

EXHIBIT A: CRITERIA FOR OVERRIDING CIRCUMSTANCES

The Pretrial Release Order incorporates this exhibit, which is to be used in Step 2 of the Release Decision Process. In Step 2, the DCJ Recognizance Unit determines the applicability of overriding circumstances and follows the corresponding action in this Exhibit.

	OVERRIDING CIRCUMSTANCES	CATEGORY 1 CHARGE	CATEGORY 2 CHARGE	CATEGORY 3 CHARGE
PERSON SPECIFIC CIRCUMSTANCES				
a.	Any person whose score on the PSA places them at Level 1, 2, 3 or 3+ on the Multnomah County Pretrial Monitoring Level Matrix.	Move to Category 2		
b.	Person is booked into custody on a new felony or person misdemeanor offense and has a pending felony or person misdemeanor offense statewide.	MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE		
c.	Person is booked into custody on a new offense and has three or more pending cases statewide.	Move to Category 2	Move to Category 3	
d.	Person is booked into custody on a probable cause arrest after having been arrested on probable cause within the prior 48 hours.	MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE		
e.*	Person is booked into custody on a new offense and has more than five historical failures to appear within the last three years on any filed case on separate dates, whether pending or closed.	* MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE ¹		
f.*	Person is booked into custody on a failure to appear warrant on a pending felony or person misdemeanor offense. Except, if the person is unrepresented, apply override (g) instead.	* MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE ²		
g.*	An unrepresented person is booked into custody on a failure to appear warrant on a felony or person misdemeanor offense, having failed to appear two or more times on separate dates in the pending case.	*MOVE TO CATEGORY 3—HOLD FOR APPEARANCE ³		

¹ * The effective date of this override criteria is January 1, 2025.

² * The effective date of this override criteria is January 1, 2025.

³ * The effective date of this override criteria is January 1, 2025.

h.*	Person is booked into custody on a failure to appear warrant on a nonperson misdemeanor offense, having had two or more prior failures to appear on separate dates in the pending case.	*MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE ⁴		
i.	Release has been revoked by Pretrial Release Services on a pending Multnomah County case.	MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE		
j.	Person is booked into custody on a new felony or person misdemeanor offense and is on formal supervision.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE		
k.	Person is booked into custody for any reason and is on formal supervision.	Move to Category 2	Remain in Category 2	
l.	Person is booked into custody for any reason and is also booked into custody on a separate outstanding warrant or hold from another jurisdiction.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE		
m.	Person has an extradition or fugitive hold from another state or is subject to a US Marshal hold.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE		
n.	Person has been extradited to Oregon from another state for arraignment.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE		
o.	Person is booked into custody on charge of arson 2 (ORS 164.315) or reckless burning (ORS 164.335), and the person has a previous conviction or pending charge for arson or reckless burning.	MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE		
p.	Person is booked on an unauthorized use of a vehicle (ORS 164.135), possession of a stolen vehicle (ORS 819.300), or burglary 2 (ORS 164.215) charge, and has at least one prior conviction for one of these offenses in the last 3 years.	MOVE TO CATEGORY 3 – HOLD FOR APPEARANCE		
q.	Person is booked into custody on a new charge of bias 2 (ORS 166.155) and has a prior bias (ORS 166.155 -.165) or person crime conviction in the last three years.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE		
r.	Person booked into custody for any reason is on community release pending fitness to proceed under ORS 161.370(2).	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE		
s.	Person is booked on charge of giving false information to a peace officer (ORS 162.385) if defendant does NOT have a			Move to Category 2

⁴ * The effective date of this override criteria is January 1, 2025.

	pending person felony or DV Class A misdemeanor statewide.			
t.	Person is booked into custody on a standalone charge of resisting arrest (ORS 162.315) and the person does NOT have a pending person felony or Class A DV person misdemeanor.			Move to Category 2

CHARGE OR FACTUAL SPECIFIC CIRCUMSTANCES			
aa.	Any offense with a named victim	Move to Category 2	
bb.	<p>Charged offense is either manufacturing or delivery of controlled substances or conspiracy to commit either and any of the following circumstances are present:⁵</p> <ul style="list-style-type: none"> • PC affidavit alleges that probable cause exists that the offense involves substantial quantities or the offense is a commercial drug offense, as described ORS 475.900(1)(a) and (b); • PC affidavit alleges that the person possessed a firearm while committing a controlled substance offense; or • PC affidavit alleges that the manufacture/delivery involved fentanyl. 	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE	
cc.	New charge of felony DUII, if there is a pending DUII or a conviction for DUII within 3 years	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE	
dd.	Probable cause affidavit alleges commission of a UUW (ORS 166.220), if the alleged crime involved the person's use of a firearm.	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE	
ee.	Person is in custody on a charge of contempt if the charge is based on an allegation that the person violated a protective order or any no contact order issued by a court (this circumstance does not override a contempt charge based on a child support violation).	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE	
ff.	Probable cause affidavit includes an allegation that the person made a clear and unequivocal threat to cause harm to the named victim. ⁶	MOVE TO CATEGORY 3 -- HOLD FOR APPEARANCE	

⁵ It is the responsibility of the arresting agency to identify on the probable cause document the fact specific circumstances identified in this section.

⁶ It is the responsibility of the arresting agency to state if there is probable cause that the person made a clear and unequivocal threat to cause harm to the named victim.