

{EXHIBIT N

INMATES' RIGHTS  
AND

BOARD OF PAROLE PROCEDURES

(OAR 255-30-013, 255-40-035, 255-50-010, 255-60-006, 255-80-012)

1. Law that Applies

You are scheduled for a hearing before the Oregon State Board of Parole. Based on the hearing results, the Board will issue an order which will affect your release date from the institution. You should note that parole may be denied. The hearing will be conducted as provided in Chapter 183 and Chapter 144 of the Oregon Revised Statutes (as limited by ORS 183.315) and as further provided in the administrative rules of the Oregon Board of Parole, OAR Chapter 255. These statutes and rules are available through the institution's legal library.

2. Right to An Attorney

Parties are not ordinarily and customarily represented by attorneys. The Board of Parole will not be represented by an attorney at the hearing, and you may represent yourself at the hearing. If you choose to represent yourself, but determine in the course of the hearing that an attorney is necessary, you may not request a recess. The Board will not appoint or pay an attorney for you. You may be accompanied by one person of your choice to the hearing and that person can be an attorney.

3. Presiding Officer

Either the Full Board or a Panel of the Board (two members) will hear your case. One of the members will serve as the presiding officer and will rule on all matters that arise at the hearing. The Board will render the final determination.

4. Hearing Procedure

A Board hearing is less formal than a court appearance. The Board will review the documents in your parole packet, including the Presentence Report or a report of similar content; any additional information provided by police, counsel, the victim, or the district attorney, and any recent psychological/psychiatric evaluations. You have the right to examine these documents before the hearing, subject to the exceptions listed in OAR 255-35-045. You have the right to present additional, relevant information and you have the right to rebut information you believe is inaccurate. You do not have the right to call witnesses or to cross-examine witnesses who have provided information to the Board. In general, information which you wish the Board to consider should be provided in writing prior to the hearing. You, or your representative, may make an oral statement to the Board.

5. Notice and Waiver

You should receive your parole packet and a notice of your hearing at least 14 days before your hearing date. You should bring your copy of the parole packet to your hearing. If you do not receive these materials 14 days prior to your hearing, you may waive the notice period.

6. Continuances

There are normally no continuances granted at the end of a hearing. You should be prepared to proceed at the time of the hearing. However, if you can show that the record should remain open for additional evidence, the presiding Board member may consider that request.

7. Exceptions to Proposed Order

After the hearing you will be sent an order reflecting the Board's decision in your case. This order will be captioned "Board Action Form". This amounts to the final order of the Board of Parole. If you disagree with the order, you may either seek administrative review or appeal directly to the Oregon Court of Appeals. Ordinarily, there will not be an opportunity after the Board issues its order for you to appear before it to object to the order or present additional arguments.

8. Record

A record will be made of the entire hearing to preserve the testimony and other evidence for appeal. This will be done by tape recorder. Ordinarily the record will not be transcribed unless you appeal to the Court of Appeals. If you appeal, you will not have to pay for the cost of transcribing the record, unless the petition is frivolous. If you do not appeal, a copy of the record will be made available to you upon payment of the cost of making it. The Board only maintains taped records for two years. After two years the record is deleted.

9. Appeals and Administrative Reviews

If you wish to appeal the final order, you must file a Petition for Review with the Oregon Court of Appeals within 60 days after the final order is served upon you. If you cannot afford a lawyer to help you with an appeal, you may have the right to appointed counsel. You should contact the Public Defender's Office about having an attorney appointed for you. You also have the right to an administrative review. The request for review must be made within 45 days after the final action of the Board. The administrative review procedure is allowed generally to correct Board error or deal with new information that was not available to the Board or the inmate at the time of the initial prison term hearing.]

Permanent effective 10/5/90

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Permanent effective 7/1/88

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BOARD REVIEW PACKET

The Board Review Packet may include one or more of the following:

1. Face Sheet
2. BAFs - back to prison term set hearing
3. Field Parole Analysis Report (PAR)
4. Presentence Investigation (PSI)
5. Psychological Evaluations - two most recent reports (see provisions of OAR 255-15-010 and 255-30-045)
6. Statements of Imprisonment (time served credits and/or parole violation)
7. Court Orders
8. Revocation Recommendation
9. Final Order of Revocation
10. Administrative Action Sheet
11. Morrissey Hearing Findings
12. Disciplinary Report - only with extension recommendation
13. Recommendation for Parole Violation Goodtime Restoration
14. Recommendation for Date Cut
15. Administrative Review Request Form and Documents
16. Rebuttal Information from Victim and/or District Attorney
17. Personal Statements from the Victim, District Attorney, Inmate
18. Any other information used by the Board in establishing an inmate's prison term.