

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE 20th JUDICIAL DISTRICT
WASHINGTON COUNTY**

In the Matter of:) Presiding Judge Order No. 323
Pretrial Release by Release Assistance)
Officers and Deputy Release Assistance) ORDER REGARDING PRETRIAL RELEASE
Officers Pursuant to ORS Chapter 135) IN WASHINGTON COUNTY

1.

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; and

WHEREAS, Section 2 of Oregon Laws 2021, Chapter 643, now codified as ORS 135.233, requires 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; and

WHEREAS, in turn, the Chief Justice issued guidelines for Presiding Judge Orders. Additionally, the Chief Justice entered an Order that requires each Presiding Judge of a Circuit Court to enter a Pretrial Release Order as required under ORS 135.223(1) that complies with the guidelines established by the Chief Justice with an operative date of July 1, 2022.

IT IS HEREBY ORDERED:

2.

PRIOR ORDERS SUPERSEDED

All prior orders of the Circuit court concerning the matters covered herein are hereby vacated and superseded by this Order. Presiding Judge Order 321 is superseded and replaced by this order. This order shall remain in effect until further order of the court.

3.

COURT RELEASE ASSISTANCE OFFICERS

The Court shall appoint Court Release Assistance Officers who shall have such release authority as conferred by this PJO and/or as approved by the Court.

4.

DEPUTY RELEASE ASSISTANCE OFFICERS

The Court shall designate by a written court order, Deputy Release Assistance Officers, as recommended by the head of each agency, to execute release agreements and orders in accordance with the provisions of this Order. The Deputies so appointed shall have the sole responsibility in each agency for carrying out the provisions of this Order, but shall not exercise the authority of a Court Release Assistance Officer except as directed.

5.

SHERIFF'S AUTHORITY

In the event of jail overcrowding, the court recognizes that the Sheriff will be required to release a person who otherwise would be ineligible for and/or a poor candidate for release. In the event of jail overcrowding, the Sheriff with appropriate conditions may release all categories except Measure 11 charges. The Sheriff shall determine when jail overcrowding is occurring. In this event, priority shall be given to public safety over the likelihood of a failure to appear.

6.

SECTION 1. AUTHORIZATION AND CRITERIA FOR PRETRIAL RELEASE

CRIME CATEGORY 1 (Guideline1)

The Deputy Release Assistance Officers or Court Release Assistance Officer shall release on recognizance with a release agreement with the general conditions in ORS 135.250 all individuals charged with the following offenses:

- a. Any non-person misdemeanor, except those offenses listed in Crime Category 2 or 3, below;
- b. Any non-person Class C felony, except those offenses listed in Crime Category 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 Crime Category 2 or 3, below.

CRIME CATEGORY 2 (Guideline 2)

The Deputy Release Assistance Officers or Court Release Assistance Officer 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; 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 Crime Category 3 which shall be held for arraignment;

CRIME CATEGORY 3 (Guideline 3)

The Deputy Release Assistance Officers or Court Release Assistance Officer shall hold for arraignment, first appearance, or a release decision under ORS 135.235(3)(b), all individuals charged with the following offenses:

- a. Any violent felony, as defined in ORS 135.240 and any offense in ORS 137.700 (Ballot Measure 11 crimes);
- b. Any Class A felony;
- c. Any sex crime, (whether designated or not) as defined in ORS 163A.005, including luring a minor, purchasing sex with a minor, and invasion of personal privacy in the first degree;
- 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. 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;
 - 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; and
 - ix. Tampering with a witness as defined in ORS 133.747.

7.

SECTION 2: CRITERIA FOR CONDITIONAL RELEASES

In addition to the crimes listed in Crime Category 2, the following circumstances would lead to Special Conditions of Release:

- a. Any Category 1 offense with a named victim or location;
- b. Any offense committed with a Co-Defendant;
- c. The individual is visibly intoxicated at interview; or
- d. Substance misuse is indicated in the Probable Cause Affidavit;
- e. Current property crime charge with a conviction for a property crime;
- f. Current trespass charge with a conviction for trespass;
- g. Current charge of harassment and the victim is a family or household member.

8.

SECTION 3: CRITERIA FOR OVERRIDING CIRCUMSTANCES

The following non-discretionary overriding circumstances, if present, will require the entity supervising the local correctional facility to move a person from Crime Category 1 or 2 to Category 3 if any of the conditions in a. through p. are present:

- a. Multiple charges over multiple incidents in the 48 hours prior to arrest;
- b. Individual does not participate in the release assessment process, or sign a release agreement;
- c. A direct threat of violence to a victim, law enforcement officer, or anyone else connected to the case;
- d. The person has made statements of plans to flee, the person has no ties to the community or the person has multiple FTA's in the last three years on that case or other cases.
- e. Any violation of a court order, including an active restraining order;
- f. Any outstanding warrants or holds from other jurisdictions;
- g. Two or more FTA's within the last year;
- h. Three or more convictions for person crime, theft or property damage in the last five years (can be a combination);
- i. Three or more person crimes in the last five years
- j. Parole violation;
- k. Extradited or fugitive hold from another state or US Marshall hold;
- l. Sentenced, pending sentencing or deferred sentencing order;
- m. Currently on a release agreement in Washington County;
- n. Current violations of court orders (*except money only probation violations and child support*), restraining orders, or Probation/Post-Prison Supervision;
- o. A judge directs that the person be held until arraignment (HUA) (HUA means no forced release (NFR) prior to arraignment);
- p. The victim in a criminal mistreatment charge is a minor.

The entity supervising the local correctional facility shall move a person charged with

- a. Resisting arrest, as defined in ORS 162.315;
- b. Giving false information to a peace officer, as defined in ORS 807.620 and ORS 162.385;

from Crime Category 3 to Crime Category 2 if the charge is a stand alone charge and none of the conditions identified in paragraph 8, a.-p. apply.

9.

SECTION 4: RELEASE DECISION PROCESS

- a) Release decisions made by the Deputy Release Assistance Officers or Court Release Assistance Officer shall be made in a two step process:

STEP 1: Identify the crime the individual is charged with and the Crime Category of that charge.

STEP 2: Determine if there are any overriding circumstances that require that the individual be held or released on conditions when they otherwise wouldn't.

- b) Attached to this Order is Exhibit A, which is a chart to be used in Step 1, to determine the Crime Category that the charge the individual is facing falls into. Exhibit A is hereby incorporated into this Order.
- c) Attached to this Order is Exhibit B, to be used in Step 2 which includes a chart of overriding circumstances, and what action should be taken if they apply. Exhibit B is hereby incorporated into this Order.
- d) Attached to this Order is Exhibit C, which is a series of charts to be used in Step 2, to determine any required conditions of release. Exhibit C is hereby incorporated into this Order.

10.

VICTIM NOTIFICATION PRIOR TO RELEASE

The Deputy Release Assistance Officer or Court Release Assistance Officer shall make reasonable efforts to contact the victim prior to submitting a report or making a release decision or in compliance with ORS 135.235.

If the release officer 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 release officer;
- 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.
- c) As used herein, "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 identify of the individual.

11.

RELEASE AGREEMENT FORM

The Deputy Release Assistance Officer or Court Release Assistance Officer shall complete a release agreement form which shall be reviewed and approved by the Court.

12.

APPEARANCE SCHEDULE

A person being released shall be given an appearance time and day in accordance with this Order and the Court Appearance Schedule and Information which is attached as Exhibit D. The time and day shall be contained within the release agreement and signed by the person being released.

13.

CITATION IN LIEU OF CONTINUING CUSTODY

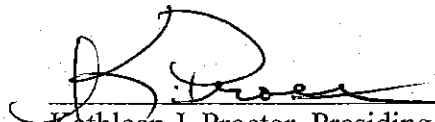
Where a citation in lieu of continuing custody is issued, the person charged shall be released at the time and place the citation is issued. The time and day for appearance will be in accordance with the Court Appearance Schedule and Information. (Exhibit D).

14.

PURPOSE

The purpose of this Order is to facilitate the orderly and prompt release of an accused person consistent with statutory requirements and appropriate safeguards. No officer or other person shall delay or unduly encumber the effective purpose of this Order.

Dated this 28 day of October, 2022



Kathleen J. Proctor, Presiding Judge
Washington County Circuit Court

EXHIBIT A: AUTHORIZATION AND CRITERIA FOR PRETRIAL RELEASE

RELEASE TYPE	OFFENSE TYPE
<p>CRIME CATEGORY 1</p> <p>Release on personal recognizance on a release agreement with the general conditions in ORS 135.250</p> <p>CRIME CATEGORY 1</p>	<p>a) Any non-person misdemeanor, except those offenses listed in Category 2 or 3:</p> <ul style="list-style-type: none"> ○ Abuse of a memorial to the dead (ORS 166.076); ○ Animal abandonment (ORS 167.340); ○ Animal abuse in the first degree (ORS 167.320); ○ Animal abuse in the second degree (ORS 167.315); ○ Animal neglect in the first degree (ORS 167.330); ○ Animal neglect in the second degree (ORS 167.325); ○ Carrying a concealed weapon (ORS 166.240); ○ Cellular counterfeiting in the third degree (ORS 165.577); ○ Commerce in fur of domestic cats and dogs prohibited (ORS 167.390); ○ Commercial sexual solicitation (ORS 167.008); ○ Compounding (ORS 162.335); ○ Concealing the birth of an infant (ORS 167.820); ○ Creating a hazard (ORS 167.810); ○ Criminal impersonation (ORS 162.365); ○ Criminal mischief in the second or third degree (ORS 164.354, ORS 164.345); ○ Criminal possession of a forged instrument in the second degree (ORS 165.017); ○ Criminal possession of rented or leased personal property (ORS 164.140); ○ Criminal simulation (ORS 165.037); ○ Criminal trespass at a sports event (ORS 164.278); ○ Criminal trespass in any degree (ORS 164.243, ORS 164.245, ORS 164.255,); ○ Criminal trespass while in possession of a firearm (ORS 164.265); ○ Cutting and transport of coniferous trees without permit or bill of sale (ORS 164.825); ○ Delivery of unrequested hazardous substances (ORS 646A.352) ○ Deposit of trash within 100 yards of waters or in waters (ORS 134.775); ○ Discharging weapon across airport operational surfaces (ORS 166.683); ○ Discharging weapon or throwing objects at trains (ORS 166.635); ○ Disorderly conduct in any degree (ORS 166.023, ORS 166.025); ○ Displaying obscene materials to minors (ORS 167.080); ○ Encouraging animal abuse (ORS 167.349);

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- Encouraging sexual assault of an animal (ORS 167.341);
- Endangering aircraft in the second degree (ORS 164.885(2));
- Equine tripping (ORS 167.383);
- Equity purchaser issues (ORS 646A.725 through ORS 646A.750);
- Exhibiting an obscene performance to a minor (ORS 167.075);
- Failing to maintain a cedar purchase record (ORS 165.109);
- Failure to carry or present license (ORS 807.570);
- Failure to perform duties of a driver – property (ORS 811.700);
- False accident report (ORS 811.740);
- False application for license (ORS 807.530);
- False swearing (ORS 162.075);
- False swearing to receive license (ORS 807.520);
- Falsifying business records (ORS 165.080);
- Felon in possession of a restricted weapon (ORS 166.270);
- Firearm transfers by unlicensed persons (ORS 166.435);
- Foreclosure consultant issues (ORS 646A.702 through ORS 646A.720);
- Forgery in the second degree (ORS 165.007);
- Fraudulently obtaining a signature (ORS 165.042);
- Fraudulent use of a credit card (ORS 165.055);
- Hunting in cemeteries prohibited (ORS 166.645);
- Initiating a false report (ORS 162.375);
- Improper repair of a vehicle inflatable restraint system (ORS 167.822);
- Improper use of emergency communications system (ORS 165.570);
- Improperly transferring a firearm (ORS 166.418);
- Interception of communications (ORS 165.543);
- Interference with agricultural operations (ORS 164.887);
- Interference with livestock production (damage under \$2500) (ORS 167.388);
- Interfering with an assistance, a search and rescue or a therapy animal (ORS 167.352);
- Interference with making a report (ORS 165.572);
- Interfering with a firefighter or emergency medical services provider (ORS 162.257);
- Interfering with law enforcement animal (ORS 167.337);
- Interfering with legislative operations (ORS 162.455);
- Interfering with a peace officer or a parole and probation officer (ORS 162.247);
- Interfering with public transportation (ORS 166.116);
- Issuing false financial statement (ORS 165.100);
- Killing or injuring another with firearm as cause for loss of right to bear arms (ORS 166.300);

CRIME CATEGORY 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- Limitations and conditions for sales of firearms (ORS 166.470);
- Metal property offenses (ORS 165.118);
- Misapplication of entrusted property (ORS 165.095);
- Miscellaneous prohibitions relating to employment and discrimination (ORS 659.990);
- Misconduct with emergency telephone calls (ORS 166.095);
- Misrepresentation of age by a minor (ORS 165.805);
- Misuse of confidential information (ORS 162.425);
- Misuse of identification card (ORS 807.430);
- Negotiating a bad check (ORS 165.065);
- Obstructing governmental administration (ORS 162.235);
- Offensive littering (ORS 164.805);
- Official misconduct in any degree (ORS 162.405, ORS 162.415);
- Obtaining contents of communications (ORS 165.540);
- Obtaining execution of documents by deception (ORS 165.102);
- Operating motor vehicle while using mobile electronic device (third offense in 10 years) (ORS 811.507);
- Penalty for purchase of boat or equipment from which hull or component ID number removed (ORS 830.992);
- Penalty for charter boat violations (ORS 830.997);
- Permitting misuse of license (ORS 807.590);
- Placing offensive substances in waters, on highways or other property (ORS 164.785);
- Possession of a burglary tool or theft device (ORS 164.235);
- Possession or control of dogs for the purpose of reproduction records (ORS 167.374);
- Possession of false law enforcement identification card (ORS 162.369);
- Possession of gambling device (ORS 167.147);
- Possession of gambling records in the second degree (ORS 167.132);
- Prohibition against possession of domestic animal (ORS 167.332);
- Prostitution (ORS 167.007);
- Providing false information in connection with a transfer of a firearm (ORS 166.416);
- Publicly displaying nudity or sex for advertising purposes (ORS 167.090);
- Reckless boating (ORS 830.315);
- Reckless burning (ORS 164.335);
- Reckless Driving (ORS 811.140);
- Research and animal interference (under \$2500) (ORS 167.312);
- Sadomasochistic abuse or sexual conduct in a live show (performance) (ORS 167.062(1));

CRIME CATEGORY 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- Sale of a drugged horse (ORS 165.825);
- Sale of certain items at unused property market prohibited (ORS 167.502);
- Sale or gift of explosives to children (ORS 166.480);
- Setting springgun or setgun (ORS 166.320);
- Signing a false document (ORS 648.992);
- Small watercraft penalties (ORS 830.990(7)-(9));
- Tampering with cable television equipment (ORS 164.373);
- Tampering with physical evidence (ORS 162.295);
- Telephonic harassment (166.090);
- Theft in the second or third degree (ORS 164.045, ORS 164.043);
- Theft of services (ORS 164.125);
- Throwing an object off an overpass in the second degree (ORS 166.649);
- Trademark counterfeiting in the third degree (ORS 647.140);
- Trading in nonambulatory livestock (ORS 167.351);
- Transfer of firearms at gun shows (ORS 166.483);
- Unauthorized display of name or insignia of motor vehicle association (ORS 649.990);
- Unauthorized use of a livestock animal (ORS 167.385);
- Unlawful cutting and transport of special forest products (ORS 164.813);
- Unlawful distribution of cable television equipment (ORS 164.132);
- Unlawful entry into a motor vehicle (ORS 164.272);
- Unlawful gambling in the second degree (ORS 167.122);
- Unlawful legislative lobbying (162.465);
- Unlawful operation of an audiovisual device (ORS 164.882);
- Unlawful possession of armor piercing ammunition (ORS 166.350);
- Unlawful possession of firearms (ORS 166.250);
- Unlawful possession of substance that can damage certain wood processing equipment (ORS 164.886(4));
- Unlawful possession of undeployed air bags or air bag canisters (ORS 167.824);
- Unlawful sound recording (ORS 164.865);
- Unlawful telephone solicitation of contributions for charitable purposes (ORS 165.555);
- Unlawful transport of meat animal carcasses (ORS 164.863);
- Unlawful videotape recording (ORS 164.875);
- Unlawfully purchasing a firearm (ORS 166.425);
- Unlawfully transporting hay (ORS 164.815);
- Unlawfully transporting metal property (ORS 164.857);
- Unlawfully using slugs (ORS 165.047);
- Unsafe operation (ORS 830.305);

CRIME CATEGORY 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- Unsworn Falsification (ORS 162.085);
- Use of firearms with other than incombustible gun wadding (ORS 166.330);
- Using another's license (ORS 807.600);
- Using invalid license (ORS 807.580);
- Willful interference with administration of law and violation of orders of commissioner (ORS 659A.810);

b) Any non-person Class C felony, except those offenses listed in Category 2 or 3:

- Abuse of a corpse in the second degree (ORS 166.085);
- Animal neglect in the first degree with one prior, or 10 animals, or in the presence of a child (ORS 167.330(3));
- Animal neglect in the second degree with 2 priors, or 11 or more animals, or in the presence of a child with prior DV (ORS 167.322(3));
- Arson in the second degree (ORS 1643.305);
- Arson incident to manufacture of cannabinoid extract in the second degree (ORS 475B.363);
- Assaulting a law enforcement animal (ORS 167.339);
- Bribe receiving by a witness (ORS 162.275);
- Bribing a witness (ORS 162.265);
- Burglary in the second degree (ORS 164.215);
- Cellular counterfeiting in the second degree (ORS 165.579);
- Cheating (ORS 167.167);
- Cockfighting (ORS 167.428);
- Computer crime (ORS 164.377);
- Criminal impersonation of a peace officer (ORS 162.367);
- Criminal impersonation of a peace officer, judge, or justice of the peace (ORS 162.365(3)(b));
- Criminal mischief in the first degree (ORS 164.365);
- Criminal possession of a forged instrument in the first degree (ORS 165.022);
- Criminal possession of a forgery device (ORS 165.032);
- Criminal possession of a rented motor vehicle (ORS 164.138);
- Criminal possession of rented or leased personal property over \$500 (ORS 164.140(4)(b));
- Dogfighting or participating in dogfighting (ORS 167.365, ORS 167.370);
- Duties of operators and witnesses at accidents (ORS 830.475);
- Endangering aircraft in the first degree (ORS 164.885(1));
- Engaging in a financial transaction in property derived from unlawful activity (ORS 164.172);
- Felon in possession of body armor (ORS 166.642);
- Forcible recovery of a fighting bird (ORS 167.439);
- Forgery in the first degree (ORS 165.013);

CRIME CATEGORY 1

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250

- Fraudulent use of a credit card over \$1000 (ORS 165.055(4)(b));
- Hindering prosecution (ORS 162.325);
- Identity theft (ORS 165.800);
- Interference with agricultural research (ORS 164.889);
- Interference with livestock production (damage under \$2500) (ORS 167.388);
- Internet gambling (ORS 167.109);
- Involvement in animal fighting (ORS 167.355);
- Perjury (ORS 162.065);
- Possessing dogfighting paraphernalia (ORS 167.372);
- Possessing fraudulent communications device (ORS 165.070);
- Possession of destructive device prohibited (ORS 166.382);
- Possession of gambling records in the first degree (ORS 167.137);
- Possession of a gray machine (ORS 167.164);
- Mail theft or receipt of stolen mail (ORS 164.160);
- Making false claim for health care payment (ORS 165.692);
- Negotiating a bad check with prior conviction for the same or theft by deception by means of a check (ORS 165.065(3)(b));
- Obliteration or change of identification number on firearms (ORS 166.450);
- Research and animal interference (over \$2500) (ORS 167.312);
- Riot (ORS 166.015);
- Sadoomasochistic abuse or sexual conduct in a live show (financing/management) (ORS 167.062(3));
- Simulating legal process (ORS 162.355);
- Sexual assault of an animal (ORS 167.333);
- Sports bribe receiving (ORS 165.090);
- Sports bribery (ORS 165.085);
- Tampering with public record (ORS 162.305);
- Tampering with a witness (ORS 162.285);
- Theft in the first degree (ORS 164.055);
- Theft of services over \$1,000 (ORS 164.125(5)(c));
- Throwing an object off an overpass in the first degree (ORS 166.651);
- Trademark counterfeiting in the second degree (ORS 647.145);
- Transfer of firearms at gun shows with two prior convictions for the same (ORS 166.438(5)(b));
- Unauthorized use of a vehicle (ORS 164.135);
- Unlawful factoring of payment card transaction (ORS 165.074);
- Unlawful gambling in the first degree (ORS 167.127);
- Unlawful labeling of a sound recording (ORS 164.868);

CRIME CATEGORY 1

<p>CRIME CATEGORY 2</p> <p>Release on conditions specified below as imposed by the court all defendants charged with:</p>	<p>0001(14), except for those offenses included in Category 3 to be held for arraignment;</p> <ul style="list-style-type: none"> ○ Abandonment of a child (ORS 163.535); ○ Abuse of a corpse in the first degree (ORS 166.087); ○ Aggravated animal abuse in the first degree (ORS 167.322); ○ Aggravated driving while suspended or revoked (ORS 163.196); ○ 475.908 (ORS 166.075); ○ Aggravated identity theft (ORS 165.803); ○ Aggravated theft in the first degree (ORS 164.057); ○ Alteration of document of anatomical gift prohibited (ORS 97.982); ○ Animal abuse in the first degree while committing other enumerated crimes (ORS 137.320(4)); ○ Application of a Schedule III, IV, or V controlled substance to the body of another person with intent to facilitate a crime of violence (ORS 475.910(2)-(4)) ○ Assault in the fourth degree (ORS 163.160(3)); ○ Assaulting a public safety officer (ORS 163.207); ○ Assisting another person to commit suicide (ORS 163.193); ○ Bias crime in the first degree (ORS 166.165); ○ Bigamy (ORS 163.515); ○ Bribe giving or receiving (ORS 162.015, ORS 162.025); ○ Buying or selling a person under 18 years of age (ORS 163.537); ○ Causing another person to ingest a controlled substance with intent to facilitate a crime of violence (ORS 475.908); ○ Causing another person to ingest marijuana (ORS 475B.367); ○ Cellular counterfeiting in the first degree (ORS 165.581); ○ Child neglect in the first degree (ORS 163.547); ○ Coercion (ORS 163.275); ○ Commodity transactions (violation of ORS chapter 645); ○ Computer crime – theft of an intimate image (ORS 164.377(2)(c)); ○ Criminal mistreatment in the first degree (ORS 163.205); ○ Criminal nonsupport (ORS 163.555); ○ Custodial interference in any degree (ORS 163.245, ORS 163.257); ○ Failure to perform duties of a driver – injury (ORS 811.705) ○ Female genital mutilation (ORS 163.207); ○ Firearm transfers by unlicensed persons with prior conviction for the same (ORS 166.435(5)(b)); ○ Firearms used in a felony (ORS 166.429); ○ Furnishing Sexually Explicit Material to a Child (167.054) ○ Harassment (ORS 166.065); ○ Intimidation in the first degree (ORS 166.165); ○ Laundering a money instrument (ORS 164.138);
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CRIME CATEGORY 2

Release on conditions specified below as imposed by the court all defendants charged with:

- Maintaining dangerous dog resulting in death (ORS 609.990(3)(b));
- Organized retail theft (ORS 164.098);
- Possession of a hoax destructive device during the commission of a felony (ORS 166.385(3));
- Possession of materials depicting sexually explicit conduct of a child in the second degree (ORS 163.689);
- Public investment fraud (ORS 162.117);
- Purchase or sale of body parts prohibited (ORS 97.981)
- Robbery in the third degree (ORS 164.395);
- Strangulation (ORS 163.187(4));
- Subjecting another person to involuntary servitude in any degree (ORS 163.263, ORS 163.264);
- Supplying contraband (weapons) (ORS 162.185);
- Theft by extortion (ORS 164.075);
- Theft of services over \$10,000 (ORS 164.125(5)(d));
- Trademark counterfeiting in the first degree (ORS 647.150);
- Unlawful contact with a child (ORS 163.479);
- Unlawful dissemination of an intimate image, with prior conviction for the same (ORS 163.472(2)(b));
- Unlawful factoring of payment card transaction with prior conviction for the same (ORS 165.074(3));
- Unlawful possession of body armor (ORS 166.643);
- Unlawful possession of machine guns, certain short-barreled firearms and firearms silencers (ORS 166.272);
- Unlawful tree spiking that results in physical injury to another person (ORS 164.886(3));
- Unlawful use of a weapon (ORS 166.220);
- Unlawful use of an electrical stun gun, tear gas or mace in the first degree (ORS 163.213);
- Unlawful tree spiking – injury (ORS 164.886(3));
- **Any drug offense, except as provided in Category 3:**
 - Application of a Schedule III, IV, or V controlled substance to the body of another person (ORS 475.910(2)-(4));
 - Causing another person to ingest a controlled substance (ORS 475.908);
 - Distribution of equipment, solvent, reagent or precursor substance with intent to facilitate manufacture of controlled substance (ORS 475.962);
 - Failure to report missing precursor substances (ORS 475.955);
 - Failure to report precursor substances transaction (ORS 475.950);
 - Falsifying drug test results (ORS 475.918);
 - Frequenting a place where controlled substances are used (ORS 137.222);
 - Illegally selling drug equipment (ORS 475.960);

	<ul style="list-style-type: none"> ○ Penalties for unlawful delivery to minors (Schedule III, IV, and V) (ORS 475.906(2)-(4)); ○ Possessing or disposing of methamphetamine waste (ORS 475.977); ○ Possession of a precursor substance with intent to manufacture controlled substance (ORS 475.967); ○ Possession of iodine matrix (ORS 475.976); ○ Prohibited acts for registrants (ORS 474.914); ○ Prohibited acts involving records and fraud (ORS 475.916); ○ Providing drug test falsification equipment (ORS 475.920); ○ Providing false information on precursor substances report or record (ORS 475.965); ○ Supplying contraband (drugs) (ORS 162.185); ○ Tampering with drug records (ORS 167.212); ○ Unlawful creation or delivery of a counterfeit Schedule II, III, IV, or V substance (ORS 475.752(1)(b)-(e)); ○ Unlawful delivery of an imitation controlled substance (ORS 475.912); ○ Unlawful delivery or manufacture of a Schedule II, III, IV or V substance (ORS 475.752(1)(b)-(e)); ○ Unlawful delivery or manufacture of cocaine (ORS 475.880, ORS 475.876); ○ Unlawful delivery or manufacture of hydrocodone, including within 1000 feet of school (ORS 475.808, ORS 475.806, ORS 475.812, ORS 475.810); ○ Unlawful delivery or manufacture of methadone (ORS 475.820, ORS 475.816); ○ Unlawful delivery or manufacture of methamphetamine (ORS 475.890, ORS 475.886); ○ Unlawful delivery or manufacture of oxycodone (ORS 475.830, ORS 475.826); ○ Unlawful possession of a Schedule I or II controlled substance (ORS 475.752(7)-(8)); ○ Unlawful possession of anhydrous ammonia (ORS 475.971); ○ Unlawful possession of inhalants (ORS 167.808); ○ Unlawful possession of iodine in its elemental form (ORS 475.975); ○ Unlawful possession of lithium or sodium metal (ORS 475.979); Unlawful possession of phosphorus (ORS 475.969); ○ Use of a minor in a controlled substance offense (delivery without consideration of less than 5 grams of marijuana) (ORS 167.262(2)(b)); ○ Violations of ORS chapter 471, unless otherwise specified as non-criminal;
CRIME CATEGORY 3	<ul style="list-style-type: none"> ● Any violent felony, as defined in ORS 135.240, and any offense in ORS 137.700;

HOLD for arraignment, first appearance, or other judicial department release decision

- Any degree of murder, manslaughter, or homicide (ORS 163.095, ORS 163.107, ORS 163.115, ORS 163.118, ORS 163.125, ORS 163.145, and ORS 163.149);
- Arson in the first degree (ORS 164.325);
- Assault in the first, second, or third degree (ORS 163.185, ORS 163.175, ORS 163.165);
- Attempt or conspiracy to commit murder;
- Compelling prostitution (ORS 167.017);
- Kidnapping in the first or second degree (ORS 163.235, ORS 163.225);
- Rape in the first or second degree (ORS 163.375, ORS 163.365);
- Robbery in the first or second degree (ORS 164.415, ORS 164.405);
- Sex abuse in the first degree (ORS 163.427);
- Sodomy in the first or second degree (ORS 163.405, ORS 163.395);
- Treason (ORS 166.005);
- Unlawful sexual penetration in the first or second degree (ORS 163.411, ORS 163.408);
- Using a child in a display of sexually explicit conduct (ORS 163.670);

● **Any Class A felony;**

- Administration of marijuana to another person under 18 (ORS 475B.371);
- Application of a Schedule I or II controlled substance to the body of another person (ORS 475.910(1));
- Arson in the first degree (ORS 164.325);
- Arson incident to the manufacture of a controlled substance in the first degree (ORS 164.342);
- Arson incident to manufacture of cannabinoid extract in the first degree (ORS 475B.359);
- Causing another person to ingest marijuana without their consent (ORS 475B.367);
- Manufacture or delivery of a Schedule I controlled substance, aside from methamphetamine (ORS 475.752(1)(a));
- Penalties for unlawful deliveries to minors (Schedule I or II substance) (ORS 475.906(1));
- Possession of weapons by inmates of institutions (ORS 166.275);
- Unlawful creation or delivery of a counterfeit Schedule I substance (ORS 475.752(2)(a));
- Unlawful manufacture or delivery of cocaine within 1,000 feet of school, or delivery to someone under 18 (ORS 475.878, ORS 475.882, ORS 475.880(3));
- Unlawful manufacture or delivery of controlled substance within 1,000 feet of school (ORS 475.904);

CRIME CATEGORY 3

HOLD for arraignment, first appearance, or other judicial department release decision

CRIME CATEGORY 3

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- Unlawful manufacture or delivery of heroin, including within 1000 feet of school (ORS 475.846, ORS 475.848, ORS 475.850, ORS 475.852);
- Unlawful manufacture or delivery of methadone within 1000 feet of school, or delivery to someone under 18 (ORS 475.822, ORS 475.818, ORS 475.820(3));
- Unlawful manufacture or delivery of methamphetamine or delivery to someone under 18 (ORS 475.888, ORS 475.892, ORS 475.890(3));
- Unlawful manufacture or delivery of MDMA, including within 1000 feet of school (ORS 475.866, ORS 475.868, ORS 475.870, ORS 475.872);
- Unlawful manufacture or delivery of oxycodone within 1000 feet of school, or delivery to someone under 18 (ORS 475.832, ORS 475.828, ORS 475.830(3));
- Use of a minor in controlled substance offense (ORS 167.262);
- **Any sex crime, as defined in ORS 163A.005:**
 - Burglary in any degree, when the intended crime is a sex crime (ORS 164.215, ORS 164.225);
 - Compelling prostitution (ORS 167.017);
 - Contributing to the sexual delinquency of a minor (ORS 163.435);
 - Encouraging child sexual abuse in any degree (ORS 163.684, ORS 163.686, ORS 163.687);
 - Incest with a child victim (ORS 163.525);
 - Invasion of personal privacy in the first degree (ORS 163.701);
 - Kidnapping in the first degree with a child victim (ORS 163.235);
 - Kidnapping in the second degree with a child victim, with certain exceptions (ORS 163.225);
 - Luring a minor with reasonable belief of a five-year (or more) age difference, or that the minor was under 16 (ORS 167.057);
 - Online sexual corruption of a child in any degree with reasonable knowledge of a five-year (or more) age difference (ORS 163.432, ORS 163.433);
 - Paying for viewing a child's sexually explicit conduct;
 - Possession of materials depicting sexually explicit conduct of a child in the first degree (ORS 163.688);
 - Promoting prostitution (ORS 167.012);
 - Public or private indecency with a prior sex crime conviction (ORS 163.465, ORS 163.467);
 - Purchasing sex with a minor (ORS 163.413);
 - Rape in any degree (ORS 163.355, ORS 163.365, ORS 163.375);

	<ul style="list-style-type: none"> ○ Sexual abuse in any degree (ORS 163.415, ORS 163.425, ORS 163.427); ○ Sexual assault of an animal (ORS 167.333); ○ Sexual misconduct if the offender is over 18 (ORS 163.445, 163.452, 163.454); ○ Sodomy in any degree (ORS 163.385, ORS 163.395, ORS 163.405); ○ Trafficking in persons (ORS 163.266(a)(b) or (c)); ○ Transporting child pornography into the state; ○ Unlawful sexual penetration in any degree (ORS 163.408, ORS 163.411); ○ Using a child in a display of sexually explicit conduct (ORS 163.670); ○ Any attempt or conspiracy to commit a sex crime. ● 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 of the following offenses: <ul style="list-style-type: none"> ○ 166.070 Aggravated Harassment; ○ 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).
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EXHIBIT B: CRITERIA FOR OVERRIDING CIRCUMSTANCES

OVERRIDING CIRCUMSTANCES	CATEGORY 1 CHARGE	CATEGORY 2 CHARGE	CATEGORY 3 CHARGE
Multiple charges over multiple incidences in the 48 hours prior to arrest	Move to Category 3	Move to Category 3	
Individual does not participate in the release assessment process or sign a release agreement	Hold for arraignment or first appearance		
A direct threat of violence to a victim, law enforcement officer, or anyone else connected to the case	Hold for arraignment or first appearance		
Risk of flight: The person has made statements of plans to flee, the person has no ties to the community, or the person has multiple FTA's in the last three years on that case or other cases.	Hold for arraignment or first appearance		
Any violation of a court order	Hold for arraignment or first appearance		
Any outstanding warrants or holds	Hold for arraignment or first appearance		
Two or more FTAs in the last year	Move to Category 3	Move to Category 3	
Three or more convictions for person crime, theft or property damage in the last five years (can be a combination);	Move to Category 3	Move to Category 3	
Three or more person crimes in the last five years	Move to Category 3	Move to Category 3	
Violation of an active restraining order	Hold for arraignment or first appearance		
Parole Violation	Hold for arraignment or first appearance		
Extradited or fugitive hold from another state or US Marshall hold	Hold for arraignment of first appearance		
Sentenced, pending sentencing or deferred sentencing order	Hold for arraignment or first appearance		
Current felony DUII if prior DUII within three years	Hold for arraignment or first appearance		
Currently on a release agreement in Washington County	Hold for arraignment or first appearance		

Current violations of court orders or Probation/Post-Prison Supervision	Hold for arraignment or first appearance		
Current property crime charge with conviction for a property crime	Move to Category 2		
Current trespass charge with a conviction for trespass	Move to Category 2		
Any Category 1 offense with a named victim or location	Move to Category 2		
Current charge of harassment and the victim is a family or household member	Move to Category 2		
Non-intimate domestic violence misdemeanor – if able to contact the victim and the victim does not have safety concerns			Move to category 2
Animal charges with prior history of animal abuse	Move to Category 2		

EXHIBIT C: CRITERIA FOR CONDITIONAL RELEASES

The following offense-specific criteria lead to the following conditions:

CHARGE	SPECIAL CONDITION OF RELEASE
DUII	<ul style="list-style-type: none"> Absolutely no consumption of intoxicants; No entry into liquor stores, taverns, bars, or dispensaries; No driving unless properly licensed and insured.
Felony DUII if releasable	<ul style="list-style-type: none"> Absolutely no consumption of intoxicants; No entry into liquor stores, taverns, bars, or dispensaries. SCRAM No driving without a valid license and insurance.
Non-DV person crimes eligible for release with special conditions	<ul style="list-style-type: none"> Absolutely no contact with the victim, victim's family, witnesses; No entry onto premises, business or other location occupied by the victim; No possession or access to firearms or other deadly weapons; If intoxicants are implicated in the crime, absolutely no consumption of intoxicants
Any Category 1 offense with a named victim or location	<ul style="list-style-type: none"> No contact order for alleged victim or location
Any possession, delivery, or manufacture of a controlled substance	<ul style="list-style-type: none"> Absolutely no consumption of intoxicants; No entry into liquor stores, taverns, bars, or dispensaries.
Co-Defendant	<ul style="list-style-type: none"> No contact with Co-Defendant
Aggravated DWS	<ul style="list-style-type: none"> No driving without a valid license or insurance
Animal Abuse if prior history	<ul style="list-style-type: none"> No possession or control of animals
Weapons charges	<ul style="list-style-type: none"> No possession or control of weapons
Domestic Violence Crimes category 2	<ul style="list-style-type: none"> Absolutely no contact with the victim, or witnesses No possession or control of weapons No use of intoxicants if applicable
Aggravated identity theft	<ul style="list-style-type: none"> Must not possess ID, checks or credit cards that do not belong to the person
Involving minors	<ul style="list-style-type: none"> No contact with minors Signed addendum of no contact with minors if sex case
If on Formal Supervision	<ul style="list-style-type: none"> Contact PO by end of next business day

The following person-specific criteria lead to the following conditions:

CRITERIA	CONDITION OF RELEASE
Person is visibly intoxicated	<ul style="list-style-type: none">• Absolutely no consumption of intoxicants;• No entry into liquor stores, taverns, bars, or dispensaries.
Substance misuse is indicated in PCA	<ul style="list-style-type: none">• Absolutely no consumption of intoxicants;• No entry into liquor stores, taverns, bars, or dispensaries.
Work outside of the state	<ul style="list-style-type: none">• Allowed to leave the State for work purpose

EXHIBIT D: COURT APPEARANCE AND SCHEDULE INFORMATION

Category	1st Appearance	Criminal Cite to Appear	Uniform Traffic Citation	Warrants
Major Traffic (Misdemeanor)	If lodged and released see chart below for release schedule LEC Court 8:30 a.m.			Release Agreement per chart below 8:30 am in LEC courtroom
Major Traffic With Criminal	See chart below for release day Out of custody 8:30 am daily in LEC Courtroom	Cites to appear should never be issued when a defendant has been lodged. They will be arraigned the following day or released and given an appearance date per this Order.	Major Traffic (Misdemeanor)	Release agreement per chart below 8:30 am in LEC courtroom
Criminal Court Misdemeanors and Felonies	See chart below Out of custody 8:30 am daily in LEC courtroom	Cites to appear should never be issued when a defendant has been lodged. They will be arraigned the following day or released and given an appearance date per this Order.	Uniform Traffic Citations should never be written for any non-traffic misdemeanor	Release agreement per chart below 8:30 am in LEC courtroom
DAY RELEASED	APPEARANCE DAY			
Monday	Thursday the following week			
Tuesday	Friday the following week			
Wednesday	Monday of the second following week			
Thursday	Tuesday of the second following week			
Friday	Tuesday of the second following week			
Saturday	Wednesday of the second following week			
Sunday	Thursday of the second following week			

Domestic Violence Cases: Must appear for arraignment at 8:30 am in the LEC Courtroom two judicial days after the person’s release.