

MCJRP Probation Violation Procedure

This probation violation procedure was developed to ensure MCJRP offenders receive an appropriate response for their behavior that leads to probation compliance. The procedure incorporates enhanced communication methods between DCJ, the DA's office and the Court.

Absent exceptional circumstances, if a case initially qualifies for the Multnomah County Justice Reinvestment Program, as a condition of probation, interventions and administrative sanctions are presumptively allowed by the Department of Community Justice (DCJ) **except** for the following circumstances, which should trigger a probation violation hearing:

- Contact with the Victim if prohibited
- Failure to Obey All Laws (*see list of exceptions below)
- Absconding more than 60 days from supervision (**see abscond protocol)
- Failure to complete the restitution Intake/package interview and/or willful failure to comply with restitution obligations
- OTHER (used sparingly, generally surrounding Victim issues)

For the exceptional circumstances mentioned above, there is a presumption for a probation violation hearing in front of the probation judge, unless the parties are otherwise notified by the Court that an administrative sanction is appropriate. This practice will continue throughout the offender's entire term of probation, as ordered by the Court. DCJ will "stamp" or flag each of its in-house MCJRP cases to facilitate internal PO notification of case status and MCJRP procedure.

During the Phase I period, Interventions will be communicated with the MCJRP DDA during weekly staffing events. No Intervention reports need to be given to MCDA past the Phase I portion of the program. If compelling circumstances arise where there is concern about an individual Intervention case response, the case will be briefed with the DA and DCJ Director, or their designees, prior to any show cause hearing filed with the court. Whenever administrative sanctions are imposed on probation cases, the sentencing court and the deputy district attorney shall be notified utilizing the Department of Corrections Violation Report/Sanction Reporting Form. When a probation intervention/sanction involves modifying conditions of probation, the court must sign and return the request before the amended condition(s) is in effect, unless specific authority has been granted to the community corrections agency by the sentencing court or as allowed by statute.

Notification of any Administrative Sanction shall be sent by email to the designated court email address and the District Attorney's MCJRP email inbox on the same business day that the Administrative Sanction is imposed. Within four judicial days after receiving notice that a

structured, intermediate sanction(s) has been imposed on a probationer, the court—upon motion of the district attorney or on its own motion—may cause the offender to be brought before the court for a hearing, and may revoke probation or impose such or additional sanction(s) or modify the conditions of probation as authorized by law. *See* OAR 291-058-0050.

List of new crime arrests or convictions that are eligible for Administrative Sanctions

1. Drinking alcohol in public
2. Open container of alcohol on public property
3. Alcohol in the park
4. Camping prohibited on public property and public right of ways
5. Erecting permanent or temporary structures in parks
6. Misuse of a public restroom
7. Park closure
8. Unlawful urination or defecation in a park
9. Misrepresentation of Age by a Minor
10. Offensive Littering
11. Failure to present a license
12. Criminal Trespass in the Second Degree
13. Theft in the Third Degree
14. Admission of uncharged Controlled Substance use/Positive UA (no arrest required)

Abscond Protocol

- Defendant absconds from supervision
- PPO requests an administrative warrant OR administrative detainer
- Defendant is arrested on the warrant or detainer within 60 days of the abscond date (date of last missed scheduled contact)
- Supervising PPO will notify PV PPO of the arrest the next business day (in the AM)
- PV PPO and PV DDA communicate each morning to discuss all post-conviction MCJRP arrests and detainees
- PV PPO will amend the administrative warrant to a judicial detainer and send to MCSO if:
 - Probation extension is requested; or
 - Defendant is also arrested for Failure to OAL not involving crimes on list above
- PV PPO and PV DDA determine if an Administrative Sanction is appropriate
 - If in agreement, sanction occurs per agreement
 - If not in agreement or no communication occurs, administrative warrant is turned into a judicial detainer for PV hearing.