

DIVISION 15

**REQUEST FOR BOARD RECORDS OR FILES
ORS 144.120(7), 144.130, 144.185, 192.001-505**

**Board Records
255-015-0002**

The Board shall maintain a separate file on each person under its jurisdiction which shall contain the materials obtained pursuant to ORS 144.185.

History: (12/2/86, temporary; 4/28/87; 5/19/88; 10/9/92; **Temporary 10/14/98**)

Temporary effective 10/14/98 to 4/11/99
superceded by permanent filing 1/15/99

DIVISION 15

REQUEST FOR BOARD RECORDS OR FILES
ORS 144.120(7), 144.130, 144.185, 192.001-505

Board Records

255-15-002

The Board [will] shall maintain a separate file on each person under its jurisdiction which [will] shall contain the materials obtained pursuant to ORS 144.185.

History: (12/2/86, temporary; 4/28/87, 5/19/88; 10/9/92)

Permanent effective 10/9/92

DIVISION 15
REQUEST FOR BOARD RECORDS OR FILES

Parole Board [Inmate File] Records
255-15-002

[The Parole Board Inmate File shall contain the Board Review Packet, miscellaneous correspondence, and all other materials not germane to the determination of the inmate's prison term.]

The Board will maintain a separate file on each person under its jurisdiction which will contain the materials obtained pursuant to ORS 144.185.

DIVISION 15

REQUEST FOR PAROLE BOARD RECORDS OR FILES

Parole Board Inmate File
233-15-002

The Parole Board Inmate File shall contain the Board Review Packet, miscellaneous correspondence, and all other materials not germane to the determination of the inmate's prison term.

Temporary 12/2/86 to 5/30/87; became
Permanent effective 4/28/87

DIVISION 15

REQUEST FOR BOARD RECORDS OR FILES

Oral Record of Hearing
255-015-0003

A tape of the oral proceedings of any hearing shall be kept by the Board for at least [two] four years.

Statutory Authority: ORS 144.050, 144.140

History: (12/2/86, temporary; 4/28/87; 5/19/88; temporary 10/14/98, 1/15/99, **04/05/06**)

Permanent effective 4/5/06

DIVISION 15

REQUEST FOR BOARD RECORDS OR FILES
ORS 144.120(7), 144.130, 144.185, 192.001-505

Oral Record of Hearing
255-015-0003

A tape of the oral proceedings of any hearing shall be kept by the Board for at least two years.

History: (12/2/86, temporary; 4/28/87; 5/19/88; **Temporary 10/14/98**)

Temporary effective 10/14/98 to 4/11/99
superceded by permanent filing 1/15/99

DIVISION 15
REQUEST FOR BOARD RECORDS OR FILES

[Board Review Packet] Oral Record of Hearing
255-15-003

A tape of the oral proceedings of any hearing shall be kept by
the Board for at least two years.

[(1) The Parole Board shall consider only that information included in the Board Review Packet when establishing the inmate's prison term or in any further consideration of the inmate's case.]

[(2) The Board Review Packet shall contain the materials listed in OAR 255-15-030.]

DIVISION 15

REQUEST FOR PAROLE BOARD RECORDS OF FILES

Board Review Packet
255-15-003

- (1) The Parole Board shall consider only that information included in the Board Review Packet when establishing the inmate's prison term or in any further consideration of the inmate's case.
- (2) The Board Review Packet shall contain the materials listed in OAR 255-15-030.

DIVISION 30
PRISON TERM HEARING PROCEDURE

Board Review Packet
255-15-003

- (1) The Parole Board shall consider only that information included in the Board Review Packet when establishing the inmate's prison term or in any further consideration of the inmate's case.
- (2) The Board Review Packet shall contain the materials listed in Exhibit N.

Temporary effective 12/2/86 to 5/30/87
superceded by permanent filing 4/28/87

DIVISION 15

**REQUEST FOR BOARD RECORDS OR FILES
ORS 144.120(7), 144.130, 144.185, 192.001-505**

Obtaining Information from Board Records
255-015-0005

- (1) Any interested party may apply for information from a selected record.
- (2) The request must be in writing, addressed to the chairperson of the Board and must specify the information requested.
- (3) The chairperson or designee shall review the record to determine what may be disclosed in accordance with OAR 255-015-0010, and within ten (10) working days shall advise the person or agency whether the requested information is available and may be disclosed.

History: (5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89; 10/9/92;
Temporary 10/14/98)

Temporary effective 10/14/98 to 4/11/99
superceded by permanent filing 1/15/99

DIVISION 15

REQUEST FOR BOARD RECORDS OR FILES
ORS 144.120(7), 144.130, 144.185, 192.001-505

Obtaining Information from Board Records
255-15-005

- (1) Any interested party may apply for information from a selected record.
- (2) The request must be in writing, addressed to the chairperson of the Board and must specify the information requested.
- (3) The chairperson or designee [will] shall review the record to determine what may be disclosed in accordance with OAR 255-15-010, and within ten (10) working days [will] shall advise the person or agency whether the requested information is available and may be disclosed.

Procedures for Obtaining Information from [Parole] Board Records
255-15-005

- (1) Any interested party may apply for information from a selected record.
- (2) The request must be in writing, addressed to the chairperson of the [Parole] Board and must specify the information requested.
- (3) The chairperson or designee will review the record to determine what may be disclosed in accordance with OAR 255-15-010, and within ten (10) working days will advise the person or agency whether the requested information is available and may be disclosed.

Records Requests

Permanent effective 11/1/89

DIVISION 15
REQUEST FOR BOARD RECORDS OR FILES

Procedures for Obtaining Information from Parole Board Records
255-15-005

- (1) Any interested party may apply for [selected file or record] information from a selected record.
- (2) The[ir] request must be in writing, addressed to the [C]chairpperson of the Parole Board and must specify the information requested.
- (3) The chairperson or designee will review the record to determine what may be disclosed in accordance with OAR 255-15-010, and within ten (10) working days will advise the person or agency whether the requested information is available and may be disclosed. [will designate one (1) or more employes to review files or records for disclosure.]
- [(4) The designated staff member(s), upon direction from the chairperson, will review the files or records as necessary and will determine what may be and what may not be disclose, in accordance with OAR 255-15-010]
- [(5) Within ten (10) working days the designated staff member will advise the interested party if the requested information is not subject to disclosure.]

DIVISION 15

REQUEST FOR PAROLE BOARD RECORDS OF FILES

Procedures
255-15-005

- (1) Any interested party may apply for selected file or record information.
- (2) Their request must be in writing, addressed to the Chairperson of the Parole Board and must specify the information requested.
- (3) The chairperson will designate one (1) or more employees to review files or records for disclosure.
- (4) The designated staff member(s), upon direction from the chairperson, will review the file(s)(s) or record(s) as necessary and will determine what may be and what may not be disclosed, in accordance with DAR 255-15-010.
- (5) Within ten (10) working days [T]the designated staff member will:] advise the interested party if the requested information is not subject to disclosure.
 - (a) Advise the interested party if the Parole Board agrees to disclose a copy(ies) of the information, the number of pages of duplication required, and the cost thereof; or
 - (b) Advise the interested party that the requested information is not subject to disclosure.]

Temporary effective 12/2/86 to 5/30/87;
became Permanent effective 4/28/87

DIVISION 15

REQUEST FOR PAROLE BOARD RECORDS OR FILES

255-15-005 Procedures

- (1) Any interested party may apply for selected file or record information.
- (2) The request must be in writing, addressed to the Chairperson of the Parole Board and must specify the information requested.
- (3) The Chairperson will designate one (1) or more employes to review files or records for disclosure.
- (4) The designated staff member(s), upon direction from the Chairperson, will review the file(s) or record(s) as necessary and will determine what may be and what may not be disclosed, in accordance with OAR 255-15-010.
- (5) The designated staff member will:
 - a. Advise the interested party if the Parole Board agrees to disclose a copy(ies) of the information, the number of pages of duplication required, and the cost thereof; or
 - b. Advise the interested party that the requested information is not subject to disclosure.

DIVISION 15

REQUEST FOR BOARD RECORDS OR FILES
ORS 144.120(7), 144.130, 144.185, 192.001-505

Criteria for Denial of Disclosure of Records
255-015-0010

- (1) The Board shall disclose its records to any person or agency unless: [disclosure would:]
- (a) Disclosure would interfere with the rehabilitation of the [person concerned] inmate/offender, and the public interest in confidentiality clearly outweighs the public interest in disclosure; or
 - (b) Disclosure would substantially prejudice or prevent [interfere] the carrying out of the functions of the Board or the Department of Corrections, and the public interest in confidentiality clearly outweighs the public interest in disclosure; or.
 - (c) [endanger the inmate or other persons] The information was submitted to a public body in confidence, the information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and the public interest will suffer by disclosure of the information; or
 - (d) [compromise the privacy of the inmate or another person] The requested record is a presentence investigation report prepared pursuant to ORS 137.077 or 137.530; or
 - (e) [interfere with frank advisory communications between officials or employees of public agencies] The requested records constitute advisory communications within a public body and in this instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure; or
 - (f) [compromise an ongoing criminal investigation] The records comprise investigatory information compiled for criminal law purposes and the public interest does not require disclosure in this particular instance; or
 - (g) [violate ORS 137.077 or 137.530 (relating to the PSI)] The requested records pertain to potential or pending litigation involving the Board and the public interest does not require disclosure in this particular instance; or
 - (h) [the public interest in confidentiality clearly outweighs the public interest in disclosure.] The requested records are otherwise exempt from disclosure under the Public Records Law or other provisions of law; other reasons.
- (2) When the Board denies disclosure of information [to a prisoner], the Board [must enter into the record a written statement of] will provide the reasons for denial, [which only the] The Board may provide a more detailed written statement of the reason(s) for denial which only the Attorney General and the courts may review.
- (3) When a document contains information that is exempt from disclosure, the Board shall separate exempt material from nonexempt material and disclose the nonexempt material.
- History: (5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89; 10/9/92 ,
Temporary 10/14/98)

DIVISION 15

REQUEST FOR BOARD RECORDS OR FILES
ORS 144.120(7), 144.130, 144.185, 192.001-505

Criteria for Denial of Disclosure of Records
255-15-010

- (1) The Board shall disclose its records [of the Board shall be disclosed] to any person or agency unless disclosure would:
 - (a) interfere with the rehabilitation of the person concerned; or
 - (b) substantially interfere with the carrying out of the functions of the Board or the Department of Corrections; or
 - (c) endanger the inmate or other persons; or
 - (d) compromise the privacy of the inmate or another person; or
 - (e) interfere with frank advisory communications between officials or employees of public agencies; or
 - (f) compromise an ongoing criminal investigation; or
 - (g) violate ORS 137.077 or 137.530 (relating to the PSI); and
 - (h) the public interest in confidentiality clearly outweighs the public interest in disclosure.
- (2) When the Board denies disclosure of information [is denied] to a prisoner, the Board must enter into the record a written statement of the reasons for denial [must be entered into the record for] which only [review by] the Attorney General and the courts [only] may review.
- (3) [Where a particular] When a document contains information that is exempt from disclosure, the Board shall separate exempt material [shall be separated] from nonexempt material and disclose the nonexempt material [must be disclosed].

History: (5/31/85; 12/2/86, temporary; 4/28/87; 5/19/88; 11/1/89; 10/9/92)

Permanent effective 10/9/92

10/9/92

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Request for Record

Criteria for Disclosure or Denial of Disclosure of File or Record
255-15-010

- (1) The records of the Board [of Parole] shall be disclosed to any person or agency unless disclosure would:
 - (a) [disclosure would] interfere with the rehabilitation of the person concerned; or
 - (b) [disclosure would] substantially interfere with the carrying out of the functions of the [Parole] Board or the Department of Corrections; or
 - (c) [disclosure] would endanger the inmate or other persons; or
 - (d) [disclosure would] compromise the privacy of the inmate or another person; or
 - (e) interfere with frank advisory communications between officials or employees of public agencies; or
 - (f) compromise an ongoing criminal investigation; or
 - (g) violate ORS 137.077 or 137.530 (relating to the PSI); and

[(e)](h) the public interest in confidentiality clearly outweighs the public interest in disclosure.
- (2) When disclosure of information is denied to a prisoner a written statement of the reasons for denial must be entered into the record for review by the Attorney General and the courts only.
- (3) Where a particular document contains information that is exempt from disclosure, exempt material shall be separated from nonexempt material and the nonexempt material must be disclosed.

Records Requests

Permanent effective 11/1/89

DIVISION 15
REQUEST FOR BOARD RECORDS OR FILES

Criteria for Disclosure or Denial of Disclosure of File or Record
255-15-010

- (1) The records of the Board of Parole shall be disclosed to any person or agency unless:
 - (a) disclosure would interfere with the rehabilitation of the person concerned;
 - (b) disclosure would substantially interfere with the carrying out of the functions of the Parole Board or the Department of Corrections;
 - (c) disclosure would endanger the inmate or other persons;
 - (d) disclosure would compromise the privacy of the inmate or another person; or
 - (e) the public interest in confidentiality clearly outweighs the public interest in disclosure.
- (2) When disclosure of information is denied to a prisoner a written statement of the reasons of denial must be entered into the record.
- (3) Where a particular document contains information that is exempt from disclosure, exempt material shall be separated from nonexempt material and the nonexempt material must be disclosed.

[Files or records which pertain to persons who are presently, or who were formerly under the jurisdiction of the Parole Board may be disclosed to the interested party(ies) if the disclosure will not:]

- [(1) Interfere with the rehabilitation of the person concerned;]
- [(2) Endanger other persons;]
- [(3) Substantially interfere with the carrying out of the functions of the Parole Board or the Corrections Division;]
- [(4) Compromise the privacy of another person;or].
- [(5) Conflict with the provisions of ORS 192.500 (2) (d).]

Permanent effective 5/19/88

DIVISION 15

REQUEST FOR PAROLE BOARD RECORDS OF FILES

Criteria for Disclosure or Denial of Disclosure of File or Record
255-15-010

Files or records, which pertain to persons who are presently, or who were formerly under the jurisdiction of the Parole Board, may be disclosed to the interested party(ies) if the disclosure will not:

- (1) Interfere with the rehabilitation of the person concerned;
- (2) Endanger other persons;
- (3) Substantially interfere with the carrying out of the functions of the Parole Board or the Corrections Division; (or)
- (4) Compromise the privacy of another person; or
- (5) Conflict with the provisions of ORS 192.500 (2) (d).

Temporary effective 12/2/86 to 5/30/87; became

2 Permanent effective 4/28/87

DIVISION 15

REQUEST FOR PAROLE BOARD RECORDS OR FILES

255-15-010

Criteria For Disclosure Or Denial Of Disclosure
Of File Or Record:

Files or records which pertain to persons who are
presently, or who were formerly under the
jurisdiction of the Parole Board may be disclosed
to the interested party(ies) if the disclosure
will not:

- (1) Interfere with the rehabilitation of the
person concerned;
- (2) Endanger other persons;
- (3) Substantially interfere with the carrying
out of the functions of the Parole Board; or
- (4) Compromise the privacy of another person.

DIVISION 15

REQUEST FOR BOARD RECORDS OR FILES
ORS 144.120(7), 144.130, 144.185, 192.001-505

Fees for Board Records
255-015-0015

- (1) The fees for documents shall be as follows:
 - (a) Fifty cents per page, if the request is for specific, identified, disclosable information from the Board Review Packet; or
 - (b) Fifty cents per page, plus a charge for staff time, if the request requires a review of the Board Record and a determination of availability.
- (2) The fee for the duplication of oral records shall be \$5.00 per tape.
- (3) The Board chairperson or designee, may waive or reduce all computed costs including staff time for review, reproduction, materials, and mailing costs. [first class postage.]
- (4) Prior to reproduction of material, the Board shall receive payment, unless the chairperson, or designee decides that the Board can bill the person or agency.
- (5) The Board shall deposit payments in the Miscellaneous Receipts account in accordance with Business Office instructions.

History: (5/31/85; 12/2/86, temporary; 4/28/87, 5/19/88; 10/9/92, Temporary 10/14/98)

Temporary effective 10/14/98 to 4/11/99

DIVISION 15

REQUEST FOR BOARD RECORDS OR FILES
ORS 144.120(7), 144.130, 144.185, 192.001-505

Fees for Board Records
255-15-015

- (1) The fees for documents shall be as follows:
 - (a) Fifty cents per page, [I]if the request is for specific, identified, disclosable information from the Board Review Packet[, the cost of the duplication will be fifty (50) cents per page]; or
 - (b) Fifty cents per page, plus a charge for staff time, [I]if the request requires a review of the Board Record[,] and a determination of availability [will be made by the reviewer]. [The cost will be fifty (50) cents a page plus a cost for staff time.]
- (2) The fee for the duplication of oral records shall be \$5.00 per tape.
- (3) The Board chairperson may waive [A]all computed costs including staff time for review, reproduction, materials, and first class postage [may be waived by the chairperson of the Board].
- (4) Prior to reproduction of material, the Board shall receive payment, [U]unless the chairperson decides that the Board can bill the person or agency [may be billed at a later date, no reproduction of material is authorized until payment has been received in advance].
- (5) The Board shall deposit [P]payments [will be deposited] in the Miscellaneous Receipts account in accordance with Business Office instructions.

History: (5/31/85; 12/2/86, temporary; 4/28/87, 5/19/88; 10/9/92).

Permanent effective 10/9/92

Request for Records

Fees for [Disclosure of] Board Records [or Files]
255-15-015

- (1) The fees for documents shall be as follows:
 - (a) If the request is for specific, indentified, disclosable information from the Board Review Packet, the cost of the duplication will be fifty (50) cents per page; or
 - (b) If the request requires a review of the Parole Board Record, a determination of availability will be made by the reviewer. The cost will be fifty (50) cents a page plus a cost for staff time.
 - (2) The fee for the duplication of oral records shall be \$5.00 per tape.
 - (3) All computed costs including staff time for review, reproduction, materials, and first class postage may be waived by the chairperson of the Board.
 - (4) Unless the chairperson decides that the person or agency may be billed at a later date, no reproduction of material is authorized until payment has been received in advance.
 - (5) Payments will be deposited in the Miscellaneous Receipts account in accordance with Business Office instructions.
- [(1) If the request is for specific, releaseable information from the Board Review Packet, the cost of the duplication will be fifty (50) cents per page.]
- [(2) If the request requires review of the Parole Board Inmate File, a determination of availability will be made by the reviewer. The cost will be one dollar and twenty-five cents (\$1.25) per page.]
- [(3) All computed costs including staff time for review, reproduction, materials, and first class postage will be determined by the Chairperson of the Board.]
- [(4) Except as noted below, no reproduction of file material is authorized until payment for the services has been received in the form of a Postal Money Order, Trust Account Check, or cashier's check made payable to the Oregon State Parole Board.]
- [(5) Payments will be deposited in Miscellaneous Receipts account in accordance with Business Office instructions.]

Permanent effective 5/19/88

DIVISION 15

REQUEST FOR PAROLE BOARD RECORDS OR FILES

Fee for Disclosure of Board Records or Files
205-15-015

- (1) If the request is for specific, releaseable information from the Board Review Packet, the cost of the duplication will be fifty (50) cents [a] per page.
- (2) If the request requires [a file or record] review of the Parole Board Inmate File, [and] a determination of availability will be made by the reviewer, [it] the cost will be one dollar and twenty-five cents (\$1.25) [a] per page.
- (3) All computed costs including staff time for review, reproduction, materials, and first class postage, will be determined by the Chairperson of the Board.
- (4) Except as noted below, no reproduction of file [or record] material is authorized until payment for the services has been received in the form of a Postal Money Order, Trust Account Check, or cashier's check made payable to the Oregon State Parole Board.
- (5) Payments will be deposited in Miscellaneous Receipts account in accordance with Business Office instructions.
- [(6) Fees for reproduction of file information will not be charged to government agencies or parties involved in the treatment of clients or former clients.]

Temporary effective 12/2/86 to 5/30/87; became
Permanent effective 4/28/87

DIVISION 15

REQUEST FOR PAROLE BOARD RECORDS OR FILES

255-15-015 Fees for Disclosure of Board Records or Files

- (1) If the request is for specific releaseable information, the cost of the duplication will be fifty (50¢) cents a page.
- (2) If the request requires a file or record review and a determination of availability by the reviewer, the cost will be one dollar and twenty-five cents (\$1.25) a page.
- (3) All computed costs include staff time for review, reproduction, materials, and first class postage.
- (4) Except as noted below, no reproduction of file or record material is authorized until payment for the services has been received in the form of a Postal Money Order or cashier's check made payable to the Oregon State Parole Board.
- (5) Payments will be deposited in Miscellaneous Receipts account in accordance with Business Office instructions.
- (6) Fees for reproduction of file information will not be charged to government agencies or parties involved in the treatment of clients or former clients.

DIVISION 15
REQUEST FOR BOARD RECORDS OR FILES

Victim and District Attorney Access to Board Review Packet
255-15-020

- [(1) A copy of the Board Review Packet, contents as listed in DAR 255-15-030, shall be made available to the victim and the District Attorney thirty (30) days prior to the scheduled hearing.]
- [(2) If the victim, his/her representative, or the District Attorney requests copies of the Board Review Packet, the fee for duplication shall be fifty (50) cents per page.]
- [(3) Copies of the Board Review packet shall be mailed to the victim, his/her representative, or the District Attorney, upon request, at a cost of fifty (50) cents per page plus an additional fee to cover the mailing expense.]

DIVISION 15

REQUEST FOR PAROLE BOARD RECORDS OR FILES

Victim and District Attorney Access to Board Review Packet
255-15-020

- (1) A copy of the Board Review Packet, contents as listed in Exhibit N, shall be made available to the victim and the District Attorney thirty (30) days prior to the scheduled hearing.
- (2) If the victim, his/her representative, or the District Attorney requests copies of the Board Review Packet, the fee for duplication shall be fifty (50) cents per page.
- (3) Copies of the Board Review packet shall be mailed to the victim, his/her representative, or the District Attorney, upon request, at a cost of fifty (50) cents per page plus an additional fee to cover the mailing expense.

Temporary effective 12/2/86 to 5/30/87
Superseded by permanent filing
4/28/87

DIVISION 15
REQUEST FOR BOARD RECORDS OR FILES

Contents of Board Review Packet
255-15-030

[The Board Review Packet may contain one or more of the following:

- (1) Face Sheet.
- (2) Board Action Forms.
- (3) Presentence Investigation (PSI)/Post Sentence Report (PSR) or similar comparable report.
- (4) Psychological Evaluations - two most recent reports (see provisions of OAR 255-15-010 and 255-30-045).
- (5) Statements of Imprisonment.
- (6) Court Orders.
- (7) Revocation Recommendations.
- (8) Morrissey Hearing Findings.
- (9) Parole Revocation Action Sheet (pink).
- (10) Final Order of Parole Revocation/Parole Reinstatement Order.
- (11) Disciplinary Reports - current commitment.
- (12) Recommendation for Date Cut.
- (13) Administrative Review Request Form and related documents.
- (14) Information from victim(s), or their representatives, District Attorney(s), and inmate pursuant to Measure 10.
- (15) Any other information used by the Board and deemed pertinent to the inmate's case.
- (16) After Sentence Reports (144.210) only on crimes committed prior to September 20, 1985.]

Repealed

Permanent effective 5/19/88

DIVISION 15

REQUEST FOR PAROLE BOARD RECORDS OF FILES

Contents of Board Review Packet
255-15-030

The Board Review Packet may include one or more of the following:

1. Face Sheet
2. Board Action Forms
3. Presentence Investigation (PSI)/Post Sentence Report (PSR) or similar comparable report
4. Psychological Evaluations - two most recent reports (see provisions of OAR 255-15-010 and 255-30-045)
5. Statements of Imprisonment (time served credits)
6. Court Orders
7. Revocation Recommendations
8. Morrissey Hearing Findings
9. Parole Revocation Action Sheet (pink)
10. Final Order of Parole Revocation/Parole Reinstatement Order
11. Disciplinary Reports - current commitment
12. Recommendation for Date Cut
13. Administrative Review Request Form and related documents
14. Information from victim(s), or their representatives, District Attorney(s), and inmate pursuant to Measure 10.
15. Any other information used by the Board and deemed pertinent to the inmate's case.
16. After Sentence Reports (144.210) only on crimes committed prior to September 20, 1985.

Permanent effective 4/28/87

Was previously Exhibit N adopted
on 1/12/87