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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291  
DEPARTMENT OF CORRECTIONS

**FILED**

06/26/2024 3:14 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Security Threat Management

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/16/2024 5:00 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)

The purpose of these rules is to establish department policy and procedures for the identification and management of individual adults in custody (AIC) and groups of adults in custody that, in the judgment of the department, present an elevated security threat risk. As part of a larger departmental reorganizational effort to streamline process and bring units and work functions into current practice and general alignment, the Department of Corrections moved its Security Threat Management (STM) program from the department's Office of Inspector General (OIG) to the department's Operations Division. This change permits the department to better accomplish its mission by having direct and more timely responses to critical need areas involving institution safety and offender management. These amendments to the department's division 069 rules are needed to conform the department's rules to these organizational changes and reflect the department's reassignment of certain STM program functions and duties from the OIG to the department's Operations Division. Other revisions update punctuation, clarify acronyms or correct references to department employees in definitions.

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 amendments to its Security Threat Management rules (OAR 291-069) will have no impact on racial equity in the State of Oregon. These rules establish department policy and procedures for the identification and management of individual adults in custody (AIC) and groups of adults in custody that, in the judgment of the department, present an elevated security threat risk.

As part of a larger departmental reorganizational effort to streamline process, bring units and work functions into current practice, and general alignment, the Department of Corrections moved the Security Threat Management program and the Security Threat Management Lieutenants from the Office of the Inspector General to Operations. This

reorganization allows the department to better accomplish its mission by having direct and more timely responses to critical need areas involving institution safety and offender management. These revisions to OAR 291-069 align the rules to this new organizational structure.

Because the proposed rule amendments will not make any substantive changes impacting AICs, the department anticipates that the proposed rule amendments will have no impact on racial equity in this state.

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FISCAL AND ECONOMIC IMPACT:

Rule 291-069 changes the authority to manage Security Threat Management (STM) from the Department of Corrections Office of Inspector General to Department of Corrections Operations Division.

The changes are not anticipated to have a fiscal impact on DOC, AICs, other state agencies, local governments (the counties), or the general public.

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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.

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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.

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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.

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RULES PROPOSED:

291-069-0210, 291-069-0230, 291-069-0270, 291-069-0280

AMEND: 291-069-0210

RULE SUMMARY: Amends rule to update definitions to reflect current practice and authority.

CHANGES TO RULE:

291-069-0210

Definitions ¶¶

- ~~(1) Adult in Custody (AIC): Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.¶¶~~  
~~(2) Administrator of Special Operations: A department employee or designee assigned to coordinate communication between institution managers and STM Lieutenants; and monitor, conduct, develop and coordinate employee training.¶¶~~  
(2) Adult in Custody: Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.¶¶  
(3) Intelligence Analyst: A department employee with the responsibility of receiving incoming intelligence and data, analyzing information, predicting trends and activity, organizing information into a usable format, documenting information, and disseminating intelligence to appropriate stakeholders.¶¶  
(4) Intelligence File: Those documents maintained by the Department of Corrections for administrative and case

management purpose.¶¶

(35) Security Threat Activity: Adult in custody behavior which poses a significant threat to the safe and secure operation of the facility, including, but not limited to, threatening to or inflicting bodily injury on another person, posing a high risk of escape, promoting or engaging in disruptive group behavior, distributing a controlled substance, or being involved in any other activity that could significantly threaten the safe and secure operation of the facility.¶¶

(46) Security Threat Group (STG): Any group of two or more individuals who:¶¶

(a) Have a common group name, identifying symbol, or characteristic which serves to distinguish themselves from others.¶¶

(b) Have members, affiliates, or associates who individually or collectively engage, or have engaged, in a pattern of illicit activity or acts of misconduct that violates Oregon Department of Corrections rules.¶¶

(c) Have the potential to act in concert to present a threat, or potential threat, to staff, public, visitors, adults in custody, offenders, or the secure and orderly operation of the institution.¶¶

(57) Security Threat Group Paraphernalia: Any material, document(s) or items evidencing security threat group involvement or activities (e.g., rosters, constitutions, structures, codes, pictures, training material, clothing, communications, or other security threat group-related contraband).¶¶

~~(68) Security Threat Management (STM) Assistant Inspector General: An Office of the Inspector General employee assigned to coordinate communication between institution managers and STM Lieutenants; monitor, conduct, develop and coordinate employee training; and manage the department's overall security threat management program.¶¶~~

~~(7) Security Threat Management (STM) Intelligence Analyst: An Office of the Inspector General employee with the responsibility of receiving incoming intelligence and data, analyzing information, predicting trends and activity, organizing information into a usable format, documenting information, and disseminating intelligence to appropriate stakeholders.¶¶~~

~~(8) Security Threat Management (STM) Lieutenant: An STM Uni~~Lieutenant: A department employee assigned to review and investigate suspected security threat activity; maintain and gather intelligence on security threat groups, adults in custody and their affiliates; directly manage the day-to-day activities of adults in custody identified as security threats; assist the ~~STM Assistant Chief~~Director of Operations or designee and the team responsible for STM coordination with institution managers; assist in monitoring, conducting, developing, and coordinating employee training; serve as liaison between the department and other local, state and federal law enforcement agencies and correctional institutions; and assist in managing the department's overall security threat management program.¶¶

~~(9) Security Threat Management (STM) Unit: A unit of the Department of Corrections employees, as assigned, 'Operations Division' consisting of the department STM Assistant Inspector General, STM Lieutenants and STM intelligence analyst(s)~~Administrator of Special Operations and STM Lieutenants.

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: 291-069-0230

RULE SUMMARY: Amends rule to clarify Security Threat Group (STG) reference; remove reference to Security Threat Management (STM) Intelligence Analyst; and update titles to reflect Operations division positions which align with current practice and accurate authority.

CHANGES TO RULE:

291-069-0230

Identification of AICs That Present Elevated Security Threat Risk ¶¶

(1) The department will identify adults in custody and groups of adults in custody that present an elevated security threat risk for management by the department's STM Unit. ¶¶

(2) The department will identify adults in custody that present an elevated security threat risk based on the following:¶¶

(a) A predicate statement submitted by staff based on consideration of an adult in custody's criminal history, institutional conduct history, present behavior, interstate transfer status, escape history, custody level reassignment, intelligence, or other available information; ¶¶

(b) A risk assessment conducted by the department based on an AIC's age, sentence length, type of offense, Security Threat Group (STG) affiliation, mental illness, and custody rating; or¶¶

(c) An adult in custody's reassignment from a custody level 5 to a custody level 4. ¶¶

(3) The STM Unit will maintain a record of all adults in custody identified by intelligence sources as affiliates of a security threat group who are actively supporting, promoting, or engaging in behavior which caused an elevated risk to the safety, security, orderly, or efficient operations of DOC facilities. These records will be kept in a secured area designated by the ~~STM Assistant Chief~~Director of Operations or designee.¶¶

(4) Any department employee who becomes aware of any adult in custody who may be engaged in or affiliated with security threat behavior or activity shall communicate such information to the appropriate STM Lieutenant. Each correctional facility will have an assigned STM Lieutenant, who may or may not be housed on-site, but will be responsible for management of STM related activity at their specific institutions.¶¶

(5) Upon receipt of security threat information, the STM Lieutenant will determine whether the information is valid. If the information is deemed valid, the STM Lieutenant will forward the information to the institution intelligence officer ~~and the STM intelligence analyst~~.¶¶

(6) The ~~STM~~ intelligence analyst will use various means to analyze and document the intelligence information. The intelligence analyst will then disseminate any applicable information to the appropriate STM Lieutenant, institution intelligence officer, functional unit manager, or other internal and external stakeholders.

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: 291-069-0270

RULE SUMMARY: Amends rule to update titles to Operations division positions which align with current practice and accurate authority, and for non-substantive punctuation correction.

CHANGES TO RULE:

291-069-0270

#### Management of AICs Presenting an Elevated Security Threat Risk

(1) AICs identified by the department as presenting an elevated security threat risk may be managed by the department's STM Unit.¶

(2) AIC Management Plans: The STM Lieutenant will develop an approved AIC management plan for each AIC identified and assigned by the department for management by the department's STM Unit.¶

(a) The AIC management plan will be in writing and describe the behavior or other circumstance(s) or information that resulted in the AIC's identification as presenting an elevated threat risk, and the department's corresponding program and behavior expectations for the AIC.¶

(b) The AIC management plan may direct the denial, removal, suspension, restriction, or modification of AIC programs, services, or activities ordered for the AIC to encourage the AIC to modify their behavior to conform to department rules, standards, and staff expectations, and to advance the AIC towards appropriate pro-social behavior, in accordance with these rules.¶

(c) The AIC management plan will document any denial, removal, suspension, restriction, or modification of AIC programs, services, or activities ordered for the AIC.¶

(d) The STM Lieutenant will provide each AIC with a copy of their own AIC management plan.¶

(3) Denial, Removal, Suspension, Restriction or Modification of AIC Programs, Services or Activities:¶

(a) Facility Programs, Work Assignments, and Clubs: An AIC under the management of the STM Unit may be denied participation in, or may be removed from, any work or program assignment, group activity, or club if the AIC's participation is determined to present an undue risk to the safe, secure, orderly, or efficient operation and management of the facility or as a part of an approved AIC Management Plan.¶

(b) Other AIC Programs, Services, and Activities: An AIC under the management of the STM Unit may have other AIC programs, services, and activities suspended, restricted, or modified by the department. Programs, services, and activities that may be affected include, but are not limited to, recreation yard, housing assignments, work assignments, canteen use, telephone use (except legal calls), visiting (except attorney visits), mail (except legal mail), and television services.¶

(A) An AIC management plan that directs the suspension, restriction, or modification of programs or services to an AIC for 90 days or less requires the approval of an STM Lieutenant.¶

(B) An AIC management plan that directs the suspension, restriction, or modification of programs or services to an AIC in excess of 90 days requires the approval of the ~~Insp~~Assistant Director General of Operations or ~~an Assistant Inspector General of Operations~~ or designee. ¶

(C) Any suspension, restriction, or modification of programs or services provided to an AIC will be in accordance with the STM Restriction Scale. (Attachment A).¶

(4) Temporary Placement in Disciplinary Segregation: With the approval of the functional unit manager or designee or the officer-in-charge, the STM Lieutenant may order the immediate temporary placement of an AIC in disciplinary segregation when in the STM Lieutenant's judgment the assignment is necessary to further the department's management of a specific security threat, or the safe, secure, orderly, or efficient operation and management of the facility. An AIC managed by the STM unit will not be placed in temporary segregation beyond 14 days; otherwise, the placement will be considered administrative segregation in accordance with DOC rule 291-046 Administrative Housing.¶

(5) Transfers:¶

(a) An AIC under management of the STM Unit may be transferred to any facility, in or out of state, in accordance with the adult in custody's AIC management plan, the department's overall security threat management plan, interstate compact agreements, and population or program management needs.¶

(b) The Interstate Compact Unit staff shall notify the ~~STM~~Assistant Director General of Operations or designee of any AIC requesting transfer to or from Oregon where security threat group affiliation or security threat behavior is suspected.

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: 291-069-0280

RULE SUMMARY: Amends rule to update titles to Operations division position which reflect current practice and accurate authority.

CHANGES TO RULE:

291-069-0280

Administrative Review ¶¶

(1) An adult in custody who has been identified by the department as presenting an elevated threat risk and has been assigned for management by the STM Unit may obtain an administrative review of the action in accordance with this rule, by submitting a written request for administrative review to the ~~STM Assistant Insp~~Director General of Operations or designee at the department's central administrative offices.¶¶

(a) The administrative review request must specify the reason(s) why the adult in custody believes that their own elevated threat security risk identification is inappropriate. The request for review must also include any supporting documentation by the adult in custody to be considered in reviewing the appropriateness of the AIC's elevated security threat risk identification.¶¶

(b) The ~~STM Assistant Insp~~Director General of Operations or designee must receive the administrative review request within 15 days of the issuance of the AIC management plan to the adult in custody.¶¶

(2) Upon receipt of a timely written request for administrative review, the ~~STM Assistant Insp~~Director General of Operations or designee will review the AIC's elevated security threat risk identification and affirm or reverse the action as circumstances warrant. The decision of the ~~STM Assistant Insp~~Director General of Operations or designee shall be final.

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

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