

DIVISION 5

DEFINITIONS

This rule has been renumbered.

255-005-0005

Definitions

- (21) **"Inactive Parole and "Inactive Post-Prison Supervision":** The offender remains under supervision however;
- (a) [here is no direct supervision by a supervising officer and no requirement of regular reporting;
 - (b) There are no additional supervision fees; and
 - (c) the offender remains subject to arrest by a supervising officer for violation of conditions of supervision and return to active supervision at any time until expiration of the sentence or post-prison supervision term as outlined in Division 94; and
 - (d) (b) and (c) do not apply to those offenders being supervised in another state via Interstate Compact. Those offenders remain on active parole or post-prison supervision.

DIVISION 5

DEFINITIONS

These definitions have been renumbered.

255-005-0005

Definitions

- (1) "**Abscond**": Unauthorized absence from parole or post-prison supervision.
- (2) "**Active Community Supervision**": A period of supervision in the community, requiring the supervising officer's regular contact and monitoring to assure that the supervisee complies with the conditions of parole or post-prison supervision, has committed no new crimes and has paid restitution, attorney fees, and compensatory fines, if required.
- (3) "**Active Supervision**": Supervision requiring the supervising officer's regular contact and monitoring to assure continued compliance with the general and special conditions of parole or post-prison supervision.

"Active Supervision" shall not include:
 - (a) the period of confinement in a local, state, or federal correctional facility while serving on parole or post-prison supervision;
 - (b) the period of time between the suspension of parole or post-prison supervision and the date parole or post-prison supervision is continued;
 - (c) inactive parole or inactive post-prison supervision;
 - (d) involuntary commitment to a state or federal psychiatric facility.
- (4) "**Administrative Sanction**": 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.
- (5) "**Aggravation**": The factors or elements surrounding the crime which appear to increase the seriousness of the criminal episode or reflect on the character of the offender pursuant to Exhibit E-1 and E-3.
- (6) "**BAF**": A Board order after a decision called a "Board Action Form".
- (7) "**Base Range**": The range for each crime category reflected in Exhibit C under the "excellent" column.
- (8) "**Board**": Board of Parole and Post-Prison Supervision.
- (9) "**Board Review Packet**": The information the Board shall consider at the inmate's hearing. Each of the Divisions which establishes a hearing shall list the contents of the packet.
- (10) "**Compensatory Fines**": A court-imposed penalty for the commission of a crime resulting in injury for which the person injured has a remedy by civil action (unless the issue of punitive damages has been previously decided on a civil case arising out of the same act and transaction). The court may award compensatory fines in addition to restitution.

02-15-2000

Definitions

Permanent effective 2/15/00

- (11) **"Correctional Facility"**: Any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order.
- "Correctional Facility"**: includes a juvenile facility, if the juvenile is confined for a felony charge or conviction, and applies to a state hospital only as to persons detained therein after acquittal of a crime by reason of mental disease or defect or after a finding of guilty except for insanity.
- (12) **"Crime Severity Rating"**: A classification for crimes committed prior to November 1, 1989, from a low of one (1) to a high of seven (7) assigned to each crime, based on the seriousness of the crime pursuant to Exhibits A-I, A-II, and A-III.
- (13) **"Crime Spree"**: A set of criminal activities congruent in time or actually overlapping that are so joined by place and circumstances as to be the product of a continuous disposition or intent.
- (14) **"Date of Return"**: The date another in-state or out-of-state jurisdiction physically returns the inmate to the Department of Corrections' custody following a hold.
- (15) **"De Novo Hearing"**: A new initial prison term hearing, required when a court orders additional consecutive sentences for crimes which occurred prior to the first prison term hearing.
- (16) **"Escape"**:
- (a) the unlawful or unauthorized departure from custody, a correctional facility or any form of temporary release or transitional leave;
 - (b) includes the unauthorized departure or absence from this state or failure to return to this state by a person who is under the jurisdiction of the Psychiatric Security Review Board;
 - (c) does not include failure to comply with provisions of a conditional or security release as in ORS 135.245.
- (17) **"Future Disposition Hearing"**: A hearing the Board may set at its discretion for purposes of deciding whether to deny or grant re-release for a violation of parole or post-prison supervision when authorized by law.
- (18) **"Gang Member"**: A person who associates with a group which identifies itself through the use of a name, unique appearance, language (including hand signs), the claiming of geographical territory, or the espousing of a distinctive belief system and one of the purposes of the group is criminal activity.
- (19) **"Gang-Related Activity"**: Crime committed by a gang member:
- (a) with other known gang members;
 - (b) against other known gang members; or
 - (c) against a person who is not a gang member; in order to further the purposes of the gang or impress other gang members.
- (20) **"History/Risk Score"**: A rating from a high of eleven (11) to a low of zero (0) points, reflecting the prisoner's prior record and other factors which predict the likelihood of success on parole pursuant to Exhibit B, Part I and Part II.

- (21) **"Inactive Parole and Inactive Post-Prison Supervision"**: The offender remains under supervision however;
- (a) there is no direct supervision by a supervising officer and no requirement of regular reporting;
 - (b) no additional supervision fees; and
 - (c) the offender remains subject to arrest by a supervising officer for violation of conditions of supervision and return to active supervision at any time until expiration of the sentence or post-prison supervision term as outlined in Division 94.
- (22) **"In Camera Hearing"**: The inspection of a document by the Hearings Officer in private before the document may be introduced as evidence.
- (23) **"Initial Parole Release Date"**: The date, by month, day and year, assigned to a prisoner for parole release based on the prisoner's matrix range, aggravation, mitigation, and judicially imposed minimum sentence(s).
- (24) **"Inmate"**: Any person under the supervision of the Department of Corrections or a local supervisory authority who is not on parole, post-prison supervision or probation status (also referred to as prisoner).
- (25) **"Inoperative Time"**: Time spent on abscond, escape, or unauthorized departure from custody, leave, parole or post-prison supervision, which does not count toward service of the sentence.
- (26) **"Intensive Supervision"**: means enhanced level of supervision exceeding a county's high risk level supervision standards. Intensive supervision may include, but not be limited to, electronic monitoring, house arrest, curfew, day reporting, supervised housing, multiple supervising officers, adjunct surveillance by law enforcement or other specialists, increased face-to-face offender contacts in the community, increased collateral contacts (such as with family, therapist and employer), community notification, geographic restrictions, offender mileage logs, medication monitoring (such as depo provera, psychotropics, antabuse), intensive outpatient or residential treatment programming, urinalysis, and polygraph.
- (27) **"Less Than the Sum of the Terms"**: An action by the Board whereby one or more of the consecutive ranges are treated as if they are concurrent.
- (28) **"Mail Date" or "Mailed on Date"**: Is the date from which the Board calculates the timelines of receipt of Administrative Review Requests and other time sensitive responses. The date is computer generated and scheduled to insure actual mailing occurred on or before the listed date.
- (29) **"Matrix Ranges"**: Ranges of months within which the Board has the discretion to set a prison term. The ranges are based on crime severity ratings and history/risk scores.
- (30) **"The Matrix"**: A table which displays the matrix ranges by showing the intersection of the crime severity rating and the history/risk score pursuant to Exhibit C.
- (31) **"Mitigation"**: The factors or elements surrounding the crime which appear to decrease the seriousness of the criminal episode or reflect on the character of the prisoner pursuant to Exhibit E-2 and E-3.

- (32) "**Offender**": Any person under the supervision of the Department of Corrections or a local supervisory authority who is not presently in the custody of a correctional facility, including persons on probation, parole or post-prison supervision.
- (33) "**Parole**": Applies to offenders whose crime(s) were committed before November 1, 1989. A Board authorized conditional release from a state correctional facility into the community or to a detainer.
- (34) "**Particularly Violent or Otherwise Dangerous Criminal Conduct**": Conduct which is not merely unpleasant or offensive, but which is indifferent to the value of human safety or property.
- (35) "**Parole Board Record**": The file the Board maintains for each inmate/offender containing the information listed in ORS 144.185.
- (36) "**Period Under Review**": Under Division 40, the time already served on the prison term, normally the three (3) or (5) year period prior to the personal review hearing.
- (37) "**Post-Prison Supervision**": Applies to crimes committed on or after November 1, 1989. A term, as set by statute or the court under the supervision of the Department of Corrections or a correctional agency designated by the Department or a local supervisory authority.
- (38) "**Principal Range**": The range of months for the crime holding the highest crime severity rating. When the ranges are the same, the Board shall designate one range as the principal range.
- (39) "**Preponderance**": Evidence which is of greater weight or more convincing than the evidence offered in opposition to it.
- (40) "**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.
- (41) "**Prison Term**": The Board established time the inmate must serve before the initial parole release date, in accordance with applicable laws and the Board's Administrative Rules.
- (42) "**Prison Term Hearing**": The hearing at which the Board establishes an inmate's prison term and initial parole release date.
- (43) "**Revocation**": An action by a Sanction Authority to terminate an offender's parole or post-prison supervision. Sanction Authority may resume an offender's parole or post-prison supervision following the act of revocation.
- (44) "**Revocation Hearing**": A hearing to determine whether a violation of conditions of parole or post-prison supervision occurred and whether the Hearings Officer should recommend that the parolee or offender return to custody or continue on parole or post-prison supervision with additional conditions. (Commonly known as a Morrissey Hearing)
- (45) "**Sanction Authority**": Means the Board for felony offenders sentenced by the court for crimes occurring before November 1, 1989, or sentenced to more than 12 months in the custody of the Department of Corrections or sentenced to 12 months or less and have additional sentences of greater than 12 months; and the Local Supervisory Authority for felony offenders sentenced by the court to 12 months or less.

02-15-2000

Definitions

Permanent effective 2/15/00

- (46) "**Sexually Violent Dangerous Offender**": means an inmate/offender who has psychopathic personality features, sexually deviant arousal patterns or interests and a history of sexual assault, and who the Board or Local Supervisory Authority finds presents a substantial probability of committing an offense listed in OAR 255-060-0008(6). "History of sexual assault" means that an inmate/offender has engaged in unlawful sexual conduct that is not revealed to the crime for which the inmate/offender is currently on parole or post-prison supervision and seriously endangered the life or safety of another person or involved a victim under twelve (12) years of age.
- (47) "**Serious Physical Injury**": Any physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, or impairment of health or protracted loss or impairment of the function of any bodily organ.
- (48) "**Stranger**": A person who is either unknown to a victim or with whom the victim has a superficial acquaintance or acquaintance of short duration or infrequent contact.
- (49) "**Subcategory**": The criteria for rating criminal conduct within the crime categories based on the seriousness of the offense (Exhibit A).
- (50) "**Subordinate Range**": Any range less than or equal to the principal range.
- (51) "**Subpoena Duces Tecum**": A subpoena requiring the party to appear at a hearing with a document or piece of evidence to be examined at the hearing.
- (52) "**Summing the Ranges**": Adding ranges of consecutive sentences to produce a unified range pursuant to OAR 255-035-0021.
- (53) "**Supervising Officer**": Parole and post-prison supervision officer.
- (54) "**Supervisory Authority**": The state or local corrections agency or official designated in each county by that county's Board of County Commissioners or County Court to operate correction supervision services, custodial facilities, or both (per ORS 144.087(1)).
- (55) "**Unauthorized Absence**": Time spent outside a state correctional facility without Department of Corrections' or local supervisory authority's authorization, whether it is an escape or an unauthorized departure.
- (56) "**Unified Range**": The total range computed under OAR 255-035-0021 for consecutive sentences.
- (57) "**Unsum the Ranges**": To establish a matrix range at less than the unified range. The effect of unsumming is treatment of one or more ranges as if concurrent.
- (58) "**Variations**": The time periods which the Board may use to set a prison term above or below the matrix range pursuant to Exhibit D.

(59) **"Victim"**: The actual victim, a representative selected by the victim, the victim's next of kin or, in the case of abuse or corpse in any degree, an appropriate member of the immediate family of the decedent (Per ORS 144.120(7)).

The person or persons who have suffered financial, social, psychological or physical harm as a result of a crime and includes, in the case of a homicide or abuse or corpse in any degree, a member of the immediate family of the decedent and, in the case of a minor victim, the legal guardian of the minor (Per ORS 131.007).

Statutory Authority: ORS 144.050, 144.140

History: (5/19/88; 12/6/88; 11/1/89; 10/5/90; 10/15/91; 10/9/92, 03/14/97,
Temporary 11/14/97; 05/11/98, 02-15-00)

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255-005-0005

Definitions

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05/11/98

Definitions

Permanent effective 5/11/98

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- (49) "**Subpoena Duces Tecum**": A subpoena requiring the party to appear at a hearing with a document or piece of evidence to be examined at the hearing.
- (50) "**Summing the Ranges**": Adding ranges of consecutive sentences to produce a unified range pursuant to OAR 255-35-021.
- (51) "**Supervising Officer**": Parole and post-prison supervision officer.
- (52) "**Supervisory Authority**": The state or local corrections agency or official designated in each county by that county's Board of County Commissioners or County Court to operate correction supervision services, custodial facilities, or both (per ORS 144.087(1)).
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- (57) "**Victim**": The actual victim, a representative selected by the victim, the victim's next of kin or, in the case of abuse or corpse in any degree, an appropriate member of the immediate family of the decedent (Per ORS 144.120(7)).
The person or persons who have suffered financial, social, psychological or physical harm as a result of a crime and includes, in the case of a homicide or abuse or corpse in any degree, a member of the immediate family of the decedent and, in the case of a minor victim, the legal guardian of the minor (Per ORS 131.007).

Statutory Authority: ORS 144.050, 144.140

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Temporary effective 11/14/97 to 5/13/98
superceded by Permanent filing 5/11/98

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- (22) In Camera Hearing:** The inspection of a document by the Hearings Officer in private before the document may be introduced as evidence.
- (23) Initial Parole Release Date:** The date, by month, day and year, assigned to a prisoner for parole release based on the prisoner's matrix range, aggravation, mitigation, and judicially imposed minimum sentence(s).
- (24) Inmate:** Any person under the supervision of the Department of Corrections or a local supervisory authority who is not on parole, post-prison supervision or probation status (also referred to as prisoner).
- (25) Inoperative Time:** Time spent on abscond, escape, or unauthorized departure from custody, leave, parole or post-prison supervision, which does not count toward service of the sentence.
- (26) Less Than the Sum of the Terms:** An action by the Board whereby one or more of the consecutive ranges are treated as if they are concurrent.
- (27) Mail Date or Mailed on Date:** Is the date from which the Board calculates the timelines of receipt or Administrative Review Requests and other time sensitive responses. The date is computer generated and scheduled to insure actual mailing occurred on or before the listed date.
- (28) Matrix Ranges:** Ranges of months within which the Board has the discretion to set a prison term. The ranges are based on crime severity ratings and history/risk scores.
- (29) The Matrix:** A table which displays the matrix ranges by showing the intersection of the crime severity rating and the history/risk score pursuant to Exhibit C.
- (30) Mitigation:** The factors or elements surrounding the crime which appear to decrease the seriousness of the criminal episode or reflect on the character of the prisoner pursuant to Exhibit E-2 and E-3.
- (31) Offender:** Any person under the supervision of the Department of Corrections or a local supervisory authority who is not presently in the custody of a correctional facility, including persons on probation, parole or post-prison supervision.
- (32) Parole:** A Board authorized conditional release from a state correctional facility into the community or to a detainer.
- (33) Particularly Violent or Otherwise Dangerous Criminal Conduct:** Conduct which is not merely unpleasant or offensive, but which is indifferent to the value of human safety or property.
- (34) Parole Board Record:** The file the Board maintains for each inmate/offender containing the information listed in ORS 144.185.
- (35) Period Under Review:** Under Division 40, the time already served on the prison term, normally the three (3) or (5) year period prior to the personal review hearing.
- (36) Post-Prison Supervision:** Applies to crimes committed on or after November 1, 1989. A term, as set by statute or the court, under the supervision of the Department of Corrections or a correctional agency designated by the Department or a local supervisory authority.
- (37) Principal Range:** The range of months for the crime holding the highest crime severity rating. When the ranges are the same, the Board shall designate one range as the principal range.
- (38) Preponderance":** Evidence which is of greater weight or more convincing than the evidence offered in opposition to it.
- (39) 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.
- (40) Prison Term:** The Board established time the inmate must serve before the initial parole release date.
- (41) Prison Term Hearing:** The hearing at which the Board establishes an inmate's prison term and initial parole release date.
- (42) Revocation:** An action by the Board to terminate an offender's parole or post-prison supervision.
- (43) Revocation Hearing:** A hearing to determine whether a violation of conditions of parole or post-prison supervision occurred and whether the Hearings Officer should recommend that the parolee or offender return to custody or continue on parole or post-prison supervision with additional conditions. (Commonly known as a Morrissey Hearing)
- (44) Sanction Authority:** Means the Board for felony offenders sentenced by the court for crimes occurring before November 1, 1989, or sentenced to more than 12 months in the custody of the Department of Corrections or sentenced to 12

Temporary effective 11/14/97 to 5/13/98
 superceded by Permanent filing 5/11/98

months or less and have additional sentences of greater than 12 months; and the Local Supervisory Authority for felony offenders sentenced by the Court to 12 months or less.

(45) **Serious Physical Injury**: Any physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, or impairment of health or protracted loss or impairment of the function of any bodily organ.

(46) **Stranger**: A person who is either unknown to a victim or with whom the victim has a superficial acquaintance or acquaintance of short duration or infrequent contact.

(47) **Subcategory**: The criteria for rating criminal conduct within the crime categories based on the seriousness of the offense (Exhibit A).

(48) **Subordinate Range**: Any range less than or equal to the principal range.

(49) **Subpoena Duces Tecum**: A subpoena requiring the party to appear at a hearing with a document or piece of evidence to be examined at the hearing.

(50) **Summing the Ranges**: Adding ranges of consecutive sentences to produce a unified range pursuant to OAR 255-35-021.

(51) **Supervising Officer**: Parole and post-prison supervision officer.

(52) **Supervisory Authority**: The state or local corrections agency or official designated in each county by that county's Board of County Commissioners or County Court to operate correction supervision services, custodial facilities, or both (per ORS 144.087(1)).

(53) **Unauthorized Absence**: Time spent outside a state correctional facility without Department of Corrections' or local supervisory authority's authorization, whether it is an escape or an unauthorized departure.

(54) **Unified Range**: The total range computed under OAR 255-35-021 for consecutive sentences.

(55) **Unsum the Ranges**: To establish a matrix range at less than the unified range. The effect of unsumming is treatment of one or more ranges as if concurrent.

(56) **Variations**: The time periods which the Board may use to set a prison term above or below the matrix range pursuant to Exhibit D.

(57) **Victim**: The actual victim, a representative selected by the victim, the victim's next of kin or, in the case of abuse or corpse in any degree, an appropriate member of the immediate family of the decedent (Per ORS 144.120(7)). The person or persons who have suffered financial, social, psychological or physical harm as a result of a crime and includes, in the case of a homicide or abuse or corpse in any degree, a member of the immediate family of the decedent and, in the case of a minor victim, the legal guardian of the minor (Per ORS 131.007).

(ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the Oregon Board of Parole & Post-Prison Supervision).

Statutory Authority: ORS 144.050, 144.140
History: (5/19/88, 12.6/88, 11/1/89, 10/5/90, 10/15/91, 10/9/92, 03/14/97)

Temporary effective 11/14/97 to 5/13/98
superseded by Permanent filing 5/11/98

DIVISION 5

DEFINITIONS

This rule has been renumbered.

255-005-0005

Definitions

- (1) "**Abscond**": Unauthorized absence from parole or post-prison supervision.
- (2) "**Active Community Supervision**": A period of supervision in the community, requiring the supervising officer's regular contact and monitoring to assure that the supervisee complies with the conditions of parole or post-prison supervision, has committed no new crimes and has paid restitution, attorney fees, and compensatory fines, if required.
- (3) "**Active Supervision**": Supervision requiring the supervising officer's regular contact and monitoring to assure continued compliance with the general and special conditions of parole or post-prison supervision.

"Active Supervision" shall not include:
 - (a) the period of confinement in a local, state, or federal correctional facility while serving on parole or post-prison supervisee;
 - (b) the period of time between the suspension of parole or post-prison supervision and the date parole or post-prison supervision is continued;
 - (c) inactive parole or inactive post-prison supervision;
 - (d) involuntary commitment to a state or federal psychiatric facility.
- (4) "**Aggravation**": The factors or elements surrounding the crime which appear to increase the seriousness of the criminal episode or reflect on the character of the offender pursuant to Exhibit E-1 and E-3.
- (5) "**BAF**": A Board order after a decision called a "Board Action Form".
- (6) "**Base Range**": The range for each crime category reflected in Exhibit C under the "excellent" column.
- (7) "**Board**": Board of Parole and Post-Prison Supervision.
- (8) "**Board Review Packet**": The information the Board shall consider at the inmate's hearing. Each of the Divisions which establishes a hearing shall list the contents of the packet.
- (9) "**Compensatory Fines**": A court-imposed penalty for the commission of a crime resulting in injury for which the person injured has a remedy by civil action (unless the issue of punitive damages has been previously decided on a civil case arising out of the same act and transaction). The court may award compensatory fines in addition to restitution.

Permanent effective 3/14/97

- (10) "**Correctional Facility**": Any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order.
- "**Correctional Facility**": includes a juvenile facility, if the juvenile is confined for a felony charge or conviction, and applies to a state hospital only as to persons detained therein after acquittal of a crime by reason of mental disease or defect or after a finding of guilty except for insanity.
- (11) "**Crime Severity Rating**": A classification for crimes committed prior to November 1, 1989, from a low of one (1) to a high of seven (7) assigned to each crime, based on the seriousness of the crime pursuant to Exhibits A-I, A-II, and A-III.
- (12) "**Crime Spree**": A set of criminal activities congruent in time or actually overlapping that are so joined by place and circumstances as to be the product of a continuous disposition or intent.
- (13) "**Date of Return**": The date another in-state or out-of-state jurisdiction physically returns the inmate to the Department of Corrections' custody following a hold.
- (14) "**De Novo Hearing**": A new initial prison term hearing, required when a court orders additional consecutive sentences for crimes which occurred prior to the first prison term hearing.
- (15) "**Escape**":
- (a) the unlawful or unauthorized departure from custody, a correctional facility or any form of temporary release or transitional leave;
 - (b) includes the unauthorized departure or absence from this state or failure to return to this state by a person who is under the jurisdiction of the Psychiatric Security Review Board;
 - (c) does not include failure to comply with provisions of a conditional or security release as in ORS 135.245.
- (16) "**Future Disposition Hearing**": A hearing at which the Board orders the sanction for a violation of parole or post-prison supervision conditions.
- (17) "**Gang Member**": A person who associates with a group which identifies itself through the use of a name, unique appearance, language (including hand signs), the claiming of geographical territory, or the espousing of a distinctive belief system and one of the purposes of the group is criminal activity.
- (18) "**Gang-Related Activity**": Crime committed by a gang member:
- (a) with other known gang members;
 - (b) against other known gang members; or
 - (c) against a person who is not a gang member; in order to further the purposes of the gang or impress other gang members.
- (19) "**History/Risk Score**": A rating from a high of eleven (11) to a low of zero (0) points, reflecting the prisoner's prior record and other factors which predict the likelihood of success on parole pursuant to Exhibit B ,Part I and Part II.

03/14/97

Definitions

Permanent effective 3/14/97

- (20) **"Inactive Parole and "Inactive Post-Prison Supervision"**: The offender remains under supervision however;
- (a) there is no direct supervision by a supervising officer and no requirement of regular reporting;
 - (b) no additional supervision fees; and
 - (c) the offender remains subject to arrest by a supervising officer for violation of conditions of supervision and return to active supervision at any time until expiration of the sentence or post-prison supervision term as outlined in Division 94.
- (21) **"In Camera Hearing"**: The inspection of a document by the Hearings Officer in private before the document may be introduced as evidence.
- (22) **"Initial Parole Release Date"**: The date, by month, day and year, assigned to a prisoner for parole release based on the prisoner's matrix range, aggravation, mitigation, and judicially imposed minimum sentence(s).
- (23) **"Inmate"**: Any person under the supervision of the Department of Corrections or a local supervisory authority who is not on parole, post-prison supervision or probation status (also referred to as prisoner).
- (24) **"Inoperative Time"**: Time spent on abscond, escape, or unauthorized departure from custody, leave, parole or post-prison supervision, which does not count toward service of the sentence.
- (25) **"Less Than the Sum of the Terms"**: An action by the Board whereby one or more of the consecutive ranges are treated as if they are concurrent.
- (26) **"Matrix Ranges"**: Ranges of months within which the Board has the discretion to set a prison term. The ranges are based on crime severity ratings and history/risk scores.
- (27) **"The Matrix"**: A table which displays the matrix ranges by showing the intersection of the crime severity rating and the history/risk score pursuant to Exhibit C.
- (28) **"Mitigation"**: The factors or elements surrounding the crime which appear to decrease the seriousness of the criminal episode or reflect on the character of the prisoner pursuant to Exhibit E-2 and E-3.
- (29) **"Offender"**: Any person under the supervision of the Department of Corrections or a local supervisory authority who is not presently in the custody of a correctional facility, including persons on probation, parole or post-prison supervision.
- (30) **"Parole"**: A Board authorized conditional release from a state correctional facility into the community or to a detainer.
- (31) **"Particularly Violent or Otherwise Dangerous Criminal Conduct"**: Conduct which is not merely unpleasant or offensive, but which is indifferent to the value of human safety or property.
- (32) **"Parole Board Record"**: The file the Board maintains for each inmate/offender containing the information listed in ORS 144.185.

- (33) "**Period Under Review**": Under Division 40, the time already served on the prison term, normally the three (3) or (5) year period prior to the personal review hearing.
- (34) "**Post-Prison Supervision**": Applies to crimes committed on or after November 1, 1989. A term, as set by statute or the court under the supervision of the Department of Corrections or a correctional agency designated by the Department or a local supervisory authority.
- (35) "**Principal Range**": The range of months for the crime holding the highest crime severity rating. When the ranges are the same, the Board shall designate one range as the principal range.
- (36) "**Preponderance**": Evidence which is of greater weight or more convincing than the evidence offered in opposition to it.
- (37) "**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.
- (38) "**Prison Term**": The Board established time the inmate must serve before the initial parole release date.
- (39) "**Prison Term Hearing**": The hearing at which the Board establishes an inmate's prison term and initial parole release date.
- (40) "**Revocation**": An action by the Board to terminate an offender's parole or post-prison supervision.
- (41) "**Revocation Hearing**": A hearing to determine whether a violation of conditions of parole or post-prison supervision occurred and whether the Hearings Officer should recommend that the parolee or offender return to custody or continue on parole or post-prison supervision with additional conditions. (Commonly known as a Morrissey Hearing)
- (42) "**Serious Physical Injury**": Any physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, or impairment of health or protracted loss or impairment of the function of any bodily organ.
- (43) "**Stranger**": A person who is either unknown to a victim or with whom the victim has a superficial acquaintance or acquaintance of short duration or infrequent contact.
- (44) "**Subcategory**": The criteria for rating criminal conduct within the crime categories based on the seriousness of the offense (Exhibit A).
- (45) "**Subordinate Range**": Any range less than or equal to the principal range.
- (46) "**Subpoena Duces Tecum**": A subpoena requiring the party to appear at a hearing with a document or piece of evidence to be examined at the hearing.
- (47) "**Summing the Ranges**": Adding ranges of consecutive sentences to produce a unified range pursuant to OAR 255-35-021.
- (48) "**Supervising Officer**": Parole and post-prison supervision officer.

03/14/97

Definitions

Permanent effective 3/14/97

- (49) "**Supervisory Authority**": The state or local corrections agency or official designated in each county by that county's Board of County Commissioners or County Court to operate correction supervision services, custodial facilities, or both (per ORS 144.087(1)).
- (50) "**Unauthorized Absence**": Time spent outside a state correctional facility without Department of Corrections' or local supervisory_authority's authorization, whether it is an escape or an unauthorized departure.
- (51) "**Unified Range**": The total range computed under OAR 255-35-021 for consecutive sentences.
- (52) "**Unsum the Ranges**": To establish a matrix range at less than the unified range. The effect of unsumming is treatment of one or more ranges as if concurrent.
- (53) "**Variations**": The time periods which the Board may use to set a prison term above or below the matrix range pursuant to Exhibit D.
- (54) "**Victim**": The actual victim, a representative selected by the victim, the victim's next of kin or, in the case of abuse or corpse in any degree, an appropriate member of the immediate family of the decedent (Per ORS 144.120(7)).
The person or persons who have suffered financial, social, psychological or physical harm as a result of a crime and includes, in the case of a homicide or abuse or corpse in any degree, a member of the immediate family of the decedent and, in the case of a minor victim, the legal guardian of the minor (Per ORS 131.007).

Statutory Authority: ORS 144.050, 144.140

History: (5/19/88; 12/6/88; 11/1/89; 10/5/90; 10/15/91; 10/9/92, 03/14/97)

03/14/97

Definitions

Permanent effective 3/14/97

DIVISION 5

DEFINITIONS

This rule has been renumbered.

Definitions

255-05-005 (5/19/88; 12/6/88; 11/1/89; 10/5/90; 10/15/91; 10/9/92)

- (1) "Abscond": Unauthorized absence from parole or post-prison supervision.
- (2) "Active Community Supervision": A period of supervision in the community, requiring the supervising officer's regular contact and monitoring to assure that the supervisee complies with conditions of parole or post-prison supervision, has committed no new crimes and has paid restitution, attorney fees, and compensatory fines, if required.
- (3) "Active Supervision": Supervision requiring the supervising officer's regular contact and monitoring to assure continued compliance with the conditions of parole. [(Div.92)]

"Active Supervision" shall not include:
 - (a) the period of confinement in local, state, or federal correctional facilities during the parole;
 - (b) the period of time between the suspension of parole and the date parole is continued;
 - (c) inactive parole; (Div. 92)
 - (d) involuntary commitment to a state or federal psychiatric facility.
- (4) "Aggravation": The factors or elements surrounding the crime which appear to increase the seriousness of the criminal episode or reflect on the character of the offender pursuant to Exhibit E-1.
- (5) "BAF": A Board order after a decision called a Board Action Form.
- (6) "Base Range": The range for each crime category reflected in Exhibit C under the "excellent" column.
- (7) "Board": Board of Parole and Post-Prison Supervision.
- (8) "Board Review Packet": The information the Board shall consider at the inmate's hearing. Each of the Divisions which establishes a hearing shall list the contents of the packet.
- (9) "Compensatory Fines": A court-imposed penalty for the commission of a crime resulting in injury for which the person injured has a remedy by civil action (unless the issue of punitive damages has been previously decided on a civil case arising out of the same act and transaction). The court may award compensatory fines in addition to restitution.
- (10) "Correctional Facility": Any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order.

"Correctional Facility" includes a juvenile facility, if the juvenile is confined for a felony charge or conviction, and applies to a state hospital only as to persons detained therein after acquittal of a crime by reason of mental disease or defect or after a finding of guilty except for insanity.

- (11) "Crime Severity Rating": A classification from a low of one (1) to a high of seven (7) assigned to each crime, based on the seriousness of the crime pursuant to Exhibit A.
- (12) "Crime Spree": A set of criminal activities congruent in time or actually overlapping that are so joined by place and circumstance as to be the product of a continuous disposition or intent.
- (13) "Date of Return": The date another in-state or out-of-state jurisdiction physically returns the prisoner to the Department of Corrections' custody following a hold.
- (14) "De Novo Hearing": A new initial prison term hearing, required when a court orders additional consecutive sentences for crimes which occurred prior to the first prison term hearing.
- (15) "Escape":
 - (a) the unlawful or unauthorized departure from custody, a correctional facility or any form of temporary release or transitional leave;
 - (b) includes the unauthorized departure or absence from this state or failure to return to this state by a person who is under the jurisdiction of the Psychiatric Security Review Board;
 - (c) does not include failure to comply with provisions of a conditional or security release as in ORS 135.245.
- (16) "Future Disposition Hearing": A hearing at which the Board orders the sanction for a violation of parole or post-prison supervision conditions.
- (17) "Gang Member": A person who associates with a group which identifies itself through the use of a name, unique appearance, language (including hand signs), the claiming of geographical territory, or the espousing of a distinctive belief system and one of the purposes of the group is criminal activity.
- (18) "Gang-Related Activity": Crime committed by a gang member:
 - (a) with other known gang members;
 - (b) against other known gang members; or
 - (c) against a person who is not a gang member;in order to further the purposes of the gang or impress other gang members.
- (19) "History/Risk Score": A rating from a high of eleven (11) to a low of zero (0) points, reflecting the prisoner's prior record and other factors which predict the likelihood of success on parole pursuant to Exhibit B.

- (20) "Inactive Parole" includes:
(a) parole conditions:
 (A) Obey all municipal, county, state and federal laws;
 (B) Inactive parole must serve the best interests of the parolee and of society;
(b) no parole officer supervision;
(c) no supervision fees; and
(d) name and status maintained on the LEDS and EPR computer systems; EPR will report only class A or B felonies or C person-to-person felonies.
- (21) "In Camera Hearing": The inspection of a document by the Hearings Officer in private before the document may be introduced as evidence.
- (22) "Initial Parole Release Date": The date, by month, day and year, assigned to a prisoner for parole release based on the prisoner's matrix range, aggravation, mitigation, and judicially imposed minimum sentence(s).
- (23) "Inoperative Time": Time spent on abscond, escape, or unauthorized departure from custody, leave, parole or post-prison supervision, which does not count toward service of the sentence.
- (24) "Less Than the Sum of the Terms": An action by the Board whereby one or more of the consecutive ranges are treated as if they are concurrent.
- (25) "Matrix Ranges": Ranges of months within which the Board has the discretion to set a prison term. The ranges are based on crime severity ratings and history/risk scores.
- (26) "The Matrix": A table which displays the matrix ranges by showing the intersection of the crime severity rating and the history/risk score pursuant to Exhibit C.
- (27) "Mitigation": The factors or elements surrounding the crime which appear to decrease the seriousness of the criminal episode or reflect on the character of the prisoner pursuant Exhibit E-2 and E-3.
- (28) "Parole": A Board authorized conditional release from a state correctional facility into the community or to a detainer.
- (29) "Particularly Violent or Otherwise Dangerous Criminal Conduct": Conduct which is not merely unpleasant or offensive, but which is indifferent to the value of human safety or property.
- (30) "Parole Board Record": The file the Board maintains for each prisoner containing the information listed in ORS 144.185.
- (31) "Period Under Review": Under Division 40, the time already served on the prison term, normally the three year period prior to the personal review hearing.

- (32) "Post-Prison Supervision": A sentence to a term under the supervision of the Department of Corrections or a corrections agency designated by the Department.
- (33) "Principal Range": The range of months for the crime holding the highest crime severity rating. When the ranges are the same, the Board shall designate one range as the principal range.
- (34) "Preponderance": Evidence which is of greater weight or more convincing than the evidence offered in opposition to it.
- (35) "Probable Cause": A substantial objective basis for believing that more likely than not a person has committed an offense or violation and the person to be arrested has committed it.
- (36) "Prison Term": The Board established time the prisoner must serve before the parole release date.
- (37) "Prison Term Hearing": The hearing at which the Board establishes an inmate's prison term.
- (38) "Revocation Hearing": A hearing to determine whether a violation of conditions of parole or post-prison supervision occurred and whether the Hearings Officer should recommend that the parolee or offender return to prison or continue on parole or post-prison supervision with additional conditions. (Commonly known as a Morrissey Hearing)
- (39) "Serious Physical Injury": Any physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, or impairment of health or protracted loss or impairment of the function of any bodily organ.
- (40) "Stranger": A person who is either unknown to a victim or with whom the victim has a superficial acquaintance or acquaintance of short duration or infrequent contact.
- (41) "Subcategory": The criteria for rating criminal conduct within the crime categories based on the seriousness of the offense (Exhibit A).
- (42) "Subordinate Range": Any range less than or equal to the principal range.
- (43) "Subpoena Duces Tecum": A subpoena requiring the party to appear at a hearing with a document or piece of evidence.
- (44) "Summing the Ranges": Adding ranges of consecutive sentences to produce a unified range pursuant to OAR 255-35-021.
- (45) "Supervising officer": Parole and post-prison supervision officer.
- (46) "Supervisory authority": means the Department of Corrections Community Services Division or a corrections agency designated by the department.
- (47) "Unauthorized Absence": Time spent outside a state correctional facility without Department of Corrections' authorization, whether it is an escape or an unauthorized departure.

- (48) "Unified Range": The total range computed under OAR 255-35-021 for consecutive sentences.
- (49) "Unsum the Ranges": To establish a matrix range at less than the unified range. The effect of unsumming is treatment of one or more ranges as if concurrent.
- (50) "Variations": The time periods which the Board may use to set a prison term above or below the matrix range pursuant to Exhibit D.
- (51) "Victim": The actual victim of the crime, a victim-selected representative, or the victim's next of kin. In the case of a minor or incompetent victim, this term shall include the victim's guardian.

Permanent effective 10/9/92

DIVISION 5

DEFINITIONS

This rule has been renumbered.

Definitions

255-05-005 (5/19/88; 12/6/88; 11/1/89; 10/5/90; 10/15/91)

- (1) "Abscond": Unauthorized absence from parole or post-prison supervision.
- (2) "Active Community Supervision": A period of supervision in the community, requiring the supervising officer's regular contact and monitoring [by the supervising officer] to assure that the supervisee complies with conditions of parole or post-prison supervision [are being met], [that the supervisee] has committed no new crimes and [to assure repayment of] has paid restitution, attorney fees, and compensatory fines, if required.
- (3) "Active Supervision": Supervision requiring the supervising officer's regular contact and monitoring [by the supervising officer] to assure continued compliance with the conditions of parole. (Div.92)

"Active Supervision" shall not include:
 - (a) the period of confinement in local, state, or federal correctional facilities during the parole;
 - (b) the period of time between the suspension of parole and the date parole is continued;
 - (c) inactive parole; (Div. 92)
 - (d) involuntary commitment to a state or federal psychiatric facility.
- (4) "Aggravation": The factors or elements surrounding the crime which appear to increase the seriousness of the criminal episode or reflect on the character of the offender pursuant to Exhibit E-1.
- (5) "BAF": A Board order after a decision called a Board Action Form.
- (6) "Base Range": The range for each crime category reflected in Exhibit C under the "excellent" column.
- (7) "Board": Board of Parole and Post-Prison Supervision.
- (8) "Board Review Packet": The information the Board shall consider at the inmate's hearing. [The contents of the packet shall be listed in e]Each of the Divisions which establishes a hearing shall list the contents of the packet.
- (9) "Compensatory Fines": A court-imposed penalty for the commission of a crime resulting in injury for which the person injured has a remedy by civil action (unless the issue of punitive damages has been previously decided on a civil case arising out of the same act and transaction). The court may award [C]compensatory fines [may be awarded] in addition to restitution.
- (10) "Correctional Facility": Any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order.

"Correctional Facility" includes a juvenile facility, if the juvenile is confined for a felony charge or conviction, and applies to a state hospital only as to persons detained therein after acquittal of a crime by reason of mental disease or defect or after a finding of guilty except for insanity.

- (11) "Crime Severity Rating": A classification from a low of one (1) to a high of seven (7) assigned to each crime, based on the seriousness of the crime pursuant to Exhibit A.
- (12) "Crime Spree": A set of criminal activities congruent in time or actually overlapping that are so joined by place and circumstance as to be the product of a continuous disposition or intent.
- (13) "Date of Return": The date another in-state or out-of-state jurisdiction physically returns the prisoner [is physically returned to the custody of] to the Department of Corrections' custody following a hold [in another in-state or out-of-state jurisdiction].
- (14) "De Novo Hearing": A new initial prison term hearing, required when a court orders [there are] additional consecutive sentences for crimes which occurred prior to the first prison term hearing.
- (15) "Escape":
(a) the unlawful or unauthorized departure from custody, a correctional facility or any form of temporary release or transitional leave;
(b) includes the unauthorized departure or absence from this state or failure to return to this state by a person who is under the jurisdiction of the Psychiatric Security Review Board;
(c) does not include failure to comply with provisions of a conditional or security release as in ORS 135.245.
- [(15) "Exemplary Behavior": Reasonable compliance with parole conditions.]
- (16) "Future Disposition Hearing": A hearing at which the Board orders the sanction for a violation of parole or post-prison supervision conditions [is established].
- (17) "Gang Member": A person who associates with a group which identifies itself through the use of a name, unique appearance, language (including hand signs), the claiming of geographical territory, or the espousing of a distinctive belief system and one of the purposes of the group is criminal activity.
- (18) "Gang-Related Activity": Crime committed by a gang member:
(a) with other known gang members;
(b) against other known gang members; or
(c) against a person who is not a gang member;
in order to further the purposes of the gang or impress other gang members.
- (19) "History/Risk Score": A rating from a high of eleven (11) to a low of zero (0) points, reflecting the prisoner's prior record and other factors which predict the likelihood of success on parole pursuant to Exhibit B.

- (20) "Inactive Parole" includes:
- (a) parole conditions:
 - (A) [Do not own, possess, or be in control of any weapon;
 - (B)] Obey all municipal, county, state and federal laws;
 - [(C) Register as a sex offender pursuant to ORS 181.517-.519;]
 - (B) Inactive parole must serve the best interests of the parolee and of society;
 - (b) no parole officer supervision [by a parole officer];
 - (c) no supervision fees; and
 - (d) name and status maintained on the LEADS and EPR computer systems; EPR will report only class A or B felonies or C person-to-person felonies.
- (21) "In Camera Hearing": The inspection of a document by the Hearings Officer in private before the document may be introduced as evidence.
- (22) "Initial Parole Release Date": The date, by month, day and year, assigned to a prisoner for parole release based on the prisoner's matrix range, aggravation, mitigation, and judicially imposed minimum sentence(s).
- (23) "Inoperative Time": Time spent on abscond, escape, or unauthorized departure from custody, leave, parole or post-prison supervision, which does not count toward service of the sentence.
- (24) "Less Than the Sum of the Terms": An action by the Board whereby one or more of the consecutive ranges are treated as if they are concurrent.
- (25) "Matrix Ranges": Ranges of months within which the Board has the discretion to set a prison term. The ranges are based on crime severity ratings and history/risk scores.
- (26) "The Matrix": A table which displays the matrix ranges by showing the intersection of the crime severity rating and the history/risk score pursuant to Exhibit C.
- (27) "Mitigation": The factors or elements surrounding the crime which appear to decrease the seriousness of the criminal episode or reflect on the character of the prisoner pursuant Exhibit E-2 and E-3.
- (28) "Parole": A Board authorized conditional release [authorized by the Board] from a state correctional facility into the community or to a detainer.
- (29) "Particularly Violent or Otherwise Dangerous Criminal Conduct": Conduct which is not merely unpleasant or offensive, but which is indifferent to the value of human safety or property.
- (30) "Parole Board Record": The file the Board maintains for each prisoner containing the information listed in ORS 144.185.
- (31) "Period Under Review": Under Division 40, the time already served on the prison term, normally the three year period prior to the personal review hearing.

Permanent effective 10/15/91

- (32) "Post-Prison Supervision": A sentence to a term under the supervision of the Department of Corrections or a corrections agency designated by the Department.
- (33) "Principal Range": The range of months for the crime holding the highest crime severity rating. When the ranges are the same, the Board shall designate one range [shall be designated] as the principal range.
- (34) "Preponderance": Evidence which is of greater weight or more convincing than the evidence [which is] offered in opposition to it.
- (35) "Probable Cause": A substantial objective basis for believing that more likely than not a person has committed an offense or violation [has been committed] and the person to be arrested has committed it.
- (36) "Prison Term": The Board established time [established by the Board of Parole to be served] the prisoner must serve before the parole release date.
- (37) "Prison Term Hearing": The hearing at which the Board establishes an inmate's prison term.
- (38) "Revocation Hearing": A hearing to determine whether a violation of conditions of parole or post-prison supervision occurred and whether the Hearings Officer should recommend [a recommendation should be made] that the parolee or offender [be returned] return to prison or [continued] continue on parole or post-prison supervision with additional conditions. (Commonly known as a Morrissey Hearing)
- (39) "Serious Physical Injury": Any physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, or impairment of health or protracted loss or impairment of the function of any bodily organ.
- (40) "Stranger": A person who is either unknown to a victim or with whom the victim has a superficial acquaintance or acquaintance of short duration or infrequent contact.
- (41) "Subcategory": The criteria for rating criminal conduct within the crime categories based on the seriousness of the offense (Exhibit A).
- (42) "Subordinate Range": Any range less than or equal to the principal range.
- (43) "Subpoena Duces Tecum": A subpoena requiring the party to appear at a hearing with a document or piece of evidence [to be examined at the hearing].
- (44) "Summing the Ranges": Adding ranges of consecutive sentences to produce a unified range pursuant to OAR 255-35-021.
- (45) "Unauthorized Absence": Time spent outside a state correctional facility without [the] Department of Corrections' authorization [of the Department of Corrections], whether it is an escape or an unauthorized departure.

Permanent effective 10/15/91

- (46) "Unified Range": The total range computed under OAR 255-35-021 for consecutive sentences.
- (47) "Unsum the Ranges": To establish a matrix range at less than the unified range. The effect of unsumming is [to treat] treatment of one or more [of the] ranges as if concurrent.
- (48) "Variations": The time periods which the Board may use to set a prison term above or below the matrix range pursuant to Exhibit D.
- (49) "Victim": The actual victim of the crime, a victim-selected representative [selected by the victim], or the victim's next of kin. In the case of a minor or incompetent victim, this term shall include the victim's guardian [of the victim].

Permanent effective 10/15/91

DIVISION 5

DEFINITIONS

This rule has been renumbered.

Definitions

255-05-005 (5/19/88; 12/6/88; 11/1/89; 10/5/90)

- (1) "Abscond": Unauthorized absence from parole or post-prison supervision.
- (2) "Active Community Supervision": [An uninterrupted] A period of [at least six months] supervision in the community, requiring regular contact and monitoring by the supervising officer to assure that the conditions of parole or post-prison supervision are being met, that the supervisee has committed no new crimes and to assure repayment of restitution, attorney fees, and compensatory fines, if required.
- (3) "Active Supervision": Supervision requiring regular contact and monitoring by the supervising officer to assure continued compliance with the conditions of parole. (Div.92)
 - "Active Supervision" shall not include:
 - (a) the period of confinement in local, state, or federal correctional facilities during the parole;
 - (b) the period of time between the suspension of parole and the date parole is continued;
 - (c) inactive parole; (Div. 92)
 - (d) involuntary commitment to a state or federal psychiatric facility.
- (4) "Aggravation": The factors or elements surrounding the crime which appear to increase the seriousness of the criminal episode or reflect on the character of the offender pursuant to Exhibit E-1.
- (5) "Base Range": The range for each crime category reflected in Exhibit C under the "excellent" column.
- (6) "Board": Board of Parole and Post-Prison Supervision.
- (7) "Board Review Packet": The information the Board shall consider at the inmate's hearing. The contents of the packet shall be listed in each of the Divisions which establishes a hearing.
- (8) "Compensatory Fines": A court-imposed penalty for the commission of a crime resulting in injury for which the person injured has a remedy by civil action (unless the issue of punitive damages has been previously decided on a civil case arising out of the same act and transaction). Compensatory fines may be awarded in addition to restitution.
- (9) "Correctional Facility": Any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order.

"Correctional Facility" includes a juvenile facility, if the juvenile is confined for a felony charge or conviction, and applies to a state hospital only as to persons detained therein after acquittal of a crime by reason of mental disease or defect.

Permanent effective 10/5/90

- (10) "Crime Severity Rating": A classification from a low of one (1) to a high of seven (7) assigned to each crime, based on the seriousness of the crime pursuant to Exhibit A.
- (11) "Crime Spree": A set of criminal activities congruent in time or actually overlapping that are so joined by place and circumstance as to be the product of a continuous disposition or intent.
- (12) "Date of Return": The date the prisoner is physically returned [or available for return] to the custody of the Department of Corrections following a hold in another in-state or out-of-state jurisdiction.
- (13) "De Novo Hearing": A new initial prison term hearing, required when there are additional consecutive sentences for crimes which occurred prior to the first prison term hearing.
- (14) "Escape":
 (a) the unlawful or unauthorized departure from custody, a correctional facility or any form of temporary release or transitional leave;
 (b) includes the unauthorized departure or absence from this state or failure to return to this state by a person who is under the jurisdiction of the Psychiatric Security Review Board;
 (c) does not include failure to comply with provisions of a conditional or security release as in ORS 135.245.
- (15) "Exemplary Behavior": Reasonable compliance with parole conditions [and felony crime free during parole supervision].
- [(13) "Extreme Cruelty": The facts of the crime demonstrate:
 (a) the depraved, evil, mind of a person who has no regard for human life and suffering; or
 (b) brutality; or
 (c) intentional infliction of pain for the purpose of revenge, extortion, persuasion or to satisfy some other evil propensity.]
- (16) "Future Disposition Hearing": [The] A hearing at which the sanction for a [parole] violation of parole or post-prison supervision conditions is established.
- (17) "Gang Member": A person who associates with a group which identifies itself through the use of a name, unique appearance, [or] language (including hand signs), the claiming of geographical territory, or the espousing of a distinctive belief system and one of the purposes of the group is criminal activity [that results in criminal activity].
- (18) "Gang-Related Activity": Crime committed by a gang member:
 (a) with other known gang members; [or]
 (b) against other known gang members; or
 (c) against a person who is not a gang member; [or]
 [(d)] in order to further the purposes of the gang or impress other gang members.
- (19) "History/Risk Score": A rating from a high of eleven (11) to a low of zero (0) points, reflecting the prisoner's prior record and other factors which predict the likelihood of success on parole pursuant to Exhibit B.

Permanent effective 10/5/90

- (20) "Inactive Parole" includes:
- (a) [general] parole conditions [;]:
 - (A) Do not own, possess, or be in control of any weapon;
 - (B) Obey all municipal, county, state and federal laws;
 - (C) Register as a sex offender pursuant to ORS 181.517-.519;
 - (b) no supervision by a parole officer;
 - (c) no [parole] supervision fees; and
 - (d) name and status maintained on the LEADS and EPR computer systems.
- (21) "In Camera Hearing": The inspection of a document by the Hearings Officer in private before the document may be introduced as evidence.
- (22) "Initial Parole Release Date": The date, by month, day and year, assigned to a prisoner for parole release based on the prisoner's matrix range, aggravation, mitigation, and judicially imposed minimum sentence(s).
- (23) "Inoperative Time": [Time spent outside a state correctional facility without the authorization of the Department of Corrections.] Time spent on abscond, escape, or unauthorized departure from custody, leave, parole or post-prison supervision, which does not count toward service of the sentence.
- (24) "Less Than the Sum of the Terms": An action by the Board whereby one or more of the consecutive ranges are treated as if they are concurrent.
- (25) "Matrix Ranges": Ranges of months within which the Board has the discretion to set a prison term. The ranges are based on crime severity ratings and history/risk scores.
- (26) "The Matrix": A table which displays the matrix ranges by showing the intersection of the crime severity rating and the history/risk score pursuant to Exhibit C.
- (27) "Mitigation": The factors or elements surrounding the crime which appear to decrease the seriousness of the criminal episode or reflect on the character of the prisoner pursuant Exhibit E-2 and E-3.
- (28) "Parole": A conditional release authorized by the Board from a state correctional facility into the community.
- (29) "Particularly Violent or Otherwise Dangerous Criminal Conduct": Conduct which is not merely unpleasant or offensive, but which is indifferent to the value of human safety or property.
- (30) "Parole Board Record": The file the Board maintains for each prisoner containing the information listed in ORS 144.185.
- (31) "Period Under Review": Under Division 40, the time already served on the prison term, normally the three year period prior to the personal review hearing.
- (32) "Post-Prison Supervision": A sentence to a term under the supervision of the Department of Corrections or a corrections agency designated by the Department.
- (33) "Principal Range": The range of months for the crime holding the highest crime severity rating. When the ranges are the same, one shall be designated as the principal range.

- (34) "Preponderance": Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it.
- (35) "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.
- (36) "Prison Term": The time established by the Board of Parole to be served before the parole release date.
- (37) "Prison Term Hearing": The hearing at which the Board establishes an inmate's prison term.
- (38) "Revocation Hearing": A hearing to determine whether a violation of conditions of parole or post-prison supervision occurred and whether a recommendation should be made that the parolee or offender be returned to prison [parole or post-prison supervision should be revoked] or continued on parole or post-prison supervision with additional conditions. (Commonly known as a Morrissey Hearing)
- (39) "Serious Physical Injury": Any physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, or impairment of health or protracted loss or impairment of the function of any bodily organ.
- (40) "Stranger": A person who is either unknown to a victim or with whom the victim has a superficial acquaintance or acquaintance of short duration or infrequent contact.
- (41) "Subcategory": The criteria for rating criminal conduct within the crime categories based on the seriousness of the offense (Exhibit A).
- (42) "Subordinate Range": Any range less than or equal to the principal range.
- (43) "Subpoena Duces Tecum": A subpoena requiring the party to appear at a hearing with a document or piece of evidence to be examined at the hearing.
- (44) "Summing the Ranges": Adding ranges of consecutive sentences to produce a unified range pursuant to OAR 255-35-021.
- (45) "Unauthorized Absence": Time spent outside a state correctional facility without the authorization of the Department of Corrections, whether it is an escape or an unauthorized departure.
- (46) "Unified Range": The total range computed under OAR 255-35-021 for consecutive sentences.
- (47) "Unsum the Ranges": To establish a matrix range at less than the unified range. The effect of unsumming is to treat one or more of the ranges as if concurrent.
- (48) "Variations": The time periods which the Board may use to set a prison term above or below the matrix range pursuant to Exhibit D.
- (49) "Victim": The actual victim of the crime, a representative selected by the victim, or the victim's next of kin. In the case of a minor or incompetent victim, this term shall include the guardian of the victim.

DIVISION 5

DEFINITIONS

This section has been renumbered.

Definitions

255-05-005

(1) "Active Community Supervision": An uninterrupted period of at least six months supervision in the community, requiring regular contact and monitoring by the supervising officer to assure that the conditions of parole or post-prison supervision are being met, that the [parolee] supervisee has committed no new crimes and to assure repayment of restitution, if required.

(2) "Active Supervision": Supervision requiring regular contact and monitoring by the supervising officer to assure continued compliance with the conditions of parole.

"Active Supervision" shall not include:

- (a) the period of confinement in local, state, or federal correctional facilities during the parole;
- (b) the period of time between the suspension of parole and the date parole is continued; [and]
- (c) inactive parole; [.] (Div. 92)
- (d) involuntary commitment to a state or federal psychiatric facility.

(3) "Aggravation": The factors or elements surrounding the crime which appear to increase the seriousness of the criminal episode or reflect on the character of the offender pursuant to Exhibit E-1.

(4) "Base Range": The range for each crime category reflected in Exhibit C under the "excellent" column.

(5) "Board": Board of Parole and Post-Prison Supervision.

(6) "Board Review Packet": The information the Board shall consider at the inmate's hearing. The contents of the packet shall be listed in each of the Divisions which establishes a hearing.

(7) "Correctional Facility": any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order.

"Correctional Facility" [does not] includes a juvenile facility if the juvenile is confined for a felony charge or conviction and applies to a state hospital only as to persons detained therein after acquittal of a crime by reason of mental disease or defect.

Permanent effective 11/1/89

- (8) "Crime Severity Rating": A classification from a low of one (1) to a high of seven (7) assigned to each crime, based on the seriousness of the crime pursuant to Exhibit A.
- (9) "Crime Spree": A set of criminal activities congruent in time or actually overlapping that are so joined by place and circumstance as to be the product of a continuous disposition or intent.
- (10) "Date of Return": The date the prisoner is physically returned or available for return to the custody of the Department of Corrections following a hold in another in-state or out-of-state jurisdiction.
- (11) "De Novo Hearing": a new initial prison term hearing, required when there are additional consecutive sentences for crimes which occurred prior to the first prison term hearing.
- (12) "Exemplary Behavior": [Behavior which is consistent with the conditions of parole.] Reasonable compliance with parole conditions and felony crime free during parole supervision.
- (13) "Extreme Cruelty": The facts of the crime demonstrate:
(a) the depraved, evil, mind of a person who has no regard for human life and suffering; or
(b) brutality; or
(c) intentional infliction of pain for the purpose of revenge, extortion, persuasion or to satisfy some other evil propensity.
- (14) "Future Disposition Hearing": The hearing at which the sanction for a parole violation is established.
- (15) "Gang Member": A person who associates with a group which identifies itself through the use of a name, unique appearance, or language (including hand signs), the claiming of geographical territory, or the espousing of a distinctive belief system that results in criminal activity.
- (16) "Gang-Related Activity": Crime committed:
(a) with other known gang members; or
(b) against other known gang members; or
(c) against a person who is not a gang member; or
(d) in order to further the purposes of the gang or impress other gang members.
- (17) "History/Risk Score": A rating from a high of eleven (11) to a low of zero (0) points, reflecting the prisoner's prior record and other factors which predict the likelihood of success on parole pursuant to Exhibit B.

- (18) "Inactive Parole: includes:
(a) general parole conditions;
(b) no supervision by a parole officer;
(c) no parole fees; and
(d) name and status maintained on the LEOS and EPR computer systems.
- (19) "In Camera Hearing": the inspection of a document by the Hearings Officer in private before the document may be introduced as evidence.
- (20) "Initial Parole Release Date": the [A fixed] date, by month, day and year, assigned to a prisoner for parole release based on the prisoner's matrix range, aggravation, mitigation, and judicially imposed minimum sentence(s).
- (21) "Inoperative Time": time spent outside a state correctional facility without the authorization of the Department of Corrections.
- (22) "Less Than the Sum of the Terms": an action by the Board whereby one or more of the consecutive ranges are treated as if they are concurrent.
- (23) "Matrix Ranges": Ranges of months within which the Board has the discretion to set a prison term. The ranges are based on crime severity ratings and history/risk scores.
- (24) "The Matrix": A table which displays the matrix ranges by showing the intersection of the crime severity rating and the history/risk score pursuant to Exhibit C.
- (25) "Mitigation": The factors or elements surrounding the crime which appear to decrease the seriousness of the criminal episode or reflects on the character of the prisoner pursuant Exhibit E-2.
- (26) "Parole": A conditional release from a state correctional facility into the community.
- (27) "Particularly Violent or Otherwise Dangerous Criminal conduct": Conduct which is not merely unpleasant or offensive, but which is indifferent to the value of human safety or property.
- (28) "Parole Board Record": The file the Board maintains for each prisoner containing the information listed in ORS 144.185.
- (29) "Period Under Review" under Division 40, the time already served on the prison term, normally the three year period prior to the personal review hearing.

Permanent effective 11/1/89

- (30) "Principal Range": The range of months for the crime holding the highest crime severity rating. When the ranges are the same, one shall be designated as the principal range.
- (31) "Preponderance": evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it. [as a whole shows that the fact sought to be proved is more probable than not.]
- (32) "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.
- (33) "Prison Term": The time established by the Board of Parole to be served before the parole release date.
- (34) "Prison Term Hearing": The hearing at which the Board establishes an inmate's prison term.
- (35) "[Parole]Revocation Hearing": A hearing to determine whether a [parole] violation of conditions of parole or post-prison supervision occurred and whether a recommendation should be made that parole or post-prison supervision should be revoked or continued with additional conditions.
- (36) "Serious Physical Injury": Physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, or impairment of health or protracted loss or impairment of the function of any bodily organ.
- (37) "Stranger": A person who is either unknown to a victim or with whom the victim has a superficial acquaintance or acquaintance of short duration or infrequent contact.
- (38) "Subcategory": the criteria for rating criminal conduct within the crime categories based on the seriousness of the offense (Exhibit A).
- (39) "Subordinate Range": Any range less than or equal to the principal range.
- (40) "Subpoena Duces Tecum": a subpoena requiring the party to appear at a hearing with a document or piece of evidence to be examined at the hearing.
- (41) "Summing the Ranges": Adding ranges of consecutive sentences to produce a unified range pursuant to OAR 255-35-021.

Permanent effective 11/1/89

- (42) "Unauthorized Absence": time spent outside a state correctional facility without the authorization of the Department of Corrections whether it is an escape or an unauthorized departure.
- (43) "Unified Range": the total range computed under OAR 255-35-021 for consecutive sentences.
- (44) "Unsum the ranges": to establish a matrix range at less than the unified range. The effect of unsumming is to treat one or more of the ranges as if concurrent.
- (45) "Variations": The time periods which the Board may use to set a prison term above or below the matrix range pursuant to Exhibit D.
- (46) "Victim": The actual victim of the crime, a representative selected by the victim, or the victim's next of kin. In the case of a minor or incompetent victim, this term shall include the guardian of the victim.

Permanent effective 11/1/89

DIVISION 5
DEFINITIONS

This section has been renumbered.

Definitions
255-05-005

(1) "Active Community Supervision": An uninterrupted period of at least six months supervision in the community, requiring regular 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": Supervision requiring regular contact and monitoring by the supervising officer to assure continued compliance with the conditions of parole. (Div.92)

"Active Supervision" shall not include:

- (a) the period of confinement in local, state, or federal correctional facilities during the parole;
- (b) the period of time between the suspension of parole and the date parole is continued; and
- (c) inactive parole. (Div. 92)
- (d) involuntary commitment to a state or federal psychiatric facility.

(3) "Aggravation": The factors or elements surrounding the crime which appear to increase the seriousness of the criminal episode or reflects on the character of the offender pursuant to Exhibit E-1.

(4) "Base range": The range for each crime category reflected in Exhibit C under the "excellent" column.

(5) "Board Review Packet": The information the Board shall consider at the inmate's hearing. The contents of the packet shall be listed in each of the Divisions which establishes a hearing.

(6) "Correctional facility": any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order.

"Correctional facility" does not include a juvenile facility and applies to a state hospital only as to persons detained therein after acquittal of a crime by reason of mental disease or defect.

Permanent effective 12/6/88

- (7) "Crime severity rating": A classification from a low of one (1) to a high of seven (7) assigned to each crime, based on the seriousness of the crime pursuant to Exhibit A.
- (8) "Crime spree": A set of criminal activities congruent in time or actually overlapping that are so joined by place and circumstance as to be the product of a continuous disposition or intent.
- (9) "Date of return": The date the prisoner is physically returned or available for return to the custody of the Department of Corrections following a hold in another in-state or out-of-state jurisdiction.
- (10) "De novo hearing": a new initial prison term hearing, required when there are additional consecutive sentences for crimes which occurred prior to the first prison term hearing.
- (11) "Exemplary Behavior": Behavior which is consistent with the conditions of parole.
- (12) "Future Disposition Hearing": The hearing at which the sanction for a parole violation is established.
- (13) "History/risk score": A rating from a high of eleven (11) to a low of zero (0) points, reflecting the prisoner's prior record and other factors which predict the likelihood of success on parole pursuant to Exhibit B.
- (14) "Inactive Parole" includes:
 (a) general parole conditions;
 (b) no supervision by a parole officer;
 (c) no parole fees; and
 (d) name and status maintained on the LEDS and EPR computer systems.
- (15) "In camera hearing": the inspection of a document by the Hearings Officer in private before the document may be introduced as evidence.
- (16) "Initial parole release date": A fixed date, by month, day and year, assigned to a prisoner for parole release based on the prisoner's matrix range, aggravation, mitigation, and judicially imposed minimum sentence(s).
- (17) "Inoperative time": time spent outside a state correctional facility without the authorization of the Department of Corrections.

Permanent effective 12/6/88

- (18) "Less than the sum of the terms": an action by the Board whereby one or more of the consecutive ranges are treated as if they are concurrent.
- (19) "Matrix ranges": Ranges of months within which the Board has the discretion to set a prison term. The ranges are based on crime severity ratings and history/risk scores.
- (20) "The matrix": A table which displays the matrix ranges by showing the intersection of the crime severity rating and the history/risk score pursuant to Exhibit C.
- (21) "Mitigation": The factors or elements surrounding the crime which appear to decrease the seriousness of the criminal episode or reflects on the character of the prisoner pursuant Exhibit E-2.
- (22) "Parole": A conditional release from a state correctional facility into the community.
- (23) "Parole Revocation Hearing": A hearing to determine whether a parole violation occurred.
- (24) "Particularly violent or otherwise dangerous criminal conduct": Conduct which is not merely unpleasant or offensive, but which is indifferent to the value of human safety or property.
- (25) "Parole Board Record": The file the Board maintains for each prisoner containing the information listed in ORS 144.185.
- (26) "Period under review" under Division 40, the time already served on the prison term, normally the three year period prior to the personal review hearing.
- (27) "Principal range": The range of months for the crime holding the highest crime severity rating. When the ranges are the same, one shall be designated as the principal range.
- (28) "Preponderance": evidence which as a whole shows that the fact sought to be proved is more probable than not.
- (29) "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.
- (30) "Prison Term": The time established by the Board of Parole to be served before the parole release date.

Permanent effective 12/6/88

12/06/88

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- (31) "Prison term hearing": The hearing at which the Board establishes an inmate's prison term.
- (32) "Serious physical injury": [Any] Physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, or impairment of health or [the] protracted loss or impairment of the function of any bodily organ.
- (33) "Subcategory": the criteria for rating criminal conduct within the crime categories based on the seriousness of the offense (Exhibit A).
- (34) "Subordinate range": Any range less than or equal to the principal range.
- (35) "Subpoena duces tecum": a subpoena requiring the party to appear at a hearing with a document or piece of evidence to be examined at the hearing.
- (36) "Summing the ranges": [An action taken] Adding ranges of consecutive sentences to produce a unified range pursuant to OAR 255-35-021. [when there are consecutive sentences.]
- (37) "Unauthorized absence": time spent outside a state correctional facility without the authorization of the Department of Corrections.
- (38) "Unified range": the total range computed under OAR 255-35-021 for consecutive sentences.
- (39) "Unsum the ranges" means to establish a matrix range at less than the unified range. The effect of unsumming is to treat one or more of the ranges as if concurrent.
- (40) "Variations": The time periods which the Board may use to set a prison term above or below the matrix range pursuant to Exhibit D.
- (41) "Victim": The actual victim of the crime, a representative selected by the victim, or the victim's next of kin. In the case of a minor or incompetent victim, this term shall include the guardian of the victim.

Permanent effective 12/6/88

DIVISION 5
DEFINITIONS

Definitions
255-05-005

- (1) "Active Community Supervision": An uninterrupted period of at least six months supervision in the community, requiring regular 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": Supervision requiring regular contact and monitoring by the supervising officer to assure continued compliance with the conditions of parole. (Div.92)
- "Active Supervision" shall not include:
- (a) the period of confinement in local, state, or federal correctional facilities during the parole;
 - (b) the period of time between the suspension of parole and the date parole is continued; and
 - (c) inactive parole. (Div. 92)
- (3) "Aggravation": The factors or elements surrounding the crime which appear to increase the seriousness of the criminal episode or reflects on the character of the offender pursuant to Exhibit E-1.
- (4) "Base range": The range for each crime category reflected in Exhibit C under the "excellent" column.
- (5) "Board Review Packet": The information the Board shall consider at the inmate's hearing. The contents of the packet shall be listed in each of the Divisions which establishes a hearing.
- (6) "Correctional facility": any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order.
- "Correctional facility" does not include a juvenile facility and applies to a state hospital only as to persons detained therein after acquittal of a crime by reason of mental disease or defect.
- (7) "Crime severity rating": A classification from a low of one (1) to a high of seven (7) assigned to each crime, based on the seriousness of the crime pursuant to Exhibit A.

- (8) "De novo hearing": a new initial prison term hearing, required when there are additional consecutive sentences for crimes which occurred prior to the first prison term hearing.
- (9) "Exemplary Behavior": Behavior which is consistent with the conditions of parole.
- (10) "Future Disposition Hearing": The hearing at which the sanction for a parole violation is established.
- (11) History/risk score": A rating from a high of eleven (11) to a low of zero (0) points, reflecting the prisoner's prior record and other factors which predict the likelihood of success on parole pursuant to Exhibit B.
- (12) "Inactive Parole" includes:
(a) general parole conditions;
(b) no supervision by a parole officer;
(c) no parole fees; and
(d) name and status maintained on the LEDS and EPR computer systems.
- (13) "In camera hearing": the inspection of a document by the Hearings Officer in private before the document may be introduced as evidence.
- (14) "Initial parole release date": A fixed date, by month, day and year, assigned to a prisoner for parole release based on the prisoner's matrix range, aggravation, mitigation, and judicially imposed minimum sentence(s).
- (15) "Inoperative time": time spent outside a state correctional facility without the authorization of the Department of Corrections.
- (16) "Less than the sum of the terms": an action by the Board whereby one or more of the consecutive ranges are treated as if they are concurrent.
- (17) "Matrix ranges": Ranges of months within which the Board has the discretion to set a prison term. The ranges are based on crime severity ratings and history/risk scores.
- (18) "The matrix": A table which displays the matrix ranges by showing the intersection of the crime severity rating and the history/risk score pursuant to Exhibit C.
- (19) "Mitigation": The factors or elements surrounding the crime which appear to decrease the seriousness of the criminal episode or reflects on the character of the prisoner pursuant Exhibit E-2.

- (20) "Parole": A conditional release from a state correctional facility into the community.
- (21) "Parole Revocation Hearing": A hearing to determine whether a parole violation occurred.
- (22) "Particularly violent or otherwise dangerous criminal conduct": Conduct which is not merely unpleasant or offensive, but which is indifferent to the value of human safety or property.
- (23) "Parole Board Record": The file the Board maintains for each prisoner containing the information listed in ORS 144.185.
- (24) "Period under review" under Division 40, the three year period prior to the hearing.
- (25) "Principal range": The range of months for the crime holding the highest crime severity rating. When the ranges are the same, one shall be designated as the principal range.
- (26) "Preponderance": evidence which as a whole shows that the fact sought to be proved is more probable than not.
- (27) "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.
- (28) "Prison Term": The time established by the Board of Parole to be served before the parole release date.
- (29) "Prison term hearing": The hearing at which the Board establishes an inmate's prison term.
- (30) "Serious physical injury": Any physical injury which creates a substantial risk of death, or which causes serious disfigurement, or impairment of health or the loss or impairment of the function of any bodily organ.
- (31) "Subcategory": the criteria for rating criminal conduct within the crime categories based on the seriousness of the offense (Exhibit A).
- (32) "Subordinate range": Any range less than or equal to the principal range.
- (33) "Subpoena duces tecum": a subpoena requiring the party to appear at a hearing with a document or piece of evidence to be examined at the hearing.

- (34) "Summing the ranges": An action taken to produce a unified range when there are consecutive sentences.
- (35) "Unauthorized absence": time spent outside a state correctional facility without the authorization of the Department of Corrections.
- (36) "Unified range": the total range computed under OAR 255-35-021 for consecutive sentences.
- (37) "Variations": The time periods which the Board may use to set a prison term above or below the matrix range pursuant to Exhibit D.
- (38) "Victim": The actual victim of the crime, a representative selected by the victim, or the victim's next of kin. In the case of a minor or incompetent victim, this term shall include the guardian of the victim.

Permanent effective 5/19/88