

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNT OF MULTNOMAH

In the Matter of Pretrial Release Prior to Arraignment Or First Appearance) Presiding Judge Order No. 23PJO-00003
) ORDER REGARDING PRETRIAL RELEASE
) PRIOR TO ARRAIGNMENT OR FIRST APPEARANCE
) IN MULTNOMAH COUNTY; ORDER ADOPTING
) PUBLIC SAFETY ASSESSMENT AS RISK ASSESSMENT
) TOOL

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 to 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, the persons and offenses:

- 1. Subject to release on recognizance;
- 2. Subject to release with special conditions of release; and
- 3. Not eligible for release until arraignment or first appearance;

WHEREAS, Oregon Supreme Court Chief Justice Martha Walters issued Chief Justice Order 22-010 Order Establishing Release Guidelines Governing Presiding Judge Standing Pretrial Release Orders as required under ORS 135.233(2) with the stated goals of:

- 1. Providing a consistent release decision-making structure across the state;
- 2. Reducing reliance on the use of security;
- 3. Including provisions for victim notification and input; and
- 4. Balancing the rights of the defendant and presumption of pretrial release against community and victim safety, and the risk of failure to appear;

WHEREAS, CJO 22-010 directs each local Presiding Judge Order to follow the release guidelines set out in Attachment A of CJO 22-010, but permits local jurisdictions to establish objective, nondiscretionary, person-specific criteria that the local correctional entity conducting the pre-arraignment release process may use to override a presumptive release guideline in an individual case;

WHEREAS, CJO 22-010 directs each Presiding Judge to work closely with the court’s local public safety stakeholders to create the required standing pretrial release order and nondiscretionary criteria under ORS 135.233;

WHEREAS, the Multnomah County Presiding Judge assembled a workgroup comprised of local public safety stakeholders, including representatives from the Judiciary, the District Attorney’s office, the Defense bar, the Department of Community Justice, the Multnomah County Sheriff’s Office, victim’s

representatives, and the Local Public Safety Coordinating Council, who collaborated in the months preceding the implementation of SB 48 to jointly develop the resulting pretrial release order, including non-discretionary criteria for placement within release guidelines, release conditions, and overriding circumstances;

WHEREAS, the Presiding Judge adopted the proposed order submitted by the workgroup and oversaw its implementation upon the effective date of ORS 135.233, July 1, 2022;

WHEREAS, Multnomah County system stakeholders comprised of the same groups above have engaged in pretrial review and reform efforts since 2015, including participating in a comprehensive study by national consulting agency Justice System Partners, which resulted in the extensive “Multnomah County Pretrial System Assessment” report issued in 2020;

WHEREAS, the 2020 Pretrial System Assessment report recommended adopting a pretrial risk assessment that permitted risk assessments of all booked defendants, did not require individual interviews of defendants that could contribute to inequitable outcomes for individuals from BIPOC communities, and better matched pretrial monitoring level with assessed risk; ;

WHEREAS, CJO 22-010 provides that each judicial district should identify and consider using a risk assessment tool to assist with making release determinations that balance the presumption of release against community and victim safety and the risk of failure to appear as provided in the judicial district’s pretrial release order;

WHEREAS, in accordance with the CJO and ongoing review and reform efforts, Multnomah County stakeholders have opted to replace the Modified Virginia Pretrial Risk Assessment Instrument with the Public Safety Assessment Instrument (PSA), a nationally validated risk assessment tool that is scheduled for implementation on June 1, 2023; and

WHEREAS, PJO 2201-00003 required updates to reflect the adoption of the PSA and to clarify and improve processes adopted under the original order in order to better accomplish the goals of ORS 135.233;

IT IS HEREBY ORDERED,

That, beginning at 12:01 a.m. on June 1, 2023, this Presiding Judge Order be implemented to govern procedures for intake and release of adults in custody prior to arraignment.

SECTION A
GENERAL CONSIDERATIONS

1. This order supersedes PJO 2201-00003 “Order Regarding Pretrial Release Prior to Arraignment or First Appearance in Multnomah County,” which in turn superseded the PJO “In the Matter of Delegating Release Authority for Pretrial Release Officers,” and the PJO “In the Matter of the Adoption of a Security Release Schedule.” Those orders are hereby rescinded. The Court will no longer utilize a bail schedule to apply immediately upon a person’s arrest.

2. This order will be used in conjunction with PJO 2201-00003, “Order re Preventative Detention Hearing Procedures in Violent Felonies.” If a person remains in custody at arraignment on a charge that is not a violent felony, or if the parties stipulate to setting security on a violent felony, the court pursuant to ORS 135.233 may consider security release if the court concludes that recognizance release and conditional release are unwarranted.
3. The Department of Community Justice Recognizance Unit is the designated entity to carry out the process outlined in this order, including completing the Public Safety Assessment and imposing release conditions that may apply per this order. The order establishes a two-step process to determine pre-arraignment release:

STEP I (See details regarding application of Step I in Section B):

Identify each offense charged and whether it presumptively falls under Release Guideline 1, 2 or 3. For Release Guideline 2, identify whether any special conditions of release apply based on the offense or on person-specific criteria. If more than one offense is charged and different special conditions apply to each offense, all such special conditions will be included in the Release Order and Agreement. The Recognizance Unit may refer to the State Court Administrator’s Release Guidelines Categorization List publicly available on the Oregon Judicial Department website to assist in determining the applicable Release Guideline for an offense. [Release guidelines categorization list \(oregon.gov\)](#)

STEP II (See details regarding application of Step II in Section C):

After determining the presumptive Release Guideline in Step I, determine for each offense whether the defendant meets the criteria for any of the overriding circumstances listed under Release Guideline 4. If so, then determine how the overriding circumstance affects the Release Guideline placement or release conditions.

If there are two or more overriding circumstances that apply to move the offense from its presumptive Release Guideline into a different Release Guideline, the circumstance that places the offense into the highest Release Guideline¹ shall be the determinative circumstance.

If the Recognizance Unit officer determines that a defendant shall be held for a first appearance on one offense out of multiple offenses charged, the officer may proceed without considering Steps I and II for each additional offense charged.

4. If a defendant has been held pending first appearance due to overriding circumstances applied in Step II, the Recognizance Unit shall include information concerning the overriding circumstances in the PSA Defendant Report.
5. In executing this order, the following terms and definitions apply:
 - a. **Arraignment or First Appearance** includes both initial appearances on new charges and “new dates” hearings when a person is arrested on a Failure to Appear warrant.

¹ Not including Release Guideline 4.

- b. **Domestic violence** means abuse between family or household members. The term “family or household members” has the same definition as that in ORS 135.230(4) (spouses, former spouses, adult persons related by blood or marriage, persons cohabiting with each other, persons who have cohabited with each other or who have been involved in a sexually intimate relationship, unmarried parents of a minor child.)
- c. **Eligible defendants** for purposes of the Public Safety Assessment process means individuals booked into a Multnomah County jail who have been charged with a new criminal offense that falls under a Release Guideline, who have been arrested on a Failure to Appear warrant, or who have been charged as a fugitive from another state.
- d. The term “**known**” in relation to named alleged victims, co-defendants or locations refers to the information is available from a charging instrument, a probable cause document, or informational report regarding an arrest that is provided to the DCJ Recognizance Unit.
- e. **Ordinance** means a provision enacted into law by a city or county governmental body. Any ordinance that carries a penalty of incarceration is classified as a non-person misdemeanor unless specified otherwise.
- f. **Pending offense** means any charge in any court not yet adjudicated, whether there is a future court date or not, but does not include a felony charge dismissed based on expiration of the felony information. Cases in which the defendant is enrolled in a diversion program that requires a plea of guilty or no contest for entry are considered pending if the defendant has not yet been sentenced. The term pending cases includes cases in warrant status but does not include cases awaiting sentencing if there has already been a plea or trial.
- g. **Person felony** means any offense listed in OAR 213-003-0001(14). **Non-person felony** means any felony offense not included in that list.
- h. **Person misdemeanor** means any offense listed in OAR 213-003-0001(15). **Non-person misdemeanor** means any misdemeanor offense not included in that list.
- i. **Pretrial monitoring** means monitoring of pretrial release conditions by a PRS agency prior to sentencing. **Supervision** means probation, parole or post-prison supervision, but does not include pretrial monitoring.
- j. **Pretrial release agencies** include the following:
 - 1) **DCJ Recognizance Unit (Recog)** means the Department of Community Justice unit responsible for applying the Release Guidelines within this order upon a person’s arrest.
 - 2) **Pretrial Services Program (PSP)** means the DCJ pretrial release services program that monitors release condition compliance for individuals assigned to report to that agency as a condition of release.
 - 3) **Close Street Program** means the Multnomah County Sheriff’s Office pretrial release services program that monitors release condition compliance for individuals assigned to report to that agency as a condition of release.²
 - 4) **Pretrial Release Services (PRS)** or Pretrial Services is the umbrella term referring to the process of pretrial monitoring in Multnomah County. PSP and Close Street are the two agencies that provide monitoring services. The Recog Unit shall use the PSA

² Note that this order recognizes a distinction between pretrial monitoring and post-adjudication supervision. As a result, the term “supervision” is no longer used in relation to the Close Street Program.

Multnomah County Pretrial Monitoring Level Matrix to determine the initial agency responsible for pretrial monitoring of a particular defendant.

- 5) **Release Assistance Officers (RAO)** are the Oregon Judicial Department officers who fulfill the duties required by ORS 135.235, including contacting victims, interviewing defendants in custody, and drafting reports for use in court.
 - k. **Protective orders** as mentioned in Release Guideline 4 include the following:
 - 1) FAPA: Family Abuse Prevention Act Restraining Order pursuant to ORS 107.700 to 107.735;
 - 2) EPPDAPA: Elderly Persons and Persons with Disabilities Abuse Prevention Act Restraining Order, ORS 124.005 to 124.040;
 - 3) EPO: Emergency Protective Order under ORS 133.035;
 - 4) Order prohibiting contact with victim of sex crime or domestic violence pursuant to ORS 135.247;
 - 5) SPO: Stalking Protective Order under ORS 163.730 to 163.755; or ORS 30.866;
 - 6) SAPO: Sexual Abuse Protective Order under ORS 163.760 to 163.777;
 - 7) ERPO: Extreme Risk Protection Order under ORS 166.525 to 166.543; or
 - 8) Juvenile Court Restraining Order under ORS 419B.845; or
 - 9) Any other no contact order issued by the court.
 - l. **Risk assessment tool** means a validated risk assessment tool or risk assessment tool pending validation that is reviewed by members of the Local Public Safety Coordinating Council and approved for use by the Presiding Judge. The tool shall be validated at least every five years or following significant changes to the population or to laws and policies related to arrest/citation, detention, or sentencing.
 - m. **Specialty Courts** include DISP (DUII Intensive Supervision Program), Mental Health Court, START Court, STEP Court, Veterans Court, and any other docket designated as a Specialty Court by the Presiding Judge.
 - n. Typographical devices:
 - The use of a bullet designates release conditions.
 - ❖ The use of this diamond designates sub-categories of the information described in the section preceding the diamond.
6. Use of risk assessment tools and interviews:
- a. Upon implementation of the Public Safety Assessment (PSA) risk assessment tool on June 1, 2023, the DCJ Recognizance Unit shall administer the PSA for all eligible defendants and generate the PSA Defendant Report, which will include the defendant's PSA score and placement on the PSA Multnomah County Pretrial Monitoring Level Matrix. The Pretrial Monitoring Level Matrix determines whether the person is placed in Level 0 (ROR), 1, 2, 3 or 3+ for monitoring.
 - b. The Recog officers will not conduct interviews of booked defendants prior to administering the PSA or applying the terms of this order.
 - c. As detailed in Step I (Section B) and Step II (Section C) below, the defendant's PSA score and placement on the Pretrial Monitoring Level Matrix will determine whether Recog will order the person to report to Pretrial Release Services for pretrial monitoring. A person's PSA scores may not be used to move the person to or from Release Guideline 3.

- If a person is placed in Level 0, this will not require an order to report to Pretrial Release Services.
 - If a person is placed in Level 1, the Recognizance Unit shall order the following condition: "Report to DCJ Pretrial Services Program for pretrial monitoring immediately after your next hearing."
 - If a person is placed in Level 2, 3 or 3+, the Recog Unit shall order the following condition: "Report to the Close Street Program for pretrial monitoring immediately after your next court hearing."
- d. OJD Release Assistance Officers (RAO's) shall fulfill the duties required by ORS 135.235 and the policies implemented by the department supervisor. RAO's shall attempt to contact victims to gather information as set out in ORS 135.235(2). RAO's shall interview people held for arraignment pursuant to Release Guideline 3 as well as people moved to Release Guideline 3 due to overriding circumstances applied in Step II. RAO's will verify release criteria information and timely generate a written report as provided in ORS 135.235(3)(a). Unless deemed necessary, RAO's will not interview people who are released under Release Guidelines 1 or 2 and will not administer the PSA.
7. A condition requiring a defendant to report to PRS under this order is a court order to comply with all reporting requirements set by PSP or Close Street. Unless ordered otherwise, a defendant ordered to report to PRS shall report on a schedule determined by their Pretrial Monitoring Level, as follows:
- Level 1: "Report to PRS once per month by phone."
 - Level 2: "Report to PRS once every other week by phone."
 - Level 3: "Report to PRS once per week by phone."
 - Level 3+ "Report to PRS once per week by phone and once per month in person."
8. Arrests on warrants:
- a. **If a warrant was issued before July 1, 2022:**
- ❖ A person arrested on a warrant designated as "no bail" or "bail denied" or "no release/no matrix" will be held pending arraignment or first appearance.
 - ❖ A person arrested on a warrant that includes security will be subject to release per the terms of this PJO. The person will also be eligible for security release prior to arraignment by posting security in the amount listed in the warrant.
- b. **If a warrant was issued after July 1, 2022:**
- ❖ A person arrested on a warrant designated as "no bail" or "bail deferred" will be subject to release per the terms of this PJO.
 - ❖ A person arrested on a warrant that authorizes ROR or conditional release upon execution of the warrant is to be released per the terms of the warrant. If the warrant authorizes conditional release, the Recog Unit may order conditions that apply pursuant to this PJO along with any specific conditions if they are set out in the warrant.
 - ❖ A person arrested on a warrant that sets security means a judge has considered and rejected ROR (RG 1) or Conditional Release (RG 2), and the person may not be released

by Recog prior to arraignment or first appearance; however, the person may post the security amount listed on the warrant to be released prior to arraignment or first appearance. If security is posted, defendant shall be released on Conditional Release and conditions that would otherwise apply to the charge under this PJO shall be imposed.

- ❖ A person arrested on a warrant designated as “bail denied” or “hold pending hearing” will be held under Release Guideline 3 pending arraignment.
 - c. Regardless of when a warrant was issued, people arrested on warrants issued for probation violation, failure to comply with Pretrial Release Services, administrative sanctions, post-prison supervision sanctions, warrants issued out of specialty courts, or any warrant containing specific directions, shall be released, held, or subject to security release only as provided by the terms of the warrant.
 - d. For purposes of applying the Release Guidelines, unless a warrant contains specific directions as mentioned in Section A(8)(c) above, there is no material distinction on whether an arrest results from a probable cause arrest, an arrest warrant, an indictment warrant, or a bench warrant.
9. Description and role of Attachments to this PJO:
- a. **Attachment A** to this order is the Step I chart of offenses and their presumptive associated Release Guidelines.
 - b. **Attachment B** to this order is the Step II chart of Release Guideline 4, the overriding circumstances particular to Multnomah County, and how the overriding circumstance affects the Release Guideline placement and release conditions.
 - c. **Attachment C** to this order is the list of conditions that apply to all offenses in Release Guideline 2, whether placed there pursuant to Step I or Step II.
 - d. **Attachment D** to this order is a list of Release Guidelines for Controlled Substances offenses.

The attachments are incorporated by reference into this order; however, to the extent any item in an attachment conflicts with the text of this order, the text of this order controls. If any part of this order or an attachment conflict with the State Court Administrator’s Release Guidelines Categorization List [[Release guidelines categorization list \(oregon.gov\)](https://www.oregon.gov/courts/courts-administration/Release-guidelines-categorization-list)], that list controls, unless an amendment to this order specifies that it applies notwithstanding a conflict between this order and that list.

10. Nothing in this order should be construed to interfere with Multnomah County’s authority to adopt a jail capacity limit and action plan under ORS 169.044, or with the Sheriff’s ability to carry out the steps of any such plan to relieve jail population emergencies.
11. Nothing in this order should be construed to interfere with the authority of Multnomah County Corrections Health to provide support resources prior to release for anyone evaluated by Corrections Health and determined to be at imminent risk of self-harm or requiring further behavior health evaluation due to a risk to self or others.

SECTION B
APPLICATION OF STEP I:
CHARGES, CRITERIA & PRESUMPTIVE RELEASE GUIDELINES

RELEASE GUIDELINE 1 (ROR)

1. Subject to any overriding circumstances in Step II of this order, the DCJ Recognizance Unit shall release under Release Guideline 1 all individuals charged with the following offenses:
 - ❖ Any non-person misdemeanor (except those offenses listed in Release Guideline 2 or 3, below);
 - ❖ Any non-person Class C felony (except those offenses listed in Release Guidelines 2 or 3, below);
 - ❖ Any Driving While Suspended offense defined in ORS 811.182, felony or misdemeanor (except for Aggravated Driving While Suspended as defined in ORS 163.196); and
 - ❖ Any other offense not included in Release Guideline 2 or 3, including Contempt for failure to pay child support, Contempt for failing to appear at a Judgment Debtor Exam, or other Contempt under ORS 33.015 to 33.155, but not including Contempt for failure to obey a no-contact order.

2. Upon releasing a person subject to Release Guideline 1, the DCJ Recognizance Unit or Multnomah County Sheriff's Office (MCSO) shall, pursuant to ORS 135.255, cause to be executed a release order and agreement that complies with ORS 135.250.

RELEASE GUIDELINE 2 (Conditional Release)

1. Subject to any overriding circumstances in Step II of this order, the DCJ Recognizance Unit shall release under Release Guideline 2 all individuals charged with the offenses or meeting the criteria set out below. The Recognizance Unit shall impose release conditions based on the defendant's charges or circumstances as set out below. Some people or offenses may be subject to multiple conditions if they are included within multiple categories of offenses that have conditions. The Recog Unit shall impose on all persons released under Release Guideline 2, including those re-assigned to Release Guideline 2 based on overriding circumstances outlined in Step II, the following condition:
 - "Keep in contact with your attorney once one is appointed or retained and notify your attorney's office of any updates to your phone number, mailing address or residential address.
 - a. Any non-domestic violence person misdemeanor, as defined in OAR 213-003-0001(15).
 - If the alleged victim's name is known to the Recognizance officer, the officer shall impose the following condition: "Do not have any contact of any kind with [victim name.]"
 - b. Any Driving Under the Influence of Intoxicants (DUII) offense (ORS 813.010, ORS 813.011. The Recognizance Unit shall impose the following conditions:
 - "Do not drive without a valid driver's license or insurance;" and

- “Do not use alcohol or drugs before or while operating a motor vehicle.”³
- 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).
- If the alleged victim’s name is known to the Recognizance officer, the officer shall impose the following condition: “Do not have any contact of any kind with [victim name].”
 - If the offense location is known to the Recognizance officer, the officer shall impose the following condition: “Do not visit or enter an area within 100 feet of [location of the offense.]”
- d. For any Release Guideline 2 offense in which there is a known co-defendant, the Recognizance Unit shall order as follows:
- “Do not communicate with any co-defendant about the facts of your criminal case.”
- e. For the following listed offenses, in addition to the conditions specified below and any other conditions that apply, the Recognizance Unit shall order the following condition:
- “Report to Pretrial Release Services for pretrial monitoring immediately after your next hearing.”
- 1) Bias Crime in the First Degree under ORS 166.165 and Bias Crime in the Second Degree under ORS 166.155, unless placed in Release Guideline 3 due to overriding circumstances;
 - For Bias Crime in the Second Degree under ORS 166.155(1)(a), if the offense location is known to the Recognizance officer, the officer shall order as follows: “Do not visit or enter within 100 feet of [offense location.]”
 - 2) Criminal Mistreatment under ORS 163.205 if not classified as a domestic violence case as defined by ORS 135.230;
 - 3) Delivery or Manufacture of a controlled substance of whatever kind that involves a “super substantial quantity” (SSQ) under ORS 475.925(2),⁴ or a Delivery or Manufacture that is a “commercial drug offense” under ORS 475.900; and
 - 4) Harassment under ORS 166.065(4) if not placed in Release Guideline 3 due to overriding circumstances.

2. Regardless of the offense, if a defendant’s PSA score places the defendant in Pretrial Monitoring Level 1, 2 or 3 on the PSA Multnomah County Pretrial Monitoring Level Matrix , the Recognizance Unit shall order as follows:

- “Report to Pretrial Release Services for pretrial monitoring immediately after your next court hearing.”

³The State may move for High Risk DUII conditions at the time of arraignment in appropriate cases.

⁴ Note – “super substantial quantity”(SSQ) under ORS 475.925(2) is distinguished from “super super substantial quantity” (SSSQ) under ORS 475.925(1).

3. Pursuant to ORS 135.255, all persons released under Release Guideline 2 must complete a release order and agreement that complies with ORS 135.250 and lists all special conditions of release as required by this order.

RELEASE GUIDELINE 3 (Hold for Arraignment)

1. Subject to any overriding circumstances in Step II of this order, the DCJ Pretrial Release Program shall hold for arraignment or first appearance all individuals charged with any of the following offenses:
 - a. Any violent felony, as defined in ORS 135.240;⁵
 - b. Any offense in ORS 137.700;
 - c. Any Class A felony;
 - d. Any sex crime, as defined in ORS 163A.005(5), including any Luring a Minor as defined in ORS 167.057, Invasion of Personal Privacy in the First Degree as defined in ORS 163.701, and Purchasing Sex with a Minor as defined in ORS 163.413, and any attempts to commit those offenses, notwithstanding that those offenses have not been designated as a sex crime in any judgment;
 - e. Any domestic violence felony or misdemeanor, as defined in ORS 135.230;
 - f. Any felony stalking as defined in in ORS 163.732, any violation of a stalking protective order as defined in ORS 163.750, and any felony strangulation as described in ORS 163.187;
 - g. 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;
 - h. Failure to appear, as defined in ORS 162.195 and ORS 162.205;
 - i. Felon in possession of a firearm, as defined in ORS 166.270;
 - j. Fleeing or Attempting to Elude, as defined in ORS 811.540;
 - k. Resisting arrest, as defined in ORS 162.315;
 - l. Giving false information to a peace officer, as defined in ORS 807.620 and ORS 162.385;
 - m. 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;
 - n. Fugitive from justice, as defined in ORS 133.747; and
 - o. Tampering with a Witness as defined in ORS 162.285.

SECTION C

APPLICATION OF STEP II:

OVERRIDING CIRCUMSTANCES (Release Guideline 4)

The following non-discretionary overriding circumstances, if present, will require a DCJ Recognizance Unit officer to move a person from the presumptive Release Guideline to a

⁵ Violent felonies as defined in ORS 135.240 are listed in PJO 2201-00003 (Order Re: Preventative Detention Hearing Procedures in Violent Felonies). If the crime is not listed in that order, and if there is no signed court order declaring a charge to be a violent felony, the offense will be assigned as otherwise designated in this order.

different Release Guideline, as specified below. Any person moved from Release Guideline 1 or 2 to Release Guideline 3 shall have an interview completed by the RAO staff. Conditions of release are included for people when moved to Release Guideline 2.

1. **Overriding circumstances for offenses presumptively in Release Guideline 1 (ROR) to move to Release Guideline 2 (Conditional Release):** The following circumstances will move an offense or person from Release Guideline 1 to Release Guideline 2 as specified below. In addition to any other conditions imposed, the Recognizance Unit shall impose the listed conditions.
 - a. Arson in the Second Degree under ORS 164.315, Arson Incident to the Manufacture of a Controlled Substance in the Second Degree under ORS 164.338, and Reckless Burning under ORS 164.335 will move to Release Guideline 2 if the person is on pre-trial release or supervision for any degree of arson;
 - The Recognizance Unit shall order as follows: “Do not possess fire accelerants, such as lighter fluid.”
 - The Recog Unit shall also order as follows: “Report to Pretrial Release Services for pretrial monitoring immediately after your next court hearing.”
 - If the offense location is known to the Recognizance officer, the officer shall order as follows: “Do not visit or enter within 100 feet of [offense location.]”
 - b. The crimes of Theft under ORS 164.013 to 164.125, Criminal Trespass under ORS 164.243 to ORS 164.255, and Criminal Mischief under ORS 164.345 to 164.365, whether a felony or misdemeanor, will move to Release Guideline 2 if there is a known location.
 - The Recognizance officer shall order the following release condition: “Do not visit or enter within 100 feet of [offense location.]”
 - c. Riot under ORS 166.015 will move to Release Guideline 2 if the person is on pretrial monitoring or probation for the crime of riot. The Recognizance Unit shall order as follows:
 - “You must immediately disperse from any gathering within Multnomah County if you reasonably know that a law enforcement agency has declared that gathering unlawful or riotous.”⁶;
 - While in any public gathering, whether lawful or unlawful, you shall not possess rocks, paint-filled balloons, fireworks, laser pointers, bear spray canisters, expandable batons, or incendiary devices. “
 - d. Unauthorized Use of a Motor Vehicle under ORS 164.135, Possession of a Stolen Motor Vehicle under ORS 819.300, and Burglary in the Second Degree under ORS 164.215 will move to Release Guideline 2 if the person is on probation or post-prison supervision for either UUMV, PSMV or Burglary in the Second Degree.
 - The Recognizance Unit shall order as follows: “Report to Pretrial Release Services for pretrial monitoring immediately after your next court hearing.”
 - For Burglary in the Second Degree, under ORS 164.215, if the offense location is known to the Recognizance officer, the officer shall order as follows: “Do not visit or enter within 100 feet of [offense location.]”

⁶ If so declared under ORS 131.675.

- e. Any crime in Release Guideline 1 involving a named victim will move to Release Guideline 2 if not otherwise placed in a different Release Guideline.
 - If the alleged victim’s name is known to the Recognizance officer, the officer shall impose the following condition: “Do not have any contact of any kind with [victim name.]”
 - f. Any crime in Release Guideline 1 involving co-defendants, if known, will move to Release Guideline 2 if not otherwise placed in a different Release Guideline.
 - The Recognizance Unit shall order as follows: “Do not communicate with any co-defendant about the facts of your criminal case.”
 - g. Any person who is presumptively in Release Guideline 1 whose score on the PSA places them at Level 1, 2 or 3 on the PSA Multnomah County Pretrial Monitoring Level Matrix shall be placed in Release Guideline 2.
 - The Recognizance Unit shall order as follows: “Report to Pretrial Release Services for pretrial monitoring immediately after your next court hearing.”
2. **Overriding circumstances for offenses presumptively in Release Guideline 1 (ROR) to move to Release Guideline 3 (Hold for Arraignment):** The following circumstances will move an offense or person from Release Guideline 1 to Release Guideline 3 as specified below.
- a. Any crime involving fraud or theft, excluding Theft in the Third Degree, will move to Release Guideline 3 if the person has three or more cases, pending or convicted, within the last three years for a crime involving fraud or theft, excluding Theft in the Third Degree.
 - b. Unauthorized Use of a Motor Vehicle, Possession of a Stolen Motor Vehicle, or Burglary in the Second Degree will move to Release Guideline 3 if the person has three or more cases, pending or convicted, within the last three years for either UUMV, PSMV or Burglary in the Second Degree.
3. **Overriding circumstances for offenses presumptively in Release Guideline 2 (Conditional Release) to move to Release Guideline 3 (Hold for Arraignment):** The following circumstances will move an offense in Release Guideline 2 to Release Guideline 3 as specified below:
- a. A non-domestic violence person misdemeanor, non-domestic violence person C felony, or non-domestic violence B felony will move to Release Guideline 3 if it is verified that:
 - ❖ The defendant has a pending person felony or Class A person misdemeanor in any court; or
 - ❖ The defendant is on probation, parole or post-prison supervision for any person felony or Class A person misdemeanor.
 - b. Harassment under ORS 166.065(1)(a)(A) will move to Release Guideline 3 if it is stated objectively and in writing in the custody information or probable cause statement provided by a law enforcement officer that the victim is a “family or household member” as defined in ORS 135.230(4).
 - c. Harassment under ORS 166.065(4)(a)(A) will move to Release Guideline 3 if the person has a prior conviction for the same offense or for any sex crime and if it is

verified by information presented in a probable cause statement or other informational document that the victim is a minor.

- d. Harassment under ORS 166.065(4)(a)(B) will move to Release Guideline 3.
- e. Bias Crimes in the Second Degree under ORS 166.155 will move to Release Guideline 3 if defendant has been convicted of another bias crime within 3 years.
- f. Bias Crime in the First Degree under ORS 166.165 will move to Release Guideline 3 if, within the last three years, defendant has been convicted of another bias crime, unlawful use of a weapon, any level of assault, or any attempted felony assault.
- g. Unlawful Use of a Weapon under ORS 166.220 will move to Release Guideline 3 if it involves use of a firearm.
- h. Delivery or Manufacture of a controlled substance of whatever kind will move to Release Guideline 3 if the charged delivery or manufacture involves a “super super substantial quantity” (SSSQ) under ORS 475.925(1).⁷
- i. Felony DUUI under ORS 813.010 will move to Release Guideline 3 if there is a pending DUUI or a conviction for DUUI within the last three years.

4. Overriding Circumstances for offenses presumptively in Release Guideline 3 (Hold for Arraignment) to move to Release Guideline 2 (Conditional Release): The following criteria will move an offense from Release Guideline 3 to Release Guideline 2 as specified below.⁸ The Recognizance Unit shall impose on all offenses moved to Release Guideline 2 the following condition:

- “Keep in contact with your attorney once one is appointed or retained and notify your attorney’s office of any updates to your phone number, mailing address or residential address.”
- a. The offenses of Attempt to Elude under ORS 811.540(3), Failure to Appear under ORS 162.195 to 162.205, and Giving False Information to a Police Officer under ORS 162.385, will move to Release Guideline 2 unless the criteria below are present. If the criteria below are present, the offenses will remain in Release Guideline 3:
 - ❖ The defendant has a pending person felony or a Class A DV person misdemeanor in any court; or
 - ❖ The defendant is on probation, parole or post-prison supervision for any person felony or Class A DV person misdemeanor.
 - b. For felony Attempt to Elude under ORS 811.540(3)(a) moved to Release Guideline 2, the Recognizance unit shall order the following condition:
 - “Report to Pretrial Release Services for pretrial monitoring immediately after your next hearing.”
 - c. The offenses of Escape in the Third Degree under ORS 164.145, Escape in the Second Degree under ORS 162.155, Resist Arrest under ORS 162.315, and Unauthorized Departure under ORS 162.175 will move to Release Guideline 2 unless the defendant has a pending person felony or a Class A DV person misdemeanor.

⁷ Note the distinction between “super super” substantial quantity (SSSQ) under ORS 475.925(1), and “super” substantial quantity (SSQ) under ORS 475.925(2).

⁸ The CJO does not permit offenses to move from Release Guideline 3 to Release Guideline 1.

- d. Burglary in the First Degree under ORS 164.225 will move to Release Guideline 2 if the burglary was not of a dwelling. The Recognizance Unit shall impose the following conditions:
 - “Report to Pretrial Release Services for pretrial monitoring immediately after your next hearing.”
 - If the offense location is known to the Recognizance officer, the officer shall impose the following condition: “Do not visit or enter an area within 100 feet of [location of the offense.]”
- e. Any Delivery or Manufacture of a Controlled Substance of whatever kind that would presumptively be in Release Guideline 3 will move to Release Guideline 2 unless it involves a “super super substantial quantity” (SSSQ) under ORS 475.925(1), in which case it shall remain in Release Guideline 3.
 - If an offense in 3(e) above involves a “super substantial quantity” (SSQ) under ORS 475.925(2); or if it is a Delivery or Manufacture that is a commercial drug offense under ORS 475.900, the Recognizance Unit shall impose the following condition: “Report to Pretrial Release Services for pretrial monitoring immediately after your next hearing.”
- f. Sex Abuse III will move to Release Guideline 2 if the person has no prior conviction for any sex crime and if it is verified by information presented in a probable cause statement or other informational document that the victim is not a minor. Otherwise, it will remain in Release Guideline 3.
 - The Recognizance Unit shall impose the following condition: “Report to Pretrial Release Services for pretrial monitoring immediately after your next hearing.”
 - If the alleged victim’s name is known to the Recognizance officer, the officer shall impose the following condition: “Do not have any contact of any kind with [victim name.]”

5. **Person-Specific Overriding Circumstances:** If present, any of the following overriding circumstances will categorically move a person to Release Guideline 3 no matter the presumptive Release Guideline:

- a. A probable cause arrest within 24 hours of a booking on a previous probable cause arrest.
- b. Any person arrested for whom there is probable cause that the person has violated a no-contact order as defined in Section A(5)(k) of this order.
- c. Any person arrested on a material witness warrant.
- d. Any person who has five or more pending cases of any type, not including probation violations.
- e. Any person arrested for any reason who is on community release pending fitness to proceed under ORS 161.370.
- f. Any person who is charged with a felony or Class A person misdemeanor if they have a warrant or hold from another jurisdiction.

6. The following circumstances, though they may require remaining in custody by their own terms, will not require a person to move to a different Release Guideline on any pending charge.
 - a. A person charged with a non-person misdemeanor who has an outstanding warrant or hold from another jurisdiction may still be released on the Multnomah County charges as otherwise provided in this order.
 - b. A person arrested on a warrant issued for probation violation, specialty court violation, failure to comply with Pretrial Release conditions, administrative sanction, or post-prison supervision violation will be held or released as authorized by that warrant, but the warrant will not affect the Release Guideline for any new charge or prohibit the person's release as otherwise authorized in this order.

SECTION D
OTHER CONSIDERATIONS

1. As required by ORS 135.247, the Recognizance Unit shall issue to each defendant who is booked on a charge that is a sex crime or a crime constituting domestic violence an order that the defendant is prohibited from contacting the victim while the defendant is in custody. The ORS 135.247 no-contact order shall be issued under the authority of the Presiding Judge to the defendant in the name provided by the defendant on the current booking into the Multnomah County Detention Center. The no-contact order shall be signed by the Recog officer pursuant to the authority granted under ORS 135.247 and shall be fully effective as an order of this court and continue in effect until its expiration or termination as provided under that statute.
2. Nothing in this order precludes the court or an OJD Release Assistance Officer from imposing or altering conditions, changing custody status, imposing bail, or taking any other action as authorized by law.
3. A decision imposing a bail amount at arraignment does not constitute law of the case. A party may request a change of security amount or release conditions at the first subsequent release hearing notwithstanding ORS 135.285.
4. This order and the elimination of an automatic bail schedule does not serve to delete bail if a security amount is listed on an arrest warrant, indictment warrant, bench warrant, probation violation warrant, release revocation warrant, or other warrant, whether issued before or after July 1, 2022. Defendants shall retain the right to post bail on warrants that contain security amounts after being booked on that particular warrant.

Dated this 19 day of May, 2023


The Hon. Judith Matarazzo
Presiding Judge

PRESIDING JUDGE ORDER 23PJO00003

ATTACHMENT A: STEP I PRESUMPTIVE RELEASE GUIDELINES FOR OFFENSES

See: [Release guidelines categorization list \(oregon.gov\)](#) for complete list of offenses.

RELEASE TYPE	OFFENSE TYPE
<p>PRESUMPTIVE RELEASE GUIDELINE 1 Release on personal recognizance pursuant to release order and agreement as required by ORS 135.250 and 135.255.</p>	<ul style="list-style-type: none"> ❖ Any non-person misdemeanor, except those offenses listed in Release Guideline 2 or 3. ❖ Any non-person Class C felony, except those offenses listed in Release Guideline 2 or 3. ❖ Any Driving While Suspended offense defined, felony or misdemeanor, in ORS 811.182, except for Aggravated Driving While Suspended as defined in ORS 163.196. ❖ Any other offense that is not included in Release Guideline 2 or 3, including Contempt for failure to pay child support, Contempt for failing to appear at a Judgment Debtor Exam, or other Contempt under ORS 33.015 to 33.155, but not including Contempt for failure to obey a no-contact order.
<p>PRESUMPTIVE RELEASE GUIDELINE 2</p> <ul style="list-style-type: none"> • Release all in RG 2 on following condition: “Keep in contact with your attorney once one is appointed or retained and notify your attorney’s office of any updates to your phone number, mailing address or residential address.” • For any offense in which there is a victim, if the victim’s name is known, the Recognizance officer shall order: “Do not have any contact of any kind with [victim’s name.]” • Release on additional conditions specified in this section and Attachment C as applicable. • Include all release conditions on the release order and agreement required by ORS 135.250 and 135.255. 	<ul style="list-style-type: none"> ❖ Defendants whose PSA score places them in Level 1, 2 or 3 on the PSA Multnomah County Pretrial Monitoring Level Matrix. <ul style="list-style-type: none"> • The Recognizance Unit shall order: “Report to Pretrial Release Services for pretrial monitoring immediately after your next court hearing.” ❖ Any non-domestic violence person misdemeanor, as defined in OAR 213-003-0001(15), except those offenses listed in Release Guideline 3. ❖ Any Driving under the Influence of Intoxicants (DUII) offense (ORS 813.010, ORS 813.011, 813.326). Recog shall order: <ul style="list-style-type: none"> • “Do not drive without a valid driver’s license or insurance;” • “Do not use alcohol or drugs before or while operating a motor vehicle.” ❖ Any non-domestic violence Class B felony (person or non-person) and any non-domestic violence person Class C felony as defined in OAR 213-003-0001(14), except for those offenses included in Release Guideline 1 or 3. If known to Recog, order the following conditions: <ul style="list-style-type: none"> • “Do not visit or enter an area within 100 feet of [location of the offense].” ❖ Any offense for which there is a known co-defendant. If known, the Recog officer shall order: <ul style="list-style-type: none"> • “Do not communicate with any co-defendant about the facts of your case.” ❖ For the offenses listed below, the Recognizance officer shall order the following condition: <ul style="list-style-type: none"> • “Report to Pretrial Release Services for pretrial monitoring immediately after your next court hearing.” ❖ Any level of Bias Crime not placed in Release Guideline 3 due to overriding circumstances.

	<ul style="list-style-type: none"> • For Bias Crime in the Second Degree under ORS 166.155(1)(a), if the location is known to Recog, order the following condition: “Do not visit or enter an area within 100 feet of where tampering or interfering with property occurred.]” ❖ Criminal Mistreatment if not classified as a domestic violence case as defined by ORS 135.230. ❖ Delivery or Manufacture of a controlled substance of whatever kind that involves a “super substantial quantity” (SSQ) under ORS 475.925(2), or a Delivery or Manufacture that is a “commercial drug offense” under ORS 475.900. ❖ Any Harassment under ORS 166.065(4) not placed in Release Guideline 3 due to overriding circumstances.
<p>PRESUMPTIVE RELEASE GUIDELINE 3</p> <p>HOLD for arraignment, first appearance, or other judicial department release decision.</p>	<ul style="list-style-type: none"> ❖ Any violent felony, as defined in ORS 135.240 or as provided in PJO 2201-00003 (Order Re: Preventative Detention Hearing Procedures and Security Release in Violent Felonies); ❖ Any offense in ORS 137.700; ❖ Any Class A felony; ❖ Any sex crime, as defined in ORS 163A.005(5), as well as Luring a Minor as defined in ORS 167.057, Invasion of Personal Privacy in the First Degree as defined in ORS 163.701, and Purchasing Sex with a Minor as defined in ORS 163.413, or attempts to commit those crimes, notwithstanding that those offenses have not been designated as a sex crime in any judgment; ❖ Any domestic violence felony or misdemeanor, as defined in ORS 135.230; ❖ Any felony Stalking as defined in in ORS 163.732, any Violation of a Stalking Protective Order as defined in ORS 163.750, and any felony Strangulation as described in ORS 163.187; ❖ Possession of a Firearm or 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; ❖ Escape in any degree, as defined in ORS 162.145, ORS 162.155, and ORS 162.165; ❖ Fugitive from justice, as defined in ORS 133.747; and ❖ Tampering with a Witness as defined in ORS 162.285.

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ATTACHMENT B: STEP II OVERRIDING CIRCUMSTANCES (RELEASE GUIDELINE 4)

The following non-discretionary, person-specific overriding circumstances, if present, will require a Recognizance officer to move a person from Release Guideline 1 to Release Guideline 2 or 3; from Release Guideline 2 to Release Guideline 3; or from Release Guideline 3 to Release Guideline 2, and to impose conditions for cases moved to Release Guideline 2 as specified in Attachment C.

OVERRIDING CIRCUMSTANCES FOR OFFENSES IN PRESUMPTIVE RELEASE GUIDELINE 1	RELEASE GUIDELINE 1	MOVE TO RELEASE GUIDELINE 2 (See Attachment C for conditions)	MOVE TO RELEASE GUIDELINE 3
Any offense with named victim		X	
Any offense if there is a known co-defendant		X	
Any person whose score on the PSA places them at Level 1, 2 or 3 on the Multnomah County Pretrial Monitoring Level Matrix		X	
Arson II, Arson Incident to MCS II and Reckless Burning if on release or supervision for any degree of arson		X	
Crim Mischief/Crim Trespass/Theft if location is known		X	
Riot if person on release or supervision for riot		X	
UUMV/PSMV/Burg II if on supervision for UUMV, PSMV or Burg II		X	
UUMV/PSMV/Burg II if 3 or more pending or convicted UUMV, PSMV or Burg II cases within prior 3 years			X
Any crime involving fraud or theft, excluding Theft III, if 3 or more pending or convicted fraud or theft cases within prior 3 years			X
Any of the following: ❖ A probable cause arrest within 24 hours of a previous probable cause arrest;			X

<ul style="list-style-type: none"> ❖ Any person arrested for whom there is probable cause that the person has violated a no-contact order as defined in Section A(5)(k) of this order; ❖ Any person arrested on a material witness warrant; ❖ Any person who has five or more pending cases of any type, not including probation violations; ❖ Any person arrested for any reason who is on community release pending fitness to proceed under ORS 161.370; or ❖ Any person charged with a felony or Class A person misdemeanor if they have a hold from another county or jurisdiction 			
OVERRIDING CIRCUMSTANCES FOR OFFENSES IN PRESUMPTIVE RELEASE GUIDELINE 2	RELEASE GUIDELINE 1	RELEASE GUIDELINE 2	MOVE TO RELEASE GUIDELINE 3
Non-DV person felony or Class A person misd., or any B felony, if: <ul style="list-style-type: none"> • There is a pending person felony or person Class A misd. in any court, or • Defendant is on probation or PPS for any person felony or person Class A misd. 			X
Bias Crime in the Second Degree if convicted of another bias crime within 3 years			X
Bias Crime in the First Degree if convicted of another bias crime, UUW, any assault, or attempted felony assault within 3 years			X
DCS/MCS if "super super substantial quantities" (SSSQ) under ORS 475.925(1)			X

Felony DUII if there is a pending DUII or a conviction for DUII within 3 years			X
Harassment under ORS 166.065(1)(a)(A) if victim is family or household member			X
Harassment under ORS 166.065(4)(a)(A) if person has prior conviction for same offense or any sex crime and victim is a minor			X
Harassment under ORS 166.065(4)(a)(B)			X
Unlawful Use of a Weapon if offense involves use of a firearm			X
<p>Any of the following:</p> <ul style="list-style-type: none"> ❖ A probable cause arrest within 24 hours of a previous probable cause arrest. ❖ Any person arrested for whom there is probable cause that the person has violated a no-contact order as defined in Section A(5)(k) of this order. ❖ Any person arrested on a material witness warrant. ❖ Any person who has five or more pending cases of any type, not including probation violations. ❖ Any person arrested for any reason who is on community release pending fitness to proceed under ORS 161.370. ❖ Any person charged with a felony or Class A person misdemeanor if they have a hold from another county or jurisdiction. 			X

OVERRIDING CIRCUMSTANCES FOR OFFENSES IN PRESUMPTIVE RELEASE GUIDELINE 3	RELEASE GUIDELINE 1	MOVE TO RELEASE GUIDELINE 2 (See Attachment C for conditions)	REMAINS IN RELEASE GUIDELINE 3
Any presumptive RG3 offense will REMAIN in RG3 if any of the factors in Section C(5)(a) through (f) are present.			X
Attempt to Elude, felony or misdemeanor, if defendant does NOT have a pending person felony or DV Class A misdemeanor in any court and is NOT on probation, parole or pps for any person felony or DV Class A misdemeanor		X	
Burglary in the First Degree if not of a dwelling		X	
DCS/MCS unless it involves "super super substantial quantities" (SSSQ) under ORS 475.925(1)		X	
False Information and Fail to Appear if defendant does NOT have a pending person felony or DV Class A misdemeanor in any court and is NOT on probation, parole or pps for any person felony or DV Class A misdemeanor		X	
Escape II, Escape III and Resist Arrest if the defendant does NOT have a pending person felony or Class A DV person misdemeanor		X	
Sex Abuse III if no prior conviction for any sex crime and victim is not a minor		X	

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ATTACHMENT C: CONDITIONS IMPOSED FOR RELEASE GUIDLEINE 2

The following offense-specific or person-specific criteria lead to the following conditions. A defendant may have multiple conditions depending on the offense and person-specific criteria.

OFFENSE TYPE OR PERSON-SPECIFIC CRITERIA	CONDITION OF RELEASE
All offenses and persons either presumptively in Release Guideline 2 or placed there by overriding circumstances.	<ul style="list-style-type: none"> • “Keep in contact with your attorney once one is appointed or retained and notify your attorney’s office of any updates to your phone number, mailing address or residential address.”
Any person whose score on the PSA places them in Level 1, 2 or 3 of the Multnomah County Pretrial Monitoring Level Matrix	<ul style="list-style-type: none"> • “Report to Pretrial Release Services for pretrial monitoring immediately after your next hearing.”
Any offense when there is a known named victim.	<ul style="list-style-type: none"> • “Do not have contact of any kind with [victim name.]”
Any offense when there is a known co-defendant.	<ul style="list-style-type: none"> • “Do not communicate with any co-defendant about the facts of your criminal case.”
Any level of the following if location of the offense is known: <ul style="list-style-type: none"> ❖ Class B felony ❖ Person Class C felony or Class A misdemeanor (if particular location involved) ❖ Criminal Mischief ❖ Criminal Trespass ❖ Theft 	<ul style="list-style-type: none"> • “Do not visit or enter an area within 100 feet of [location of the offense.]”
Attempt to Elude, felony, under ORS 811.540(3) (from RG 3)	<ul style="list-style-type: none"> • “Report to Pretrial Release Services for pretrial monitoring immediately after your court hearing.”
Arson II, Arson incident to MCS II, and Reckless Burning (if moved from RG1)	<ul style="list-style-type: none"> • “Report to Pretrial Release Services for pretrial monitoring immediately after your next hearing.” • “Do not have contact of any kind with [victim name.]” • “Do not visit or enter an area within 100 feet of [location of the offense.]” • “Do not possess fire accelerants, such as lighter fluid.”
Bias Crime (if not in RG3)	<ul style="list-style-type: none"> • “Report to Pretrial Release Services for pretrial monitoring immediately after your next hearing.” • If known: “Do not have contact of any kind with [victim name.]” • For Bias Crime in the Second Degree under ORS 166.155(1)(a), if known: “Do not visit or enter within 100 feet of [offense location where tampering or interfering with property occurred.]”

Burglary in the First Degree if not of a dwelling, and Burglary in the Second Degree	<ul style="list-style-type: none"> • “Report to Pretrial Release Services for pretrial monitoring immediately after your next court hearing.” • If known: “Do not visit or enter area within 100 feet of [offense location.]”
Criminal Mistreatment (non DV)	<ul style="list-style-type: none"> • “Report to Pretrial Release Services for pretrial monitoring immediately after your next court hearing.” • If known: “Do not have contact of any kind with [victim’s name.]”, no contact with named victim
Delivery or Manufacture of any Controlled Substance that is “Super Substantial Quantity” (SSQ) under ORS 475.925(2) or is a CDO under 475.900	<ul style="list-style-type: none"> • “Report to Pretrial Release Services for pretrial monitoring immediately after your next court hearing.”
DUII	<ul style="list-style-type: none"> • “Do not drive without a valid driver’s license and insurance.” • “Do not use alcohol or drugs before or while operating a motor vehicle.”
Harassment under 166.065(4) if not placed in RG3	<ul style="list-style-type: none"> • “Report to Pretrial Release Services for pretrial monitoring immediately after your next court hearing.” • If known: “Do not have contact of any kind with [victim’s name.]”, no contact with named victim
Riot (from RG1)	<ul style="list-style-type: none"> • “You must immediately disperse from any gathering within Multnomah County if you reasonably know that a law enforcement agency has declared that gathering unlawful or riotous.” • “While in any public gathering, whether lawful or unlawful, you shall not possess rocks, paint-filled balloons, fireworks, laser pointers, bear spray canisters, expandable batons, or incendiary devices.”
Sex Abuse III (from RG3)	<ul style="list-style-type: none"> • “Report to Pretrial Release Services for pretrial monitoring immediately after your next court hearing.” • If known: “Do not have any contact of any kind with [victim’s name.]”
UUMV or PSMV (from RG1)	<ul style="list-style-type: none"> • “Report to Pretrial Release Services for pretrial monitoring immediately after your next court hearing.”

**SUMMARY: OFFENSES AND PERSONS IN RELEASE GUIDELINE II
ORDERED TO REPORT FOR PRETRIAL MONITORING**

“Report to Pretrial Services for pretrial monitoring immediately after your next court hearing.”	<ul style="list-style-type: none"> ❖ Any person whose score on the PSA places them in Level 1, 2 or 3 of the Multnomah County Pretrial Monitoring Level Matrix ❖ Arson II
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	<ul style="list-style-type: none">❖ Arson incident to MCS II❖ Attempt to Elude (felony)❖ Bias Crime❖ Burg I not of a dwelling❖ Burg II❖ Criminal Mistreatment❖ DCS – SSQ❖ DCS – CDO❖ Harassment under ORS 166.065(4)❖ PSMV❖ Reckless Burning❖ Riot❖ Sex Abuse III❖ UUMV/PSMV
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ATTACHMENT D: RELEASE GUIDELINES FOR CONTROLLED SUBSTANCE CHARGES

Regardless of the presumptive Release Guideline and regardless of whether it is an A or B felony, Delivery or Manufacture of a controlled substance, whatever type, are placed into Release Guidelines as specified below.

OVERRIDING CIRCUMSTANCE	RELEASE GUIDELINE
Any DCS/MCS involving "super super substantial quantities" (SSSQ) under ORS 475.925(1)	Release Guideline 3
Any DCS/MCS involving "super substantial quantities" (SSQ) under ORS 475.925(2)	<ul style="list-style-type: none">• Release Guideline 2 with the following condition: "Report to Pretrial Services for pretrial monitoring immediately after your next court hearing."
Any DCS/MCS that is a commercial drug offense under ORS 475.900	<ul style="list-style-type: none">• Release Guideline 2 with the following condition: "Report to Pretrial Services for pretrial monitoring immediately after your next court hearing."
Any DCS/MCS that does not involve any of the above overriding circumstances	<ul style="list-style-type: none">• Release Guideline 2 with standard condition for all offenses in Release Guideline 2