



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291
DEPARTMENT OF CORRECTIONS

FILED

07/21/2025 11:54 AM
ARCHIVES DIVISION
SECRETARY OF STATE

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

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/19/2025 12:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

These rules 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.

The proposed revisions to these rules update the term "offender" to "adult in custody" to align with department philosophy; clarify these rules; update for consistency within these rules and other department rules; and align definitions with those adopted by the department as standard.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department of Corrections anticipates the proposed amendments to the department's division 070 rules will have an overall positive impact on racial equity in the state of Oregon.

These rules 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.

Proposed revisions to these rules make non-substantive clarifications or reorganizations to improve accuracy and align these rules with other departmental rules. These changes are not anticipated to have any impact on racial equity in the state.

Additional proposed amendments to OAR 291-070 replace the term "offender" with the term "adult on supervision" when referring to individuals on probation, parole, post-prison supervision, or any other form of temporary or transitional leave from custody or any form of conditional release. This change in terminology aligns with department's mission and guiding principles by seeking to normalize and humanize the custodial and supervision experience for persons who are committed to its custody and supervision by the courts. The department understands that all adults on

supervision, including individuals who are members of minority racial groups, are positively impacted when a culture of inclusivity, normalization, and humanization is created, and that these proposed rule amendments represent another step toward creating this culture. For this reason, the department anticipates that these proposed rule amendments will have a positive impact on racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

These revisions to OAR 291-070 are mostly housekeeping and definitional changes to the rule. The changes are not anticipated to have an impact on DOC, AICs, other state agencies, local governments (the counties), or the general public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as they will not be impacted by these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The department has determined that use of an advisory committee would have not provided any substantive assistance in drafting these rule revisions because the changes are minor or of a technical nature.

RULES PROPOSED:

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

CHANGES TO RULE:

291-070-0100

Authority, Purpose, and Policy ¶¶

(1) Authority: The authority for ~~this~~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 ~~this~~these rules is to establish standards for the control, maintenance, and disposition of file materials pertaining to individuals ~~committed to~~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 ~~Department of Corrections~~adults in the custody and offender 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 SUMMARY: Amends rule to change "offender" to "adult on supervision", align definitions with standard definitions adopted by the department, and to clarify.

CHANGES TO RULE:

291-070-0110

Definitions ¶¶

- (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 offendersadults on supervision are permanently maintained.¶¶
- (34) Department of Corrections Facility: Any institution, facility, or employeeestaff office, including the grounds, operated by the Department of Corrections.¶¶
- (45) Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of program services or coordination of program operations.¶¶
- (56) 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.¶¶
- (6) ~~Offender: Any person under the supervision of the Department of Corrections who is on parole, probation, or post-prison supervision status.~~¶¶
- (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 ~~Offender~~Adult on Supervision Records: The physical sealing of ~~offender~~ file material by order of the court accomplished by ~~OISC~~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 SUMMARY: Amends rule to change the term "offender" to "adult on supervision" and clarify.

CHANGES TO RULE:

291-070-0120

Access to Files ¶

(1) Only Department of Corrections employees, or contractors, and representatives of criminal justice agencies may be authorized access to adult in custody and ~~offender~~adult on supervision files. Department of Corrections employees shall request access to adult in custody or ~~offender~~adult on supervision files for business purposes only directly related to the employee's current position duties and responsibilities. ¶

(a~~2~~) An example of acceptable access would include an employee reviewing an adult in custody or ~~offender~~adult on supervision file because the adult in custody or ~~offender~~adult on supervision is in the employee's housing unit or on the employee's caseload. ¶

(b~~3~~) An example of unacceptable access would include an employee reviewing the file on their neighbor for personal purposes. ¶

(24) The Records Office is a restricted area; only individuals authorized by the ~~OSC~~Offender Information and Sentence Computation Administrator or institution functional unit manager shall enter the Records Office. ¶

(a~~5~~) In emergency situations, the institution functional unit manager or designee may designate an employee to enter the Records Office and remove working files. ¶

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

CHANGES TO RULE:

291-070-0125

Transporting Working Files ¶

(1) The Department will use proper security controls for transportation of adult in custody and ~~offender~~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 ~~offender~~ information is responsible to assure that the information is protected appropriately during transit from loss, destruction, or unauthorized access. ~~(DAS in accordance with the Department of Administrative Services Statewide Policy 107-004-100; 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 SUMMARY: Amends rule to change the term "offender" to "adult on supervision"; clarify; and make consistent with language used in other department rules.

CHANGES TO RULE:

291-070-0130

Retention and Destruction of ~~Offender~~Adult in Custody and Adult on Supervision Records ¶

(1) The State Archivist ~~grants, 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 public records in their custody ~~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. ¶

~~(3) Agency working files will be maintained in accordance with the approved Special S and applicable schedules.~~ ¶

(43) 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. ¶

~~(54)~~ Medical, dental, and mental health treatment files on adults in the custody confined in a of the Department of Corrections ~~facility~~ will be maintained in accordance with the ~~D~~department of Correction'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 SUMMARY: Amends rule to change the term "offender" to "adult on supervision" and for consistency with other department rules.

CHANGES TO RULE:

291-070-0135

Public Requests for Adult in Custody or ~~Offender~~Adult on Supervision Records ¶¶

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

(1) Adult in custody and ~~offender~~adult on supervision files and records will be released in accordance with the ~~Department of Correction'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 of Correction'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 SUMMARY: Amends rule to change the term "offender" to "adult on supervision" and to spell out acronym.

CHANGES TO RULE:

291-070-0140

Sealing of Adult in Custody or ~~Offender~~Adult on Supervision Records ¶

(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 ~~offender~~adult on supervision's file is available, community corrections staff will attach any and all adult in custody and ~~offender~~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