

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE 25TH JUDICIAL DISTRICT
YAMHILL COUNTY**

In the Matter of Pretrial Release by Correctional Staff.) Presiding Judge Order No. _____
) **ORDER REGARDING CRITERIA AND PRACTICE FOR PRETRIAL**
) **RELEASE BY CORRECTIONAL STAFF**

Correctional staff are directed, effective July 10, 2015,* to apply the attached guidelines defining jail staff authority to release persons booked into the Yamhill County jail.

The following principles apply:

- The law requires the presumption that persons accused of a crime are to be released pretrial pursuant to guidelines and practices intended to follow that presumption while protecting public and victim safety and promoting appearance at future court proceedings.
- The guidelines also must take into account the alleged victim's right to input.
- Posting of money as security does not generally correlate with later court appearance, therefore, whenever possible, release will be based on non-monetary factors.
- The goals of public and victim safety and reliable court appearance are aided by use of a validated pretrial risk assessment tool. The court has approved the Public Safety Checklist, PSC, and the Virginia Pretrial Assessment Instrument, VPRAI.
- All persons eligible for pretrial release, whether by jail staff, pretrial services officer or the court, are to be evaluated for risk of failure to appear and/or pretrial misconduct using the PSC and/or the VPRAI, according to the following practice:
 - All persons being processed for booking within the jail shall have a CCH run on them.
 - If the person has an Oregon CCH only, the PSC shall be used to determine the pretrial release risk score.
 - If the person has no Oregon CCH but does have an out-of-state record, the VPRAI shall be used.
 - If the person has both an Oregon AND an out-of-state criminal history, both the PSC and the VPRAI shall be calculated and the higher score applied in the release eligibility grid.
- Where the guidelines provide authority to release the person shall be released, absent overriding circumstances. It is not intended to be a guideline as to who "may" be released, but rather who is to be released if the person meets criteria based on the offense and the PSC or VPRAI score.
- If a VPRAI score is needed pursuant to the above practice, a person may decline the VPRAI assessment but that will make the person ineligible for jail staff release other than by posting of security.
- Persons should be encouraged to participate in the assessment as the information may allow pretrial release by jail staff on the crimes designated in the guidelines and will be used by the pretrial services officer and court in making subsequent release decisions.
- Collection of contact information at booking such as phone numbers, second phone contact numbers, accurate address, possible third party responsible persons or contact is very important to follow up after release.



John L. Collins, Presiding Judge

- DATED this 5th day of July, 2015.

"Authorization and Criteria for Pretrial Release by Jail Corrections Staff", 06-22-15 Revision and the Court's Standard Security Schedule for persons not eligible for correctional staff pretrial release are to be attached as a part of this order.

*Or effective thereafter when adopted into YCCF Policy and Procedure.

**YAMHILL COUNTY CIRCUIT COURT
AUTHORIZATION AND CRITERIA FOR PRETRIAL RELEASE BY JAIL CORRECTIONAL STAFF**

CHARGE	LOW RISK PSC 0-25 / VPRAI 0-2	MEDIUM RISK PSC 26-42 / VPRAI 3-4	HIGH RISK PSC 43+ / VPRAI 5-9
MISDEMEANOR	Recognizance. Conditions for DUII.	Recognizance. Conditions for DUII	Security Required
CLASS C FELONY	Recognizance. Conditions for DUII	Security Required	Security Required
DOMESTIC VIOLENCE MISDEMEANOR OR FELONY	Security + DV Conditions Below	Security + DV Conditions Below	Security + DV Conditions below
<ul style="list-style-type: none"> • ANY PERSON CRIME (Defined Below). • ARREST ON YAMHILL COUNTY WARRANT. • VIOLATION OF RELEASE AGREEMENT. • FUGITIVE FROM ANOTHER STATE. • ICE HOLD. • DUII w/ 1 or more convictions w/i 5 years. • ESCAPE OR ATTEMPT TO ELUDE. • VIOLATION OF RESTRAINING ORDER. • PVs (Unless PO approves Release). • ALL OTHER A or B FELONIES. 	<p>Security Required Per Schedule</p> <p>Security Schedule on Reverse Side</p>	<p>Security Required Per Schedule</p> <p><u>Person crimes:</u> Also see no contact conditions below</p>	<p>Security Required Per Schedule</p> <p>Security Schedule on Reverse Side</p>

Conditions / Circumstances indicating possible flight or safety risk to the victim or public. REQUIRE SECURITY + CONDITIONS

1. Statements from arrestee or others regarding intent to abscond;
2. Person is intoxicated or UI controlled sub-stance (Except safe release to a responsible 3rd party);
3. The person made a credible threat or violence (see below) to a victim, law enforcement officer or anyone else connected w/ the case;
4. Person otherwise appears unable to clearly understand or appears unwilling to follow conditions

Other county hold is NOT a bar to our release. Person Crimes: No Contact conditions apply ->

SPECIAL CONDITIONS OF RELEASE (In addition to security where applicable)

DUII:

1. Absolutely no consumption of alcohol or marijuana;
2. No entry into liquor stores, taverns or bars.

Crime of domestic violence or other person crime:

1. Absolutely no contact with the victim, directly or indirectly;
2. No entry onto premises, business or other location occupied by the victim;
3. No possession or access to firearms or other deadly weapons;
4. If alcohol is implicated in the crime, absolutely no consumption of alcohol;

Person Crime includes any ORS Chapter 163 crime, robbery, domestic harassment or attempt to commit such a crime.

Credible threat means more than “smart talk.” It includes a believable intent to act, and an opportunity or means to do so.

Direct persons released to appear in court at 1:30 the following Wednesday or Friday.

Last names: A-K Wednesday: L-Z Friday All DV cases: the soonest Wed. or Fri. Rev 07-24-15

The following amounts are established as the standard security release amounts for persons arrested on Yamhill County charges. The court may adjust the amount up or down, set further conditions of release or authorize other form of release at first appearance or other release hearing. Priority shall be given to recognizance or conditional release, *where authorized*, without posting money.

Aggravated Murder or Murder:	No Release
Certain MCS/DCS Meth charges¹	\$500,000
Measure 11\ORS 137.700 Offense²	\$150,000
Class A Felony	\$ 20,000
Class B Felony	\$ 10,000
Class C Felony	\$ 7,500
Violation of Restraining Order	\$ 10,000
Domestic Assault 3 or 4 or Menacing	\$ 10,000
Felony DUII (or 3rd or more w/i 10 yrs)³	\$ 50,000
Class A Misdemeanor	\$ 5,000
Domestic Harassment	\$ 5,000
Class B Misdemeanor	\$ 2,500
Class C Misdemeanor	\$ 1,500
Violation of Release Agreement⁴	3x security otherwise applicable

UPDATED this 5th day of July, 2015.

JOHN L. COLLINS, Presiding Judge

¹ Manufacture of methamphetamine [meth lab, etc], Manufacture of methamphetamine within 1,000 feet of a school [meth lab, etc], Delivery of methamphetamine within 1,000 feet of a school, Delivery of methamphetamine, substantial quantity or commercial drug offense, Delivery of methamphetamine to a minor.

² Minimum security is \$150,000 for one to three offenses with \$50,000 each additional after three. *Measure 11 offenses:* Murder, attempted murder, conspiracy to commit murder; Attempted Aggravated Murder, conspiracy to commit aggravated murder; Manslaughter -- first or second degree; Assault -- first or second degree; Kidnapping -- first or second degree; Rape -- first or second degree; Sodomy -- first or second degree; Unlawful sexual penetration -- first or second degree; Sexual abuse -- first degree; Robbery -- first or second degree; Arson -- first degree; Using child in display of sexually explicit conduct; Compelling prostitution.

³ Two or more prior convictions. Also, ALL DUII release agreements, including security release, must contain a conditions of "Absolutely no consumption of alcohol" and "No entry into taverns, bars or liquor stores."

⁴ Examples: Violation of release agreement in C felony: \$22,500. Violation of release agreement in Domestic Assault 3 or 4 or Menacing: \$30,000. This includes violation of a no contact order or condition (NCO).

Note: No contact with the victim is a standard condition of release in all person crimes. Also, by statute, all persons arrested on a domestic violence or sexual assault offense are ordered to have no contact from the jail, directly or indirectly, with the victim, unless the court otherwise authorizes telephone or visiting contact.