



Federation of Oregon Parole & Probation Officers

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Support for HB 2465

Chair Kropf and members of the committee, my name is Rachel Strickland, I am a Parole and Probation Officer with Deschutes County. I am a Defensive Tactics and Firearms Instructor for my Department in addition to being an instructor at the Oregon Department of Public Safety Standards and Training.

I became aware of the challenge with our current ORS defining Escape and Custody in 2021. In September of 2021, I attempted to arrest a Level III high risk sexual offender who was on supervision. After telling him he was under arrest, he ran from me. This led to a foot pursuit and him assaulting me after catching him. This client was subsequently charged with Escape, and the charge was ultimately dismissed by our District Attorney's office.

Since 2021 there have been several documented incidents where Deschutes County Parole and Probation officers have attempted to arrest clients for violations and clients have run from them during the arrest process. Some of these incidents have resulted in aggression towards officers. During most of these incidents' officers have charged the client with Escape, however the charge was dropped by the District Attorney's office. If officers did not charge it was because they were told that due to Parole and Probation Officers not being included in the ORS and therefore it was not a crime. I can provide these exact incidents in detail if needed.

In discussion with our District Attorney's office about why these charges were being dismissed they referenced ORS 162.145 provides that a person commits Escape 3 if they escape from "custody". Custody is defined in ORS 162.135 as actual/constructive restraint **by a peace officer**. The definition of peace officer in ORS 133.005 does not include parole & probation officers.

While P&P officers are authorized to make arrests under ORS 133.239, there is a fault in the language of that statute not including P&P in "custody" ORS.

As you can imagine, this causes serious concerns.

- 1- Offenders are now aware that they can flee from Parole and Probation Officers without facing additional charges. This has led to a concerning shift in behavior and a belief that there is nothing to lose by running and only a benefit if you can get away.
- 2- Concern when offenders/officers are hurt, or force is used during the arrest while "escaping" (running) from custody. Considering currently fleeing from Parole and Probation officers during an arrest is not currently seen as a crime. This leads to concerns of liability.
- 3- Discourages proactivity from Parole and Probation officers going into the community to hold clients accountable and make arrests.

Amending the ORS to include Parole and Probation officers under the definition of 'custody' would address a significant issue and empower Parole and Probation officers to effectively perform their duties.

Thank you for your time on this matter.