

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE 11TH JUDICIAL DISTRICT
DESCHUTES COUNTY

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CIRCUIT COURT
2022 JUN 28 AM 10:57
DESCHUTES COUNTY
OREGON

In the Matter of Pretrial Release by Sheriff) Presiding Judge Order No. 2022-07
or Release Assistance Officer or other) Order Regarding Pretrial Release in
Designee) Deschutes County

Pursuant to ORS 135.233 and consistent with CJO No. 22-010, effective July 1, 2022, this Order directs the Sheriff, Release Assistance Officer, or other Designee of the Deschutes County Sheriff's Office Adult Jail to follow the release determinations for those individuals that are:

- a) Subject to release on recognizance;
- b) Subject to release with special conditions as specified in the order; and
- c) That are not eligible for release until arraignment.

Section 1: Authorization 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 in Section 3.

The State Court Administrator maintains a release guidelines categorization list of all Oregon misdemeanor and felony crimes, with each crime organized by release guideline category. Step 1 of this process is to identify the charge, located at: www.courts.oregon.gov/programs/pretrial.

Release Type: (1)

Release on personal recognizance on a release agreement with the general conditions in ORS 135.250 to include no contact with an alleged victim and obey all laws.

Offense Type:

Any non-person misdemeanor, except those offenses listed in Guideline 2 or 3;
Any nonperson Class C felony, except those offenses listed in Guideline 2 or 3;
Any driving while suspended offense

*Contact pre-trial services within 1 business day of release at (541) 312-6032 to schedule an assessment/screening. Abide by conditions of pre-trial release and check-in with pretrial services deputy as directed.

*Applies to C felony drug and property crimes only (except those listed in Guideline 2 or 3).

(2) Release on conditions specified below
As imposed by the court all defendants charged with...

defined in ORS 811.182 except for a aggravated driving while suspended as defined in ORS 163.196; and any other Offense that is not included in Guideline 2 or 3.

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 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.

Conditions (All)

Obey all laws including active restraining orders, stalking orders, sexual abuse protections orders and extreme risk protection orders.

Appear in court pursuant to release agreement.

Do not leave the State of Oregon without court approval.

Notify the court, in writing, of any change of address.

No contact with co-defendants.

Additional Conditions (DUII, all types)

Do not consume or possess alcohol, no bars, taverns, or liquor stores.

Do not consume or possess controlled substances, including marijuana, without a valid prescription. Take prescription medication only as prescribed.

Additional Conditions – Person Crimes

No contact by any means with the alleged victim or alleged victim’s school, workplace, or residence.

No possession of firearms or ammunition. No possession of any weapon of any kind, for any reason.

Additional Conditions – Class B Felony Property and Class B Felony Drug Offenses (except those listed in Guideline 3):

Contact pre-trial services within 1 business day of release at (541) 312-6032 to schedule an assessment/screening. Abide by conditions of pre-trial release and check in with the pre-trial services deputy as directed.

- (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; and
 - 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.

Any of the following offenses:

Possession of a firearm or a dangerous weapon in a public building or court facility, as defined in ORS 166.370;

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 complaint in accordance with ORS 133.743 – 133.783 (Uniform Criminal Extradition Act).

Tampering with a witness, as defined in ORS 162.285

Section 2: Criteria for Conditional Release

All persons with the following charges will be subject to special conditions of release as listed below.

CHARGE	SPECIAL CONDITION OF RELEASE
DUII	No consumption of alcohol; No entry into liquor stores, taverns or bars.
Non-DV person crimes eligible for release with special conditions	No victim contact; No entry on to premises, business or

<p>Any Category 1 Offense with Alleged victim Person is visibly intoxicated</p>	<p>other location occupied by the victim; No possession or access to firearms or Other deadly weapons; If alcohol is implicated in the crime, no consumption of alcohol. No contact order for alleged victim. No consumption of alcohol No possession of alcohol No controlled substances No entry into bars or liquor stores</p>
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Section 3: Criteria for Overriding Circumstances:

<u>Circumstance</u>	<u>Category 1</u>	<u>Category 2</u>	<u>Category 3</u>
Moderate or High Risk Score (if using R.A.T.).	Move to 2	Move to 3	
One or More DUII arrests In past 12 months or currently on DUII diversion.		Move to 3	
Unable or unwilling to participate in release process.	Release decision under ORS 135.235(3)(b) which may include hold for arraignment.		
A threat of violence to victim, law enforcement officer, or anyone else connected to case.	Release decision under ORS 135.235(3)(b) which may include hold for arraignment.		
Any violation of a court order.	Release decision under ORS 135.235(3)(b) which may include hold for arraignment.		

Outstanding warrants. Release decision under ORS 135.235(3)(b) which may include hold for arraignment.

Any prior failure to appear in an Oregon court in the past three years, or FTA conviction in another state in the past three years. Hold for arraignment.

Other pending criminal case. Hold for arraignment.

3 or more separate case convictions within the past 36 months. Hold for arraignment.

Currently on probation, parole, post-prison supervision or fugitive status. Hold for arraignment.

Probation Violations Hold on warrant security amount or if no amount is set, hold for arraignment.

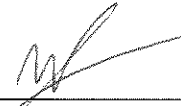
Arrest Warrants Hold at warrant amount.

*Pre-trial service deputy will complete screening for the following in-custody offenses:

- 1) Class A/B/C felony property;
- 2) Class A/B/C felony drug, and;
- 3) felony /misdemeanor DUII.

Presiding Judge Order 2020-11 in the matter of establishing a security release schedule is rescinded.

DATED this 28th day of June 2022.



Wells B. Ashby, Presiding Judge