



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291

DEPARTMENT OF CORRECTIONS

FILED: 06/18/2026 10:21 AM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Community Case Management (Community Corrections)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/14/2026 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):

OAR 291-074 establishes statewide standards for evidence-based community supervision case management, including consistent risk-based classification and supervision level assignment using objective assessment tools. It also supports workload measurement, accountability, and provides data for policy, planning, evaluation, and resource allocation decisions.

The proposed changes reflect implementation of the revised Public Safety Checklist (PSC-r); clarify the entities responsible for development of the Public Safety Checklist; update the minimum required supervision contacts based on assigned risk level; and make minor grammatical or punctuation edits.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

The revised Public Safety Checklist (PSC-r) version 2025 is available upon request from the Department of Corrections Rules Coordinator. DOC.RulesCoordinator@doc.oregon.gov

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

The Department of Corrections anticipates that the proposed amendments to its Community Case Management rules (OAR 291-078) will have a neutral impact on racial equity in the State of Oregon.

The department's division 078 rules establish uniform case management practices for adults on supervision in accordance with evidence-based practices. The proposed amendments update the version of the Public Safety Checklist and clarify the entities responsible for its development, reflecting its 2025 update and revalidation. These changes are intended to improve clarity, transparency, and consistency in communication regarding risk and supervision decision-making and are expected to have a neutral impact on racial equity.

Additional proposed amendments address grammar and punctuation. These non-substantive edits are also expected to have a neutral impact on racial equity.

The department proposes reducing the required number of measurable contacts to two per month for adults on supervision with a high supervision level and one per month for those with a low supervision level. These requirements are intended to ensure accountability and engagement while aligning supervision practices with assessed risk and individual need. Because the adjustment applies uniformly across the supervised population, it is expected to support more efficient allocation of supervision resources and promote consistent statewide application of supervision expectations, contributing to fairness in implementation.

For these reasons, the Department of Corrections anticipates that the proposed amendments will have a neutral impact on racial equity in the State of Oregon.

FISCAL AND ECONOMIC IMPACT:

These amendments create uniform case management practices for adults on supervision, establish a level of statewide consistency for classification of adults on supervision, operate on the principle of limited risk control, quantify workload, assign levels of supervision, enhance accountability through established auditing methods, and provide workload data which may be used for resource allocation.

Counties could potentially realize cost savings from the reduced required contact standards, which would lower baseline workload and increase operational flexibility. However, the revised Public Safety Checklist may redistribute caseload risk levels, creating uneven fiscal impacts across counties depending on how their supervised populations score under the new standards. The overall fiscal impact is indeterminate, as the magnitude and direction of potential net savings could vary significantly by county based on local population demographics and risk profiles; reliable statewide estimation is not possible without detailed, county-specific data on current versus projected caseloads under the revised checklist.

DOC anticipates this rule change will have an indeterminate fiscal impact the department, county partners, and no impact on 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:

291-078-0020, 291-078-0021

AMEND: 291-078-0020

RULE SUMMARY: Amends rule to update the version of the Public Safety Checklist reflecting its 2025 update and revalidation; clarify the entities responsible for development of the Public Safety Checklist; make minor grammatical or punctuation edits.

CHANGES TO RULE:

291-078-0020

Risk Assessment ¶¶

(1) Proper assessment ensures the classification of adults on supervision according to risk and their assignment to specified levels of community supervision. The following risk assessment tools are utilized by the Department of Corrections and county community corrections agencies for risk assessment of adults on supervision:¶¶

(a) Public Safety Checklist (PSC-r) (version 20025): A statistical calculation developed by the Oregon Criminal Justice Commission in collaboration with Portland State University and the Department of Corrections' research unit to predict an individual's risk to recidivate within three years of release from custody or admission to probation.¶¶

(b) Proxy (version 2005): A three-question validated risk assessment tool used to identify initial risk for individuals entering probation supervision.¶¶

(c) Level of Service/Case Management Inventory (LS/CMI) Section 1 General Risk/Need Factors (version Feb. 2013): A validated assessment tool used to determine an adult on supervision's risk to recidivate and identify criminogenic risk factors across eight domains (Criminal History, Education/Employment, Family/Marital, Leisure/Recreation, Companions, Alcohol/Drug Problem, Pro-criminal Attitude/Orientation, Antisocial Pattern).¶¶

(d) Women's Risk Need Assessment (WRNA) (version 6.0): A validated post-sentencing assessment instrument used to: ¶¶

(A) Determine a woman's risk to recidivate; and ¶¶

(B) Identify criminogenic risk factors, strengths, and responsivity needs in order to provide comprehensive case planning and gender-responsive services.¶¶

(e) Ontario Domestic Assault Risk Assessment (ODARA) (version June 2004): Actuarial risk assessment tool to assess risk of committing future battering in cases where a male has assaulted his partner.¶¶

(f) Stable-2007 (version Sept. 2012): Actuarial risk assessment designed to assess risk of sexually recidivating over time using static risk factors used in conjunction with the Acute-2007.¶¶

(g) Acute-2007 (version Aug. 2012): Actuarial risk and needs scale for the assessment of an adult on supervision who has committed a sexual crime and the probability of sexual and violent recidivism based upon dynamic needs measured at each supervision contact.¶¶

(h) Static-99R and Definitions (version 2003, age coding August 2016): A ten-item actuarial assessment instrument for use with adult males who have committed a sex crime and who are at least 18 years of age at the time of admission to supervision.¶¶

(i) The risk assessment tools listed in (a) through (h) above are filed with this rule and are available on request from the Department of Corrections or at the Secretary of State's Office.¶¶

(2) Risk Assessment:¶¶

(a) All applicable assessments must be completed on a new case within 60 days of admission to supervision.¶¶

(b) Except as otherwise provided in these rules, the assessment of risk will involve the use of the Public Safety Checklist, a validated risk assessment tool, which is an objective instrument that groups adults on supervision according to their likelihood to recidivate.¶¶

(c) The assessment of risk will rely primarily on automated static risk factors to predict the likelihood to recidivate. ¶¶

(d) The computer-generated score will place the adult on supervision in one of three risk levels: high, medium, or low.¶¶

(e) If an adult on supervision has no in-state arrest history or an extensive juvenile or out-of-state criminal history, the Proxy risk tool will be used. The Proxy is a manual risk assessment tool used in lieu of the Public Safety

Checklist to determine risk level.¶¶

(3) Risk, Needs, and Responsivity Assessment: ¶¶

(a) The ongoing assessment of an adult on supervision's risk, needs, and responsivity relies on a combination of both static and dynamic risk factors ~~in order~~ to predict recidivism and identify criminogenic needs and responsivity issues.¶¶

(b) Within 60 days of admission to supervision, the risk, needs, and responsivity assessments will be completed on all adults on supervision determined to be high or medium risk either by the Public Safety Checklist, Proxy, or an approved override. The assessments will include any accompanying domain narratives and a case plan as described in OAR 291-078-0026. ¶¶

(c) In cases where no assessment is possible, officers will create a case plan, enter a reason for no assessment and articulate in progress notes why the ~~particular~~specific reason was chosen and next steps toward completing the risk, needs and responsivity assessment.¶¶

(d) High and medium level adults on supervision will be reassessed using the Level of Service/Case Management Inventory (LS/CMI), Women's Risk Need Assessment (WRNA), or Stable-2007 a minimum of every 12 months or when a significant change occurs. ¶¶

(e) The Level of Service/Case Management Inventory (LS/CMI) or Women's Risk Need Assessment (WRNA) is not required on adults on supervision that are assessed at the low level either by the Public Safety Checklist, Proxy, or by an approved override. Low level adults on supervision may be reassessed using the Public Safety Checklist, Proxy, Level of Service/Case Management Inventory (LS/CMI), Women's Risk Need Assessment (WRNA), or Stable-2007 when a significant change occurs.¶¶

(4) Overrides:¶¶

(a) The override feature is intended to address risk factors that may not be included in the objective risk assessment instruments. These factors are based upon:¶¶

(A) Dynamic risk factors which appear to impact the risk the adult on supervision poses to the community; or¶¶

(B) Written policy on the part of the agency regarding the delivery of correctional services.¶¶

(b) The override feature provides for either increases or decreases in the level of supervision from that determined through the initial risk assessment score.¶¶

(c) All overrides must be based upon static or dynamic risk factors identified by one of the following tools, special designation, or the adult on supervision's availability for supervision:¶¶

(A) Level of Service/Case Management Inventory (LS/CMI);¶¶

(B) Women's Risk Need Assessment (WRNA);¶¶

(C) Stable-2007 or Acute-2007;¶¶

(D) Ontario Domestic Assault Risk Assessment (ODARA);¶¶

(E) Designation as a Sexually Violent Dangerous Offender (SVDO);¶¶

(F) Written agency policy; or¶¶

(G) Unavailable status, which includes:¶¶

(i) In custody;¶¶

(ii) Warrant or Abscond;¶¶

(iii) Residential Treatment;¶¶

(iv) Compacted Out of State; or¶¶

(v) Medical (hospice, state hospital, etc.)¶¶

(d) The assessing officer must indicate the single most appropriate category on the override screen.¶¶

(e) Approval of override requests by the officer's supervisor is not required by this rule, however, a county community corrections agency may require this level of approval. ¶¶

(f) All overrides must include a comment or a reason for the override. ¶¶

(g) Supervision level changes due to an override shall remain in effect until:¶¶

(A) A change in circumstances warrants a reassessment and subsequent adjustment in the level of supervision; or¶¶

(B) The removal of the override is warranted and consistent with public safety and the reformation of the adult on supervision.¶¶

(5) In order to ensure a baseline of statewide consistency in the supervision of adults on supervision, three basic levels of supervision have been established: high, medium, and low. The risk instrument shall, in most cases, determine which supervision level is appropriate.

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 reduce the required number of measurable contacts; and change the time period from "every 30 days" to "per month".

CHANGES TO RULE:

291-078-0021

Minimum Contact Standards

(1) General: ¶

(a) The location, frequency, and manner of reporting for purposes of supervision must be focused on client success while seeking to minimize disruptions to the life of the supervised person, avoid unnecessary hardships, and offer a broad array of reporting options. ¶

(b) The frequency of measurable contacts with adults on supervision shall be determined by the associated supervision level in accordance with these rules. ¶

(2) High Supervision: Adults on supervision with a high supervision level shall receive a minimum of ~~three~~two measurable contacts every ~~30 days~~month. ¶

(3) Medium Supervision: Adults on supervision with a medium supervision level shall receive a minimum of ~~two~~one measurable contracts every ~~30 days~~month. ¶

(4) Low Supervision: ¶

(a) Adults on supervision with a low supervision level shall, at a minimum, be reviewed for any condition, action, or restitution requirement; receive quarterly communication regarding their progress towards achieving earned discharge; be reviewed prior to completing 50 percent of their supervision period for an earned discharge or a recommendation for early termination or bench probation, if applicable; and shall be contacted prior to the termination of their supervision for appropriate closure. ¶

(b) Nothing in this rule prevents the supervisory authority from implementing a higher level of contact with low supervision level clients or from responding to the individual when they request support or assistance. ¶

(5) Sexually Violent Dangerous Offenders (SVDO): An adult on supervision found to be a Sexually Violent Dangerous Offender (SVDO) shall be subject to intensive supervision for the full period of their parole and post-prison supervision. ¶

(6) Manner and Location of Supervision Visits and Reporting Options (Measurable Contacts): The manner and location of supervision visits and reporting options for adults on supervision that are deemed measurable contacts include: ¶

(a) Home Visits: ¶

(b) Office Visits: When scheduling in-office contact, consideration should be given to the distance between the office and the individual's approved housing, transportation challenges that may be present, documented medical concerns that make travel difficult, and the work schedule of the person on supervision; ¶

(c) Employment Visits: ¶

(A) Contacts at the place of employment for persons on supervision should be limited to cases where it is in the best interest of the individual's rehabilitation or when there is cause in the interest of public safety to do so. ¶

(B) When making contact at a person's place of employment, efforts should be taken to reduce disruption to the business and protect the privacy of the person on supervision. This may include working with the supervised person or employer to identify an appropriate plan should workplace contact become necessary. ¶

(C) Nothing in these rules prevents a person on supervision from requesting to be contacted at their place of employment when determined to be mutually beneficial for the person on supervision and their employer. ¶

(D) Nothing in these rules prevents a parole and probation officer from patronizing businesses where persons on supervision are employed. Such encounters are not considered official contact. ¶

(d) Field Visits: ¶

(e) Virtual Visits: ¶

(f) Telephone Visits: ¶

(g) Electronic Visits: ¶

(h) Contact at a Day Reporting Center: ¶

(i) Contact at Court: ¶

(j) Contact at Jail: ¶

(k) Contact at a Treatment Program; ¶

(l) Reach-ins at Jail; and ¶

(m) Mail-in reporting for low-risk supervision as approved by the local supervisory authority. ¶

(7) The local supervisory authority shall maintain the discretion to determine the manner and location of supervision visits and reporting options for adults on supervision within the standards established by the

department in these rules.

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

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