



IN THE SIXTH JUDICIAL DISTRICT OF THE STATE OF OREGON
CIRCUIT COURTS OF
UMATILLA AND MORROW COUNTIES

In the Matter of Pretrial Release and
Release Assistance Officers pursuant to SB
48, ORS 135.235 and Chief Justice Order
No. 22-010

No. 24-006 (Amendment 1)

PRESIDING JUDGE ORDER RE:

STANDING PRETRIAL RELEASE
ORDER (ORS 135.233)

THIS PRESIDING JUDGE ORDER REPLACES PJO 24-006

Summary of Effect: This Order replaces PJO 24-006, PJO 23-006 (Amendment 1), and all previous PJOs related to Pretrial Release. All arrests result in either Cite & Release or Arrest and commitment to the Jail pending release decision based on this Presiding Judge Order and subsequent Judicial decision. This PJO now contains newly adopted subsections in Guideline 3, specifically subsection F and subsection G, which have shifted the previous versions subsection F in Guideline 3 to now be subsection H. Further, this iteration of the Pretrial Release PJO, adds IV(E)(3)(a), which addresses overriding circumstances and guideline category movement limitations. This amendment removes the specific Cite and Release Presiding Judge Instruction (PJI) number to allow for updates for the PJI without unnecessary impact to this PJO.

I) RECITALS

WHEREAS

- A)** 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.

- 1) Section 2 of Oregon Laws 2021, Chapter 643, now codified are 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:

- (a) Subject to release on recognizance;
 - (b) Subject to release with special conditions of release; and
 - (c) Not eligible for release until arraignment.
- 2) Herein Special Conditions of release as defined in SB 48 includes ‘enhanced’ and special release conditions as described in this order and its attachments, including Attachment 2 the court’s standard form for release conditions.
- 3) In turn, the Chief Justice issued guidelines for Presiding Judge pretrial Orders. Additionally, the Chief Justice entered Chief Justice Order (CJO) 22-010 that 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 the Chief Justice with an operative date of July 1, 2022.
- 4) This Order accomplishes that mandate.

B) Sheriff’s Jail Authorities

- 1) The Sheriff has broad authority for the administration of the local confinement facility and under ORS 169.320, thereto “[e]xcept as otherwise provided in ORS 169.170 to 169.210, each county sheriff has custody and control of all persons legally committed or confined in the county local correctional facility of the county of the sheriff during the period of the commitment or confinement.”
- 2) The Sheriff has broad authority for the use of a release matrix to address overcapacity at the jail pursuant to ORS 169.042 and ORS 169.076(2)(b).
- 3) The Sheriff may under ORS 169.046(3), when and if it becomes necessary to order adults in custody released under ORS 169.042 to 169.046, or if it appears to the sheriff that release of adults in custody is likely to become necessary in the near future, the sheriff shall immediately notify all police agencies in the county to make maximum use of citations in lieu of custody pursuant to ORS 133.055 to 133.076 until further notice.
- 4) The Sheriff or designated authority at the Umatilla County Jail may deny lodging for custody pursuant to written policy under ORS 169.076(2)(b). By this order, any written policy or subsequent changes thereto shall be submitted to the Presiding Judge through the Trial Court Administrator.
- 5) The Sheriff may not admit an unconscious person pursuant to ORS 169.105.

C) Release Assistance Officers. Release Assistance Officers (RAO) act under authority of ORS 135.235. The RAOs are appointed by the Trial Court Administrator (TCA)

from delegatory of Authority from the Presiding Judge pursuant to ORS 1.171(4), hereby made, and ratifying all previous appointment from oral delegations made.

- 1) The Trial Court Administrator will ensure that the RAO's are properly trained in release procedure and procedures related to release criteria and processes in Oregon.
- 2) Any records pertaining to RAO's are protected and exempt from disclosure under Title 19, Oregon Revised Statutes, in particular ORS 192.355.

II) DEFINITIONS

A) Cite and Release for Arrest Warrants (ORS 133.110 and ORS 133.055). The court may issue a warrant for non-appearance upon probable cause and may in issuing the warrant authorize law enforcement to issue and serve a criminal citation in lieu of arrest and are tantamount to "personal recognizance" release. These warrants state in lieu of security "Cite and Release" or similar wording. Law Enforcement should obtain a copy of the current Presiding Judge Instruction addressing Arrest Warrant Cite and Release in the 6th Judicial District.

B) Criminal Citations (ORS 133.055 et seq). A law enforcement officer may issue a criminal citation to a person if the officer has probable cause to believe that the person has committed a misdemeanor other than domestic violence, or any 'C' felony that can be treated as a misdemeanor under ORS 161.705. The citation requires the person to appear to the court. The officer issuing the citation shall issue the citation to appear in Umatilla or Morrow County Circuit Court on the date and time described by the court by separate Presiding Judge Instruction (PJI), which under ORS 133.060 is limited to not more than 30 days after the date when the citation was issued unless a period of statewide emergency is in effect. Drug Enforcement Misdemeanors are an exception to the 30-day timeline, these may be set out for more than 30 days. Unless the District Attorney has a process to endorse as a complaint under ORS 133.066(2), the uniform citation (UC) coming to the court will be used by the court as a summons for appearance, and then direct the person to appear to the court to see if a formal charging instrument has been filed. The citation without complaint is to comply with ORS 133.068. If filed, then the defendant will be directed by court notice to a courtroom, date and time for arraignment or directed to a courtroom for arraignment. The Officer shall direct the court copy of the UC to the Umatilla County Circuit Court or Morrow County Circuit Court as appropriate. Law Enforcement should obtain a copy of the current PJI addressing Criminal Citations in the 6th Judicial District. An understanding of what cases are likely to be subject to a personal recognizance release herein will likely help decide whether a Criminal Citation is appropriate.

C) "Personal recognizance" (ORS 135.230(5) and 135.255) means the release of a defendant upon the promise of the defendant to appear in court at all appropriate times, SUBJECT to a release agreement with general release conditions.

- 1 1) **Policy.** The court encourages law enforcement on contact to determine if Cite
2 and Release is reasonable under the totality of the circumstances. While there
3 is a presumption that defendants are entitled to release on personal
4 recognizance on condition that they attend all required court proceedings and
5 they do not commit any criminal offense, the court removes that presumption
6 upon the arrest and jail book-in for the purposes of release from the jail.

7 **D) “Security release” (ORS 135.265)**

8 Security is set only by the Judge. (1) If the defendant is not released on personal
9 recognizance under ORS 135.255, or granted conditional release under ORS
10 135.260, or fails to agree to the provisions of the conditional release, the magistrate
11 shall set a security amount that will reasonably assure the defendant’s appearance.
12 The defendant shall execute the security release in the amount set by the
13 magistrate.

14 **E) “Conditional release” (ORS 136.260)**

- 15 1. Conditional release may include one or more of the following conditions:

- 16 (a) Release of the defendant into the care of a qualified person or
17 organization responsible for supervising the defendant and
18 assisting the defendant in appearing in court. The supervisor shall
19 not be required to be financially responsible for the defendant, nor
20 to forfeit money in the event the defendant fails to appear in court.
21 The supervisor, however, shall notify the court immediately if the
22 defendant breaches the conditional release.
23 (b) Reasonable regulations on the activities, movements,
24 associations, and residences of the defendant, including, if the
25 court finds it appropriate, restriction of the defendant to the
26 defendant’s own residence or to the premises thereof.
27 (c) Release of the defendant from custody during working hours.
28 (d) Any other reasonable restriction designed to assure the
29 defendant’s appearance.
30 i. Except as otherwise provided in ORS 135.250 (2)(b),
31 conditional release shall include a prohibition against
32 contacting the victim if the defendant is charged with an
33 offense that also constitutes domestic violence.

34 **F) “Primary release criteria” includes the following:**

- 35 1) The reasonable protection of the victim or public;
36 2) The nature of the current charge;
37 3) The defendant’s prior criminal record, if any, and, if the defendant previously
38 has been released pending trial, whether the defendant appeared as required.
39 ORS 135.230(7).
40 4) Any facts indicating the possibility of violations of law if the defendant is
41 released without regulations; and
42 5) Any other facts tending to indicate that the defendant is likely to appear.

6) "Release" means temporary or partial freedom of a defendant from lawful custody before judgment of conviction or after judgment of conviction if defendant has appealed. ORS 135.230(8).

G) "Secondary release criteria" includes the following:

- 1) The defendant's employment status and history and financial condition;
- 2) The nature and extent of the family relationships of the defendant;
- 3) The past and present residences of the defendant;
- 4) Names of persons who agree to assist the defendant in attending court at the proper time; and
- 5) Any facts tending to indicate that the defendant has strong ties to the community.

H) "Release agreement" means a sworn writing by the defendant stating the terms of the release and, if applicable, the amount of security. ORS 135.230(9).

I) Conditions of release agreement (ORS 135.250)

1) General Conditions:

If a defendant is released before judgment, the conditions of the release agreement shall be that the defendant will:

- (a) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until the defendant is discharged or the judgment is entered;
 - (b) Submit to the orders and process of the court;
 - (c) Not depart this state without leave of the court; and
 - (d) Comply with such other conditions as the court may impose.
- 2) In addition to the conditions listed in subsection (1) of this section, if the defendant is charged with an offense that also constitutes domestic violence, the court shall include as a condition of the release agreement that the defendant does not contact the victim of the violence.¹

3) Enhanced Conditions.

In addition to the General Conditions, a conditional release may include 'enhanced conditions or special conditions of release. These are included in Attachment 2 and Attachment 3 (treatment provider agreement) and hereby incorporated by reference.

III) RELEASE MATRIX

A) The Sheriff has an inherent authority to maintain the population capacity of the jail pursuant to ORS 169.042 and ORS 169.076(2)(b) using the release "matrix". Subject to ORS 135.240, and the exceptions next stated, Sheriffs are authorized to utilize a release matrix at their discretion, taking into account statutory release

criteria, for conditional releases for offenses not otherwise prohibited by statute or herein (ORS 135.235) and determining release risk. If a defendant is subject to a matrix release, then if the RAO is available, then the RAO shall perform the release function, and prioritize that action to effect the overcapacity release.

IV) ORDERS

IT IS HEREBY ORDERED AS FOLLOWS: As described in Attachment 1 and subject to the extraordinary circumstances described in Attachment 1:

A) Guideline 1

- 1) The Sheriff or RAO shall release on recognizance with a release agreement with the general conditions in ORS 135.250, all defendants charged with the following offenses:
 - (a) Any non-person misdemeanor, except those offenses listed in Guidelines 2 or 3 below;
 - (b) Any non-person Class C felony, except those offenses listed in Guidelines 2 or 3 below;
 - (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 Guidelines 2 or 3 below.

B) Guideline 2

- 1) The Sheriff or RAO shall release on court-imposed conditions, all defendants charged with the following offenses:
 - (a) Any non-domestic 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 813.001; and
 - (c) 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 below to be held for arraignment.

C) Guideline 3

- 1) Defendants shall be held for arraignment, first appearance, or a release decision under ORS 135.235(3)(b), who are 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 63A.005, including any luring a minor, purchasing sex with a minor, and first-

degree invasion of privacy, and any attempt to commit luring a minor, purchasing sex with a minor, and first-degree invasion of 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; and
- (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 minor, as defined in ROS 475.906(3);
 - (iii) Unlawful delivery of a Schedule V controlled substance to a minor, as defined in ORS 475.906(4);
 - (iv) Applying a Schedule IV controlled substance to the body of a minor, as defined in ORS 475.910(3); and
 - (v) Applying a Schedule V controlled substance to the body of a minor, 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; and unauthorized departure, as defined in ORS 162.175;
- (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 162.285.
- (xi) Delivery or manufacture of controlled substances with a score of 8 or higher under Oregon's Felony Sentencing Guidelines or that involve a minor.

D) Guideline 4

- 1) In addition to the offense-specific categories described in Guidelines 1, 2 and 3, a Release Assistant Officer will identify and consider person-specific inclusion of overriding circumstances as listed in Attachment 1. These overriding circumstances should not be used to move entire offenses to a new guideline category, but may apply to a narrower subset of factual circumstances that may constitute an offense. Specifically, but not limited to, the RAO will consider inclusion of overriding circumstances specific to persons charged with an offense involving the delivery or manufacture of a controlled substance. An overriding circumstance may include, but is not limited to, whether the person possessed a particular type of controlled substance, possessed a substantial quantity of a controlled substance, used a firearm, or has prior arrests or a history of failing to appear in court.

E) Release Decision Process

- 1) The release decision shall be made using a two-step process.

Step 1: Identify the charge and release category;

Step 2: Determine if the defendant meets the criteria to consider any overriding circumstances and what, if any, enhanced conditions of release should be ordered.

- 2) Attached to this Order is Attachment 1 which is used in Step 1, **identifying the charge and release category** that a defendant will fall into. Attachment 1 is hereby incorporated into this Order.

3) In Attachment 1, Step 2 includes a chart of **overriding circumstances to be considered** and if a defendant meets the criteria of the overriding circumstance, the action that should be taken regarding the release decision.

(a) Overriding circumstances should not be used to move entire offenses to a new guideline category but may apply to a narrower subset of factual circumstances that may constitute an offense.

4) In Attachment 1, Step 3 assesses **enhanced conditions of release**. These enhanced conditions of release shall be used if, after identifying the charge and release category it is determined that there are overriding circumstances which require enhanced conditions of release.

E) Warrants

1) The security amount on a Warrant is to be maintained and there are no releases on Warrants issued except as allowed herein. Cite and Releases are authorized only up to \$20,000.00 security, and guidance further provided by Presiding Judge Policy Instruction (PJI). There is no authority whatsoever for law enforcement to Cite and Release any Warrant not so marked by the judge as a cite and release warrant.

(a) Probation Warrants. On all other probation violation Warrants executed the State shall cause the defendant to be brought before the Court for appearance within 36 hours, exclusive of non-judicial days, as set forth in ORS 137.545(2) and 137.545(3), or will be conditionally released unless the State obtains an Order extending the time frame for good cause, or the defendant consents to the extension.

(b) Arrest Warrants. On Arrest Warrants issued by a Judge pursuant to ORS 133.110, 135.035, or other authority for an Arrest Warrant, the State shall cause the defendant to be brought before the Court for appearance within 48 hours of custody, exclusive of non-judicial days, under ORS 133.245(7)(a), or will be conditionally released unless the State obtains an Order extending the time frame for good cause, but not longer than 5 days without consent of the defendant.

2) Violations of Protective Orders and Contempt matters are to be held until arraignment.

3) Probation Violations

V) COLLATERAL ORDERS

A) Court Release Assistance Officer (RAO) Duties.

1) In addition to the matters herein, RAO duties will be described by separate document.

2) The RAO will seek to prepare the courts form of Release Report for any Adult in Custody (AIC) pending new charges, pending a motion for release (often update the earlier report), or when advised by the Umatilla County Jail

Deputies that an AIC is pending a matrix release for the RAO to prepare an appropriate conditional release.

- (a) The release form will be completed to the extent possible given the time available for the release assessment.
- 3) When available, the RAO shall assist the Sheriff's office by issuing Release Agreements for any defendant being released by the jail pursuant to any Matrix release.
- 4) The RAO shall, except when impracticable, interview every person detained pursuant to law and charged with an offense. If the person is charged with a person felony or person Class A misdemeanor, or with contempt of court for violating a court order protecting or prohibiting contact with another person, the release assistance officer shall make reasonable efforts to contact the victim prior to submitting a report or making a release. If the release assistance officer is able to contact the victim:
 - (a) Information regarding the victim's position on release, including whether special release conditions should be imposed, must be included in the report to the court, and/or considered by the release assistance officer if the officer makes the release decision; and
 - (b) If the information is available, the release assistance officer shall inform the victim of the location, date and time of the defendant's arraignment or other first appearance.
- 5) The release assistance officer shall verify release criteria information and may either:
 - (a) Timely submit a written report to the magistrate containing, but not limited to, an evaluation of the release criteria and a recommendation for the form of release; or
 - (b) If delegated release authority by the presiding judge for the judicial district, make the release decision. The RAO shall have the authority to conditionally release category 1 matters only, if extraordinary – overriding circumstances do not exist; and when an AIC is pending a matrix release.
- 6) As used in this section, "victim" means an 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.
- 7) The court will maintain a template declaration for Alleged Victims ("Victims") to provide written input. Victims will be provided information on how to contact the District Attorney's Victim's Advocate, advised to coordinate with them, and an email address for the Victim to forward any victims statement on release matters using a court template form, and the currently known in-person and remote appearance information for the first appearance – referring them to the DA's Victims Advocate for all other coordination.

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B) RAO Investigation and Report

- 1) The RAO report will not be ordinarily filed in court records (Odyssey); if so filed, will be filed as a CONFIDENTIAL document, and if not so filed determined to be tantamount to CONFIDENTIAL, requiring a motion, declaration and proposed order and protective order for release. The RAO release assessment report will be provided to the Judge, the District Attorney, and the Defense Attorney. This PJO constitutes a protective order, and the RAO report will not be copied for distribution outside the immediate use of the state and defense and will be destroyed at the end of the case. The RAO report will be maintained outside of court records by the RAO clerical staff for the period of the case, plus 30 days and any time of an appeal, and then shall be destroyed.
- 2) The RAO shall not discuss conversations with the AIC defendant beyond what is placed in the report without court direction or order.
- 3) The RAO will, whenever possible in accomplishing the duties of the RAO, provide defense counsel for a defendant notice of the pending interview by email, telephone, or in-person prior to interviewing a represented defendant.
- 4) The RAO shall not be called as a witness to any release hearing or other proceeding other than where the RAO has signed a declaration in support of a release violation without first filing a motion, declaration establishing good cause that relevant and material matters are likely to be presented, and proposed order for RAO testimony five days prior to the hearing.

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C) Nature of this Order

This General Order supersedes all previous orders on the same subject and shall remain in effect until further order of this Court.

Dated this 28 day of June, 2024



Daniel J. Hill, Circuit Court Judge

DANIEL J. HILL
Presiding Judge

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¹ ORS 135.250 Domestic Violence section.

(b) Notwithstanding paragraph (a) of this subsection, the court may enter an order waiving the condition that the defendant have no contact with the victim if:

(A) The victim petitions the court for a waiver; and

(B) The court finds, after a hearing on the petition, that waiving the condition is in the best interests of the parties and the community.

(c) If the defendant was provided notice and an opportunity to be heard, the court shall also include in the agreement, when appropriate, terms and findings sufficient under 18 U.S.C. 922 (d)(8) and (g)(8) to affect the defendant's ability to possess firearms and ammunition or engage in activities involving firearms.

(d) ORS 107.720 applies to release agreements executed by defendants charged with an offense that constitutes domestic violence, except that proof of service of the release agreement is not required and the agreement may not be terminated at the request of the victim without a hearing.

Attachment 1 to PJO 24-006

STEP 1: AUTHORIZATION AND CRITERIA FOR PRETRIAL RELEASE

Persons charged with the following offenses are to be released on recognizance, released on conditions, or held for arraignment subject to application of overriding circumstances described below.

GUIDELINE	RELEASE TYPE	OFFENSE TYPE
1	Release on personal recognizance on a release agreement with the general conditions in ORS 135.250	- Any non-person misdemeanor, except those listed in Guideline 2 or 3; - Any non-person Class C felony, except those listed in Guideline 2 or 3; - Any driving while suspended offense defined in ORS 811.182 except for aggravated driving while suspended as defined in ORS 163.196; and - Any other offense that is not listed in Guideline 2 or 3
2	Release on conditions specified below as imposed by the court all defendants charged with	- Any non-domestic violence person misdemeanor, as defined in OAR 213-003-0001(15); - Any driving under the influence of intoxicants (DUII) offense; and - 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 Recommendation 3 to be held for arraignment.
3	HOLD for arraignment, first appearance, or other judicial department release decision	- 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), 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, as defined in ORS 135.230; - Any felony stalking as described in ORS 163.732, felony violation of a stalking protective order as described in ORS 163.750, and felony strangulation as described in ORS 163.187; - Manufacture of hydrocodone within 1,000 feet of a school, as defined in ORS 475.808; - Delivery of hydrocodone within 1,000 feet of a school, as defined in ORS 475.812; - Unlawful delivery of a Schedule II controlled substance to a minor, as defined in ORS 475.906(2); - Causing another person to ingest a controlled substance, as defined in ORS 475.908(1); - Applying a Schedule III Controlled substance to the body of a minor as defined in ORS 475.910(2); - Manufacture of methamphetamine, as defined in ORS 475.886; and - Distribution of equipment, solvent, reagent, or precursor substance with intent to facilitate manufacture or controlled substance, as defined in ORS 475.962; - Using a minor in a controlled substance offense, as defined in ORS 167.262; - Unlawful delivery of a Schedule IV controlled substance to a minor, as defined in ORS 475.906(3);

Attachment 1 to PJO 24-006

		• Unlawful deliver of a Schedule V controlled substance to a minor as defined in ORS 475.906(4); • Applying a Schedule IV controlled substance to the body of a minor as defined in ORS 475.910(3); and • Applying a Schedule V controlled substance to the body of a minor as defined in ORS 475.910(4); and • 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; • Failure to appear, as defined in ORS 162.195 and ORS 162.205; • Felon in possession of a firearm, as defined in ORS 166.270; • Fleeing or Attempting to Elude, as defined in ORS 811.540; • Resisting arrest, as defined in ORS 162.315; • Giving false information to a peace officer, as defined in ORS 807.620 and ORS 162.385; and • Escape in any degree, as defined in ORS 162.145, ORS 162.155, and ORS 162.165; and unauthorized departure as defined in ORS 162.175; • Fugitive from justice as defined in ORS 166.165; • Bias crime in the first degree, as defined in ORS 166.165 • Tampering with a witness as defined in ORS 162.285
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Attachment 1 to PJO 24-006

STEP 2: CRITERIA FOR OVERRIDING CIRCUMSTANCES:

Overriding circumstances should not be used to move entire offenses to a new guideline category but may apply to a narrower subset of factual circumstances that may constitute an offense.

OVERRIDING CIRCUMSTANCES	CATEGORY 1 CHARGE	CATEGORY 2 CHARGE	CATEGORY 3 CHARGE
Moderate or High-Risk Score (Risk Assessment Tool)	Move to Category 2 or Category 3	Move to Category 3 OR enhanced conditions	
One or more DUII arrests in the last 48 hours		Move to Category 3	
Individual is unable to comprehend the release process or participate in the release assessment process	Hold for arraignment, first appearance, or a release decision under ORS 135.235(3)(b)		
A direct threat of violence to a victim, law enforcement officer, or anyone else connected with the case	Hold for arraignment, first appearance, or a release decision under ORS 135.235(3)(b)		
Any violation of a court order	Hold for arraignment, first appearance, or a release decision under ORS 135.235(3)(b)		
Outstanding warrants	Hold for arraignment, first appearance, or a release decision under ORS 135.235(3)(b)		
Any prior Failure to appear	Move to category 3	Move to Category 3	
Any prior conviction for an offense that is the same as an offense that the person is currently charged with	Move to category 2 with enhanced conditions.	Move to Category 3	
Any property offenses captured in Guideline 1 with a <u>named victim</u> or <u>victim address</u>	Move to Category 2 with enhanced condition: Defendant prohibited from contacting named victim, including residence, work, remain 500' away		
Individual has 3 or more accompanying charges in the same incident	Move to category 2 with enhanced conditions OR move to Category 3		
Multiple charged offenses/cases	Move to Category 3		
Pending probation violations	Move to Category 3		
Felony with enhancement facts filed	Move to Category 3		
Unlawful Use by discharge or pointing of Firearm capable to discharge	Move to Category 3		
Fugitive Complaint	Move to Category 3		

Attachment 1 to PJO 24-006

STEP 3: GENERAL CONDITIONS OF RELEASE AND CRITERIA FOR ENHANCED RELEASE CONDITIONS:

All persons released will have the general conditions of release; and where appropriate with the following charges will be subject to special conditions of release as listed below.

A. GENERAL CONDITIONS --

(a) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until the defendant is discharged or the judgment is entered;
(b) Submit to the orders and process of the court;
(c) Not depart this state without leave of the court; and
(d) Comply with such other conditions as the court may impose (ENHANCED AND SPECIAL CONDITIONS)
(1) No purchase of firearms

B. ENHANCED CONDITIONS – IN ADDITION TO GENERAL CONDITIONS, REQUIRED FOR ALL GUIDELINE 2 CONDITIONAL RELEASES

I will notify the court and attorney in writing prior to any change in residence, mailing, or contact address or phone number REVIEW OPTION FROM COURT ORDER [To promptly contact defendant's attorney and keep in weekly and regular contact with their office and the assigned attorney, and attend appointments--]
I will obey all laws and court orders including complying with any probation conditions and requirements of civil protective orders
I will contact my attorney upon release and prior to any court appearance, maintain weekly contact, and personally appear for all court proceedings
I authorize my attorney to notify the court if I fail to maintain contact at least 1 time(s) per week.
No purchase of firearms.

Attachment 1 to PJO 24-006

C. SPECIAL CONDITIONS

IN ADDITION TO GENERAL CONDITIONS AND ENHANCED CONDITIONS, THESE SPECIAL CONDITIONS ARE CHARGE AND CIRCUMSTANCE BASED REQUIRE FOR ANY RELEASE TO ANY RELEASE

CHARGE	SPECIAL CONDITION OF RELEASE
FELONY; or Domestic Violence	No Purchase or possession of firearms, Weapons or ammunition.
DUII; NARCOTICS RELATED	- To not use or possess alcohol, marijuana, or controlled substances without a valid prescription, & comply any Alcohol Monitoring - To not enter bars, taverns, liquor stores or other businesses whose primary business is selling alcohol or controlled substances
Non-DV person crimes eligible for release with special conditions	- No direct or indirect contact with the victim: NAME, APPROACH DISTANCE, ADDRESS, EMPLOYMENT - No entry onto premises, business or other location occupied by the victim - No possession or access to firearms or other deadly weapons - If alcohol is implicated in the crime, absolutely no consumption of alcohol

CRITERIA	CONDITION OF RELEASE
Person is visibly intoxicated	- Absolutely no consumption of alcohol. - No controlled substances. - No entry into liquor stores, taverns, or bars.

SPECIAL CONDITIONS FOR RECOMMENDATION TO THE COURT

☐ To have no direct, indirect, stalking behavior, 3 rd party or attempted contact except through attorney (in or out of custody) with: NAME, APPROACH DISTANCE, ADDRESS, EMPLOYMENT
☐ No contact with minors
☐ remain at least 500 feet / _____ feet away from such persons, or their residences
☐ including the common residence or place of employment of the stated persons
☐ Not discuss case ☐ No contact with - co-defendants: _
☐ To have no offensive physical contact with (name)
☐ To not use or possess alcohol, marijuana, or controlled substances without a valid prescription, & comply any Alcohol Monitoring
☐ To not enter bars, taverns, liquor stores or other businesses whose primary business is selling alcohol or controlled substances
☐ To not purchase ☐ or possess - firearms, weapons, or ammunition
☐ To reside with the third-party supervisor and obey all house rules (Supervisor:
☐ Authorized if approved by the Sheriff to be released on Electronic Monitoring (EM), pay for and follow all rules, and comply with all rules and requirements of the EM program
☐ Engage in ** treatment and comply with pretrial release treatment provider agreement.