

MULTNOMAH CIRCUIT COURT PRESIDING JUDGE RELEASE ORDER



LOCAL PUBLIC SAFETY COORDINATING COUNCIL

DECEMBER 2024

REQUIRED PRESIDING JUDGE RELEASE ORDER

- SB48 in 2021 Required Presiding Judges to Enter Standing Pretrial Release Order (PRO)
- PRO Must Specify Release Guidelines to Determine Steps After Booking:
 1. Release on Own Recognizance
 2. Release with Conditions,
 3. Hold for Arraignment

CHIEF JUSTICE RELEASE ORDERS

- CJO 24-014 Established Statewide OJD Release Guidelines Based on Charges
- Revised Chief Justice Orders CJO 23-019 and CJO 24-014
 - Addressed Classification of Bias Crime
 - Addressed Classification of Controlled Substance Offenses
- CJO 24-014 Directed Judicial Districts to Revise Current PRO by June 2024
- Presiding Judges Directed to Consider Overriding Circumstances

PRESIDING JUDGE RELEASE ORDER 24PJ-00002

- Highlights

- Any person charged with Distribution or Manufacture of Fentanyl is held for arraignment
- Any person charged with Substantial quantities or commercial drug offenses is held for arraignment.
- Person booked on a UUMV, PSMV, Burglary 2 and has at least one prior conviction in the last 3 years is held for arraignment.
- Person making clear and unequivocal threat to cause harm to a named victim is held for arraignment.

PRESIDING RELEASE ORDER REVISIONS

- Failure to Appear - **Changes Taking Effect January 1, 2025**
- Overriding Conditions, Move to Release Guideline 3, Hold Until Arraignment, if:
 - Person booked into custody has 5 or more historical failures to appear within the last 3 years
 - Person is booked into custody on a failure to appear warrant on a pending felony or person misdemeanor - except if they are unrepresented
 - Unrepresented person is booked on a failure to appear warrant, having failed to appear two or more times on separate dates
 - Person is booked into custody on a failure to appear warrant on a non-person misdemeanor, having had two or more FTA's in the pending case

ANTICIPATED IMPACT OF PRO CHANGES BEGINNING JANUARY 2025

Reviewing charges filed and FTA histories for defendants with felony and misdemeanor bookings May – August 2024 in Multnomah County:

If the overriding circumstances regarding FTAs were in effect during this period, 33% more people would have been held until arraignment due to overriding conditions.

- 930 more felony cases and 539 more people would have been held for arraignment in JC3 rather than released prior to arraignment (28%).
- 1,287 more misdemeanor cases and 734 more people would have been held for arraignment in JC4 rather than released prior to arraignment (37%).

JUSTICE CENTER ARRAIGNMENTS RESTRUCTURING

- To accommodate additional defendants appearing for arraignment beginning Feb. 3, 2025
 - Add a Justice Center courtroom, JCI, to Arraignments Dockets on Mondays & Tuesdays (and some predetermined Wednesdays due to weeks with Monday holidays)
 - Utilize JCI for Out of Custody Misdemeanors
 - JC3 will arraign defendants with A and B Felony charges (in or out of custody)
 - JC4 will arraign defendants with C Felony charges and In-Custody Misdemeanors
 - On days other than Monday/Tuesday*, JCI will not be used for arraignments

*Except for weeks with Monday holidays