5) Offenders sentenced as dangerous offenders may serve repeated incarcerations of 180 days or more up to the sentence expiration date.
- (6) Offenders sentenced as sexually violent dangerous offenders pursuant to HB 2327 (1999 Legislative Session) for crimes committed on or after October 23, 1999, may serve repeated incarcerations of 180 days or more for any violation of post-prison supervision unless or until the post-prison supervision is terminated by a court.
- (7)
 - (a) The commencement date for the further term of incarceration as a result of the violation of conditions shall be the date of arrest or return to Oregon custody if arrested out of state for the violation which resulted in the revocation of parole or post-prison supervision.
 - (b) The commencement date for the further term of incarceration as a result of termination of parole or post-prison supervision under ORS 144.345(2) shall be the sentencing date, if no further action is taken by the Board.
 - (c) If the jailer, hearing officer, or Board releases the offender from custody pending the violation hearing, the time spent outside actual custody does not count toward the further term of incarceration.
- (8) The Board and the Department of Corrections may develop other programs that create exceptions to the sanctions provided in this rule.

Permanently Effective 05/13/03

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DIVISION 75

**PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY**

- (9) Notwithstanding subsections 1-7 of this rule, the Board may choose to postpone re-release on parole pursuant to Divisions 50 and 60 of this chapter.
- (10) Notwithstanding subsections 1-8 of this rule, the Board may choose to deny re-release on parole pursuant to OAR 255-075-0096.
- (11) Administrative sanctions do not count toward the revocation sanction limits.

Statutory Authority: ORS 135, 055, 144.103, 144.107, 144.108, 144.120(4), 144.125,
144.232, 144.345, 144.346, 144.395, 161.735

History: (4/19/89, temporary; 11/1/89; 10/15/90, temporary; 1/16/91; 10/9/92;
10/29/93, temporary 11/14/97; 05/11/98, 01-25-00, ~~02-14-03 - Notice~~)

DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST PRISON
SUPERVISION CONDITIONS VIOLATIONS FOR
OFFENDERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE AND
POST-PRISON SUPERVISION OR LOCAL SUPERVISORY AUTHORITY

255-075-0079

Guidelines for Re-release

- (1) For technical violation(s)
 - (a) An offender whose parole has been revoked may serve further incarceration of up to 90 days for each revocation.
 - (b) An offender sentenced to post-prison supervision who has been revoked and returned to custody may serve further incarceration of up to 90 days for each return, not to exceed the total revocation sanction days allowed in OAR 213-11-004.
- (2) For conduct constituting a crime:
 - (a) An offender whose parole has been revoked may serve further incarceration of up to 180 days for each revocation.
 - (b) An offender sentenced to post-prison supervision who has been revoked and returned to custody may serve further incarceration of up to 180 days, not to exceed the total revocation sanction days provided in OAR 213-11-004.
- (3) For conduct constituting a crime and resulting in automatic revocation to the Department of Corrections, pursuant to ORS 144-345(2), an offender may serve further incarceration of up to 180 days.
- (4) Offenders sentenced to life imprisonment for murder or aggravated murder may serve further incarceration to the sentence expiration date.
- (5) Offenders sentenced as dangerous offenders may serve repeated incarcerations of 180 days or more up to the sentence expiration date.
- (6) Offenders sentenced as sexually violent dangerous offenders pursuant to HB 2327 (1999 Legislative Session) for crimes committed on or after October 23, 1999, may serve repeated incarcerations of 180 days or more for any violation of post-prison supervision unless or until the post-prison supervision is terminated by a court.
- (7)
 - (a) The commencement date for the further term of incarceration as a result of the violation of conditions shall be the date of arrest or return to Oregon custody if arrested out of state for the violation which resulted in the revocation of parole or post-prison supervision.
 - (b) The commencement date for the further term of incarceration as a result of termination of parole or post-prison supervision under ORS 144-345(2) shall be the sentencing date, if no further action is taken by the Board.
 - (c) If the jailer, hearing officer, or Board releases the offender from custody pending the violation hearing, the time spent outside actual custody does not count toward the further term of incarceration.
- (8) The Board and the Department of Corrections may develop other programs that create exceptions to the sanctions provided in this rule.

- (9) Notwithstanding subsections 1-7 of this rule, the Board may choose to postpone re release on parole pursuant to Divisions 50 and 60 of this chapter.
- (10) Notwithstanding subsections 1-8 of this rule, the Board may choose to deny re release on parole pursuant to OAR 255-075-0096.
- (11) Administrative sanctions do not count toward the revocation sanction limits.

Statutory Authority: ORS 135.055, 144.103, 144.107, 144.108, 144.120(4), 144.125, 144.232, 144.345, 144.346, 144.395, 161.735

History: (4/19/89, temporary; 11/1/89, 10/15/90, temporary; 1/16/91; 10/9/92; 10/29/93, temporary 11/14/97, 05/11/98, 01-25-00)

DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0079

Guidelines for Re-release

- (1) For technical violation(s):
 - (a) An offender whose parole has been revoked may serve further incarceration of up to 90 days for each revocation.
 - (b) An offender sentenced to post-prison supervision who has been revoked and returned to custody may serve further incarceration of up to 90 days for each return, not to exceed the total revocation sanction days allowed in OAR 213-11-004.
- (2) For conduct constituting a crime:
 - (a) An offender whose parole has been revoked may serve further incarceration of up to 180 days for each revocation.
 - (b) An offender sentenced to post-prison supervision who has been revoked and returned to custody may serve further incarceration of up to 180 days, not to exceed the total revocation sanction days provided in OAR 213-11-004.
- (3) For conduct constituting a crime and resulting in automatic revocation to the Department of Corrections, pursuant to ORS 144.345(2), an offender may serve further incarceration of up to 180 days.
- (4) Offenders sentenced to life imprisonment for murder or aggravated murder may serve further incarceration to the sentence expiration date.
- (5) Offenders sentenced as dangerous offenders may serve repeated incarcerations of 180 days or more up to the sentence expiration date.
- (6)
 - (a) The commencement date for the further term of incarceration as a result of the violation of conditions shall be the date of arrest or return to Oregon custody if arrested out of state for the violation which resulted in the revocation of parole or post-prison supervision.
 - (b) The commencement date for the further term of incarceration as a result of termination of parole or post-prison supervision under ORS 144.345(2) shall be the sentencing date, if no further action is taken by the Board.
 - (c) If the jailer, hearing officer, or Board releases the offender from custody pending the violation hearing, the time spent outside actual custody does not count toward the further term of incarceration.
- (7) The Board and the Department of Corrections may develop other programs that create exceptions to the sanctions provided in this rule.
- (8) Notwithstanding subsections 1-7 of this rule, the Board may choose to postpone re-release on parole pursuant to Divisions 50 and 60 of this chapter.

temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

(9) Notwithstanding subsections 1-8 of this rule, the Board may choose to deny re-release on parole pursuant to OAR 255-075-0096.

(10) Administrative sanctions do not count toward the revocation sanction limits.

Statutory Authority: ORS 144.108, 144.120(4), 144.125, 144.232, 144.345, 144.346,
144.395

History: (4/19/89, temporary; 11/1/89; 10/15/90, temporary; 1/16/91; 10/9/92;
10/29/93, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98
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Guidelines for Rerelease
255-75-079

- (1) For technical violation(s):
 - (a) An offender whose parole has been revoked may serve further incarceration of up to 90 days for each revocation.
 - (b) An offender sentenced to post-prison supervision who has been returned to prison may serve further incarceration of up to 90 days for each return, not to exceed [a total of 180 days] the total sanction days allowed in OAR 253-11-004.
- (2) For conduct constituting a crime:
 - (a) An offender whose parole has been revoked may serve further incarceration of up to 180 days for each revocation.
 - (b) An offender sentenced to post-prison supervision who has been returned to prison may serve further incarceration of up to 180 days, not to exceed [a total of 180 days] the total sanction days provided in OAR 253-11-004.
- (3) For conduct constituting a crime and resulting in automatic revocation, pursuant to ORS 144.345(2), an offender may serve further incarceration of up to 180 days.
- (4) Offenders sentenced to life imprisonment for murder or aggravated murder may serve further incarceration to the sentence expiration date.
- (5) Offenders sentenced as dangerous offenders may serve repeated incarcerations of 180 days or more up to the sentence expiration date.
- (6)
 - (a) The commencement date for the further term of incarceration as a result of the violation of conditions shall be the date of arrest for the violation which resulted in the revocation of parole or post-prison supervision.
 - (b) The commencement date for the further term of incarceration as a result of termination of parole or post-prison supervision under ORS 144.345(2) shall be the sentencing date.
 - (c) If the jailor, hearing officer, or Board releases the offender from custody pending the violation hearing, the time spent outside actual custody does not count toward the further term of incarceration.
- (7) Offenders designated for the Department of Corrections Parole Violators Project may serve repeated incarcerations of up to 180 days.
- (8) The Board and the Department of Corrections may develop other programs that create exceptions to the sanctions provided in this rule.
- (9) Notwithstanding subsections 1-8 of this rule, the Board may choose to postpone rerelease on parole pursuant to Divisions 50 and 60 of this chapter.
- (10) Notwithstanding subsections 1-9 of this rule, the Board may choose to deny rerelease on parole pursuant to OAR 255-75-096.
- (11) Intermediate local sanctions do not count toward the [180 day] sanction [limit] limits.

Statutory Authority: ORS 144.108, 144.120(4), 144.125, 144.232, 144.345, 144.346, 144.395

History: (4/19/89, temporary; 11/1/89; 10/15/90, temporary; 1/16/91; 10/9/92; 10/29/93)

Permanent effective 10/29/93

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON SUPERVISION CONDITIONS VIOLATIONS

Guidelines for Rerelease

255-75-079

- (1) For technical violation(s):
 - (a) [A parolee] An offender whose parole has been revoked may serve further incarceration of up to 90 days for each revocation.
 - (b) An offender sentenced to post-prison supervision who has been returned to prison may serve further incarceration of up to 90 days for each return, not to exceed a total of 180 days.
- (2) For conduct constituting a crime:
 - (a) [A parolee] An offender whose parole has been revoked may serve further incarceration of up to 180 days for each revocation.
 - (b) An offender sentenced to post-prison supervision who has been returned to prison may serve further incarceration of up to 180 days, not to exceed a total of 180 days.
- (3) For conduct constituting a crime and resulting in automatic revocation, pursuant to ORS 144.345(2), an offender may serve further incarceration of up to 180 days.
- [(3)](4) [Parolees/]Offenders sentenced to life imprisonment for murder or aggravated murder may serve further incarceration to the sentence expiration date.
- [(4)](5) [Parolees/]Offenders sentenced as dangerous offenders may serve repeated incarcerations of 180 days or more up to the sentence expiration date.
- [(5)](6)(a) The commencement date for the further term of incarceration as a result of the violation of conditions shall be the date of arrest for the violation which resulted in the revocation of parole or post-prison supervision.
 - (b) The commencement date for the further term of incarceration as a result of termination of parole or post-prison supervision under ORS 144.345(2) shall be the sentencing date.
 - (c) If the jailor, hearing officer, or Board releases the parolee/offender from custody pending the [revocation] violation hearing, the time spent outside actual custody does not count toward the further term of incarceration.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

- [(6)](7) Offenders designated for the Department of Corrections Parole Violators Project may serve repeated incarcerations of up to 180 days.
- [(7)](8) The Board and the Department of Corrections may develop other programs that create exceptions to the sanctions provided in this rule.
- [(8)](9) Notwithstanding subsections 1-8 of this rule, the Board may choose to postpone rerelease on parole pursuant to Divisions 50 and 60 of this chapter.
- [(9)](10) Notwithstanding subsections 1-9 of this rule, the Board may choose to deny rerelease on parole pursuant to OAR 255-75-096.
- (11) Intermediate local sanctions do not count toward the 180 day sanction limit.

Statutory Authority: (ORS 144.108, 144.120(4), 144.125, 144.232, 144.345,
144.346, 144.395)

History: (4/19/89, temporary; 11/1/89; 10/15/90 temporary; 1/16/91; 10/9/92)

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Guidelines for Rerelease; Sanctions

255-75-079 (4/19/89, temporary; 11/1/89; 10/15/90, temporary; 1/16/91)

- (1) For technical violation(s):
 - (a) A [P]parolee[s/Offenders] whose parole [or post-prison supervision term] has been revoked [for technical violation(s)] may serve further incarceration of up to 90 days for each [offense] revocation. [, not to exceed a total of 180 days.]
 - (b) An offender sentenced to post-prison supervision who has been returned to prison may serve further incarceration of up to 90 days for each return, not to exceed a total of 180 days.
- (2) For conduct constituting a crime:
 - (a) A [P]parolee[s/Offenders] whose parole [or post-prison supervision term] has been revoked [for conduct constituting a crime] may serve further incarceration of up to 180 days for each revocation [unless mitigation is found].
 - (b) An offender sentenced to post-prison supervision who has been returned to prison may serve further incarceration of up to 180 days, not to exceed a total of 180 days.
- (3) Parolees/Offenders sentenced to life imprisonment for murder or aggravated murder may serve further incarceration to the sentence expiration date.
- (4) Parolees/Offenders sentenced as dangerous offenders may serve repeated incarcerations of 180 days or more up to the sentence expiration date.
- (5) The commencement date for the further term of incarceration as a result of the violation of conditions shall be the date of arrest for the violation which resulted in the revocation of parole or post-prison supervision. If the jailor, hearing officer, or Board releases the parolee/offender from custody pending the revocation hearing, the time spent outside actual custody does not count toward the further term of incarceration.
- (6) [Department of Corrections special programs including the Parole Violators Project, are not subject to the provisions of this rule.] Offenders designated for the Department of Corrections Parole Violators Project may serve repeated incarcerations of up to 180 days.
- (7) The Board and the Department of Corrections may develop other programs that create exceptions to the sanctions provided in this rule.
- (8) Notwithstanding subsections 1-7 of this rule, the Board may choose to postpone rerelease on parole pursuant to Divisions 50 and 60 of this chapter.
- (9) Notwithstanding subsections 1-8 of this rule, the Board may choose to deny rerelease on parole pursuant to OAR 255-75-096.

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

GUIDELINES FOR RELEASE, CONDITIONS255-75-079

(4/19/89, temporary; 11/1/89; 10/15/90, temporary)

- (1) For technical violation(s):
- (a) A [P]parolee[s/Offenders] whose parole [or post-prison supervision term] has been revoked [for technical violation(s)] may serve further incarceration of up to 90 days for each [offense] revocation. [, not to exceed a total of 180 days.]
- (b) An offender sentenced to post-prison supervision who has been returned to prison may serve further incarceration of up to 90 days for each return, not to exceed a total of 180 days.
- (2) For conduct constituting a crime:
- (a) A [P]parolee[s/Offenders] whose parole [or post-prison supervision term] has been revoked [for conduct constituting a crime] may serve further incarceration of up to 180 days for each revocation unless mitigation is found.
- (b) An offender sentenced to post-prison supervision who has been returned to prison may serve further incarceration of up to 180 days, not to exceed a total of 180 days.
- (3) Parolees/Offenders sentenced to life imprisonment for murder or aggravated murder may serve further incarceration to the sentence expiration date.
- (4) Parolees/Offenders sentenced as dangerous offenders may serve repeated incarcerations of 180 days or more up to the sentence expiration date.
- (5) The commencement date for the further term of incarceration as a result of the violation of conditions shall be the date of arrest for the violation which resulted in the revocation of parole or post-prison supervision. If the jailor, hearing officer, or Board releases the parolee/offender from custody pending the revocation hearing, the time spent outside actual custody does not count toward the further term of incarceration.
- (6) [Department of Corrections special programs including the Parole Violators Project, are not subject to the provisions of this rule.] Offenders designated for the Department of Corrections Parole Violators Project may serve repeated incarcerations of up to 180 days.
- (7) The Board and the Department of Corrections may develop other programs that create exceptions to the sanctions provided in this rule.
- (8) Notwithstanding subsections 1-7 of this rule, the Board may choose to postpone rerelease on parole pursuant to Divisions 50 and 60 of this chapter.
- (9) Notwithstanding subsections 1-8 of this rule, the Board may choose to deny rerelease on parole pursuant to OAR 255-75-096.

Temporary effective 10/15/90 to 4/13/91
 but superseded by permanent effective
 1/16/91

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Guidelines for Rerelease

255-75-079 (4/19/89, temporary; 11/1/89)

- (1) Parolees/Offenders whose parole or post-prison supervision term has been revoked for technical violation(s) may serve further incarceration of up to 90 days for each offense, not to exceed a total of 180 days.
- (2) Parolees/Offenders whose parole or post-prison supervision term has been revoked for conduct constituting a crime may serve further incarceration of up to 180 days unless mitigation is found.
- (3) Parolees/Offenders sentenced to life imprisonment for murder or aggravated murder may serve further incarceration to the sentence expiration date.
- (4) Parolees/Offenders sentenced as dangerous offenders may serve repeated incarcerations of 180 days or more up to the sentence expiration date.
- (5) The commencement date for the further term of incarceration as a result of the violation of conditions shall be the date of arrest for the violation which resulted in the revocation of parole or post-prison supervision.
- (6) Department of Corrections special programs, including the Parole Violators Project, are not subject to the provisions of this rule.

Permanent effective 11/1/89

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Guidelines for Rerelease
255-75-079

- (1) Parolees/Offenders whose parole or post-prison supervision term has been revoked for technical violation(s) may serve further incarceration of 90 days.
- (2) Parolees/Offenders whose parole or post-prison supervision term has been revoked for conduct constituting a crime may serve further incarceration of 180 days unless mitigation [or aggravation] is found [pursuant to Exhibit H or E].
- (3) Parolees/Offenders sentenced to life imprisonment for murder or aggravated murder may serve further incarceration to the sentence expiration date.
- (4) Parolees/Offenders sentenced as dangerous offenders may serve repeated incarcerations of 180 days or more up to the sentence expiration date.
- (3) Incarceration in excess of 8 months must be based upon findings of aggravation after a hearing.]
- (5) The commencement date for the further term of incarceration as a result of the violation of conditions shall be the date of arrest for the violation which resulted in the revocation of parole or post-prison supervision term.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Guidelines for Rerelease
255-75-079

- (1) Parolees whose parole has been revoked for technical violation(s) shall serve further incarceration of 6 months.
- (2) Parolees whose parole has been revoked for conduct constituting a crime shall serve further incarceration of 8 months, unless mitigation or aggravation is found pursuant to Exhibit H or E.
- (3) Incarceration in excess of 8 months must be based upon findings of aggravation after a hearing.
- (4) The commencement date for the further term of incarceration as a result of the parole violation shall be the date of arrest for the parole violation which resulted in the revocation of parole.

Temporary effective 4/19/89 to 10/15/89



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0080

Continuance on Parole or Supervision

- (1) The Sanction Authority may continue an offender on parole or post-prison supervision and order modification of conditions and/or sanction to time served.
- (2) The Sanction Authority may continue an offender on parole or post-prison supervision and order administrative sanctions as limited by OAR 255-075-0067

Statutory Authority: ORS 144.106, 144.343, 144.345(1)

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
10/16/89; 4/30/92, temporary; 10/9/92, temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 05/13/98
permanent 05/11/98

DIVISION 75

PROCEDURES FOR [REVOCAION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Continuance on Parole or Supervision

255-75-080

- (1) The Board or the Hearings Officer may continue an offender on parole or post-prison supervision and order modification of conditions and/or sanction to time served.
- (2) The Board, the Hearings Officer, or the supervisory authority may continue an offender on parole or post-prison supervision and order intermediate local sanctions as limited by OAR 255-75-067 and pursuant to letters of agreement.
- [(3) If the Board finds that a parolee/offender has committed a violation of conditions which is sufficiently serious to require a revocation hearing and the time the parolee/offender has spent in custody pending final action on the revocation hearing is an adequate punishment for the violation, the Board may continue parole or post-prison supervision.]

Statutory Authority: (ORS 144.106, 144.343, 144.345(1))

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
10/16/89; 4/30/92, temporary; 10/9/92)

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Continuance on Parole or Supervision

255-75-080

- (1) The Board or the Hearings Officer may continue an offender on parole or post-prison supervision and order modification of conditions.
- (2) The Board, the Hearings Officer, or the supervisory authority may continue an offender on parole or post-prison supervision and order intermediate local sanctions as limited by OAR 255-75-067 and pursuant to letters of agreement.
- (3) If the Board finds that an [a parolee/]offender has committed a violation of conditions which is sufficiently serious to require a [revocation] violation hearing and the time the [parolee/]offender has spent in custody pending final action on the [revocation] violation hearing is an adequate punishment for the violation, the Board may continue parole or post-prison supervision.
- (4) The temporary amendments made to this rule on April 30, 1992 shall apply only to supervisory authorities conducting intermediate sanction guidelines pilot projects pursuant to written agreement with the Board. All other supervisory authorities shall continue to use the permanent rule filed and effective on October 16, 1989.

Statutory Authority: (ORS 144.106, 144.343, 144.345(1))

History: (2/1/79; 11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 10/16/89; 4/30/92, temporary)

Temporary effective 4/30/92 to 10/26/92
Superceded by permanent filing 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Continuance based on time served:
Necessary Findings by Board
255-75-080

If the Board finds a parolee/offender has committed a violation of [parole] conditions which is sufficiently serious to require a revocation hearing and the time the parolee/offender has spent in custody pending final action on the [parole] revocation hearing is adequate punishment for the violation, the Board may continue parole or post-prison supervision.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

[Reinstatement] Continuance Based on Time Served; Necessary Findings by Board; Effect on History/Risk Score]
255-75-080

- [(1)] If the Board finds that a parolee has committed a violation of parole conditions which is sufficiently serious to require a revocation hearing [of parole] and the time the parolee has spent in custody pending final action on the parole revocation hearing is an adequate punishment for the violation, the Board may [reinstate] continue parole.
- [(2)] Reinstatement of parole under this rule shall be counted as a parole failure in computing a criminal history risk assessment score under Rule 255-35-013.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-080 Reinstatement Based on Time Served: Necessary Findings by Board; Effect on History/Risk Score

- (1) If the Board finds that a parolee has committed a violation of parole conditions which is sufficiently serious to require revocation of parole and the time the parolee has spent in custody pending final action on the parole revocation hearing is an adequate punishment for the violation, the Board may reinstate parole.
- (2) Reinstatement of parole under this rule shall be counted as a parole failure in computing a criminal history risk assessment score under Rule 255-35-013 [015].

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

[255-75-080 Reinstatement Based on Time Served: Necessary Findings by Board; Effect on History/Risk Score

- (1) If the Board finds that a parolee has committed a violation of parole conditions which is sufficiently serious to require revocation of parole and the time the parolee has spent in custody pending final action on the parole revocation hearing is an adequate punishment for the violation, the Board may reinstate parole.
- (2) Reinstatement of parole under this rule shall be counted as a parole failure in computing a criminal history/risk assessment score under rule 255-35-015.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Reinstatement Based on Time Served: Necessary Findings by Board; Effect on History/Risk Score

255-75-080 (1) If the Board finds that a parolee has committed a violation of parole conditions which is sufficiently serious to require revocation of parole and the time the parolee has spent in custody pending final action on the parole revocation hearing is an adequate punishment for the violation, the Board may reinstate parole.

(2) Reinstatement of parole under this rule shall be counted as a parole failure in computing a criminal history/risk assessment score under rule 255-35-015.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Authority of Revocation Panel to Set New Parole Release
Date for Parole Violators.

255-75-082 (1) In cases involving a parole violator re-
turned for a technical violation and no new prison com-
mitment for a new conviction, the Revocation Panel may
establish a new parole release date following four to six
months being incarcerated as long as the action is consis-
tent with the guidelines for re-release of parole violators
and variations in rule 255-75-085.

In all cases involving a parole violator returned for
technical violations and with new new prison commitment for
a new conviction the Board shall set a re-release date.
The new release date may be set by the Revocation Panel if
the date is within four to six months following return
to custody as long as the decision is consistent with
the guidelines for re-release of parole violators and var-
iations under rule 255-75-085.

(2) In cases where the Revocation Panel does not set a
new parole release date, the prisoner shall receive a
Future Disposition Hearing in accordance with rule 255-75-
080.



OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Parole Violators with No New Commitment; Action Required
255-75-085
(temporarily repealed

Temporary effective 4/19/89 to 10/15/89
Revert to previous rule.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Parole Violators with No New Commitment; [/] Action Required
255-75-085

- (1) Parole violators returned with no new prison commitment shall receive a future disposition hearing within [90] 120 days of the date of return to Department of Corrections [Division] custody.
- (2) The hearing shall follow the procedures of a prison term hearing as provided in Division 30 of these rules.
- (3) At the future disposition hearing, the Board may:
 - (a) [S] set a new parole release date according to the guidelines in rule 255-75-090 [and choose not to give credit for statutory good time earned until suspension of parole]; or
 - (b) [D] deny further parole consideration, pursuant to ORS 144.390 [according to the guidelines in rule 255-75-090,]; and [may]
 - (c) return all or part of the forfeited statutory good time [to which the prisoner is entitled].

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-085 [Future Disposition Hearing: Procedures; Scheduling; Board Action] Parole Violators With No New Commitment/Action Required

- (1) [After parole is revoked, the Board shall conduct a hearing to establish future disposition of the prisoner within 90 days after his/her return. This hearing shall follow the procedures of a prison term hearing as provided in Division 30,] Parole violators returned with no new prison commitment shall receive a hearing within 90 days of the date of return to Corrections Division custody.
- (2) The hearing shall follow the procedures of a prison term hearing as provided in Division 30 of these rules.
- (3)[(2)] At the future disposition hearing, the Board may:
 - (a) Set a new parole release date according to the guidelines in Rules 255-75-[085]090 and choose not to give credit for statutory good time earned until suspension of parole; or
 - (b) Deny further parole consideration, according to the guidelines in Rule 255-75-090[096], and may return all or part of the statutory good time to which the prisoner is entitled.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-085 Parole Violators With No New Commitment; Action Required
[Future Disposition Hearing: Procedures; Scheduling; Board
Action]

- (1) Parole violators returned with no new prison
commitment shall receive a hearing within 90 days
after return to Corrections Division facility to
establish future disposition. [After parole is
revoked, the Board shall conduct a hearing to
establish future disposition of the prisoner within
90 days after his/her return. This hearing shall
follow the procedures of a prison term hearing as
provided in Division 30.]
- (2) The hearing shall follow the procedures of a prison
term hearing as provided in Division 30 of these
rules.
- (3) [(2)] At the future disposition hearing, the Board may:
 - (a) Set a new parole release date according to the guidelines in rule 255-75-090[85] and choose not to give credit for statutory good time earned until suspension of parole; or
 - (b) Deny further parole consideration, according to the guidelines in rule 255-75-096[0], and return all or part of the statutory good time to which the prisoner is entitled.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Future Disposition Hearing: Procedures; Scheduling; Board Action

255-75-085 (1) After parole is revoked, the Board shall conduct a hearing to establish future disposition of the prisoner within 90 days after his/her return. This hearing shall follow the procedures of a prison term hearing as provided in division 30.

(2) At the future disposition hearing, the Board may:

(a) Set a new parole release date according to the guidelines in rule 255-75-085 and choose not to give credit for statutory good time earned until suspension of parole; or

(b) Deny further parole consideration, according to the guidelines in rule 255-75-090, and return all or part of the statutory good time to which the prisoner is entitled.

Stat. Auth.: ORS Ch. 144

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



OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Guidelines for Reparole

255-75-090 (2/1/79; 11/19/84, temporary; 2/28/ 85; 3/14/88, temporary;
5/19/88; 4/19/89, temporary; 11/1/89, repealed)

[Parole violators shall be given a sanction within the following guidelines:

- (1) violations not involving a finding of new criminal activity, shall result in an additional term of six to eight months unless the Board finds aggravation or denies parole; and
- (2) violations involving a finding of new criminal activity shall result in an additional term of eight to twelve months unless the Board finds aggravation, mitigation, or denies parole.
- (3) In establishing a sanction, the commencement date shall be the date of arrest for the parole violation which resulted in the revocation of parole.]

Repealed

Permanent effective 11/1/89

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Guidelines for Reparole
255-75-090
(temporarily repealed)

Temporary effective 4/19/89 to 10/15/89

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Guidelines for Reparole [When No New Prison Commitment is Present]
255-75-090

- (1) Parole violators [returned with no new prison commitment] shall be given a sanction [an additional prison term] within the following guidelines; [unless the Board finds aggravation [mitigation] or denies parole:]
- (a) [(1)V] violations not involving a finding of new criminal activity, shall result in an additional term of [four] six to eight months unless the Board finds aggravation or denies parole; and [.]
- (b) [(2)V] violations involving a finding of new criminal activity shall result in an additional term of eight to twelve months unless the Board finds aggravation, mitigation, denies parole.
- (c) In establishing a sanction, the commencement date shall be the date of arrest for the parole violation which resulted in the revocation of parole.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-090 [Guidelines for Re-Release of Parole Violators: Technical Violators; New Convictions; Denial of Further Parole] Guidelines For Reparole When No New Prison Commitment Is Present

(1) Parole violators returned with [a technical violation and] no new prison commitment [for a new conviction] shall be given an additional prison term [based on] within the following guidelines unless the Board finds aggravation/mitigation or denies parole:

(a) [If the] V[v]iolations [did] not involv[e]ing a finding [at the parole revocation hearing] of new criminal activity [the prisoner] shall result in an additional term [serve from] of four to eight months. [unless the Board decides that the aggravation or mitigation found at the parole revocation hearing is sufficient to justify variation from this range. Variation shall not exceed two months without concurrence of at least four voting members of the Board]

(b) [If the] V[v]iolations involv[ed]ing finding [at the parole revocation hearing that] of new criminal activity [has occurred, the prisoner] shall result in an additional term of [serve from] eight to 12 months. [unless the Board decides that the aggravation of mitigation found at the parole revocation hearing is sufficient to justify variation from this range. Variation shall not exceed four months without concurrence of at least four voting members of the Board]

[(c) Usual, but not exclusive, factors in aggravation and mitigation are shown in Exhibit G. When applicable, the factors shown in Exhibit E may be consulted.

(d) In setting a re-release date, the Board may consider the seriousness of the parole violator's original offense and history/risk score.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

- (2) Parole violators returned with a new prison commitment shall be given a prison term according to the guidelines in Division 35:
 - (a) A history/risk score reflecting the new conviction shall be calculated. When applicable, the original conviction and incarceration and the parole failure shall result in lost points;
 - (b) If the sentence on the new conviction is imposed consecutive to the original commitment offense, the provisions of subsection 255-35-020(2)(e) shall govern the credit given for time served.
- (3) The Board may deny reparole consideration and require the parole violator to serve to the end of his/her sentence upon affirmative vote of at least four voting members. In cases where setting a parole violator within the guidelines of this rule would require the parole violator to serve to the end of his/her sentence, four votes are not required.]

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-090 Guidelines For Reparole When No New Prison Commitment Is Present [Guidelines for Re-Release of Parole Violators: Technical Violators; New Convictions; Denial of Further Parole]

- (1) Parole violators returned with [a technical violation and] no new prison commitment [for a new conviction] shall be given an additional prison term [based on] within the following guidelines unless the Board finds aggravation/mitigation or denies parole:
- (a) [If the] V[v]iolations [did] not involving[e] a finding [at the parole revocation hearing] of new criminal activity [the prisoner] shall result in an addmtional term [serve from] of four to eight months. [unless the Board decides that the aggravation or mitigation found at the parole revocation hearing is sufficient to justify variation from this range. Variation shall not exceed two months without concurrence of at least four voting members of the Board]
- (b) [If the] V[v]iolations involving[ed] a finding [at the parole revocation hearing that] of new criminal activity [has occurred, the prisoner] shall result in an additional term of [serve from] eight to 12 months. [unless the Board decides that the aggravation or mitigation found at the parole revocation hearing is sufficient to justify variation from this range. Variation shall not exceed four months without concurrence of at least four voting members of the Board]
- [(c) Usual, but not exclusive, factors in aggravation and mitigation are shown in Exhibit G. When applicable, the factors shown in Exhibit E may be consulted.
- (d) In setting a re-release date, the Board may consider the seriousness of the parole violator's original offense and history/risk score.

Temporary effective 11/19/84 to 5/17/85

but superceded by permanent filing
2/28/85

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

- (2) Parole violators returned with a new prison commitment shall be given a prison term according to the guidelines in Division 35;
 - (a) A history/risk score reflecting the new conviction shall be calculated. When applicable, the original conviction and incarceration and the parole failure shall result in lost points;
 - (b) If the sentence on the new conviction is imposed consecutive to the original commitment offense, the provisions of subsection 255-35-020(2)(e) shall govern the credit given for time served.
- (3) The Board may deny reparole consideration and require the parole violator to serve to the end of his/her sentence upon affirmative vote of at least four voting members. In cases where setting a parole violator within the guidelines of this rule would require the parole violator to serve to the end of his/her sentence, four votes are not required.]

Temporary effective 11/19/84 to 5/17/85

but superceded by permanent filing

2/28/85

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Guidelines for Re-Release of Parole Violators; Technical Violators; New Convictions; Denial of Further Parole

255-75-090 (1) Parole violators returned with a technical violation and no prison commitment for a new conviction shall be given an additional prison term based on the following guidelines:

(a) If the violations did not involve a finding at the parole revocation hearing of new criminal activity, the prisoner shall serve from four to eight months unless the Board decides that the aggravation or mitigation found at the parole revocation hearing is sufficient to justify variation from this range. Variation shall not exceed two months without concurrence of at least four voting members of the Board.

(b) If the violation involved a finding at the parole revocation hearing that new criminal activity has occurred, the prisoner shall serve from eight to 12 months unless the Board decides that the aggravation or mitigation found at the parole revocation hearing is sufficient to justify variation from this range. Variation shall not exceed four months without concurrence of at least four voting members of the Board.

(c) Usual, but not exclusive, factors in aggravation and mitigation are shown in Exhibit G. When applicable, the factors shown in Exhibit E may be consulted.

(d) In setting a re-release date, the Board may consider the seriousness of the parole violator's original offense and history/risk score.

(2) Parole violators returned with a new prison commitment shall be given a prison term according to the guidelines in division 35:

(a) A history/risk score reflecting the new conviction shall be calculated. When applicable, the original conviction and incarceration and the parole failure shall result in lost points.

(b) If the sentence on the new conviction is imposed consecutive to the original commitment offense, the provisions of subsection 255-35-020(2)(c) shall govern the credit given for time served.

(3) The Board may deny reparole consideration and require the parole violator to serve to the end of his/her sentence upon affirmative vote of at least four voting members. In cases where setting a parole violator within the guidelines of this rule would require the parole violator to serve to the end of his/her sentence, four votes are not required.

Stat. Auth.: ORS Ch. 144

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



DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Variation From Guidelines for Aggravation/Mitigation Permitted
255-75-095
(temporarily repealed)

Temporary effective 4/19/89 to 10/15/89
Permanently repealed 10/16/89

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Variation From Guidelines for Aggravation/Mitigation Permitted
255-75-095

- (1) Variation from the terms set fourth in rule 255-75-090 (a), (b), is permitted if the Board finds aggravation or mitigation as shown in either Exhibit E or Exhibit H [G].
- (2) Variations from the terms set forth in rule 255-75-090 (a), (b) shall be those established in Division 35 of these rules and shown in Exhibit D.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-095 Variation From Guidelines For Aggravation/Mitigation Permitted

- (1) Variation from the terms set forth in 255-75-090(a)-(b), is permitted if the Board finds aggravation or mitigation as shown in either Exhibit E or Exhibit G. #

- (2) Variations from the terms set forth in 255-75-090(a)(b) shall be those established in Division 35 of these rules and shown in Exhibit D.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-095 Variation From Guidelines For Aggravation/Mitigation Permitted

- (1) Variation from the terms set forth in 255-75-080 (a),(b), is permitted if the Board finds aggravation or mitigation as shown in either Exhibit E or Exhibit G.

- (2) Variations from the terms set forth in 255-75-090 (a) (b) shall be those established in Division 35 of these rules and shown in Exhibit D.

Temporary effective 11/19/84 to 5/17/85
but superceded by permanent filing
2/28/85



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0096

Denial of Rerelease Consideration

- (1) Upon a finding of aggravation pursuant to Exhibit E or Exhibit H, the Board may deny rerelease on parole and set the parole release date up to two (2) days before the statutory good time date, or, in the case of murder or aggravated murder, require the parole violator to serve for life. This action requires the affirmative vote of a majority of members, except that if the result is life imprisonment, the full Board must vote unanimously.
- (2) Denial of rerelease on parole requires a future disposition hearing.
- (3) Cases in which the Board sets a parole violator within the guidelines set forth in rule 255-75-079 and the result requires the parole violator to serve to the end of the sentence, do not require a majority vote of all members.
- (4) At any time after denial of rerelease, the Board may adjust the parole release date to accommodate changes in the good time date.

Statutory Authority: ORS 144.085, 144.120(4), 144.245, 144.395, 144.780, 144.783-787
History: (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88; 4/19/89,
temporary; 10/16/89; 5/1/91, temporary; 10/15/91, 03/14/97)

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Denial of Rerelease Consideration

255-75-096 (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
4/19/89, temporary; 10/16/89; 5/1/91, temporary; 10/15/91)

- (1) Upon a finding of aggravation pursuant to Exhibit E or Exhibit H, the Board may deny rerelease on parole and require the parole violator to serve to the statutory good time date or, in the case of aggravated murder, for life. This action requires the affirmative vote of [at least four voting] a majority of members, except that if the result is life imprisonment, the full Board must vote unanimously.
- (2) Denial of rerelease on parole requires a future disposition hearing.
- (3) [In c]Cases [where] in which the Board sets [setting] a parole violator within the guidelines set forth in rule 255-75-079 [would require] and the result requires the parole violator to serve to the end of the sentence[, four votes are] do not require a majority vote of all members [not required].

Permanent effective 10/15/91

Revocation of Parole

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 75 — BOARD OF PAROLE

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Denial of Rerelease Consideration

255-75-096 (11/19/84, temporary; 2/28/85; 3/14/88, temporary; 5/19/88;
4/19/89, temporary; 10/16/89; 5/1/91, temporary)

- (1) Upon a finding of aggravation pursuant to Exhibit E or Exhibit H, the Board may deny rerelease on parole and require the parole violator to serve to the statutory good time date or, in the case of aggravated murder, for life. This action requires the affirmative vote of [at least four voting] all members.
- (2) Denial of rerelease on parole requires a future disposition hearing.
- (3) In cases where setting a parole violator within the guidelines set forth in rule 255-75-079 would require the parole violator to serve to the end of the sentence, [four votes are] an affirmative vote of all members is not required.

Temporary effective 5/1/91 to 10/27/91
superceded by permanent filing 10/15/91

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Denial of [Reparole] Rerelease
Consideration
255-75-096

- (1) Upon a finding of aggravation
pursuant to Exhibit E or Exhibit
H, the Board may deny [reparole]
rerelease on parole
[consideration] and require the
parole violator to serve to the
statutory good time date or, in
the case of aggravated murder,
for life. This action requires
the affirmative vote of at least
four voting members.

- (2) Denial of rerelease on parole
requires a future disposition
hearing.

- [2](3) In cases where setting the
parole violator within the
guidelines set forth in rule
[255-75-090 (a) and (b)]
255-75-079 would require the
parole violator to serve to
the end of the sentence, four
votes are not required.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Denial of [Reparole] Rerelease Consideration
255-75-096

- (1) Upon a finding of aggravation pursuant to Exhibit E or Exhibit H, the Board may deny [reparole] rerelease on parole consideration and require the parole violator to serve to the statutory good time date or, in the case of aggravated murder, for life. This action requires the affirmative vote of at least four voting members.
- (2) Denial of rerelease on parole requires a future disposition hearing.
- (3) In cases where setting the parole violator within the guidelines set forth in rule [255-75-090 (a) and (b)] 255-75-079 would require the parole violator to serve to the end of the sentence, four votes are not required.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Denial of Reparole Consideration
255-75-096

- (1) The Board may deny reparole consideration and require the parole violator to serve to the statutory good time date. This action requires the affirmative vote of at least four voting members.
- (2) In cases where setting a parole violator within the guidelines set forth in rule 255-75-090 (a) and (b) would require the parole violator to serve to the end of the sentence, four votes are not required.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-096 Denial of Reparole Consideration

- (1) The Board may deny reparole consideration and require the parole violator to serve to the statutory good time date. This action requires the affirmative vote of at least four voting members.

- (2) In cases where setting a parole violator within the guidelines set forth in 255-75-090 would require the parole violator to serve to the end of the sentence, four votes are not required.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

255-75-096 Denial of Reparole Consideration

- (1) The Board may deny reparole consideration and require the parole violator to serve to the end of the sentence upon affirmative vote of at least four voting members.
- (2) In cases where setting a parole violator within the guidelines set forth in 255-75-090 would require the parole violator to serve to the end of the sentence, four votes are not required.

Temporary effective 11/19/84 to 5/17/85
but superceded by permanent filing
2/28/85



DIVISION 75

PROCEDURES FOR [REVOICATION] RESPONSES TO [OF] PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

Time for Future Disposition Hearing
255-75-097

When the Board holds a future disposition hearing [is held] pursuant to [255-75-072(4)(c), 255-75-079(3)] 255-75-072(2) or 255-75-096, the following timelines [will] shall apply:

- (1) If the [parolee/]offender has a new conviction, the Board may schedule the future disposition hearing [may be scheduled] at the same time as the new prison term hearing.
- (2) If the [parolee/]offender has no new conviction or has no prison term hearing, the Board shall schedule the future disposition hearing [shall be scheduled] within 60 days of return to the institution.

Statutory Authority: (ORS 144.050, 144.140, 144.395)

History: (4/19/89, temporary; 10/16/89; 10/9/92)

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Time for Future Disposition Hearing
255-75-097

When a future disposition hearing is held pursuant to 255-75-072(4)(c), 255-75-079(3) or 255-75-096, the following timelines will apply:

- (1) If the parolee/offender has a new conviction, the future disposition hearing may be scheduled at the same time as the new prison term hearing.
- (2) If the parolee/offender has no new conviction or has no prison term hearing, the future disposition hearing shall be scheduled within [120] 60 days of return to the institution.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Time for Future Disposition Hearing
255-75-097

When a future disposition hearing is held pursuant to
255-75-072(4)(c), 255-75-079(3) or 255-75-096, the following
timelines will apply:

- (1) If the parolee has a new conviction, the future disposition hearing may be scheduled at the same time as the new prison term hearing.
- (2) If the parolee has no new conviction, the future disposition hearing shall be scheduled within 120 days of return to the institution.



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0098

Restoration of Statutory and Meritorious Goodtime

Upon recommendation of the superintendent of the institution, the Board may restore part or all of forfeited statutory and meritorious goodtime when:

- (1) there is no violation of parole; or
- (2) parole is revoked on a best interest basis and there is no actual parole violation; or
- (3) parole is revoked on a technical violation; or
- (4) parolee is within 180 days of discharge; or
- (5) parole is revoked for new criminal activity which is a misdemeanor or non person-to-person class C felony and:
 - (a) the new criminal activity was already sanctioned at the local level;
or
 - (b) the criminal activity is not of the same nature as the crimes for which the parolee was on parole.
- (6) An offender ordered to serve a term of incarceration as a Revocation sanction for a post prison supervision violation is not eligible for goodtime, earned-credit time, work release, transitional or temporary leave.

Statutory Authority: ORS 421.120, 144.108(3)

History: (3/14/88, temporary; 5/19/88; 12/6/88; 10/16/89; 10/9/92, 03/14/97,
temporary 11/14/97; 05/11/98)

Temporary effective 11/14/97 to 5/13/
permanent 05/11/98

DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0098

Restoration of Statutory and Meritorious Goodtime

Upon recommendation of the superintendent of the institution, the Board may restore part or all of forfeited statutory and meritorious goodtime when:

- (1) there is no violation of parole; or
- (2) parole is revoked on a best interest basis and there is no actual parole violation; or
- (3) parole is revoked on a technical violation; or
- (4) parolee is within 180 days of discharge; or
- (5) parole is revoked for new criminal activity which is a misdemeanor or non person-to-person class C felony and:
 - (a) the new criminal activity was already sanctioned at the local level;
or
 - (b) the criminal activity is not of the same nature as the crimes for which the parolee was on parole.
- (6) A offender ordered to serve a term of incarceration as a sanction for a post prison supervision violation is not eligible for earned credit time.

Statutory Authority: ORS 421.120, 144.108(3)

History: (3/14/88, temporary; 5/19/88; 12/6/88; 10/16/89; 10/9/92, 03/14/97)

03/14/97

Conditions Violations

Permanent effective 3/14/97

DIVISION 75

PROCEDURES FOR [REVOCAION] RESPONSES TO [OF] PAROLE AND POST-PRISON SUPERVISION CONDITIONS VIOLATIONS

Restoration of Statutory and Meritorious Goodtime
255-75-098

Upon recommendation of the superintendent of the institution, the Board may restore part or all of forfeited statutory and meritorious goodtime when:

- (1) there is no violation of parole; or
- (2) parole is revoked on a best interest basis and there is no actual parole violation; or
- (3) parole is revoked on a technical violation; or
- (4) parolee is within 180 days of discharge; or
- (5) parole is revoked for new criminal activity which is a misdemeanor or non person-to-person class C felony and:
 - (a) the new criminal activity was already sanctioned at the local level;
or
 - (b) the criminal activity is not of the same nature as the crimes for which the parolee was on parole.
- (6) A [parolee/]offender ordered to serve a term of incarceration as a sanction for a post-prison supervision violation is not eligible for earned-credit time.

Statutory Authority: ORS 421.120, 144.108(3)

History: (3/14/88, temporary; 5/19/88; 12/6/88; 10/16/89; 10/9/92)

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Restoration of Statutory and
Meritorious Goodtime
255-75-098

Upon recommendation of the superintendent of the institution, the Board may restore part or all of forfeited statutory and meritorious goodtime when:

- (1) there is no violation of parole;
or
- (2) parole is revoked on a best interest basis and there is no actual parole violation; or
- (3) parole is revoked on a technical violation; or
- (4) parolee is within 180 days of discharge; or
- (5) parole is revoked for new criminal activity which is a misdemeanor or non person-to-person class C felony and:
 - (a) the new criminal activity was already sanctioned at the local level; or
 - (b) the criminal activity is not of the same nature as the crimes for which the parolee was on parole.
- (6) A parolee/offender ordered to serve a term of incarceration as a sanction for a post-prison supervision violation is not eligible for earned-credit time.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Restoration of [Parole Violation] Statutory and Meritorious
Goodtime
255-75-098

Upon recommendation of the superintendent of the institution,
[T]he Board may restore part or all of forfeited statutory and
meritorious goodtime when:

- (1) there is no violation of parole; [and a recommendation to
restore parole violation goodtime is received from the
superintendent of the institution;] or
- (2) parole is revoked on a best interest basis and there was no
actual parole violation; [, and a recommendation to restore
parole violation goodtime is received from the
superintendent of the institution.] or
- (3) parole is revoked on a technical violation; or
- (4) parolee is within 180 days of discharge; or
- (5) parole is revoked for new criminal activity which is a
misdemeanor or class C felony and:
 - (a) the new criminal activity was already sanctioned at
the local level; or
 - (b) the criminal activity is not of the same nature as
the crimes for which the parolee was on parole.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Restoration of Parole Violation Goodtime
255-75-098

The Board may restore forfeited parole violation goodtime when:

- (1) there is no violation of parole and a recommendation to restore parole violation goodtime is received from the superintendent of the institution; or
- (2) parole is revoked on a best interest basis and there was no actual parole violation, and a recommendation to restore parole violation goodtime is received from the superintendent of the institution.



DIVISION 75

PROCEDURES FOR RESPONSES TO PAROLE AND POST-PRISON
SUPERVISION CONDITIONS VIOLATIONS

255-075-0100

Future Disposition Hearing Packet

The Future Disposition Hearing Packet shall contain:

- (1) institution face sheet;
- (2) revocation recommendation;
- (3) final order of revocation;
- (4) administrative action sheet;
- (5) revocation hearing findings;
- (6) Board Action Form ordering parole or Board Action Form ordering post-prison supervision conditions;
- (7) disciplinary report, when extension is recommended;
- (8) recommendation regarding statutory and meritorious goodtime;
- (9) correspondence;
- (10) statements of imprisonment for violation; and
- (11) face sheet from old parole analysis report or comparable report.
- (12) Inmate's Notice of Rights and Board of Parole & Post-Prison Supervision Procedures.

Statutory Authority: ORS 144.185, 144.395

History: (5/19/88; 12/6/88; 10/16/89, 03/14/97)

Permanent effective 3/14/97

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE OR POST-PRISON SUPERVISION

Future Disposition Hearing Packet
255-75-100

The Future Disposition Hearing Packet shall contain:

- (1) institution face sheet;
- (2) revocation recommendation;
- (3) final order of revocation;
- (4) administrative action sheet;
- (5) revocation hearing findings;
- (6) Board Action Form ordering parole or Board Action Form ordering post-prison supervision conditions;
- (7) disciplinary report, when extension is recommended;
- (8) recommendation regarding [for] statutory and meritorious goodtime;
- (9) correspondence
- (10) statements of imprisonment for [parole] violation; and
- (11) face sheet from old parole analysis report or comparable report.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Future Disposition Hearing Packet
255-75-100

The Future Disposition Hearing Packet shall contain:

- (1) institution face sheet;
- (2) revocation recommendation;
- (3) final order of revocation;
- (4) administrative action sheet;
- (5) revocation hearing findings;
- (6) Board Action Form ordering parole;
- (7) disciplinary report, when extension is recommended;
- (8) recommendations for [parole violation] statutory goodtime and meritorious goodtime;
- (9) correspondence;
- (10) statements of imprisonment for parole violation; and
- (11) face sheet from old parole analysis report.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Future Disposition Hearing Packet
255-75-100

The Future Disposition Hearing Packet shall contain:

- (1) institution face sheet;
- (2) revocation recommendation;
- (3) final order of revocation;
- (4) administrative action sheet;
- (5) revocation hearing findings;
- (6) Board Action Form ordering parole;
- (7) disciplinary report, when extension is recommended;
- (8) recommendation for parole violation goodtime;
- (9) correspondence
- (10) statements of imprisonment for parole violation; and
- (11) face sheet from old parole analysis report.

DIVISION 75

PROCEDURES FOR REVOCATION OF PAROLE

Parolees Convicted of a New Crime in Another Jurisdiction; Return;
Jurisdictional Reinstatement
255-75-075

If a parolee has violated [his/her] parole as a result of a conviction of a new crime in another jurisdiction and has been sentenced to a term in prison, the Board may:

- (1) [S] ~~suspend~~ parole and order the parolee returned to Oregon for a parole revocation hearing after serving the new sentence; or
- (2) [Reinstate] continue parole to the prison sentence in the other jurisdiction in order to consolidate jurisdiction over the parolee and allow the Oregon sentence to run concurrently. [Reinstatement] A continuance under these circumstances is not a recommendation for parole release.