

DOMESTIC VIOLENCE COURT

PROCEDURES MANUAL

**Stephen B. Herrell Domestic Violence Reduction
Program
Multnomah County Circuit Court
Portland, Oregon**

Updated: January 2009

This procedural manual is intended to assist
judicial officers, attorneys, and court staff
handling cases in the Domestic Violence Court,
the Stephen B. Herrell Domestic Violence Reduction Program
of the Multnomah County Circuit Court.

**CPC procedures apply in DV Court
unless this DV Court manual sets out a different process.**

See "Procedures re: Disposition of Misdemeanor Cases in Criminal Procedure Court,"
available at the website for the Multnomah County Circuit Court:
<http://www.ojd.state.or.us/mul/CriminalActions/index.htm>

*Information for court clerks performing scheduling, processing, and
data entry functions is included. This information is **BOXED** and
follows the substantive information in each section of the manual.*

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I. DV COURT OVERVIEW

A. Background

1. Purpose of the DV Court

Following a six-month planning period, Multnomah County's Domestic Violence Court began in January 2006. The Court consolidated several existing criminal and family law dockets in an effort to provide sentencing consistency, enhanced attention to relationship/family dynamics, and monitoring of the interplay of probation, Juvenile Court, and domestic relations orders on DV misdemeanants.

Planning and initial coordination for the DV Court were funded by a federal Violence Against Women Grant (VAWA) administered by the State of Oregon and allocated to court projects. As set out in the original proposal, the DV Court proposed to enhance victim/community safety and improve offender accountability by:

- Consolidating various court dockets into a specific court handled by only four judges, with both a criminal law and a family law focus;
- Improving the consistency of court practices and orders in cases involving domestic violence;
- Assuring a closer monitoring of defendants' compliance with ordered services and other conditions of probation, and modifying specific orders as safety needs and accountability responses change;
- Coordinating referrals to appropriate court services and to community programs addressing domestic violence, stalking, and sexual assault issues;
- Collecting, sharing, and analyzing data to measure effectiveness.

2. Operation of the DV Court

The cases heard in DV Court are those misdemeanors (and restraining order violations) handled by the "A" docket of the Criminal Procedure Court (CPC). The Chief Family Law Judge annually assigns several family law judges who handle the full range of DV Court responsibilities, including jury trials, during assigned months on an every-other-week basis. The other judges in the Family Law Department periodically handle specific parts of DV Court, but not jury trials. Essentially, all parts of a DV misdemeanor case (and a punitive contempt for violation of a restraining order) are handled in DV Court following arraignment and any Deferred Sentencing Program election at the Justice Center. The DV Court "duty" week consists of release decisions, deferred sentencing monitoring appearances, jury and bench trials, pleas, and probation hearings as detailed in the Schedule set out in *Appendix 1*. **DV Court follows procedures set up by Criminal Procedures Court (CPC) with some accommodations due to trial readiness rates, safety concerns, and other factors.** An advisory group meets several times yearly to monitor operation of the court and make recommendations to Trial Court Administration and the Presiding Judge.

3. DV Court Case Manager

A DV Court Case Manager monitors selected, court-ordered defendants after sentencing to determine if they are in compliance with the conditions of probation. The Case Manager also provides community referrals for defendants ordered to such reviews by the sentencing judge. The Case Manager's office is located in Room 301 of the Justice Center. It was hoped that the Case Manager position would also involve coordination with the judges, the District Attorney's office, defense counsel, probation, and other community partners to

improve the court's ability to process domestic violence cases and address the needs of survivors and underserved populations. Compliance reviews have dominated the work of the Case Manager, however, and the systems work awaits other resource. See *Section X* for more information regarding the Case Manager's role.

B. Schedules and Assignments

1. Weekly Schedule – see Appendix 1.

While primary responsibility for DV Court alternates weekly in a given month between two Judges ("DV1" and "DV2"), additional judge time was added in mid-2007 because of the size of the DV dockets. Current assignments are as follows:

- a. **DV1 – Full week** of DV Court during the 1, 3rd, and 5th weeks of the month
- b. **DV2 – Full week** of DV Court during the 2nd and 4th weeks of the month
- c. **DV3 – Wednesday afternoon only.** This time is for: (1) VROs not started the previous Thursday morning and (2) PV hearings in weeks in which the 8 Monday slots are not sufficient to meet the need. The DV3 Judge is relieved of DV Court responsibilities if no VRO time is needed (known the preceding Thursday at noon) and if no excess PVs need to be scheduled (usually known by the preceding Friday, when scheduling for the PV docket closes).
- d. **DV4 – Thursday only.** This day consists of VRO hearings from 8:30-12 noon.
- e. **DV5 – Friday afternoon only.** This assignment includes one Further Proceeding (reserved for a release hearing) at 1:30 p.m., followed by the DSP docket at 2 p.m. - 5 p.m.

2. Master Calendar for Family Law Department

An electronic calendar is maintained on the Lotus database that records all assignments for Family Law Judges (including DV Court). The entry for every day lists the Family Law Rotation Judge (R1 or R2), the Juvenile Court Judges (J1 and J2), and the DV Court Judges for every day: DV1 or DV2 every Monday through Friday and DV3 for every Wednesday, DV4 for every Thursday, and DV5 for every Friday. DV Court schedule changes due to holidays and major conferences are noted here, as well. All DV Court judges and staff have access to make entries and edits to this calendar. Trial court administration staff in Criminal Calendaring and the Family Law Section also have access.

3. Judges Currently Assigned

Judges Meisenheimer, McKnight, Ryan, Stuart, and Wyatt are the 2008/2009 DV Court Judges, although Chief Family Judge Waller has a few rotations set, as well. Other Family Court Judges cover the DV3, DV4, and DV5 docket as assigned. General Bench Judges sometimes provide trial or other docket help.

C. Accessing Court Documents and Forms Online

DV Court Judges and their staff may access electronic copies of forms, manuals, and court documents on-line. Some of these sources are available to the legal community and public.

1. Internet

- a. Master Calendar – A master calendar ("Criminal Trial Case Management Events") is available on the court's public website (<http://www.ojd.state.or.us/mul/index.html>) and sets out the criminal docket types for a given day. **Scheduling changes due to holidays or**

major conferences are available here.

- b. Specific Dockets – The list of individual cases on a specific docket for a particular day is also available on the public website at the “Calendar – Case Proceedings” link at <http://www.ojd.state.or.us/mul/Criminal.html>.

2. Intranet

Both the intranet Family Law Page (http://mulsrv22/browser/Family_Law.htm) and the Criminal Law page (http://mulsrv22/browser/Criminal_Law.htm) contain links to DV Court information. This manual, the weekly schedule, and other material is available there.

3. Share Drive:

All Family Law Judges and their staff have access to material on the **Share Drive** directory labeled “S:/FamLaw_Juvenile/DV Court.” Aside from an electronic copy of this manual, this folder includes:

- a. Template for the LOFT list
 - b. Special Conditions of Probation -- Bench and Formal
 - c. Probation Judge Assignment Chart, as affected by DV Court
 - d. Instructions for Scheduling Compliance Reviews
 - e. Form Letter to Probationer -- Report to DV Case Manager to Re-Schedule
 - f. Suggested Judicial Responses to Compliance Review Reports
 - g. Summary of Defense Challenges and Rulings (updated as needed).
- Other material is regularly added.

4. Laserfiche copies of FAPA and Stalking Protective Orders:

Any court staff may also access **Laserfiche copies of FAPA and Stalking Orders** from the intranet page, which can be useful if the court file was not available or not pulled for a court hearing. Only copies of the Petition and original (ex parte) Order are available electronically. Instructions for accessing the Laserfiche files are available on the intranet homepage (<http://mulsrv22>) on the Family Law drop-down menu, under Laserfiche-FAPA.

Instructions for accessing Laserfiche copies of FAPA and Stalking Orders:

- a. Go to the intranet page. For judges, the address is: <http://mulsrv22/>.
 - b. On the bottom right hand corner, click on the “Laserfiche weblink.”
 - c. Click on the Search tab.
 - d. if no template fields are displayed, use the “Customized Search” drop-down menu to select “Field.”
 - e. Underneath “Field,” at “Template,” click on the drop-down arrow and select “General.”
 - e. In the “document” category, type the FAPA/stalking case number with an asterisk at the end (i.e., 060160340*). Then hit “Search” at the bottom of the left-hand column. This step should bring up the link to the FAPA case number on the left side of the page.
 - f. Click on the document icon or case number to retrieve an electronic image of the petition and order.
 - g. To print a copy of the documents, click on the PDF icon at the top of the screen next to where the pages are listed. This step will create a PDF version of the document, easing both printing and scrolling through the document.
-

D. Reminder for Court Staff re “HAP” Function

Because DV Court proceedings involve criminal cases, court staff must “HAP” cases (perform the “Hold A Proceeding” function in GUI/OJIN) for every hearing that is on the record, except for proceedings at or during Pretrials. See *Section XII, “HAP.”*

II. ARRAIGNMENTS

A. Arraignment Docket and Coding of Cases

Court staff at the Justice Center create the arraignment docket each morning beginning at 5 a.m. They work from the booking register produced by the sheriff's office. The booking day is a 24-hour cycle ending at 4 a.m. Working from the register for the period ending at 4 a.m. of that day, Justice Center staff schedule defendants for appearances before a judicial officer in the Justice Center. Appearances on warrants-only are scheduled for the a.m. and arraignment for new charges (with or without warrants) are set for 2 p.m. Each court day before the 2 p.m. arraignments, the DV Unit of the DA's office delivers copies of the charging instrument ("DA information") to the Arraignment Clerks at the Justice Center. The DV Unit of the District Attorney's office designates with a stamp all charging instruments it issues and Justice Center staff then add a "V" at the end of the DA case number when entering information about this new case into GUI/OJIN. This code attaches only for data collection purposes and does not constitute any judicial finding about the conduct of the defendant or the relationship of the parties.

B. Setting PreTrial and Trial Dates

1. For Misdemeanors Not Eligible for DSP

The Defendant is given a PreTrial and Trial date at arraignment. As a general rule, PreTrial dates are scheduled 3 weeks out from arraignment, and Trials 5 weeks out. Cases arraigned on Mondays and Tuesdays are usually scheduled for the "A" PreTrial Docket for 8:10 a.m. and Tuesday trial dates. Cases arraigned Wednesday through Friday are usually scheduled for the "A" PreTrial docket for 8:20 a.m. and for Wednesday trial dates.

Misdemeanor DV PreTrials (HGPT) are scheduled for appearance in GUI/OJIN Room 106A: at 8:10 a.m. for cases arraigned on Monday/Tuesday and at 8:20 a.m. for cases arraigned Wednesday-thru-Friday.

*Misdemeanor DV Trials are scheduled for appearance in GUI/OJIN Room RMTL at 9:05 a.m. – on **Tuesday** for cases arraigned on Mon/Tues and on **Wednesday** for cases arraigned on Wed/Thur/Fri. All trial dates are initially scheduled as a TL but if the case is left on for trial at PreTrials, the calendaring Department updates the code to TLJU (Trial Jury).*

2. For Contempt of Court Cases

As with misdemeanors, Defendants in Contempt of Court matters are given PreTrial and Trial dates at arraignment. PreTrials for VROs (Violation of Restraining Order cases) are usually 2 weeks out from arraignment, and trial dates are 3 weeks out. VROs are scheduled for the "A" PreTrial docket at 8:30 a.m.

*All VRO Trials are scheduled for appearance in GUI/OJIN Room RMTL at 8:30 a.m. on **Thursdays**. The VRO docket is held 8:30 a.m. until 12 noon. Any cases not started are carried over to the following Wednesday, from 1:45 to 3 p.m. The VRO trial dates are scheduled as TLCT at arraignment, as no right to a jury trial exists for a contempt of court matter.*

NOTE: VRO cases are not eligible for the Deferred Sentencing Program. See Section IV.G. on the Deferred Sentencing Program.

C. Release Decisions at Arraignments

Judicial officers handling arraignments make a release decision at that time. The defendant may be released on conditions that include no contact with the victim, may be denied release, or may be referred to Pretrial Release Services (PRS). The PRS referral may be for an evaluation only ("PRS evaluation only") or to PRS for release if PRS recommends the defendant as appropriate for supervision by that program ("PRS if accepted"). When PRS completes the report, PRS staff files the original at the Justice Center for routing to the court file. PRS provides a copy to the DA, the defense attorney, and jail/MCSO records. See III, D., below.

With one exception, release decisions after arraignment are reserved to the DV Court Judge. (The exception occurs when the Defendant declines to enter DSP election. In the interests of judicial economy, the judicial officer at the Justice Center makes this release decision at DSP declination.) Motions for release constitute a substantial part of the Further Proceedings docket. See Section V, Further Proceedings Docket.

D. Deferred Sentencing Elections

1. DA Determination at Arraignment

At arraignment, the DA makes and reports a determination of whether a defendant is eligible for the the Deferred Sentencing Program. If the Defendant is eligible, a hearing is scheduled for one week out on the Justice Center docket (JC-4) for the defendant to elect or decline participation in the program. See Section IV, Deferred Sentencing Program).

The DSP election hearing is scheduled in GUI/OJIN as HGDV in Room Y4 (if the Defendant is in custody) or N4 (if the defendant is not in custody) at 2:00 p.m.

2. Packets

The packets used for entering the DSP program are produced by the court and are ordered through the supply process. Individual copies are also available from the DA's Office DV Unit and Arraignment Unit. See Appendix 2. A "DSP Order" records the defendant's guilty plea and entry into DSP and sets out the two dates for the status hearings. See Section IV.F.

III. RELEASE DECISIONS

A. Presiding Judge Order Regarding Security Amount

By order of the Presiding Judge dated August 2, 2005, a \$5,000 security amount is set at booking for all Misdemeanor DV cases. Subsequent rulings by judicial officers on individual cases may raise or lower this amount. With one exception, release decisions after arraignment are reserved to the DV Court Judge and handled during the Further Proceedings docket (The exception is when the Defendant is arraigned and declines to enter DSP; in the interests of judicial economy, the judicial officer at the Justice Center makes this release decision at the DSP declination hearing).

B. Release Decisions on the Further Proceedings Docket

1. Available Hearing Slots

Available “slots” are the number of defendants, not the number of cases. Twenty-one (21) Further Proceedings (F/P) slots are scheduled each week in DV Court: 5 on Monday morning, 1 release hearing each on Tuesday, Wednesday, and Thursday morning before jury trials, 12 F/P slots on Thursday afternoons at the Justice Center, and 1 release hearing at 1:30 on Friday afternoons before the 2:00 DSP docket. See *Appendix 1 – Weekly Schedule for DV Court*. Occasionally, a 60-day issue implicated by a set-over request at Friday PreTrials necessitates a release decision, as well. Motions for release and changes in release conditions constitute a substantial part of the Further Proceedings docket, although a variety of other appearances are scheduled into this docket as well. See *Section V, Further Proceedings Docket*.

2. Defense Scheduling of the Hearing and Notifying DA Staff

Defense Attorneys or their Legal Assistants may schedule release hearings by contacting the Criminal Calendaring Clerk at 503/988-3235, Ext. 3. Defense attorneys/assistants must also contact the District Attorney’s office at the same time, so that the DA has advance notice of the hearing and can attempt notice to victims (and all can avoid unnecessarily set 2nd hearings). Four (4) days advance notice is required unless the parties have agreed on a date or the duty to provide victim notice is relieved under SLR 4.111. Notice to the DA should be made by e-mail to tamara.ruffing@mcda.us (503/988-5449) as the primary contact with a cc: to maria.mccormack@mcda.us (503/988-5449) as the back-up. The Defendant’s name and DA # should appear on the subject line.

C. “No Contact” Condition Required Unless Waived after Victim Input

Oregon law requires the court to include a “no contact with victim” provision in any release agreement when the defendant is charged with an offense constituting domestic violence as defined in ORS 135.230(3). See *ORS 135.250(2)(a)*. The Court may waive that condition on victim request after a hearing in which the court finds that such a waiver is in the best interests of the parties and the community. Safe and specific terms addressing the transport or exchange of children for defendant’s parenting time, if appropriate, often need to be addressed in this context.

D. Referrals to PreTrial Release Services (PRS)

DV Court Judges at release hearings may receive copies of PRS (PreTrial Release Services) reports completed by order of the arraigning judicial officer. See *Section II, Arraignments*. Usually, this copy will be provided by one of the parties, as the court’s copy may not yet be in the court file. It is unlikely a staff person from PRS will attend the release hearing following preparation of the report, although occasionally one of the parties may have arranged for PRS staff presence.

As a result of the release hearing, a DV Court Judge declining to release the defendant may instead refer the defendant to the PreTrial Release Services if that referral is appropriate but not yet been ordered. The referral is made to PRS, not to the specific components of PRS – CSS (Closed Street Supervision) and PSP (Pretrial Services Program). The referral may be for an evaluation only (“PRS evaluation only”) or for release if PRS considers the defendant appropriate for supervision by that program (“PRS if accepted”). Occasionally, the Judge may approve release if recommended by the probation officer (“per PO” or “PPO,” i.e., the DV Court Judge is placing significant weight on the defendant’s history while supervised by the PO and PRS may release the defendant based on that probation officer’s approval).

When a report is required and PRS has completed it, PRS staff send a copy to the court, the DA, the defense attorney, and jail/MCSO records. The court’s copy is received at the Justice Center and after filing and entry into GUI/OJIN, is routed to the filing room in the courthouse for inclusion in the court file.

AVAILABLE “SLOTS” ARE THE NUMBER OF DEFENDANTS, NOT THE NUMBER OF CASES.

Release hearings at the courthouse – Monday, Tuesday, Wednesday, Thursday, and Friday
Release hearings at the courthouse are scheduled in GUI/OJIN to Room DOMV. They are slotted for the Further Proceedings docket for Monday (at 8:30 a.m. – limit of 5), or into one of the single slots set at Tuesday, Wednesday, or Thursday at 8:30 a.m., or Friday at 1:30 p.m.

Release hearings at the Justice Center – Thursday afternoon

Release hearing on Thursday afternoon are held at the Justice Center at 1:30 p.m. A total of 12 Further Proceedings are set. They are scheduled in DOMV Duty Judge room.

When scheduling the date for a release hearing or any Further Proceedings appearance, the clerk scheduling the date must ensure that the F/P limit has not already been reached for that day. Simply counting the number of hearings set on a particular day is not sufficient: the Clerk must also use the appropriate “Parent” period for the Release Hearing or Further Proceeding slot. This step ensures that an electronic prompt appears when the limit is reached. The parent periods to apply are:

- (1) For Monday F/Ps: “DOMV Further Proceedings (5)”*
- (2) For Tuesday/Wednesday/Thursday/Friday Release Hearings: “DOMV Custody Issue (1)”*
- (3) For Thursday F/Ps: “DOMV Further Proceedings (12)”*

For exceptional situations in which no hearing time is available for release decisions, the Calendaring Clerk should contact the DV Court Judge’s staff for the week (the DV1 or DV2 Judg) or Judge McKnight’s staff for direction from that Judge about other scheduling possibilities.

See also Section XI for ordering “Transports” and “Interpreters.”

Criminal Calendaring staff pull the files for all Further Proceedings, including Release Decisions, and place them in the DV Court Judge’s mailbox in Room 210 by 2 p.m. the day before the hearing.

The Courtroom Clerk distributes in the courtroom copies of orders from release hearings as follows:

Pink – DA

Goldenrod – Defense Attorney

Yellow– Defendant

Green – MSCO (to the deputy in the courtroom if the hearing is at the courthouse. To Jail Records for hearings held at the Justice Center.

WARNING – *if an Order grants a defendant's release from custody (whether at a release hearing, dismissal, or any other proceeding), the Judge's staff **must fax** the order requiring release to Jail Records no later than the end of the day, even if the court docket concludes after 5 p.m. and even if a copy of the order was already provided to the courtroom deputy.*

On Recalls/Rescind of Warrants, see Appendix 15.

Courtroom Clerks route to PRS by interoffice mail a copy of any order involving PRS (referrals to PRS, releases with requirement to report to PRS, revocations from PRS, etc.) PRS is located in the Justice Center; its interoffice mailing address is 119/358/PRS. The PRS fax # is 503/988-4157. The PRS phone number is 503/988-5042.

IV. DEFERRED SENTENCING PROGRAM

A. Overview

The Deferred Sentencing Program (DSP) is an optional, eligibility-based diversion program that allows alternative disposition for certain misdemeanor DV defendants. Eligible individuals elect to participate within 7 days after arraignment (unless a longer time is permitted by the Court) and must waive a jury trial and plead guilty to the primary domestic violence offense. Sentencing is then deferred over the next 14 months while the defendant's participation with program conditions is monitored by the Department of Community Justice (DCJ) and the Court. This period allows for the completion of domestic violence intervention counseling (DVIC) under curricula approved in Oregon Administrative Rule in early 2006.

The program conditions include domestic violence intervention counseling, two status hearings (90 days after plea and 14 months after plea), no-contact provisions with the victim, and other program requirements such as abstinence from alcohol and controlled substances. If the defendant satisfactorily completes program requirements, the charge is dismissed with prejudice. Individuals found at a court hearing to have violated the program conditions may be returned to custody, revoked from the program, and sentenced on the basis of the plea previously given. The Docket is handled every Friday at 2 p.m. as DV5. *See Section I.B.1.e. See F, below, re status hearings.*

B. Eligibility

Defendants must meet the following qualifications. The DA determines and reports initial eligibility at the time of arraignment.

1. No current or past participation in any domestic violence deferred sentencing or diversion program.
2. No felony person convictions or pending person felony crimes.
3. No Class A person misdemeanor convictions within the last ten years, other than non-DV traffic convictions.
4. No pending person misdemeanor cases in Oregon, other than non-DV traffic cases.
5. No conviction of a violation of a restraining order or a protective order. (Defendants with pending contempts cannot apply for DSP unless that violation case is dismissed).
6. No more than four convictions of non-person criminal offenses within the last ten years.
7. Not currently on supervised/formal probation, parole, or post-prison supervision.
8. No judicial hold from another jurisdiction and s/he is eligible for security release.
9. Named victim in the pending offense was age 13 years or older.
10. No use or threatened use of a firearm in the commission of the offense.
11. No intentional or knowing physical injury to a minor child in the pending offense.

C. Election

If the Defendant is eligible, a hearing is scheduled during arraignment for one week out on the Justice Center docket (JC-4) for the defendant to elect or decline participation in the program. At the election hearing, the defendant may also request a "second look" hearing one week later. This second hearing is also held at the Justice Center, JC-4. *See 3, below.*

The DSP election hearing is scheduled as HGDV in GUI/OJIN for Justice Center Room 4 (as Y4 if the defendant is in custody and N4 if the defendant is out of custody).

1. Packets

The packets used for entering the DSP program are produced by the court and made available by the DA's DV Unit and Arraignment Unit. See *Appendix 2*. They are also available to court staff through the supply process.

2. Plea Taken, Conditions Imposed, Defendant Released

If the defendant elects to participate in DSP, the defense attorney fills out the paperwork – including the standard plea petition used for any plea – and the defendant pleads to the primary DV charge. See *Section VII re Pleas, for probation terms*. Pleas of no contest are rarely accepted in DSP. Any other DSP-eligible counts are dismissed. If in custody, the defendant is released that day on conditions that include the following: no contact with the victim unless specifically authorized, report to the Department of Community Justice by 11 a.m. the next business day, completion of domestic violence intervention counseling, drug/alcohol treatment where recommended, and appearance at two subsequent hearings. Defendants not in custody at the time of the plea are subject to the same program conditions. See *Appendix 2, page 1, for a complete list of Deferred Sentencing conditions*.

3. “Second Look” Hearings

If a “second look” is requested, the DA examines the defendant’s criminal history to verify that the defendant is in fact eligible for DSP. If the defendant is found ineligible for DSP, the plea is vacated and the case is set for PreTrial and Trial. If the defendant does not request a second look hearing but at a later date is determined to have been ineligible for DSP, the defendant will likely be revoked from the program and the guilty plea entered.

Justice Center staff schedule the DSP “Second Look” hearing as HGFU in GUI/OJIN for Justice Center Room 4 (as Y4 if the defendant is in custody and N4 if the defendant is out of custody).

D. Declination

A defendant eligible for DSP who declines to participate in the program is given PreTrial and Trial dates as described in *Section II.B, Arraignments*.

Justice Center staff enter the declination in GUI/OJIN as Case, Documents, Filing, New. The code is NO with a comment “Decline DSP” and related to the defendant.

E. Late Entry

1. Usual Cases

Late Entry DSP cases are usually those that (1) were initially determined ineligible but proven qualified by subsequently obtained information or (2) became eligible because of a decision by the DA to reduce charges.

2. Process

A defendant’s late entry into DSP is set on the Further Proceedings docket (See *Section V*). The Defense Attorney must obtain and prepare the DSP packet in advance. See *C.1., above re obtaining DSP packet*.

Late entry into DSP is scheduled by Criminal Calendaring for the FP docket.

F. Status Hearings

Defendants participating in DSP are given two dates to appear for status checks. The first date is 3 months out from the election and the second is 14 months out from the election. The status hearings are heard at 2 p.m. on Friday afternoons by the DV Court Judge (DV5). The defendant's compliance with DSP conditions is monitored throughout this period by a DCJ Corrections Technician who prepares a written report for status hearings recommending continuation in DSP, an extension to complete needed conditions, or revocation. When DCJ has grounds for revocation, the Corrections Technician usually docket a hearing as soon as possible through Criminal Calendaring rather than waiting for the date of the next status check. (If a warrant is issued for violation of DSP conditions, the Defendant (when arrested) appears at the Justice Center on this warrant and a date is set for the DSP docket on Friday at 2 p.m.) DCJ might also request a hearing outside the previously set dates when seeking early dismissals due to prompt completion of program requirements. DCJ makes all its DSP reports available to the District Attorney and the defense attorney electronically on the Wednesday or Thursday prior to the Friday afternoon docket time. The DCJ Corrections Technician also e-mails a copy at this time to the DSP mailbox in Lotus Notes (MUL DV DSP) for the staff of the DV5 Judge to access and print out. See *Appendix 3, Accessing DCJ Reports for DSP Cases*.

Criminal Calendaring staff schedule the status hearings in GUI/OJIN as HGSK (Hearing Status Check) or HGDI (when revocation is requested prior to the status hearing date) in room DOMV for Fridays at 2 p.m. after receiving the DSP-entry paperwork from Justice Center staff.

Justice Center staff schedule the status hearing dates in GUI/OJIN by scheduling the initial date when HAPing the case and using a new scheduled period for the second date.

At the status hearings, which usually number 12-16 cases, a Corrections Technician appears as a Probation Officer would in a PV hearing. To the extent possible, cases involving successful completion of the program are called first, continuations and extensions next, and those involving recommendations for revocation last. Financial or other circumstantially-based difficulty in completing DVIC is the most common basis for an extension, but DSP is designed as a "contractual" program so scrutiny of compliance is on the rigorous side. Where the court determines revocation appropriate, the defendant is convicted based on the plea previously given and the defendant is sentenced unless victim notice issues require a set-over to another date on the DSP docket. The DV Court Judge handling the appearance becomes the Probation Judge. All orders from status hearings (dismissals, continuations, extensions, and revocations) are recorded on Form 21-55 (See *Appendix 4*).

When a defendant has an additional status hearing scheduled, the order optimally states that the Defendant should "Report to Room 106" so s/he can be directed to the DV Court Judge for that week. A posterboard sign is also placed in the courthouse lobby at Friday noon each week setting out the courtroom for the DSP docket that day.

The docket is a fast-paced one for FTR log sheet purposes, so Courtroom Clerks include only the Defendant's last name or case number on the log notes. For dismissals, the HAPing clerk
Continued on next page

changes the Guilty plea to Not Guilty, changes the Count status to Dismissed, and comments "earlier guilty plea withdrawn." When a defendant is revoked from DSP, the clerk changes the

status of the diverted/deferred count to "Convicted." Comments for Revocation are "Revoked from DSP" and for Continuation are "DSP Continued." Clerks should also look for and cancel future court dates that are no longer needed. All paperwork from status hearings is forwarded to Criminal Calendaring (room 106). This includes set-overs to the DSP docket in another week or the setting of a subsequent status appearance date on the DSP docket.

If a Bench Warrant is issued, see Section XI.F, Warrants.

The Friday afternoon DSP docket handles all issues involving cases in the DSP program. If a Defendant is revoked from participating in the DSP program, the case is no longer set on the DSP docket but on whatever docket (PV, Further Proceedings, etc. is appropriate).

G. Restraining Order Violations Not Eligible

Defendants charged with restraining order violations are not eligible for DSP.

V. FURTHER PROCEEDINGS

A. Docket Slots Available

DV Court has 21 slots (a “slot” is a defendant, not a case) available weekly for Further Proceedings (F/P) appearances. These are short hearings to deal with issues outside of PreTrial, Trial, and DSP appearances. Five (5) F/P hearings are held Monday from 8:30-10:00 a.m., 1 each on Tuesday, Wednesday, and Thursday morning at 8:30 a.m., 12 on Thursday afternoons starting at 1:30 p.m., and 1 on Friday afternoon at 1:30 p.m. See *Appendix 1 – Weekly Schedule for DV Court*. The slots on Tuesday, Wednesday, and Thursday morning plus the 1:30 slot on Friday afternoon are reserved for release decisions. All F/P appearances are at the courthouse, with the exception of the Thursday afternoon F/P docket, which is held in JC-2. Given the numbers of in-custody defendants on this docket, jail transports at the courthouse can take a significant amount of the docket time available so careful management of the docket is essential.

NOTE: When scheduling a release hearing, defense attorneys must provide four (4) days advance notice (unless a date has been agreed on) directly to the District Attorney’s office to minimize the chances of a release hearing being set on the F/P docket without adequate time for the DA to ensure victim notice for the plea and sentencing. That notice to the DA’s office should be made by e-mail to tamara.ruffing@mcda.us (503/988-5162) as the primary contact with a cc: to maria.mccormack@mcda.us (503/988-5449) as the back-up. The Defendant’s name and DA # should appear on the subject line.

B. Types of Appearances Included

Further proceedings in DV Court encompass a variety of appearances including:

1. Release decisions; security amount reductions; modification of release conditions, especially re victim contact
2. Pleas or Sentencings outside of PreTrial appearances
3. Recission of bench warrants (*See Section XI.F., Warrants*).
4. “Appearance or Issuance of bench warrant”
5. Setting of new pretrial and trial dates after substitution of attorney in CPC
6. Requests for Waiver of Appearance at PreTrial when post-PreTrial circumstances justify this late request
7. Aid and Assist determinations, and status checks re same
8. Set-over request and setting of new dates outside of PreTrial appearance
9. Late Entry into DSP
10. Motions for Civil Compromise
11. Other appearances re matters not addressed at the Friday PreTrial appearance

C. Types of Appearances NOT to be set on the Further Proceedings Docket

1. Substitutions of Attorney

All of these are handled in CPC. Appearances in CPC for this purpose are scheduled by contacting Criminal Calendaring at 503/988-5335, Ext. 3. Refer also to the “Procedures re Disposition of Misdemeanor Cases in Criminal Procedure Court,” available from CPC, on the Criminal Page of the intranet, and on the Criminal Page of the Multnomah County Circuit Court’s internet site (<http://www.ojd.state.or.us/mul/criminal.html>).

2. Deferred Sentencing Program Issues

Any issue regarding a count already in the Deferred Sentencing Program and not yet revoked (i.e., not a late entry into DSP) should be set on the Deferred Sentencing Docket on 2 p.m. Friday afternoon. Conversely, if a Defendant has

been revoked from DSP and sentenced, the case is removed from the DSP caseload and any matter regarding a violation or contested modification of that probation is set on the Monday PV docket. See *Section IX, Probation Violations*. To schedule a matter on the DSP docket when not in-court at the time of scheduling, contact Judy Stursa at DCJ at 503/988-5056, Ext. 27391.

3. Probation Violation or Probation Modification Matters

These are set on the PV docket on Monday and Wednesday afternoons. A cap of 8 (defendants) is set and if more slots are needed, overflow time reserved for Wednesday afternoon at 3 p.m. is tapped. See *Section IX, Probation Violations, below*. Alternatively but rarely, the Probation Judge may choose to set an individual probation matter on his or her individual docket, when s/he has time, i.e., DOMV is not used as the room.

D. Scheduling Further Proceedings

Outside of a court appearance, defense attorneys or DAs schedule Further Proceedings by contacting the Criminal Calendaring Clerk at 503/988-3235, Ext. 3.

Defense attorneys/ assistants must also contact the District Attorney's office at the same time as the Calendar Clerk, so that the DA has 4 days advance notice of the hearing (unless a date has been agreed on or victim notice is not required under law) and can attempt earlier notice to victims. Without the required advance notice, re-setting additional hearings may be necessary to allow the District Attorney to comply with victim rights laws. See *shaded note on page 13*. Barring exceptional situations, scheduling for Further Appearance dates is handled by the Criminal Calendaring Clerk.

Further Proceedings at the courthouse – all but Thursday afternoon

F/Ps at the courthouse are scheduled in GUI/OJIN to Room DOMV. They are slotted for Monday (at 8:30 a.m. – limit of 5), or – if a release hearing – also into one of the single slots set at Tuesday, Wednesday, and Thursday at 8:30 a.m., or Friday at 1:30 p.m.

Further Proceedings at the Justice Center – Thursday afternoon

F/Ps on Thursday afternoon are held at the Justice Center at 1:30 p.m. A total of 12 Further Proceedings are set. They are scheduled in GUI/OJIN in Room DOMV Duty Judge. When scheduling the date for a release hearing or any Further Proceedings appearance, the clerk scheduling the date must ensure that the F/P limit has not already been reached for that day. Simply counting the number of hearings set on a particular day is not sufficient; the clerk must count the number of defendants scheduled on the docket. The Clerk must also use the appropriate "Parent" period for the Release Hearing or Further Proceeding slot. This step ensures that an electronic prompt appears when the limit is reached. The parent periods to apply are:

- (1) For Monday F/Ps: "DOMV Further Proceedings (5)"
- (2) For Tuesday/Wednesday/Thursday (a.m)/Friday Release Hearings: "DOMV Custody Issue (1)"
- (3) For Thursday p.m. F/Ps: "DOMV Further Proceedings (12)"

This step ensures that an electronic prompt appears when the limit is reached.

For exceptional situations in which no hearing time is available and the hearing involves potential release from custody, the Calendaring Clerk should contact the DV Court Judge's staff for the week (the DV1 or DV2 Judg) or Judge McKnight's staff for direction from that Judge about other scheduling possibilities.

See also *Section XI* for ordering "Transports" and "Interpreters."

Criminal Calendaring staff prepares the docket, pulls files, and reserves transport and interpreters for all the Further Proceedings dockets, including Release Decisions, and places the dockets and files in the DV Court Judge's mailbox in Room 210 by 2 p.m. the day before the hearing.

Paperwork resulting from a release hearing is routed to Criminal Calendaring, Room 106.

WARNING – *if an Order grants a defendant's release from custody (whether at a release hearing, dismissal, or any other proceeding), the Judge's staff **must fax** the order requiring release to Jail Records no later than the end of the day, even if the court docket concludes after 5 p.m. and even if a copy of the order was already provided to the courtroom deputy.*

On Warrant Recalls/rescond, see Appendix 15.

See boxed content on pages 7-8 when the Further Proceeding is a Release Hearing.

E. Trial Dates Not Canceled

Scheduling of a Further Proceeding date does NOT cancel PreTrial or Trial dates. Only when a Bench Warrant is issued, a Plea is entered, or a Finding of Unable to Aid and Assist is made (or referral for Aid & Assist evaluation is made) are PreTrial and Trial dates removed. Courtroom Clerks must cancel future PreTrial and Trial dates when a plea is taken and a sentencing date scheduled.

VI. PRETRIALS

A. PreTrial Negotiations and Settlement Conferences

PreTrial Conferences are the attorneys' opportunity to discuss discovery, status, and plea offers in individual cases. Although not present in the jury room where the discussion occurs, defendants are required to be present on this date unless their presence has been excused by court order. Their presence is needed if new trial dates are set or if a plea is given that day. Defendants frequently congregate on the fourth floor and the hallways are quite noisy and crowded. An assigned Judge is available to handle any matters associated with the docket, as set out below. The Attorneys are responsible for preparing a "Misdemeanor Case Report and Order" (see *Appendix 5, PreTrial Report (Form 23-56)*) that sets out trial readiness (or initial set-over request or need for Bench Warrant). A different form (Motion for Set-Over and Order – Form 23-30A) is required for set-over requests after the first one by each party. See *VI.D, below and Appendix 6*. Special attention is paid to the Custody Status and 60-day Waiver issues when set-overs are requested.

The Criminal Calendaring staff delivers a hard copy of the Pretrial docket to the Judge's mailbox by the Tuesday or Wednesday prior to Friday PreTrials. File Room staff usually has pulled the files by Thursday morning and frequently calls the JA to say they are ready. The JA picks up the legal files for PreTrial cases from the file room (room 131).

The DV Court Judge is available starting at 8:00 a.m. on PreTrial Fridays. It is helpful to place signage outside the courtroom indicating in what jury room pretrial negotiations will occur, particularly if the jury room where attorney discussions occur is not adjacent to the DV Court Judge's own courtroom or a different jury room is being used. The Courtroom Clerk is usually assisted by a "Bucket Clerk" who has responsibility for handling the mass of legal files (often 80 or more) set for the PreTrial docket as well as checking paperwork and recording the disposition of each case of his/her annotated ("dirty") docket. The docket is a fast-paced one and the Courtroom Clerk usually enters only a defendant's last name or a case number in the FTR log sheet. PreTrial Judges may require that the Defendant appear personally before court staff to avoid a warrant for failure to appear.

Set-over requests (see *D., below*) and Dismissals (see *C.2, below*) based on the State's inability to proceed are often the first order of business. It is helpful to have an easel with newsprint on which attorneys can sign up their readiness to be heard on these issues and pleas. Depending on the flow of cases requiring judicial attention, it may be possible for the DV Court Judge to hold a brief settlement conference or consider a contract plea at the bench or in chambers.

B Dirty Docket

Assisted by the Courtroom Clerk, the Bucket Clerk maintains a hard copy of the docket with accurate notes regarding disposition of each case (i.e., a "dirty docket"). At the close of PreTrials, the clerks reconcile their information with that maintained by the DA. When PreTrials are completed, the clerks route a copy of the dirty docket to Criminal Calendaring PreTrial Clerk in Room 106 and to the Warrant Desk in Criminal Data Entry.

C. PreTrial Reports Prepared by the Attorneys

The attorneys must submit a PreTrial report on each case. The usual dispositions are:

1. LOFTs (Leave on for Trial)

For cases the attorneys report as “LOFT” (Leave on for Trial), clerks receiving the PreTrial report must clarify the numbers of days the attorneys are requesting for trial. Misdemeanor cases requiring more than 1-day for trial may be set on either Tuesday or Wednesday since the DV Court Judge is available for Thursday morning trial time. All VRO trials are set for Thursday.

If a case is LOFTed for a different trial date within the same week as the existing date (for example: the case is set for a Tuesday start but the parties agree on a Wednesday start for that same week due to witness availability), the Pretrial Judge must approve that change with some annotation (such as “date change approved” so that the Criminal Calendaring staff is aware that the change is intentional. Otherwise the originally-set date will be scheduled on the assumption the parties were mistaken about that original trial date.

For Defendants in custody, it is critically important that the PreTrial Report set out the Defendant’s custody status as well as the 60-day expiration period, so that any set-over request made at PreTrials can be made with a waiver or 60-day deadline in mind. Clerks must monitor the reports for this information. All PreTrial reports must contain info regarding custody status.

The PreTrial report should also indicate any need for an interpreter. *Reminder: see UTCR 7.070 and SLR 7.071 (party needing interpreter must notify Court Interpreter Services before each proceeding)*

Responsibilities of the Judicial Assistant regarding LOFTd cases are set out below in E.2, page 20.

2. Dismissals

The Judge issues these orders as the attorneys report in. The same form used for convictions is used for these Judgments of Dismissals. (Form 23-74A for misdemeanors, Form 21-28 for VROs). See *Appendices 7 & 8*.

All files and paperwork from dismissals are routed to Criminal Data Entry in room 106.

WARNING – *if an Order grants a defendant’s release from custody (whether at a release hearing, dismissal, or any other proceeding), the Judge’s staff **must fax** the order requiring release to Jail Records no later than the end of the day, even if the court docket concludes after 5 p.m. and even if a copy of the order was already provided to the courtroom deputy.*

On Warrant Recalls/Rescind, see Appendix 15.

3. Bench Warrants

The Judge signs these orders after making the appropriate note about the security amount on the PreTrial Order. This is usually done at or near the end of PreTrials, since some individuals arrive late or wait outside the wrong courtrooms. PreTrial Judges may require that the Defendant appear personally before court staff to avoid a warrant.

All files and paperwork on cases resulting in bench warrants are routed to the Warrant Desk in Criminal Data Entry in room 106. A copy of the dirty docket should also be routed here. See also, Section XI.F, Warrants.

4. Pleas

Pleas are handled by sign-up in the courtroom that day unless victim notice issues require placement on the Further Proceedings docket. See *Section VII, Pleas*.

All Judgments of Dismissal and Judgments of Conviction from pleas are routed to Criminal Data Entry in room 106. All orders (setting sentencing dates, setting-over an appearance, etc.) and all files plus the plea paperwork are routed to Criminal Calendaring in room 106 for entry and scheduling.

EXCEPTION: if only the plea was done and SENTENCING WAS SET-OVER, a sentencing hearing on the Further Proceedings docket is needed [See Section V. A and D re Further Proceedings] as well as any transport and interpreter reservations.

- (1) If Sentencing is set-over to a date WITHIN 48 WORK HOURS – the Courtroom Clerk schedules the sentencing date and transport/interpreters in OJIN (See Section V, Further Proceedings), makes copies of the plea petition and Order entering plea so they are available for the sentencing proceeding, and then routes the originals of those documents to Criminal Data Entry. The Courtroom Clerk routes the court file to the sentencing judge along with the copies of the plea documents.*
- (2) If Sentencing will be MORE THAN 48 WORK HOURS LATER – The Judge’s clerk routes all paperwork to the Criminal Calendaring Clerk for scheduling, reservation of transport and interpreters, and entry of paperwork.*

5. Further Proceedings

Cases on the PreTrial docket may be set for pleas on an upcoming Monday a.m. or Thursday afternoon Further Proceedings docket if victim notice or other issues require this. See *Section V*.

As courtroom clerks are not responsible for scheduling or HAPing at PreTrials except for set-over Sentencings when a Plea is taken, Criminal Calendaring will schedule any Further Proceedings ordered from PreTrial orders.

D. Set-Over Requests

1. Judicial Approval Required

DV Court follows CPC procedures requiring *all* set-over orders to be signed by the Judge, even the first set-over request by each party for a normal-course set-over of 2 weeks.

2. Required Forms, Showings, and Hearings on the Record (See Appendix)

a. First Set-Over Request by a Party and Only Regular Course is Needed

The “Misdemeanor Case Report and Order” (Form 23-56, *Appendix 5*) is used in this situation if the set-over is for regular course of 2 weeks (3 if agreed). The form requires no reason and no hearing is needed. The form is simply left with the Judge’s staff for the Judge to sign.

b. Second Set-over by a Party and Regular Course (2 weeks) is Stipulated

The “Motion for Set-Over and Order” (Form 23-30A, *Appendix 6*) is used. This means that the reason for the set-over must be set-out on the form.

No hearing is needed. The form is simply left with the Judge's staff for the Judge to sign.

c. Every Other Set-Over Request

The "Motion for Set-Over and Order" (Form 23-30A, Appendix 6) is used in this situation – whether it is a party's first set-over request of more than 2 weeks (3 if agreed) or any second/later request that is not a stipulated set-over of 2 weeks. This form requires that the reason for the set-over be detailed. The motion is heard on the record even if stipulated. Parties filling out this form do not need to fill out the Misdemeanor Case Report because the pretrial disposition is resolved by the set-over order.

d. For Defendants in custody

It is critically important that the Defendant's custody status be noted and the 60-day expiration period to be set out on the form, so that any set-over can be made with a waiver or 60-day deadline in mind. See ORS 136.290 and 136.295 and note the need for an appropriate "good cause" finding.

e. Either party's third or subsequent request.

Per CPC policy, these are granted only for good cause (emergency medical or family matters, unavailability of witness due to legitimate conflict, disability/training of officer, pendency of expert evaluations, vacation of attorney, etc.). The set-over should not be longer than two weeks, barring exceptional circumstance.

3. Disposition

If the set-over is denied and the case is LOFTd (Left on for Trial), procedures detailed in C.1, above, are followed. If the set-over is granted, the new dates must be stated on the order as well as the box checked designating the party against whom the set-over is charged.

All files and paperwork on cases resulting in set-overs are routed to Criminal Calendaring in room 106. A copy of the dirty docket is also be routed here.

E. Responsibility of Judicial Assistant for Cases LOFTd

Once the clerk has sorted all the files as set out by disposition (above), the files for the LOFTd cases are given to the DV Judge's Judicial Assistant. The Judicial Assistant then verifies information as set out below and assigns (and limits) cases remaining on for trial according to the established priorities.

1. Comparing Physical Files to Number of Cases LOFTed

The JA first confirms that s/he has received the number of physical files that matches the number of cases attorneys have reported should be LOFTed.

2. Verification of Dates on PreTrial Reports

The JA double-checks the dates appearing on the case report with the trial dates and times set in OJIN. (Misdemeanor DV Trials start only on Tuesday and Wednesday; VRO trials are LOFTed only for Thursday). If the dates do not match and no set-over (or changed date within the same week) was granted, the JA notifies the attorneys that the case is being left on for the date OJIN provides.

3. Preparation of LOFT List

The JA determines according to the priorities set out below which of the cases LOFTd by the attorneys will actually remain on the trial docket for the scheduled day and therefore listed on the LOFT form. A copy of a blank LOFT form is

available on the S drive. *S/FamLaw_Juvenile/DV Court/Weekly LOFTS list*. The length of trial, existence of any motions, and the defendant's custody status must be noted on the form. If the defendant is in custody, the JA schedules the transport. See *Section XI.H, re Transports*. If the defendant's custody status is blank on the PreTrial form, the JA verifies the defendant's custody status in SWIS. See *Section XI.G, re SWIS*. Similarly, if an interpreter is needed, the JA schedules the Interpreter. See *Section XI.I, re Interpreters*. It is preferable if the LOFT list can be prepared by the PreTrial Friday day at 3 p.m. The size of the DV court docket, however, may make this goal impossible. In this circumstance, the JA should contact the CPC JA and Misdemeanor PreTrial Clerk (Nicole Hall – #28760) to inform them of the estimated completion date/time. The LOFT list must be done no later than noon on the following Monday.

4. Limits on Number of LOFTd Trials That May Be Scheduled

No more than 8 defendants/day may be scheduled for DV Misdemeanor trials, and no more than 5/day for VROs. No attorney may have more than 3 misdemeanor trials per day. (This limit does not apply to VROs).

These limits apply even if the number of in-custody defendants exceeds the number of available trial slots.

5. Priorities for Scheduling LOFTd Cases

The trial slots for each day are assigned according to the following priorities. The "3 maximum cases per day per atty" rule is also applied, but only for misdemeanors, i.e., not for VROs.

- a. In-custody cases (taking care to screen for 60-day issues)
- b. Interpreter-involved cases
- c. "Date Certain" cases
- d. Issue date of case

6. Administrative Set-Overs for Excess LOFTd Cases

If the number of cases LOFTd by the attorneys exceeds the trial slots for a particular day, and the LOFTing priorities have been applied, by the Monday following PreTrials the Judge's staff notifies the Deputy District Attorneys and defense counsel involved that the dates on those extra cases must be re-scheduled two weeks out from their existing dates. This period allows for service of subpoenae.

For Misdemeanors, the new PreTrial will be two weeks after the PreTrial just held and the new Trial date will be two weeks after the date being canceled. For VROs, the PreTrial date will two weeks after the PreTrial just held and the new Trial date will be the Thursday following the new PreTrial date.

Example re Misdemeanor: If trial is set for Tuesday, June 12, but will be administratively set-over because of excess LOFTs, the new PreTrial date will be Friday, June 15th, 2 weeks after the June 1st PreTrial just held. The new Trial date is Tuesday, June 26, 2 weeks after the current trial date.

Example re VRO: If trial is set for Thursday, June 7, but will be administratively set-over because of excess LOFTs, the new PreTrial date will be Friday, June 15nd, 2 weeks after the June 1st PreTrial just held. The new trial date is Thursday, June 21, 2 weeks after the current trial date.

The JA prepares a Motion for Set-Over and Order (Form #23-30A, *Appendix 6*) for the PreTrial Judge's signature. For defendants out of custody, the JA checks the "Defendant's Appearance Waived at PTC" box so that the Defendant

is excused from appearing for the next PreTrial. Files for these cases are routed to the Misdemeanor PreTrial Clerk along with the set-over orders. The JA routes the copies of the administrative set-over order to the attorneys. If this administrative re-set results in a party's subsequently requesting a set-over and good cause is shown, the PreTrial and Trial dates are re-set with the set-over charged to the court.

7. Routing of LOFT List and Files

The JA prints a hard copy of the LOFT list to accompany the files for cases remaining on for trial. The JA sends an electronic copy of the LOFT list to the following:

- a. MUL DVLOFTS (an electronic list that includes quite a few recipients)
- b. MULJuryroom
- c. the current CPC JA
- d. the JA for the DV Court Judge assigned to trials for the cases just LOFTd

This must be done by the Monday following PreTrials. It is strongly preferred that the list be send in Word, or in WordPerfect-converted-to PDF, so outside recipients can open the document)The JA then keeps the files (if that Judge is handling the trial docket for the week in question) or routes the LOFTd files to the JA for the DV Court judge assigned to trials for the cases just LOFTd.

Paperwork from PreTrials is routed as follows:

- *Dirty Docket – Misdemeanor PreTrial Desk in Criminal Calendaring and Warrant Desk in Criminal Data Entry*
- *LOFT list and legal files – JA of the Trial Judge*
- *Orders for Bench Warrants – the Warrant Desk in Room 106*
- *Set-Over Orders – Misdemeanor PreTrial Desk in Criminal Calendaring*
- *Further Proceedings – Criminal Calendaring DV Docket Clerk*
- *Judgments of Dismissals – the dismissal bucket in Room 106*
- *Judgments of Conviction (Sentencings) – Misdemeanor Sentence Bucket in Room 106*

WARNING – *if an Order grants a defendant's release from custody (whether at a release hearing, dismissal, or any other proceeding), the Judge's staff **must fax** the order requiring release to Jail Records no later than the end of the day, even if the court docket concludes after 5 p.m. and even if a copy of the order was already provided to the courtroom deputy.*

On Warrant Recalls/rescind, see Appendix 15.

VII. PLEAS and SENTENCINGS

A. Pleas

Pleas in DV Court are heard at the time of entry into Deferred Sentencing Program (See *Section IV*), on the Further Proceedings docket (See *Section V*), at PreTrials (See *Section VI*), or on the day of Trial (See *Section VIII*). See *Note on Page 15 re contacting DA office when scheduling*. A few issues warrant special mention.

1. Victim Presence

Advance notice of four (4) days to the District Attorney (unless a date has been agreed on) is particularly important so that the DA can notify the victim regarding the sentencing. Pleas taken without that notice may well necessitate a second hearing, wasting both scarce attorney time and limited docket space. See *Section V.A, regarding notice to DA's office of plea*.

2. Firearms/Ammunition Bans

Convictions for "misdemeanor crimes of domestic violence" and for adjudications for violating "protective orders" (as each is defined under the federal Violence Against Women Act, aka VAWA) subject the defendant to federal felony prosecution for possession or purchase of firearms or ammunition. Only defendants with the victim relationships prescribed by federal law are subject to these bans. See *18 U.S.C. §921(a)(32) and (33)*. For the misdemeanor conviction, the firearm ban is lifelong. For individuals under protective orders, the ban lasts only as long as the order is in effect. See *generally, 18 U.S.C. §922(d)(8)-(9), 922(g)(8)-(9), and §925*. A "public use" exception – allowing individuals in the military, corrections, and law enforcement to use weapons issued for public employment – applies only for individuals under protective orders. Amendments to VAWA made in 2006 require states receiving VAWA funds (which Oregon does) to certify that its court policies and practices include notification to domestic violence offenders of these requirements. 42 USC § 3796gg-4. The plea petition form was amended in 2008 to provide written notice to misdemeanor and contempt defendants of this collateral consequence. Similarly, the release order form provides this notice to defendants.

3. Effect on Citizenship Issues

Also as a result of the federal Violence Against Women Act, convictions for "misdemeanor crimes of domestic violence" and for protective order violations (as each is defined under the federal law) have potentially negative repercussions for defendants who are not U.S. citizens. It is the defense attorney's role to provide information to the defendant regarding the existence and likelihood of those collateral consequences, *Gonzalez v. State*, 191 Or App 587 (2004), *Castellanos v. State*, 196 Or App 1 (2004), and the Court's to ensure that the Defendant has been informed.

4. Cancellation of Pretrial and Trial Dates

Courtroom Clerks must cancel future PreTrial and Trial dates when a plea is taken and a sentencing date set-over.

B. Sentencings

Sentencings in DV Court are heard when pleas are made at PreTrial, when scheduled on the Further Proceedings docket, or occurring on the day of Trial. A few issues warrant special mention.

1. Judgment Forms

For misdemeanor cases, the regular Judgment form #23-74A is used. See *Appendix 8, Misdemeanor Judgment*. For convictions (sentencings) or dismissals on VROs, Form 21-28 is used. See *Appendix 7, Contempt of Court Judgment*. A separate §936 form (Form 03-49C) may be needed on the latter.

2. **Special Conditions of Probation**

The DV Court has developed Special Conditions of Probation for both formal and bench supervision. See *Appendix 11 – Special Conditions of Probation for DV Court (Forms 23-72 and 23-73)*. Three terms merit particular mention.

a. **Formal vs. bench probation**

Formal probation is ordered more frequently than bench probation in DV Court, as the intensity of supervision is correlated to reduced recidivism in domestic violence. Due to budget constraints, the Multnomah County Department of Community Justice (DCJ) has declined supervision of certain misdemeanor crimes since July 2006. Of the crimes most frequently presented in DV Court, those “no formal supervision” cases are Menacing, Interference with Making a Report, Attempted Strangulation, and Reckless Endangering, all Class A misdemeanors. Harassments – although a Class B Misdemeanor - are accepted for formal probation.

- (1) On the request of the court or a party, DCJ will review an individual case which it would otherwise categorically decline. DCJ needs a written request and supporting documents such as police reports or other information. DCJ will conduct this review prior to sentencing if the request is made with sufficient advance notice. Post-sentencing requests are also considered. Requests for these reviews should be routed to the Supervisor of the DV Unit at DCJ (currently Laura Ritchie). In return for these reviews and to maintain its workload balance, DCJ requests that DV Court consider bench probation for Harassments when appropriate.
- (2) When a sentencing Judge wants DCJ to consider formal probation on a conviction DCJ does not routinely supervise, it is administratively more efficient to order at sentencing that probation be supervised if accepted by DCJ, and otherwise bench probation. This approach avoids the need for a second hearing to modify the bench probation to formal if DCJ accepts supervision.

b. **Domestic Violence Intervention Counseling**

The requirement that the Defendant participate in this counseling is frequently ordered in DV Court cases, but is left to the Probation Officer’s discretion unless the Court chooses to annotate on the Judgment or Special Conditions sheet that DVIC is required. Approximately 12-13 agencies offer DVIC programs in the Portland metropolitan area. See *Appendix 12 for a list of those programs*. Administrative rules adopted by the Oregon Department of Justice in January 2006 set out standards for batterer intervention programs. See *OAR 137-087-0015 et seq.* The rules call for a 48-week long program and certain curriculum content and interventions strategies. Like other counties, Multnomah County’s Department of Community Justice is examining its contracting practices in light of these standards. Failure to engage with or complete DVIC is a frequently alleged DSP violation or probation violation. DSP was restructured in 2008 as an 18-month program because of the time needed to complete OAR-compliant DVIC programs.

c. **Compliance Review (meeting with the DV Court Case Manager)**

Ordering the defendant to meet with the Domestic Violence Court Case Manager for one or more compliance reviews (*See Section X*) is frequently ordered in Bench Probation cases. This probation requirement is ordered only in exceptional situations when the Defendant is placed on Formal Probation cases. Reviews with the Case Manager are not court appearances but are scheduled in GUI/OJIN (*See Appendix 10 – Instructions for Scheduling Compliance Review with DV Court Case Manager*) and occur at the Justice Center in Room 301. The Special Conditions sheet sets out the first appointment time and directs the Defendant to meet as subsequently directed by the Case Manager as well as to comply with any Action Plan developed.

The staff of the Sentencing Judge is responsible for scheduling the initial Compliance Review (see *Appendix 10 for instructions*) and routing to the DV Court Case Manager (119/359/TJONES) a copy of the Judgment and Special Conditions order requiring the compliance review. If the Sentencing Judge is a General Bench Judge covering the docket for the DV Court, the Sentencing Judge's staff may want to contact the staff of the DV Court Judge that week for help.

3. Pendency of a Protective Order

Many defendants placed on probation for misdemeanor DV crimes or for violating a restraining order have active Family Abuse Prevention Act (FAPA) or stalking protective orders on them at the time of sentencing, frequently involving the same victim as that involved in the crime/VRO. An electronic copy of that protective order can be accessed on the Intranet (*See Section I.C.4, re accessing Laserfiche files*) and can help inform probation conditions. It is extremely helpful for the sentencing judge to review with defendants the terms of the restraining order, to highlight that both sets of "rules" apply to the defendant, and to explain in concrete terms what conduct is required of the defendant (especially regarding "no contact" terms) when the two sets of "rules" are not consistent.

4. "No Contact with Victim" Provisions

An order prohibiting or limiting contact with the victim is typically ordered in probation cases in DV Court, as set out in some detail in the Special Conditions form. Whether or not the parties have negotiated for non-offensive contact, an order allowing situational or conditional conduct may be appropriate. DCJ and DVIC-providers have preferred that this assessment await victim interviews (if the victim is available) and/or the defendant's engagement and progress in DVIC (where that program is anticipated). Individual circumstances control the sentencing judge's ruling on contact.

5. Designating the Probation Judge

The DV Court Judge handling the sentencing will be the Probation Judge, unless another DV Court Judge already has the defendant on probation for a DV case, in which situation that "earlier" supervising judge becomes the Probation Judge on the second case, as well. DV Court attempts to keep all probations for all cases it handles, with the same DV Court Judge named as Probation Judge for those subsequent DV cases.

DV Court does not usually assume subsequent probations on the same defendant unless it is a DV case (felony or misdemeanor).

A chart sets out responsibilities for most permutations of Probation Judge assignments. See *chart at Appendix 13 – Probation Judge Assignments, as Affected by DV Court*. Individual scenarios not addressed by the chart require communication between the DV Court and non-DV Court Judges involved and principled analysis about the interplay of goals to monitor safety/accountability issues (arguing to keep at least the DV count in DV court), judicial economy (arguing to have one judge, no matter who, handle all probations), and judicial workload (arguing to limit the number of DV Court probations by leaving the separately-adjudicated non-DV count outside of DV Court).

DV Court is not intended to interfere or trump the operation of the Family Probation Program (FPP). FPP is a Family Court initiative involving screened and selected cases in which a parent with an open dependency matter who is also on probation has both matters simultaneously heard and scheduled before the dependency judge. Any Probation Judge handling a Family Probation

Program (FPP) case should retain that FPP case; it does not transfer to the DV Court. If a new DV misdemeanor probation is picked up by a defendant in the Family Probation Program, the DV Court should keep that new DV probation unless the Probation Judge requests its transfer. If a DV Court probationer becomes involved in a dependency or Family Probation Program, the DV Court Probation Judge should retain the DV Court probation unless the FPP Judge requests its transfer.

- 6. Cancellation of Pretrial and Trial Dates**
Courtroom Clerks must cancel any future PreTrial and Trial dates when a sentencing has taken place.

VIII. JURY TRIALS and CONTEMPT OF COURT TRIALS

A. Misdemeanor Jury Trial

1. Receipt of LOFT List after PreTrials and Checking Custody Status

The JA for the DV Court Judge receives the LOFT list the week before the trials, as soon as the LOFTing from PreTrials is done. See *Section VI on PreTrials*. The JA receiving the LOFT list must double-check in SWIS the custody status of each Defendant the day before trial to ensure that any needed transport orders are done.

2. Day of Trial Prioritization before the Attorneys Arrive

For DV Court misdemeanors, a maximum of 8 cases each is assigned to the DV Court Judge for trial on Tuesday and Wednesday. Due to the attorneys' need to prepare their cases, this cap of 8 is honored even if more than 8 custody cases are ready for trial on that day. The LOFT list sets out the cases in their assigned priority (#1-8). That order is:

- a. In-custody cases
- b. Interpreter-involved cases
- c. "Date Certain" cases
- d. Issue date of case

Depending on the Judge's preference, it may be helpful for the Courtroom Clerk to prepare an easel pad for the courtroom listing the names of the cases and the order of priority in which trials will be assigned.

3. Trial Readiness Reports the Day of Trial

The DV Court Judge has one release hearing or further proceedings matter docketed each Tuesday, Wednesday, and Thursday morning at 8:30 a.m., and a little before 9 a.m., DAs and defense attorneys begin arriving at the DV Courtroom to report their trial readiness. The State reports that it is unable to proceed in a significant number of cases, often because of the non-appearance of the victim. Other defendants may choose to plead, perhaps because of a plea offer newly revised by the DA in light of current circumstances. Bench warrants are sometimes necessary but it is often appropriate to delay issuance of the order for the warrant (and release of witnesses) until at least 9:30 or 9:45 a.m. since it is not uncommon for a party to arrive that late and this step can avoid re-scheduling and witness inconvenience. Set-overs on the day of trial, although uncommon, are occasionally requested and are controlled by case law and the CPC-set standard of "unexpected and extraordinary circumstances," set out in "Procedures re Disposition of Misdemeanor Cases in Criminal Procedure Court." *An electronic copy of this document is accessible on the Criminal Law page of the Judges' intranet website and also on the Court's public website on the Criminal Law Page.* The DV Court Judge handles all these pleas, dismissals, bench warrants, and (rare) set-over requests before beginning any trial. Another DV Court Judge may be available to help out with a trial or pleas, particularly if there are several and the start of a trial is pending. To prepare, the Clerk may want to contact other DV Judges' clerks the first thing in the morning on Tuesday and Wednesday to find out about their Judges' availability for pleas or a trial.

Trial-Day paperwork is routed as follows:

- *Legal Files and Dirty Docket – Criminal Calendaring in Room 106*
- *Orders for Bench Warrants – the Warrant Desk in Room 106*
- *Orders for Set-Overs and Orders Setting Further Proceedings – Criminal Calendaring in Room 106*
- *Judgments of Dismissals and Judgments of Conviction – Criminal Data Entry in Room 106*

WARNING – if an Order grants a defendant’s release from custody (whether at a release hearing, dismissal, or any other proceeding), the Judge’s staff **must fax** the order requiring release to Jail Records no later than the end of the day, even if the court docket concludes after 5 p.m. and even if a copy of the order was already provided to the courtroom deputy. On Warrant Recalls/rescond, see Appendix 15.

4. More than One Case Reporting Ready for Trial

Occasionally, the parties are ready for trial on more than one case. In this situation, the Judge must try to find another judge to take the second trial. The Judge’s staff takes the following steps, going to each next step only after the one before it is unsuccessful.

- a. **Check with other DV Court Judges regarding their availability**
- b. **Check with CPC staff to see if any General Bench Judge assigned to CPC is available**
- c. **Check with the Presiding Court Calendar Secretary (#83171) about the availability of any General Bench Judges on general assignment.**
- d. **Send an e-mail to all Multnomah judges to see if any judge has just freed up.**

If no judge is available, the DV Court Judge assigns new PreTrial and Trial dates, with the administrative delay charged to the court.

5. Individual Defense Attorney or DA Ready on More Than One Trial
When even renewed settlement attempts and plea negotiations have failed, an administrative set-over will be necessary when an attorney cannot proceed because s/he is trying a case with a higher priority that day. In this circumstance the Judge assigns new PreTrial and Trial dates, with the set-over charged to the court.

6. Trial Procedure

Few issues specific to DV Court arise. One involves preparation of the verdict form when the DA has charged a crime with the specific allegation that the conduct “constituted domestic violence.” If the DA has not presented a verdict form segregating this latter inquiry from the verdict on the underlying crime, the JA prepares that form. Another issue involves courthouse safety practices, including monitoring the physical location of the Defendant and victim in relation to each other in and near the courtroom. For sentencing procedures, See *Section VII, Pleas and Sentencings*.

B. Contempt of Court Trials

Trial procedures for contempt of court cases for violating restraining orders are the same as for Misdemeanors, with the following exceptions:

- 1. A maximum of 5 (not 8) VRO trials is set. These VRO trials are scheduled for 8:30 a.m. and the docket is set to end at noon. If one or more trials has not started (or will likely not start) during the Thursday morning setting, the Courtroom Clerk can check with the (main) DV Court Judge doing Thursday misdemeanor trials to see if the Judge is available that morning to take the case. Otherwise, the cases (a maximum of 2) can be re-scheduled to the following Wednesday afternoon, at 1:45-3 p.m. to the DV3 Judge assigned for overflow responsibility.
- 2. No right to a jury trial exists. Due to this circumstance, quicker disposition of VRO cases is possible.

It is seldom necessary to do the same type of detailed prioritization regarding the order of VRO trials, as it is anticipated that the DV Court Judge will dispose of all VRO matters that morning. Not only does there exist for VROs the same possibility with crimes as the

State being unable to proceed, or the circumstance of a plea or bench warrant or (a rare) set-over, but the issues in the cases are more quickly tried. The DV Court Judge should ascertain trial readiness on all of the cases at the start of the docket, however, to ensure that the short matters can be resolved prior to the trial(s) and that any in-custody trials are resolved prior to out-of custody trials. For sentencing procedures, see *Section VII. Pleas and Sentencings*.

Trial-Day paperwork is routed as follows:

- *Legal Files and Dirty Docket – Criminal Calendaring in Room 106*
- *Orders for Bench Warrants – the Warrant Desk in Room 106*
- *Orders for Set-Overs and Orders Setting Further Proceedings – Criminal Calendaring in Room 106*
- *Judgments of Dismissals and Judgments of Conviction – Criminal Data Entry in Room 106*

WARNING – *if an Order grants a defendant's release from custody (whether at a release hearing, dismissal, or any other proceeding), the Judge's staff **must fax** the order requiring release to Jail Records no later than the end of the day, even if the court docket concludes after 5 p.m. and even if a copy of the order was already provided to the courtroom deputy.*

On Warrant Recalls/Rescind, see Appendix 15.

IX. PROBATION VIOLATIONS

A. Requests for Probation Violation Arrest Warrants

DCJ and probation departments in other counties route requests and affidavits for PV warrants to the Probation Judge as in any other criminal case. The JA routes signed Orders for warrants to the Warrant Desk in Room 106, with a copy to the District Attorney's Office.

B. DV Court's PV Docket

1. Arraignment at the Justice Center

The arraignment docket prepared daily at the Justice Center from the Sheriff's booking register (*See Section II.A.*) includes individuals held on PV (Probation Violation) warrants signed by judicial officers for either judicial or administrative sanctions or for PO (probation officer) detainees. Defendants facing judicial PV sanctions are set for initial appearances at the Justice Center. For DV Court defendants appearing on PV warrants seeking judicial sanctions, Justice Center staff schedule the violation hearing for the 1:30 p.m. Monday afternoon DV Court PV docket. Justice Center staff determine whether a PV should be on the DV Court docket by reference to the nature of the misdemeanor conviction and the identity of the Probation Judge; i.e., if it is a misdemeanor DV conviction and the Probation Judge is a Family Law Department Judge, the PV will be scheduled for DV Court Monday at 1:30 p.m. (or Wednesday at 3:00 p.m. if the Monday slots are full. See next paragraph). Justice Center staff route a hard copy of the arraignment/appointment of attorney Order to the Probation Judge. When receiving this Order, the JA for the Probation Judge arranges to have the Judge's probation file on the Defendant routed to the DV Court Judge covering DV Court PV hearings the day the defendant's case is scheduled.

Defendants appearing on warrants for violation of DSP program conditions are not on probation as these defendants have not been convicted. Violations of DSP program conditions are violations of release conditions, not probation. These individuals are arraigned at the Justice Center and set for appearance on the DSP docket for Friday at 2 p.m.

2. Docketing for the Monday PV Hearings

A limit of 8 defendants is placed on this Monday PV docket. When 9 or more defendants are scheduled, the excess cases are scheduled for an overflow docket starting at 3 p.m. on Wednesday of the same-week, i.e, two days later. The overflow docket is handled by the DV Court Judge with assignment "DV3." Criminal Calendaring provides the DV Court Judge a copy of the PV docket the Friday before the Monday PV docket. Because Criminal Calendaring closes scheduling of the PV docket at 5 p.m. on the Tuesday preceding the Monday hearings, the Wednesday back-up judge (DV3) usually has the flexibility provided by one-week's notice to schedule other cases into the overflow Wednesday time if no PV overflow coverage is needed in DV Court. It is possible, however, that the DV Court Judge on the Monday probation docket sets over to Wednesday afternoon one of the Monday cases. For this reason, a final PV docket is distributed on Tuesday mornings.

PV hearings are scheduled in GUI/OJIN as HGPV, 1:30 in DOMV room. Parent periods are added as follows:

- *for Mondays – DV Probation Violations. The cap is 8 defendants.*
 - *For Wednesdays, Dom PV Overflow. The cap is 5 defendants.*
- Interpreters and Transports should also be scheduled.*

Criminal Calendaring staff notifies Judge McKnight and the assigned DV3 Judge when more than 8 defendants have been scheduled and the overflow is scheduled for Wednesday of that same week at 3 p.m. (Wednesday afternoon is the “DV3” assignment for DV Court Judges).

3. Which Judge Hears the PV

The DV Court judge who handled the sentencing becomes the Probation Judge in DV Court. Because of 14 day issues and the crowded nature of all family law dockets, however, almost all violation hearings are set onto the Monday afternoon DV Court docket, to be heard by whichever DV Court judge has the DV Court “duty” that week. The JA for that DV Court DV1 or DV2 “duty” judge should request the probation file from the JA of the Probation Judge if it has not already been forwarded. If the actual Probation Judge wishes instead to have a particular probation set on his/her own docket, the JA for that Probation Judge makes those arrangements: notifies Criminal Calendaring and the parties and, when needed, reserves transport and interpreter. The utility of global resolution of probation matters with new charges may result in a nonDV Court judge adjudicating a DV Court probation violation matter but notice to the DV Court judge should precede that step.

4. Forms and Files

The DV Court uses the same probation judgment form as other criminal judges (Form 23-36). A 936 form (Supplemental Page for Incarceration Sentences, Form 03-49C) may be needed if the defendant is jailed as a result of the hearing.

All paperwork from the PV hearing is routed to Criminal Calendaring in Room 106. The JA or Clerk should make a copy of the dispositional order to route to the Probation Judge.

If the PV hearing is set-over, the set-over paperwork is forwarded to the Criminal Calendaring Clerk.

WARNING – *if an Order grants a defendant’s release from custody (whether at a release hearing, dismissal, or any other proceeding), the Judge’s staff **must fax** the order requiring release to Jail Records no later than the end of the day, even if the court docket concludes after 5 p.m. and even if a copy of the order was already provided to the courtroom deputy.*

On Warrant Recalls/Rescind, see Appendix 15.

C. Defendant with More Than One Probation Case

See Section VII.B.5, Designating the Probation Judge.

X. COMPLIANCE REVIEWS

A. Nature and Purpose of the Review

A compliance review for DV Court is an assessment of the status of the defendant's compliance and progress with probation. It provides an opportunity to clarify probation expectations as well as to consider changes in terms that would improve the defendant's accountability and community rehabilitation and the victim's safety. Referrals to community resources are made at this time, both to court-affiliated services that might address custody/parenting time or probation issues and to agencies addressing the interventions identified at sentencing. The review may be a court appearance but due to docket limitations is more likely a meeting with the DV Court Case Manager, held in Room 301 of the Justice Center. The Special Conditions forms for DV Court probations contains a section for the Judge to set the first review and directs the Defendant to meet as subsequently directed by the Case Manager as well as to comply with any Action Plan developed.

Most referrals to the Case Manager will be Bench Probationers from DV Court. DV Court defendants on formal supervision to DCJ or defendants sentenced by General Bench judges (outside of DV Court) are referred only in exceptional situations.

B. Scheduling the Review and Routing Paperwork to the Case Manager

When the DV Court Judge orders at the time of sentencing (or probation violation hearing) that the Defendant meet with the Case Manager, the Judge sets the first review date in the courtroom so that the date and time of review are detailed in the Special Conditions Sheet (or probation order). A date and time must always be set and entered in GUI/OJIN in a slot the Case Manager has available. See *Appendix 10 – Instructions for Scheduling a Compliance Review with the DV Court Case Manager*. All appointments are scheduled in this way, regardless of how soon or distant the review is.

The Courtroom Clerk ensures that all necessary paperwork is promptly routed to the Case Manager – including the Judgment of Conviction and any Special Conditions documents. Except in emergency situations (see *B.2., below*), the documents are sent by inter-department mail – Tammie Jones/Mail Code 119/359/DV Court). Neither the Case Manager nor Judge's staff should rely on defendants to bring their paperwork to the reviews.

1. Normal Course or 30-Day Appointments

First reviews are set for approximately 30 days after sentencing. In exceptional cases, a review could be ordered for a earlier date (especially if the Defendant has some particular community needs or monitoring issues) or later (especially if the Defendant is incarcerated with an expected release date). Documents are sent by inter-department mail – Tammie Jones/Mail Code 119/359/DV Court.

2. Short Notice of Emergency Appointments

Walk-in appointments cannot not be accommodated due to the Case Manager's schedule. She makes every effort to accommodate next-day or short-notice appointments but these "emergency" appointments must be truly exceptional due to workload issues. Staff making such appointments must ensure that: (1) GUI/OJIN shows her schedule open for the desired slot, (2) the Judge's staff reserves the emergency appointment through GUI/OJIN, and (3) the Courtroom Clerk immediately sends an e-mail or facsimile (503/988-4002) to notify the Case Manager of the emergency referral and what assistance was ordered. The Judgment of Conviction and Special Conditions sheet must also be transmitted by facsimile in this circumstance.

3. Subsequent Reviews

The Case Manager will schedule all reviews herself after the first meeting with the Defendant, when such later reviews are appropriate.

C. The First Interview

If the defendant is on formal probation and the date of the review is at least one month out, the Case Manager sends an e-mail message to the assigned probation officer two weeks prior to the review date, requesting updated information.

At all initial appointments, the Case Manager secures necessary releases and does a standardized assessment to identify past convictions, employment and treatment history, victim position, and probation conditions. She evaluates compliance with probation terms and reviews the terms of the contact provisions in the probation order and any other restraining or protective order, discussing situations that might occur and how to respond. The Case Manager also provides referrals and information regarding family court processes and additional resources regarding housing, food, counseling, and DVIC programs. She develops an Action Plan with the Defendant and sets out further reviews as needed.

D. Reports from Compliance Reviews

Within two weeks of the first compliance review, the Case Manager prepares a compliance report. The report sets out current victim input (if any, and after safety-based disclosures), risk assessment results, provider reports, and overall probation status with recommendations. The template is reproduced in *Appendix 13*. If the Defendant failed to attend, that fact is included. The report is routed to the Probation Judge's JA, the DA, Defendant, and Probation Officer (if any). Any Action Plan developed is attached. Future review dates, if scheduled, are set out.

Reports regarding subsequent compliance reviews are not prepared and routed unless:

1. The Defendant is non-compliant with probation conditions. Prohibited contact with the victim prompts immediate notice to the court, followed by the written compliance report.
2. The Defendant is requesting authorization for out-of-state travel. The case Manager reports only that the Defendant made the request and was referred to the Probation Judge.

E. Defendant's Failure to Appear at a Compliance Review

When the Case Manager reports the Defendant's failure to appear, the Probation Judge sends the defendant a re-referral letter. A sample copy of that letter is provided in *Appendix 14* and is also accessible on the share drive under Family Law_Juvenile/DV Court. It is listed under "*Form Letter-Report to DV Case Manager to Reschedule.*"

If the defendant does not contact the DV Case Manager by the time designated on the re-referral letter, the Case Manager creates a second report documenting the defendant's failure to reschedule the review and forwards that report to the assigned PO (if on formal probation), the DA's office, Probation Judge, and Defendant. The response from DCJ may vary based on the unit supervising the Defendant:

1. **Formal Probation (DV Unit and other Field Units)**
The DV Unit considers the report in light of other reported non-compliance and may include it among other violations for which the probation officer is seeking judicial sanctions, may seek administrative sanctions, or may address it with a reprimand and/or direction to re-contact the DV Court Case Manager. Probation Officers in Field Units outside of DV differ substantially in their response.
2. **Formal Probation in the Reduced Supervision Team Unit (RST)**
(RST supervises probationers determined at intake or after a period of compliance with probation to need a level of supervision less intense than the standard. See *XII. Abbreviations, "RST"*). RST sends a written reprimand to the offender stating that s/he is in violation and is receiving a written reprimand for

the non-compliance. The letter also directs them again to contact the DV Court Coordinator within 7 days to reschedule or further action will be taken for the non-compliance. A copy of the letter is sent to the Coordinator and the Judge so that everyone is aware of the reprimand and the directive. RST then conducts a file review on the assumption that non-compliance with the compliance review condition may indicate other compliance issues. If the defendant is found to have other violations, the case is staffed with the DV Unit Supervisor for placement in the DV Unit.

3. Bench Probation

The response varies both by Judge and by case. Typical responses range from inclusion in a pending PV hearing (if a sworn statement regarding the non-appearance is obtained), a show cause hearing, a letter, or no action.

F. Appearance of Case Manager at Court Hearings

The Case Manager attends hearings only when requested by the court or subpoenaed by the prosecution or defense.

G. Case Manager Contact with Victims

The Case Manager tries to contact victims for purposes of the initial interview and victims sometimes initiate contact at that point or at other times. When such contact occurs, the Case Manager advises the victim that any statements the victim makes to her are not confidential. In addition, the Case Manager explains that she writes reports to the judge and others (including the DA and Defendant) explaining case activity and that any statements made by the victim could be included in the report. The Case Manager asks the victim to consider carefully whether to disclose any information that could jeopardize the victim's safety, such as location or contact information. When appropriate, the Case Manager makes community and advocacy referrals for victims.

XI. MISCELLANEOUS

A. Substitution of Attorney

All substitutions of attorneys for DV Court (and all) cases are handled in CPC on Thursday mornings at 9 a.m.. Appearances in CPC for this purpose are scheduled by contacting Criminal Calendaring at 503/988-5335, Ext. 3. Refer also to the "Procedures re Disposition of Misdemeanor Cases in Criminal Procedure Court," available on the Criminal Page link on the Judges' website or the court's public website (<http://www.ojd.state.or.us/mul/Criminal.html>). This is the only DV Court matter regularly handled by CPC.

B. Set-Overs

1. PreTrial and Trial Dates

Form 23-30A (Motion for Set-Over and Order) is used to set-over pretrial and trial dates in every situation except a party's first set-over request of 2 weeks duration (3 if agreed). See *V.D.* Set-over motions for PreTrial and Trial dates are set on the Further Proceedings Docket when not heard at PreTrial Conferences. *Section V, Further Proceedings.*

2. Set-Over Date is 3 or More Days Out

The data entry is done by the Criminal Calendaring staff when the new court date is at least 3 court days away. The Judge's Clerk ensures that all orders include the date, time, and place of the appearance ("DV Court"). Adding "Report to Room 106" gives the Defendant a practical direction about where assistance can be found regarding the appropriate courtroom.

All paperwork is routed to Criminal Calendaring in Room 106.

3. Set-over Date is 1-2 Days Out

The Courtroom Clerk schedules the hearing either while HAPing it (using the "Hold a Proceeding" function in GUI/OJIN) or by using the menu bar at the top of the screen: [Case → Scheduled Period → New (and type in the case number) function].

For FPs/DSP Appearances / PVs :

- (a) Enter the new date
- (b) Enter the time:
 - (1) FPs are Monday at 8:30 a.m., Tuesday, Wednesday, and Thursday at 8:30 a.m., Thursdays at 1:30 p.m., and Friday at 1:30 p.m.
 - (2) DSP Appearances are Friday at 2 p.m.
 - (3) PVs are Monday at 1:30 p.m., with overflow on Wednesday at 3:00 p.m.
- (c) Enter DOMV in the "room" section of the event. No Judge's name is entered
- (d) Apply the applicable parent period:
 - (1) Monday FPs: "DOMV Further Proceedings (5)"
 - (2) Monday PVs: "DV Probation Violations"
 - (3) Tuesday/Wednesday/Thursday/Friday Release Hearing: "DOMV Custody Issue (1)"
 - (4) Thursday FPs: "DOMV Further Proceedings (12)"
- (e) Reserve Transport and Schedule Interpreters when necessary.

Continued on next page

For PreTrials:

These set-overs are done by the Criminal Calendaring staff.

For Misdemeanor or Contempt Trials:

- (a) Enter the new date
- (b) Enter the time:
 - (1) Misdemeanor Trials are scheduled for Tuesday or Wednesday at 9:05 a.m.
 - (2) VRO trials are scheduled for Thursday at 8:30 a.m. (or Wednesday at 1:45 p.m. if not started on the preceding Thursday a.m.)
- (c) Enter the Judge's Room code (i.e., "TMSW" for Judge Wyatt, or "T" followed by the Judge's initials) in the "room" section of the event.
- (d) Enter the Judge's name next to the "Judge" section.
- (e) Reserve Transport and Schedule Interpreters when necessary. (See Sections XI.H and XI.I, below.)

4. Tracking Cases when Set-Over is Ordered

See Section XI.D., below.

C. Transfer to/from "A" (DV Court) Docket

The "A" docket consists of misdemeanor and violation of restraining order (contempt) cases filed by the District Attorney's Domestic Violence Unit. Transferring a misdemeanor case to or from this docket requires an order from the Court.

1. Transfers Ordered At Pretrial Conference

At the request of a party or on the court's own motion, a case issued by the District Attorney's Domestic Violence Unit may be transferred to CPC for all further processing when the DV Judge determines that the incident giving rise to the DV Court's jurisdiction does not, at the time of the motion, retain elements or characteristics that require the DV court's oversight. If the court makes a determination to transfer the case, the transfer is effected by a separate order (using the minute order form) and the case is continued (set-over charged to the court) in the normal course. The DV Court Judge provides a copy of the order to the DA and the defense attorney. On receiving the order to transfer the case out of the DV Court, the criminal calendaring staff places the case on the PreTrial calendar (B, C, D, or E Calendars) determined by the classification of the defendant's counsel (private bar, MPD, or MDI). The date for the next PreTrial appearance is the same as a regular course continuance; it will be two weeks from the last PreTrial.

2. Transfers on a Trial date to a Non-DV Court Judge for Trial

If the volume of trials on any trial date requires the transfer of a trial to non-DV Court Judge, and, if the defendant is found, guilty, convicted, and sentenced to a

term of probation, the probation will be monitored by the DV Court. The probation judge assigned to the case is the judge presiding in the DV Court the week of sentencing (the DV1 or DV2 Judge). Any hearings on any probation issues are brought before the DV Court. No order is required for a transfer for purposes of trial by a non-DV Court judge.

3. Transfers from CPC to the A docket and vice versa

Except for tracking cases, covered in D. below, no cases are transferred to the DV Court's A docket by CPC, except upon actual discussion by CPC with the DV Court Judge and acceptance of the transfer by the DV Court Judge. These transfers should be rare. If the DV Court Judge accepts such a transfer, then the CPC judge follows the procedures set out in 1, above, to order the Criminal Calendaring staff to transfer the case to the A Docket.

D. Tracking a DV Court Case with Another Case

A misdemeanor/VRO DV Court case can be tracked with a nonDV Court matter if the former will most likely resolve with that second case and will eliminate unnecessary or non-productive court appearances. One DV Court matter can also be tracked with another DV Court matter.

1. Judge's Order Required

The attorney must appear before either the CPC or DV Court judge assigned for the current week. A DV Court case does not track with another case unless the assigned DV Judge or the CPC Judge orders the case(s) to track.

2. Tracking Case Information

The Order to Track is issued under the case number of the tracking case. Except as set out below, the text of any order for tracking includes the appearance dates of the case being tracked.

a. DV Court case tracking with another DV Court case/PV

The order for tracking sets out the case # and currently-scheduled appearance dates of the case being tracked. The tracking case will share those dates, so existing dates for the tracking case are cancelled to avoid a record of a "failure to appear."

b. DV Court case tracking with Felony case or Felony PV

Regardless of whether the Felony case is set on Presiding Call or Drug Call, the order for tracking sets appearance dates for the DV Court case (sets a DV Court PreTrial Conference and Trial date) *after* the felony call date. "Tracking" in this situation does not mean that the cases will have the same appearance dates, although disposition of the felony may encompass resolution of the DV Court case as well. Trial department staff for the Felony case should also pull the tracking misdemeanor case files.

c. DV Court case tracking with nonDV Court misdemeanor

The order for tracking sets out the case # and currently-scheduled appearance dates of the case being tracked. The tracking case will share those dates, so existing dates for the tracking case are cancelled to avoid record of a "failure to appear."

d. Non-DV Court case tracking with DV Court case/PV

The order for tracking sets out the case # and currently-scheduled appearance dates of the DV Court case/PV being tracked. The non-DV Court case will share those dates, so existing dates in the non-DV Court matter are canceled to avoid entry of a "failure to appear."

E. Affidavits of Prejudice

These motions are routed to the Chief Family Law Judge (Nan Waller). See UTCR 7.045 regarding the number and recipients of required copies. See *CPC Manual, Section IX., A.8.*

F. Warrants

1. Recall of Bench Warrant for Failure to Appear (FTA)

CPC standards are followed for rescission of bench warrants. See *“Procedures re Disposition of Misdemeanor Cases in Criminal Procedure Court” on the Criminal page of the Court’s public website.* <http://www.ojd.state.or.us/mul/Criminal.html>. This procedure requires Defendants who fail to appear at PreTrials to turn themselves in at the Justice Center jail unless: (1) the request to schedule a rescission appearance is made within 5 days of the missed PreTrial and (2) the Defendant had no prior failures to appear in that case. Only if compelling cause explains the Defendant’s failure to appear (e.g. hospitalization or family emergency), may counsel docket a motion to recall outside of the “5 day + no prior FTA” rule. In DV Court, rescission-of-warrant hearings are scheduled on the Further Proceedings docket.

Defendants who fail to appear at hearings other than PreTrials must turn themselves in at the Justice Center absent compelling cause to justify setting a Further Proceedings date for appearance or bench warrant.

Any order rescinding a warrant sets out the date the warrant was issued.

Detailed Instructions for Warrant Recalls are set out in <i>Appendix 15</i> . All warrant paperwork is routed to the Warrant Desk in Room 106. (#85334).
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2. Judge’s Review of Arrest Warrants

Among the duties of the DV Court Judge is the responsibility to review and sign warrants for the arrest of misdemeanor defendants and contemnors. A deputy district attorney brings down the files with warrant and probable cause affidavit and leaves them with the Judge’s staff, who notifies the deputy when the Judge has finished the review. The deputy then picks up the documents.

G. Accessing SWIS to Determine Custody Status

To determine if a defendant is in custody of the Multnomah County Sheriff, a trial department must have access to SWIS (Sheriff Warrant Inmate System), an electronic database maintained by the Multnomah County Sheriff’s Office. Usually, the JA has access to SWIS but the court’s Information Services Division (ISD - #85416) can be contacted if access does not already exist.

Accessing SWIS

A link to eSWIS is included on the intranet homepage on the bottom, right-hand side. Clicking on the link will prompt entry of a username and password.

Finding a Defendant by NUMBER or NAME

To search for a defendant, enter QPER next to the "Command" prompt, and in the ID prompt, enter the defendant's CPMS (Corrections Population Management System) number. [CPMS is the precursor to SWIS and SWIS has retained the CPMS numbering]. To obtain this number, look at the defendant information page in OJIN. That OJIN entry will state "A.K.A. CPMS #" directly beneath the defendant's name. Alternatively, you can use the Participants menu on the left-and side in Case View in GUI. It will say "A.K.A. # CPMS" beneath the defendant's name.

If you can't find the CPMS number, you may also look up an individual by name. Enter the last name and the first name into the "ID" section of the search page, (select a "Fuzzy" search if you for the broadest scope possible), enter the individual's sex, race if know, and date of birth and press enter. The system will create a list and you can choose the individual about whom you are trying to find custody information.

Determining if the Defendant is in Custody

Once you bring up the individual you are looking for, under the "Person Information" screen, determine if the person is in custody by looking at the "assigned facility" and "dorm bed" sections. The assigned facility may list MCIJ (Multnomah County Inverness Jail) or MCDC (Multnomah County Detention Center) and "dorm bed" section will have a number attached to it.

For more detailed SWIS instructions, see http://mulsrv22/training_eSWISInstructions.pdf (In the GUI/OJIN drop-down menu on the intranet home page).

H. Transport of Incarcerated Defendant

Judges' staff are responsible for scheduling the transport of incarcerated defendants when they are scheduling new appearance dates. Judge's staff should also schedule transport when the defendant's newly-incarcerated status becomes known after an appearance has already been scheduled. In addition, JAs for DV Court (unlike JAs doing CPC PreTrials) schedule transports for all trials for which they have handled the Friday PreTrials LOFTing. (The JA for the Judge handling the trial should double-check on the custody status/transports after the trial files are received, since custody status may change). Conversely, Criminal Calendaring schedules transports when the appearance is scheduled through that department (i.e., for Further Proceedings, PreTrial Appearances, DSP status hearings, and PVs) rather than through the Judge's staff directly.

Detailed Transport instructions are set out in the *Appendix 16*. A summary is provided below.

Transport Instructions

- Determine whether the Defendant is in custody – See XI.G, above: “Accessing SWIS to Determine Custody Status.”
- Bring up the scheduled period of the hearing (Case → Schedule periods → List
- Determine if the case has a criminal heading (most common) or civil.
 - For Civil heading: (such as with an older violation of restraining order case, in which the heading in OJIN is Petitioner vs. Respondent rather than State v. Respondent, click on “Participants” in the left-hand-side menu and highlight the individual who is to be transported (usually the Respondent).
 - If Criminal heading: (State v. X), no need to highlight person ‘s name.
- Click on “Reservations” on the left-hand side of the schedule case period screen.
- Click on the down arrow beneath “request type” and highlight “bailiff.”
- Click on the “reserve” button on the bottom of the screen
- Click on “details” and type “TRANSPORT RESERVED” in the comments section.
- Click on the “save” button on the bottom left-hand corner.
- Double-check the entries.

I. Interpreters

Primary responsibility for requesting interpreters lies with the party needing interpreter services. See *UTCR 7.070 and SLR 7.071(2)*. Four days notice to Court Interpreter Services (CIS) (988-3515) is usually required before every proceeding in which an interpreter is needed. CIS staff often needs 10 days to arrange for interpreter services in some languages not widely spoken. Court staff person who are scheduling an appearance and aware of the need for the interpreter also make Interpreter requests. If the need for an interpreter becomes known after the appearance is scheduled, the staff person learning of the need makes the request. In usual situations, then, Criminal Calendaring would be making the Interpreter request for Further Proceedings, PreTrial Appearances, DSP status hearings, and PVs, as those are most frequently scheduled through the Criminal Calendaring section. The Judge’s staff reserves the interpreter when the appearance is scheduled by the Judge’s staff directly, as for Trials (LOFTING on PreTrial Friday) or setting Further Appearance dates from the courtroom. If the hearing date changes after scheduling or the need for an interpreter changes, staff must e-mail Court Interpreter Services to cancel the reservation or make the appropriate change.

Appendix 17 sets out detailed instructions for scheduling Interpreters. Court Interpreter Services (CIS) must be notified by e-mail (“MUL CIS” regarding changes in a hearing date or interpreter need.

J. Change in Docket Coverage

When DV Court Judges switch their coverage obligations to accommodate scheduling issues, notice of changes is routed to:

- the originally-scheduled Judge and staff
- the covering Judge and staff
- the Family Law Department Supervisor (Cindy Bidnick);
- MUL Criminal Calendaring
- MUL Transports
- CPC staff.

In addition, the master electronic calendar maintained on the Lotus database for Family Law Judicial Assignments must be updated. The entry for every day lists the Family

Law Rotation Judge (R1 or R2), the Juvenile Court Judges (J1 and J2), and the DV Court Judges for every day: DV1 or DV2 every Monday through Friday and DV3 for every Wednesday, DV4 for every Thursday, and DV5 for every Friday. All DV Court judges and staff have access to make entries and edits to this calendar. Trial court administration staff in Criminal Calendaring and the Family Law Section also have access.

K. Assistance from General Bench Judges

General Bench Judges who do not routinely handle DV Court matters sometimes volunteer or are assigned responsibilities for DV Court dockets when DV Court judges cannot cover the court. It is helpful if the originally-assigned DV Court Judge, Clerk, and JA offer any grounding that would be helpful to that covering staff. Providing the special probation condition forms and explaining the Compliance Review process can be particularly helpful. When a General Bench Judge covering the DV Court docket orders probation, the DV Court judge for that week is the probation judge.

XII. ACRONYMS and ABBREVIATIONS

BIP: Batterer Intervention Program. Is interchangeable with DVIC, or Domestic Violence Intervention Counseling. When requiring DVIC as a probation condition or a condition of participation in the Deferred Sentencing Program, the DV Court's assumption is that the referral from the Department of Community Justice (DCJ) will be to a program compliant with OAR 137-087-0000 *et seq.* These administrative rules effective in January 2006 set out standards for intervention programs and call for a 48 week session. Community Corrections departments are in the process of developing protocols for adherence (or allowed variation) to these standards in their contracting and referral decisions.

Court Trials (usually for Violations of Restraining Orders, aka VROs):

A defendant charged with a crime may have a court trial when s/he signs a written waiver of the right to trial by jury. Almost always, however, the court trials in DV Court involve violations of restraining orders. Although a defendant charged with a violation of a restraining order has many of the same procedural protections afforded a defendant charged with a crime, by both statute and case law, a jury trial is not among those rights. The court trials on VROs are scheduled from the PreTrial LOFT (Leave on for Trial) list and are held Thursday mornings from 8:30 a.m. to noon. A maximum of 5 are set. Any trials not started on Thursday morning are carried to an overflow period the following Wednesday, at 1:45 p.m., to be heard by a different Judge.

CPC: Criminal Procedure Court

A General Bench Judge is assigned by the Presiding Judge to sit in CPC on a quarterly basis. This Court handles a myriad of proceedings in criminal cases as well as makes assignments for trials and pleas in criminal cases outside of DV Court. DV Court follows CPC procedures, with some accommodations necessitated by DV Court's trial readiness rates (victim non-cooperation in DV Court results in a significant dismissal rate) and safety concerns. CPC handles attorney substitutions for DV Court on its regular Thursday a.m. substitution docket and CPC also assists in finding a general bench judge assigned to misdemeanors to handle any DV Court jury trials reporting ready on Tuesday and Wednesdays when no DV Court judge is available.

CPMS: Corrections Population Management System

The electronic database operated by the Multnomah County Sheriff's Office that pre-dates SWIS (Sheriff Warrant Inmate System). GUI/OJIN still refers to Defendants by their CPMS number, and SWIS has maintained the same numbers.

DCJ: Department of Community Justice

The unit of county government that administers both the PreTrial Services Program (PSP) and the probation services.

Deferred Sentencing Program (aka DSP):

An optional, eligibility-based diversion program that allows alternative disposition for certain misdemeanor DV defendants. Individuals who meet eligibility conditions have 7 days after arraignment to elect to participate and to do so must waive a jury trial and plead guilty to the primary domestic violence offense. Sentencing is deferred over the next 14 months while the defendant's participation with program conditions is monitored by Department of Community Justice (DJC) and the Court. The program conditions include domestic violence intervention counseling (DVIC), two status hearings (90 days after plea and 14 months after plea), no-contact provisions with the victim, etc. If the defendant satisfactorily completes the program requirements, the charge is dismissed with prejudice. Individuals found at a court hearing to have violated the program conditions may be returned to custody, revoked from the program, and sentenced on the basis of the plea previously given. The 14-month duration of the program is due to

DVIC curricula required by administrative rule.

Deferred Sentencing Program (DSP) Status Checks:

These take place on Friday afternoons at 2:00 p.m.. Approximately 12-16 cases are scheduled for brief appearances. A DCJ Corrections Technician provides a brief report that is available to the attorneys in advance electronically. The report is similar to a probation violation report, recommending either continuation in the program or revocation and sentencing based on the plea already given. Where non-compliance is alleged, the DV Court Judge determines this fact and if so, whether the Defendant should be revoked from the program and convicted based on the plea already given. See definition of Deferred Sentencing Program above.

DV Court Compliance Review:

Currently scheduled 30 days (or otherwise) after sentencing on cases identified by the sentencing DV Court Judge. The compliance review is a required interview for the Defendant with the DV Court Case Manager to discuss the individual's probation status and provide additional resources to meet the needs of the offender. Assistance with housing, employment networking, and community resources can be particularly helpful at this juncture. After meeting with the Defendant, the Case Manager prepares a report that is forwarded to the Probation Judge, the DA, the Defendant, and the individual's probation officer. Reviews may be one-time or, less commonly, ordered on a continuing basis, especially for bench probationers.

DVIC:

Domestic Violence Intervention Counseling (interchangeable with Batterer Intervention Program or BIP)

FPP: Family Probation Program

FPP is a Family Court initiative involving screened and selected cases in which a parent with an open dependency matter who is also on probation has both matters simultaneously heard and scheduled before the dependency judge. Any Probation Judge handling a Family Probation Program (FPP) case retains that FPP case; it does not transfer to the DV Court. If a new DV misdemeanor probation is picked up by a defendant in the Family Probation Program, the DV Court keeps that new DV probation unless the Probation Judge requests its transfer. If a DV Court probationer becomes involved in a dependency or Family Probation Program, the DV Court Probation Judge retains the DV Court probation unless the FPP Judge requests its transfer.

FTR ("For The Record")

FTR is the name of the computer program the Judicial Department uses to make digital audio recordings of court proceedings. The Judge's Clerk operates this equipment and must provide a daily log of proceedings. Standards for logging proceedings are available from the Training Department and on the court's intranet page.

Further Proceedings:

These are short appearances scheduled for various times throughout the DV Court calendar. See *schedule in Appendix 1*. Demand for these slots is heavy and the DV Court has attempted to accommodate the need by altering the Thursday docket to provide more FP time. The Further Proceeding (F/P) docket includes release hearings, bail reductions, warrant lifts, setting of new trial dates, late election DSP cases, etc. Attorney substitutions are not handled on this docket for DV Court and should be directed to CPC (Criminal Procedure Court) for hearing on Thursday mornings with the rest of the misdemeanor attorney substitutions.

HAP (Hold a Proceeding):

Clerks are expected to use the hold-a-proceeding function in GUI/OJIN after a hearing takes place in order to document the type of hearing, the parties who appeared, and (for

trials) the length of time the hearing took. The clerks are also able to schedule future hearing dates while using this function. Clerks are not responsible for any scheduling or HAPing at PreTrials; this work is done by Criminal Calendaring.

LOFT (Leave On For Trial):

This phrase describes the outcome at PreTrial of a DV Court case (or any misdemeanor) which the attorneys agree should be left on for trial rather than set for plea, set-over, or be presented for issuance of a bench warrant. DV Court has a limit of 8 misdemeanors it will allow to be LOFTed for each Tuesday and Wednesday trial date. The VRO LOFT limit for Thursdays is 5. After Friday PreTrials, the staff of the DV Court Judge prioritizes the cases reported as LOFTs to ensure that any numbers exceeding the LOFT limit are administratively set-over.

Jury Trials (Misdemeanors):

Take place on Tuesday and Wednesday all day and carrying into Thursday as needed. These are scheduled from the LOFT list from pre-trials two weeks before, with a maximum of 8 per day, of which it is anticipated several will be dismissed due to the State's inability to proceed, several will plea, perhaps a bench warrant will issue, and one or more may actually report ready for trial.

MCSO (Multnomah County Sheriff's Office)

The section of county government responsible for operation of the jail facilities, courthouse security, and the pretrial supervision of defendants. (See "PRS")

Parent Period

This phrase refers to a function in GUI/OJIN that counts the number of cases scheduled within a designated category and provides a warning prior to allowing the electronic setting of a hearing exceeding a pre-programmed cap. For this parent function to record and tally each case, the entry must be added to the hearing under the "parent" section in the "add new scheduled period" screen. Each case scheduled with a parent period is a "child." The parent period will warn a scheduler attempting to enter a case that exceeds the pre-set cap. Parent periods exist for the following dockets in DV Court: Further Proceedings, Probation Violations, and Release Hearings. Scheduling in DV Court requires special attention to add the parent period for these appearances.

PreTrials:

These negotiation sessions and subsequent pleas take place on Friday mornings (cases are scheduled beginning at 8:10 a.m). Defense Attorneys and District Attorneys meet to determine case status and assess whether a case should be set-over, left on for trial (LOFTed), or, if the defendant does not appear at pre-trial, bench-warranted. The Defendant may also enter a plea at this time. Depending on the size, the PreTrial docket is frequently not done until well into the noon hour.

Probation Violations (PVs):

Probation Violation hearings on misdemeanors and violations of restraining orders take place on Monday afternoon, beginning at 1:30 p.m. This docket handles cases of defendants on probation to a DV Court Judge (or Family Court Judge for pre-2006 probations) for domestic violence charges issued out of the DA's Office DV Unit. The docket might (rarely) include hearing functioning solely as a probation review or status checks where a Judge has situationally ordered that review. On average, the docket consists of 8 cases but when heavier, has an overflow docket set for Wednesday at 3 p.m. of the same week. PV defendants are almost always in custody and the transports needed add significantly to the time docketed.

PRS: PreTrial Release Services

This program has responsibility for pretrial release supervision of defendants in Multnomah County. The program is jointly administered by the Multnomah County Sheriff's Office (which runs the Close Street Supervision component, CSS) and the Multnomah County Department of Community Justice (which operates the Pretrial Services Program, PSP). All referrals are made to PRS. PRS is located at the Justice Center, in Room 358, phone number #85042.

RST: Reduced Supervision Team

This unit of the Department of Community Justice (DCJ) that supervises probationers determined at intake (or after a period of compliance with probation) to need a level of supervision less intense than the standard. RST monitors police encounters and criminal filings for these individuals and notifies the probation judge of new charges or significant law enforcement encounters. In late 2008, DCJ began moving its intimate partner DV cases from the RST unit to a similar component within the DV Unit.

Set-over:

When a hearing or a trial set on the docket is postponed to a later date. May happen on any docket.

SWIS: Sheriff Warrant Inmate System

An electronic database administered by the Multnomah County Sheriff's office that provides booking, custody, and release information on inmates currently and formerly in the custody of that office. All JAs have access to this database once authorized for its use by the Sheriff's office. The precursor to this database was CPMS (Corrections Population Management System), and GU/OJINI still refers to CPMS #s for all defendants rather than SWIS numbers.

VAWA (Violence Against Women Act)

Federal law first enacted in 1994 and amended in several subsequent Congressional sessions. Covers a wide range of criminal and civil areas, including competitive and state "block grants." Pertinent to the DV court, provisions affect the required notice to certain DV misdemeanants of their lifetime criminal liability for possession/sale of firearms or ammunition, and a similar ban for certain restraining order respondents but only for the duration of the restraining order. VAWA also has provisions setting out immigration law implications for certain DV offenders.

VRO (Violation of Restraining Order)

A case prosecuted by the District Attorney's Office under ORS Chapter 33 as a contempt of court seeking punitive sanctions. These cases are not misdemeanors, or even crimes, but by statute and case law they require the same criminal procedures and protections as a criminal case except for a jury trial. Most VRO cases involve violations of Family Abuse Prevention Act or Elderly/Disabled Persons Abuse Prevention Act restraining orders but violations of protective orders from other jurisdictions may also be prosecuted in Multnomah County if violated here.

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APPENDIX 1
DV COURT DOCKET - (DV1 and DV2) - effective 5/7/08

Time	Monday	Tuesday	Wednesday	Thursday	Friday
8:30 - 9:00 am	Further Proceedings* <i>(Capped at 5)</i> <i>(Closed 9 a.m. on the preceding Friday)</i>	1 Release Hrg <i>(Closed 9 a.m. the day before)</i>	1 Release Hrg <i>(Closed 9 a.m. the day before)</i>	1 Release Hrg <i>(Closed 9 a.m. the day before)</i>	Misdemeanor & VRO Pretrials <i>(Closed as of Friday at 5 p.m. of the prior week)</i>
9:00 - 9:30 am		Misdemeanor Jury Trials <i>(Cap of 8)</i> <i>(Closed as of Monday noon of prior week, when PreTrial LOFTing is finalized)</i>	Misdemeanor Jury Trials <i>(Cap of 8)</i> <i>(Closed as of Monday noon of prior week, when PreTrial LOFTing is finalized)</i>	Misdemeanor Jury Trials (carried from Wed)	
9:30 - 10:00 am					
10:00 - 10:30 am					
10:30 - 11:00 am					
11:00 - 11:30 am					
11:30 - noon					
noon - 1:30 pm					
1:30 - 2:00 pm	PVs for VROs and Misdemeanors (mixed docket) <i>(Capped at 8)</i> <i>(Closed* at 5 p.m. on the preceding Tuesday; Excess goes on DV3 docket on Wed p.m.)</i> <i>*Unless the Wednesday afternoon PV judge carries a case over 5 days to the following Monday docket</i>	Misdemeanor Jury Trials (continued)	Misdemeanor Jury Trials (continued)	Further Proceedings* <i>(Capped at 12)</i> <i>(Closed at 9 a.m. the day before)</i>	
2:00 - 2:30 pm					
2:30 - 3:00 pm					
3:00 - 3:30 pm					
3:30 - 4:00 pm					
4:00 - 4:30 pm					
4:30 - 5:00 pm					

DV COURT DOCKET (DV3, DV4, & DV5)

Effective 5/7/08

Time	Monday	Tuesday	Wednesday --DV3	Thursday – DV4	Friday -- DV5
8:30 - 9:00 am				VRO Trials	
9:00 - 9:30 am				<i>(Cap of 5)</i>	
9:30 - 10:00 am				<i>(Closed as of the preceding Monday noon, when PreTrial LOFTing is finalized)</i>	
10:00 - 10:30 am					
10:30 - 11:00 am					
11:00 - 11:30 am					
11:30 - noon					
noon - 1:30 pm					
1:30 - 2:00 pm			(1:45 p.m. start) VRO Trials not started on preceding Thurs.		Release Hearing <i>(Cap of 1) (Closed at 9 a.m. the day before)</i>
2:00 - 2:30 pm			<i>(Cap of 2) (Closed at 1 p.m. on preceding Thursday) Cancels if not needed.</i>		DSP docket <i>(Closed at 9 a.m. the day before)</i>
2:30 - 3:00 pm					
3:00 - 3:30 pm					
3:30 - 4:00 pm			Overflow PVs for VROs and Misdo <i>(Cap of 5) (Closed at 5 p.m. on Friday* of the preceding week) *Unless the Monday PV judge carries a case over 2 days to the Wed docket; a final docket is sent out on Tuesday a.m. for this reason</i>		
4:00 - 4:30 pm					
4:30 - 5:00 pm			<i>Cancels if not needed.</i>		

APPENDIX 2

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

Case No.: _____

NOTICE TO DEFENDANT ABOUT THE MISDEMEANOR DOMESTIC VIOLENCE DEFERRED SENTENCING PROGRAM

The Misdemeanor Deferred Sentencing Program (DSP) is a fourteen-month program for eligible persons who have been charged with a domestic violence-related misdemeanor. The Program requires attendance at domestic violence education classes and substance abuse treatment (if needed). Other rules also apply. If you complete the program satisfactorily, the court will dismiss the charges with prejudice (permanently).

This program is a privilege you may exercise only once. To take part in this program you must be eligible and you must take the steps outlined in this notice:

ELIGIBILITY

You are eligible for this program only if:

1. You are charged with a misdemeanor offense prosecuted by the Multnomah County District Attorney's Domestic Violence Unit.
 2. You are guilty and are willing to plead guilty.
 3. You have not participated in, and are not currently participating in, any domestic violence deferred sentencing / diversion program -- (even if expunged).
 4. You meet the criminal history eligibility standards* in that you:
 - a. Have no felony person convictions or pending person felony cases.
 - b. Have no Class A person misdemeanor convictions within the last ten years other than non-DV traffic cases.
 - c. Have no person misdemeanor cases that are being prosecuted by the Multnomah County District Attorney's DV Unit or in any other county (other than non-DV traffic cases).
 - d. Have not been convicted of a violation of a restraining order or a protective order. (If you have a violation pending, you cannot apply for DSP until and unless that violation case is dismissed).
 - e. Have no more than four convictions for non-person criminal offenses within the last ten years.
- *Convictions and offense records include juvenile adjudications.**
5. You have no judicial hold from another jurisdiction (you may petition the court if the hold is later resolved) and you are otherwise eligible for security release.
 6. You are not currently on formal probation, parole, or post-prison supervision. You are also not on bench probation for a person misdemeanor or any offense prosecuted by the Multnomah County District Attorney's DV Unit.

DISQUALIFICATION

You are NOT eligible for this program if, in the pending charge:

1. A named victim in the case is under the age of 13, or
2. You knowingly or intentionally caused physical injury to a minor child, or
3. A firearm was used or its use was threatened in the commission of the offense.

PROCEDURE

Before your arraignment (first court appearance), the District Attorney's office (DA) will review the police reports and the criminal history provided by the police agency. The DA will make a preliminary decision about whether your case is one the State would be willing to dismiss if you successfully complete the program. At your arraignment, the DA will notify the court whether your case appears to be appropriate for deferred sentencing. A public defender will be appointed at the time of arraignment (if you are eligible for appointed counsel). You must be willing to stipulate (agree) to restitution related to the offense.

The Court will set your case over seven (7) days to allow you time to make a decision about entering the Deferred Sentencing Program. If you are accepted into the program, you will be waiving any former jeopardy rights on subsequent court actions on this charge or any offenses based upon the same criminal episode. Any other non-domestic violence offenses will be either plead to at the time of entry in the program or set for trial.

You must review the eligibility requirements and certify that you are in fact eligible. If you are unsure of your criminal history, you may enter the program conditionally and you will report to the probation office immediately. The District Attorney's office will conduct a second evaluation of your eligibility. A final confirmation of your eligibility to enter the program will be made three court days after your initial choice to enter the program. The District Attorney will be bound by this confirmation. You will be allowed to continue in the program, even if it is later found that you were ineligible. If you did not request a second look at your criminal history and you are later found to be ineligible, you could be revoked and sentenced.

If you agree to participate in the Deferred Sentencing Program and you are eligible, you will sign the agreement where you agree to waive a jury trial and plead guilty to the primary domestic violence related offense. You will be ordered to appear before a judge in approximately 90 days to review the status of your involvement in the program. Additionally, you must complete and comply with the court's release order and agreement.

During the Deferred Sentencing Program, you will be continued on release subject to satisfactory compliance with the terms of the program agreement, release order, and any other conditions imposed by the court. If you violate the terms of any of these agreements, you may be returned to custody and your participation in the deferred sentencing program may be revoked (ended). If revoked from the program, your case will proceed to sentencing on your original guilty plea. During the program, your sentencing will be deferred (postponed) until successful completion of the program requirements or until termination of the agreement. The Court may modify or extend the program length beyond fourteen (14) months if necessary to help you complete the program successfully.

Entry into the Deferred Sentencing Program does not entitle you to dismissal of the domestic violence related charge until you have satisfactorily completed all program requirements: (1) the domestic violence education program, (2) any substance abuse treatment that was indicated as necessary by the assessment, (3) urinalysis testing (where required), (4) paying all fees and restitution where required, and (5) performing other program conditions, including the general conditions of supervision. If you successfully comply with all program requirements, the court will dismiss the charge with prejudice (permanently).

If you decide you do not wish to take part in the Deferred Sentencing Program, you must sign and file with the court a waiver of your opportunity to participate. The waiver will be kept in the court's record to show you had an opportunity to participate in the program and freely and voluntarily chose not to do so. Your case will then proceed to trial (or plea) in the usual manner.

You will agree to keep your probation officer advised of your current address at all times during the program. You agree, at a minimum, to one office visit, one home visit, and one phone contact with your probation officer each month. You understand that your probation officer has the authority to make contact with your family, friends, employer, and significant others, and to make unannounced home visits. Your probation officer has the power to arrest you if you violate any of the terms of this agreement.

Date

Petitioner's Signature

(Print Name)

Date

Attorney's Signature

(Attorney's Printed Name)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

Case No.: _____

MULTNOMAH COUNTY MISDEMEANOR DEFERRED SENTENCING PETITION
AGREEMENT AND WAIVER

If this petition is allowed by the court, the petitioner agrees to give up the rights and to carry out the agreements listed in the "NOTICE TO DEFENDANT".

1. I agree to plead guilty to the primary domestic violence offense in the charging instrument.
2. I give up my right to a jury trial.
3. I hereby give up any former jeopardy rights in any subsequent actions upon this charge or any offenses based upon the same criminal episode.
4. I agree to complete the domestic violence education program at the designated treatment provider to the satisfaction of the court.
5. I agree to complete satisfactorily a diagnostic evaluation to see if I need any drug/alcohol treatment.
6. If drug/alcohol treatment is recommended, I agree to complete the treatment to the satisfaction of the court.
7. I agree to not have any contact with the victim in this case unless specifically authorized by the court or the probation officer.
8. I agree to satisfactorily complete all other court-ordered obligations such as payment of restitution.
9. I agree to pay a domestic violence education program fee on a payment plan set up by the court and/or with the assistance of my probation officer.
10. I agree that any failure in the program, such as failure to attend the domestic violence education classes, positive urinalysis tests, missing treatment, or any failure to abide by the terms of this agreement, the general conditions of supervision, or the directives of my probation officer may result in a court hearing. At that hearing, the Judge could decide to change or end my participation in the program.
11. I agree the court has the discretion to terminate me from the program upon commission of a new crime, other violation of the treatment program(s), or other conditions of the program.
12. The court agrees that upon successful completion of the program, the court will dismiss the charge with prejudice (permanently). The District Attorney may not prosecute this charge in the future.
13. I further agree that the court may extend the program, if necessary, to allow me to successfully complete my requirements.

14. I further agree to keep my probation officer advised of my current address at all times during the program.
15. I further agree that no victim in the case was under 13 years of age.
16. I further agree that this incident does not involve an intentional or knowing assault on a minor child.
17. I further agree that no firearm was used or threatened to be used during the commission of this offense.
18. I further agree that I have reviewed the requirements outlined in the "Eligibility" section (items 1-6) of the NOTICE TO DEFENDANT and that I am eligible. If I am unsure, I have requested a second review of my eligibility by the District Attorney. I understand that I must make a written request to the District Attorney at the time of my initial hearing for election into the program.
19. I further agree that if the court finds that I knowingly certified that I am eligible when in fact I am not, I could be revoked (removed) from the program.
20. I have read the above statement of the rights I must give up and the agreements I must make, as well as the "Notice to Defendant." I understand these rights and do hereby knowingly give up these rights and enter into these agreements with the court.

Dated

Petitioner's Signature

Dated

Attorney for Defendant/Petitioner

Dated

Deputy District Attorney for Multnomah County, OR

THIS PETITION IS ALLOWED AND THE 14 MONTH TREATMENT PROGRAM SHALL BEGIN ON _____ AND END ON _____.

Dated

Signature of Judge

Printed Name of Judge

**IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY
RELEASE ORDER AND AGREEMENT**

STATE OF OREGON	Charge	Case No.	Defendant ID
v.			DOB: _____
_____	_____	_____	Hgt: _____ Wgt: _____
Defendant			
_____	_____	_____	_____
Street Address	City/State/Zip	Telephone	

RELEASE AGREEMENT

Pursuant to the provisions of ORS 135.250, I, _____, the defendant named above, have read, understand, and hereby agree to the following conditions:

1. To appear at all times and places ordered by the court until discharged or final order of the court.
2. Not to leave the State of Oregon without permission of the probation officer.
3. That if I fail to appear in my scheduled appearance and I am apprehended outside the State of Oregon, I hereby waive extradition.
4. To obey all court orders and comply with any conditions the court may impose.
5. To keep my attorney and the probation officer, 503-988-5056 (if released on recognizance) advised of my whereabouts and employment at all times.
6. If the defendant has conditionally entered DSP, the defendant shall report to the Department of Community Justice, Domestic Violence Unit, Mead Bldg, 421 SW Fifth Avenue, Portland, OR, within 24 hours of release.
7. That being arrested on any other charge may result in revocation of this release order if I am released on recognizance or forfeiture of any bail/security posted in my behalf.
8. That any breach of this agreement is punishable by contempt of court and could result in re-arrest and the forfeiture of any bail/security posted, or additional prosecution for the separate crimes of failure to appear, punishable by imprisonment and fines.
9. **The Defendant shall not contact the victim unless specifically authorized by the court or the probation officer.**

Additional Conditions: No harassing, stalking, or threatening the Victim _____
 Stay at least 150 feet from Victim _____ and Child/ren _____

I HAVE READ, UNDERSTAND, AND AGREE TO FOLLOW THE ABOVE-LISTED CONDITIONS.

Dated _____ Defendant _____

Next Court Date(s) ↓	Courtroom # ↓	Time ↓	Defense Attorney ↓
_____	_____	_____	_____
_____	_____	_____	Phone _____
<input type="checkbox"/> At the Justice Center, 1120 SW Third Avenue, Portland, Oregon <input type="checkbox"/> At the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, Oregon			

FEDERAL FIREARMS FINDING under 18 U.S.C. §922(e)(8): The Defendant is a credible threat to the physical safety of the Victim (who is the current/former SPOUSE, current/former COHABITANT, or OTHER PARENT of the Defendant's Child) and this order prohibits the Defendant from harassing or threatening the Victim, the Victim's child, or the Defendant's child.

SUBSCRIBED AND SWORN TO OR AFFIRMED BEFORE ME, AND RELEASE SO ORDERED.

This ____ day of _____, ____ (year).

Judge

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

Case No.: _____

MULTNOMAH COUNTY CIRCUIT COURT DEFERRED SENTENCING PROGRAM

DEFENDANT'S AGREEMENT & ACKNOWLEDGMENT

- _____ I acknowledge that I have reviewed the "NOTICE TO DEFENDANT" and I am eligible for the Deferred Sentencing Program.
- _____ I agree to pay the Domestic Violence Education Program Fee. I acknowledge that if an alcohol or drug assessment is ordered, I may be required to pay the cost of the assessment and any subsequent treatment fees. If I am unable to pay any of the program or assessment fees, then I agree to cooperate with my probation officer and/or the treatment provider(s), to establish a lower or no-cost fee schedule.
- _____ I have reviewed the criminal history requirements and I agree that based on my criminal history, I am eligible for this program.*

Dated

Petitioner

Dated

Attorney for Petitioner

Dated

Judge

*I am formally requesting that the District Attorney conduct a second review of my criminal history and confirm that I am eligible for this program. I understand that I still must report to probation immediately per the terms of the program.

I agree to return to court on _____ (day) of _____ (7 judicial days from this election), Justice Center Courtroom 4 (JC 4), to receive confirmation of my participation in the program. If I am found ineligible, the District Attorney may move to allow a withdrawal of my plea and the case will return to the trial docket. At this hearing, my plea may not be withdrawn for any other reason.

Defendant (Signature)

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH
DEFERRED SENTENCING DECLINED

STATE OF OREGON,

Case No. _____

v.

Defendant

I have been advised of the Deferred Sentencing Program by the court as well as my attorney. I fully understand the opportunity it affords me and the responsibilities it would impose on me. I fully understand that an election (choice) to participate must be made today and a decision to not participate will result in my case being placed on the regular trial docket for trial. I further understand that I may not elect (choose) to participate in this program at any future date.

I hereby choose not to participate in the Circuit Court Deferred Sentencing Program.

Dated

Petitioner's Signature

(Print Name)

Dated

Attorney for Defendant/Petitioner

(Print Name)

**DOMESTIC VIOLENCE DEFERRED SENTENCING PROGRAM
SUPPLEMENTAL FORM A
CRIMINAL HISTORY INVESTIGATION**

The District Attorney needs to complete a thorough investigation of your criminal history and confirm your eligibility in this program. You must therefore complete this form and include it with the DSP packet and give it to the District Attorney.

Today's Date: _____

Full Name: _____ DA # _____

Other Names (Maiden, married, aka, etc) _____

Age: _____ Date of Birth: _____ Place of Birth: _____

How long have you lived in Oregon? _____

List other cities / states where you have lived: _____

Social Security # _____ Race: _____ Sex: Male Female

Height: _____ Weight: _____ Eye Color: _____

Scars/Tattoos: _____

Criminal History

Have you ever been on probation, either bench or formal? _____ parole? /post prison supervision? _____

Have you ever participated in a DV deferred sentencing (or diversion) program, even if that record is expunged?

___ No ___ Yes. If Yes, explain: _____

Have you ever been convicted of a DV crime, even if that record is expunged? ___ No ___ Yes. If Yes, explain: _____

How many times have you been in jail? _____

List all prior referrals / arrests / charges / convictions in the following categories:

(If you are unsure of anything, include it on this form and note your uncertainty).

Juvenile:

Charge: _____ approximate date: _____ outcome _____

Charge: _____ approximate date: _____ outcome _____

Charge: _____ approximate date: _____ outcome _____

Adult Misdemeanors:

Charge: _____ approximate date: _____ outcome _____

Charge: _____ approximate date: _____ outcome _____

Charge: _____ approximate date: _____ outcome _____

Adult Felonies:

Charge: _____ approximate date: _____ outcome _____

Charge: _____ approximate date: _____ outcome _____

Charge: _____ approximate date: _____ outcome _____

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY**

STATE OF OREGON,
Plaintiff,

Case No. _____

vs.

ORDER

Defendant.

DATE OF HEARING: _____

DISTRICT ATTORNEY _____ Bar No. _____ Clerk: _____

DEFENSE ATTORNEY _____ Bar No. _____ FTR _____

DEFENDANT ENTERS A PLEA OF GUILTY TO THE COUNT(S) OF _____.

THE COURT ENTERS A FINDING OF GUILTY. COUNT(S) _____ ARE DISMISSED.

DEFENDANT MUST APPEAR at the Multnomah County Courthouse on:

_____ at 2:00 P.M.
_____ at 2:00 P.M.

*(For the courtroom, check the posterboard sign in the courthouse lobby
or ask at the "Criminal Court Coordinator" window in Room 106)*

THE DEFENDANT IS FURTHER ORDERED TO REPORT TO THE PROBATION OFFICE **NO
LATER THAN** 11:00 A.M. ON _____.

THE DEFENDANT IS ALSO ORDERED TO HAVE **NO CONTACT** WITH THE VICTIM IN THIS
CASE UNLESS OR UNTIL THIS ORDER IS MODIFIED IN WRITING BY THE COURT OR THE
PROBATION OFFICER.

**** IT IS ORDERED THAT THE DEFENDANT BE RELEASED FROM CUSTODY ON THIS CASE
ON DELIVERY OF THE SIGNED RELEASE AGREEMENT TO THE SHERIFF****

Date

Judicial Officer

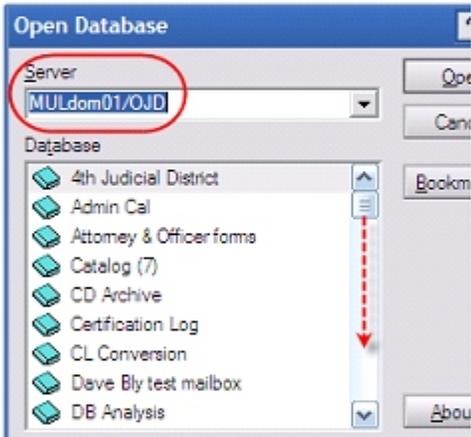
Typed/Printed Name of Judicial Officer

APPENDIX 3

Accessing DSP Status Reports from the Dept. of Community Justice

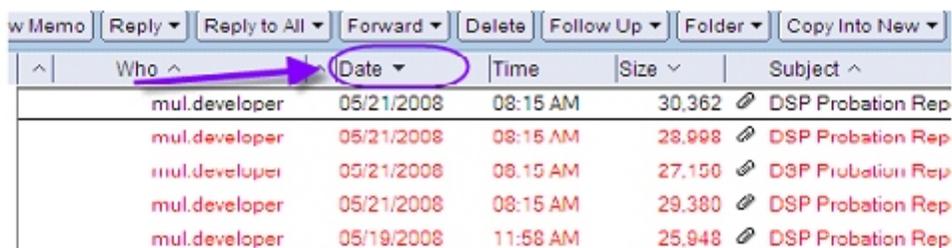
DSP status reports are sent to a shared inbox in Lotus Notes called the MUL DV DSP Program Inbox.

Locating and opening the inbox:

1. The inbox is opened from your Workspace in Lotus Notes. Click this icon in the bookmark bar on the left side of your Lotus window to open your Workspace: 
2. If you do not see the Workspace icon, click on the Databases icon in your bookmark bar on the left, then click on Workspace. Contact the Training Dept for any further assistance accessing your Workspace. 
3. Right-click in the grey marbled area of your Workspace and select "Open Database..."
4. In the Open Database pop-up window, change the Server option at the top to MULdom01/OJD: 
5. Then scroll down to a yellow file folder named "mail". Double-click on that folder to open it.
6. Scroll down through the alphabetically listed options to MUL DV DSP Program, then double-click on that database to open it.
7. The first time you open that database you may see a welcome screen. Close the welcome screen to access the inbox.

Opening and printing reports:

1. Once you have the inbox open, unread messages will appear in red. Read messages appear in black.
2. Click on the Date column to sort the emails by date and bring the most recent messages to the top.

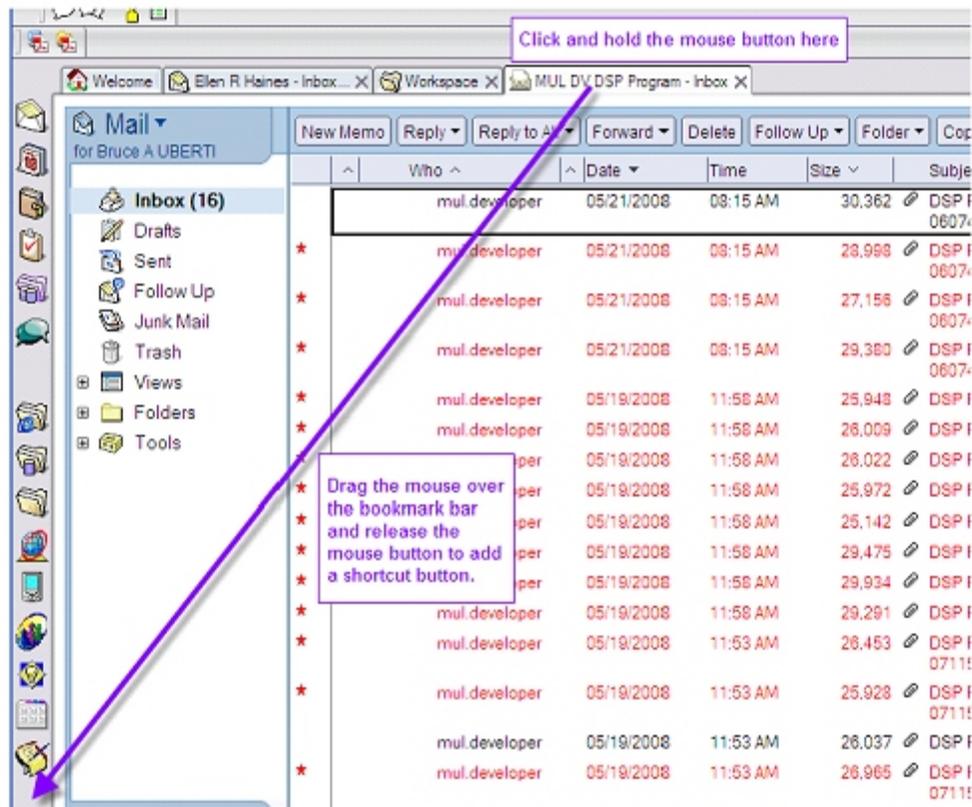


Memo	Reply	Reply to All	Forward	Delete	Follow Up	Folder	Copy Into New	Who	Date	Time	Size	Subject
								mul.developer	05/21/2008	08:15 AM	30,362	DSP Probation Rep
								mul.developer	05/21/2008	08:15 AM	28,998	DSP Probation Rep
								mul.developer	05/21/2008	08:15 AM	27,150	DSP Probation Rep
								mul.developer	05/21/2008	08:15 AM	29,380	DSP Probation Rep
								mul.developer	05/19/2008	11:58 AM	25,948	DSP Probation Rep

3. Open each email message and then double-click the Adobe document and select Open.
4. View, print or save the report, then return to the inbox to open the next message.
5. In general, reports for this Friday's docket will be received during the same calendar week. Compare the reports in the inbox with the DSP docket to make sure you have all the reports for that docket.
6. Email messages in the DV DSP Program inbox cannot be edited or deleted. Old emails will automatically be deleted after 90 days.

Adding the DV DSP Inbox to your bookmarks in Lotus:

1. While you have the DV DSP Program inbox open, click on the tab at the top of that window and – while holding the mouse button down – drag your mouse pointer over the bookmark bar on the left.
2. Once you're over the bookmark bar, release the mouse button.
3. An icon will be added to your bookmark bar. In the future, click on this icon to immediately open the DV DSP Program inbox.



Revised: Haines 07/21/08

APPENDIX 4

**IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH**

STATE OF OREGON)
)
 v.)
)
)
)

CASE NO. _____
DA NO. _____
COUNT(S) _____

ORDER JUDGMENT AND SENTENCE
DOMESTIC VIOLENCE DEFERRED
SENTENCING ORDER AND JUDGMENT

DATE OF PROCEEDING _____

CUSTODY STATUS: CUSTODY OUT OF CUSTODY

DIST. ATTY: _____ BAR # _____ REPORTER _____
DEF. ATTY: _____ BAR # _____ CASSETTE # _____

- Defendant is unrepresented by counsel and knowingly waived any right to an attorney after having been informed of that right.
- The defendant is indigent for purposes of court appointed counsel in this case. Counsel was appointed.

IT IS SO ORDERED THAT:

- Defendant is in compliance and continued in the Deferred Sentencing Program.
 Next appearance date: _____ @ _____ p.m.
- Defendant's completion date is extended to: _____ Reason: _____

Contact with victim per probation officer only

OTHER _____

- Defendant has successfully completed the Deferred Sentencing Program. Defendant is allowed to withdraw guilty plea. This complaint is dismissed with prejudice.
- Defendant is revoked from the Deferred Sentencing Program.

IT IS ADJUDGED THAT DEFENDANT HAS BEEN CONVICTED on defendant's previous plea of guilty to:
Counts _____ Defendant was advised of the right to appeal (ORS 135.020)

IT IS ORDERED THAT THE FOLLOWING SENTENCE IS IMPOSED:

JAIL:

- A jail term of _____; Suspend _____ Defendant is committed to the custody of the Multnomah County Sheriff. The term is to: Commence immediately Commence on _____ TSI per Sheriff.
- Work release authorized.

PROBATION:

- Suspend imposition of sentence, or suspend execution of sentence AND Defendant is placed on probation for _____ months/years, subject to all GENERAL CONDITIONS (ORS 137.540). Probation supervision to be by Multnomah County Dept. of Community Corrections Bench Probation.

SPECIAL CONDITIONS OF PROBATION:

- _____ days in the County Jail.
- perform _____ hours of alternative community service to be completed by _____
- enter and complete a domestic violence intervention program per probation officer.
- no contact with victim _____ no trespass at victim's workplace/residence no 3rd party contact
- obey restraining order & all court orders. Other _____

MONEY JUDGMENT: IT IS ADJUDGED THAT DEFENDANT PAY THE FOLLOWING OBLIGATIONS:

(Statutory assessments and fees applicable to each conviction are to be imposed by the Clerk of the Court and are part of this Money Judgment unless waived.)

JUDGMENT CREDITOR: STATE OF OREGON OBLIGATION	JUDGMENT DEBTOR: DEFENDANT TOTAL IMPOSED	WAIVED
Indigent Defense Recovery (ATFE)	\$ _____	<input type="checkbox"/>
Fine (FINE)	\$ _____	<input type="checkbox"/>
Unitary Assessment (UNAS) (\$500 if ORS 163 crime)	\$ _____	<input type="checkbox"/>
County Assessment (CJAS)	\$ _____	<input type="checkbox"/>
Restitution Comp. Fine	\$ _____	<input type="checkbox"/>

Terms: _____

DATE OF JUDGMENT: _____

Signature _____

Name of Judge Typed or Printed _____

21-55 (6/01)

Distribution: Original-Court

Copies: Jail, DA, Probation, Judge, Defense Attorney

APPENDIX 5
PRETRIAL REPORT (MISDEMEANOR CASE REPORT AND ORDER)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY
MISDEMEANOR CASE REPORT & ORDER

PRE-TRIAL DOCKET _____

EXISTING TRIAL DATE _____

CUSTODY YES _____

60-DAY WAIVER FILED YES _____ NO _____

60-DAY EXPIRATION DATE _____

CUSTODY LOCATION _____

CPMS# _____

CUSTODY NO _____

STATE V. _____
LAST NAME FIRST NAME

CASE NO. _____

CHARGE _____

ISSUE DATE _____

DEF ATTY _____ BAR # _____

DEF ATTY PHONE NO. _____

SETOVER (First Requests ONLY; 2nd and subsequent setover requests MUST go to Presiding Misdemeanor Judge)

REQUEST: DEFENSE _____ STATE _____ COURT _____

NEW TRIAL DATE _____ CALL _____ PRE-TRIAL _____

BENCH WARRANT \$ _____ DEFENDANT FTA _____

TRIAL REQUEST: JURY _____ COURT (Attach Waiver of Jury) _____

STATE WITNESSES _____ # DEFENSE WITNESSES _____

LENGTH _____ DEFENSE MOTIONS YES _____ NO _____

TYPE OF MOTION _____

TRIAL DATE _____

DEFENSE ATTORNEY SIGNATURE _____

DEPUTY DISTRICT ATTORNEY SIGNATURE _____

TODAY'S DATE _____

IT IS SO ORDERED.

Judge (Signature)

Judge's Name (Printed/Typed)

**APPENDIX 6
MISDEMEANOR PRETRIAL SET-OVER ORDER**

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY**

STATE OF OREGON,)
)
) Plaintiff) Case No. _____
)
) v.) **MOTION FOR SET OVER**
) **AND ORDER**
)
)
)
) Defendant) Date of Hearing: _____

District Attorney: _____ Reporter: _____
Defense Attorney: _____ Tape: _____

- STATE'S MOTION FOR SET OVER
Number of previous set overs charged to the state: _____ Opposing Party:
- 5. DEFENDANT'S MOTION FOR SET OVER Consents
- Number of previous set overs charged to the defense: _____ Opposes
- 6. COURT'S OWN MOTION FOR SET OVER

Current Trial Date: _____ Custody Status: In Out

7. Waiver is filed; If no waiver, 60 days expires on: _____
Arrest date: _____; Arraignment date: _____

Length of Set Over: _____

Dates Requested:

PTC or Call: _____ and Trial: _____

Further Proceedings: _____

Reason(s) For Set Over: _____

ORDER

THIS MOTION FOR SET OVER IS HEREBY

Denied Granted and Charged to:
 State Defense Court
PTC or Call: _____
Trial: _____ FP: _____

New Dates (if different from above):

- Case Dismissed, Motion of State
- Case Dismissed, Motion of Defense

- Defendant's Appearance Waived at PTC
- Date Certain for State Defense Both

Date Signed: _____

Judge

Name of Judge (Typed or Printed)

23-30A (7/07) Original-Court Copies-Judge, Jail, Defense Attorney, District Attorney

**APPENDIX 7
JUDGMENT FROM CONTEMPT OF COURT (VRO) PROCEEDINGS**

**IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH**

STATE OF OREGON)
)
 v.)
)
)
)

CASE NO. _____
DA NO. _____
COUNT(S) _____
INCIDENT DATE: _____

DATE OF PROCEEDING: _____

CUSTODY STATUS: CUSTODY; RECOGNIZANCE; MATRIXED; SECURITY POSTED

DEFENSE ATTORNEY: _____ BAR # _____ COURT REPORTER _____

DISTRICT ATTORNEY: _____ BAR # _____ CASSETTE # _____

The Defendant is indigent for purposes of court appointed counsel in this case.
 The court appointed counsel in this case.
 The defendant is unrepresented by counsel and knowingly waived any right to an attorney after having been informed of that right.

OTHER: _____

Defendant is acquitted of the following count(s): _____

On Motion of the State the following count(s) are hereby dismissed: _____

IT IS ADJUDGED THAT DEFENDANT HAS BEEN CONVICTED on Defendant's plea of:
 guilty no contest not guilty and finding of guilty, by court trial.

The Defendant willfully disobeyed the Court Order by: _____

Defendant was advised of the right to appeal (ORS 135.020).

IT IS ORDERED THAT THE FOLLOWING SENTENCE IS IMPOSED:

JAIL:
 A jail term of _____; Suspend _____ Defendant is committed to the custody of the Multnomah County Sheriff.
 The term is to:
 commence immediately. commence on _____. TSI per sheriff.
 work release authorized. release to authorized agent for in-patient treatment.

PROBATION:
 Imposition of Sentence is suspended, OR Execution of Sentence Imposed is suspended AND
 Defendant is placed on probation for _____ months/years, subject to all GENERAL CONDITIONS (ORS 137.540).
 Probation supervision to be by Multnomah County Department of Community Corrections Bench Probation

SPECIAL CONDITIONS OF PROBATION:
 _____ days in the County Jail.
 perform _____ hours of alternative community service to be completed within _____ months.
 enter and complete an anger management counseling program as designated by a probation supervisor.
 enter and complete a domestic violence counseling program as designated by a probation supervisor.
 enter and complete any other program as designated by a probation supervisor.
 no contact with victim _____ no trespass at victim's residence and/or workplace.
 other _____

MONEY JUDGMENT: IT IS ADJUDGED THAT DEFENDANT PAY THE FOLLOWING OBLIGATIONS:
(Statutory assessments and fees applicable to each conviction are to be imposed by the Clerk of the Court and are part of this Money Judgment unless waived.)

JUDGMENT CREDITOR: STATE OF OREGON	JUDGMENT DEBTOR: DEFENDANT	
OBLIGATION	TOTAL IMPOSED	WAIVED
Indigent Defense Recovery (IDRC)	\$ _____	_____
Fine (FINE)	\$ _____	_____
Unitary Assessment (UNAS)	\$ _____	_____
Other: _____	\$ _____	_____
Terms: _____		

DATE OF JUDGMENT: _____

SIGNATURE _____
MAUREEN MCKNIGHT
 Name of Judge Typed or Printed

APPENDIX 8

MISDEMEANOR JUDGMENT OF CONVICTION/DISMISSAL

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

STATE OF OREGON

JUDGMENT

MISDEMEANOR

AMENDED JUDGMENT

SUPPLEMENTAL JUDGMENT

Other Plaintiff

v.

CASE NO.

Defendant

DA NO.

PROCEEDING DATE FTR Clerk Reporter Interpreter Name:

Deputy District Attorney: Bar No. Defense Attorney: Bar No.

Defendant Appearance: In Person In Custody In Person Out of Custody By Telephone By Video Waived Appearance

Representation Status: Court Appointed Privately Retained Found Indigent and Waived Attorney Waived Attorney (Pro Se)

The following counts are Dismissed: Judgment of Acquittal on the following counts:

The Court determines that the defendant is convicted of the below listed count(s). Def waives 48 hrs

Count: Offense: Date of Incident: Is a Lesser Included Offense

Misd Treated as Vio: Prosecutor Elects (ORS 161.566) Misd Treated as Vio: Court Elects (ORS 161.568)

Guilty based upon: Guilty Plea No Contest Plea Stipulated Facts Trial Court Trial Jury: Date of Guilty Finding

GUILTY EXCEPT FOR INSANITY: GEI: By Stipulated Facts Trial Court Trial Jury Trial; Subject to jurisdiction of PSRB Yes No

If yes, Committed to State Hospital by DHS or Conditional Release (see accompanying Order per ORS 161.327)

SIS SES Statutory Requirements: HIV Blood Draw DNA Blood Draw/Buccal Sample Sex Offender Registration

License Information: Suspend Revoke Type: Drivers Other Duration: days / months / years / permanent

PROBATION Type: Supervised Bench Duration: days / months / years

Defendant subject to all general conditions of probation in ORS 137.540(1) unless specifically deleted by the court. Delete #'s:

The following special conditions of probation are imposed: Probation Judge (if specified):

Packages: Alcohol Drug Enhanced Bench Probation Financial Crimes Sex Offender Other:

Community Service Other Conditions:

No Contact Victim

Victim's Panel by

Anger counseling program

No Intox/Inhalants Elec Home Detention

Book & Release No trespass/entry

INCARCERATION Duration: days / months / years / units Jail

Remand immediately to Sheriff Report to Sheriff by: to arrange TSI date Other

Consecutive to: By Stipulation Findings per ORS 137.123(5):

Concurrent with: Work Release Authorized only after days in jail.

ALTERNATIVE INCARCERATION OPTIONS

Defendant is eligible to be considered by the executing or releasing authority for any form of leave, release, alternative incarceration programs or reduction in sentence as specified in ORS 137.750 - 137.752

Defendant is not eligible to be considered by the executing or releasing authority for any form of leave, release, alternative incarceration programs or reduction in sentence as specified in ORS 137.750 - 137.752* Exception: Defendant is eligible for Good Time/Work Time

* Basis for ineligibility: By Stipulation Substantial and compelling reasons (specify):

MONEY AWARD Fine \$ plus fees and assessments fees and assessments are included in this amount

Unitary \$ waived Chapter 163 Assessment \$500 suspended \$

Attorney Fees \$ waived DUII Conviction Fees (per ORS 813.030): \$130 waived

Comp Fine Restitution \$ Victim: TBD: Hrg set for J/S with

Comp Fine Restitution \$ Victim: TBD: Hrg set for J/S with

All financial obligations in the money judgment are a condition of probation. Award and Payment Information (Form #06-60) must accompany Judgment if restitution or compensatory fine is ordered. All statutory assessments and fees applicable to each charge disposed, including indigent defense application and contribution fees unpaid and not entered as a judgment previously, are imposed and are to be added by the Clerk of the Court as a money award unless waived on this judgment.

Full payment of all financial obligations due on: (Applies to all counts)

PAYMENT TERMS (Applies to all counts) First payment due Payment amount \$ Subsequently due on

Collections Unit Scheduled by Probation Officer Per Post Prison Supervisor Other:

Dated: Judge (Signature) / Name of Judge (printed)

Original to Court File Copies to: Jail Probation Intake DA Defense Attorney Probation Judge

PRE-TRIAL SET OVER PROCEDURES for DV COURT (FROM CPC RULES)

Defense or State's FIRST set over request: Use SHORT FORM (#23-56).

- 2 week (3 if agreed): PreTrial Judge must sign but no on-record appearance is needed. Give papers to clerk.
 - >2 to 5 week: PreTrial Judge must review and rule on record. Sign up in courtroom.
-

Defense or State's SECOND set-over request: Use LONG FORM (23-30A), with a detailed explanation.

- 2 week - stipulated: PreTrial Judge must sign but no on-record appearance is needed. Give papers to clerk.
 - 2 week - contested: PreTrial Judge must review and rule on record. Sign up in courtroom.
 - >2 to 5 week - stipulated or contested: PreTrial Judge must review and rule on record. Sign up in courtroom.
-

ALWAYS GO TO DV COURT PRETRIAL JUDGE: Sign up in courtroom.

- Defense or State's THIRD set-over request.
 - Any request longer than 5 weeks.
 - If the defendant is in custody, and NO 60-day waiver has been signed.
-

THE JUDGE MUST SIGN ALL ORDERS ALLOWING A SET-OVER BEFORE YOU TURN THE PAPERWORK IN AT THE END OF THE DAY!

**INSTRUCTIONS FOR SCHEDULING A COMPLIANCE REVIEW
WITH THE DV COURT CASE MANAGER**

Include the date and time on the special conditions of probation (#9 on the Formal Probation Conditions and #6 on the Bench Probation Conditions).

1. To obtain an available date, Open Resource Availability in GU/OJINI, and click on the drop-down arrow under “resources.” Scroll to “room.”
2. Highlight room “DVRV” (Domestic Violence Compliance Review) and click on “add.”
3. Change the resource availability calendar to 30 days out (or whatever time period the Judge has specified) from the date of sentencing.
4. Find an available time. Time will be blocked off according the previously scheduled reviews and the Case Manager’s availability. Reviews are set for 60 minutes. The times available are Tuesday -- only at 2, 3, or 4 p.m. and Monday and Wednesday-Friday at 9, 10, 11, 2, 3, or 4. (Timeslots on Tuesdays are only available in the p.m.)
5. Write the available date, time, and room (Justice Center 301) on the probation conditions.
6. When distributing in the courtroom the copies of the judgment and the conditions, provide a business card for the DV Court Case Manager with the defendant’s copy of the conditions.
7. **SCHEDULE THE REVIEW in GUI/OJIN**
 - A. **Option 1: When HAPing the Plea**
Schedule the review in the scheduled period Information section of the HAP screen in GUI/OJIN when HAPing the plea. Schedule it as an AP (appearance) in room DVRV for 30 minutes. Do not attach a Judge. Type Justice Center 301 in the Comments section of the Scheduled Period. Reserve an interpreter, if necessary (See step #8). Click the same button when the HAP is complete.
 - B. **Option 2: Manually**
 - (1) Go to Case—>Scheduled Periods---->New ,and type in the case number
 - (2) Enter in the date and time written on the probation conditions
 - (3) Schedule the hearing type as an AP (Appearance)
 - (4) Schedule it in room DVRV for 30 minutes.
 - (5) No need to attach a Judge
 - (6) Type Justice Center 301 in the Comments section of the Scheduled Period.
 - (7) Reserve an interpreter, if necessary (See step #8).
8. **RESERVE AN INTERPRETER IN GUI/OJIN WHERE NEEDED.**
 - A. If the Compliance Review date was scheduled in the HAP screen, click on the Requests/Reservations icon located next to the Time field. In the Request Type drop-down menu, scroll down to the type of interpreter you are requesting and click “reserve” and then “OK.” In the Comments section, type the language of the interpreter needed. Click “save” when you HAP is complete. *See Appendix 11 for more information on reserving Interpreters.*
If the language needed is something other than American Sign Language (ASL), Russian, Spanish, or Vietnamese, choose “Other Interpreter” and type the language needed in the Comments.
 - B. If the Compliance Review date was scheduled manually, (Case—>Scheduled Periods ---> New), click on Reservations on the left-hand side of the event. In the Request Type drop-down menu, scroll down to the type of interpreter you are requesting and click “Reserve.” In the Comments section, type the language of the interpreter needed. Click “save.”
If the language needed is something other than American Sign Language (ASL), Russian, Spanish, or Vietnamese, choose “Other Interpreter” and type the language needed in the Comments.
10. Make copies of the judgment and probation conditions and send the copies to the DV Court Coordinator (Mail Code 119/359/Tjones).

APPENDIX 11
Circuit Court of the State of Oregon
for Multnomah County

State of Oregon
v.

Case No. _____
Special Conditions of Probation
(Supervised or Formal)
Domestic Violence Court

Probation)
Defendant

In addition to the general conditions of probation, the Defendant shall:

- Have no direct, indirect, or third party contact with the victim unless authorized by court order or the probation officer. This “no contact” provision includes, but is not limited to:
 - No personal contact with the victim or _____;
 - No contact with the victim through any other person;
 - No contacting or attempting to contact the victim by telephone, mail, commercial delivery, or any electronic means;
 - No entering or attempting to enter the victim’s residence, business, place of employment, or school;
 - No entering or attempting to enter an area _____ feet surrounding the victim’s residence, place of employment, business, or school.
- 2. Enter and complete all programs, classes, counseling, and evaluations directed by the probation officer, including a batterer’s intervention program when so directed. Do not change programs unless authorized by the probation officer or the Court.
- 3. Consent to, and cooperate with, any reasonable plan deemed necessary by the probation officer to maintain and monitor offense-free behavior for the duration of probation.
- 4. Sign releases authorizing the sharing of information between the probation officer, the DV Court case manager, and other persons deemed essential in monitoring enrollment, attendance, progress, and compliance in relevant classes, programs, counseling, and evaluations.
- 5. Disclose ongoing, intimate relationships to the probation officer.
- 6. Submit property, including computers and telephonic devices, to search when the probation officer has reasonable grounds to believe that such a search will reveal evidence of a violation of this probation.
- 7. Not purchase, possess, or transport firearms or ammunition or apply for any license/permit regarding firearms. The Defendant shall surrender possession of all firearms and ammunition as directed by the probation officer.
- 8. Notify the probation officer within 24 hours of any new arrests, citations, restraining orders or stalking protective orders issued against him/her.
- 9. Meet with the DV Court case manager for a 60-day compliance review on _____, at _____: _____ a.m./p.m. in the Multnomah County Courthouse (1021 SW 4th Ave) in room _____.
- 10. Other conditions:
 - Parenting class, as directed by P.O.
 - Drug/alcohol evaluation & recommended treatment
 - No consumption of alcohol or intoxicants;
 - No entering or frequenting bars or taverns
 - GPS monitoring
 - Other Electronic Monitoring: _____
 - _____
 - Comply with all Juvenile Court Orders
 - Polygraph examination when P.O. deems necessary to monitor and maintain offense-free behavior
 - Contact regarding parenting time: _____
 - _____
 - _____
 - _____

NOTE: If the Defendant is subject to more than one court order, the defendant must obey all court orders on all cases.
Dated: _____

Judge’s Signature

**Circuit Court of the State of Oregon
for Multnomah County**

State of Oregon
v.

Case No. _____
**Special Conditions of Probation
(Bench Probation)**

Defendant

In addition to the general conditions of probation set out in ORS 137.540, the Defendant shall:

1. Have no direct, indirect, or third party contact with the victim unless authorized by court order or the probation officer. This "no contact" provision includes, but is not limited to:

- No personal contact with the victim (_____) and _____;
- No contact with the victim through any other person;
- No contacting or attempting to contact the victim by telephone, mail, commercial delivery, or any electronic means;
- No entering or attempting to enter the victim's residence, business, place of employment, or school;
- No entering or attempting to enter an area _____ feet surrounding the victim's residence, place of employment, business, or school.

Other contact terms:

2. Enter and complete relevant programs, classes, counseling, and evaluations as directed by the Court.

Counseling: _____ Treatment/Intervention: _____

3. Sign releases authorizing the sharing of information between Court staff and persons deemed essential in monitoring enrollment, attendance, progress, and compliance in relevant programs, classes, counseling, and/or evaluations.

4. Not purchase, possess, or transport firearms or ammunition or apply for any license/permit regarding firearms.

5. Notify the DV Court Case Manager within 24 hours of any new arrests, citations, restraining orders or stalking protective orders issued against him/her.

6. Meet with the DV Court Case Manager for a 30-day/other compliance review on _____, at _____:_____ a.m./p.m at the Justice Center (1120 S.W. 3rd Avenue, Portland) in Room 301, and as later directed by the Case Manager. You must also comply with any Action Plan developed for you by the Case Manager.

7. Keep the Court informed of current address and notify the Court within 1 week of moving to any new address.

8. Other conditions:

- | | |
|---|---|
| <input type="checkbox"/> Drug/alcohol evaluation & recommended treatment | <input type="checkbox"/> Comply with restraining/protective order |
| <input type="checkbox"/> No consumption of alcohol or other intoxicants; | <input type="checkbox"/> Comply with all Juvenile Court Orders |
| <input type="checkbox"/> No entering bars or taverns | <input type="checkbox"/> Parenting class |
| <input type="checkbox"/> GPS monitoring | <input type="checkbox"/> Contact regarding parenting time:
_____ |
| <input type="checkbox"/> Other Electronic Monitoring: _____ | _____ |
| <input type="checkbox"/> Mental health evaluation & recommended treatment | _____ |
| <input type="checkbox"/> Polygraph examination as directed by the Court to monitor and maintain offense-free behavior | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |

NOTE: If the Defendant is subject to more than one court order, the defendant must obey all court orders on all cases.

Date: _____

Judge's Signature

**APPENDIX 12
DOMESTIC VIOLENCE INTERVENTION COUNSELING (DVIC)
AND BATTERER'S TREATMENT PROGRAMS IN MULTNOMAH COUNTY**

Prepared by Tammie Jones, DV Court Case Manager

<p><u>CHOICES Counseling Center</u> 9828 E. Burnside, Suite 210 Portland & Clackamas Locations 503-239-7597</p> <ul style="list-style-type: none"> • Day, evening, weekend groups • 48 wk program and 3-1x a month after care • 36-52 wk women's offender program • Free after care upon successful completion!! • Spanish/Russian program • Alcohol & Drug evaluations and DUII program • Parenting classes for men & women 12 wks. • Sliding fee scale and community service. • Anger management classes 20 wks (men only) 	<p><u>Change Point</u> <u>Portland</u> 1949 SE 122nd Ave 213 Portland, Or 97292 503-253-5954</p> <p><u>Beaverton</u> 3003 SW 153rd Dr Suit Beaverton, Or 97006 503-350-2758</p> <p>Above locations for intake, groups are also held in North Portland and Oregon City</p> <ul style="list-style-type: none"> • Classes M-Th evening groups • 48 wk program and 3-1x a month after care • DVIC / A & D evals with joint program possible • Sliding fee scale
<p><u>Allies in Change Counseling Center</u> <u>A New Life- Christian Counseling</u> <u>NW Christian Counseling</u> <u>Portland</u> 3800 NE Sandy Blvd, Suit 123 <u>Beaverton</u> 1815 SW Marlow Rd, Suite 208 503-297-7979-call to sign up for locations listed</p> <ul style="list-style-type: none"> • Classes Mon-Fri hours vary-evening classes • 48 wk program and 3-1x a month after care • 36 wk women's offender program • Free 1x per month after care • <u>Domestic Violence Evaluation- referral</u> • Specialized groups • Sliding fee scale- limited scholarships 	<p><u>Men's Resource Center-Women's Counseling Center</u> <u>Portland</u> 12 SE 14th Ave <u>Beaverton</u> 10700 SW Beaverton Hillsdale Hwy <u>Oregon City</u> 729 Molalla Ave, Suite 8 503-235-3433-call to sign up for locations listed</p> <ul style="list-style-type: none"> • Classes Mon-Thur hours vary, evening classes • 48 wk program and 3-1x a month after care • Women's offender group • Anger Management- 18 wk • <u>Savi program-</u> A & D combined with DVIC • A & D evaluations • Sliding fee scale
<p><u>NTSI-Court Ordered</u> 1-800-588-6874 www.ntsi.us Anger Awareness-Level 1 Anger Awareness-Level 2 Alcohol /Drug Awareness (ADIS) Parent Responsibility Need to be court ordered: sign-up through Mult. Co. Court House Rm 106</p>	<p><u>Cascadia Behavioral Health Care</u> 2415 SE 43rd ave Suite 200 Portland Oregon 97206 503-230-9654 A&D Evaluation Mental Health Evaluations 503-674-7777</p> <ul style="list-style-type: none"> • Contract with Multnomah County Probation • 48 wk program and 3-1x a month after care • Classes M-F hours vary-evening classes available • 9-12 Month Program 48 wks • Sliding fee scale for A & D and Mental Health services

<p><u>SoValTi</u> 35 NE Weidler Portland, OR 97212 503- 880-0200 or 503-936-2904 Tim</p> <ul style="list-style-type: none"> • African American & Bi-Racial Men specific • 52 wk program • Wednesday morning/evening groups • Sliding fee scale 	<p><u>Western Counseling Treatment Services</u> 137 N 21st St. St. Helens, OR 503-640-1715</p> <ul style="list-style-type: none"> • Wednesday morning and evening groups • 48 wk program with 3- 1x a month follow up • Free drop-in after care • A & D treatment can follow DVIC group • Sliding fee scale
<p><u>A.R.M.S. Abuse Recovery Ministry & Services</u> 5285 NE Elam Young Parkway Suite B600 Portland, OR 503-846-9284</p> <ul style="list-style-type: none"> • Day, evening, weekend groups • 48 wk program with 3- 1x a month follow up - Waitlist to get into program • 36 wk women's offender program • Low fee group sessions 	<p><u>Texas Interventions and Consulting</u> 6027 SE Belmont St. Portland, OR 503-381-1853 and 800.526.1995</p> <ul style="list-style-type: none"> • Groups at various times M-F days • 48 wk program with 3- 1x a month follow up • <i>Christian</i> focus group • Community service or job search to help pay fees
<p><u>Center for Family Success</u> 8010 N. Charleston Ave. 181st SE Stark and downtown locations 503-286-0600</p> <ul style="list-style-type: none"> • D.V. / Violence Prevention- free groups for men and women, who have history of D.V.- family centered.- Good resource for offenders with Non-Offensive Contact! • Parenting classes- free, 12 wks 2x per wk • Free child care • Mental Health referrals • Goal is to stabilize family 	<p><u>Meda Counseling Services</u> 205 East 16th St. Vancouver, WA 98663 503-891-1819 (Luis) or 360.772.6116 (LeeAnn)</p> <ul style="list-style-type: none"> • Day, evening and weekend groups • 48 wk program with 3- 1x a month follow up • Free aftercare • Women's offender groups • Spanish groups • Anger Management- 18-26 wks • Parenting classes- 8 wks • <u>Domestic Violence Evaluations</u> • Sliding fee scale
<p><u>Songcha Bowman Multicultural Counseling Services</u> 8196 SW Hall Blvd. Suite 211 Beaverton, OR 97008 503-352-1018</p> <ul style="list-style-type: none"> • 48 wk program with 3- 1x a month follow up • Korean, Vietnamese & Chinese, other languages may be offered • Parenting classes 12 wk • Anger Management- 12-26 wk • Arrangements can be made for women offenders 	<p><u>YWCA</u> N. Portland 333 NE Russell Portland, OR 503-294-7440 Downtown 1111SW 10th Ave. 503-294-7400</p> <ul style="list-style-type: none"> • Women's Anger Management 10 wk program • Counseling available

Updated 12/2008

APPENDIX 13

**OVERVIEW of PROBATION JUDGE ASSIGNMENTS
AS AFFECTED BY DV COURT**

Case 1	Followed by Case 2	Who is Probation Judge:	
		on Case 1?	on Case 2?
Felony DV probation		Original Sentencing/Probation Judge NO TRANSFER to DV CRT	
Felony DV probation	Felony DV Probation	Original Sentencing/Probation Judge NO TRANSFER to DV CRT	← Transfer to Judge #1 under Flypaper Rule NO TRANSFER to DV CRT
Felony DV probation	Misdemeanor DV Probation sentenced by DV Court	TRANSFER to DV CRT where Felony Judge agrees	DV Court Judge <i>(but if no transfer of Felony DV Probation to DV Court, Judges need to coordinate re global resolution of violations)</i>
Felony DV Probation	Misdo DV Probation sentenced by General Bench after DV Felony charge results is LIO Misdo plea	Original Sentencing/Probation Judge	← Transfer to Judge #1 under Flypaper rule
Misdemeanor DV probation sentenced in DV Court		DV Court Judge	
Misdemeanor DV Probation sentenced by General Bench as LIO of Felony DV charge (+ no current Felony DV probation)		TRANSFER TO DV Court Judge where Felony Judge agrees	
Misdemeanor DV Court probation sentenced by DV Court	Misdemeanor DV Court probation sentenced by DV Court	DV Court Judge	◆ Transfer to DV Court Judge #1
Misdemeanor DV Court probation	Felony DV probation	DV Court Judge	◆ Transfer to DV Court Judge #1)
Misdemeanor DV Court probation	Non-DV Felony or Non-DV Misdemeanor Probation	DV Court Judge	Sentencing/Probation Judge on Case #2 NO TRANSFER to DV CRT. IS EXCEPTION TO FLYPAPER RULE
Family Probation Program case	DV Misdemeanor/VRO	JJU (Judge of the Juvenile case)	DV Court Judge – unless the JJU wants to handle it; JJU should call DV Court Judge
DV Misdemeanor/VRO	Family Probation Program case	DV Court Judge – unless JJU (Judge of the Juvenile case) wants to handle; JJU should call DV Court	JJU (Judge of the Juvenile case)

Summary: Transfer Misdo DV Probations to DV Court when No Felony DV Probation already exists.
Transfer Felony DV probations to us only if DV Court is involved with Def from (1) on-going DV Misdo Probation or (2) new Misdo DV Probation

Note: “Misdo” includes VRO for purposes of this protocol

DV Court – 01/08

APPENDIX 14

**RE-REFERRAL LETTER TO DEFENDANT
FOR COMPLIANCE REVIEW WITH DV COURT CASE MANAGER**

March 29, 2006

**XXX
XXX
Portland, OR 97211**

RE: State vs. XXXXXXXX; Multnomah County Circuit Court No. 0123-45678

Dear Mr. XXXXX,

As you know, you are currently on formal probation in this Assault matter. I am the Circuit Court Judge who is supervising your probation.

Your probation terms include a compliance review with the DV Court Case Manager. This appointment was scheduled for March 3, 2006, at 10:00 a.m. I have received notice that you failed to attend this meeting. If true, your conduct would be a violation of your probation.

Probation is a privilege that has been granted to you. You must comply with all conditions of that probation. If you fail to comply with the terms imposed at the time of sentencing or fail to obey all laws, further court proceedings requiring your appearance may be scheduled.

This letter is a re-referral to contact the DV Court Case Manager (Tammie Jones) and schedule a compliance review.

You are ordered to contact her by April 12, 2006. She can be reached at the following number (503) 988-4419, in the Multnomah County Justice Center (1120 SW 3rd Ave) in Room 301.

IF YOU FAIL TO COMPLY BY THE ABOVE DATE, FURTHER STEPS – INCLUDING ISSUANCE OF A PROBATION VIOLATION WARRANT FOR YOUR ARREST – COULD BE TAKEN.

Very truly yours,

**NAME OF JUDGE
Circuit Court Judge**

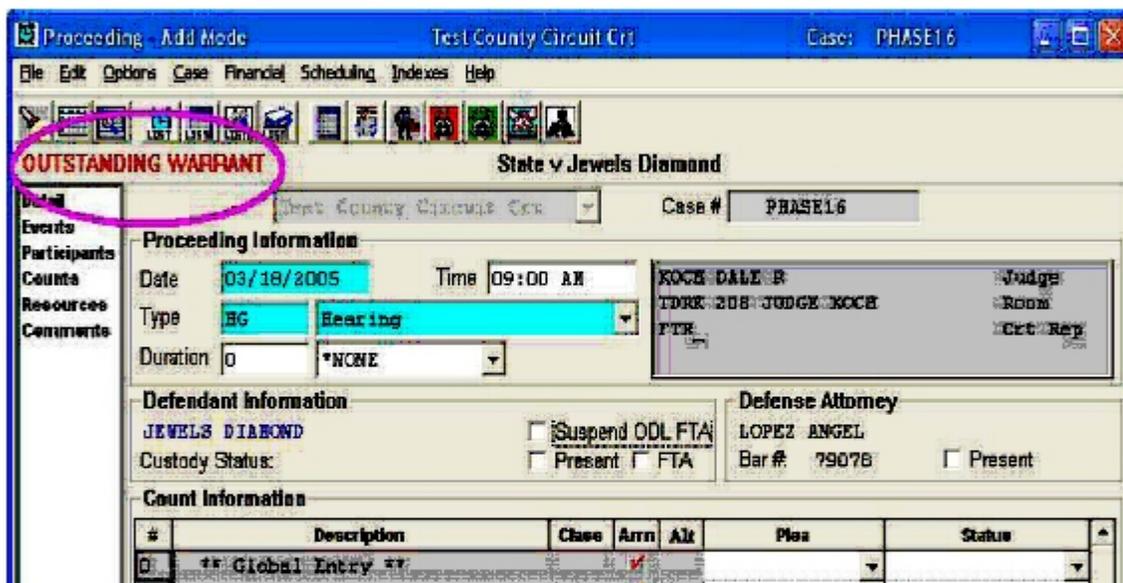
cc: Judge's File, District Attorney, DV Court Case Manager, Probation Officer

Warrant Recall

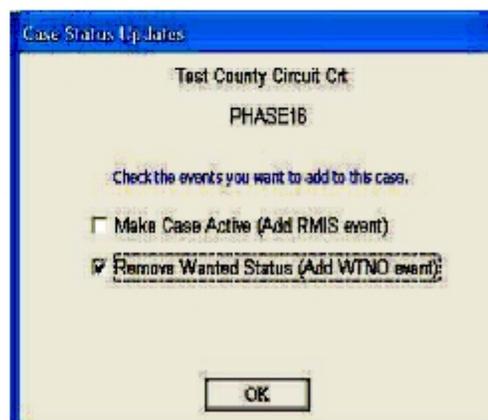
ACTIVE WARRANTS SHOULD BE RECALLED AT THE DIRECTION OF THE COURT, AND MUST BE RECALLED IN GUI/OJIN FOR ALL DEFENDANTS WHO APPEAR IN PERSON IN COURT.

Note: For a warrant recall to occur, a conversation must take place between the courtroom clerk and the Judge, "Your Honor there is an outstanding warrant in case number 'X.' Do you wish to recall the warrant based on the defendant's appearance today, or shall I leave the warrant outstanding?" The question should be posed any time a defendant appears in front of the court and there is an outstanding warrant - irrespective of whether or not the defendant is in or out of custody.

1. The active warrant appears in red in the upper left corner of the Proceeding window:



2. Complete the Proceeding as usual, and when you hit Save, you will be prompted to Recall the warrant when this window pops up:
3. The other check boxes that appear on this pop-up can be ignored: do NOT check the Case Active or DMV License Sanction options.
4. Recalling the warrant in GUI/OJIN is **EXTREMELY IMPORTANT** in order to prevent a wrongful arrest.
5. A signed order recalling the warrant must also be sent to the Warrant Desk (not Data Entry).



6. **IF YOU ACCIDENTALLY MISS A WARRANT RECALL IN GUI**, you must call the Warrant Desk at ext. 85334.
7. **IF YOU RECALL A WARRANT AFTER 4:00 PM**, you must also fax a copy of the order to the jail. FAX # 503-261-2818

Created: Haines 03/23/05; Revised: Dover 03/30/05

WARRANT RECALLS: THE CRITICAL EVENTS AND HOW TO DEAL WITH THEM

In General:

1. Warrant recalls need to be entered in GUI OJIN as soon as possible.
 - Check for outstanding warrants on proceedings heard in the trial department where you are working.
 - Check with the judge about whether to recall a warrant.
2. There are instructions on the intranet Hold-A-Proceeding drop-down menu that walk you through the GUI OJIN application steps for this purpose.

When the judge recalls a warrant in court:

You must do all these things:

1. Prepare an order recalling the warrant and present it to the judge for signature.
2. Make the necessary computer entry in GUI OJIN.
 - If you miss making the computer entry, call the warrant clerk at x 85334.
3. Route the warrant recall order to the warrant desk (not general criminal data entry).

When and how the entered information is put into practical use:

1. The Warrant Recall list is run by the Sheriff's office twice a day: once at noon and once at 4pm.

What happens if the warrant recall is done in court or entered in GUI at 4 PM or later:

You must do **one** of these things **in addition** to the paperwork and computer entry:

1. Walk down to room 106 and bring the warrant clerk an order recalling the warrant before 5pm.
2. Call the warrant clerk (x 85334) so they can notify jail records of the recall.
 - Be sure that you speak to the warrant clerk in person. If you do not reach the clerk directly, do not leave a voicemail message.
3. Fax an order recalling the warrant to jail records (fax x. 503-261-2818).

APPENDIX 16

Transport Participant

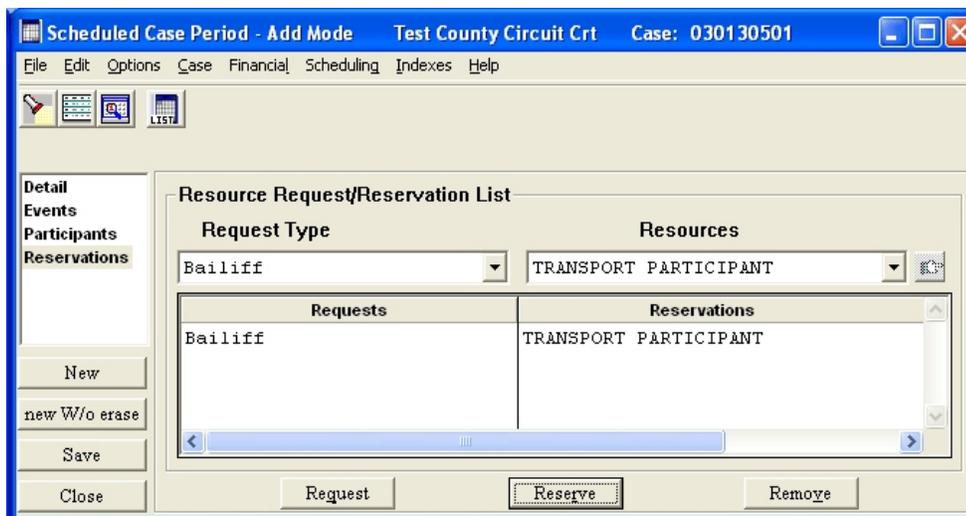
Use the following procedure to reserve transport for a defendant in a criminal case for a new* scheduled period: See page 2 for reserving transport for any party other than the defendant

1. From the Command Line Menu select Case → Scheduled Periods → New.
2. Enter scheduling data on Detail page and in Comments enter: Transport Reserved.
3. Click on Reservations.
4. Tab to Request type and select Bailiff. Transport Participant will automatically appear under Resources.
5. Click Reserve toward the bottom of the window.
NOTE: For Civil, Domestic Cases, and Criminal Witnesses see Page 2 for additional instructions.
6. Click Save.

DO NOT CALL THE TRANSPORT DESK UNLESS YOU SCHEDULE THE EVENT AFTER 4PM THE DAY BEFORE THE HEARING!

Canceling a Transport Request:

1. Cancel or setover the event in Graphical OJIN. See: [Add/Edit Scheduled Periods](#) or [Setover Scheduled Periods](#).
2. If it is after 4PM you must cancel or setover the hearing in Graphical OJIN and call the transport desk at X83563.



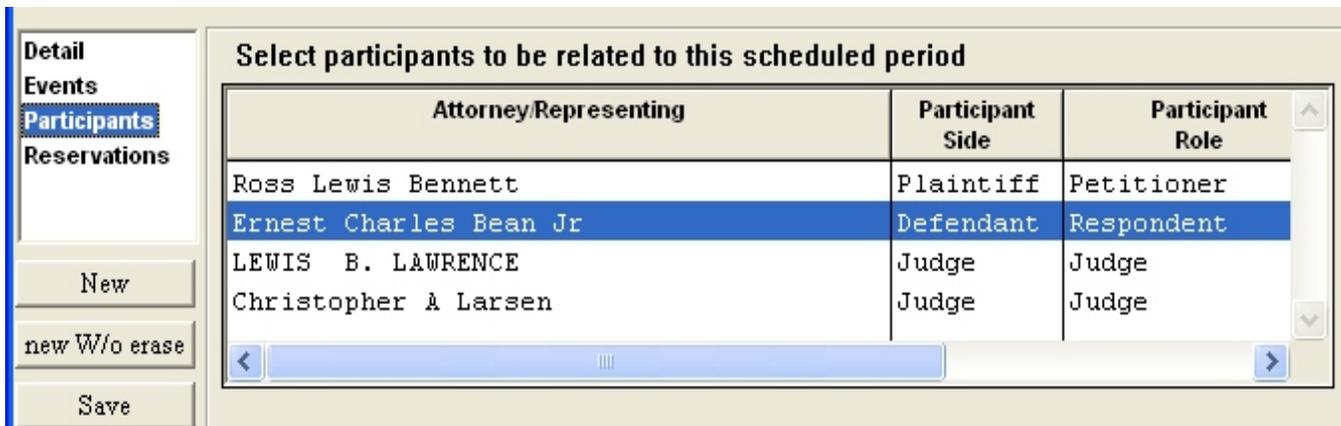
Transport Notes and Requirements:

- ✓ If the defendant is in a Multnomah county facility, transport requests need to be entered by 4:00PM the day before the hearing. If you need to request/cancel a transport for the next day after 4:00PM you must call transports at x83563 and enter the request through GUI.
- ✓ If a defendant is in another County or State custody, you must enter the request through GUI and you must call transports at x83563 10 days prior to scheduled appearance.
- ✓ If the defendant is housed at JDH, you must call transports at x83563 by noon the day before the hearing.
- ✓ If a hearing is set-over, re-reserve the transport (on the new date) and check the jail system again.
- ✓ Requests may be viewed using Resource Availability.

*To add a reservation to an existing scheduled event list the scheduled periods on the case. (From the command line menu Case → Scheduled Periods → List.) Double click the event and follow the procedures listed above to add the reservation to the scheduled event.

Reserving a Transport for any other party or person other than the defendant in a criminal case (civil parties, a witness, or a parent):

1. After you reserve the transport request, relate the person to be transported.
 - A) Click on Participants in the tree view.
 - B) Highlight the person to be transported.
2. Save.



NOTE: If you need notices to print out for the scheduled period you should print the notice before highlighting the participant that needs to be transported. Relating a participant to a scheduled period before the notices print tells the system to only print a notice for the person highlighted.

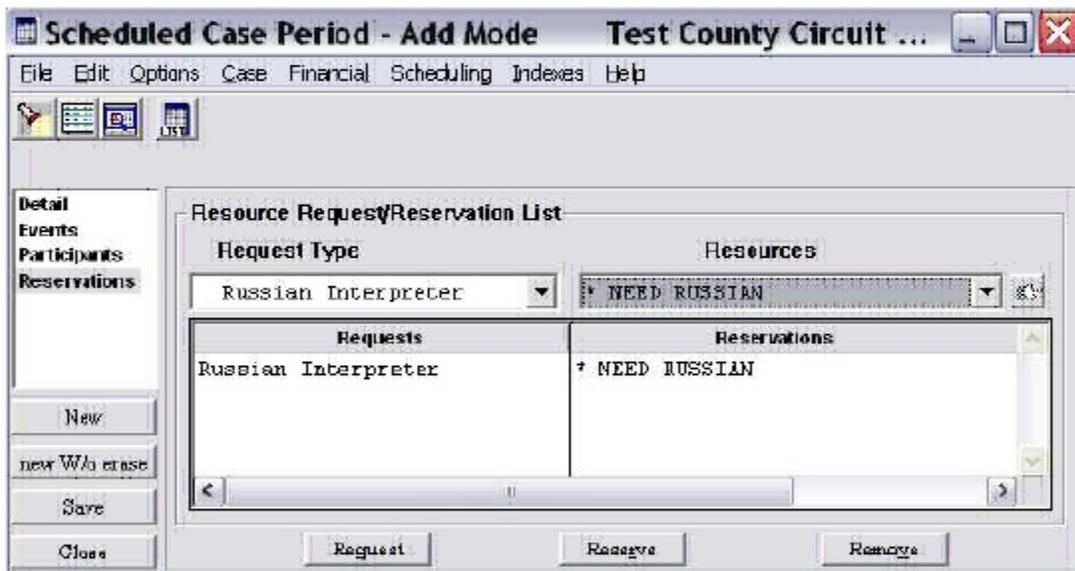
Created: Rand 6/30/04
Revised: Haines 2/23/07

Reserve Interpreter

(Not for regular rotation of Spanish Interpreters)

When adding a New Scheduled Period:

1. Type the language needed in parentheses on the comment line - example (Russian).
2. Click on Reservations in the Tree View.
3. Select one of the following in the request type field: Russian Interpreter, American Sign Language, Spanish Interpreter, Vietnamese Interpreter, or Other Interpreter.
*****Do not select a language other than the options given in this step.**
4. If you selected Russian Interpreter "* Need Russian" will appear in the resource field. If "***ERROR***" appears, you have selected an invalid language type.
5. Click Reserve located near the bottom of the window.
6. Click Save.



When an event is Cancelled or Set-over:

1. You **MUST CALL** Interpreter Services @ 8-3515 to inform them an interpreter is not needed *in addition to cancelling or setting over the event in GUI*. If no one answers, leave a message with the case#, name, date, time, your name and extension.
2. If the event is Set-Over, be sure to reserve the interpreter on the new scheduled period.
3. Interpreter Services requests a minimum of 4 days to arrange for non-Spanish interpreters. You must call Interpreter Services @ 8-3515 AND enter the reservation for all hearings scheduled within one week. Hearings scheduled further out than one week, you need to enter the reservation, but do not need to call.

APPENDIX 18

DOMESTIC VIOLENCE COURT FORMS (revised 5/08)

Time Slots	Monday	Tuesday	Wednesday	Thursday	Friday
8:30 - 9:00 am	Further Proceedings (8:30-10:00) 1. Release/Bail Reduction: 1. Order for Release/ Security /Motion Disposition (23-60) 2. Release Order & Agreement (23-21) 2. New Dates: 1. a) Minute Order (23-22) or 1. b) Misdemeanor Case Report (23-56) 3. Warrant Lift: Minute Order (23-22) 4. Aid & Assist: 1. Aid & Assist forms (23-27 A-C) or 2. Minute Order (23-22) Continued: see Thursday	1 Release Hrg 1. Order for Release/ Security /Motion Disposition (23-60) 2. Release Order & Agreement (23-21)	1 Release Hrg 1. Order for Release/ Security /Motion Disposition (23-60) 2. Release Order & Agreement (23-21)	1 Release Hrg 1. Order for Release/ Security /Motion Disposition (23-60) 2. Release Order & Agreement (23-21)	Misdemeanor & VRO Pretrials (8:00) 1. a) Misdemeanor Case Report (23-56), or 1. b) Motion for Setover and Order (23-30A)
9:00 - 9:30 am		Misdemeanor Jury Trials 1. Misdemeanor Judgment (23-74A & B) If convicted: 2.a) Special Conditions of Bench Probation (23-73) or 2.b) Special Conditions of Formal Probation (23-72)	Misdemeanor Jury Trials 1. Misdemeanor Judgment (23-74A & B) If convicted: 2.a) Special Conditions of Bench Probation (23-73) or 2.b) Special Conditions of Formal Probation (23-72)	Misdemeanor Jury Trials (continued from Wednesday) 1. Misdemeanor Judgment (23-74A & B) If convicted: 2.a) Special Conditions of Bench Probation (23-73) or 2.b) Special Conditions of Formal Probation (23-72)	
9:30 - 10:00 am					
10:00 - 10:30 am					
11:00 - 11:30 am					
11:30 - noon					
1:30 - 2:00 pm	PVs for VROs and Misdemeanors (capped at 8) 1. Order/Judgment Revoking/Continuing Probation (23-36) If revoked and given jail: 2. Supplemental Page for Incarceration Sentences ("936 credits") (03-49C)	Misdemeanor Jury Trials (continued) 1. Misdemeanor Judgment (23-74A & B) If convicted: 2.a) Special Conditions of Bench Probation (23-73) or 2.b) Special Conditions of Formal Probation (23-72)	Misdemeanor Jury Trials (continued) 1. Misdemeanor Judgment (23-74A & B) If convicted: 2.a) Special Conditions of Bench Probation (23-73) or 2.b) Special Conditions of Formal Probation (23-72)	Further Proceedings 1:30 (capped at 12) 5. Hearing Plea, Hearing Sentencing, Hearing Plea and Sentence: 1. Misdemeanor Judgment (23-74A&B) & 2. a) Special Conditions Bench (23-73) or 2. b) Formal (23-72) (Plea where sentencing is setover: Minute Order) 6. DSP Late Entry: DSP Packet & DSP Order (23-83a through 23-83g) 7. Civil Compromise: Misdemeanor Judgment (23-74A)- dismiss the counts	*OTHER FORMS: Interstate Compact Bench Probation (23-84) Order Certifying Compliance w/DV Firearms Laws (23-08) Firearms Notification (23-07) Limited Judgment (IDEF 401)- use to vacate fees ordered previously by limited judgment Waiver of 60 day rule (23-59) Finding of Guilty, but insane (23-27D) DMV Notice of Suspension or Revocation (735-6116)
2:00 - 2:30 pm					
2:30 - 3:00 pm					
3:00 - 3:30 pm					
3:30 - 4:00 pm					
4:00 - 4:30 pm					
4:30 - 5:00 pm					

DV COURT DOCKET – DV-3, DV-4 and DV-5 FORMS (revised 5/08)

Time Slots	Monday	Tuesday	Wednesday DV-3	Thursday DV-4	Friday DV-5	
8:30 - 9:00 am				VRO Trials 8:30 <i>(capped at 5)</i> 1. Order/Judgment for Violation of Restraining Order (21-28) If convicted: 2.a) Special Conditions of Bench Probation (23-73) or 2.b) Special Conditions of Formal Probation (23-72)		
9:00 - 9:30 am						
9:30 - 10:00 am						
10:00 - 10:30 am						
10:30 - 11:00 am						
11:00 - 11:30 am						
11:30 – noon						
1:30 - 2:00 pm			Overflow VRO Trials 1:45 <i>(Cap of 2)</i> 1. Order/Judgment for Violation of Restraining Order If convicted: 2.a) Special Conditions of Bench Probation (23-73) or 2.b) Special Conditions of Formal Probation (23-72)		Release Hearing <i>(cap of 1) 1:30-2</i> 1. Order for Release/ Security /Motion Disposition (23-60) 2. Release Order & Agreement (23-21)	
2:00 - 2:30 pm						
2:30 - 3:00 pm					Overflow PVs 3pm 1. Order/Judgment Revoking/Continuing Probation (23-36) If revoked and given jail: 2. Supplemental Page for Incarceration Sentences ("936 credits") (03-49C)	Deferred Sentencing Program 2pm 1. DSP Order/Judgment (21-55) (this same form can be used for any disposition) If revoked: 2. a) Special Conditions of Bench Probation Bench (23-73) or 2. b) Special Conditions of Probation Formal (23-72)
3:00 - 3:30 pm						
3:30 - 4:00 pm						
4:00 - 4:30 pm						
4:30 - 5:00 pm						

APPENDIX 19

DV COURT CONTACT LIST

District Attorney's DV Unit <ul style="list-style-type: none"> • Front Desk • Appearance/Scheduling • Further Proceedings Scheduling (for Victim Notice) • Supervising Attorney 	Tamara Ruffing tamara.ruffing@mcdca.us	503/988-3222
	or Maria McCormack maria.mccormack@mcdca.us	503/988-5162
	Amy Homes Hehn	503/988-5449
	Amy Homes Hehn	503/988-83941
DV Court Calendaring (Interoffice 101/106)	Elise Spencer	503/988-3235, ext. 3
	Penny Dalton (Lead Worker)	503/988-4371
	Jennifer Lechuga (Supervisor)	503/988-3814
Arraignments (Interoffice: 119/359)	Suzann Renshaw (Supervisor)	503/988-5041
Transports (Interoffice: 119/359)	Keri Bossom	503/988-3563
Judges with primary DV duties <ul style="list-style-type: none"> • Hon. Maureen McKnight • Hon. Keith Meisenheimer • Hon. Tho Ryan • Hon. Diana Stuart • Hon. Merri Souther Wyatt • Hon. Nan Waller 	Judicial Assistants <ul style="list-style-type: none"> • Heidi Barton • Melba Martin/Janet Sullivan • Julie Manipon • Kristin Schwartz • Debby Onishi/Renee Christy • Gloria Marti 	503/988-3986
		503/988-3985
		503/988-3008
		503/988-3201
		503/988-3029
		503/988-3038
		503/988-3038
DV Court Case Manager Justice Center – Room 301 (Interoffice - 119/359/DV Court)	Tammie Jones tamella.k.jones@ojd.state.or.us	503/988-4419
	Danielle Phillips-Dorsett	503/988-4002 (fax)
	Danielle.N.Phillips-Dorsett @ojd.state.or.us	503/988-4542
Pretrial Release Services	Interoffice - 119/358/PRS	503/988-5042 503/988-4157 (fax)
Criminal Data Entry & Warrants (Interoffice 101/106)	Cyndi Jefferson (Supervisor) Sandy Bossom Elizabeth Wallender (Warrants)	503/988-3616 503-988-3616 503/988-5334
Family Law Department	Cindy Bidnick (Supervisor)	503-988-6097
Department of Community Justice – DV Unit		503/988-5056
Training & Systems Support	Ellen Haines Heather Barrance Mary Jo Green	503/988-5723 503/988-4526 503/988-4412
Technology Support (Help Desk)		503/988-5416