

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

In the Matter of Pretrial Release	) Presiding Judge Order
Prior to Appearance in Court	) No. 24PJO00002
	)
	) PRETRIAL RELEASE ORDER FOR
	) MULTNOMAH COUNTY
	)

FILED
JUN 21 2024
CIRCUIT COURT
MULTNOMAH COUNTY, OREGON

WHEREAS, the 2021 Legislative Assembly enacted Oregon Laws 2021, Chapter 643, initially introduced as Senate Bill 48 (2021) by the Oregon Criminal Justice Commission, to reduce the reliance on security release and provide statewide guidance for local pretrial release orders;

WHEREAS, Section 2 of Oregon Laws 2021, Chapter 643, now codified as ORS 135.233, requires the presiding judge of a judicial district to enter a standing pretrial release order (PRO), specifying to the sheriff of the county, or to the entity supervising the local correctional facility responsible for pretrial incarceration within the judicial district, both the persons who are, and the offenses that are:

1. Subject to release on recognizance;
2. Subject to release with special conditions of release; and
3. Not eligible for release until appearance in court; and

WHEREAS, in turn, the Oregon Supreme Court Chief Justice issued Chief Justice Order (CJO) 22-010, superseded by CJO 23-019 and CJO 24-014, establishing guidelines for judicial district PROs with the stated goals of:

1. Providing a consistent release decision-making structure across the state;
2. Reducing reliance on the use of security;
3. Including provisions for victim notification and input; and
4. Balancing the rights of the defendant and presumption of pretrial release against community and victim safety, and the risk of failure to appear; and

WHEREAS, the Chief Justice's pretrial release guidelines were initially adopted by CJO No. 22-010. That order was first superseded by CJO 23-019 to address the classification of bias crime in the first degree and then superseded by CJO 24-014 to address the classification of delivery or manufacture of controlled substance offenses;

WHEREAS, Attachment A to CJO 24-014 sets forth the methodology for determining whether a person in custody will be released on recognizance, released with special conditions of release, or not eligible for release until appearance in court. The first step is to determine which of three offense-specific release guideline categories is applicable. The State Court Administrator publishes a list of each Oregon felony and misdemeanor offense by release guideline category. The second step is to determine whether any overriding circumstance is present. Application of

overriding circumstances determine whether a person will be subject to special conditions of release or held for an appearance in court;

WHEREAS, in compliance with CJO 22-010, on May 22, 2023, the Multnomah County Circuit Court Presiding Judge entered 23PJO-00003, Order Regarding Pretrial Release Prior to Arraignment or First Appearance in Multnomah County; Order Adopting Public Safety Assessment as Risk Assessment Tool;

WHEREAS, CJO 22-010 directed each Presiding Judge of a Circuit Court to enter a PRO as required under ORS 135.223(1) that complies with the guidelines set out in Attachment A of the Order. Subsequently, CJO 24-014 directs Presiding Judges to update their PRO no later than June 21, 2024, to reflect the changes made to the Pretrial Release Guidelines;

WHEREAS, CJO 24-014 directs each judicial district to consider inclusion of overriding circumstances specific to persons charged with an offense involving the delivery or manufacture of a controlled substance and specifies that an overriding circumstance may include whether the person possessed a particular type of controlled substance, meets the criteria of a substantial quantity or commercial drug offense, used a firearm, or has prior arrests or a history of failing to appear in court;

WHEREAS, this judicial district has identified the need to modify 23PJO-00003 not only to adopt the terms of CJO 24-014 and to achieve its stated goals, but also to restructure 23PJO-00003 to provide more clarity, and to respond to the specific circumstances in this judicial district;

WHEREAS, pursuant to the policies adopted in CJO 24-014, it is the intent of this Presiding Judge that offenses involving the delivery or manufacture of controlled substances with a crime seriousness score of 8 or higher under Oregon Sentencing Guidelines and that are presumptively punished by prison, and that offenses involving the manufacture or delivery of fentanyl should be held for appearance in court and not released pursuant to application of this Order.

IT IS HEREBY ORDERED,

That, beginning at 12:01 a.m. on August 1, 2024, this Presiding Judge Order on Pretrial Release be implemented to govern procedures for intake and release of adults in custody prior to appearance in court.

1.

PRIOR ORDERS SUPERSEDED

All prior orders of the Multnomah County Circuit Court concerning the matters covered herein are hereby vacated and superseded by this order. Presiding Judge Order 23PJO-00003 is superseded and replaced by this order. This order shall remain in effect until further order of the court. This order may be referred to as the Multnomah County Presiding Judge Pretrial Release Order or "PRO."

2.

AUTHORITY OF DESIGNATED ENTITIES

The Department of Community Justice (DCJ) Recognizance Unit (RECOG) is the designated entity with release authority as conferred by this PRO, including the authority to complete the Public Safety Assessment, impose release conditions that may apply per this order, and fulfill the duties required by ORS 135.247.

The Court Release Assistance Office (RAO) is the Oregon Judicial Department office that fulfills the duties required by ORS 135.235, including contacting victims, interviewing defendants in custody, and drafting reports for use in court.

3.

RELIANCE ON ARRESTING AGENCY

It is the responsibility of the arresting agency to state in the probable cause affidavit the specific circumstances that may be used to override the presumptive release criteria or impose special conditions of release, including:

1. In cases alleging controlled substance offenses,
 - a. Whether the offense involved a substantial quantity of the controlled substance, as defined in ORS 475.900(1)(a), or involved commercial drug offense factors, as identified in ORS 475.900(1)(b);
 - b. Whether the person possessed a firearm while committing the controlled substance offense; and
 - c. Whether the substance in a charged manufacture/delivery offense involved fentanyl;
2. In cases alleging person crimes involving the use of a weapon, the object used as a weapon in connection with the commission of the offense; and
3. In any case, whether the person made a clear and unequivocal threat to cause harm to the named victim.

4.

JAIL CAPACITY

Nothing in this order should be construed to interfere with Multnomah County's authority to adopt a jail capacity limit and action plan under ORS 169.044, or with the Sheriff's ability to carry out the steps of any such plan to relieve jail population emergencies.

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5.
CORRECTIONS HEALTH

Nothing in this order should be construed to interfere with the authority of Multnomah County Corrections Health to provide support resources prior to release for anyone evaluated by Corrections Health and determined to be at imminent risk of self-harm or requiring further behavioral health evaluation due to a risk to self or others.

6.
ARRESTS ON WARRANTS

When a person is arrested and booked on a warrant, the DCJ Recognizance Unit shall apply the following directives. If the DCJ Recognizance Unit cannot access the warrant order in the case management system, then the recog officer shall contact jail records to review the warrant order to apply directives in this section.

When the warrant order designates “no bail,” “bail denied” or “hold pending hearing,” the person shall be held for appearance in court.

When the warrant order designates “bail deferred,” “release per PJO,” or “release per PRO,” the person will be subject to release per the terms of this PRO.

When the warrant order includes security, the person will be eligible for security release prior to appearance in court by executing a security release agreement and by posting security, but shall not be released on recognizance or on conditions pursuant to this PRO. If security is posted, the person shall be required to sign a Release Agreement including the general conditions of release pursuant to ORS 135.250. If the person was previously released on conditional release, the person shall remain subject to the previously imposed conditions.

A person arrested on a material witness warrant issued under ORS 136.611(1)(b) is not subject to release pursuant to this PRO and shall be held for appearance in court.

A person arrested on fugitive warrant shall be held for appearance in court.

7.
RELEASE DECISION PROCESS

When a person is booked into custody, release decisions shall be made through the following process:

STEP 1: The DCJ Recognizance Unit identifies the offenses with which the individual is charged and the applicable Release Guideline.

STEP 2: The DCJ Recognizance Unit determines if there are any overriding circumstances that require that the individual be held for an appearance in court or released on conditions.

STEP 3: The DCJ Recognizance Unit administers the Public Safety Risk Assessment ("PSA") to all individuals and prepares the Public Safety Assessment (PSA) Report.

STEP 4: The DCJ Recognizance Unit executes a release agreement according to the terms of this Order.

STEP 5: The Court Release Assistance Office (RAO) fulfills the duties required by ORS 135.235 including interviewing Release Guideline 3 individuals, contacting victims, and authoring a report for the court (the "RAO Interview Memorandum").

Incorporated in this order is the List of Offenses By Guideline published by the Office of State Court Administrator ("OSCA") pursuant to the CJO, which is to be used in Step 1 to determine the applicable Release Guideline, available at:

<https://www.courts.oregon.gov/programs/pretrial/pages/default.aspx>.

Attached to this order is Exhibit A, to be used in Step 2, to determine the applicability of overriding circumstances and the corresponding action. Exhibit A is hereby incorporated.

Attached to this order is Exhibit B, to be used in Step 2, to determine any required conditions of release. Exhibit B is hereby incorporated.

Attached to this order is Exhibit C to be used for definitions of terms used in this order. Exhibit C is hereby incorporated.

If the DCJ Recognizance Unit determines that an individual shall be held for appearance in court on one offense out of multiple offenses charged, the DCJ recog officer may proceed without considering Steps 1 or 2 for each additional charged offense.

8.

AUTHORIZATION AND CRITERIA FOR PRETRIAL RELEASE

Consistent with the CJO, this order categorizes offenses into one of three Release Guidelines. Subject to the override criteria (identified in section 9), the Release Guideline directs the presumptive form of release for a charged offense as either (1) recognizance release; (2) conditional release; or (3) hold for appearance in court.

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RELEASE GUIDELINE 1
--RECOGNIZANCE RELEASE--

Subject to the override criteria (identified in section 9 and implemented in Exhibit A), the DCJ Recognizance Unit shall release on recognizance and require the execution of a release agreement compliant with ORS 135.250 all individuals charged with the following offenses, as identified in OSCA's List of Offenses by Guideline,

- a. Any nonperson misdemeanor, except those offenses listed in Guideline 2 or 3;
- b. Any nonperson Class C felony, except those offenses listed in Guideline 2 or 3;
- c. Any driving while suspended offense defined in ORS 811.182, except for aggravated driving while suspended as defined in ORS 163.196; and
- d. Any other offense that is not included in Guideline 2 or 3.

RELEASE GUIDELINE 2
--CONDITIONAL RELEASE--

Subject to the override criteria (identified in section 9 and implemented in Exhibit A), the DCJ Recognizance Unit shall release on court-imposed conditions (as described in Exhibit B) all individuals charged with the following offenses, as identified in OSCA's List of Offenses by Guideline:

- a. Any nondomestic violence person misdemeanor, as defined in OAR 213-003-0001(15);
- b. Any driving under the influence of intoxicants (DUII) offense, as defined in ORS 813.010 and ORS 813.011; and
- c. Any nondomestic violence Class B felony and any nondomestic violence person Class C felony as defined in OAR 213-003-0001(14), except for those offenses included in Guideline 3.

The DCJ Recognizance Unit shall consider the person's charges and the circumstances described in section 10, and then shall impose the release conditions described in Exhibit B, Criteria for Conditional Releases.

RELEASE GUIDELINE 3
--HOLD FOR APPEARANCE--

Subject to the override criteria (identified in section 9 and implemented in Exhibit A), the DCJ Recognizance Unit shall hold for court appearance, all individuals charged with the following offenses:

- a. Any violent felony, as defined in ORS 135.240, and any offense in ORS 137.700;
- b. Any Class A felony;
- c. Any sex crime (whether designated or not), as defined in ORS 163A.005, including any luring a minor, purchasing sex with a minor, and invasion of personal privacy in the first degree, and any attempt to commit luring a minor, purchasing sex with a minor, and first-degree invasion of personal privacy;
- d. Any domestic violence felony or misdemeanor, as defined in ORS 135.230;
- e. Any felony stalking as described in ORS 163.732, any violation of a stalking protective order as described in ORS 163.750, and felony strangulation as described in ORS 163.187;
- f. The following Class B felony-controlled substance offenses:
 - i. Manufacture of hydrocodone within 1,000 feet of a school, as defined in ORS 475.808;
 - ii. Delivery of hydrocodone within 1,000 feet of a school, as defined in ORS 475.812;
 - iii. Unlawful delivery of a Schedule III controlled substance to a minor, as defined in ORS 475.906(2);
 - iv. Causing another person to ingest a controlled substance, as defined in ORS 475.908(1);
 - v. Applying a Schedule III controlled substance to the body of a minor, as defined in ORS 475.910(2);
 - vi. Manufacture of methamphetamine, as defined in ORS 475.886; and
 - vii. Distribution of equipment, solvent, reagent, or precursor substance with intent to facilitate manufacture of controlled substance, as defined in ORS 475.962;
- g. The following felony- and misdemeanor-controlled substance offenses involving minors:
 - i. Using a minor in a controlled substance offense, as defined in ORS 167.262;
 - ii. Unlawful delivery of a Schedule IV controlled substance to a person under 18 years of age, as defined in ORS 475.910(3);
 - iii. Unlawful delivery of a Schedule V controlled substance to a person under 18 years of age, as defined in ORS 475.906(4);
 - iv. Intentionally applying a Schedule IV controlled substance to the body of another person who is under 18 years of age, as defined in ORS 475.910(3); and

- v. Intentionally applying a Schedule V controlled substance to the body of another person who is under 18 years of age, as defined in ORS 475.910(4); and
- h. Any of the following offenses:
 - i. Possession of a firearm or dangerous weapon in a public building or court facility, as defined in ORS 166.370; and unlawful possession of machine guns, certain short-barreled firearms, and firearm silencers, as defined in ORS 166.272;
 - ii. Failure to appear, as defined in ORS 162.195 and ORS 162.205;
 - iii. Felon in possession of a firearm, as defined in ORS 166.270;
 - iv. Fleeing or attempting to elude, as defined in ORS 811.540;
 - v. Resisting arrest, as defined in ORS 162.315;
 - vi. Giving false information to a peace officer, as defined in ORS 807.620 and ORS 162.385;
 - vii. Escape in any degree, as defined in ORS 162.145, ORS 162.155, and ORS 162.165;
 - viii. Fugitive from justice as defined in ORS 133.747;
 - ix. Bias crime in the first degree, as defined in ORS 166.165; and
 - x. Tampering with a witness, as defined in ORS 133.747.

9.

OVERRIDING CIRCUMSTANCES
RELEASE GUIDELINE 4

If in applying Step 2 of the release decision process, the DCJ Recognizance Unit identifies any overriding circumstances listed in this section, the DCJ Recognizance Unit shall follow the directives given in Exhibit A regarding the adjusted Release Guideline category.

If there are two or more overriding circumstances that move the offense from its presumptive Release Guideline into a different Release Guideline, the circumstance that places the offense into the highest Release Guideline shall be the determinative circumstance.

If an individual has been held pending an appearance in court due to overriding circumstances, the DCJ Recognizance Unit shall include information concerning the overriding circumstances in the PSA Defendant Report.

Person-specific circumstances:

- a. Any person whose score on the PSA places them at Level 1, 2, 3 or 3+ on the Multnomah County Pretrial Monitoring Level Matrix;
- b. Person is booked into custody on a new felony or person misdemeanor offense and has a pending felony or person misdemeanor offense statewide;

- c. Person is booked into custody on a new offense and has three or more pending cases statewide;
- d. Person is booked into custody on a probable cause arrest after having been arrested on probable cause within the prior 48 hours;
- e. *Person is booked into custody on a new offense and has more than five historical failures to appear within the last three years on any filed case on separate dates, whether pending or closed;¹
- f. * Person is booked into custody on a failure to appear warrant on a pending felony or person misdemeanor offense. Except, if the person is unrepresented, apply override (g) instead;²
- g. *An unrepresented person is booked into custody on a failure to appear warrant on a felony or person misdemeanor offense, having failed to appear two or more times on separate dates in the pending case;³
- h. *Person is booked into custody on a failure to appear warrant on a nonperson misdemeanor offense, having had two or more prior failures to appear on separate dates in the pending case;⁴
- i. Release has been revoked by Pretrial Release Services on a pending Multnomah County case;
- j. Person is booked into custody on a new felony or person misdemeanor offense and is on formal supervision;
- k. Person is booked into custody for any reason and is on formal supervision;
- l. Person is booked into custody for any reason and is also booked into custody on a separate outstanding warrant or hold from another jurisdiction;
- m. Person has an extradition or fugitive hold from another state or is subject to a US Marshal hold;
- n. Person has been extradited to Oregon from another state for arraignment;

¹ *The effective date of this override criteria is January 1, 2025.

² *The effective date of this override criteria is January 1, 2025.

³ *The effective date of this override criteria is January 1, 2025

⁴ *The effective date of this override criteria is January 1, 2025.

- o. Person is booked into custody on charge of arson 2 (ORS 164.315) or reckless burning (ORS 164.335), and the person has a previous conviction or pending charge for arson or reckless burning;
- p. Person is booked on an unauthorized use of a vehicle (ORS 164.135), possession of a stolen vehicle (ORS 819.300), or burglary 2 (ORS 164.215) charge, and has at least one prior conviction for one of these offenses in the last 3 years;
- q. Person is booked into custody on a new charge of bias 2 (ORS 166.155) and has a prior bias (ORS 166.155 -.165) or person crime conviction in the last three years;
- r. Person booked into custody for any reason is on community release pending fitness to proceed under ORS 161.370(2);
- s. Person is booked on charge of giving false information to a peace officer (ORS 162.385) if defendant does NOT have a pending person felony or DV Class A misdemeanor statewide; and
- t. Person is booked into custody on a standalone charge of resisting arrest (ORS 162.315) and the person does NOT have a pending person felony or Class A DV person misdemeanor.

Charge or Factual Specific Circumstances:

- aa. Any offense with a named victim;
- bb. Charged offense is either manufacturing or delivery of controlled substances or conspiracy to commit either and any of the following circumstances are present:⁵
 - i. Probable cause affidavit alleges that probable cause exists that the offense involves substantial quantities or the offense is a commercial drug offense, as described ORS 475.900(1)(a) and (b);
 - ii. Probable cause affidavit alleges that the person possessed a firearm while committing a controlled substance offense; or
 - iii. Probable cause affidavit alleges that the manufacture/delivery involved fentanyl.
- cc. New charge of felony DUII, if there is a pending DUII or a conviction for DUII within 3 years;

⁵ It is the responsibility of the arresting agency to identify on the probable cause document the fact specific circumstances identified in this section.

- dd. Probable cause affidavit alleges commission of a person felony or a UUW, if the alleged crime involved the person's use of a firearm;
- ee. Person is in custody on a charge of contempt if the charge is based on an allegation that the person violated a protective order or any no contact order issued by a court (except, this circumstance does not override a contempt charge based on a child support violation); and
- ff. Probable cause affidavit includes an allegation that the person made a clear and unequivocal threat to cause harm to the named victim.⁶

10.

ADDITIONAL CRITERIA FOR CONDITIONAL RELEASES

If this order allows for release prior to an appearance in court, the DCJ Recognizance Unit shall require the person sign a Release Agreement that includes an order to follow the special conditions of release identified in Exhibit B when the following person or offense circumstances are present:

- a. All offenses presumptively in Release Guideline 2 or placed there by overriding circumstances;
- b. Any offense with a named victim;
- c. DUII (ORS 813.010; ORS 813.011);
- d. Aggravated DWS (ORS 163.196);
- e. Any person crimes, as defined in OAR 213-003-0001, involving the use of weapon;
- f. Charges that involve criminal possession of a motor vehicle or stolen vehicles (ORS 164.135; ORS 819.300; ORS 819.310; ORS 164.272), if placed in Category 2 by overriding circumstances;
- g. Burglary 2 (ORS 164.215), if placed in Category 2 by overriding circumstances;
- h. Any person who is on formal supervision; and
- i. Any person who is subject to a prior release order on the current charge.

⁶ It is the responsibility of the arresting agency to state if there is probable cause that the person made a clear and unequivocal threat to cause harm to the named victim.

11.

RISK ASSESSEMENT TOOL AND INTERVIEWS

The Public Safety Risk Assessment is the risk assessment tool adopted by this judicial district to comply with CJO 24-014. The DCJ Recognizance Unit shall administer the Public Safety Risk Assessment ("PSA") for all eligible persons and generate the Public Safety Assessment Report, which will include the person's PSA score and placement on the PSA Multnomah County Pretrial Monitoring Level Matrix. The person's PSA score and placement on the Pretrial Monitoring Level Matrix will determine whether the DCJ Recognizance Unit will order the person to report to Pretrial Release Services for pretrial monitoring.

If the person's PSA score on the Pretrial Monitoring Level Matrix is Level 0, and they are determined eligible for release, the person shall not be required to report to Pretrial Release Services (PRS);

If the person's PSA score on the Pretrial Monitoring Level Matrix is 1, 2, 3 or 3+, and the person does not otherwise fall into Release Guideline 3, the DCJ Recognizance Unit shall include in the Release Agreement an order to report to Pretrial Release Services ("PRS") after their next court date.

A condition requiring a person to report to PRS/ Pretrial Release Services is a court order to comply with all reporting requirements set by Pretrial Services Program (PSP) or Close Street. Unless ordered otherwise, a person ordered to report to PRS shall report on a schedule determined by their Pretrial Monitoring Level, as follows:

- Level 1: "Report to PRS once per month by phone;"
- Level 2: "Report to PRS once every other week by phone;"
- Level 3: "Report to PRS once per week by phone;"
- Level 3+: "Report to PRS once per week by phone and once per month in person."

12.

VICTIM NOTIFICATION PRIOR TO RELEASE

If the person is charged with a person felony or person Class A misdemeanor offense, as those terms are defined in the rules of the Oregon Criminal Justice Commission, or with contempt of court for violating a court order protecting or prohibiting contact with another person, the Court Release Assistance Office shall make reasonable efforts to contact the victim prior to submitting a report or making a release decision.

If the Court Release Assistance Office is able to contact the victim:

- a. Information regarding the victim's position on release, including whether special conditions should be imposed, must be included in the report and considered by the Court Release Assistance Office; and

- b. If the information is available, the Court Release Assistance Office shall inform the victim of the location, date and time of the person's arraignment or other first appearance.

Dated this 21 day of June 2024.


The Hon. Judith Matarazzo
Presiding Judge

EXHIBIT A: CRITERIA FOR OVERRIDING CIRCUMSTANCES

The Pretrial Release Order incorporates this exhibit, which is to be used in Step 2 of the Release Decision Process. In Step 2, the DCJ Recognizance Unit determines the applicability of overriding circumstances and follows the corresponding action in this Exhibit.

	OVERRIDING CIRCUMSTANCES	PERSON SPECIFIC CIRCUMSTANCES		
		CATEGORY 1 CHARGE	CATEGORY 2 CHARGE	CATEGORY 3 CHARGE
		PERSON SPECIFIC CIRCUMSTANCES		
a.	Any person whose score on the PSA places them at Level 1, 2, 3 or 3+ on the Multnomah County Pretrial Monitoring Level Matrix.	Move to Category 2		
b.	Person is booked into custody on a new felony or person misdemeanor offense and has a pending felony or person misdemeanor offense statewide.	MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE		
c.	Person is booked into custody on a new offense and has three or more pending cases statewide.	Move to Category 2	Move to Category 3	
d.	Person is booked into custody on a probable cause arrest after having been arrested on probable cause within the prior 48 hours.	MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE		
e.*	Person is booked into custody on a new offense and has more than five historical failures to appear within the last three years on any filed case on separate dates, whether pending or closed.	* MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE ¹		
f.*	Person is booked into custody on a failure to appear warrant on a pending felony or person misdemeanor offense. Except, if the person is unrepresented, apply override (g) instead.	* MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE ²		
g.*	An unrepresented person is booked into custody on a failure to appear warrant on a felony or person misdemeanor offense, having failed to appear two or more times on separate dates in the pending case.	* MOVE TO CATEGORY 3—HOLD FOR APPEARANCE ³		

¹ * The effective date of this override criteria is January 1, 2025.

² * The effective date of this override criteria is January 1, 2025.

³ * The effective date of this override criteria is January 1, 2025.

h.*	Person is booked into custody on a failure to appear warrant on a nonperson misdemeanor offense, having had two or more prior failures to appear on separate dates in the pending case.	*MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE ⁴		
i.	Release has been revoked by Pretrial Release Services on a pending Multnomah County case.	MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE		
j.	Person is booked into custody on a new felony or person misdemeanor offense and is on formal supervision.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE		
k.	Person is booked into custody for any reason and is on formal supervision.	Move to Category 2	Remain in Category 2	
l.	Person is booked into custody for any reason and is also booked into custody on a separate outstanding warrant or hold from another jurisdiction.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE		
m.	Person has an extradition or fugitive hold from another state or is subject to a US Marshal hold.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE		
n.	Person has been extradited to Oregon from another state for arraignment.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE		
o.	Person is booked into custody on charge of arson 2 (ORS 164.315) or reckless burning (ORS 164.335), and the person has a previous conviction or pending charge for arson or reckless burning.	MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE		
p.	Person is booked on an unauthorized use of a vehicle (ORS 164.135), possession of a stolen vehicle (ORS 819.300), or burglary 2 (ORS 164.215) charge, and has at least one prior conviction for one of these offenses in the last 3 years.	MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE		
q.	Person is booked into custody on a new charge of bias 2 (ORS 166.155) and has a prior bias (ORS 166.155 -.165) or person crime conviction in the last three years.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE		
r.	Person booked into custody for any reason is on community release pending fitness to proceed under ORS 161.370(2).	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE		
s.	Person is booked on charge of giving false information to a peace officer (ORS 162.385) if defendant does NOT have a			Move to Category 2

⁴ * The effective date of this override criteria is January 1, 2025.

	pending person felony or DV Class A misdemeanor statewide.			
t.	Person is booked into custody on a standalone charge of resisting arrest (ORS 162.315) and the person does NOT have a pending person felony or Class A DV person misdemeanor.			Move to Category 2

CHARGE OR FACTUAL SPECIFIC CIRCUMSTANCES		
aa.	Any offense with a named victim	Move to Category 2
bb.	Charged offense is either manufacturing or delivery of controlled substances or conspiracy to commit either and any of the following circumstances are present:⁵ - PC affidavit alleges that probable cause exists that the offense involves substantial quantities or the offense is a commercial drug offense, as described ORS 475.900(1)(a) and (b); - PC affidavit alleges that the person possessed a firearm while committing a controlled substance offense; or - PC affidavit alleges that the manufacture/delivery involved fentanyl¹.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE
cc.	New charge of felony DUII, if there is a pending DUII or a conviction for DUII within 3 years	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE
dd.	Probable cause affidavit alleges commission of a UUW (ORS 166.220), if the alleged crime involved the person's use of a firearm.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE
ee.	Person is in custody on a charge of contempt if the charge is based on an allegation that the person violated a protective order or any no contact order issued by a court (this circumstance does not override a contempt charge based on a child support violation).	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE
ff.	Probable cause affidavit includes an allegation that the person made a clear and unequivocal threat to cause harm to the named victim. ⁶	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE

⁵ It is the responsibility of the arresting agency to identify on the probable cause document the fact specific circumstances identified in this section.

⁶ It is the responsibility of the arresting agency to state if there is probable cause that the person made a clear and unequivocal threat to cause harm to the named victim.

EXHIBIT B: CRITERIA FOR CONDITIONAL RELEASES

The Pretrial Release Order incorporates this attached exhibit, which assigns the least onerous conditions necessary to ensure both public and victim safety, and that the person returns to court, considering the person's charges, Release Guideline, the offense-specific circumstances, and person-specific circumstances described.

	CHARGE/ OFFENSE-SPECIFIC CIRCUMSTANCES	SPECIAL CONDITION OF RELEASE
a.	All offenses presumptively in Release Guideline 2 or placed there by overriding circumstances	• "Keep in contact with your attorney once one is appointed or retained. Notify your attorney's office of any updates to your phone number, mailing address or residential address." • If the PSA Score is 1, 2, 3 or 3+, "Report to Pretrial Release Services for pretrial monitoring immediately after your next hearing."
b.	Any offense with a named victim	• "Do not have contact of any kind with [victim name]."
c.	DUII (ORS 813.010, ORS 813.011)	• "Do not use alcohol or drugs before or while operating a motor vehicle;" and • "Do not drive without valid license and insurance"
d.	Aggravated DWS (ORS 163.196)	• "Do not drive without a valid license or insurance"
e.	Any person crime (OAR 213-003-0001) involving the use of weapon	• "No possession or access to [identified]¹ weapon"
f.	Charges involve criminal possession of a motor vehicle or stolen vehicles (ORS 164.135; ORS 819.300; ORS 819.310; ORS 164.272) if placed in Category 2 by overriding circumstances	• "No jiggle keys" • "No operation of motor vehicle without vehicle keys" • "No possession of motor vehicle without valid title and registration"
g.	Burglary 2 (ORS 164.215), if placed in Category 2 by overriding circumstances	• "Do not possess burglary tools"
h.	Any person who is on formal supervision	• "Report to PO by the end of the next business day"
i.	Any person who is subject to a prior release order on the current charge	• Impose all previously court-ordered conditions
J	Any person who is charged with aggravated theft (ORS 164.057) or organized retail theft (ORS 164.098).	• "Do not return to [known location]."

¹ It is the responsibility of the arresting agency to indicate the weapon allegedly used in the commission of the offense.

EXHIBIT C: DEFINITIONS

The Pretrial Release Order incorporates this attached exhibit, which provides definitions for terms used in the order.

- a. **Domestic violence** means abuse between family or household members. The term "family or household members" has the same definition as that in ORS 135.230(4) (spouses, former spouses, adult persons related by blood or marriage, persons cohabiting with each other, persons who have cohabited with each other or who have been involved in a sexually intimate relationship, unmarried parents of a minor child);
- b. **Eligible person** for purposes of the Public Safety Assessment process means individuals booked into a Multnomah County jail who have been charged with a new criminal offense that falls under a Release Guideline, who have been arrested on a warrant, or who have been charged as a fugitive from another state;
- c. The term "**known**" in relation to named alleged victims refers to the information available from a charging instrument, a probable cause document, or informational report regarding an arrest that is provided to the DCJ Recognizance Unit;
- d. **Ordinance** means a provision enacted into law by a city or county governmental body. Any ordinance that carries a penalty of incarceration is classified as an offense unless specified otherwise;
- e. **Pending offense** means any misdemeanor or felony charge in any court not yet adjudicated, whether there is a future court date or not, but does not include a felony charge dismissed based on expiration of the felony information. Cases in which the person is enrolled in a diversion program that requires a plea of guilty or no contest for entry are considered pending if the person has not yet been sentenced. The term **pending cases** includes cases in warrant status but does not include cases awaiting sentencing if there has already been a plea or trial;
- f. **Person crime/offense** means any offense listed in OAR 213-003-0001(14) (**person felonies**) or OAR 213-003-0001(15) (**person misdemeanors**);
- g. **Pretrial monitoring** means monitoring of pretrial release conditions by a PRS agency prior to sentencing.
- h. **Pretrial release agencies** include the following
 - 1. **DCJ Recognizance Unit (Recog)** means the Department of Community Justice unit responsible for applying the Release Guidelines within this order upon a person's arrest.

2. **Pretrial Services Program (PSP)** means the Department of Community Justice pretrial release services program that monitors release condition compliance for individuals assigned to report to that agency as a condition of release.
 3. **Close Street Program** means the Multnomah County Sheriff's Office pretrial release services program that monitors release condition compliance for individuals assigned to report to that agency as a condition of release;
 4. **Pretrial Release Services (PRS) or Pretrial Services** is the umbrella term referring to the process of pretrial monitoring in Multnomah County. PSP and Close Street are the two agencies that provide monitoring services.
 5. **Release Assistance Officers (RAO)** are the Oregon Judicial Department officers who fulfill the duties required by ORS 135.235, including contacting victims, interviewing defendants in custody, and drafting the RAO Interview Memorandum for use in court.
- i. **Protective order** includes the following:
1. FAPA: Family Abuse Prevention Act Restraining Order pursuant to ORS 107.700 to 107.735;
 2. EPPDAPA: Elderly Persons and Persons with Disabilities Abuse Prevention Act Restraining Order, ORS 124.005 to 124.040;
 3. EPO: Emergency Protective Order under ORS 133.035;
 4. Order prohibiting contact with victim of sex crime or domestic violence pursuant to ORS 135.247;
 5. SPO: Stalking Protective Order under ORS 163.730 to 163.755; or ORS 30.866
 6. SAPO: Sexual Abuse Protective Order under ORS 163.760 to 163.777;
 7. ERPO: Extreme Risk Protection Order under ORS 166.525 to 166.543;
 8. Juvenile Court Restraining Order under ORS 419B.845; or
 9. Any other no contact order issued by the court.
- j. **Public Safety Assessment ("PSA")** – an actuarial pretrial risk assessment that is designed to be reliable and unbiased and to predict pretrial risk or failure and is undergoing validation. The tool generates a risk score of 0, 1, 2, 3, or 3+ that is to be used to determine the pretrial monitoring level as indicated in the PRO.
- k. **Risk assessment tool** means a validated risk assessment tool or risk assessment tool pending validation that is reviewed by members of the Local Public Safety Coordinating Council and approved for use by the Presiding Judge. The tool shall be validated at least every five years or following significant changes to the population or to laws and policies related to arrest/citation, detention, or sentencing.

- l. **Supervision** means probation, parole or post-prison supervision, but does not include pretrial monitoring;
- m. **Unrepresented person** means a person for whom "OPDC" shows as the appointed counsel in eCourts but has not yet been appointed a named attorney.
- n. **Victim** means the individual that the charging instrument indicates is the victim of the alleged offense or the person protected by the court order, whether or not the individual is specifically named, so long as the release assistance officer is able to confirm the identity of the individual;
- o. **Violent Felony** means a felony offense listed in and identified as such in Presiding Judge Order 2201-00003, Order re Preventative Detention Hearing Procedures in Violent Felonies; and
- p. **Weapon** means any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing physical injury. It is the responsibility of the arresting authority to state in the probable cause document the particular object that was used as a "weapon."