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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION
DOC 7-2026
CHAPTER 291
DEPARTMENT OF CORRECTIONS

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Death (AIC)

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NEED FOR THE RULE(S):

These rule amendments are needed to establish the Department's policy and procedures for the Department's cooperation with death investigations, including reporting responsibilities and applicable information retention, and for the review of an unexpected death of an adult in custody.

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. The Department finds that it is important to promptly enact a rule setting forth a review process when unexpected deaths occur in Department facilities, and to consider and identify whether there may be any recommended changes in practices, policies, or procedures to strengthen safety and health protections for AICs and to reduce risk of AIC death or serious injury. Temporary rulemaking that allows for immediate review procedures to occur will avoid serious prejudice that could occur by delayed implementation of those procedures.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None.

RULES:

291-027-0020, 291-027-0090, 291-027-0100

AMEND: 291-027-0020

RULE TITLE: Definitions

RULE SUMMARY: Amends rule to define terms used in rules newly adopted to this division (Cause of Death, Manner of Death).

RULE TEXT:

- (1) Cause of Death: As defined in ORS 146.003(3), the primary or basic disease process or injury ending life.
- (2) Department of Corrections Facility: Any institution, facility, or staff office, including the grounds, operated by the

Department of Corrections.

(3) Emergency Contact Person: That individual(s) designated by an inmate to be notified in case of an emergency.

(4) Facility Contact Person: A staff member at each department facility designated by the functional unit manager to be responsible for coordinating contact and communication with the inmate's emergency contact person and other agencies as necessary.

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

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

(7) Interstate Corrections Compact (ICC) Inmate: An inmate housed in a correctional facility in a state different than the sentencing jurisdiction under rules of the Interstate Correctional Compact.

(8) Manner of Death: As defined in ORS 146.003, the designation of the probable mode of production of the cause of death, including natural, accidental, suicidal, homicidal, legal intervention or undetermined.

(9) Officer-in-Charge: That person designated by the functional unit manager to supervise the facility and make operational decisions during periods when the functional unit manager or his/her designee is not readily available.

(10) Officer-of-the-Day: That person designated by the functional unit manager and approved by the Assistant Director for Operations or designee to act on behalf of the functional unit manager during non-business hours and other periods in which the functional unit manager may be absent.

(11) Rental Bed Inmate: An inmate sentenced to the Department of Corrections who is being housed in an Oregon jail.

(12) Trust Funds: Inmate money in the care and custody of the Department of Corrections that is deposited with the State Treasurer and managed by the Department of Corrections.

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

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

ADOPT: 291-027-0090

RULE TITLE: Death Investigations and Handling Cause and Manner of Death Determinations

RULE SUMMARY: Adopts rule establishing the department's policy and procedure for cooperation with death investigations and handling cause and manner of death determinations.

RULE TEXT:

(1) Investigations: The Department of Corrections will cooperate with any death investigation conducted under ORS 146.100 concerning any inmate death.

(2) Handling Cause and Manner of Death Determinations:

(a) Under no circumstances shall the Department of Corrections or any of its employees decide the cause or manner of death of any inmate.

(b) When the Department of Corrections receives a determination of the cause or manner of death under ORS Chapter 146 or other applicable law, the Inspector General or designee will track the information as needed to meet state or federal reporting requirements, and will retain it in compliance with applicable patient privacy laws, including ORS 179.495 and ORS 179.505.

STATUTORY/OTHER AUTHORITY: ORS 146.100, 179.040, 423.020, 423.030, 423.075

STATUTES/OTHER IMPLEMENTED: ORS 146.100, 179.040, 423.020, 423.030, 423.075

ADOPT: 291-027-0100

RULE TITLE: Unexpected Death Review

RULE SUMMARY: Adopts rule establishing the department's policy and procedure for the review of an unexpected death and the Unexpected Death Review Committee.

RULE TEXT:

(1) In the event of any inmate death, Health Services will determine whether the death is expected or unexpected in a manner consistent with national standards and inform the Inspector General of that determination.

(a) When the death is expected, the Inspector General will retain any information related to that determination in a manner that complies with applicable patient privacy laws, including ORS 179.495 and ORS 179.505.

(b) When the death of an inmate is unexpected, the Inspector General will initiate an Unexpected Death Review as provided in this rule. The initiation of any Unexpected Death Review, and way it is conducted, shall occur at a time and in a manner that is mindful of, and does not interfere with, any existing, pending, or anticipated law enforcement investigations (including death investigations under ORS Chapter 146).

(2) The Inspector General may initiate an Unexpected Death Review under this rule for any inmate death, including when an inmate's death was expected, when the Inspector General determines, in their discretion, that a review would be appropriate.

(3) The Inspector General will select and convene an Unexpected Death Review Committee that will include appropriate department representatives with applicable professional expertise and no previous involvement in the incident.

(a) Appropriate representatives may include, but are not limited to, an assigned Special Investigations Unit manager, an Assistant Superintendent of Security, a Medical Services manager, or a Behavioral Health Services manager.

(b) In cases in which self-harm is involved or suspected, the Unexpected Death Review Committee should include a Behavioral Health Services manager.

(4) The Unexpected Death Review Committee will conduct a review and prepare a report that includes the results of the review and a statement of any recommended changes in practices, policies, or procedures to strengthen safety and health protections for adults in custody and to reduce risk of inmate death or serious injury.

(5) The review by the Unexpected Death Review Committee, and the results of this review, should exclude the data, reports, or contents of any peer review conducted by a medical employee committee of the Department of Corrections pursuant to ORS 41.675.

STATUTORY/OTHER AUTHORITY: ORS 146.100, 179.040, 423.020, 423.030, 423.075

STATUTES/OTHER IMPLEMENTED: ORS 146.100, 179.040, 423.020, 423.030, 423.075