

Tillamook County Courthouse
201 Laurel Avenue
Tillamook, OR 97141
Trial Court Administrator (503) 842-2596
Facsimile (503) 842-2597

In the Matter of Pretrial Release)
) No. 2024-11
)
) PRESIDING JUDGE ORDER
) REGARDING PRETRIAL RELEASE
) IN TILLAMOOK COUNTY
)

WHEREAS:

1. 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 reliance on security release and provide statewide guidance for local pretrial release orders.
2. Section 2 of Oregon Laws 2021, Chapter 643, now codified as ORS 135.233, requires the following:

The Presiding Judge of a judicial district shall enter a standing pretrial release order, 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 an arraignment.
3. The 2024 Legislative Assembly enacted Oregon Laws 2024, chapter 70, initially introduced as House Bill 4002 (2024), in response to the state's addiction and mental health crisis.
4. The Chief Justice, in CJO 24-014, issued guidelines for Presiding Judge Pretrial Orders. The Chief Justice Order requires each Presiding Judge of a Circuit Court to enter a standing pretrial release order as required under ORS 135.233(1) that complies with the guidelines established by CJO 24-014.
5. In alignment with ORS 135.010 and *State v. Clay*, 84 Or App 514 (1987), release agreements remain in effect until arraignment unless continued or modified by the court.

IT IS HEREBY ORDERED AS FOLLOWS:

Pursuant to the authority authorized under ORS 135.235(3), release assistance officers, as designated by Order of the Presiding Judge, shall verify release criteria information below and may make the release decision.



Pursuant to ORS 135.233 and consistent with CJO 24-014, this order directs OJD Release Assistance Officers and the Sheriff to:

1. Determine whether a defendant will be released on recognizance, released on conditions, or held for arraignment in accordance with Section 1 below; and
2. Release a defendant on conditional release or hold a defendant for an arraignment based on objective, nondiscretionary, person-specific criteria ("overriding circumstances"), as provided in Sections 2 and 3 below.

SECTION 1: AUTHORIZATION AND CRITERIA FOR PRETRIAL RELEASE

The specific offenses belonging in each category are enumerated in the **Release Guidelines Categorization List** published and maintained by the State Court Administrator. See attachment # 1 to this PJO.

Defendants charged with the following offenses shall be released on recognizance, released on conditions, or held for arraignment subject to application of the overriding circumstances criteria described in Section 3 below:

CATEGORY	RELEASE TYPE	OFFENSE TYPE
1	Unless the defendant meets any of the overriding circumstances criteria described in Section 3 below, release on personal recognizance on a release agreement with the general conditions in ORS 135.250 all defendants charged with:	<ul style="list-style-type: none">• Any non-person misdemeanor, except those offenses listed in Category 2 or 3;• Any non-person Class C felony, except those offenses listed in Category 2 or 3;• Any driving while suspended offense, except for aggravated driving while suspended; or• Any other offense that is not included in category 2 or 3.

CATEGORY	RELEASE TYPE	OFFENSE TYPE
2	Unless the defendant meets any of the overriding circumstances criteria described in Section 3 below, release on conditions specified in Section 2 below all defendants charged with:	<ul style="list-style-type: none">• Any non-domestic violence person misdemeanor, as defined in OAR 213-003-0001(15);• Any non-domestic violence Class B felony and any non-domestic violence person Class C felony as defined in OAR 213-003-0001(14), except for those offenses included in Guideline 3 to be held for arraignment; or• Any driving under the influence of intoxicants (DUII) offense (ORS 813.010, ORS 813.011).

CATEGORY	RELEASE TYPE	OFFENSE TYPE
3	HOLD for Judicial Release Decision - arraignment, first appearance, or other judicial release decision all defendants charged with:	<ul style="list-style-type: none"> • Any violent felony, as defined in ORS 135.240, and any offense in ORS 137.700; • Any Class A felony; • Any sex crime (whether designated or not; this includes previous convictions for public indecency), as defined in ORS 163A.005, including any luring a minor, purchasing sex with a minor, and first-degree invasion of personal privacy, and any attempt to commit luring a minor, purchasing sex with a minor, and first-degree invasion of personal privacy; • Any domestic violence felony or misdemeanor (ORS 135.230); • Any felony stalking (ORS 163.732), any violation of a stalking protective order (ORS 163.750), and felony strangulation (ORS 163.187); • Any bias crime in the first degree, (ORS 166.165); or • The following Class B felony-controlled substance offenses: <ul style="list-style-type: none"> 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; • The following felony- and misdemeanor-controlled substance offenses involving minors: <ul style="list-style-type: none"> 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 minor, as defined in ORS 475.906(3); <p>(continued on next page)</p>

CATEGORY	RELEASE TYPE	OFFENSE TYPE
		<p>iii. Unlawful delivery of a Schedule V controlled substance to a minor, as defined in ORS 475.906(4);</p> <p>iv. Applying a Schedule IV controlled substance to the body of a minor, as defined in ORS 475.910(3); and</p> <p>v. Applying a Schedule V controlled substance to the body of a minor, as defined in ORS 475.910(4);</p> <ul style="list-style-type: none"> • Any of the following offenses: <ul style="list-style-type: none"> ▪ Endangering a person protected by a Family Abuse Prevention Act restraining order (ORS 163.192); ▪ Escape in any degree (ORS 162.145, ORS 162.155, 162.165); ▪ Failure to appear in any degree (ORS 162.195, ORS 162.205); ▪ Felon in possession of a firearm (ORS 166.270); ▪ Fleeing or Attempting to Elude (ORS 811.540); ▪ Fugitive complaint in accordance with ORS 133.743 - 133.783 (Uniform Criminal Extradition Act); ▪ Giving false information to a peace officer (ORS 807.620, ORS 162.385); ▪ Possession of a firearm or dangerous weapon in a public building or court facility (ORS 166.370); ▪ Probation or Post-Prison Supervision violations; ▪ Resisting arrest (ORS 162.315); ▪ Unauthorized departure (ORS 162.175); ▪ Violation of a restraining order (FAPA, SAPO, or EPPDAPA)

SECTION 2: CRITERIA FOR CONDITIONAL RELEASES:

A defendant charged with the following offenses or meeting the following criteria shall be subject to special conditions of release as listed below:

OFFENSE / CRITERIA	SPECIAL CONDITION OF RELEASE
DUII	• Substance-Related Package
Non-DV person crimes eligible for release with special conditions	• Person Offense Package (may also require additional packages)
Any Category 1 offense with named alleged victim	• Person Offense Package/Property Offense Package (may also require additional packages)
Defendant is visibly intoxicated	• Substance-Related Package
Weapons Involved	• Weapons-Related Package
Hunting Offense	• Hunting Offense Package
Angling Offense	• Angling Offense Package
Shellfish Offense	• Shellfish Offense Package

Release condition packages are set out in attachment #2.

SECTION 3: CRITERIA FOR OVERRIDING CIRCUMSTANCES:

Regardless of Section 1 or 2 Category designation, a defendant that meets any of the objective, non-discretionary, and person-specific overriding circumstances criteria listed below shall be released on a conditional release or held for arraignment, first appearance, or other judicial department release decision as listed below:

CONDITIONAL RELEASE or HOLD	OVERRIDING CIRCUMSTANCES
CONDITIONAL RELEASE	<ul style="list-style-type: none">• Property crimes with named victims in category 1• 2 offenses in category 1 within 60 days or 2 prior convictions in category 1• Controlled Substances or alcohol involved
HOLD	<ul style="list-style-type: none">• Any attempted BM 11 charge• 2 arrests or cites over 2 separate incidents (including the current arrest) in the 5 days prior to arrest (including the day of arrest)• Any prior Failure to Appear conviction within last 5 years, or any FTA on the present case• Outstanding warrants or holds from other jurisdictions• If the current charge is a harassment and the victim is a family or household member• The defendant made an explicit threat of violence to a victim, law enforcement officer, or anyone else and the threat is connected with the case (law enforcement includes jail staff)• Violation of release agreement• New crime while defendant is subject to a release agreement• DUII charge and 1 prior conviction or diversion for DUII within last 5 years or any prior DUII based assault or manslaughter or any open DUII case in any county• Individual unable to comprehend the release process or participate in the release assessment process• Charges of attempt, solicitation, or conspiracy to commit offenses in category 3

WARRANTS:

Persons picked up on an arrest or bench warrant will be held until the amount of bail stated on the warrant is posted.

Emergency Medical and Emergency Disaster Releases:

If a defendant has a personal and particularized medical emergency which is verified by a doctor or jail medical staff, and that defendant is:

- being detained until first court appearance or review by Court Release Assistance Officer, or
- unable to post security as pre-defined by warrant or the court.

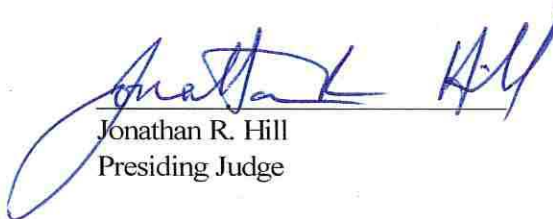
The Court Release Assistance Officer, Tillamook County Sheriff or designee shall release the defendant, applying the primary and secondary release criteria as defined in ORS 135.230, except in the following case types: Murder, Treason, and Measure 11 Offenses.

An emergency medical release as described above does not include generalized states of emergency such as the COVID-19 Pandemic. The medical emergency must be specific to the defendant being released.

If the Tillamook County Jail is subject to an emergency disaster such as earthquake or bomb threat, the Court Release Assistance Officer, Tillamook County Sheriff or designee, shall release the defendant, applying the primary and secondary release criteria as defined in ORS 135.230, except in the following case types: Murder, Treason, and Measure 11 Offenses.

This order supersedes PJO 2024-03. This order is effective November 1, 2024.

DATED this 25th day of October 2024.



Jonathan R. Hill
Presiding Judge