

DIVISION 80

ADMINISTRATIVE APPEAL

255-080-0001

Exhaustion of Remedies

- (1) A Board order is final and effective the date it is signed, however it is not final for purposes of the time period within which to appeal to the Court of Appeals until the inmate/offender exhausts his or her administrative review remedies.
- (2) An inmate/offender has exhausted his or her administrative remedies after complying with OAR 255-080-0005, and after the Board denies review, or grants review and either denies or grants relief. The Board shall notify the inmate/offender that exhaustion has occurred and the time for judicial appeal of appealable orders shall run from the mailing date of the notice.

Statutory Authority: ORS 144.335

History: (2/20/91; 10/9/92, 03/14/97, 06-09-00)

DIVISION 80

ADMINISTRATIVE APPEAL

255-080-0001

Exhaustion of Remedies

- (1) A Board order is final and effective the date it is signed, however it is not final for purposes of the time period within which to appeal to the Court of Appeals until the inmate/offender exhausts his or her administrative review remedies.
- (2) An inmate/offender has exhausted his or her administrative remedies after complying with OAR 255-80-005, and after the Board denies review, or grants review and either denies or grants relief. The Board shall notify the inmate/offender that exhaustion has occurred and the time for judicial appeal of appealable orders shall run from the mailing date of the notice.

Statutory Authority: ORS 144.335
History: (2/20/91; 10/9/92, 03/14/97)

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Exhaustion of Remedies
255-80-001

- (1) A Board order is final and effective the date it is signed, however it is not final for purposes of the time period within which to appeal to the Court of Appeals until the [prisoner] offender exhausts his/her administrative review remedies.
- (2) [A prisoner] An offender has exhausted his/her administrative remedies after complying with 255-80-005, and after the Board denies review, or grants review and either denies or grants relief. The Board shall notify the prisoner that exhaustion has occurred and the time for judicial appeal shall run from the mailing date of the notice.

Statutory Authority: (ORS 144.335)
History: (2/20/91; 10/9/92)

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Exhaustion of Remedies (ORS 144.335)
255-80-001 (2/20/91)

- (1) A Board order is final and effective the date it is signed, however it is not final for purposes of the time period within which to appeal to the Court of Appeals until the prisoner exhausts his/her administrative review remedies.
- (2) A prisoner has exhausted his/her administrative remedies after complying with 255-80-005, and after the Board denies review, or grants review and either denies or grants relief. The Board shall notify the prisoner that exhaustion has occurred and the time for judicial appeal shall run from the mailing date of the notice.

2/20/91

Administrative Review
Permanent effective 2/20/91

DIVISION 80

ADMINISTRATIVE APPEAL

255-080-0005

Procedure for Administrative Review

- (1) An inmate/offender may request an administrative review by sending Exhibit O, Administrative Review Request Form, to the Board concisely explaining how his or her case fits the criteria for review listed in rule 255-080-0010.
- (2) [The Board must receive requests for administrative review within forty-five (45) days after the mailing date on the Board's final action on the reviewed issue.] An inmate/offender must request administrative review within forty-five (45) days after the mailing date on the Board's final action on the reviewed issue. The Board will reject a request for administrative review as untimely unless:
 - (a) it is physically received by the Board on or before the 45th day after the mailing date on the Board's final action on the reviewed issue; or
 - (b) it is delivered to the Board by mail in an envelope bearing a United States Postal Service (USPS) cancellation stamp dated on or before the 45th day after the mailing date on the Board's final action on the reviewed issue; or
 - (c) in the case of an inmate, and in the absence of a legible USPS cancellation stamp, the inmate signed and dated the request and deposited it in the institutional mailing system in compliance with all applicable Department of Corrections rules on or before the 45th day after the mailing date on the Board's final action on the reviewed issue.
- (3) [Regarding Orders of Supervision, the Board must receive requests for administrative review within forty-five (45) days after the date the offender signed the order or acknowledgement by the supervisory authority of the offender's receipt thereof.] Regarding Orders of Supervision, an offender must request administrative review within forty-five (45) days after the date the offender signed the order or acknowledgement by the supervisory authority of the offender's receipt thereof. The Board will reject a request for administrative review of an order as untimely unless:
 - (a) it is physically received by the Board on or before the 45th day after the date the offender signed the order or acknowledgement by the supervisory authority of the offender's receipt thereof; or
 - (b) it is delivered to the Board by mail in an envelope bearing a United States Postal Service (USPS) cancellation stamp dated on or before the 45th day after the date the offender signed the order or acknowledgement by the supervisory authority of the offender's receipt thereof.
- (4) If the Board or its designee determines that the request is consistent with the criteria as defined in rules 255-080-0010 and 255-080-0011, and meets the deadline requirements, the Board will resolve the matter using the procedures outlined in OAR 255-080-0012.
- (5) When the Board or its designee denies review, the Board shall send the inmate/offender written notice of the specific reasons for denial.
- (6) When review is denied, the prior decision is re-affirmed.

Statutory Authority: ORS 144.335

History: (2/1/79; 11/25/81, temporary; 5/19/82; 5/31/85; 5/19/88; 12/6/88;
11/1/89; 2/20/91; 10/9/92, 03/14/97, 06-09-00, 06-14-04,
09/03/04 – TEMP/NOTICE)

Temp Effective 09/03/04 to

03/01/05

Perm 11/03/04

DIVISION 80

ADMINISTRATIVE APPEAL

255-080-0005

Procedure for Administrative Review

- (1) An inmate/offender may request an administrative review by sending Exhibit O, Administrative Review Request Form, to the Board concisely explaining how his or her case fits the criteria for review listed in rule 255-080-0010.
- (2) The Board must receive requests for administrative review within forty-five (45) days after the mailing date on the Board's final action on the reviewed issue.
- (3) Regarding Orders of Supervision, the Board must receive requests for administrative review within forty-five (45) days after the date the offender signed the order or acknowledgement by the supervisory authority of the offender's receipt thereof.
- ~~(4)~~[(3)] If the Board or its designee determines that the request is consistent with the criteria as defined in rules 255-080-0010 and 255-080-0011, and meets the deadline requirements, the Board will resolve the matter using the procedures outlined in OAR 255-080-0012.
- ~~(5)~~[(4)] When the Board or its designee denies review, the Board shall send the inmate/offender written notice of the specific reasons for denial.
- ~~(6)~~[(5)] When review is denied, the prior decision is re-affirmed.

Statutory Authority: ORS 144.335

History: (2/1/79; 11/25/81, temporary; 5/19/82; 5/31/85; 5/19/88; 12/6/88;
11/1/89; 2/20/91; 10/9/92, 03/14/97, 06-09-00, 01-14-04 - NOTICE

DIVISION 80

ADMINISTRATIVE APPEAL

255-080-0005

Procedure for Administrative Review

- (1) An inmate/offender may request an administrative review by sending Exhibit O, Administrative Review Request Form, to the Board concisely explaining how his or her case fits the criteria for review listed in rule 255-080-0010.
- (2) The Board must receive requests for administrative review within forty-five (45) days after the mailing date on the Board's final action on the reviewed issue.
- (3) If the Board or its designee determines that the request is consistent with the criteria as defined in rules 255-080-0010 and 255-080-0011, and meets the deadline requirements, the Board will resolve the matter using the procedures outlined in OAR 255-080-0012.
- (4) When the Board or its designee denies review, the Board shall send the inmate/offender written notice of the specific reasons for denial.
- (5) When review is denied, the prior decision is re-affirmed.

Statutory Authority: ORS 144.335

History: (2/1/79; 11/25/81, temporary; 5/19/82; 5/31/85; 5/19/88; 12/6/88;
11/1/89; 2/20/91; 10/9/92, 03/14/97, 06-09-00

Permanent effective 06/09/2000

DIVISION 80

ADMINISTRATIVE APPEAL

255-080-0005

Procedure for Administrative Review

- (1) An inmate/offender may request an administrative review by sending Exhibit O, Administrative Review Request Form, to the Board concisely explaining how his or her case fits the criteria for review listed in rule 255-80-010.
- (2) The Board must receive requests for administrative review within forty-five (45) days after the mailing date on the Board's final action on the reviewed issue.
- (3) If the Board or its designee determines that the request is consistent with the criteria as defined in rules 255-80-010 and 255-80-011, and meets the deadline requirements, the Board will resolve the matter using the procedures outlined in OAR 255-80-012.
- (4) When the Board or its designee denies review, the Board shall send the inmate/offender written notice of the specific reasons for denial.
- (5) When review is denied, the prior decision is re-affirmed.

Statutory Authority: ORS 144.335

History: (2/1/79; 11/25/81, temporary; 5/19/82; 5/31/85; 5/19/88; 12/6/88;
11/1/89; 2/20/91; 10/9/92, 03/14/97)

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Procedure for Administrative Review
255-80-005

- (1) [A prisoner] An offender may request an administrative review by sending Exhibit O, Administrative Review Request Form, to the Board concisely explaining how his[/] or her case fits the criteria for review listed in rule 255-80-010.
- (2) The Board must receive [R]requests for administrative review [must be received] within forty-five (45) days after the mailing date on the Board 's final action on the reviewed issue.
- (3) If the Board or its designee determines that the request is consistent with the criteria as defined in rules 255-80-010 and 255-80-011, and meets the deadline requirements, the Board will resolve the matter [will be resolved by] using the procedures outlined in OAR 255-80-012.
- (4) When the Board or its designee denies review [is denied], the Board [or its designee shall inform] send the [prisoner] offender [in writing] written notice of the specific reasons for denial and the prior decision remains in effect.

Statutory Authority: (ORS 144.335)

History: (2/1/79; 11/25/81, temporary; 5/19/82; 5/31/85;
5/19/88; 12/6/88; 11/1/89; 2/20/91; 10/9/92)

10/9/92

Administrative Review

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Procedure for [Requesting a] Administrative Review
255-80-005 (2/1/79; 11/25/81, temporary; 5/19/82; 5/31/85;
5/19/88; 12/6/88; 11/1/89; 2/20/91)

- (1) A prisoner may request an administrative review by sending Exhibit O, Administrative Review Request Form, to the Board concisely explaining how his/her case fits the criteria for review [defined] listed in rule 255-80-010.
- (2) Requests for administrative review must be [made] received within forty-five (45) days after the mailing date on the Board 's final action on the reviewed issue.
- [(3) A waiver of the 45 day deadline will be granted only if relevant new information is submitted which was particularly difficult to obtain.]
- [(4) An administrative review may be initiated by the Board or its designee without regard to the 45 day deadline.]
- [(5)](3) If the Board or its designee determines that the request is consistent with the criteria as defined in rules 255-80-010 and 255-80-011, and meets the deadline requirements, the matter will be resolved by the procedures outlined in OAR 255-80-012.
- [(6)](4) When [the appeal] review is denied, the Board or its designee shall inform the prisoner in writing of the specific reasons for denial and the prior decision remains in effect.

2/20/91

Administrative Review
Permanent effective 2/20/91

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

Procedure for Requesting a Review
255-80-005

- (1) A prisoner may request an administrative review by sending Exhibit 0 to the Board concisely explaining how his/her case fits the criteria for review defined in rule 255-80-010.
- (2) Requests for administrative review must be made within forty-five (45) days after the Board's final action on the reviewed issue.
- (3) A waiver of the 45 day deadline will be granted only if relevant new information is submitted which was particularly difficult to obtain.
- (4) An administrative review may be initiated by the [a] Board [member] or its designee without regard to the 45 day deadline.
- (5) If the Board or its designee determines that the request is consistent with the criteria as defined in rule 255-80-010, and meets the deadline requirements, the matter will be resolved by the procedures outlined in OAR 255-80-012.
- (6) When the appeal is denied, the [chairperson] Board or its designee shall inform the prisoner in writing of the specific reasons for denial and the prior decision remains in effect.

Permanent effective 11/1/89

11/01/89

Administrative Review

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Procedure for Requesting a Review
255-80-005

- (1) A prisoner may request an administrative review by sending Exhibit O to the Board concisely explaining how his/her case fits the criteria for review defined in rule 255-80-010.
- (2) Requests for administrative review must be made within forty-five (45) days after the Board's final action on the reviewed issue.
- (3) A waiver of the 45 day deadline may be granted only if relevant new information is submitted which was particularly difficult to obtain.
- (4) An administrative review may be initiated by a Board member without regard to the 45 day deadline.
- (5) If the Board or its designee determines that the request is consistent with the criteria as defined in rule 255-80-010, and meets the deadline requirements, the matter will be resolved by the procedures outlined in OAR 255-80-012.
- (6) When the appeal is denied, the Board or its designee shall inform the prisoner in writing of the specific reasons for denial and the prior decision remains in effect.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Procedure for Requesting a Review [Method of Appeal]
255-80-005

- (1) A request for an Administrative Review [Appeal] may be filed by a prisoner or initiated by a Board member. If the [chairperson of the] Board determines that the request [appeal] is consistent with the Board's criteria as defined in rule 255-80-010, the matter will be resolved by an Administrative Review Hearing or by an Administrative Review. Administrative Reviews may [will] be resolved by file pass. [conducted without a hearing.] In either instance, the prisoner will be informed in writing of the Board's decision.
- (2) [Application] Requests for administrative review [appeal] must be made within forty-five (45) days after the Board's final action on the reviewed issue [by the Board].
- (3) A waiver of the 45 day deadline will be granted only, if relevent new information is submitted which was particularly difficult to obtain.
- (4) An administrative review will be conducted if there is a change in the prisoner's sentence, or a change is made to the Board's rules or the statutes or case law which would effect the prisoner.
- (5) When the appeal is denied the chairperson or designee shall inform the prisoner in writing of the specific reasons for denial and the prior decision remains in effect.
- (6) An administrative review initiated by a Board member is not subject to the 45 day deadline.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

255-80-005 Method of Appeal

- (1) Administrative appeal may be filed [requested] by a prisoner or a Board member. If the Chairperson of the Board determines the appeal [request] is consistent with the Board's criteria as defined in Rule 255-80-010, [the chairperson shall order] the matter will be resolved by an Administrative Hearing or by an Administrative Review. Administrative Reviews will be conducted without a hearing. In either instance, the prisoner will be informed in writing of the Board's decision. [an Administrative Review by the original panel, where practical, either by file pass or a hearing.]

- (2) Application for administrative appeal must be made within forty-five (45) days after final action by the Board. [When the chairperson was a member of a panel from which an appeal is generated and finds the request does not meet the Board's criteria, he/she shall refer the matter to a member who was not on the panel for review. In such case, that member may concur or call for a rehearing.]

- (3) When the appeal is denied the Chairperson shall inform the prisoner in writing of the [specific] reasons for denial [of the appeal] and [leaving] the prior decision remains in effect.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Method of Appeal

255-80-005 (1) Administrative appeal may be requested by a prisoner or Board member. If the Chairperson of the Board determines the request is consistent with the Board's criteria as defined in rule 255-80-010, the Chairperson shall [remand the case for rehearing, where practicable, to the original panel.] order an Administrative Review by the original panel, where practical, either by file pass or a hearing.

(2) When the Chairperson was a member of the panel from which an appeal is generated and finds the request does not meet the Board's criteria, he/she shall refer the matter to a member who was not on the panel for review. In such case, that member may concur or call for a rehearing.

(3) The Chairperson shall inform the prisoner in writing of the specific reasons for denial of the appeal and leaving the prior decision in effect.

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

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

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

Stat. Auth.: ORS Ch. 144
Hist: 2PB 1-979, f. & cf. 2-1-79

ADMINISTRATIVE APPEAL

Method of Appeal

255-80-005 (1) Administrative appeal may be requested by a prisoner or a Board member. If the chairperson of the Board determines the request is consistent with the Board's criteria as defined in rule 255-80-010, the chairperson shall remand the case for rehearing, where practicable, to the original panel.

(2) When the chairperson was a member of a panel from which an appeal is generated and finds the request does not meet the Board's criteria, he/she shall refer the matter to a member who was not on the panel for review. In such case, that member may concur or call for a rehearing.

(3) The chairperson shall inform the prisoner in writing of the specific reasons for denial of the appeal and leaving the prior decision in effect.

Permanent effective 2/1/79

DIVISION 80

ADMINISTRATIVE APPEAL

255-080-0010

Criteria for Granting a Review

The criteria for granting a review are:

- (1) The Board action is not supported by evidence in the record; or
- (2) Pertinent information was available at the time of the hearing which, through no fault of the inmate/offender, was not considered; or
- (3) Pertinent information was not available at the time of the hearing, e.g., information concerning convictions from other jurisdictions; or
- (4) The action of the Board is inconsistent with its rules or policies and the inconsistency is not explained; or
- (5) The action of the Board is in violation of constitutional or statutory provisions or is a misinterpretation of those provisions.
- (6) The action of the Board is outside its statutory grant of discretion.

Statutory Authority: ORS 144.335, 183.482(8)

History: (2/1/79; 5/19/88; 12/6/88; 2/20/91; 10/9/92, 03/14/97)

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Criteria for Granting a Review
255-80-010

The criteria for granting a review are:

- (1) The Board action is not supported by evidence in the record; or
- (2) Pertinent information was available at the time of the hearing which, through no fault of the [prisoner] offender, was not considered; or
- (3) Pertinent information was not available at the time of the hearing, e.g., information concerning convictions from other jurisdictions; or
- (4) The action of the Board is inconsistent with its rules or policies and the inconsistency is not explained; or
- (5) The action of the Board is in violation of constitutional or statutory provisions or is a misinterpretation of those provisions.
- (6) The action of the Board is outside its statutory grant of discretion.

Statutory Authority: (ORS 144.335, 183.482(8))

History: (2/1/79; 5/19/88; 12/6/88; 2/20/91; 10/9/92)

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Criteria for Granting a Review (ORS 183.482(8))
255-80-010 (2/1/79; 5/19/88; 12/6/88; 2/20/91)

The criteria for granting a review are:

- (1) The Board action is not supported by evidence in the record [the written findings, or the written findings are inaccurate]; or
- (2) Pertinent information was available at the time of the hearing which, through no fault of the prisoner, was not considered; or
- (3) Pertinent information was not available at the time of the hearing, e.g., information concerning convictions from other jurisdictions; or
- (4) The action of the Board is inconsistent with its rules or policies [or is contrary to law] and the inconsistency is not explained; or
- (5) The action of the Board is in violation of constitutional or statutory provisions or is a misinterpretation of those provisions.
- (6) The action of the Board is outside its statutory grant of discretion.
- [(5) The matters raised on review may have an effect on the original decision.]
- [(6) There is a change in the prisoner's sentence; or]
- [(7) There is a change in the Board's rules or the statutes which would substantively affect the prisoner, e.g., change his/her prison term, parole status, or parole conditions.]

Administrative Review

Permanent effective 2/20/91

DIVISION 80

ADMINISTRATIVE APPEAL

Criteria for Granting an Administrative Review
255-80-010

The criteria for granting review are:

- (1) The Board action is not supported by the written findings, or the written findings are inaccurate; or
- (2) Pertinent information was available at the time of the [initial prison term or de novo] hearing which, through no fault of the prisoner, was not considered; or
- (3) Pertinent information was not available at the time of the [initial prison term or de novo] hearing, e.g. [i.e.], information concerning convictions from other jurisdictions; or [.]
- (4) The action of the Board is inconsistent with its rules or policies or is contrary to law; or
- (5) The matters raised on review may have an [affect] effect on the original decision; or [.]
- (6) There is a change in the prisoner's sentence; or
- (7) There is a change in the Board's rules or the statutes which would substantively affect the prisoner, e.g., change his/her prison term, parole status, or parole conditions.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Criteria for Granting a Review [Appeal]
244-80-010

The criteria for granting a review [meritorious appeal] are:

- (1) The Board action is not supported by the written findings, or the written findings are inaccurate; or
- (2) Pertinent information was available at the time of the initial prison term or de novo [original] hearing which, through no fault of the prisoner, was not considered; or
- (3) Pertinent information was not available at the time of the initial prison term or de novo hearing. i.e. information concerning convictions from other jurisdictions.
- (4) [(3)] The action of the Board is inconsistent with its rules or policies or is contrary to law; or [and]
- (5) [(4)] The matters raised on review [appeal] may have an affect on the original decision.

Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Criteria for Appeal

255-80-010 The criteria for meritorious appeal are:

- (1) The Board action is not supported by the written findings, or the written findings are inaccurate; or
- (2) Pertinent information was available at the time of the original hearing which, through no fault of the prisoner, was not considered; or
- (3) The action of the Board is inconsistent with its rules or policies or is contrary to law; *and*
- (4) The matters raised on appeal may have an effect on the original decision.

Stat. Auth.: ORS Ch. 144

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

Permanent effective 2/1/79

DIVISION 80

ADMINISTRATIVE APPEAL

255-080-0011

Limitations on Requests for Administrative Review

All administrative review requests will be screened by a Board member or a Board designee who may deny further review of the following matters:

- (1) Findings of aggravation when the Board has set the prison term within or below the matrix range;
- (2) Findings of aggravation when the Board has not overridden a judicial minimum and the prison term has been set equal to the judicial minimum;
- (3) Matters which have previously been appealed and decided on the merits by either the Board or the appellate court(s);
- (4) [Board orders that were mailed more than 45 days prior to the request for review]
Administrative review requests considered untimely pursuant to rule 255-080-0005;
- (5) Subject matter of a hearing or review and/or Board order other than the Board order being appealed;
- (6) Matters that will not change the parole release date or conditions or length of supervision;
- (7) Board orders that are not final;
- (8) Errors previously corrected;
- (9) Order which sustains a minimum term and the inmate/offender does not contest the crime severity rating and history risk score;
- (10) Order which denies, grants or grants in part an inmate/offender's request for a prison term reduction based upon outstanding reformation under ORS 144.122;
- (11) Order which refers an inmate/offender for psychological evaluation;
- (12) Order which postpones an inmate/offender's release date because of:
 - (a) a Board finding of dangerousness under ORS 144.125(3) and OAR 255-060-0012
 - (b) an inmate/offender's refusal to submit to a psychological evaluation;
- (13) Order which postpones an inmate/offender's release date because of serious misconduct during confinement; or
- (14) Order which denies an inmate/offender's request under ORS 144.228(1) for an early parole consideration hearing.
- (15) Order which sets an initial release date under ORS 144.120, except if inmate/offender contests the crime severity rating, the history risk score or aggravating factors found by the Board under Board rules;
- (16) Order which sets a date for a parole consideration hearing under ORS 144.228;
- (17) Order which sets a release date or declines to set a release date after a parole consideration hearing under ORS 144.228.

09/03/2004- NOTICE

Administrative Review
TEMP EFFECTIVE 09/03/04 to
03/01/05
PERM 11/03/04

DIVISION 80

ADMINISTRATIVE APPEAL

255-080-0011

Limitations on Requests for Administrative Review

All administrative review requests will be screened by a Board member or a Board designee who may deny further review of the following matters:

- (1) Findings of aggravation when the Board has set the prison term within or below the matrix range;
- (2) Findings of aggravation when the Board has not overridden a judicial minimum and the prison term has been set equal to the judicial minimum;
- (3) Matters which have previously been appealed and decided on the merits by either the Board or the appellate court(s);
- (4) Board orders that were mailed more than 45 days prior to the request for review;
- (5) Subject matter of a hearing or review and/or Board order other than the Board order being appealed;
- (6) Matters that will not change the parole release date or conditions or length of supervision;
- (7) Board orders that are not final;
- (8) Errors previously corrected;
- (9) Order which sustains a minimum term and the inmate/offender does not contest the crime severity rating and history risk score;
- (10) Order which denies, grants or grants in part an inmate/offender's request for a prison term reduction based upon outstanding reformation under ORS 144.122;
- (11) Order which refers an inmate/offender for psychological evaluation;
- (12) Order which postpones an inmate/offender's release date because of:
 - (a) a Board finding of dangerousness under ORS 144.125(3) and OAR 255-060-0012
 - (b) an inmate/offender's refusal to submit to a psychological evaluation;

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ADMINISTRATIVE APPEAL

- (13) Order which postpones an inmate/offender's release date because of serious misconduct during confinement; or
- (14) Order which denies an inmate/offender's request under ORS 144.228(1) for an early parole consideration hearing.
- (15) Order which sets an initial release date under ORS 144.120, except if inmate/offender contests the crime severity rating, the history risk score or aggravating factors found by the Board under Board rules;
- (16) Order which sets a date for a parole consideration hearing under ORS 144.228;
- (17) Order which sets a release date or declines to set a release date after a parole consideration hearing under ORS 144.228.

Statutory Authority: ORS 144.335
History: (2/20/91; 10/29/93, 06-09-00)

Limitations on Requests for Administrative Review
255-80-011

All administrative review requests will be screened by a [The] Board member or [its] a Board designee who may deny further review of the following matters:

- (1) Findings of aggravation when the Board has set the prison term within or below the matrix range;
- (2) Findings of aggravation when the Board has not overridden a judicial minimum and the prison term has been set equal to the judicial minimum;
- (3) Matters which have previously been appealed and decided on the merits by either the Board or the appellate court(s);
- (4) Board orders that were mailed more than 45 days prior to the request for review;
- (5) Subject matter of a hearing or review and/or Board order other than the Board order being appealed;
- (6) Matters that will not change the parole release date or conditions or length of supervision;
- (7) Board orders that are not final; [or]
- (8) Errors previously corrected[.];
- (9) Order which sustains a minimum term and the prisoner does not contest the crime severity rating and history risk score;
- (10) Order which denies, grants or grants in part a prisoner's request for a prison term reduction based upon outstanding reformation under ORS 144.122;
- (11) Order which refers a prisoner for psychological evaluation;
- (12) Order which postpones a prisoner's release date because of:
 - (a) a Board finding of dangerousness under ORS 144.125(3) and OAR 255-60-012
 - (b) a prisoner's refusal to submit to a psychological evaluation;
- (13) Order which postpones a prisoner's release date because of serious misconduct during confinement; or
- (14) Order which denies a prisoner's request under ORS 144.228(1) for an early parole consideration hearing.

Statutory Authority: ORS 144.335
History: (2/20/91; 10/29/93)

Permanent effective 10/29/93

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Limitations on Requests for Administrative Review
255-80-011 (2/20/91)

The Board or its designee may deny review of the following matters:

- (1) Findings of aggravation when the Board has set the prison term within or below the matrix range;
- (2) Findings of aggravation when the Board has not overridden a judicial minimum and the prison term has been set equal to the judicial minimum;
- (3) Matters which have previously been appealed and decided on the merits by either the Board or the appellate court(s);
- (4) Board orders that were mailed more than 45 days prior to the request for review;
- (5) Subject matter of a hearing or review and/or Board order other than the Board order being appealed;
- (6) Matters that will not change the parole release date or conditions or length of supervision;
- (7) Board orders that are not final; or
- (8) Errors previously corrected.

Administrative Review

Permanent effective 2/20/91

DIVISION 80

ADMINISTRATIVE APPEAL

255-080-0012

Administrative Review Hearing Procedure

- (1) If the Board or its designee determines that the request for review is consistent with the criteria in OAR 255-080-0010 and the limits of 255-080-0011, the Board may open the case for review.
- (2) The Board may open a case for reconsideration of a finding without receiving a request, without regard to time limits, and without opening all findings for review and appeal.
- (3) The Board may conduct the review using the following methods:
 - (a) administrative file pass, with the number of concurring votes required by OAR 255-030-0015; or
 - (b) other administrative action by the Board or its designee, e.g., to correct errors in the history risk score, crime category, credit for time served, inoperative time or adjusted commitment dates; or
 - (c) administrative hearing, in cases where review would cause an adverse result for the prisoner.
- (4) When the Board schedules an inmate/offender for an administrative review hearing and the inmate/offender has not received the Hearing Packet, the Board may proceed with the hearing, if the inmate/offender waives the right to adequate notice of the hearing and receipt of the Board Review Packet.
- (5) The Board shall send the inmate/offender written notice of the Board decision and findings.

Statutory Authority: ORS 144.335
History: (12/6/88; 2/20/91; 10/9/92, 06-09-00)

Permanent effective 06/09/2000

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Administrative Review Procedure
255-80-012

- (1) If the Board or its designee determines that the request for review is consistent with the criteria in OAR 255-80-010 and the limits of 255-80-011, the Board may open the case [may be opened] for review.
- (2) The Board may open a case for reconsideration of a finding without receiving a request, without regard to time limits, and without opening all findings for review and appeal.
- (3) The Board may conduct the review [may be conducted by] using the following methods:
 - (a) administrative file pass, with the number of concurring votes required by OAR 255-30-015; or
 - (b) other administrative action by the Board or its designee, e.g., to correct errors in the history risk score, crime category, credit for time served, inoperative time or adjusted commitment dates ; or
 - (c) administrative hearing, in cases where review would cause an adverse result for the prisoner.
- (4) When the Board schedules an offender for an administrative review hearing and the offender has not received the Hearing Packet, the Board may proceed with the hearing, [I]f the inmate waives the right to adequate notice of the hearing and receipt of the Board Review Packet[, the administrative review hearing shall be conducted].
- (5) The Board shall send the offender [prisoner shall be notified in writing] written notice of the Board decision and findings.

Statutory Authority: (ORS 144.335)

History: (12/6/88; 2/20/91)

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Administrative Review Procedure
255-80-012 (12/6/88; 2/20/91)

- (1) If the Board or its designee determines that the request for review is consistent with the criteria in OAR 255-80-010 and the limits of 255-80-011, the case may be opened for review.
- (2) The Board may open a case for reconsideration of a finding without receiving a request, without regard to time limits, and without opening all findings for review and appeal.
- [(2)][(3)] The review may be conducted by the following methods:
 - (a) administrative file pass, with the number of concurring votes required by OAR 255-30-015; or
 - (b) other administrative action by the Board or its designee, [i.e.] e.g., to correct errors in the history risk score, crime category, credit for time served, inoperative time or adjusted commitment dates] ; or
 - (c) administrative hearing, in cases where review would cause an adverse result for the prisoner.
- [(3)][(4)] If the inmate waives the right to adequate notice of the hearing and receipt of the Board Review Packet, the administrative review hearing shall be conducted.
- [(4)][(5)] The prisoner shall be notified in writing of the Board decision and findings.

Permanent effective 2/20/91

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Administrative Review Procedure
255-80-012

- (1) If the Board or its designee determines that the request for review is consistent with the criteria in OAR 255-80-010, the case may be opened for review.
- (2) The review may be conducted by the following methods:
 - (a) administrative file pass, with the number of concurring votes required by OAR 255-30-015; or
 - (b) other administrative action by the Board or its designee, i.e., to correct errors in the history risk score, crime category, credit for time served, inoperative time or adjusted commitment dates; or
 - (c) administrative hearing, in cases where review would cause an adverse result for the prisoner.
- (3) If inmate waives the right to adequate notice and receipt of the Board Review Packet, the administrative review hearing shall be conducted.
- (4) The prisoner shall be notified in writing of the Board decision and findings.

Permanent effective 12/6/88

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Administrative Review Hearing Packet
255-80-015

The Administrative Review Hearing Packet shall contain:

- (1) institution face sheet;
- (2) Board Action Form granting administrative review;
- (3) all information attached to the Board Action Form granting review;
- (4) administrative review request;
- (5) all Board Action Forms since the prison term hearing;
- (6) psychological evaluations (last 6 months);
- (7) correspondence;
- (8) field parole analysis report or comparable report;
- (9) court orders; and
- (10) Inmates' Rights and Board of Parole and Post-Prison Supervision Procedures

Permanent effective 11/1/89

11/01/89

Administrative Review

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Administrative Review Hearing Packet
255-80-015

The Administrative Review Hearing Packet shall contain:

- (1) institution Face Sheet;
- (2) Board Action Form granting administrative review;
- (3) all information attached to the Board Action Form granting review;
- (4) Administrative Review Request;
- (5) all Board Action Forms since the prison term hearing;
- (6) psychiatric or psychological evaluations within the immediately preceding 6 months;
- (7) correspondence;
- (8) field Parole Analysis Report; and
- (9) court orders [.] ;
- (10) Inmates' Rights and Board of Parole Procedures.

Permanent effective 12/6/88

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 80 — BOARD OF PAROLE

DIVISION 80

ADMINISTRATIVE APPEAL

Method of Appeal

Administrative Review Hearing Packet
255-80-015

The Administrative Review Hearing Packet shall contain:

- (1) institution face sheet;
- (2) Board Action Form granting administrative review;
- (3) all information attached to the Board Action Form granting review;
- (4) administrative review request;
- (5) all Board Action Forms since the prison term hearing;
- (6) psych evaluations (last 6 months);
- (7) correspondence;
- (8) field parole analysis report; and
- (9) court orders.

Permanent effective 5/19/88