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## TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

### DOC 15-2026

CHAPTER 291

### DEPARTMENT OF CORRECTIONS

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ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Classification

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#### NEED FOR THE RULE(S):

Temporary amendments to these rules are necessary to align classification and assignment criteria with current practices and expand access to rehabilitative opportunities for adults in custody (AICs). Key changes include:

- Increasing the eligibility threshold for outside-the-perimeter work assignments from 48 to 60 months remaining on sentence.
- Revising the definition of "Escape".
- Adjusting custody level thresholds to expand eligibility for community work and unfenced housing.
- Removing ICE-related override language to ensure classification and placement decisions reflect current Oregon Department of Corrections practices.

These amendments significantly improve the classification system by reducing misclassification and broadening access to lower-security housing and community work assignments.

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#### JUSTIFICATION OF TEMPORARY FILING:

The Department of Corrections finds that proceeding through the permanent rulemaking process would cause serious prejudice to the public interest. Immediate implementation of these amendments is necessary to ensure consistency between DOC policy and current operational practices, prevent confusion or misapplication of outdated eligibility

criteria, and support equitable and effective population management. Delaying these updates would hinder the Department's ability to fairly apply classification criteria and could result in missed opportunities for adults in custody (AICs) to participate in meaningful work, reintegration activities, and appropriate housing placements.

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DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None.

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RULES:

291-104-0111, 291-104-0125

AMEND: 291-104-0111

RULE TITLE: Definitions

RULE SUMMARY: Amends rule to update custody classification level criteria for Level 1-3; and update the definition of Escape.

RULE TEXT:

- (1) Administrative Review: A review of classification scoring, classification level, or classification override requested by an inmate and completed by the designated institution committee, facility functional unit manager, or Classification Manager.
- (2) Arrest: For the purposes of these rules, arrest means placing a person under full custody (i.e. after being fully restrained or after being placed in a law enforcement vehicle for transport) for the purpose of charging that person with an offense.
- (3) Classification Action: Initiation of initial classification, classification review, or classification override to determine an inmate's custody classification level.
- (4) Classification Manager: A Department of Corrections employee responsible for the development, implementation, training, auditing, oversight and management of the classification function within the department.
- (5) Classification Review: The process used by the department to re-evaluate an inmate's assigned custody classification level. The assigned custody classification level may be changed as a result of the review.
- (6) Corrections Information System (CIS): A computer system dedicated to tracking information critical to the management of inmates and offenders under the custody, supervision or both of the Department of Corrections.
- (7) 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.
- (8) Custody Classification Guide (Attachment 1): Criteria and guidelines that assist in understanding an inmate's assigned custody classification level utilizing scoring elements determined by the Department of Corrections.
- (9) Custody Classification Level: One of five levels of supervision assigned to an inmate through initial and classification review procedures.
  - (a) Level 5: An inmate 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.
    - (D) Is under investigation for or has been charged with the in-custody murder of another inmate or staff.
  - (b) Level 4: An inmate 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.
  - (c) Level 3: An inmate assigned at this custody classification level presents a moderate risk of escape, has a Level 3 detainer, has demonstrated behavior causing moderate management concern, or has time remaining of 61 to 120

months.

(d) Level 2: An inmate assigned at this custody classification level presents a limited risk of escape, or has demonstrated behavior causing limited management concern, and has time remaining of 60 months or less.

(e) Level 1: An inmate 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.

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

(11) Designators: Information, alerts or statutory designations important for sentence computation and crucial to determining work crew eligibility, unfenced housing assignment, and the management of inmates and offenders both in institutions and in the community.

(12) 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.

(13) Initial Classification: The process used by the Department of Corrections to assign an inmate a custody level upon his/her admission to the physical custody of the Department.

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

(15) Office of Population Management: A functional unit of the department that oversees capacity and resource management, the inmate classification system, high risk inmate placement, Interstate Corrections Compact, treatment and program screening, Oregon Youth Authority/ghost caseloads, centralized Static 99R assessments, centralized transfer authority, and state and inmate conflict review.

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

(17) Peace Officer: A civil officer appointed to preserve law and order, such as a sheriff, police officer, or parole officer.

(18) Policy Elements: Areas of potential risk that determine the inmate's custody classification level: escape history, sentence remaining, detainers, and institutional behavior.

(19) 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 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 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.

(20) Special Population Management (SPM) Committee: A committee composed of at least three department administrative staff to include a representative from Institution Operations, Behavioral Health Services, and the Office

of Population Management.

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

[ED. NOTE: Attachments referenced are available from the agency.]

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

RULE TITLE: Classification Review

RULE SUMMARY: Amends rule to align with department practice.

RULE TEXT:

(1) An inmate's custody classification level will be reviewed when new information is received that affects a classification scoring policy element or when an inmate's Violence Predictor Score has expired.

(2) Custody Classification Levels 1-4: When new information is received that affects the inmate's custody classification level, the inmate's assigned counselor will review the classification action for accuracy and forward it to the functional unit manager for approval.

(a) No classification action is official until the functional unit manager or designee approves the classification action.

(b) Final approval for any override of one step will be made at the institutional level 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 designated institution committee and the Classification Manager or designee.

(d) An inmate may request a copy of his/her official classification action.

(e) All official classification actions are historically recorded and maintained in the CIS.

(f) The Office of Population Management may modify any classification action. In such cases, the affected facility will be formally notified of the reason(s) for the modification.

(3) Custody Classification Level 5:

(a) When an inmate's institutional behavior is determined to create serious management concerns, the classification action will be reviewed by the designated institution committee and forwarded to the Special Population Management (SPM) Committee for review. If the SPM committee approves an inmate's classification at Level 5, the Office of Population Management will add an IMU5 designator and generate a new classification, which will be scored as custody classification Level 5.

(b) Once an inmate is assigned to custody classification Level 5, the automated classification program will maintain the inmate's Level 5 custody classification status until the IMU5 designator is removed, an IMUR designator is added, and a new classification is generated. The new classification will be scored at custody classification Level 4 for one year.

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

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