

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY**

2
3 **IN THE MATTER OF:**
4 **PROBABLE CAUSE DETERMINATIONS**

5 **PRESIDING JUDGE ORDER**
6 **NO. 26- 16**

7 This order supersedes Presiding Judge Order (PJO) 21-12, dated May 26, 2021.

8 WHEREAS, under ORS 133.310, whenever a person is lodged in the Jackson County
9 Jail on any felony or misdemeanor charge where no arrest warrant has been issued, the
10 arresting officer shall prepare a Probable Cause Affidavit at the time of lodging.

11 IT IS HEREBY ORDERED as follows:

- 12 1. The Probable Cause Affidavit shall be in a form provided by Jackson County,
13 approved by the Jackson County Circuit Court.
- 14 2. The Probable Cause Affidavit shall be retained by the Jackson County Jail for
15 review by a Jackson County Circuit Court judge.
- 16 3. Except on weekends and holidays, the Probable Cause Affidavits for all persons
17 so lodged shall be transferred to the Jackson County Circuit Court by 8:00 a.m.
18 the following morning.
- 19 4. The Probable Cause Affidavits so transferred shall be reviewed by the arrainging
20 judge at or before the Court's regularly scheduled arraignment session.
- 21 5. On weekends, the following schedule shall be maintained:
- 22 a. Probable Cause Affidavits of persons lodged on Friday, but not arraigned at
23 Friday's arraignment session, shall be reviewed along with all Probable Cause
24 Affidavits of persons lodged between 12:01 a.m. and 2:00 p.m. Saturday.
- 25 b. The Jackson County Circuit Court Judges, on an eleven-judge rotational
26 pattern, shall review the pending Probable Cause Affidavits as outlined above
 before 6:00 p.m. Saturday.
- c. The Probable Cause Affidavits of persons lodged after 2:00 p.m. on Saturday
 shall be processed as outlined in paragraphs 1, 2, and 5 above.

6. On holidays that immediately precede or follow a weekend, the reviewing judge shall review Probable Cause Affidavits in a time frame consistent with the parameters of this Order, making certain that all Probable Cause Affidavits are reviewed within 48 hours for all persons having been lodged unless the next arraignment is scheduled within 48 hours.
7. The eleven-judge rotation schedule shall be prepared and administered by the Trial Court Administrator or their designee.
8. The Jackson County Jail staff will distribute the Probable Cause Affidavit forms to the Jackson County Circuit Court judges by 3:00 p.m. to the designated email addresses and the assigned Judge will respond according to the schedule above.
9. Should a judge be unavailable for that judge's scheduled review, that judge shall work out a trade with another Jackson County Circuit Court judge on the eleven-judge rotation.
10. In the event a Probable Cause Determination has not been made by a judge within 48 hours of the time a person is lodged, the person shall be released from the Jackson County Jail, unless the State demonstrates the existence of a bona fide emergency or other extraordinary circumstances.
11. Should a person be released pursuant to this Order, or pursuant to a Jackson County Circuit Court Judge's determination that there is an insufficient showing of probable cause to support the continued lodging of the person, the Jackson County Jail staff shall release the person on a Recognizance or Conditional Release Agreement form, giving the person a date and time certain to appear in court.

IT IS FURTHER ORDERED that this Order supersedes PJO 21-12 and shall remain in effect until rescinded or superseded by further order of the court.

Dated this 8th day of September 2026.



HON. DAVID G. HOPPE
PRESIDING JUDGE
JACKSON COUNTY CIRCUIT COURT