



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 291

DEPARTMENT OF CORRECTIONS

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RULES:

291-104-0106, 291-104-0111, 291-104-0116, 291-104-0125, 291-104-0135, 291-104-0140

AMEND: 291-104-0106

RULE TITLE: Authority, Purpose, and Policy

NOTICE FILED DATE: 05/27/2026

RULE SUMMARY: Amends rule to change the term "inmate" to the term "adult in custody"; make grammatical or general clarifications (such as spell out acronyms); align the rule with language in other department rules; remove gendered language; and move text to the appropriate 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:

(a) Establish Department of Corrections policy and procedures for identifying and assigning an appropriate custody level to each adult in custody committed to serve a term of incarceration in or transferred to the Department of Corrections and housed in a Department of Corrections-operated or Department of Corrections-contracted facility or those adult-sentenced youths in the custody of Oregon Youth Authority;

- (b) Provide information for population management and planning; and
- (c) Provide information to support the appropriate distribution of correctional resources for both adult in custody and agency needs.

(3) Policy:

(a) Custody Level: It is the policy of the Department of Corrections to assign each adult in custody committed to serve a term of incarceration in or transferred to the custody of the department the lowest custody level deemed appropriate and to:

(A) Provide the amount of supervision necessary to account for the adult in custody's whereabouts;

(B) Provide for the safe, secure, and orderly operation of Department of Corrections facilities;

(C) Provide reasonable protection to the general community, employees, and adult in custody population;

(D) Allow each adult in custody to exercise independent responsibility equal to their demonstrated ability and behavior; and

(E) Ensure the delivery of appropriate adult in custody health care, mental health treatment, education, and work programs.

(b) Housing Assignments: It is the policy of the Department of Corrections to assign an adult in custody to housing consistent with their custody level, demonstrated behavior, and special needs.

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: 291-104-0111

REPEAL: Temporary 291-104-0111 from DOC 15-2026

RULE TITLE: Definitions

NOTICE FILED DATE: 05/27/2026

RULE SUMMARY: Amends rule to change the term "inmate" to the term "adult in custody"; make grammatical or general clarifications (such as, spell out acronyms) or updates for consistency within the rules; add definitions, or update definitions for clarity or to further define process, or remove unnecessary definitions; align the rule with language in other department rules; remove gendered language; update custody classification level criteria; and update the definition of Escape.

RULE TEXT:

- (1) Administrative Review: A review of classification scoring, classification level, or classification override requested by an adult in custody and completed by the designated institution committee, institution functional unit manager, or Classification Manager.
- (2) Adult in Custody: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation status.
- (3) Adult on Supervision: Any person under the supervision of the Department of Corrections who is on parole, post-prison supervision, or probation status.
- (4) Arrest: For the purposes of these rules, arrest means placing a person under full custody (that is, being fully restrained or after being placed in a law enforcement vehicle for transport) for the purpose of charging that person with an offense.
- (5) Behavioral Health Services (BHS): A unit within Oregon Department of Corrections Health Services with primary responsibility for the assessment and treatment of adults in custody with mental illness and intellectual disabilities.
- (6) Behavioral Health Unit: An intensive behavioral management and skills training unit for adults in custody with serious mental illness that have committed violent acts or disruptive behavior.
- (7) Classification Action: Initiation of initial custody classification level, reclassification, or classification override to determine an adult in custody's custody classification level.
- (8) Classification Manager: A Department of Corrections employee responsible for the development, implementation, training, auditing, oversight, and management of the classification function within the department.
- (9) Corrections Information System: A computer system dedicated to tracking information critical to the management of adults in the custody or under the supervision of the Department of Corrections.
- (10) Custody: As it relates to escape, a person is in custody if a peace officer has placed the person under arrest for the purpose of charging that person with an offense, or taking the person into custody for a parole, post-prison supervision or probation violation.
- (11) Custody Classification Guide (Attachment 1): Criteria and guidelines that assist in understanding an adult in custody assigned custody classification level utilizing scoring elements determined by the Department of Corrections.
- (12) Custody Classification Level: One of five levels of supervision assigned to an adult in custody through initial custody classification level and classification review procedures.
 - (a) Level 5 (Maximum): An adult in custody assigned at this custody classification level meets one of the following criteria:
 - (A) Has demonstrated behaviors causing serious management concerns or has demonstrated behaviors that in the judgment of the department present a threat sufficient to require special security housing on intensive management status;
 - (B) Has a sentence of death or is pending retrial in a case in which a sentence of death may be re-imposed;
 - (C) Has a pending trial for a case in which a sentence of death may be imposed; or
 - (D) Is under investigation for or has been charged with the in-custody murder of another adult in custody or employee.

(b) Adults in custody who have a sentence of death, pending trial, or pending retrial in a case in which a sentence of death may be imposed will be reviewed by Special Population Management Committee for housing placement. The Special Population Management Committee will determine housing placement and if general population is recommended can override the Level 5 classification to Level 4.

(c) Level 4 (Close): An adult in custody assigned at this custody classification level presents a serious risk of escape or institutional violence or has time remaining of more than 120 months to life with or without parole or released from the Intensive Management Unit or Intensive Management Unit diversion in the Behavioral Health Unit during the past year.

(d) Level 3 (Medium): An adult in custody assigned at this custody classification level presents a moderate risk of escape, has a High-Level detainer, has demonstrated behavior causing moderate management concern, or has time remaining of 61 to 120 months.

(e) Level 2 (Minimum): An adult in custody assigned at this custody classification level presents a limited risk of escape, has a Low-Level detainer, or has demonstrated behavior causing limited management concern, and has time remaining of 60 months or less.

(f) Level 1 (Minimum): An adult in custody assigned at this custody classification level presents a minimal risk of escape, meets the criteria for Detainer-Not Applicable, has demonstrated behavior causing minimal management concern, and has time remaining of 60 months or less.

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

(14) Designators: Information, alerts, or statutory designations important for sentence computation and crucial to determining work crew eligibility, unfenced housing assignment (as defined in OAR 291-082-0105), and the management of adults in custody and adults on supervision.

(15) Escape: For purposes of these rules, escape:

(a) Means an unlawful departure of a person from custody; or escape, attempted escape, or conspiracy to escape from any correctional facility, including state, federal, county, or juvenile facilities; or departure and failure to return to any facility or housing in which a person was court ordered to reside; and

(b) Includes the unauthorized departure or absence from this state by a person who is under the jurisdiction of the Psychiatric Security Review Board, or under the jurisdiction of the Oregon Health Authority under ORS 161.315 to 161.351; abscond while on temporary release or transitional leave from a Department of Corrections facility; or escape, attempted escape, or conspiracy to escape from the custody of officials while in a legitimate criminal justice building for a court appearance or from full custody of law enforcement, correctional employee, or employee from any partner agency assigned to supervise a person in custody for any of the reasons a person may be in custody while in the community.

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

(17) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, Deputy Director, an Assistant Director, or an administrator and has responsibility for the delivery of program services or coordination of program operations.

(18) Initial Custody Classification Level: The process used by the department to assign an adult in custody a custody level upon their admission to the physical custody of the department.

(19) Intensive Management Unit: Special security housing and programs separate from general population housing units in Department of Corrections facilities for adults in custody demonstrating serious security or safety concerns.

(20) Intensive Management Unit Diversion: The placement of an adult in custody who is determined to be seriously mentally ill into mental health special housing in lieu of the Intensive Management Unit for the duration of the program or until there is a change in status.

(21) Law Enforcement: Government agencies and individuals designated to enforce laws and maintain public order (such as, sheriff, police officer, or parole officer).

(22) Office of Population Management: A functional unit of the department that has administrative responsibility for a variety of systems including overall planning and management of adult in custody capacity requirements for correctional

facilities statewide.

(23) Override: An option utilized when there is a documented issue(s) not addressed in the automated classification scoring, or a degree of seriousness in a classification factor that justifies a higher or lower custody classification level than indicated by the classification action.

(24) Reclassification: The process used by the department to re-evaluate an adult in custody's assigned custody classification level after they have been in the department's custody for at least six (6) months. The assigned custody classification level may be changed as a result of the review.

(25) Serious Management Concerns: Participation, either individually or in a group, in behavior which poses a significant threat to the safe and secure operation of the Department of Corrections facility including, but not limited to:

- (a) Threatening or inflicting bodily injury on another person;
- (b) Posing an immediate risk of escape;
- (c) Promoting or engaging in disruptive group behavior;
- (d) Promoting security threat group activities; or
- (e) Being involved in any other activity that could significantly threaten the safe and secure operation of the Department of Corrections facility, and that such behavior poses a sufficient threat that, in the judgment of the department, can only be adequately controlled in appropriate special housing.

(26) Special Population Management Committee: A committee that is chaired by a representative from the Office of Population Management and is composed of at least two additional department employees from institution operations and Behavioral Health Services who are responsible for reviewing referrals to the Intensive Management Unit, mental health special housing, or administrative housing.

(27) Violence Predictor Score: A score based on a mathematical equation, see Attachment 2 Violence Predictor Score Formula, used to determine an adult in custody's potential risk for violence in an institutional setting during the first twelve (12) months of incarceration. The equation includes calculations based on an adult in custody's age, gender, prior incarcerations, type of crime, aggression, drug history, and certain personality disorders.

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

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

NOTE: Attachments referenced are attached to this document. You may view the attachment 291-104-0111.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:

<https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=337967>

AMEND: 291-104-0116

RULE TITLE: Initial Custody Classification Level

NOTICE FILED DATE: 05/27/2026

RULE SUMMARY: Amends rule to change the term "inmate" to the term "adult in custody"; make grammatical or general clarifications (such as, spell out acronyms or specify positions) or updates for consistency within the rules; align the rule with language in other department rules; and remove gendered language.

RULE TEXT:

- (1) The Department of Corrections shall assign adults in custody an initial custody classification level in accordance with the Custody Classification Guide (Attachment 1) or the adult in custody's Violence Predictor Score, whichever is higher. An adult in custody will generally be assigned an initial custody classification level within 30 days of admission to the physical custody of the Department of Corrections.
- (2) The Violence Predictor Score is used as a classification scoring element only during the first twelve (12) months of an adult in custody's incarceration in the Department of Corrections and may be applied by the Department of Corrections counselor after thorough review of the adult in custody's records.
- (3) Upon admission to the physical custody of the Department of Corrections, the adult in custody's assigned counselor will determine an adult in custody's initial custody classification level and forward the classification action to the functional unit manager or designee for approval.
- (4) No classification action is official until the functional unit manager or designee approves the classification action.
- (5) Final approval for any override of one step will be made by the Intake Manager, institution Correctional Rehabilitation Manager, or their designee, and shall be documented on the classification override comment screen describing the override reason.
- (6) A custody classification level override of more than a single step is not official until approved by the Intake Manager or institution Correctional Rehabilitation Manager or their designee, and the Classification Manager or designee.
- (7) A custody classification level of Level 5 is not official until approved by the designated Intake or institution employee, the Special Population Management Committee, and the Office of Population Management Operations Manager or designee.
- (8) An adult in custody may request a copy of their official classification action.
- (9) All official classification actions are recorded in the Corrections Information System and the records maintained in accordance with the department's retention schedule.
- (10) The Office of Population Management may modify any classification. In such cases, the affected Department of Corrections facility will be notified of the reason(s) for the modification.

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: 291-104-0125

REPEAL: Temporary 291-104-0125 from DOC 15-2026

RULE TITLE: Custody Classification Level Review

NOTICE FILED DATE: 05/27/2026

RULE SUMMARY: Amends rule to change the term "inmate" to the term "adult in custody"; make grammatical or general clarifications (such as, spell out acronyms or specify positions) or updates for consistency within the rules; align the rule with language in other department rules; remove the option to review adults in custody with ICE detainees for override to Level 2; further define process for AICs who release and return to ensure high-risk classification (Level 4) is evaluated; further define process if IMU placement or Level 5 designation is overturned; further define process for discretionary override to lower or higher custody; and remove gendered language.

RULE TEXT:

- (1) An adult in custody's custody classification level will be reviewed when new information is received that affects a classification scoring policy element or when an adult in custody's Violence Predictor Score has expired.
- (2) Custody Classification Levels 1- 4: When new information is received that affects the adult in custody's custody classification level, the adult in custody's assigned counselor will review the classification action for accuracy and forward it to the Correctional Rehabilitation Manager for approval.
 - (a) No classification action is official until the Correctional Rehabilitation Manager or designee approves the classification action.
 - (b) Final approval for any override of one step will be made by the Intake Manager, Correctional Rehabilitation Manager or their designee and shall be documented on the classification override comment screen describing the override reason.
 - (c) Overrides of more than a single step are not official until approved by the Intake Manager or institution Correctional Rehabilitation Manager or their designee, and the Classification Manager or designee.
 - (d) An adult in custody may request a copy of their official classification action.
 - (e) All official classification actions are recorded in the Corrections Information System and the records maintained in accordance with the department's retention schedule.
 - (f) The Office of Population Management may modify any classification action. In such cases, the affected Department of Corrections facility will be formally notified of the reason(s) for the modification.
- (3) Custody Classification Level 5:
 - (a) No Level 5 (maximum security) adults in custody shall be housed in a general population housing unit.
 - (b) When an adult in custody's behavior creates serious management concerns, the classification will be reviewed by the designated institution committee. If the designated institution committee approves a change in the classification, a "Pending IMU" (PIMU) designator will be placed by the institution and a referral will be forwarded to the Special Population Management Committee for review. If the Special Population Management Committee approves an adult in custody's classification at Level 5, the Office of Population Management will approve the "Intensive Management Unit Level 5" (IMU5) designator and generate a new classification action, which will be scored as custody classification Level 5.
 - (c) Once an adult in custody is assigned to custody classification Level 5, the automated classification program will maintain the adult in custody's Level 5 custody classification status until the "Intensive Management Unit Level 5" (IMU5) designator is closed. Upon completion of Intensive Management Unit programming, the designator will be closed using the code of Intensive Management Unit Release (IMUR) and a new classification is generated. The new classification will be scored at custody classification Level 4 for one year.
 - (d) If an adult in custody releases from custody with an Intensive Management Unit-related designator (PIMU or IMU5) and later returns to the department's custody, a determination will be made by Special Population Management

Committee regarding completion of Intensive Management Unit programming. If the adult in custody is not returned to the Intensive Management Unit, a determination will be made regarding how long they will remain at classification Level 4.

(e) If an adult in custody successfully challenges their Intensive Management Unit placement and related classification Level 5 designation, a new classification action will be completed to determine appropriate classification.

(4) Discretionary Override to Lower Custody: Factors that may cause override to a lower custody classification level can include, but are not limited to:

- (a) Low concern of management problems;
- (b) Minimal escape threat;
- (c) No serious violence threat;
- (d) Criminal History less serious than the score;
- (e) Mental health status; and
- (f) Other factors as determined by professional discretion.

(5) Discretionary Override to Higher Custody: Factors that may cause override to higher custody classification level can include, but are not limited to:

- (a) Known management problem;
- (b) Escape threat;
- (c) Serious violence threat;
- (d) Criminal history more serious than the score;
- (e) Mental health status;
- (f) Security Threat Group activity; and
- (g) Other factors as determined by professional discretion.

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

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

RULE SUMMARY: Amends rule to change the term "inmate" to the term "adult in custody"; make grammatical or general clarifications or updates for consistency within the rules; further define process for requests for review of a custody classification Level 1-4 in which an adult in custody is requesting downward override of a custody classification action; clarify the role of the Classification Manager; and remove gendered language.

RULE TEXT:

- (1) An adult in custody may request an administrative review of their classification action by completing and submitting the Department of Corrections Request for Administrative Review form (CD1120aD) or Request for Administrative Review of Intensive Management Unit Level 5 Custody form (CD1120aE).
- (2) Issues Subject to Administrative Review: Administrative review is available to an adult in custody to contest three aspects of their classification action:
 - (a) The accuracy of custody classification levels 1–4 scoring;
 - (b) An upward override of a scored custody classification level initiated by an institution; or
 - (c) A Level 5 custody classification.
- (3) Custody Classification Level 1-4 Accuracy of Scoring:
 - (a) To obtain an administrative review of the scoring accuracy of a Level 1-4 custody classification, an adult in custody must complete the top portion of a Request for Administrative Review form (CD1120aD) and send the completed form and any supporting documentation to the designated institution committee at the Department of Corrections facility where the adult in custody is currently housed. The institution committee must receive the request within 30 calendar days of the adult in custody receiving a copy of their official classification action. The institution committee should complete its review within 30 days after receiving an adult in custody's administrative review request.
 - (b) If an adult in custody is not satisfied with the decision of the designated institution committee, the adult in custody may obtain further review of the custody classification Level 1-4 score by sending another completed Request for Administrative Review form (CD1120aD) and any supporting documentation plus a copy of the designated institution committee's decision to the functional unit manager or designee of the institution where the adult in custody is currently housed. The functional unit manager or designee must receive the review request within 30 calendar days of the designated institution committee's review decision. The functional unit manager or designee should complete their review within 30 days after receiving the adult in custody's administrative review request. There shall be no further administrative review of a custody classification Level 1-4 score.
 - (c) Requests for review of a custody classification Level 1-4 in which an adult in custody is requesting downward override of a custody classification action must be submitted to the designated institution committee at the institution where the person is currently housed. Review procedures are listed in (a) and (b) above.
 - (d) An adult in custody engaged in the intake process may not submit a request for review of their custody classification score until they are no longer housed at the Intake Center.
- (4) Override of a Scored Custody Classification Level 1-4: To obtain an administrative review of classification that has been overridden upward at the institution level, an adult in custody must complete the bottom portion of a Request for Administrative Review form (CD1120aD) and send the completed form and any supporting documentation to the Classification Manager. The Classification Manager must receive the review request within 30 calendar days of the classification action approval date. The Classification Manager should complete the review within 30 days after receiving an adult in custody's review request. There shall be no further administrative review of an override decision.
- (5) Custody Classification Level Five:
 - (a) To obtain an administrative review of a Level 5 custody classification, an adult in custody must complete a Request for Administrative Review form (CD1120aD) and send it to the Classification Manager. The request for review by the adult

in custody shall include any supporting documentation to be considered in reviewing the appropriateness of the Level 5 custody classification.

(b) If an adult in custody has been assigned to the Intensive Management Unit, the matter shall be reviewed only once while the adult in custody is completing Intensive Management Unit programming or Intensive Management Unit Diversion in the Behavioral Health Unit.

(c) If an adult in custody has been assigned to the Intensive Management Unit or Intensive Management Unit Diversion in the Behavioral Health Unit and retained at custody classification Level 5 due to serious management concerns, the adult in custody will be provided a packet containing a Request for Administrative Review of Retention at Custody Classification Level 5 form (CD1120aE). An adult in custody may request further review of the Level 5 custody classification once annually.

(d) It is the role of the Classification Manager to review whether the adjudicated misconduct or documented behavior that caused referral to the Intensive Management Unit (custody classification Level 5) as stated in the referral documents justifies the custody classification Level 5. It is not the role of the Classification Manager to determine the accuracy of documented misconduct. To request review of an adjudicated misconduct, an adult in custody may write to the Office of the Inspector General.

(6) A copy of administrative review decisions will be provided to the adult in custody and retained in the adult in custody's institution file.

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: 291-104-0140

RULE TITLE: Custody Classification Level Quality Assurance Review

NOTICE FILED DATE: 05/27/2026

RULE SUMMARY: Amends rule to change the term "inmate" to the term "adult in custody"; make grammatical or general clarifications (such as, specify positions) or updates for consistency within the rules; align the rule with language in other department rules; and clarify the role of the Classification Manager.

RULE TEXT:

- (1) The Classification Manager is responsible for reviewing the Department of Corrections facility classification procedures and decisions.
- (2) Routine reviews shall be completed for custody classification Level 1 and 2 placements and review of individual classification actions at each Department of Corrections facility. Such reviews shall be conducted to ensure:
 - (a) The policies and procedures set forth in this rule are followed; and
 - (b) The actions taken by the Department of Corrections facility are adequately documented.
- (3) Findings inconsistent with rule and established procedures shall be documented and reported to the appropriate functional unit manager or the Institution Administrator(s) for corrective action.
- (4) The Classification Manager is responsible to review the last classification action for any adult in custody who is involved in an escape or escape attempt from a Department of Corrections facility and to submit a report to the Assistant Director of Operations and Eastside and Westside Institution Administrators.
- (5) The Classification Manager is responsible to review all classification actions for any adult in custody who dies in the Department of Corrections custody, when the Department of Justice requests an internal death review, and to submit a report to the Office of Population Management Administrator.

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

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