



**DEPARTMENT OF CORRECTIONS**  
**Institutions**



<b>Title:</b>	<b>Directives Writing/Rewriting Process</b>	<b>DOC Policy: 70.2.1</b>
<b>Supersedes:</b>	<b>Procedures #7 and #89</b>	
<b>Applicability:</b>	<b>All functional units</b>	
<b>Directives Cross-Reference:</b>	<b>Rule: Rules Development – Div 001</b>	

## **I. PURPOSE**

The purpose of this policy is to develop a system where an administrative rule, policy or procedure may be written or rewritten.

## **II. DEFINITIONS**

- A. Administrative Rule: An internal management directive developed in accordance with the Administrative Procedures Act (ORS Ch. 183), which substantially affects the interests of the public. The public includes, but is not limited to, private citizens, inmates, families of inmates, organizations, and governmental entities.
- B. Administrator: The Administrator of the Rules/Compliance/Hearings unit.
- C. Directive: A formal written internal management directive. For purposes of this policy, directives include administrative rules, policies and procedures.
- D. Operational Procedure: An internal management directive developed at the functional unit level that provides staff direction on how to implement a task or program. A procedure is staff directed, but is written in instructional, specific and detailed language when compared to a policy. A procedure only applies to a particular functional unit.
- E. Policy: An internal management directive developed at the division level that states how the department will conduct business in a broad sense. A policy is staff directed and does not substantially affect the public.

## **III. POLICY**

- A. All formal written internal management directives shall fall into one of the following three categories: administrative rule, department policy or procedure.
- B. The administrator's office shall be the gatekeeper and clearinghouse for all administrative rules, policies and procedures being written or rewritten. All directives shall be certified by the administrator's office to insure proper classification, consistency of content, and formatting of the directive between functional units departmentwide.

### C. **Administrative Rule**

1. Coordination for writing or rewriting of any administrative rule shall be done initially through the administrator's office. The administrator's office will assist in determining the method and process to accomplish the writing/rewriting. Normally a workgroup chairperson will be chosen to facilitate the process, with selected representatives from a particular division or multiple divisions to review and recommend modifications. In some cases, where there is an emergency and little or no time permits, an ad hoc committee may be selected by the Director, Deputy Director and/or Assistant Directors to make the decision for recommending change(s). The Attorney General's office may or may not be involved in the process. This determination will be made through the administrator's office.
2. All administrative rules shall be processed and filed through the administrator's office in accordance with the Attorney General's model rules under the Administrative Procedures Act and the rule on **Rules Development** (OAR 291-001).

### D. **Department Policy**

1. A policy shall not be written to further clarify an administrative rule. Each policy will set forth the parameters and expectations. Some policies shall not be expanded, and will be adopted "without further modification." Other policies may be expanded by using operational procedures, which explain how the policy will be implemented at each functional unit. Whether or not a policy may be expanded will be noted in the implementation section at the end of each policy.
2. For writing or rewriting of any policy, coordination shall be done initially through the administrator's office. Normally a workgroup chairperson will be chosen to facilitate the process, with selected representatives from a particular division or multiple divisions to review and recommend modifications. The administrator's office shall ensure the policy does not conflict with any other department directives, and will determine proper formatting, including numbering. Word processing will be accomplished by the appropriate division responsible for each policy. Review of the policy by the Director, Deputy Director and Assistant Directors shall be the responsibility of the division. This shall be accomplished prior to completion.
3. Upon completion, the policy shall be forwarded to the administrator's office for certification. The administrator's office shall certify the policy and forward it to the Director and/or Deputy Director for signature approval. The administrator's office shall maintain the original policy which contains the Director's/Deputy Director's approval. The administrator's office shall distribute the policy, which will be placed in the departmentwide policy manual.
4. In an effort to save duplicate directives on same subjects, policies may contain procedural language, if necessary. Some policies may allow

implementation through an operational procedure to provide further instruction. Operational procedures shall not be written to provide stricter controls or override what is in a policy.

#### **E. Operational Procedure**

1. Each functional unit may develop operational procedures. There are two types of operational procedures — one to implement the provisions set forth in a policy; the second when no other administrative rule or department policy exists to provide staff direction for a task or program specific to the functional unit.
2. Prior to completion, a final draft of the procedure shall be sent to the administrator's office for review to certify and determine if any conflict exists between the procedure and other directives. After review and certification by the administrator's office, the procedure shall be forwarded to the appropriate assistant director or administrator for signature approval. The original procedure which contains the assistant director's/administrator's signature shall be maintained in the functional unit manager's office. The administrator's office will not maintain copies of operational procedures.
3. All operational procedures for a functional unit shall be maintained in an operational procedures manual. Each functional unit manager or designee shall maintain the master operational procedures manual for the unit and appropriate distribution list. Operational procedures shall not be distributed departmentwide.
4. Operational procedures manuals shall be periodically audited by a component of the Inspections Division to insure compliance with this policy.

#### **F. Manual Maintenance**

1. The administrator's office will determine composition, content, and update of manual sets for rules and policies distributed departmentwide.
2. The administrator's office shall maintain the master set of rules and policies manuals and the internal/external distribution lists for updates.
3. The administrator's office shall distribute rules and policies through the monthly posting updates.
4. Manual sets for rules and policies shall be located where they are accessible by staff. For inmates, the rules manual only shall be kept in locations that are inmate accessible. The ratio of rules manuals to inmates shall be no less than one for every 350 inmates.

### **III. IMPLEMENTATION**

This policy will be adopted immediately without further modification.

