

Oregon Board of Parole and Post-Prison Supervision
Exhibit SVDO – 1
SEXUALLY VIOLENT DANGEROUS OFFENDER DESIGNATION:
NOTICE OF RIGHTS

Offender Name

SID#

Purpose of Hearing. You are entitled to a hearing to determine whether you meet the criteria of a “sexually violent dangerous offender” under ORS 144.635. If it is found that you meet those criteria, the Board of Parole & Post-Prison Supervision may make the determination that you are a “sexually violent dangerous offender” within the meaning of that statute.

Waiver of Hearing. You may waive the hearing in two ways: (1) in writing, by checking the appropriate box and signing the back of this form, or by refusing to complete this form; or (2) by conduct, by failing or refusing to appear for or participate in your hearing.

If you waive the hearing by conduct:

- You do not contest that the criteria for sexually violent dangerous offender designation apply to you; and
- The Board will make findings based on the available record. There may be no other hearing.

If you waive the hearing in writing:

- At the time you submit your written waiver, you may also submit a written statement setting forth substantial reasons why the Board should find that the criteria for designation as a sexually violent dangerous offender do not apply to you, and relevant written testimony of witnesses; and
- The Board will make findings based on the available record including your written statement. There may be no other hearing.

Result of Hearing. If you do not waive your right to a hearing, and are currently incarcerated, the Board will hold a hearing. If you are currently on supervision, the Board or a hearings officer will hold a hearing and will make findings and recommendations to the Board. If the Board finds that you meet the criteria in ORS 144.635, the Board may order that you are determined to be a sexually violent dangerous offender based upon the record of the hearing **without another hearing or personal appearance.**

Rights During Hearing. You have the right to:

- Present relevant oral and written information, including statements of witnesses;
- Represent yourself or obtain an attorney at your own expense;
- Request the appearance of one witness to speak on your behalf; additional witnesses may be permitted at the discretion of the Board (or hearings officer) if you can show in writing that the testimony will be relevant, not redundant, and that it is not practical to offer the testimony in writing.

Rights After Hearing. You have the right to:

- Appeal the Board’s final order designating you a sexually violent dangerous offender. The request *must be received* within 45 days of the mailing date on the order. See OAR 255-080-0005 and 0008. It is important to follow the Board’s rules on administrative review requests.
- If relief is denied by the Board, you may ask the Court of Appeals to review the Board’s decision within 60 days of the mailing date on Board’s response to your request for administrative review.

For more information, see ORS Chapter 144 and OAR Chapter 255.

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SEXUALLY VIOLENT DANGEROUS OFFENDER DESIGNATION:
DECISIONS ABOUT RIGHTS

Offender Name

SID Number

I understand the rights contained in this notice and: I **do** want a hearing. I **do not** want a hearing.

If I do not waive my hearing:

If I am on parole or post-prison supervision (PPS), I will be notified of my rights, the date, time, and place of the hearing and the information to be considered at the hearing at least three days before the hearing, unless I:

Waive the three days from the date the Notice of Rights is served to the date the hearing is held.

If I am incarcerated, the hearing will be scheduled and I will be notified of my rights, the date, time, and place of the hearing, and the information to be considered at the hearing at least 14 days before the hearing.

Witnesses. I understand that it is my responsibility to make arrangements for my witnesses to attend my hearing. If more than one witness is requested, the Board (or hearings officer) will determine if the additional witness(es) will be allowed.

If I am on parole or post-prison supervision (PPS), I will notify the hearings officer or Board of the witnesses I expect to attend.

I **do** want a witness. I **do not** want a witness.

On a separate piece of paper, list name of witness. If you want more than one witness, please explain how the testimony will be relevant, and why it is not practical to offer the testimony in writing.

If I am in prison, I understand that I must have my witness(es) contact the Board to arrange to attend my hearing.

Having waived my right to a hearing, I understand that in the exercise of its authority and based on the available record, the Board may order that I be designated as a sexually violent dangerous offender under ORS 144.635, without a hearing, or even if that decision overrides the recommendation of a hearings officer.

I have read, or have had read to me, and fully understand this Notice of Rights and the Decisions.

Offender Signature

Date

Witness Signature

Date