



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291
DEPARTMENT OF CORRECTIONS

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ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Classification

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.
- 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.
- Clarifying and updating classification criteria, scoring, definitions, and terminology to improve clarity, consistency, and alignment with statutory language and other department rules.
- Clarifies the role of the Classification Manager in custody classification reviews and decisions.
- Clarifies and updates key custody classification processes, including procedures for adults in custody who release and return with IMU-related designators, requirements when IMU placement or a Level 5 designation is overturned, and

the review and use of discretionary overrides (including Level 1–4 downward override requests).

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

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 104 rules will have a positive impact on racial equity in the state of Oregon.

The Department of Corrections’ Division 104 rules establish procedures for assigning custody levels to adults in custody, support population management and planning, and guide the effective allocation of correctional resources.

Proposed amendments to these rules clarify criteria for classification levels for custody level overrides under the Special Population Management process, clarify how release to Intensive Management Unit or Behavioral Health Unit affects custody level classification, update detainer and time to release scoring; update or add definitions or spell out acronyms to improve the clarity of the rules, align with department philosophy, and with other department rules; make these rules more gender neutral; make minor, technical changes to align these rules with other department rules or improve consistency within these rules and with other department rules; update roles, responsibilities, override and approval authority, and the classification review process; remove references to Immigration and Customs Enforcement (ICE); 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 104 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 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 and help prevent misclassification. 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 104 rules change the term used to refer to individuals incarcerated in Department of Corrections institutions to incorporate the new statutory term - “adult in custody” and change the term “offender” to “adult on supervision”. These proposed rules amendments align with DOC’s mission and guiding principles, referred to by DOC as the “Oregon Way,” which seeks to normalize and humanize the experience of adults in custody who are confined in Oregon’s prisons. The department further understands that all adults in the custody or under the supervision of the Department of Corrections, 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 or on supervision, 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 focuses on the Department of Corrections’ classification system for adults in custody. Key changes include updating terminology from “inmate” to “adult in custody (AIC)” throughout, refining definitions such as

adding "Adult in Supervision" and clarifying custody levels, and revising procedural elements, administrative reviews, and quality assurance processes.

The rule change is not anticipated to have additional costs or staffing fiscal impacts on the other state agencies/partners, local governments (the counties), AICs 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:

291-104-0106, 291-104-0111, 291-104-0116, 291-104-0125, 291-104-0135, 291-104-0140

AMEND: 291-104-0106

RULE SUMMARY: Amends rule to change the term "inmate" to the term "adult in custody"; make grammatical or general clarifications (such as spell out acronyms); align the rule with language in other department rules; remove gendered language; and move text to the appropriate rule.

CHANGES TO RULE:

291-104-0106

Authority, Purpose, and Policy ¶¶

(1) Authority: The authority for 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 these rules is to: ¶¶

(a) Establish Department of Corrections policy and procedures for identifying and assigning an appropriate custody level to each ~~inmate committed~~ adult in custody committed to serve a term of incarceration in or transferred to the Department of Corrections and housed in a Department of Corrections-operated or Department of Corrections-contracted facility or those adult-sentenced youths in the custody of Oregon Youth Authority; ¶¶

(b) Provide information for population management and planning; and ¶¶

(c) Provide information to support the appropriate distribution of correctional resources for both ~~inmate~~ adult in custody and agency needs. ¶¶

(3) Policy: ¶¶

(a) Custody Level: It is the policy of the Department of Corrections to assign each ~~inmate committed~~ adult in custody committed to serve a term of incarceration in or transferred to the custody of the department the lowest custody level deemed appropriate and to: ¶¶

(A) Provide the amount of supervision necessary to account for the ~~inmate~~ adult in custody's whereabouts; ¶¶

(B) Provide for the safe, secure, and orderly operation of Department of Corrections facilities; ¶¶

(C) Provide reasonable protection to the general community, ~~staff, and inmate~~ employees, and adult in custody population; ¶¶

(D) Allow each ~~inmate~~adult in custody to exercise independent responsibility ~~commensurate with his or equal to~~ their demonstrated ability and behavior; and ¶

(E) Ensure the ~~provision~~delivery of appropriate ~~inmate~~adult in custody health care, mental health treatment, education, and work programs. ¶

(b) Housing Assignments: It is the policy of the Department of Corrections to assign an ~~inmate~~adult in custody to housing consistent with his/their custody level, demonstrated behavior, and special needs. ~~No Level 5 inmates shall be housed in a general population housing unit.~~ ¶

(c) ~~The following classification terminology directly corresponds when interpreting DOC administrative rules, policies, or procedures:~~ ¶

~~(A) Level 5 – Maximum.~~ ¶

~~(B) Level 4 – Close.~~ ¶

~~(C) Level 3 – Medium.~~ ¶

~~(D) Level 2 – Minimum.~~ ¶

~~(E) Level 1 – Minimum.~~

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: 291-104-0111

RULE SUMMARY: Amends rule to change the term "inmate" to the term "adult in custody"; make grammatical or general clarifications (such as, spell out acronyms) or updates for consistency within the rules; add definitions, or update definitions for clarity or to further define process, or remove unnecessary definitions; align the rule with language in other department rules; remove gendered language; update custody classification level criteria; and update the definition of Escape.

CHANGES TO RULE:

291-104-0111

Definitions for ~~OAR 291-104-0106 to 291-104-0140~~ ¶

- (1) Administrative Review: A review of classification scoring, classification level, or classification override requested by an ~~inmate~~adult in custody and completed by the designated institution committee, ~~facility~~institution functional unit manager, or Classification Manager. ¶
- (2) Adult in Custody: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation status. ¶
- (3) Adult on Supervision: Any person under the supervision of the Department of Corrections who is on parole, post-prison supervision, or probation status. ¶
- (4) Arrest: For the purposes of these rules, arrest means placing a person under full custody (i.e. ~~after that is~~, 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~~5) Behavioral Health Services (BHS): A unit within Oregon Department of Corrections Health Services with primary responsibility for the assessment and treatment of adults in custody with mental illness and intellectual disabilities. ¶
- (6) Behavioral Health Unit: An intensive behavioral management and skills training unit for adults in custody with serious mental illness that have committed violent acts or disruptive behavior. ¶
- (7) Classification Action: Initiation of initial custody classification, level, reclassification review, or classification override to determine an ~~inmate~~adult in custody's custody classification level. ¶
- (48) 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~~9) Corrections Information System (CIS): A computer system dedicated to tracking information critical to the management of ~~inmates and offenders~~adults in the custody or under the custody, supervision ~~or both~~ of the Department of Corrections. ¶
- (~~7~~10) 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, or taking the person into custody for a parole, post-prison supervision or probation violation. ¶
- (~~8~~11) Custody Classification Guide (Attachment 1): Criteria and guidelines that assist in understanding an ~~inmate's~~adult in custody assigned custody classification level utilizing scoring elements determined by the Department of Corrections. ¶
- (~~9~~12) Custody Classification Level: One of five levels of supervision assigned to an ~~inmate~~adult in custody through initial custody classification level and classification review procedures. ¶
- (a) Level 5: ~~An inmate~~ (Maximum): An adult in custody 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. ~~or~~ ¶
- (D) Is under investigation for or has been charged with the in-custody murder of another ~~inmate or staff~~adult 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 Special Population Management Committee for housing placement. The Special Population Management Committee will determine housing placement and if general population is

recommended can override the Level 5 classification to Level 4.

(bc) Level 4: An inmate (Close): An adult 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 inmate (Medium): An adult in custody assigned at this custody classification level presents a moderate risk of escape, has a High-Level 3 detainer, has demonstrated behavior causing moderate management concern, or has time remaining of more than 48 to 120 months.

(de) Level 2: An inmate (Minimum): An adult in custody assigned at this custody classification level presents a limited risk of escape, has a Low-Level detainer, or has demonstrated behavior causing limited management concern, and has time remaining of less than 48 months, 60 months or less.

(ef) Level 1: An inmate (Minimum): An adult 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 months, 60 months or less.

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

(114) 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. (as defined in OAR 291-082-0105), and the management of adults in custody and adults on supervision.

(125) Escape:

(a) For purposes of these rules, escape is:

(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.

(b) Escape is, 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.

(136) Initial Classification: The process used by the Department of Corrections to assign an inmate Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of program services or coordination of program operations.

(17) 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.

(18) Initial Custody Classification Level: The process used by the department to assign an adult in custody a custody level upon his/her admission to the physical custody of the Department.

(149) Inmate: Any person under the supervision of the Intensive Management Unit: Special security housing and programs separate from general population housing units in 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) facilities for adults in custody demonstrating serious security or safety concerns.

(20) 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.

(21) Law Enforcement: Government agencies and individuals designated to enforce laws and maintain public order (such as, sheriff, police officer, or parole officer).

(22) 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.

(23) Override: An option utilized when there is a documented issue(s) not addressed in the automated 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~~ (24) Reclassification: The process used by the department 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-~~ evaluate an adult in custody's assigned custody classification level after they have been in the department's custody for at least six (6) months. The assigned custody classification level may be changed as a result of the review.

~~(19) (25) 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 Department of Corrections 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 Department of Corrections 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) (6) Special Population Management (SPM) Committee: A committee composed~~ that is chaired of at least three department administrative staff by a representative from the Office of Population Management and is composed of at least two include a representative additional department employees from Institution Operations, and Behavioral Health Services, and the Office of Population Management, who are responsible for reviewing referrals to the Intensive Management Unit, mental health special housing, or administrative housing.

~~(21) (7) Violence Predictor Score (VPS): A score based on a mathematical equation,~~ see Attachment 2 Violence Predictor Score Formula, used to determine an inmate adult in custody's potential risk for violence in an institutional setting during the first twelve (12) months of incarceration. The equation includes calculations based on an inmate adult in custody'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 ~~Stat Impl: ORS 179.040, 423.020, 423.030, 423.075~~

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

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are attached to this document. You may view the attachment 291-104-0111.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:

<https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=335956>

AMEND: 291-104-0116

RULE SUMMARY: Amends rule to change the term "inmate" to the term "adult in custody"; make grammatical or general clarifications (such as, spell out acronyms or specify positions) or updates for consistency within the rules; align the rule with language in other department rules; and remove gendered language.

CHANGES TO RULE:

291-104-0116

Initial Custody Classification Level ¶

(1) The Department of Corrections shall assign ~~inmates~~adults in custody an initial custody classification level in accordance with the Custody Classification Guide (Attachment 1) or the ~~inmate~~adult in custody's Violence Predictor Score, whichever is higher. An ~~inmate~~adult in custody will generally be assigned an initial custody classification level within 30 days of admission to the physical custody of the Department of Corrections. ¶

(2) The Violence Predictor Score is used as a classification scoring element only during the first twelve (12) months of an ~~inmate~~adult in custody's incarceration in the Department of Corrections; and may be applied ~~at~~by the ~~discretion of a~~ Department of Corrections counselor after a thorough review of an ~~inmate~~the adult in custody's records. ¶

(3) Upon admission to the physical custody of the Department of Corrections, the ~~inmate~~adult in custody's assigned counselor will determine an ~~inmate~~adult in custody's initial custody classification level and forward the classification action to the functional unit manager or designee for approval. ¶

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

(5) Final approval for any override of one step will be made by ~~the Intake or~~Intake or ~~Manager,~~ institution ~~staff~~Correctional Rehabilitation Manager, or their designee, and shall be documented on the classification override comment screen, describing the override reason. ¶

(6) A custody classification level override of more than a single step is not official until approved by the ~~designated institution committee~~Intake Manager or institution Correctional Rehabilitation Manager or their designee, and the Classification Manager or designee. ¶

(7) A custody classification level of Level 5 is not official until approved by the designated Intake or institution ~~committee~~employee, the ~~SPM~~Special Population Management Committee, and the ~~High Risk Placement Office of Population Management Operations~~ Population Management Operations Manager or designee. ¶

(8) An ~~inmate~~adult in custody may request a copy of ~~his/their~~ official classification action. ¶

(9) All official classification actions are ~~historically recorded in the Corrections Information System and the~~ recorded and maintained in ~~the CIS system~~accordance with the department's retention schedule. ¶

(10) The Office of Population Management may modify any classification. In such cases, the affected Department of Corrections facility will be notified of the reason(s) for the modification. ¶

[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 SUMMARY: Amends rule to change the term "inmate" to the term "adult in custody"; make grammatical or general clarifications (such as, spell out acronyms or specify positions) or updates for consistency within the rules; align the rule with language in other department rules; remove the option to review adults in custody with ICE detainees for override to Level 2; further define process for AICs who release and return to ensure high risk classification (Level 4) is evaluated; further define process if IMU placement or Level 5 designation is overturned; further define process for discretionary override to lower or higher custody; and remove gendered language.

CHANGES TO RULE:

291-104-0125

Custody Classification Level Review

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

(2) Custody Classification Levels 1-4: When new information is received that affects the ~~inmate~~ adult in custody's custody classification level, the ~~inmate~~ adult in custody's assigned counselor will review the classification action for accuracy and forward it to the ~~fun~~ Correctional unit ~~m~~ Rehabilitation Manager for approval.

(a) No classification action is official until the ~~fun~~ Correctional unit ~~m~~ Rehabilitation Manager or designee approves the classification action.

(b) Final approval for any override of one step will be made ~~at~~ by the inst ~~Intake Manager, Correctional~~ Rehabilitational Level Manager or their designee 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~~ Intake Manager or institution Correctional Rehabilitation Manager or their designee, and the Classification Manager or designee.

(d) An ~~inmate~~ adult in custody may request a copy of his/their official classification action.

(e) All official classification actions are ~~historically~~ recorded in the Corrections Information System and the recorded and maintained in the ~~CIS~~ accordance with the department's retention schedule.

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

~~(g) Counselors may opt to review inmates with ICE detainees for override to Level 2 for placement or retention in a minimum facility.~~

~~(3) Custody Classification Level 5:~~ ustody Classification Level 5:

(a) No Level 5 (maximum security) adults in custody shall be housed in a general population housing unit.

~~(a)~~ When an ~~inmate's~~ institutional behavior is determined to ~~adult in custody's~~ behavior creates serious management concerns, the classification ~~action~~ will be reviewed by the designated institution committee ~~and~~. If the designated institution committee approves a change in the classification, a "Pending IMU" (PIMU) designator will be placed by the institution and a referral will be forwarded to the Special Population Management (SPM) Committee for review. If the SPM ~~Special Population Management~~ Committee approves an inmate ~~adult in~~ custody's classification at Level 5, the Office of Population Management will ~~add an~~ approve the "Intensive Management Unit Level 5" (IMU5) designator and generate a new classification action, which will be scored as custody classification Level 5.

~~(b)~~ Once an ~~inmate~~ adult in custody is assigned to custody classification Level 5, the automated classification program will maintain the ~~inmate~~ adult in custody's Level 5 custody classification status until the ~~IMU5~~ designator is removed, an IMUR designator is added, and a new classification is generated. The "Intensive Management Unit Level 5" (IMU5) designator is closed. Upon completion of Intensive Management Unit programming, the designator will be closed using the code of Intensive Management Unit Release (IMUR) and a new classification is generated. The new classification will be scored at custody classification Level 4 for one year.

(d) If an adult in custody releases from custody with an Intensive Management Unit-related designator (PIMU or IMU5) and later returns to the department's custody, a determination will be made by Special Population Management Committee regarding completion of Intensive Management Unit programming. If the adult in custody is not returned to the Intensive Management Unit, a determination will be made regarding how long they will remain at classification Level 4.

(e) If an adult in custody successfully challenges their Intensive Management Unit placement and related classification Level 5 designation, a new classification action will be scored at custody classification Level 4 for one

~~year~~ completed to determine appropriate classification. ¶

(4) Discretionary Override to Lower Custody: Factors that may cause override to a lower custody classification level can include, but are not limited to: ¶

(a) Low concern of management problems; ¶

(b) Minimal escape threat; ¶

(c) No serious violence threat; ¶

(d) Criminal History less serious than the score; ¶

(e) Mental health status; and ¶

(f) Other factors as determined by professional discretion. ¶

(5) Discretionary Override to Higher Custody: Factors that may cause override to higher custody classification level can include, but are not limited to: ¶

(a) Known management problem; ¶

(b) Escape threat; ¶

(c) Serious violence threat; ¶

(d) Criminal history more serious than the score; ¶

(e) Mental health status; ¶

(f) Security Threat Group activity; and ¶

(g) Other factors as determined by professional discretion.

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

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

RULE SUMMARY: Amends rule to change the term "inmate" to the term "adult in custody"; make grammatical or general clarifications or updates for consistency within the rules; further define process for requests for review of a custody classification Level 1-4 in which an adult in custody is requesting downward override of a custody classification action; clarify the role of the Classification Manager; and remove gendered language.

CHANGES TO RULE:

291-104-0135
Administrative Review ¶

- (1) An ~~inmate~~ adult in custody may request an administrative review of ~~his/their~~ classification action by completing and submitting the Department of Corrections Request for Administrative Review form (CD1120aD) or Request for Administrative Review of ~~IMU~~ Intensive Management Unit Level 5 Custody form (CD1120aE). ¶
- (2) Issues Subject to Administrative Review: Administrative review is available to an ~~inmate~~ adult in custody to contest three aspects of ~~his/their~~ classification action: ¶
 - (a) The accuracy of custody classification levels 1-4 scoring; ¶
 - (b) An upward override of a scored custody classification level initiated by an institution; or ¶
 - (c) A Level 5 custody classification. ¶
- (3) Custody Classification Level 1-4 Accuracy of Scoring: ¶
 - (a) To obtain an administrative review of the scoring accuracy of a Level 1-4 custody classification score, an ~~inmate~~ adult in custody must complete the top portion of a Request for Administrative Review form (CD1120aD form) and send the completed form, ~~together with and~~ any supporting documentation, to the designated institution committee at the Department of Corrections facility where the ~~inmate~~ adult in custody is currently housed. The institution committee must receive the request within 30 calendar days of the adult in custody receiving a copy of their official classification approval date. The institution committee should complete its review within 30 days after receiving an ~~inmate's~~ adult in custody's administrative review request. ¶
 - (b) If, ~~after receiving the review~~ an adult in custody is not satisfied with the decision of the designated institution committee, an ~~inmate is not satisfied with the decision~~, the ~~inmate~~ adult in custody may obtain further review of the custody classification Level 1-4 score by sending another completed ~~CD1120aD form, together with~~ Request for Administrative Review form (CD1120aD) and any supporting documentation, ~~and plus~~ a copy of the designated institution committee's decision, to the functional unit manager or designee of the institution where the ~~inmate~~ adult in custody is currently housed. The functional unit manager or designee must receive the review request within 30 calendar days of the designated institution committee's review decision. The functional unit manager or designee should complete ~~his/their~~ review within 30 days after receiving the ~~inmate's~~ adult in custody's administrative review request. There shall be no further administrative review of a custody classification Level 1-4 score. ¶
 - (c) ~~Inmates~~ Requests for review of a custody classification Level 1-4 in which an adult in custody is requesting downward override of a custody classification action must be submitted to the designated institution committee at the institution where the person is currently housed. Review procedures are listed in (a) and (b) above. ¶
 - (d) An adult in custody engaged in the intake process may not submit a request for review of their custody classification score until they are no longer housed at the Intake Center. ¶
- (4) Override of a Scored Custody Classification Level 1-4: To obtain an administrative review of classification that has been overridden upward at the institution level, an ~~inmate~~ adult in custody must complete the bottom portion of a Request for Administrative Review form (CD1120aD form) and send the completed form ~~to the Classification Manager, together with any supporting documentation and any supporting documentation to the Classification Manager.~~ The Classification Manager must receive the review request within 30 calendar days of the classification action approval date. The Classification Manager should complete the review within 30 days after receiving an ~~inmate~~ adult in custody's review request. There shall be no further administrative review of an override decision. ¶
- (5) Custody Classification Level Five: ¶
 - (a) To obtain an administrative review of a Level 5 custody classification, an ~~inmate~~ adult in custody must complete the adult in custody must complete a Request for Administrative Review form (CD1120aD form) and send it to the Classification Manager. The request for review by the ~~inmate~~ adult in custody shall include any supporting documentation to be considered in reviewing the appropriateness of the Level 5 custody classification. ¶
 - (b) If an ~~inmate~~ adult in custody has been assigned to the Intensive Management Unit (~~IMU~~), the matter shall be reviewed only once while the ~~inmate is completing IMU programming.~~ ¶
 - (c) If an ~~inmate~~ adult in custody is completing Intensive Management Unit programming

or Intensive Management Unit Diversion in the Behavioral Health Unit.¶

(c) If an adult in custody has been assigned to the Intensive Management Unit or Intensive Management Unit Diversion in the Behavioral Health Unit and retained at custody classification Level 5 due to serious management concerns, the inmateadult in custody will be provided a packet containing a Request for Administrative Review of Retention at Custody Classification Level 5/IMU form (CD1120aE). An inmateadult in custody may request further review of the Level 5 custody classification once annually.¶

(d) It is the role of the Classification Manager to review whether the adjudicated misconduct or documented behavior that caused referral to the Intensive Management Unit (custody classification Level 5) as stated in the referral documents justifies the custody classification Level 5. It is not the role of the Classification Manager to determine the accuracy of documented misconduct. To request review of an adjudicated misconduct, an adult in custody may write to the Office of the Inspector General.¶

(6) A copy of administrative review decisions will be provided to the inmateadult in custody and retained in the inmateadult in custody's institution file.

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: 291-104-0140

RULE SUMMARY: Amends rule to change the term "inmate" to the term "adult in custody"; make grammatical or general clarifications (such as, specify positions) or updates for consistency within the rules; align the rule with language in other department rules; and clarify the role of the Classification Manager.

CHANGES TO RULE:

291-104-0140

Custody Classification Level Quality Assurance Review ¶

(1) The Classification Manager is responsible for reviewing the Department of Corrections facility classification procedures and decisions. ¶

(2) Routine reviewings shall consist of routine review of custody be completed for custody classification Level 1 and 2 placements and review of individual classification actions at each 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 Institution Administrator(s) for corrective action. ¶

(4) The Classification Manager is responsible to review the last classification action for any ~~inmate~~ 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 ~~Operations Division Institution~~ Assistant Director of Operations and Eastside and Westside Institution Administrators. ¶

(5) The Classification Manager is responsible to review all classification actions for any adult in custody who dies in the Department of Corrections custody, when the Department of Justice requests an internal death review, and to submit a report to the Office of Population Management Administrators.

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

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