

DIVISION 50

POSTPONING A PAROLE RELEASE DATE [FOR SERIOUS MISCONDUCT]

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

Grounds for Postponing a Parole Release Date [for Serious Misconduct]
255-50-005

- (1) The Board shall postpone a prisoner's scheduled release date according to the procedures set forth in 255-50-010, if it finds [, after a hearing,] that the prisoner engaged in serious misconduct during confinement [according to the procedures set forth in this section].
- (2) The Board may postpone a prisoner's scheduled release date upon:
 - (a) a report of serious misconduct and a recommendation for an extension of the prison term from the Director of the Department of Corrections or designee;
 - (b) reasonable grounds to believe a prisoner has violated a law or engaged in serious misconduct; or
 - (c) the refusal of a prisoner to participate in psychiatric or psychological evaluation ordered by the Board pursuant to ORS 144.223.
 - (d) notification of unauthorized absence.
- [(6) Resets under two years will be panel cases, unless it has been previously designated a Full Board case.]
- [(7) When the recommended extension of the prison term exceeds the prisoner's statutory good time date or the expiration date, the prison term may be extended up to one day less than the good time date or expiration date.]
- [(8)](3) If serious misconduct occurs before a prisoner's prison term has been established and an extension of the prison term would be justified, the time for misconduct will be added to the prison term.
- [(9)](4) If serious misconduct occurs after a prison term has been established and an extension of the prison term would be justified, the Board may [take steps to postpone release] rescind the parole release date and order a postponement hearing to consider extending the prison term.

Permanent effective 11/1/89

DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT
(ORS 144.125, 144.223)

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

Grounds for Postponing a Parole Release Date
255-50-005

- (1) The Board shall postpone a prisoner's scheduled release date according to the procedures set forth in 255-50-010, if it finds that the prisoner engaged in serious misconduct during confinement.
- (2) The Board may postpone a prisoner's scheduled release date upon:
 - (a) a report of serious misconduct and a recommendation for an extension of the prison term from the Director of the Department of Corrections or designee;
 - (b) reasonable grounds to believe a prisoner has violated a law or engaged in serious misconduct; or
 - (c) the refusal of a prisoner to participate in a Board ordered psychiatric or psychological evaluation [ordered by the Board] pursuant to ORS 144.223.
 - (d) notification of unauthorized absence.
- (3) If serious misconduct occurs before the Board has established a prisoner's prison term [has been established] and the conduct justifies an extension of the prison term [would be justified], the Board shall add the time for misconduct [will be added] to the prison term.
- (4) If serious misconduct occurs after the Board has established a prison term [has been established] and the conduct may justify an extension of the prison term [would be justified], the Board may rescind the parole release date and order a postponement hearing to consider extending the prison term.

History: (2/1/79; 5/31/85; 5/19/88; 7/1/88; 11/1/89; 10/9/92)

10/9/92

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Serious Misconduct

Permanent effective 10/9/92

DIVISION 50

**POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT
ORS 144.125, 144.223**

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

Grounds for Postponing a Parole Release Date
255-50-005

- (1) The Board shall postpone a prisoner's scheduled release date according to the procedures set forth in OAR 255-50-010, if it finds that the prisoner engaged in serious misconduct during confinement.
- (2) The Board may postpone a prisoner's scheduled release date upon:
 - (a) a report of serious misconduct and a recommendation for an extension of the prison term from the Director of the Department of Corrections or designee;
 - (b) reasonable grounds to believe a prisoner has violated a law or engaged in serious misconduct; or
 - (c) the refusal of a prisoner to participate in a Board ordered psychiatric or psychological evaluation pursuant to ORS 144.223.
 - (d) notification of unauthorized absence.
- (3) If serious misconduct occurs before the Board has established a prisoner's prison term and the conduct justifies an extension of the prison term, the Board shall add the time for misconduct to the prison term when the Board establishes the prison term.
- (4) If serious misconduct occurs after the Board has established a prison term and the conduct may justify an extension of the prison term the Board may rescind the parole release date and order a postponement hearing to consider extending the prison term.

History: (2/1/79; 5/31/85; 5/19/88; 7/1/88; 11/1/89; 10/9/92; 10/29/93)

Permanent effective 10/29/93

DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

255-050-0005

Grounds for Postponing a Parole Release Date

- (1) The Board shall postpone an inmate's scheduled release date according to the procedures set forth in OAR 255-50-010, if it finds that the inmate engaged in serious misconduct during confinement.
- (2) The Board may postpone an inmate's scheduled release date upon:
 - (a) a report of serious misconduct and a recommendation for an extension of the prison term from the Director of the Department of Corrections or designee;
 - (b) reasonable grounds to believe an inmate has violated a law or engaged in serious misconduct; or
 - (c) the refusal of an inmate to participate in a Board ordered psychiatric or psychological evaluation pursuant to ORS 144.223.
 - (d) notification of unauthorized absence.
- (3) If serious misconduct occurs before the Board has established an inmate's prison term and the conduct justifies an extension of the prison term, the Board shall add the time for misconduct to the prison term when the Board establishes the prison term.
- (4) If serious misconduct occurs after the Board has established a prison term and the conduct may justify an extension of the prison term the Board may rescind the parole release date and order a postponement hearing to consider extending the prison term.

Statutory Authority: ORS 144.125, 144.223

History: (2/1/79; 5/31/85; 5/19/88; 7/1/88; 11/1/89; 10/9/92; 10/29/93, 03/14/97)

Permanent effective 3/14/97

DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

255-050-0005

Grounds for Postponing a Parole Release Date

- (1) The Board shall postpone an inmate's scheduled release date according to the procedures set forth in OAR 255-050-0010, if it finds that the inmate engaged in serious misconduct during confinement.
- (2) The Board may postpone an inmate's scheduled release date upon:
 - (a) a report of serious misconduct and a recommendation for an extension of the prison term from the Director of the Department of Corrections or designee;
 - (b) reasonable grounds to believe an inmate has violated a law or engaged in serious misconduct; or
 - (c) the refusal of an inmate to participate in a Board ordered psychiatric or psychological evaluation pursuant to ORS 144.223.
 - (d) notification of unauthorized absence.
- (3) If serious misconduct occurs before the Board has established an inmate's prison term and the conduct justifies an extension of the prison term, the Board shall add the time for misconduct to the prison term when the Board establishes the prison term.
- (4) If serious misconduct occurs after the Board has established a prison term and the conduct may justify an extension of the prison term the Board may rescind the parole release date and order a postponement hearing to consider extending the prison term.

Statutory Authority ORS 144.125, 144.223

History: (2/1/79, 5/31/85; 5/19/88; 7/1/88; 11/1/89; 10/9/92, 10/29/93, 03/14/97, notice 10/14/98, 1/15/99)

Permanent effective 1/15/99

DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

255-050-0005

Grounds for Postponing a Parole Release Date

- (1) The Board shall postpone an inmate's scheduled release date according to the procedures set forth in OAR 255-050-0010, if it finds that the inmate engaged in serious misconduct during confinement.
- (2) The Board may postpone an inmate's scheduled release date upon:
 - (a) a report of serious misconduct and a recommendation for an extension of the prison term from the Director of the Department of Corrections or designee;
 - (b) reasonable grounds to believe an inmate has violated a law or engaged in serious misconduct; or
 - (c) the refusal of an inmate to participate in a Board ordered psychiatric or psychological evaluation pursuant to ORS 144.223.
 - (d) notification of unauthorized absence.
- (3) If serious misconduct occurs before the Board has established an inmate's prison term and the conduct justifies an extension of the prison term, the Board shall add the time for misconduct to the prison term when the Board establishes the prison term.
- (4) If serious misconduct occurs after the Board has established a prison term and the conduct may justify an extension of the prison term the Board may rescind the parole release date and order a postponement hearing to consider extending the prison term.

Statutory Authority: ORS 144.125, 144.223

History: (2/1/79; 5/31/85; 5/19/88; 7/1/88; 11/1/89; 10/9/92; 10/29/93, 03/14/97,
notice 10/14/98, 1/15/99)

Postponement Procedures: Hearing by Board

255-050-0010

- (1) When the Board conducts a parole postponement hearing, the following procedure shall apply:
 - (a) the Board shall give the inmate notice of the hearing and its purpose; the provisions of Division 30 as to appearance, disclosure, and record shall apply except:
 - (b) an inmate may not waive his/her right to appear;

- (c) an inmate may not relitigate facts which the institution hearings officer has found at the disciplinary hearing.
- (2) If the Board finds serious misconduct, it may be classified within one of the following four categories and the Board may extend the prison term as provided in Exhibit G:
 - (a) hazard to human life or health;
 - (b) hazard to security;
 - (c) hazard to property; or
 - (d) third in a series of rule violations within a three month period, while assigned to any Department of Corrections program.
 - (3) The Board may request another hearing before the disciplinary committee originating the recommendation for extension, or choose not to extend a prison term if the Board finds that other disciplinary options are adequate for the seriousness of the misconduct, considering the factors found in OAR 255-050-0011.
 - (4) The Board may continue the postponement hearing and order a psychiatric or psychological examination when it appears that a severe emotional disturbance may be present. If a psychiatrist or psychologist makes a diagnosis of present severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board may defer release to a specified future date. When deciding not to set a parole release date, the Board shall apply OAR 255-035-0030.
 - (5) A panel shall decide cases when a parole release date is extended for less than two years, unless OAR 255-030-0015 previously designated it a Full Board case.
 - (6) When the recommended extension of the prison term exceeds the inmate's statutory good time date or the sentence expiration date, the Board may extend the prison term up to two days less than the good time date or expiration date.
 - (7) If the Board extends the prison term, the Board shall give the inmate:
 - (a) The final order, including a written statement of the category of misconduct, if applicable, the facts and specific reasons for the decision, including the Board members' individual votes; and
 - (b) Notice of the right to administrative appeal pursuant to Division 80.

Statutory Authority: ORS 144.125, 144.223

History: (2/1/79; 5/31/85; 5/19/88; 11/1/89; 10/9/92, 03/14/97, notice 10/14/98, 1/15/99)

Department of Corrections Report of Misconduct
255-050-0011

- (1) The Director of the Department of Corrections or designee may recommend an extension of an inmate's parole release date as a disciplinary sanction.
- (2) The following guidelines shall apply to a recommendation to extend a prison term:

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Serious Misconduct

- (a) The Department shall have provided the inmate an opportunity for a Department of Corrections disciplinary hearing, and found the inmate to have violated a rule governing prohibited inmate conduct: and
 - (b) The Department shall not recommend an extension of a prison term unless all other disciplinary options have been specifically considered and deemed, individually and in combination, inadequate for the seriousness of the misconduct.
- (3) The Department shall consider the following factors in determining whether an extension is appropriate:
- (a) effectiveness of the sanction as a disciplinary measure, both to the prisoner and to the general prison population;
 - (b) degree of hazard posed to human health or life, facility security, or to property;
 - (c) seriousness of the misconduct had it been committed in the wider community;
 - (d) circumstances of the misconduct; and
 - (e) the inmate's prior record or institutional conduct.
- (4) The Board of Parole and Post-Prison Supervision shall not extend a prison term on a recommendation from the institution unless the recommendation classifies the misconduct within one (1) of the following four (4) categories:
- (a) hazard to human life or health;
 - (b) hazard to security;
 - (c) hazard to property; or
 - (d) third in a series of rule violations within a three month period, while assigned to any Department of Corrections program.

Statutory Authority ORS 144.125, 144.223
History: (11/1/89; 10/9/92, 03/14/97, 1/15/99)

Postponement When Informed of Reasonable Grounds
255-050-0012

- (1) The Board may rescind the parole release date when the Board is informed of reasonable grounds to believe that an inmate has violated a law or has engaged in serious misconduct. A fact-finding hearing shall be held by a Department of Corrections hearings officer to determine if the law violation or misconduct occurred. However, if the inmate has received an additional sentence to the Department of Corrections custody, no hearing is required.

Statutory Authority: ORS 144.125, 144.223
History: (11/1/89, 03/14/97)

**Postponement for Refusing to Participate in a Psychiatric
or Psychological Evaluation**
255-050-0013

- (1) The Board may postpone a parole release date until a specified future date when an inmate has refused to participate in a psychiatric or psychological evaluation, which the Board ordered pursuant to ORS 144.223, prior to the inmate's release on parole.
- (2) When the Board rescinds a parole release date under this section, the Board shall conduct a hearing to postpone the inmate's release date.
- (3) The Board may postpone the parole release date up to two days before the inmate's good time date.

Statutory Authority: ORS 144.050, 144.140, 144.125, 144.223
History: (5/19/88; 11/1/89; 1/13/92; 10/9/92, 03/14/97, NOTICE 10/14/98,
1/15/99)

Unauthorized Absence
255-050-0015

- (1) The parole release date of an inmate who is on unauthorized absence from a correctional facility shall be rescinded automatically. The Board may schedule a hearing when the inmate is available or the Board may administratively reset the parole release date by adding the inoperative time to the prison term.
- (2) The Board or its designee shall add the inoperative time to the prison term in the following manner:
 - (a) If the unauthorized absence occurs prior to the parole release date and the inmate returns to custody of the Department of Corrections after the parole release date:
 - (A) Count the first day of unauthorized absence and every day up to the parole release date.
 - (B) Add the total number of days determined in (A) of this subsection to the date of return to the Department of Corrections' custody following a hold in another in-state or out-of-state jurisdiction.
 - (b) If the unauthorized absence occurs prior to the parole release date and the inmate returns to the Department of Corrections' custody prior to the parole release date:
 - (A) Count the first day of unauthorized absence and every day up to the date of return to the Department of Corrections following a hold in another in-state or out-of-state jurisdiction.
 - (B) Add the total number of days determined in (A) of this subsection to the previous parole release date.

- (c) If the Board deferred the initial parole release date to a specific future date that specific future date shall be used for purposes of calculations pursuant to section (2) of this rule.

Statutory Authority: ORS 144.125, 144.223

History: (2/1/79; 2/15/81; 11/25/81, temporary; 5/19/82; 5/31/85; 5/19/88; 12/6/88; 11/1/89; 10/9/92, 03/14/97, NOTICE 10/14/98, 1/15/99)

Postponement Procedure: Unauthorized Absence; Law Violation
255-050-0016

History: (11/25/81, temporary; 5/19/82; 5/31/85; 5/19/88; 11/1/89, repealed)

Waiver
255-050-0017

History: (11/25/81, temporary; 5/19/82; 5/31/85, repealed)

Hearing After Rescission of Parole
255-050-0018

History: (11/25/81, temporary; 5/19/82; 5/31/85, repealed)

Basis for Rescission
255-050-0020

History: (2/1/79; 11/25/81, temporary; 5/19/82; 5/31/85, repealed)

Misconduct Board Review Packet
255-050-0025

The Misconduct Board Review Packet shall contain:

- (1) institution face sheet;
- (2) all Board Action Forms since the prison term hearing;
- (3) psychological evaluations;
- (4) disciplinary report from the institution;
- (5) correspondence;
- (6) field parole analysis report;
- (7) court orders;
- (8) PSI, PSR, PAR or document of similar content;
- (9) DOC hearings officer's findings and recommendations.
- (10) Inmate's Notice of Rights and Board of Parole & Post-Prison Supervision Procedures.

Statutory Authority: ORS 144.125, 144.223

History: (5/19/88; 11/1/89, 03/14/97)

1/15/99

Serious Misconduct

DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

Postponing a Parole Release Date for Serious Misconduct
255-50-005

- (1) The Board shall postpone a prisoner's scheduled release date, if it finds, after a hearing, that the prisoner engaged in serious misconduct during confinement [A prison term may be extended to a later date for serious misconduct] according to the [following] procedures set forth in this section. [:]
- (2) [(1) The institution disciplinary committee or t] The Director of the Department of Corrections or designee [Corrections Division Hearings Officer] may recommend an extension of a prisoner's parole release date as a disciplinary sanction. [;]
- (3) [(2)] A [R] recommendation to extend a prison term shall be made according to the following guidelines:
- (a) [T] the prisoner must be given an opportunity for a disciplinary hearing, and have been found to have violated [an adopted] a rule governing conduct; and [.]
- [The recommendation by the presiding officer of the disciplinary court must be approved by the institutional superintendent and the Administrator of the Corrections Division before the Board can consider an extension;]
- (b) [I] in no instance shall an extension of a prison term be recommended unless all other disciplinary options have been specifically considered and deemed to be, individually and in combination, inadequate [to] for the seriousness of the misconduct. [in terms of]
- (4) [t] The following factors shall be considered in determining whether an extension is appropriate:
- (a) [(A)E] effectiveness of the sanction as a disciplinary measure, both to the prisoner and to the general prison [er] population;
- (b) [(B)D] degree of hazard posed by the misconduct to human health and/or life, facility security, or to property;

Permanent effective 5/19/88

- (c) [(C)S] seriousness of the misconduct had it been committed in the wider community;
 - (d) [(D)C] circumstances of the misconduct; and
 - (e) [(E)T] the prisoner's prior record of institutional conduct.
- (5) [(3)] A prison term shall not be extended on a recommendation from the institution unless the misconduct can be classified within one (1) of the following four (4) categories:
- (a) hazard to human life or health;
 - (b) hazard to security;
 - (c) hazard to property; or
 - (d) third in a series of rule violations within a three month period, while assigned to any Department of Corrections program.
- [as listed in Exhibit G. The extension must be set within the range for the category of misconduct unless the Board finds aggravation or mitigation based on those factors listed in rule 255-35-005, Exhibit E. If a basis for aggravation or mitigation is found by the Board, the maximum variation allowed to a majority of the Board would be twenty-five (25) percent of the sanction recommended. Any greater variation than twenty-five (25) percent or]
- (6) [r] Resets [in excess of] under two years will be panel cases, unless it has been previously designated a Full Board case. [require concurrence by at least four (4) voting members of the Board. (See Exhibit D).]
- (7) [(4)] When the recommended extension of the prison term exceeds the prisoner's statutory good time date or the expiration, date the prison term may be extended up to one day less than the good time date or expiration date. [of the sentence the effect is to deny parole.]
- (8) [(5)] If serious misconduct occurs before a prisoner's prison term has been established and an extension of the prison term would be justified, the time for misconduct will be added to the prison term.
- (9) [(6)] If serious misconduct occurs after a prison term has been established and an extension of the prison term would be justified, [the chairperson of] the Board may take steps to postpone release and order a postponement hearing to consider extending the prison term.
- (10) The Board may extend a parole release date on its own motion, when the Board is informed of reasonable grounds to believe that a prisoner has violated a law or has engaged in serious misconduct. A fact finding hearing shall be held by a Hearings Officer to determine if the law violation or misconduct occurred.

DIVISION 50

POSTPONING [EXTENDING] A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

255-50-005

Postponing A Parole Release Date For Serious Misconduct
[Procedure for Extension of Parole Release Dates:
Required Recommendations and Guidelines; Classification
of Conduct; Amount of Time; When Parole Release Date is
Set; If After Parole Ordered]

A prison term may be extended [A parole release date may
be reset] to a later date for serious misconduct
according to the following procedure:

- (1) The institution disciplinary committee or the
Corrections Division Hearings Officer may recommend
an extension of a prisoner's parole release date as
a disciplinary sanction;
- (2) Recommendation to extend a prison term [parole
release date] shall be made according to the
following guidelines:
 - (a) The prisoner must be given an opportunity for
a disciplinary hearing and have been found to
have violated an adopted rule governing
conduct. The recommendation by the presiding
officer of the disciplinary court must be
approved by the institutional superintendent
[or Regional Manager] and the Administrator of
the Corrections Division before the Board can
consider an extension;
 - (b) In no instance shall an extension of a prison
term [parole release date] be recommended
unless all other disciplinary options have
been specifically considered and deemed to be,
individually and in combination, inadequate to
the seriousness of the misconduct in terms of
the following factors:
 - (1)[(A)] Effectiveness of the sanction as a
disciplinary measure, both to the
prisoner and to the general prisoner
population;
 - (2)[(B)] Degree of hazard posed by the misconduct
to human health and/or life, facility
security, or to property;
 - (3)[(C)] Seriousness of the misconduct had it been
committed in the wider community;

- (4)[(D)] Circumstances of the misconduct; and
- (5)[(E)] The prisoner's prior record of conduct.
- (3) A prison term [A parole release date] shall not be extended unless the misconduct can be classified within one (1) of the four (4) [following] categories as listed in Exhibit G. The extension must be set within the range for the category of misconduct unless the Board finds aggravation or mitigation based on those factors listed in Rule 255-35-035, Exhibit E. If a basis for aggravation or mitigation is found by the Board, the maximum variation allowed to a majority of the Board would be twenty-five (25) percent of the sanction recommended. Any greater variation than twenty-five (25) percent or resets in excess of two years will require concurrence by at least four (4) voting members of the Board. (See Exhibit D) [Table 1 at the end of this division];
- (4) When the recommended [amount of time recommended for the parole release date] extension of the prison term exceeds the prisoner's [sentence or] statutory good time date[,] or the expiration date of the sentence the effect is to deny parole. [An extension in the parole release date may not be beyond the prisoner's maximum statutory release date;]
- (5) If serious misconduct occurs before a prisoner's prison term [parole release date] has been established [set] and an extension of the prison term [parole release date] would be justified, the term for misconduct will be added to the prison term [release date at the time of the misconduct];
- (6) If serious misconduct occurs after a prison term has been established [parole has been ordered] and an extension of the prison term [parole release date] would be [otherwise] justified, the Chairperson of the Board may take [immediate] steps to postpone [suspend] release and order a postponement [recission] hearing to consider extending [resetting] the prison term. [release date upon receiving notice from an institution superintendent, Regional Manager, or a Board member;]
- [(7) Upon recommendation of the disciplinary committee or hearings officer, the Board may suspend imposition of the reset subject to a period of acceptable conduct.]

DIVISION 50

**EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT**

Procedure for Extension of Parole Release Dates: Required Recommendations and Guidelines; Classification of Conduct; Amount of Time; When Parole Release Date is Set; If After Parole Ordered

255-50-005 A parole release date may be reset to a later date for serious misconduct according to the following procedure:

(1) The institution disciplinary committee or the Corrections Division Hearings Officer may recommend an extension of a prisoner's parole release date as a disciplinary sanction.

(2) Recommendation to extend a parole release date shall be made according to the following guidelines:

(a) The prisoner must be given an opportunity for a disciplinary hearing and have been found to have violated an adopted rule governing conduct. The recommendation must be approved by the institutional superintendent or Regional Manager and the Administrator of the Corrections Division before the Board can consider an extension.

(b) In no instance shall an extension of a parole release date be recommended unless all other disciplinary options have been specifically considered and deemed to be, individually and in combination, inadequate to the seriousness of the misconduct in terms of the following factors:

(A) Effectiveness of the sanction as a disciplinary measure, both to the prisoner and to the general prisoner population;

(B) Degree of hazard posed by the misconduct to human health and/or life, facility security, or to property;

(C) Seriousness of the misconduct had it been committed in the wider community;

(D) Circumstances of the misconduct; and

(E) The prisoner's prior record of conduct.

(3) A parole release date shall not be extended unless the misconduct can be classified within one of the four following categories. The extension must be set within the range for the category of misconduct unless the Board finds aggravation or mitigation based on those factors listed in rule 255-35-035, Exhibit E.

If a basis for aggravation or mitigation is found by the Board, the maximum variation allowed to a majority of the Board would be 25 percent of the sanction recommended. Any greater variation than 25 percent or resets in excess of two years will require concurrence by at least four voting members of the Board. (See Table 1 at the end of this division.)

(4) When the amount of time recommended for the parole release date extension exceeds the prisoner's sentence or statutory good time date, the effect is to deny parole. An extension in the parole release date may not be beyond the prisoner's maximum statutory release date.

(5) If serious misconduct occurs before a prisoner's parole release date has been set and an extension of the parole release date would be justified, the term for misconduct will be added to the release date at the time of the misconduct.

(6) If serious misconduct occurs after a parole has been ordered and an extension of the parole release date would be otherwise justified, the chairperson of the Board may take immediate steps to suspend release and order a rescission hearing to consider resetting the release date upon receiving notice from an institution superintendent, Regional Manager, or a Board member.

(7) Upon recommendation of the disciplinary committee or hearings officer, the Board may suspend imposition of the reset subject to a period of acceptable conduct.



DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

Postponement Procedures: Hearing by Board
255-050-0010

- (1) When the Board conducts a parole postponement hearing, the following procedure shall apply:
 - (a) the Board shall give the inmate notice of the hearing and its purpose, the provisions of Division 30 as to appearance, disclosure, and record shall apply except
 - (b) an inmate may not waive his/her right to appear;
 - (c) an inmate may not relitigate facts which the institution hearings officer has found at the disciplinary hearing.
- (2) If the Board finds serous misconduct, it may be classified within one of the following four categories and the Board may extend the prison term as provided in Exhibit G:
 - (a) hazard to human life or health;
 - (b) hazard to security;
 - (c) hazard to property; or
 - (d) third in a series of rule violations within a three month period, while assigned to any Department of Corrections program.
- (3) The Board may request another hearing before the disciplinary committee originating the recommendation for extension, or choose not to extend a prison term if the Board finds that other disciplinary options are adequate for the seriousness of the misconduct, considering the factors found in OAR 255-050-0011.
- (4) The Board may continue the postponement hearing and order a psychiatric or psychological examination when it appears that a severe emotional disturbance may be present. If a psychiatrist or psychologist makes a diagnosis of present severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board may defer release to a specified future date. When deciding not to set a parole release date, the Board shall apply OAR 255-035-0030
- (5) A panel shall decide cases when a parole release date is extended for less than two years, unless OAR 255-030-0015 previously designated it a Full Board case
- (6) When the recommended extension of the prison term exceeds the inmate's statutory good time date or the sentence expiration date, the Board may extend the prison term up to two days less than the good time date or expiration date.
- (7) If the Board extends the prison term, the Board shall give the inmate:
 - (a) The final order, including a written statement of the category of misconduct, if applicable, the facts and specific reasons for the decision, including the Board members' individual votes, and
 - (b) Notice of the right to administrative appeal pursuant to Division 80

Statutory Authority: ORS 144-125, 144-223

History (2/1/79, 5/31/85, 5/19/88, 11/1/89, 10/9/92, 03/14/97, notice 10-14-98, 1-15-99)

permanent effective 1/15/99

DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

Postponement Procedures: Hearing by Board
255-050-0010

- (1) When the Board conducts a parole postponement hearing, the following procedure shall apply:
 - (a) the Board shall give the inmate notice of the hearing and its purpose; the provisions of Division 30 as to appearance, disclosure, and record shall apply except:
 - (b) an inmate may not waive his/her right to appear;
 - (c) an inmate may not relitigate facts which the institution hearings officer has found at the disciplinary hearing.
- (2) If the Board finds serious misconduct, it may be classified within one of the following four categories and the Board may extend the prison term as provided in Exhibit G:
 - (a) hazard to human life or health;
 - (b) hazard to security;
 - (c) hazard to property; or
 - (d) third in a series of rule violations within a three month period, while assigned to any Department of Corrections program.
- (3) The Board may request another hearing before the disciplinary committee originating the recommendation for extension, or choose not to extend a prison term if the Board finds that other disciplinary options are adequate for the seriousness of the misconduct, considering the factors found in OAR 255-50-011.
- (4) The Board may continue the postponement hearing and order a psychiatric or psychological examination when it appears that a severe emotional disturbance may be present. If a psychiatrist or psychologist makes a diagnosis of present severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board may defer release to a specified future date. When deciding not to set a parole release date, the Board shall apply OAR 255-35-030.
- (5) A panel shall decide cases when a parole release date is extended for less than two years, unless OAR 255-30-015 previously designated it a Full Board case.
- (6) When the recommended extension of the prison term exceeds the inmate's statutory good time date or the sentence expiration date, the Board may extend the prison term up to two days less than the good time date or expiration date.
- (7) If the Board extends the prison term, the Board shall give the inmate:
 - (a) The final order, including a written statement of the category of misconduct, if applicable, the facts and specific reasons for the decision, including the Board members' individual votes; and
 - (b) Notice of the right to administrative appeal pursuant to Division 80.

Statutory Authority: ORS 144.125, 144.223

History: (2/1/79; 5/31/85; 5/19/88; 11/1/89; 10/9/92, 03/14/97)

Permanent effective 3/14/97

Postponement Procedures: Hearing by Board
255-50-010

- (1) When the Board conducts a parole postponement hearing [is held], the following procedure [will] shall apply:
 - (a) the Board shall give the prisoner [shall be given] notice of the hearing[,] and its purpose; the provisions of Division 30 as to appearance, disclosure, and record shall apply except:
 - (b) a prisoner may not waive his/her right to appear;
 - (c) a prisoner may not relitigate facts which the institution hearings officer has [have been] found at the [institution's] disciplinary hearing.
- (2) If the Board finds serious misconduct [is found], it [will] may be classified within one of the following four categories and the Board may extend the prison term [may be extended] as provided in Exhibit G:
 - (a) hazard to human life or health;
 - (b) hazard to security;
 - (c) hazard to property; or
 - (d) third in a series of rule violations within a three month period, while assigned to any Department of Corrections program.
- (3) The Board may request [that the prisoner be given] another hearing before the disciplinary committee originating the recommendation for extension, or choose not to extend a prison term if the Board finds that other disciplinary options are adequate for the seriousness of the misconduct, considering the factors found in rule 255-50-011.
- (4) The Board may continue the postponement hearing and order a psychiatric or psychological examination when it appears that a severe emotional disturbance may be present. If [there is] a psychiatrist or psychologist makes a [psychiatric or psychological] diagnosis of present severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board may defer release to a specified future date. [In choosing] When deciding not to set a parole release date, the Board shall apply [rule] OAR 255-35-030 [shall apply].
- (5) [Resets under] A panel shall decide cases when a parole release date is extended for less than two years [will be panel cases], unless OAR 255-30-015 [it has been] previously designated it a Full Board case.
- (6) When the recommended extension of the prison term exceeds the prisoner's statutory good time date or the sentence expiration date, the Board may extend the prison term [may be extended] up to [one day] two days less than the good time date or expiration date.
- (7) If the Board extends the prison term, the Board shall give the prisoner [shall be given]:
 - (a) The final order, including a written statement of the category of misconduct, if applicable, the facts and specific reasons for the decision, including the Board members' individual votes [of the Board members]; and
 - (b) Notice of the right to administrative appeal pursuant to Division 80.

Postponement Procedures: Hearing by Board; Board Action
255-50-010

[(1)] (1) When the Board is notified by the Director of the Department of Corrections that an extension of a prison term has been recommended, the Board may consider the recommendation by administrative file pass or a hearing may be scheduled.]

[(2)](1) When a parole postponement hearing is held, the following procedure will apply:

(a) the prisoner shall be given notice of the hearing, and its purpose; the provisions of Division 30 as to appearance, disclosure, and record shall apply except [;]

(b) a prisoner may not waive his/her right to appear;

(c) a prisoner may not relitigate facts which have been found at the institution's disciplinary [court] hearing.

[(3)](2) If serious misconduct is found, it will be classified within one of the following four categories and the prison term may be extended as provided in Exhibit G.:

(a) hazard to human life or health;

(b) hazard to security;

(c) hazard to property; or

(d) third in a series of rule violations within a three month period, while assigned to any Department of Corrections program.

[(4)](3) The Board may request that the prisoner be given another hearing before the disciplinary committee originating the recommendation for extension, or choose not to extend a prison term if the Board finds that other disciplinary options are adequate for the seriousness of the misconduct, considering the factors found in rule 255-50-005.

[(5)](4) The Board may continue the postponement hearing and order a psychiatric or psychological examination when it appears that a severe emotional disturbance may be present. If there is a psychiatric or psychological diagnosis of present severe emotional disturbance, such as to constitute a danger to the health [and] or safety of the community, the Board may defer release to a specified future date. In choosing not to set a parole release date, rule 255-35-030 shall apply [control].

(5) Resets under two years will be panel cases, unless it has been previously designated a Full Board case.

(6) When the recommended extension of the prison term exceeds the prisoner's statutory good time date or the sentence expiration date, the prison term may be extended up to one day less than the good time date or expiration date.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

- [(6)](7) If the Board extends the prison term, the prisoner shall be given:
- (a) The final order including, [A] a written statement of the category of misconduct, if applicable, the facts and specific reasons for the decision, including the individual votes of the Board members; and
 - (b) Notice of the right to administrative appeal pursuant to [under] Division 80.

Permanent effective 11/1/89

Postponing a Release Date

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

Postponement Procedures: Hearing by Board; Board Action
255-50-010

- (1) When the Board is notified by the Director [Administrator] of the Department of Corrections [Division] that an extension of a prison term has been recommended, the Board may consider the recommendation by administrative file pass or a hearing may be scheduled. [, a panel or the Full Board may conduct a hearing to determine whether the misconduct requires extension. The recommendation also may be resolved by Administrative File Pass.]
- (2) When a hearing is [to be] held, the following procedure will apply:
- (a) [T] the prisoner shall be given notice of the hearing, and its purpose; the provisions of Division 30 as to appearance, disclosure, and record shall apply;
- (b) [A] a prisoner may not waive his/her right to appear;
- (c) [A] a prisoner may not relitigate facts which have been found at the institution disciplinary court.
- (3) [(2)] Serious misconduct is classified within one of the following four categories:
- (a) hazard to human life or health;
- (b) hazard to security;
- (c) harzad to property; or
- (d) third in a series of rule violations within a three month period, while assigned to any Department of Corrections program.
- [listed in Exhibit G.]
- (4) [(3)] The Board may request that the prisoner be given another hearing before the disciplinary committee originating the recommendation for extension, or choose not to extend a prison term if the Board [does not] finds that [all] other disciplinary options are [in]adequate [to] the seriousness of the misconduct, considering the factors found in rule 255-50-005. *for*

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

- (5) [(4)] The Board may continue the postponement hearing and order a psychiatric or psychological examination when it appears that a severe emotional disturbance may be present. If there is a psychiatric or psychological diagnosis of present severe emotional disturbance, such as to constitute a danger to the health and safety of the community [himself, others], the Board may defer release to a specified future date. In choosing not to set a parole release date, rule 255-35-030 shall control.
- (6) [(5)] If the Board extends the prison term, the prisoner shall be given:
- (a) A written statement of the facts and specific reasons for the decision, including the individual votes of the Board members; and
 - (b) Notice of the right to administrative appeal under Division 80.

Postponement [Reset] Procedures: Hearing by Board;
Board Action

- (1) When the Board is notified by the Administrator of the Corrections Division that an extension of a prison term [prisoner's parole release date] has been recommended, a [duly constituted] panel or the Full Board may [of the Board shall] conduct a hearing to determine whether the misconduct requires extension. [was serious;] The recommendation also may be resolved by Administrative File Pass. When a hearing is to be held the following procedure will apply:
 - (a) The prisoner shall be given notice of the hearing and its purpose; the provisions of Division 30 as to appearance, disclosure, and record shall apply;
 - (b) A prisoner may not waive his/her right to appear; [in writing or by voluntary absence from the institution;]
 - (c) A prisoner may not relitigate facts which have been found at the institution disciplinary court. [he/she has had a full opportunity to contest and have been decided against him/her in another forum.]
- (2) Serious misconduct is [misconduct which the Board] classified within one of the four categories listed in Exhibit G. [Rule 255-50-005.]
- (3) The Board may request the prisoner be given another hearing before the disciplinary committee originating the recommendation for extension [reset,] or choose not to extend a prison term [parole release date] if the Board does not find that all other disciplinary options are inadequate to the seriousness of the misconduct, considering the [following] factors found in 255-50-005.
 - [(a) Effectiveness of the sanction as a disciplinary measure, both to the inmate and to the general institution population;
 - (b) Degree of hazard posed by the misconduct to human health and/or life, institution security, or to property;
 - (c) Seriousness of the misconduct had it been committed in the wider community;
 - (d) The prisoner's prior record of conduct]

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

Reset Procedures: Hearing by Board; Board Action

255-50-010 (1) When the Board is notified by the Administrator of the Corrections Division that an extension of a prisoner's parole release date has been recommended, a duly constituted panel of the Board shall conduct a hearing to determine whether the misconduct was serious.

(a) The prisoner shall be given notice of the hearing and its purpose; the provisions of division 30 as to appearance, disclosure, and record shall apply.

(b) A prisoner may waive his/her right to appear in writing or by voluntary absence from the institution.

(c) A prisoner may not relitigate facts which he/she has had a full opportunity to contest and have been decided against him/her in another forum.

(2) Serious misconduct is misconduct which the Board classified within one of the four categories listed in rule 255-50-005.

(3) The Board may request the prisoner be given another hearing before the disciplinary committee originating the recommendation for reset, or choose not to extend a parole release date if the Board does not find that all other disciplinary options are inadequate to the seriousness of the misconduct, considering the following factors:

(a) Effectiveness of the sanction as a disciplinary measure, both to the inmate and to the general institution population;

(b) Degree of hazard posed by the misconduct to human health and/or life, institution security, or to property;

(c) Seriousness of the misconduct had it been committed in the wider community;

(d) The prisoner's prior record of conduct.

(4) The Board may continue the reset hearing and order a psychiatric examination when it appears that a severe emotional disturbance is present. If there is a psychiatric or psychological diagnosis of present severe emotional disturbance, the Board may defer release to a specified future date. In choosing not to set a parole release date, rule 255-35-025 shall control.

(5) If the Board resets a parole release date, the prisoner shall be given:

(a) A written statement of the facts and specific reasons for the decision, including the individual votes of the Board members; and

(b) Notice of the right to administrative appeal under division 80.

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



DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

Department of Corrections Report of Misconduct
255-050-0011

- (1) The Director of the Department of Corrections or designee may recommend an extension of an inmate's parole release date as a disciplinary sanction.
- (2) The following guidelines shall apply to a recommendation to extend a prison term:
 - (a) The Department shall have provided the inmate an opportunity for a Department of Corrections disciplinary hearing, and found the inmate to have violated a rule governing prohibited inmate conduct; and
 - (b) The Department shall not recommend an extension of a prison term unless all other disciplinary options have been specifically considered and deemed, individually and in combination, inadequate for the seriousness of the misconduct.
- (3) The Department shall consider the following factors in determining whether an extension is appropriate:
 - (a) effectiveness of the sanction as a disciplinary measure, both to the prisoner and to the general prison population;
 - (b) degree of hazard posed to human health or life, facility security, or to property;
 - (c) seriousness of the misconduct had it been committed in the wider community;
 - (d) circumstances of the misconduct; and
 - (e) the inmate's prior record or institutional conduct.
- (4) The Board of Parole and Post-Prison Supervision shall not extend a prison term on a recommendation from the institution unless the recommendation classifies the misconduct within one (1) of the following four (4) categories:
 - (a) hazard to human life or health;
 - (b) hazard to security;
 - (c) hazard to property; or
 - (d) third in a series of rule violations within a three month period, while assigned to any Department of Corrections program.

Statutory Authority ORS 144.125, 144.223

History: (11/1/89; 10/9/92, 03/14/97, 1/15/99)

Permanent effective 1/15/99

DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

Department of Corrections Report of Misconduct
255-050-0011

- (1) The Director of the Department of Corrections or designee may recommend an extension of an inmate's parole release date as a disciplinary sanction.
- (2) The following guidelines shall apply to a recommendation to extend a prison term:
 - (a) The Department shall have provided the inmate an opportunity for a Department of Corrections disciplinary hearing, after which the Department has found the inmate violated a rule governing conduct: and
 - (b) The Department shall not recommend an extension of a prison term unless all other disciplinary options have been specifically considered and deemed, individually and in combination, inadequate for the seriousness of the misconduct.
- (3) The Department shall consider the following factors in determining whether an extension is appropriate:
 - (a) effectiveness of the sanction as a disciplinary measure, both to the prisoner and to the general prison population;
 - (b) degree of hazard posed to human health or life, facility security, or to property;
 - (c) seriousness of the misconduct had it been committed in the wider community;
 - (d) circumstances of the misconduct; and
 - (e) the inmate's prior record or institutional conduct.
- (4) The Board of Parole and Post-Prison Supervision shall not extend a prison term on a recommendation from the institution unless the recommendation classifies the misconduct within one (1) of the following four (4) categories:
 - (a) hazard to human life or health;
 - (b) hazard to security;
 - (c) hazard to property; or
 - (d) third in a series of rule violations within a three month period, while assigned to any Department of Corrections program.

Statutory Authority ORS 144.125, 144.223
History: (11/1/89; 10/9/92, 03/14/97)

Permbent effective 3/14/97

Department of Corrections Report of Misconduct
255-50-011

- (1) The Director of the Department of Corrections or designee may recommend an extension of a prisoner's parole release date as a disciplinary sanction.
- (2) The following guidelines shall apply to [A] a recommendation to extend a prison term [shall be made according to the following guidelines]:
 - (a) The Department shall have provided the prisoner [must be given] an opportunity for a Department of Corrections disciplinary hearing, after which the Department has found the prisoner [and have been found to have] violated a rule governing conduct; and
 - (b) [in no instance shall] The Department shall not recommend an extension of a prison term [be recommended] unless all other disciplinary options have been specifically considered and deemed [to be], individually and in combination, inadequate for the seriousness of the misconduct.
- (3) The Department shall consider the following factors [shall be considered] in determining whether an extension is appropriate:
 - (a) effectiveness of the sanction as a disciplinary measure, both to the prisoner and to the general prison population;
 - (b) degree of hazard posed to human health or life, facility security, or to property;
 - (c) seriousness of the misconduct had it been committed in the wider community;
 - (d) circumstances of the misconduct; and
 - (e) the prisoner's prior record of institutional conduct.
- (4) The Board of Parole and Post-Prison Supervision shall not extend [A] a prison term [shall not be extended] on a recommendation from the institution unless the recommendation classifies the misconduct [can be classified] within one (1) of the following four (4) categories:
 - (a) hazard to human life or health;
 - (b) hazard to security;
 - (c) hazard to property; or
 - (d) third in a series of rule violations within a three month period, while assigned to any Department of Corrections program.

History: (11/1/89; 10/9/92)

10/9/92

45

Serious Misconduct

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

Department of Corrections Report of Misconduct
255-50-011

- [(2)](1) The Director of the Department of Corrections or designee may recommend an extension of a prisoner's parole release date as a disciplinary sanction.
- [(3)](2) A recommendation to extend a prison term shall be made according to the following guidelines:
- (a) the prisoner must be given an opportunity for a Department of Corrections disciplinary hearing, and have been found to have violated a rule governing conduct; and
 - (b) in no instance shall an extension of a prison term be recommended unless all other disciplinary options have been specifically considered and deemed to be, individually and in combination, inadequate for the seriousness of the misconduct.
- [(4)](3) The following factors shall be considered in determining whether an extension is appropriate:
- (a) effectiveness of the sanction as a disciplinary measure, both to the prisoner and to the general prison population;
 - (b) degree of hazard posed [by the misconduct] to human health [and/] or life, facility security, or to property;
 - (c) seriousness of the misconduct had it been committed in the wider community;
 - (d) circumstances of the misconduct; and
 - (e) the prisoner's prior record of institutional conduct.
- [(5)](4) A prison term shall not be extended on a recommendation from the institution unless the misconduct can be classified within one (1) of the following four (4) categories:
- (a) hazard to human life or health;
 - (b) hazard to security;
 - (c) hazard to property; or
 - (d) third in a series of rule violations within a three month period, while assigned to any Department of Corrections program.

Permanent effective 11/1/89

Postponing a Release Date

DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

Postponement When Informed of Reasonable Grounds
255-050-0012

- (1) The Board may rescind the parole release date when the Board is informed of reasonable grounds to believe that an inmate has violated a law or has engaged in serious misconduct. A fact-finding hearing shall be held by a Department of Corrections hearings officer to determine if the law violation or misconduct occurred. However, if the inmate has received an additional sentence to the Department of Corrections custody, no hearing is required.

Statutory Authority: ORS 144.125, 144.223
History: (11/1/89, 03/14/97)

03/14/97

Serious Misconduct

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

Postponement When Informed of Reasonable Grounds
255-50-012

[(10)](1) The Board may [extend a parole release date on its own motion,] rescind the parole release date when the Board is informed of reasonable grounds to believe that a prisoner has violated a law or has engaged in serious misconduct. A fact finding hearing shall be held by a Department of Corrections hearings officer to determine if the law violation or misconduct occurred. However, if the prisoner has received an additional sentence to the Department of Corrections custody, no hearing is required.

Permanent effective 11/1/89

Postponing a Release Date



DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

Postponement for Refusing to Participate in a Psychiatric
or Psychological Evaluation
255-050-0013

- (1) The Board may postpone a parole release date until a specified future date when an inmate has refused to participate in a psychiatric or psychological evaluation, which the Board ordered pursuant to ORS 144.223, prior to the inmate's release on parole.
- (2) When the Board rescinds a parole release date under this section, the Board shall conduct a hearing to postpone the inmate's release date.
- (3) The Board may postpone the parole release date up to two days before the inmate's good time date.

Statutory Authority: ORS 144.050, 144.140, 144.125, 144.223
History: (5/19/88; 11/1/89, 1/13/92, 10/9/92, 03/14/97, NOTICE 10/14/98,
1/15/99)

Permanent effective 1/15/99

DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

**Postponement for Refusing to Participate in a Psychiatric
or Psychological Evaluation**
255-050-0013

- (1) The Board may postpone a parole release date until a specified future date when a prisoner has refused to participate in a psychiatric or psychological evaluation, which the Board ordered pursuant to ORS 144.223, prior to the prisoner's release on parole.
- (2) When the Board rescinds a parole release date under this section, the Board shall conduct a hearing to postpone the inmate's release date.
- (3) The Board may postpone the parole release date up to two days before the prisoner's good time date.

Statutory Authority: ORS 144.050, 144.140, 144.125, 144.223
History: (5/19/88; 11/1/89; 1/13/92; 10/9/92, 03/14/97)

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

Postponement for Refusing to Participate in a Psychiatric
or Psychological Evaluation
255-50-013

- (1) The Board may postpone a parole release date until a specified future date when a prisoner has refused to participate in a psychiatric or psychological evaluation, which [was] the Board ordered [by the Board] pursuant to ORS 144.223, prior to the prisoner's release on parole.
- (2) When the Board rescinds a parole release date [is rescinded] under this section, the Board shall conduct a hearing to postpone the prisoner's release date.
- (3) The Board may postpone the parole release date up to two days before the prisoner's goodtime date.

Statutory Authority: (ORS 144.050, 144.140, 144.125, 144.223)

History: (5/19/88; 11/1/89; 1/13/92; 10/9/92)

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

Postponement for Refusing to Participate in a Psychiatric
or Psychological Evaluation
255-50-013

- (1) The Board may postpone a parole release date until a specified future date when a prisoner has refused to participate in psychiatric or psychological evaluation, which was ordered by the Board pursuant to ORS 144.223, prior to the prisoner's release on parole.
- (2) When a parole release date is rescinded under this section, the Board shall conduct a hearing to postpone the prisoner's release date.
- (3) The Board may postpone the parole release date up to [one day] two days before the prisoner's goodtime date.

Statutory Authority: (ORS 144.050, 144.140, 144.125, 144.223)
History: (5/19/88; 11/1/89; 1/13/92)

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

Postponement for Refusing to Participate in a Psychiatric or
Psychological Evaluation
255-50-013

- (1) [Notwithstanding rules 255-50-005 and 255-50-010, t] [The Board may [administratively] postpone a parole release date until a specified future date [rescind a parole release date for serious misconduct,] when a prisoner has refused to participate in psychiatric or psychological evaluation, which was ordered by the Board pursuant to ORS [144.125(3)] 144.223, prior to the prisoner's release on parole.
- (2) When a parole release date is rescinded under this section, the Board shall conduct a hearing to postpone the prisoner's release date.
- (3) The Board may postpone the parole release date up to one day before the prisoner's goodtime date.

Permanent effective 11/1/89

Postponing a Release Date

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

Postponement for Refusing to Participate in a Psychiatric or
Psychological Evaluation
255-50-013

- (1) Notwithstanding rules 255-50-005 and 255-50-010, the Board may administratively rescind a parole release date for serious misconduct, when a prisoner has refused to participate in psychiatric or psychological evaluation, which was ordered by the Board pursuant to ORS 144.125(3), prior to the prisoner's release on parole.
- (2) When a parole release date is rescinded under this section, the Board shall conduct a hearing to postpone the prisoner's release date.
- (3) The Board may postpone the parole release date up to one day before the prisoner's goodtime date.



DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

Unauthorized Absence

255-050-0015

- (1) The parole release date of an inmate who is on unauthorized absence from a correctional facility shall be rescinded automatically. The Board may schedule a hearing when the inmate is available or the Board may administratively reset the parole release date by adding the inoperative time to the prison term.
- (2) The Board or its designee shall add the inoperative time to the prison term in the following manner:
 - (a) If the unauthorized absence occurs prior to the parole release date and the inmate returns to custody of the Department of Corrections after the parole release date:
 - (A) Count the first day of unauthorized absence and every day up to the parole release date.
 - (B) Add the total number of days determined in (A) of this subsection to the date of return to the Department of Corrections' custody following a hold in another in-state or out of state jurisdiction.
 - (b) If the unauthorized absence occurs prior to the parole release date and the inmate returns to the Department of Corrections' custody prior to the parole release date:
 - (A) Count the first day of unauthorized absence and every day up to the date of return to the Department of Corrections following a hold in another in state or out-of-state jurisdiction
 - (B) Add the total number of days determined in (A) of this subsection to the previous parole release date
 - (c) If the Board deferred the initial parole release date to a specific future date that specific future date shall be used for purposes of calculations pursuant to section (2) of this rule.

Statutory Authority: ORS 144.125, 144.223

History: (2/1/79; 2/15/81; 11/25/81, temporary; 5/19/82; 5/31/85; 5/19/88; 12/6/88; 11/1/89; 10/9/92, 03/14/97, NOTICE 10/14/98, 1/15/99)

Permanent effective 1/15/99

DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

Unauthorized Absence

255-050-0015

- (1) The parole release date of an inmate who is on unauthorized absence from a correctional facility shall be rescinded automatically. The Board may schedule a hearing when the inmate is available or the Board may administratively reset the parole release date by adding the inoperative time to the prison term.
- (2) The Board or its designee shall add the inoperative time to the prison term in the following manner:
 - (a) If the unauthorized absence occurs prior to the parole release date and the prisoner returns to custody of the Department of Corrections after the parole release date:
 - (A) Count the first day of unauthorized absence and every day up to the parole release date.
 - (B) Add the total number of days determined in (A) of this subsection to the date of return to the Department of Corrections' custody following a hold in another in-state or out-of-state jurisdiction.
 - (b) If the unauthorized absence occurs prior to the parole release date and the prisoner returns to the Department of Corrections' custody prior to the parole release date:
 - (A) Count the first day of unauthorized absence and every day up to the date of return to the Department of Corrections following a hold in another in-state or out-of-state jurisdiction.
 - (B) Add the total number of days determined in (A) of this subsection to the previous parole release date.
 - (c) If the Board deferred the initial parole release date to a specific future date that specific future date shall be used for purposes of calculations pursuant to section (2) of this rule.

Statutory Authority: ORS 144.125, 144.223
History: (2/1/79; 2/15/81; 11/25/81, temporary; 5/19/82; 5/31/85; 5/19/88;
12/6/88; 11/1/89; 10/9/92, 03/14/97)

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

Unauthorized Absence

255-50-015

- (1) The Board or its designee shall administratively rescind [T]the parole release date of a prisoner who is on unauthorized absence from a correctional facility [shall be administratively rescinded by a majority of the Board]. The Board may schedule a [A] hearing [may be scheduled] when the prisoner is available or the Board may administratively reset the parole release date by adding the inoperative time to the prison term.
- (2) The Board or its designee shall add the [I]inoperative time [shall be added] to the prison term in the following manner:
 - (a) If the unauthorized absence occurs prior to the parole release date and the prisoner returns to custody of the Department of Corrections after the parole release date:
 - (A) Count the first day of unauthorized absence and every day up to the parole release date.
 - (B) Add the total number of days determined in (A) of this subsection to the date of return to the Department of Corrections' custody [of the Department of Corrections] following a hold in another in-state or out-of-state jurisdiction.
 - (b) If the unauthorized absence occurs prior to the parole release date and the prisoner returns to the Department of Corrections' custody [of the Department of Corrections] prior to the parole release date:
 - (A) Count the first day of unauthorized absence and every day up to the date of return to the Department of Corrections following a hold in another in-state or out-of-state jurisdiction.
 - (B) Add the total number of days determined in (A) of this subsection to the previous parole release date.
 - (c) If the Board deferred the initial parole release date [was deferred] to a specific future date that specific future date shall be used for purposes of calculations pursuant to section (2) of this rule.

History: (2/1/79; 2/15/81; 11/25/81, temporary; 5/19/82; 5/31/85; 5/19/88; 12/6/88; 11/1/89; 10/9/92)

Permanent effective 10/9/92

[Rescission of Parole:] Unauthorized Absence; [Law Violation]
255-50-015

[(1)] The Board may administratively rescind a parole release date when the Board is informed of reasonable grounds to believe a person has violated a law or otherwise engaged in serious misconduct. A fact-finding hearing shall be held by a Hearings Officer to determine if the law violation or serious misconduct occurred. However, if the prisoner has received an additional sentence, no hearing is required.]

[(2)](1) The parole release date of a prisoner who is on unauthorized absence from a correctional facility shall be administratively rescinded by a majority of the Board. A hearing may be scheduled when the prisoner is available or the Board may administratively reset the parole release date by adding the inoperative time to the prison term.

[(3)](2) Inoperative time shall be added to the prison term in the following manner:

(a) If the unauthorized absence occurred prior to the parole release date and the prisoner returned to custody of the Department of Corrections after the parole release date:

(A) Count the first day of unauthorized absence and every day up to the parole release date.

(B) Add the total number of days determined in (A) of this subsection to the date of [availability for] return to custody of the Department of Corrections following a hold in another in-state or out-of-state jurisdiction.

(b) If the unauthorized absence occurred prior to the parole release date and the prisoner returned to custody of the Department of Corrections prior to the parole release date:

(A) Count the first day of unauthorized absence and every day up to the date of [availability for] return to the Department of Corrections following a hold in another in-state or out-of-state jurisdiction.

(B) Add the total number of days determined in (A) of this subsection to the previous parole release date.

(c) [For purposes of calculations pursuant to subsection (3) of this section i] If the initial parole release date was deferred to a specific future date that specific future date [is the parole release date] shall be used for purposes of calculations pursuant to section (2) of this rule.

Permanent effective 11/1/89

DIVISION 50

Rescission of Parole: Unauthorized Absence; Law Violation
255-50-015

- (1) The Board may administratively rescind a parole release date [when] at any time after the Board is informed of reasonable grounds to believe a person has violated a law or otherwise engaged in serious misconduct. A fact-finding hearing shall be held by a Hearings Officer to determine if the law violation or serious misconduct occurred. However, if the prisoner has received an additional sentence, no hearing is required.
- (2) The parole release date of a prisoner who is on unauthorized absence from a correctional facility shall be administratively rescinded by a majority of the Board. A hearing may be scheduled when the prisoner is available or the Board may administratively reset the parole release date by adding the inoperative time to the prison term.
- (3) Inoperative time shall be added to the prison term in the following manner:
 - (a) If the unauthorized absence occurs prior to the parole release date and the prisoner returns to custody of the Department of Corrections after the parole release date:
 - (A) Count the first day of unauthorized absence and every day up to the parole release date.
 - (B) Add the total number of days determined in (A) of this subsection to the date of availability for return to custody of the Department of Corrections following a hold in another in-state or out-of-state jurisdiction.
 - (b) If the unauthorized absence occurs prior to the parole release date and the prisoner returns to custody of the Department of Corrections prior to the parole release date:
 - (A) Count the first day of unauthorized absence and every day up to the date of availability for return to the Department of Corrections following a hold in another in-state or out-of-state jurisdiction.
 - (B) Add the total number of days determined in (A) of this subsection to the previous parole release date.
 - (c) For purposes of calculations pursuant to subsection (3) of this section if the initial parole release date was deferred to a specific future date that specific future date is the parole release date.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

Rescission of Parole: [Voluntary] Unauthorized Absence; Law
Violation
255-50-015

- (1) The Board may administratively rescind a parole release date when the Board is informed of reasonable grounds to believe a person has violated a law or otherwise engaged in serious misconduct. A fact-finding hearing shall be held by a Hearings Officer to determine if the law violation or serious misconduct [did] occurred. However, if the prisoner has received an additional sentence, no hearing is required.

- (2) The parole release date of a prisoner who is on unauthorized absence [voluntarily absent] from a correctional facility shall be administratively rescinded by a majority of the Board. [voided by the chairperson.] A hearing may be scheduled when the prisoner is available or the Board may administratively reset the parole release date by adding the inoperative time to the prison term.

DIVISION 50

POSTPONING [EXTENDING] A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

255-50-015 Rescission of Parole: Voluntary Absence [Hearing;
Suspension of Release]

- (1) The Chairperson may, on his/her own motion or upon notification by the Chief of Release Services, suspend the release date of a prisoner when there is reason to believe the person has engaged in serious misconduct. Suspension shall be for such time as is reasonably necessary to conduct the rescission hearing and make a decision.
- (2) The Board may rescind a parole after it has been ordered but prior to release from custody based upon the written findings of either the institution disciplinary committee or a hearing conducted at the order of the Chairperson. The Board shall also consider the recommendation for disposition provided by the institution superintendent, Regional Manager, Parole Board members or Parole Board Hearings Officer. Action to rescind parole shall be taken by a panel of the Board.]
- (1) [(3)] The Board may administratively rescind a parole release date [after it has been ordered and after release from custody] when the Board is informed of reasonable grounds to believe a person has violated a law. [prior to the parole release date and knowledge of the law violation was not known by the Board on the date of the Order of Parole. Upon the order of the Chairperson,] A [a] factfinding hearing shall be held by [a Parole Board member or Parole Board] Hearings Officer to determine if the law violation did occur.
- (2) [(4)] The parole release [order] of a prisoner who is voluntarily absent from a facility shall be voided by the Chairperson. A [rescission] hearing may [shall] be scheduled when the prisoner is available.

- (4) The Board may continue the postponement [reset] hearing and order a psychiatric or psychological examination when it appears that a severe emotional disturbance may be [is] present. If there is a psychiatric or psychological diagnosis of present severe emotional disturbance, such as to constitute a danger to himself, others, the Board may defer release to a specified future date. In choosing not to set a parole release date, Rule 255-35-030 [025] shall control.
- (5) If the Board extends the prison term, [resets a parole release date] the prisoner shall be given:
- (a) A written statement of the facts and specific reasons for the decision, including the individual votes of the Board members; and
 - (b) Notice of the right to Administrative appeal under Division 80.

Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

Rescission of Parole: Hearing, Suspension of Release 255-50-015 (1) The Chairperson may, on his/her own motion or upon notification by the Chief of Release Services, suspend the release date of a prisoner when there is reason to believe the person has engaged in serious misconduct. Suspension shall be for such time as is reasonably necessary to conduct the rescission hearing and make a decision.

(2) The Board may rescind a parole after it has been ordered but prior to release from custody [by conducting a rehearing under the procedures of Division 30, upon recommendation of an institution Superintendent, Regional Manager, or a Board member, and with the concurrence of three voting members of the Board]. based upon the written findings of either the institution disciplinary committee or a hearing conducted at the order of the Chairperson. The Board shall also consider the recommendation for disposition provided by the institution Superintendent, Regional Manager, Parole Board members or Parole Board Hearings Officer. Action to rescind parole shall be taken by a panel of the Board.

(3) The Board may rescind a parole after it has been ordered and after release from custody when the Board is informed of reasonable grounds to believe a person has violated a law prior to [his] the parole release date and knowledge of the law violation was not known by the Board on the date of the Order of Parole. Upon [concurrence of three Board members] the order of the Chairperson, a fact-finding hearing shall be held [pursuant to the procedures set

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

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

forth in Division 75 of these rules pertaining to revocation of parole to determine if the law violation did occur]. by a Parole Board Member or Parole Board Hearings Officer to determine if the law violation did occur.

(4) The parole order of a prisoner who is voluntarily absent from a facility shall be voided by the Chairperson. A Rescission Hearing shall be scheduled when the prisoner is available.

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

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

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

255-50-015(1) The chairperson may, on his own motion or upon notification by the Chief of Release Services, suspend the release date of a prisoner when there is reason to believe the person has engaged in serious misconduct. Suspension shall be for such time as is reasonably necessary to conduct the rescission hearing and make a decision.

- (2) The Board may rescind a parole after it has been ordered but prior to release from custody by conducting a rehearing under the procedures of division 30, upon recommendation of an institution superintendent, Regional Manager, or a Board member, and with the concurrence of three voting members of the Board.
- (3) The Board may rescind a parole after it has been ordered and after release from custody when the Board is informed of reasonable grounds to believe a person has violated a law prior to his parole release date and knowledge of the law violation was not known by the Board on the date of the Order of Parole. Upon concurrence of three Board members, a fact finding hearing shall be held pursuant to the procedures set forth in Division 75 of these rules pertaining to revocation of parole to determine if the law violation did occur.
- (4)[(3)] The parole order of a prisoner who is voluntarily absent from a facility shall be voided by the chairperson. A rescission hearing shall be scheduled when the prisoner is available.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

**EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT**

- 255-50-015(1) The chairperson may, on his own motion or upon notification by the Chief of Release Services, suspend the release date of a prisoner when there is reason to believe the person has engaged in serious misconduct. Suspension shall be for such time as is reasonably necessary to conduct the rescission hearing and make a decision.
- (2) The Board may rescind a parole after it has been ordered but prior to release from custody by conducting a rehearing under the procedures of division 30, upon recommendation of an institution superintendent, Regional Manager, or a Board member, and with the concurrence of three voting members of the Board.
- (3) The Board may rescind a parole after it has been ordered and after release from custody when the Board is informed of reasonable grounds to believe a person has violated a law prior to his parole release date and knowledge of the law violation was not known by the Board on the date of the Order of Parole. Upon concurrence of three Board members, a fact finding hearing shall be held pursuant to the procedures set forth in Division 75 of these rules pertaining to revocation of parole to determine if the law violation did occur.
- (4)[(3)] The parole order of a prisoner who is voluntarily absent from a facility shall be voided by the chairperson. A rescission hearing shall be scheduled when the prisoner is available.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

**EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT**

Rescission of Parole: Hearing; Suspension of Release

255-50-015 (1) The chairperson may, on his/her own motion or upon notification by the Chief of Release Services, suspend the release date of a prisoner when there is reason to believe the person has engaged in serious misconduct. Suspension shall be for such time as is reasonably necessary to conduct the rescission hearing and make a decision.

(2) The Board may rescind a parole after it has been ordered but prior to release from custody by conducting a rehearing under the procedures of division 30, upon recommendation of an institution superintendent, Regional Manager, or a Board member, and with the concurrence of three voting members of the Board.

(3) The parole order of a prisoner who is voluntarily absent from a facility shall be voided by the chairperson. A rescission hearing shall be scheduled when the prisoner is available.

1 - Div. 50

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

Permanent effective 2/1/79



OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

[Postponement Procedure: Unauthorized Absence; Law Violation
255-50-016

The procedure for a postponement hearing shall be in accordance with the provisions of rule 255-50-010. (2).]

Repealed

Permanent effective 11/1/89

Postponing a Release Date

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

Postponement Procedure:[Voluntary] Unauthorized Absence; Law
Violation
255-50-016

The procedure for a postponement hearing shall be in accordance with the provisions of rule 255-50-010 (2).

Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

255-50-016 Postponement Procedure; Voluntary Absence

The procedure for a Postponement [Rescission] Hearing shall be in accord with the provisions of 255-50-010.
[Division 30]

Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

255-50-016 Procedure.

The procedure for a Rescission Hearing shall be in accord with
the provisions of Division 30.

Permanent effective 5/19/82

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

255-50-016 Procedure.

The procedure for a Rescission Hearing shall be in accord with
the provisions of Division 75.

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



OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

[255-50-017 Waiver

The provisions for waiving a Rescission Hearing shall be those outlined in OAR 255-75-030, with the exception of those situations which involve involuntary absence from a correctional facility. In those cases the waiver of Rescission Hearing, signed prior to the effective date of the parole, shall be considered valid.]

Repealed

Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

255-50-017 Waiver.

The provisions for waiving a Rescission Hearing shall be those outlined in Division 75, OAR 255-75-030, with the exception of those situations which involve involuntary absence from a correctional facility. In those cases the waiver of Rescission Hearing, signed prior to the effective date of the parole, shall be considered valid.

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



OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

[255-50-018 Hearing After Rescission of Parole

Scheduling: Board Action. After parole is rescinded, the Board may conduct a dispositional hearing to establish a future release date for the prisoner. The provisions of the Board Rule 255-75-085 shall apply in the conduct of this hearing.]

Repealed

Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

255-50-018 Hearing after rescission of parole

Scheduling: Board Action. After parole is rescinded, the Board may conduct a dispositional hearing to establish a future release date for the prisoner. The provisions of the Board rule 255-75-085 shall apply in the conduct of this hearing.

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



OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

[255-50-020 Basis for Rescission

- (1) The following actions, occurring after parole is ordered but prior to release from custody, shall be considered serious misconduct and shall constitute evidence upon which the Board may base rescission of parole:
 - (a) Evidence of the prisoner's voluntary absence from a corrections facility;
 - (b) Conviction of a new criminal offense or admission by the prisoner to criminal activity even when charges have been dismissed, not brought, or the prisoner has been acquitted at trial.
- (2) In all cases where the Board has rescinded parole based on Rule 255-50-020(1)(a) or (b), the Board shall reset a release date when the prisoner is in custody. The new release date may be set by the rescission panel without a hearing if the date is within two to five months following return to custody. However, the Board may, at the discretion of the rescission panel, provide a hearing under Division 30 solely for purposes of determining the amount of time the prisoner shall serve prior to future parole release or whether the prisoner shall be denied parole.
- (3) The Board shall clearly state the facts and specific reasons, including a statement of misconduct, for its decision to rescind and reset the parole release date or deny parole.]

Repealed

Permanent effective 5/31/85

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

Basis for Rescission

255-50-020 [At the hearing, the Board will take relevant material, and reliable information of the prisoner's misconduct which causes the hearing to be held. The Board shall clearly state the facts and specific reasons, including a statement of misconduct, for its decision to rescind and reset the parole release date or deny parole.]

(1) The following actions, occurring after parole is ordered but prior to release from custody, shall be considered serious misconduct and shall constitute evidence upon which the Board may base rescission of parole:

(a) evidence of the prisoner's voluntary absence from a corrections facility:

(b) conviction of a new criminal offense or admission by the prisoner to criminal activity even when charges have been dismissed, not brought, or the prisoner has been acquitted at trial;

(2) In all cases where the Board has rescinded parole based on 255-50-020(1)(a) or (b), the Board shall reset a release date when the prisoner is in custody. The new release date may be set by the rescission panel without a hearing if the date is within two to five months following return to custody. However, the Board may, at the discretion of the rescission panel, provide a hearing under Division 30 solely for purposes of determining the amount of time the prisoner shall serve prior to future parole release or whether the prisoner shall be denied parole.

(3) The Board shall clearly state the facts and specific reasons, including a statement of misconduct, for its decision to rescind and reset the parole release date or deny parole.

DIVISION 50

EXTENDING A PAROLE RELEASE
DATE FOR SERIOUS MISCONDUCT

Basis for Rescission

255-50-020 [At the hearing, the Board will take relevant material, and reliable information of the prisoner's misconduct which causes the hearing to be held. The Board shall clearly state the facts and specific reasons, including a statement of misconduct, for its decision to rescind and reset the parole release date or deny parole.]

(1) The following actions, occurring after parole is ordered but prior to release from custody, shall be considered conclusive evidence upon which the Board may base rescission of parole:

(a) evidence of the prisoner's voluntary absence from a corrections facility:

(b) conviction of a new criminal offense or admission by the prisoner to criminal activity even when charges have been dismissed, not brought, or the prisoner has been acquitted at trial;

(c) admission by the prisoner to violation of one or more of the terms and conditions of a temporary leave.

(2) In all cases where the Board has rescinded parole based on conclusive evidence, the Board shall reset a release date when the prisoner is in custody. The new release date may be set by the rescission panel without a hearing if the date is within two to five months following return to custody. However, the Board may, at the discretion of the rescission panel, provide a hearing under Division 30 solely for purposes of determining the amount of time the prisoner shall serve prior to future parole release or whether the prisoner shall be denied parole.

(3) The Board shall clearly state the facts and specific reasons, including a statement of misconduct, for its decision to rescind and reset the parole release date or deny parole.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

Basis for Rescission

255-50-020 At the hearing, the Board will take relevant, material, and reliable information of the prisoner's misconduct

which causes the hearing to be held. The Board shall clearly state the facts and specific reasons, including a statement of misconduct, for its decision to rescind and reset the parole release date or deny parole.

Stat. Auth.: ORS Ch. 144

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

Permanent effective 2/1/79



DIVISION 50

POSTPONING A PAROLE RELEASE DATE FOR SERIOUS MISCONDUCT

This Division is applicable to Prisoner's Who
Committed Crimes Prior to November 1, 1989

Misconduct Board Review Packet
255-050-0025

The Misconduct Board Review Packet shall contain:

- (1) institution face sheet;
- (2) all Board Action Forms since the prison term hearing;
- (3) psychological evaluations;
- (4) disciplinary report from the institution;
- (5) correspondence;
- (6) field parole analysis report;
- (7) court orders;
- (8) PSI, PSR, PAR or document of similar content;
- (9) DOC hearings officer's findings and recommendations.
- (10) Inmate's Notice of Rights and Board of Parole & Post-Prison Supervision Procedures.

Statutory Authority: ORS 144.125, 144.223
History: (5/19/88; 11/1/89, 03/14/97)

03/14/97

Serious Misconduct

Permanent effective 3/14/97

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

Misconduct Board Review Packet
255-50-025

The Misconduct Board Review Packet shall contain:

- (1) institution face sheet;
- (2) all Board Action Forms since the prison term hearing;
- (3) psychological evaluations [(last 6 months)];
- (4) disciplinary report from the institution;
- (5) correspondence;
- (6) field parole analysis report; [and]
- (7) court orders [.];
- (8) PSI, PSR, PAR or document of similar content;
- (9) DOC hearings officer's findings and recommendations.

Permanent effective 11/1/89

Postponing a Release Date

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 50 — BOARD OF PAROLE

DIVISION 50

Misconduct Board Review Packet
255-50-025

The Misconduct Board Review Packet shall contain:

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