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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION
DOC 17-2025
CHAPTER 291
DEPARTMENT OF CORRECTIONS

FILED

10/02/2025 11:31 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Suspension of rule related to review of suicides

EFFECTIVE DATE: 10/02/2025 THROUGH 03/30/2026

AGENCY APPROVED DATE: 10/02/2025

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NEED FOR THE RULE(S):

The objective of this rulemaking action is to suspend OAR 291-076-0040, a rule establishing a specific multi-disciplinary review procedure in the event of a suicide, as that rule does not reflect current practice or policy of the Department.

JUSTIFICATION OF TEMPORARY FILING:

The Department of Corrections finds that following the permanent rulemaking process, rather than taking this temporary rulemaking action, will result in serious prejudice to the public interest because the department's failure to suspend OAR 291-076-0040 leaves the department operating under a rule that does not align with current practices. Under ORS 146.090, the medical examiner is responsible for investigating and certifying the cause and manner of all human deaths in any correctional facility. The Department's former practice of initiating a suicide review process based on an established manner of death was an inadequate and ineffective process because of the practical problems associated with depending on a medical examiner certification. Instead, the Department of Corrections continues to follow existing review procedures associated with any death of an adult in custody.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None.

SUSPEND: 291-076-0040

RULE SUMMARY: Suspend rule pending permanent repeal. The rule establishes a specific multi-disciplinary review procedure in the event of a suicide that does not reflect current practice or policy.

CHANGES TO RULE:

291-076-0040

Review

(1) Suicide Review: If a suicide occurs, a formal suicide review will be completed as assigned by the Inspector General, including a review of the inmate's Health Services files, related materials, and interviews of staff.¶

(a) The actual review of the Health Services files, related materials, and interviews of staff will be conducted by a

multi-disciplinary team comprised of an assigned Special Investigations Unit manager, Assistant Superintendent of Security, Medical Services manager and Behavioral Health Services manager from a facility other than the facility where the suicide occurred.¶¶

(b) The Inspector General will appoint the chair of the team.¶¶

(c) The team will write a review and submit it to the Inspector General.¶¶

(d) The Inspector General will submit the review to the Director, Deputy Director, Assistant Director for Operations, Health Services Administrator, Behavioral Health Services Administrator, and the functional unit manager where the suicide occurred.¶¶

(2) Attempted Suicide Review: The Director, Deputy Director, Inspector General, Health Services Administrator, Assistant Director for Operations or Behavioral Health Services Administrator may request a formal review from a multi-disciplinary team as described in (1) above for any suicide attempt.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075