



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291
DEPARTMENT OF CORRECTIONS

FILED: 05/27/2026 10:57 AM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: ASSESSMENT, ASSIGNMENT, AND SUPERVISION OF ADULTS IN CUSTODY FOR WORK
ASSIGNMENTS AND UNFENCED MINIMUM HOUSING

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/20/2026 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):

Proposed 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.
- Allowing AICs with misdemeanor convictions to be considered for assignments.
- Removing prohibitions based on active Reckless Burning designators.
- Revising the definition of "Escape" and adjusting custody level thresholds to expand eligibility for community work and unfenced housing.
- Clarifying and updating classification criteria, scoring, definitions, and terminology to improve clarity, consistency, and alignment with statutory language and other department rules.

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

In addition, the proposed amendments include spelling out acronyms, making grammatical and general cleanup edits, removing duplicative attachments and directing users to their updated locations, clarifying applicable processes (including distance measurement procedures where relevant), and aligning terminology with other department rules.

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 that the proposed amendment of the department's Division 082 rules will have a positive impact on racial equity in the state of Oregon.

The Department of Corrections' Division 082 rules establish department policy and procedures relating to the assessment, assignment, and supervision of adults in custody assigned to community custody work crews, on-site work assignments, and unfenced minimum housing.

Proposed amendments to these rules add definitions, spell out acronyms, or reorganize to improve the clarity of the rules; make minor, technical changes to align these rules with other department rules or improve consistency within these rules and with other department rules; or make general clarifications in language. Since these changes are non-substantive, the department anticipates these amendments will have no impact on racial equity in the state.

Other proposed amendments to the department's Division 082 rules update the eligibility threshold for outside-the-perimeter work assignments from 48 months to 60 months remaining on sentence, reflecting current practice and expanding access to lower-risk AICs; revise criteria to allow AICs with misdemeanor to be considered for assignment; and remove prohibitions based on active Reckless Burning designators, allowing more AICs to qualify for lower-security housing; and revise the definition of Escape. These proposed amendments significantly change and improve the classification system for adults in custody by allowing more individuals to qualify for community work assignments or unfenced housing assignments. It has been found that individuals confined within corrections institutions must be fully engaged in productive activity if they are to successfully re-enter society with practical skills and a viable work ethic. For these reasons, the department anticipates these proposed amendments will have a positive impact on racial equity in the state.

Additional proposed amendments to the department's Division 082 rules change the term used to refer to individuals incarcerated in Department of Corrections institutions to incorporate the new statutory term - "adult in custody". The department understands that all adults in custody, including 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. The Department of Corrections anticipates that these proposed rule amendments will help promote the just and fair treatment of members of these groups while they are incarcerated, and upon their release and transition back into Oregon's communities upon completion of their incarceration sentences. For these reasons, the department anticipates that these proposed rule amendments will have a positive impact on racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

The revisions to this rule include updating terminology from "inmate" to "adult in custody" (AIC), along with refinements to definitions, custody classification levels, and eligibility criteria for work assignments and unfenced housing (increased number of days in custody from 60 to 90), and remove misdemeanor detainer restriction.

The rule amendment is not anticipated to have a material fiscal impact on DOC. The change that increases the minimum time an adult in custody (AIC) must have served in Department of Corrections (DOC) custody before becoming eligible for on-site or community work assignments from 60 days to 90 days may have a small savings impact to DOC by delayed AIC work compensation costs, but these costs are anticipated to be negligible.

The rule change is not anticipated to have additional costs or staffing fiscal impacts on the other state agencies/partners, 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 not have provided any substantive assistance in drafting these rule revisions because of the technical nature of the revisions.

RULES PROPOSED:

291-082-0100, 291-082-0105, 291-082-0110, 291-082-0115, 291-082-0120, 291-082-0125, 291-082-0130, 291-082-0135, 291-082-0140, 291-082-0145

AMEND: 291-082-0100

RULE SUMMARY: Amends rule for grammatical clarifications; to change the term “inmate” to the term “adult in custody”; and to align these rules with other departmental rules.

CHANGES TO RULE:

291-082-0100

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, 421.445, 423.020, 423.030, 423.075 and Article I, Section 41 of the Oregon Constitution.¶

(2) Purpose: The purpose of these rules is to establish Department of Corrections policy and procedures relating to the assessment, assignment, and supervision of ~~inmates~~adults in custody assigned to community custody work crews, on-site work assignments, and unfenced minimum housing.¶

(3) Policy: It is the policy of the department to establish specific eligibility criteria for ~~inmates~~adults in custody who are assigned to community custody work crews, on-site work assignments, and unfenced minimum housing.¶

(a) Consistent with the mandates and purposes of Article I, section 41 of the Oregon Constitution, the Department of Corrections will seek opportunities to enter into cooperative agreements with local, state, or federal governmental agencies, and private ~~non-profit and private~~entities, to include non-profit entities, for the use of ~~inmate~~and supervision of adults in custody to provide labor and services ~~on~~for work projects.¶

(b) The department will enforce the following procedures for ~~inmate~~adult in custody work crew supervision to support the safety and security of the community, ~~staff~~employees, supervisors, and ~~inmates~~adults in custody.

Statutory/Other Authority: ORS 179.040, 421.445, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 421.425, 423.020, 423.030, 423.075

AMEND: 291-082-0105

RULE SUMMARY: Amends rule to update custody classification level criteria; update the definition of Escape; make grammatical or general clarifications; spell out acronyms; add or update or reorganize definitions; change the term "inmate" to the term "adult in custody"; and align these rules with other departmental rules.

CHANGES TO RULE:

291-082-0105

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, post-prison supervision, or probation status. ¶

(3) Agency Work Crew: One or more inmatesadults in custody assigned to work on an on-site community or community-on-site work crew. ¶

(24) Agency Work Crew Supervisor: An employee or agent of the local, state, or federal governmental agency or private non-profit and private entities who may supervise inmates, responsible to supervise adults in custody assigned to an agency work crew pursuant to an intergovernmental agreement entered into by the agency and the Department of Corrections. ¶

(35) Behavioral Health Unit: An intensive behavioral management and skills training unit for adults in custody with serious mental illness who have committed violent acts or disruptive behavior. ¶

(6) Corrections Information System (CIS): A computer system dedicated to tracking information critical to the management of inmates and offendersadults in the custody or under the custody, supervision or both of the Department of Corrections. ¶

(47) Custody Classification Level: One of five levels of supervision assigned to an inmateadult in custody through initial and classification procedures in accordance with the DOC rule on Classification (Inmate) (OAR 291-104), review procedures. ¶

(a) Level 5: An inmateadult in custody assigned at this custody classification level meets one of the following criteria: ¶

(A) Has demonstrated behaviors causing serious management concerns, as defined in OAR 291-104, 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 inmate or staffadult 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 the Special Population Management Committee for housing placement. ¶

(bc) Level 4: An inmateadult 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. ¶

(cd) Level 3: An inmateadult in custody assigned at this custody classification level presents a moderate risk of escape, has a High-Level 3-detainer as defined in the Custody Classification Guide (OAR 291-104-0111, Attachment 1), has demonstrated behavior causing moderate management concern, or has time remaining of more than 48 to 120 months. ¶

(de) Level 2: An inmateadult in custody assigned at this custody classification level presents a limited risk of escape, has a Low-Level detainer as defined in the Custody Classification Guide (OAR 291-104-0111, Attachment 1), or has demonstrated behavior causing limited management concern, and has time remaining of less than 48 month60 months or less. ¶

(ef) Level 1: An inmateadult 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 less than 48 month60 months or less. ¶

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

(79) Designator: 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 adults in custody and adults on supervision. ¶

~~(810)~~ Direct Supervision: The responsibility of authorized supervisors to ensure the on-site presence of an inmate adult in custody while outside the institution secure perimeter, and to immediately report any unauthorized absence or departure. ¶

~~(911)~~ Escape: For purposes of these rules, escape: ¶

(a) Means an unlawful departure of a person from custody (as defined herein); 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 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. ¶

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

(13) 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. ¶

~~(104)~~ Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision or probation status 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. ¶

(15) 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. ¶

(16) 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. ¶

~~(147)~~ Protection/ Order or Restraining Order: Any valid court order intended to protect one person from another and restraining one person from any form of contact with another person. ¶

~~(128)~~ Static-99R: A ten-item actuarial assessment instrument designed 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 determine a sex offender's risk of re-offense. Scoring ranges between -3 (low) and 10 (high)-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. ¶

~~(139)~~ Stalking Conviction: Any court conviction for stalking as described in ORS 163.732 and 163.750. ¶

~~(1420)~~ Stalking Order: Any court order prohibiting one person from stalking another as described in ORS 163.732 and 163.750. ¶

~~(1521)~~ Static-99R: A ten-item actuarial assessment instrument designed to determine a sex offender's risk of reoffense. Scoring ranges between -3 (low) and 10 (high). ¶

(22) Unfenced Housing Assignment: A housing assignment to a Department of Corrections facility that does not have a secure perimeter fence. ¶

~~(16)~~ WHALE (23) Work Assignment Levels: ¶

(a) Inside Work Assignment: A work assignment restricted to inside the perimeter fence of a Department of Corrections facility. ¶

(b) On-Site Work Assignment: A work assignment on the grounds of the facility in which an inmate adult in custody is housed, but outside the perimeter fence of the facility. ¶

(c) Community Work Assignment: A work assignment located outside the perimeter fence and off the grounds of the Department of Corrections facility in which an inmate adult in custody is housed. ¶

~~(1724)~~ Work Housing Assignment Level Evaluation (WHALE): The automated assessment program in the Corrections Information System (CIS) used by the Department of Corrections to determine an inmate adult in custody's work assignment levels and/or unfenced housing assignment or both.

Statutory/Other Authority: ORS 179.040, 421.445, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 421.425, 423.020, 423.030, 423.075

AMEND: 291-082-0110

RULE SUMMARY: Amends rule to make grammatical or general clarifications; spell out acronyms; update the criteria for on-site work assignment, community work assignment, and unfenced housing; remove duplicative attachments and provide direction to the rule where they can be found; and change the term "inmate" to the term "adult in custody".

CHANGES TO RULE:

291-082-0110

Work Housing Assignment Level Evaluation ~~(WHALE)~~ Eligibility ¶

(1) Inside Work Assignment: All ~~inmates~~ adults in custody at custody classification Level 1 or 2 are minimally eligible for an inside work assignment. ¶

(2) On-Site Work Assignment: An ~~inmate~~ adult in custody must meet the following criteria to be considered for an on-site work assignment: ¶

(a) Meets Work Housing Assignment Level Evaluation criteria for an inside work assignment ~~on the WHALE~~; ¶

(b) Has served more than ~~6~~ 90 days in ~~DOC~~ Department of Corrections custody; ¶

(c) Has no predatory sex offender designation in Oregon or any other state, and if a sex offender, score 5 or below on the Static 99R (see Static 99R and Definitions available under OAR 291-062-0130, Attachment B) or is not classified as a Level III sex offender under OAR 255-085-0020; Sex Offender Risk Assessment Methodology. ~~The Static 99R and definitions are attached and available under OAR 291-062-0130 exhibits~~; ¶

(d) Has not been sentenced under the sexually violent dangerous offender law; and ¶

(e) Is approved by the functional unit manager or designee. ¶

(3) Community Work Assignment: An ~~inmate~~ adult in custody must meet the following criteria to be considered for a community work assignment: ¶

(a) ~~S~~ Has served more than ~~6~~ 90 days in ~~DOC~~ Department of Corrections custody; ¶

(b) ~~N~~ Has no active designator for conviction for Arson I or Attempted Arson I; ¶

(c) ~~N~~ Has no active designator for conviction for a sex offense or a crime with a sexual element; ¶

(d) ~~N~~ Has no active protection / order or restraining order(s); ¶

(e) ~~No~~ conviction for a Stalking offense; ¶

(f) ~~N~~; ¶

(e) Has no Stalking Conviction; ¶

(f) Has no active court Stalking Order; ¶

(g) ~~Not~~ Has not been found in violation of Sexual Assault or Sexual Coercion as described in OAR 291-105-0015, Rules of Misconduct; ¶

(h) ~~M~~ Is a minimal escape risk as defined in the Custody Classification Guide and the (OAR 291-104-0111, Attachment 1) and the department's rules on Classification (Inmate Adult in Custody) (OAR 291-104); ¶

(i) ~~N~~ Has no felony detainer(s) that are untried or expire after the inmate's projected release date. ¶

(j) ~~No~~ multiple misdemeanor detainers that expire after the inmate adult in custody's projected release date; and ¶

(k) ~~N~~ Has no active designators on file disqualifying that make a community assignment: inappropriate. ¶

(4) Unfenced Housing: An ~~inmate~~ adult in custody must meet the following criteria to be considered for an unfenced housing assignment: ¶

(a) Is Custody Classification Level 1. ¶

(b) Meets all community work assignment criteria listed in subsection (3) above. ¶

(c) ~~N~~ Has no active designator for conviction for Arson II, Attempted Arson II, ~~Reckless Burning~~ or other related arson crimes, including attempts. ¶

(d) ~~N~~ Has no current active escape designator; or any active moderate escape risk (ESMO) or severe escape risk (ESSV) designators, as defined in the Custody Classification Guide (OAR 291-104-0116). ¶

(e) ~~No~~ misdemeanor detainer that is untried. ¶

(f) ~~No~~ consecutive misdemeanor detainer that expires one year or less from the inmate's projected release date 1, Attachment 1.

Statutory/Other Authority: ORS 179.040, 421.445, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 421.425, 423.020, 423.030, 423.075

AMEND: 291-082-0115

RULE SUMMARY: Amends rule to spell out acronyms; change the term “inmate” to the term “adult in custody”; and make grammatical or general clarifications.

CHANGES TO RULE:

291-082-0115

Initial Work Housing Assignment Level Evaluation (~~WHALE~~) ¶

(1) A ~~WHALE~~ork Housing Assignment Level Evaluation shall be completed on all inmatesadults in custody who have been classified as Level 1 or Level 2 in order for the inmatefor the adult in custody to be considered for a community work assignment or for housing in an unfenced facility.¶

(2) The assigned counselor shall initiate the automated ~~WHALE~~, review for accuracy ofork Housing Assignment Level Evaluation, review to determine information was imported from the CIS,orrections Information System accurately and enter any additional information gleaned from file review or other sources.¶

(3) The ~~WHALE~~ork Housing Assignment Level Evaluation shall be forwarded to the Correctional Rehabilitation Manager for approval. An evaluation is not considered official until approved by the Correctional Rehabilitation Manager or designee.¶

(4) All approved ~~WHALE~~ actions are historically recorded and maintained in the CIS systemork Housing Assignment Level Evaluation actions are recorded in the Corrections Information System and the records maintained in accordance with the department's retention schedule.

Statutory/Other Authority: ORS 179.040, 421.445, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 421.425, 423.020, 423.030, 423.075

AMEND: 291-082-0120

RULE SUMMARY: Amends rule to spell out acronyms; and change the term "inmate" to the term "adult in custody".

CHANGES TO RULE:

291-082-0120

Work Housing Assignment Level Evaluation-~~WHALE~~ Review ¶

(1) An inmate's ~~WHALE~~ adult in custody's Work Housing Assignment Level Evaluation shall be reviewed when new information is received that affects the ~~WHALE~~ level.¶

~~(2) The inmate work assignment level.¶~~

(2) The adult in custody's assigned counselor will receive an automated alert when new information is received that will affect the ~~WHALE~~ work assignment level.¶

(3) The new ~~WHALE~~ ork Housing Assignment Level Evaluation action shall be forwarded to the Correctional Rehabilitation Manager or designee for approval. No ~~WHALE~~ ork Housing Assignment Level Evaluation action is official until approved by the Correctional Rehabilitation Manager or designee.

Statutory/Other Authority: ORS 179.040, 421.445, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 421.425, 423.020, 423.030, 423.075

AMEND: 291-082-0125

RULE SUMMARY: Amends rule to spell out acronyms; change the term “inmate” to the term “adult in custody”; make grammatical or general clarifications; and clarify process.

CHANGES TO RULE:

291-082-0125

On-site Work Assignment Exception ¶

(1) Recommendation of an ~~inmate~~adult in custody for an on-site work ~~exception will be at the discretion of assignment exception may be requested by~~ the assigned counselor. Reasons ~~for a consideration for on-site recommendation by the counselor may be~~for ~~or~~ may recommend an on-site work assignment exception include, but are not limited to, positive program and work history, positive behavior, or no victim concerns.¶

(2) Final approval of an on-site work assignment exception will be made by the Department of Corrections facility functional unit manager or designee.¶

(3) ~~Approval of on-site work assignment approval~~exception is only valid at the Department of Corrections facility where the decision was made, and will automatically expire if the ~~inmate~~adult in custody is transferred to any other Department of Corrections facility.

Statutory/Other Authority: ORS 179.040, 421.445, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 421.425, 423.020, 423.030, 423.075

AMEND: 291-082-0130

RULE SUMMARY: Amends rule to spell out acronyms; change the term “inmate” to the term “adult in custody”; and make a general clarification.

CHANGES TO RULE:

291-082-0130

Work Housing Assignment Level Evaluation Quality Assurance Review ¶

(1) The Office of Population Management is responsible for reviewing institution ~~WHALE~~Work Housing Assignment Level Evaluation procedures and decisions.¶

(2) Reviewing shall consist of routine review of Work Housing Assignment Level Evaluations at each ~~DOC~~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 to the appropriate ~~Operations Division~~Institution Administrator for corrective action.¶

(4) The Office of Population Management is responsible to review the last ~~WHALE~~for any inmateork Housing Assignment Level Evaluation 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 appropriate Institution Administrator.

Statutory/Other Authority: ORS 179.040, 421.445, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 421.425, 423.020, 423.030, 423.075

AMEND: 291-082-0135

RULE SUMMARY: Amends rule to make grammatical or general clarifications; and change the term “inmate” to the term “adult in custody”.

CHANGES TO RULE:

291-082-0135

~~Inmate~~Adult in Custody Work Crews Agreements ¶

(1) The Department of Corrections may, at its discretion, assign ~~inmate~~adult in custody work crews to work in the community on work projects for local, state, or federal governmental agencies, and private ~~non-profit or private~~ entity work projects. ¶

~~(2) Entities, to include non-profit entities. ¶~~

(2) Department of Corrections facility functional unit managers will use private partnership review guidelines in determining appropriateness of private sector agreement requests.

Statutory/Other Authority: ORS 179.040, 421.445, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 421.425, 423.020, 423.030, 423.075

AMEND: 291-082-0140

RULE SUMMARY: Amends rule to make grammatical or general clarifications; change the term "inmate" to the term "adult in custody"; and clarify distance measurement.

CHANGES TO RULE:

291-082-0140

Supervision ~~and~~ Security Provisions for ~~Inmate~~ Adult in Custody Work Crews ~~¶~~

(1) If the Department of Corrections assigns an ~~inmate~~ adult in custody work crew within ~~three blocks~~ 1500 feet of a school, the functional unit manager or designee will ensure notification is made to the affected school ~~on(s) with~~ dates, times, and location of ~~inmate~~ the adult in custody work crew. ¶

(2) When an ~~inmate~~ adult in custody work crew is scheduled to work within city limits, a designee of the institution will notify the appropriate local law enforcement agency prior to the project start date. ¶

(3) ~~Inmate~~ Adult in custody work crews working ~~out-of-door~~ side within a city or working in a residential community located outside of a city will be supervised by a minimum of one supervisor for every ten ~~inmates~~. ~~The~~ 10 adults in custody. The Department of Corrections facility functional unit manager or designee may, with the approval of the Assistant Director of Operations or designee, assign additional ~~inmates~~ adults in custody without an additional supervisor if an unforeseen ~~and~~ or unique circumstance arises. ¶

(4) The provisions specified in sections (2) and (3) of this rule are not required for ~~inmate~~ adult in custody work crews deployed during natural disasters; including, but not limited to, floods and forest fires. ¶

(5) The provisions specified in sections (2) and (3) of this rule do not apply to ~~inmate~~ adult in custody work crews assigned to work in programs operated by Oregon Corrections Enterprises under ORS 421.344 to 421.367. ¶

(6) All assigned ~~inmates~~ adults in custody will be dressed uniformly in clothing clearly stenciled in orange writing, or black writing for better contrast, that designates them as ~~inmates~~ adults in custody. ¶

(7) Upon arrival at a worksite, ~~Department of Corrections~~ signs stating an ~~inmate~~ adult in custody work crew is present will be posted in or near the work area in a place that is visible to the public. ¶

(8) While at the work site, supervisors will maintain direct supervision of all assigned ~~inmates~~ adults in custody, unless the nature of a work task requires the supervisor to monitor an ~~inmate~~ all assigned adults in custody by physically moving throughout the worksite. ¶

(9) At a minimum, the ~~inmate~~ adult in custody work crew supervisor will account for each ~~inmate~~ adult in custody once every 30 minutes. ¶

(10) All ~~inmate~~ adult in custody work crews will be supervised by an employee of the Department of Corrections or Oregon Corrections Enterprises, unless performing a work project for a local, state, or federal governmental agency. The crew may be supervised by an employee of a governmental agency pursuant to an intergovernmental agreement entered ~~into~~ by that agency and the Department of Corrections. ¶

(11) The department will require, in its intergovernmental agreements with local, state, or federal governmental agencies, that ~~the~~ any employees exercising supervision over inmates of the governmental agency assigned ~~to~~ as agency work crews supervisor receive appropriate training in accordance with OAR 291-082-0145. ¶

(12) Institution post orders will be maintained in support of this rule.

Statutory/Other Authority: ORS 179.040, 421.445, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 421.425, 423.020, 423.030, 423.075

AMEND: 291-082-0145

RULE SUMMARY: Amends rule to make grammatical or general clarifications; and change the term “inmate” to the term “adult in custody”.

CHANGES TO RULE:

291-082-0145

Work Crew Supervision Training ¶

(1) Before supervising a community ~~inmate~~ adult in custody work crew, all employees of the Department of Corrections and ~~other~~ local, state, or federal governmental agencies ~~that have been~~ designated to supervise ~~inmates~~ adults in custody assigned to community work crews will minimally receive eight hours of supervisory training. This training shall be developed, ~~approved,~~ and approved by the Department of Corrections Professional Development Unit ~~staff member or adjunct training~~ and provided by the Department of Corrections Professional Development Unit or designee. ¶

(2) The department will provide the designated employees periodic follow-up training at least annually. Training may be provided by the department more frequently if the department determines additional training to be necessary or advisable.

Statutory/Other Authority: ORS 179.040, 421.445, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 421.425, 423.020, 423.030, 423.075