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## PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 291

DEPARTMENT OF CORRECTIONS

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& LEGISLATIVE COUNSEL

FILING CAPTION: Records Management (Adult in Custody and Adult on Supervision)

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### RULES:

291-070-0100, 291-070-0110, 291-070-0120, 291-070-0125, 291-070-0130, 291-070-0135, 291-070-0140

AMEND: 291-070-0100

RULE TITLE: Authority, Purpose, and Policy

NOTICE FILED DATE: 07/21/2025

RULE SUMMARY: Amends rule to update the term "offender" to align with department philosophy, clarify, and for consistency within the rule.

### RULE TEXT:

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of these rules is to establish standards for the control, maintenance, and disposition of file materials pertaining to individuals in the custody or under the supervision of the Department of Corrections.

(3) Policy: It is the policy of the Oregon Department of Corrections that files for adults in the custody and under the supervision of the Department of Corrections will be maintained in a manner which assures the availability of file material necessary for case management. Additionally, relevant file material which serves to preserve a historical record of the individual's period of custody or supervision shall be maintained and retained for specified periods of time following the individual's release from custody or supervision.

STATUTORY/OTHER AUTHORITY: ORS 179.040, 423.020, 423.030, 423.075

STATUTES/OTHER IMPLEMENTED: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-070-0110

RULE TITLE: Definitions

NOTICE FILED DATE: 07/21/2025

RULE SUMMARY: Amends rule to change "offender" to "adult on supervision", align definitions with standard definitions adopted by the department, and to clarify.

RULE TEXT:

(1) Adult in Custody: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation status.

(2) Adult on Supervision: Any person under the supervision of the Department of Corrections who is on parole, probation, or post-prison supervision status.

(3) Archives: The state repository for public records having a legal or historical value but for which immediate access is not required. The location where the official files of Department of Correctional felony adults in custody and adults on supervision are permanently maintained.

(4) Department of Corrections Facility: Any institution, facility, or staff office, including the grounds, operated by the Department of Corrections.

(5) Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of program services or coordination of program operations.

(6) Functional Unit Manager: Any person within the Department of Corrections who reports to the Director, Deputy Director, an Assistant Director, or administrator and has responsibility for the delivery of program services or coordination of program operations. In a correctional setting, the superintendent is the functional unit manager.

(7) Offender Information and Sentence Computation (OISC): The centralized functional unit which maintains working files after an adult in custody is released from a Department of Corrections facility.

(8) Record: Includes, but is not limited to, documents, books, papers, photographs, files, sound recordings, or machine-readable electronic records, regardless of physical form or characteristics, made, received, filed, or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use. (ORS 192.005)

(9) Retention Schedule: Either a General Schedule published by the State Archivist in the Oregon Administrative Rules in which certain common public records are described or listed by title and a retention period is established for each, or a Special Schedule approved by the state Archivist for the public records of a specific agency.

(10) Sealing Adult in Custody or Adult on Supervision Records: The physical sealing of file material by order of the court accomplished by the Offender Information and Sentence Computation unit.

(11) Working File: Those documents maintained in a Department of Corrections facility, community corrections office, or functional unit for administrative, operational, or case management purposes.

STATUTORY/OTHER AUTHORITY: ORS 179.040, 423.020, 423.030, 423.075

STATUTES/OTHER IMPLEMENTED: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-070-0120

RULE TITLE: Access to Files

NOTICE FILED DATE: 07/21/2025

RULE SUMMARY: Amends rule to change the term "offender" to "adult on supervision" and clarify.

RULE TEXT:

- (1) Only Department of Corrections employees or contractors, and representatives of criminal justice agencies may be authorized access to adult in custody and adult on supervision files. Department of Corrections employees shall request access to adult in custody or adult on supervision files for business purposes only directly related to the employee's current position duties and responsibilities.
- (2) An example of acceptable access would include an employee reviewing an adult in custody or adult on supervision file because the adult in custody or adult on supervision is in the employee's housing unit or on the employee's caseload.
- (3) An example of unacceptable access would include an employee reviewing the file on their neighbor for personal purposes.
- (4) The Records Office is a restricted area; only individuals authorized by the Offender Information and Sentence Computation Administrator or institution functional unit manager shall enter the Records Office.
- (5) In emergency situations, the institution functional unit manager or designee may designate an employee to enter the Records Office and remove working files.
- (6) A list of these authorized individuals may be posted in the Records Office.

STATUTORY/OTHER AUTHORITY: ORS 179.040, 423.020, 423.030, 423.075

STATUTES/OTHER IMPLEMENTED: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-070-0125

RULE TITLE: Transporting Working Files

NOTICE FILED DATE: 07/21/2025

RULE SUMMARY: Amends rule to change the term "offender" to "adult on supervision", for consistency with other departmental rules, and to clarify.

RULE TEXT:

- (1) The department will use proper security controls for transportation of adult in custody and adult on supervision working files during transit between institutions, functional units, agencies, or customers.
- (2) Each functional unit that sends, receives, or transports confidential or sensitive information is responsible to assure that the information is protected appropriately during transit from loss, destruction, or unauthorized access in accordance with the Department of Administrative Services Statewide Policy on Transporting Information Assets (DAS policy 107-004-100).

STATUTORY/OTHER AUTHORITY: ORS 179.040, 423.020, 423.030, 423.075

STATUTES/OTHER IMPLEMENTED: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-070-0130

RULE TITLE: Retention and Destruction of Adult in Custody and Adult on Supervision Records

NOTICE FILED DATE: 07/21/2025

RULE SUMMARY: Amends rule to change the term "offender" to "adult on supervision"; clarify; and make consistent with language used in other department rules.

RULE TEXT:

(1) The State Archivist, who authorizes retention or disposition of public records to Oregon government agencies in the form of records retention schedules, provided a Special Schedule for the retention or disposition of adult in custody or adult on supervision working files.

(2) Centralized control over retention and disposition of all records will be in accordance with state statutes and applicable schedules.

(3) At the time of closure of community corrections working files, the closing summary and other required documents will be sent to Offender Information and Sentence Computation (OISC) for archiving in accordance with the State Office Operations Network approved protocol. Community corrections offices will retain working file documents in accordance with the State Archivist schedule.

(4) Medical, dental, and mental health treatment files on adults in the custody of the Department of Corrections will be maintained in accordance with the department's rules on Health Services (OAR 291-124-0075).

STATUTORY/OTHER AUTHORITY: ORS 179.040, 423.020, 423.030, 423.075

STATUTES/OTHER IMPLEMENTED: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-070-0135

RULE TITLE: Public Requests for Adult in Custody or Adult on Supervision Records

NOTICE FILED DATE: 07/21/2025

RULE SUMMARY: Amends rule to change the term "offender" to "adult on supervision" and for consistency with other department rules.

RULE TEXT:

It is the responsibility of all persons accessing Department of Corrections adult in custody and adult on supervision files to ensure the confidentiality of and access to the files in strict accordance with the provisions outlined below:

- (1) Adult in custody and adult on supervision files and records will be released in accordance with the department's rules on Release of Public Records (OAR 291-037).
- (2) Verbal inquiries regarding Department of Corrections files and records from any source, including the adult in custody, will be responded to in accordance with the department's rules on Release of Public Information (OAR 291-039).

STATUTORY/OTHER AUTHORITY: ORS 179.040, 423.020, 423.030, 423.075

STATUTES/OTHER IMPLEMENTED: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-070-0140

RULE TITLE: Sealing of Adult in Custody or Adult on Supervision Records

NOTICE FILED DATE: 07/21/2025

RULE SUMMARY: Amends rule to change the term "offender" to "adult on supervision" and to spell out acronyms.

RULE TEXT:

- (1) Sealing of a working file or record may only be accomplished after receipt of a certified order from the court.
- (2) Upon receipt of a certified order directing a working file or record be sealed, when the adult in custody's or adult on supervision's file is available, community corrections staff will attach any and all adult in custody and adult on supervision material to the court order and forward the court order and file material to Offender Information and Sentence Computation (OISC) for sealing.

STATUTORY/OTHER AUTHORITY: ORS 179.040, 423.020, 423.030, 423.075

STATUTES/OTHER IMPLEMENTED: ORS 179.040, 423.020, 423.030, 423.075