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January 25, 2023

ST. HELENS MUNICIPAL COURT REPORT

1. KATE BROWN REMISSION ORDER

Former Governor Kate Brown issued a Remission Order in December 2022 just before she left office ordering circuit courts, justice courts and municipal courts to forgive all outstanding fines listed in a spreadsheet attached to the order; and she ordered DMV to lift any license suspension associated with each case. In Brown's press release, she stated that none of the offenses involved a risk of public safety. Many of the cases listed on the spreadsheet did, however, involve cases involving public safety. Brown also stated that the list did not include any felony or misdemeanor cases.

Ms. Payne and Ms. Messenger created the attached spreadsheet that outlines all of the cases for the St. Helens Municipal Court that were affected by Brown's order. It is my belief that speeding violations, cell phone violations, careless driving, etc. do actually involve issues of public safety. Unfortunately, under close examination of the Remission Order, the language of the Order fails to follow her press release and includes these cases. In my other courts, it also included misdemeanor cases. If the City were to have collected all the fines listed in the order, the revenue to St. Helens would have been approximately \$49,000. Having that said, it is unlikely that the full amount would have ever been collected. The municipal courts reached out to the League of Oregon Cities for assistance in determining whether a city could challenge Brown's order and were informed that Brown did have authority for the Remission Order. The League of Oregon Cities' advice was to follow it. The court clerks currently are in the process of lifting all the suspensions with DMV.

It has always been my goal to get as many people licensed to drive as I can. When people inquire, I spend time helping defendants determine what courts have holds on their licenses, provide instructions on how to contact the other courts, and also offer fine reduction programs to allow people to pay off their debt to the St. Helens Municipal Court. I will continue to do so for those individuals not listed on the Brown's Remission Order.

2. ORDER DESIGNATING COURT ADSS

Oregon DUII law requires courts that handle DUII cases to designate an agency, certified by Oregon Health Authority (OHA), to evaluate defendants for substance abuse disorders and then refer the defendants to a DUII Services Provider for DUII treatment.

St. Helens Municipal Court has used Deborah Ruiz of Columbia County ADES (ADES) for many years and has a great working relationship with Ruiz.

Ruiz often refers individuals that are on probation for a DUII offense and on supervision for a DUII Diversion to CCMH, a certified DUII Services Provider, for treatment. CCMH is one of the only providers in Columbia County that takes the Oregon Health Plan. It came to my attention recently that CCMH is not providing the necessary information to Ruiz that she needs in order to monitor the cases for the court. Ms. Ruiz, Mr. Erskine, and I met with the CCMH supervisors last month to discuss the issues. It is my understanding that CCMH's position is Marisha Elkins, the OHA DUII Liaison, is directing DUII Services Providers not to provide the pertinent information because she believes it violates 49 CFR Part 2. Many complaints have been filed against Ms. Elkins with OHA and the Department of Justice, including complaints from Circuit Court judges in Washington and Clackamas Counties.

The attached order, Order 2023-01, expands the prior St. Helens Municipal Court Order designating Deborah Ruiz of ADES as the ADSS for the St. Helens Municipal Court. My intention in spelling out the roles and expectations is to prevent Ms. Elkins from interfering with the court and Ms. Ruiz's statutorily created duties to monitor DUII cases. Additionally, I am continuing to meet with CCMH supervisors to address the concerns and, hopefully, continue to refer defendants to the agency for treatment. I do want to note, however, that this is a significant issue since CCMH is the only agency currently taking OHP. If CCMH refuses to provide the necessary information to Ruiz or Elkins the court will have two options: 1) cease referring defendants to CCMH or 2) require defendants that choose to go to CCMH to report in person to the court monthly with their treatment progress.

3. ORDERS RE: VIOLATIONS BUREAU

I also updated the Violations Bureau Order (Order 2023-02). The Violations Bureau Order now clearly outlines the Fix-It Ticket Program and gives authority to the clerks to take care of certain lower level traffic matters at the window. Order No. 2023-03 outlines the Traffic Diversion Program. Order 2023-04 creates a new Juvenile Traffic Diversion Program. The difference between the two is that the juveniles will not have to pay a court fee and the juvenile will be required to return to court with an essay describing what he/she learned in the class in order to successfully complete the program.

4. ORDER RE: PRETRIAL RELEASE

The final order I created this year is Order 2023-05. This Order controls pretrial release decisions for defendants who are arrested on charges that will be prosecuted in St. Helens Municipal Court. The Order is modeled after the Columbia County Circuit Court Order regarding pretrial release decisions.

Viol Date	Docket #	Citation #	Viol	Name	Offense	Conviction date	Appeared or Guilty by Default?	Original fine amt	Add'l communications by court	FTC or FTA?	Date DL susp	Status	Status Date/Time	Last Payment Date	Balance
07/09/2018	18-TR-010364	10364	1	Accardo	Driving While Suspended - Violation	8/6/2018	GDF	\$1,000.00	8/6/18 - default ltr sent	FTA	10/19/2018	COLLECTIONS	11/19/2020		\$1,320.00
12/11/2018	18-TR-010039	10039	1	Andersen	Driving While Suspended - Violation	1/7/2019	GDF	\$1,000.00	1/7/19 - default ltr sent	FTA	2/11/2019	COLLECTIONS	11/19/2020		\$1,320.00
03/18/2017	17-TR-008684	8684	1	Anderson	Driving While Suspended - Violation	4/17/2017	GDF	\$2,000.00	4/17/17 - default ltr sent; 12/27/18 - pmt reminder ltr sent	FTA	5/22/2017	COLLECTIONS	01/11/2019		\$2,518.75
03/18/2017	17-TR-008684	8684	2	Anderson	Driving Uninsured	4/17/2017	GDF	\$1,000.00	4/17/17 - default ltr sent; 12/27/18 - pmt reminder ltr sent	FTA	5/22/2017	COLLECTIONS	01/11/2019		\$1,268.75
04/27/2014	14-TR-006555	6555	2	Anderson	Unlawful or Unsignaled Turn	7/14/2014	appeared	\$147.00	3/15/15 - pmt reminder ltr sent	FTC	6/4/2015	COLLECTIONS	11/20/2015		\$202.50
04/27/2014	14-TR-006555	6555	1	Anderson	Fail to Notify DMV of Address Change	7/14/2014	appeared	\$172.00	3/15/15 - pmt reminder ltr sent	FTC	6/4/2015	COLLECTIONS	11/20/2015		\$233.75
02/28/2015	15-TR-006244	06244	2	Anderson	Fail to Yield to Emergency Vehicle	3/16/2015	GDF	\$335.00	3/16/15 - default ltr sent	FTA	4/28/2015	COLLECTIONS	11/20/2015		\$437.50
02/28/2015	15-TR-006244	06244	1	Anderson	Driving While Suspended - Violation	3/16/2015	GDF	\$537.00	3/16/15 - default ltr sent	FTA	4/28/2015	COLLECTIONS	11/20/2015		\$721.25
03/10/2014	14-TR-006922	06922	2	Anderson	Driving Uninsured	4/15/2014	GDF	\$296.00	4/15/14 - default ltr sent; 6/13/14 - pmt reminder ltr sent	FTA	9/19/2014	COLLECTIONS	06/04/2015		\$388.75
03/10/2014	14-TR-006922	06922	1	Anderson	Illegal/Alt Display of Plates	4/15/2014	GDF	\$296.00	4/15/14 - default ltr sent; 6/13/14 - pmt reminder ltr sent	FTA	9/19/2014	COLLECTIONS	06/04/2015		\$420.00
06/22/2014	14-TR-006937	06937	1	Anderson	Permit Unlawful Operation of Vehicle	9/22/2014	GDF	\$437.00	9/22/14 - default ltr sent	FTA	11/4/2014	COLLECTIONS	06/04/2015		\$565.00
06/28/2014	14-TR-007225	7225	1	Anderson	Unlawful or Unsignaled Turn	10/21/2014	GDF	\$157.00	10/21/14 - default ltr sent	FTA	11/24/2014	COLLECTIONS	06/04/2015		\$215.00
02/07/2015	15-TR-006182	6182A	1	Anderson	Driving While Suspended - Violation	2/23/2015	appeared	\$557.00		FTC	6/4/2015	COLLECTIONS	11/20/2015		\$715.00
07/19/2015	15-TR-006383	06383	1	Anderson	Permit Unlawful Operation of Vehicle	9/21/2015	appeared	\$316.00		FTC	3/8/2016	COLLECTIONS	03/15/2017		\$410.00
03/07/2015	15-TR-006191	6191	1	Anderson	Driving While Suspended - Violation	6/1/2015	appeared	\$557.00	7/16/15 - pmt reminder ltr sent	FTC	3/8/2016	COLLECTIONS	03/15/2017		\$711.25
03/04/2015	15-TR-006247	6247	1	Anderson	Driving While Suspended - Violation	9/21/2015	appeared	\$491.00		FTC	3/8/2016	COLLECTIONS	03/15/2017		\$628.75
10/05/2014	14-TR-006488	6488	1	Brandon	Driving While Suspended - Violation	10/27/2014	GDF	\$471.00	10/27/14 - default ltr sent	FTA	12/8/2014	COLLECTIONS	11/04/2015		\$607.50
10/05/2014	14-TR-006488	6488	2	Brandon	Driving Uninsured	10/27/2014	GDF	\$296.00	10/27/14 - default ltr sent	FTA	12/8/2014	COLLECTIONS	11/04/2015		\$388.75
11/13/2013	13-TR-002459	02459A	1	Coverdell	Driving While Suspended - Violation	12/2/2013	GDF	\$537.00	12/2/13 - default ltr sent	FTA	1/7/2014	COLLECTIONS	06/12/2017	11/12/2019	\$138.00
02/16/2015	15-TR-006186	06186	1	Coverdell	Driving While Suspended - Violation	3/2/2015	GDF	\$537.00	3/2/15 - default ltr sent	FTA	4/6/2015	COLLECTIONS	06/12/2017	02/17/2021	\$127.64
09/02/2018	18-TR-010153	10153	1	Cox	Fail to Carry Proof of Insurance	10/1/2018	GDF	\$775.00	10/1/18 - default ltr sent	FTA	11/26/2018	COLLECTIONS	11/19/2020		\$993.75
09/02/2018	18-TR-010153	10153	2	Cox	No Operator's License	10/1/2018	GDF	\$775.00	10/1/18 - default ltr sent	FTA	11/26/2018	COLLECTIONS	11/19/2020		\$968.75
09/03/2018	18-TR-010155	10155	2	Cox	No Operator's License	10/1/2018	GDF	\$775.00	10/1/18 - default ltr sent	FTA	11/26/2008	COLLECTIONS	11/19/2020		\$968.75
09/03/2018	18-TR-010155	10155	1	Cox	Operation of Unsafe Vehicle	10/1/2018	GDF	\$775.00	10/1/18 - default ltr sent	FTA	11/26/2018	COLLECTIONS	11/19/2020		\$993.75
03/11/2019	19-TR-011190	11190	1	Currier	Violation of the Basic Rule	4/8/2019	GDF	\$1,000.00	4/8/19 - default ltr sent	FTA	5/6/2019	COLLECTIONS	11/19/2020	06/28/2019	\$1,068.75
04/20/2014	14-TR-006701	06701	2	Dehart	Operation Without Required Lighting	5/5/2014	GDF	\$196.00	5/5/14 - default ltr sent	FTA	6/9/2014	COLLECTIONS	06/13/2017		\$263.75
04/20/2014	14-TR-006701	06701	1	Dehart	Driving While Suspended - Violation	5/5/2014	GDF	\$473.00	5/5/14 - default ltr sent	FTA	6/9/2014	COLLECTIONS	06/13/2017		\$610.00
03/08/2015	15-TR-304416	304416	1	Dehart	Driving While Suspended - Violation	3/30/2015	GDF	\$491.00	3/30/15 - default ltr sent	FTA	5/18/2015	COLLECTIONS	06/13/2017		\$647.50
02/22/2017	17-TR-007496	7496	1	Dehart	Driving While Suspended - Violation	3/27/2017	GDF	\$537.00	3/27/17 - default ltr sent	FTA	4/25/2017	COLLECTIONS	11/19/2020		\$690.00
06/16/2016	16-TR-008255	8255	1	Epps	Fail to Obey a Traffic Control Device	7/18/2016	appeared	\$349.00	12/27/18 - pmt reminder ltr	FTC	2/7/2020	COLLECTIONS	12/22/2020	02/07/2017	\$373.75
04/10/2017	17-TR-008646	8646	2	Harrison	Driving Uninsured	5/16/2017	GDF	\$309.00	5/16/17 - default ltr sent	FTA	6/19/2017	COLLECTIONS	11/19/2020		\$405.00
04/10/2017	17-TR-008646	8646	1	Harrison	Driving While Suspended - Violation	5/16/2017	GDF	\$687.00	5/16/17 - default ltr sent	FTA	6/19/2017	COLLECTIONS	11/19/2020		\$635.00
09/22/2018	18-TR-008197	8197	1	Hinton	Fail to Carry Proof of Insurance	6/10/2019	GDF	\$750.00	6/10/19 - default ltr sent	FTA	7/15/2019	COLLECTIONS	11/19/2020	09/03/2019	\$662.50
09/22/2018	18-TR-008197	8197	2	Hinton	Fail to Carry Registration Card	6/10/2019	GDF	\$200.00	6/10/19 - default ltr sent	FTA	7/15/2019	COLLECTIONS	11/19/2020	09/03/2019	\$187.50
01/18/2020	20TR011398	11398	1	Johanson	Driving While Suspended - Violation	2/11/2020	GDF	\$450.00	2/11/20 - default letter sent	FTA	3/9/2020	COLLECTIONS	12/22/2020		\$1,270.00
11/14/2015	15-TR-007667	7667	2	Johanson	Driving While Suspended - Violation	12/14/2015	GDF	\$486.00	12/14/15 - default ltr sent	FTA	2/16/2016	COLLECTIONS	02/27/2020		\$626.25
11/14/2015	15-TR-007667	7667	1	Johanson	Operation of Unsafe Vehicle	12/14/2015	GDF	\$311.00	12/14/15 - default ltr sent	FTA	2/16/2016	COLLECTIONS	02/27/2020		\$407.50
07/04/2017	17-TR-008589	8589	1	Johanson	Driving While Suspended - Violation	7/31/2017	GDF	\$493.00	7/31/17 - default ltr sent; 12/28/17 - pmt reminder ltr sent	FTA	8/28/2017	COLLECTIONS	02/27/2020		\$641.25
03/27/2016	16-TR-008029	8029	1	Johnson	Violation of Speed Limit	7/5/2016	appeared	\$166.00		FTC	1/14/2018	COLLECTIONS	11/19/2020	01/05/2017	\$76.25
05/12/2016	16-TR-008045	8045	1	Johnson	Violation of Speed Limit	7/5/2016	appeared	\$146.00		FTC	1/14/2018	COLLECTIONS	11/19/2020		\$201.25
09/17/2017	17-TR-008996	8996	1	Johnson	Driving While Suspended - Violation	1/3/2018	GDF	\$532.00	1/3/18 - default ltr sent	FTA	2/22/2018	COLLECTIONS	11/19/2020		\$690.00

04/02/2019	19-TR-011554	11554	1	Larson	Fail to Carry Proof of Insurance	5/3/2019	appeared	\$265.00		FTC	10/2/2019	COLLECTIONS	11/19/2020	06/06/2019	\$231.25
03/22/2019	19-TR-011122	11122	1	Lazier	Improper Display of Validating Stickers	4/15/2019	appeared	\$115.00		FTC	10/2/2019	COLLECTIONS	11/19/2020		\$200.00
11/09/2018	18-TR-008368	8368	1	Lopossa	Driving While Suspended - Violation	12/3/2018	GDF	\$1,000.00	12/3/18 - default ltr sent	FTA	1/7/2019	COLLECTIONS	11/19/2020		\$1,320.00
01/09/2020	20TR018176	18176	1	Martinez-Nieves	Fail to Renew Vehicle Registration	2/4/2020	GDF	\$125.00	2/4/20 - default ltr sent	FTA	3/2/2020	COLLECTIONS	12/22/2020		\$337.50
02/12/2017	17-TR-008398	8398	2	Meece	Failure to Install Ignition Interlock Device	4/25/2017	appeared	\$423.00	12/27/18 - pmt reminder ltr sent	FTC	2/7/2020	COLLECTIONS	12/22/2020	10/03/2017	\$472.50
02/12/2017	17-TR-008398	8398	1	Meece	Driving While Suspended - Violation	4/25/2017	appeared	\$423.00	12/27/18 - pmt reminder ltr sent	FTC	2/7/2020	COLLECTIONS	12/22/2020	05/09/2018	\$292.50
04/22/2017	17-TR-008692	8692	1	Merwin	Driving While Suspended - Violation	5/22/2017	appeared	\$491.00	12/27/18 - pmt reminder ltr sent	FTC	2/7/2020	COLLECTIONS	12/22/2020	07/31/2017	\$576.25
05/18/2017	17-TR-008755	8755	1	Merwin	Driving While Suspended - Violation	6/5/2017	appeared	\$491.00	12/27/18 - pmt reminder ltr sent	FTC	2/7/2020	COLLECTIONS	12/22/2020		\$638.75
03/16/2012	12-TR-004156	4156	1	Niemi	Driving While Suspended - Violation	4/2/2012	appeared	\$491.00		FTC	12/5/2012	COLLECTIONS	04/04/2013		\$628.75
08/20/2012	12-TR-004532	4532	1	Niemi	Driving While Suspended - Violation	9/21/2012	GDF	\$515.00	9/21/12 - default ltr sent	FTC	2/1/2013	COLLECTIONS	08/08/2013		\$690.00
09/22/2013	13-TR-006173	6173	1	Niemi	Driving While Suspended - Violation	10/28/2013	appeared	\$557.00	3/19/14 - pmt reminder ltr sent	FTC	5/16/2016	COLLECTIONS	11/19/2020	07/06/2015	\$615.00
03/10/2016	16-TR-006797	06797	2	Preston	No Operator's License	4/4/2016	GDF	\$296.00	4/4/16 - default ltr sent	FTA	5/3/2016	COLLECTIONS	11/19/2020		\$388.75
03/10/2016	16-TR-006797	06797	1	Preston	Fail to Renew Vehicle Registration	4/4/2016	GDF	\$146.00	4/4/16 - default ltr sent	FTA	5/3/2016	COLLECTIONS	11/19/2020		\$201.25
06/18/2016	16-TR-006600	06600	1	Rackley	Open Container Violation	1/9/2017	GDF	\$490.00	1/9/17 - default ltr sent	FTA	2/14/2017	COLLECTIONS	11/19/2020		\$643.75
07/01/2017	17-TR-008438	8438	3	Rackley	Fail to Carry Registration Card	8/1/2017	GDF	\$157.00	8/1/17 - default ltr sent	FTA	8/28/2017	COLLECTIONS	11/19/2020		\$221.25
07/01/2017	17-TR-008438	8438	1	Rackley	Driving While Suspended - Violation	8/1/2017	GDF	\$537.00	8/1/17 - default ltr sent	FTA	8/28/2017	COLLECTIONS	11/19/2020		\$696.25
07/01/2017	17-TR-008438	8438	2	Rackley	Fail to Carry Proof of Insurance	8/1/2017	GDF	\$322.00	8/1/17 - default ltr sent	FTA	8/28/2017	COLLECTIONS	11/19/2020		\$427.50
10/01/2019	19-TR-011923	11923	1	Ramirez Cortes	Driving While Suspended - Violation	10/31/2019	GDF	\$1,000.00	10/31/19 - default ltr sent	FTA	11/18/2019	COLLECTIONS	11/19/2020		\$1,270.00
09/19/2012	12-TR-004674	4674	1	Shirley	No Operator's License	10/9/2012	GDF	\$322.00	10/9/12 - default ltr sent	FTA	11/30/2012	COLLECTIONS	08/08/2013		\$421.25
12/08/2012	12-TR-004852	4852	1	Shirley	Driving While Suspended - Violation	1/8/2013	GDF	\$515.00	1/8/13 - default ltr sent	FTA	2/12/2013	COLLECTIONS	08/08/2013		\$662.50
12/08/2012	12-TR-004852	4852	2	Shirley	Fail to Carry Proof of Insurance	1/8/2013	GDF	\$322.00	1/8/13 - default ltr sent	FTA	2/12/2013	COLLECTIONS	08/08/2013		\$421.25
02/18/2013	13-TR-005057	5057	1	Shirley	Driving While Suspended - Violation	3/20/2013	GDF	\$537.00	3/20/13 - default ltr sent	FTA	5/7/2013	COLLECTIONS	03/28/2014		\$690.00
08/17/2014	14-TR-006768	6768	1	Smith	Driving While Suspended - Violation	9/18/2014	GDF	\$515.00	9/18/14 - default ltr sent	FTA	10/20/2014	COLLECTIONS	11/19/2020		\$662.50
11/26/2013	13-TR-001462	01462	1	Smith	Driving While Suspended - Violation	12/30/2013	GDF	\$516.00	12/30/13 - default ltr sent	FTA	2/4/2014	COLLECTIONS	03/28/2014		\$663.75
09/02/2018	18-TR-010878	10878	1	Streater	Driving While Suspended - Violation	9/20/2018	GDF	\$1,505.00	9/20/18 - default ltr sent	FTA	10/29/2018	COLLECTIONS	11/19/2020		\$1,270.00
08/02/2018	18-TR-010860	10860	2	Sutherland	Fail to Carry Proof of Insurance	8/27/2018	appeared	\$321.00		FTC	10/13/2019	COLLECTIONS	11/19/2020		\$395.00
08/02/2018	18-TR-010860	10860	1	Sutherland	Driving While Suspended - Violation	8/27/2018	appeared	\$496.00		FTC	10/13/2019	COLLECTIONS	11/19/2020		\$676.25
03/17/2019	19-TR-011120	11120	1	Walters	Driving While Suspended - Violation	4/18/2019	GDF	\$1,000.00	4/18/19 - default ltr sent	FTA	5/13/2019	COLLECTIONS	11/19/2020		\$1,270.00
03/17/2019	19-TR-011120	11120	2	Walters	Fail to Register Vehicle	4/18/2019	GDF	\$250.00	4/18/19 - default ltr sent	FTA	5/13/2019	COLLECTIONS	11/19/2020		\$337.50
08/24/2018	18-TR-010217	10217	1	Walters	Fail to Obey a Traffic Control Device	10/17/2018	GDF	\$500.00	10/17/18 - default ltr sent	FTA	11/6/2018	COLLECTIONS	11/19/2020		\$712.50
03/03/2019	19-TR-011206	11206	1	Walters	Driving While Suspended - Violation	4/1/2019	GDF	\$1,000.00	4/1/19 - default ltr sent	FTA	5/6/2019	COLLECTIONS	11/19/2020		\$1,270.00
06/11/2019	19-TR-011356	11356	1	Walters	Driving While Suspended - Violation	7/1/2019	GDF	\$1,000.00	7/1/19 - default ltr sent	FTA	8/5/2019	COLLECTIONS	11/19/2020		\$1,270.00
10/12/2016	16-TR-008015	8015	1	Warwick	Driving Uninsured	11/7/2016	appeared	\$316.00	12/27/18 - pmt reminder ltr	FTC	2/7/2020	COLLECTIONS	12/22/2020	11/07/2016	\$388.75
07/02/2017	17-TR-009009	9009	2	Warwick	Driving Uninsured	6/12/2017	appeared	\$304.00	12/27/18 - pmt reminder ltr	FTC	2/7/2020	COLLECTIONS	12/22/2020		\$405.00
07/02/2017	17-TR-009009	9009	1	Warwick	Driving While Suspended - Violation	6/12/2017	appeared	\$488.00	12/27/18 - pmt reminder ltr	FTC	2/7/2020	COLLECTIONS	12/22/2020		\$666.25
10/01/2013	13-TR-004748	4748	1	Wichser	Violation of Speed Limit	10/28/2013	GDF	\$180.00	10/29/13 - default ltr sent	FTA	12/2/2013	COLLECTIONS	11/19/2020		\$243.75

TOTAL:	\$48,996.89
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IN THE MUNICIPAL COURT OF THE CITY OF ST. HELENS

COLUMBIA COUNTY, STATE OF OREGON

**In the Matter of Designating
A DUII Evaluation Specialist
For St. Helens Municipal Court**

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ORDER 2023-01

WHEREAS, Oregon law requires a court to order a defendant, upon conviction of the offense of Driving Under the Influence of Intoxicants (DUII), to “[c]omplete a screening interview and a treatment program as provided in ORS 813.021 (Requirements for screening interview and treatment program)....” ORS 813.020(1)(b).

WHEREAS, Oregon law requires that a defendant charged with DUII who is eligible for a diversion agreement to plead guilty to the DUII offense, be monitored by an agency designated by the court, and follow through with specific requirements set forth in ORS Chapter 813. Specifically, ORS 813.260 requires that the court having jurisdiction over DUII Diversion cases shall designate an agency “to perform the screening interview and treatment required under driving while under the influence of intoxicants diversion agreements. ... The designated agencies or organizations must meet minimum standards established pursuant to ORS 430.357 to perform the screening interview and treatment of problem drinking, alcoholism and drug dependency and must be certified by the Director of the Oregon Health Authority. Wherever possible a court shall designate agencies or organizations to perform the screening interview that are separate from those that may be designated to carry out a program of treatment.” ORS 813.260(1).

WHEREAS, Oregon law requires that the court’s designated agency that performs DUII screening interviews also “shall monitor the progress of the person referred to the agency or organization. The agency or organization shall make a report to the referring court stating the person’s successful completion or failure to complete all or any part of the screening interview or of the treatment program to which the person was referred by the agency or organization performing the screening interview. The report shall be in the form determined by agreement between the court and the agency or organization providing the screening interview.” ORS 813.021(1)(4).

WHEREAS, 42 CFR Part 2, Subpart C, § 2.35 states:

(a) A Part 2 program may disclose information about a patient to those individuals within the criminal justice system who have made participation in the Part 2 program a condition of the disposition of any criminal proceedings against the patient or of the patient's parole or other release from custody if:

(1) The disclosure is made only to those individuals within the criminal justice system who have a need for the information in connection with their duty to monitor the patient's progress (*e.g.*, a prosecuting attorney who is withholding charges against the patient, a court granting pretrial or post-trial release, probation or parole officers responsible for supervision of the patient); and

(2) The patient has signed a written consent meeting the requirements of § 2.31 (except paragraph (a)(6) of this section which is inconsistent with the revocation provisions of paragraph (c) of this section) and the requirements of paragraph (b) and (c) of this section.

(b) *Duration of consent.* The written consent must state the period during which it remains in effect. This period must be reasonable, taking into account:

(1) The anticipated length of the treatment;

(2) The type of criminal proceeding involved, the need for the information in connection with the final disposition of that proceeding, and when the final disposition will occur; and

(3) Such other factors as the Part 2 program, the patient, and the individual(s) within the criminal justice system who will receive the disclosure consider pertinent.

(c) *Revocation of consent.* The written consent must state that it is revocable upon the passage of a specified amount of time or the occurrence of a specified, ascertainable event. The time or occurrence upon which consent becomes revocable may be no later than the final disposition of the conditional release or other action in connection with which consent was given.

(d) *Restrictions on re-disclosure and use.* An individual within the criminal justice system who receives patient information under this section may re-disclose and use it only to carry out that individual's official duties with regard to the patient's conditional release or other action in connection with which the consent was given.

WHEREAS, Deborah Ruiz of Alcohol and Drug Evaluation Services of Columbia County (ADES) has met standards set by the Oregon Health Authority (OHA) to perform the diagnostic assessment and treatment of problem drinking, alcoholism and drug dependency and is certified by the Director of the Oregon Health Authority as an Alcohol and Other Drug Screening Specialist (ADSS).

NOW THEREFORE, IT IS HEREBY ORDERED:

1) A designated agency that performs the DUII screening interviews for DUII Diversion cases performs the same functions as a designated agency that completes a screening interview and monitors progress of a defendant convicted of DUII completing a court-mandated treatment program.

2) Deborah Ruiz of ADES is designated as the DUII Evaluation Specialist for the St. Helens Municipal Court to evaluate defendants electing to enter the DUII Diversion program and for defendants ordered to complete a screening interview and treatment program after being convicted of a DUII.

3) Deborah Ruiz of ADES shall be responsible for the referral and monitoring of any treatment deemed necessary per said evaluation for DUII Diversion and DUII probation and shall monitor the progress of the person referred to the ADES for the St. Helens Municipal Court Judge. As part of her statutorily created duties, Deborah Ruiz of ADES shall report to the Court any successful completion or failure to complete all or any part of the treatment program specified by the diagnostic assessment.

4) Deborah Ruiz of ADES is an individual, per 42 CFR Part 2, Subpart C, § 2.35, within the criminal justice system of the St. Helens Municipal Court who has a duty created by state law to monitor defendants' treatment progress in DUII Diversion and while monitoring DUII probationers who are fulfilling alcohol and drug treatment requirements for DUII probation in order to keep the Court apprised of a defendant's progress and successful completion or failure to complete all or any part of the DUII Education or DUII Rehabilitation required by the Oregon DUII law.

5) Deborah Ruiz, as an individual within the criminal justice system, shall refer defendants only to OHA certified DUII Service Providers. Every defendant referred to a DUII Services Provider shall sign a written consent pursuant to 42 CFR Part 2, Subpart C, § 2.35(a)-(c) to allow the DUII Services Provider to disclose information necessary to monitor the defendant's treatment progress to Deborah Ruiz of ADES and the St. Helens Municipal Court.

6) Any DUII Services Provider providing DUII treatment services to defendants being monitored for a DUII Diversion or DUII probation in the St. Helens Municipal Court shall disclose to

Deborah Ruiz of ADES information about the defendant's progress with their DUII treatment pursuant to 42 CFR Part 2, Subpart C, § 2.35.

7) Pursuant to Oregon Administrative Rule 309-019-0195(17)(b)(A)-(D), a DUII Services Provider shall report to Deborah Ruiz of ADES no later than 30 calendar days from the date of the referral; every 30 calendar days while enrolled in DUII treatment; no later than 14 calendar days from the date of discharge; and no later than seven calendar days from the written request of Deborah Ruiz of ADES.

8) The following patient health information is pertinent and is the minimum necessary of the HIPAA Privacy Rules to accomplish the purpose of monitoring progress in DUII Diversion and DUII Probation for the St. Helens Municipal Court:

- a. Assessment results;
- b. Diagnostic conclusions;
- c. Prescribed and unprescribed mood altering medications and substance use;
- d. Urinalysis compliance and results;
- e. Referrals to other treatment programs and other services;
- f. Treatment attendance records, including any excused or unexcused absences;
- g. Progress in treatment;
- h. Level of Care recommendations;
- i. Compliance or noncompliance with treatment;
- j. Successful completion, or alternatively, failure to complete all or any part of treatment;
- k. Compliance with court requirements, DUII Diversion statutes and conditions of probation.

The DUII Services Provider shall provide the following patient information listed in paragraph 8) a.-k. above using the form agreed upon between the St. Helens Municipal Court and Deborah Ruiz of ADES

(attached as Exhibit 1). A DUII Services Provider may utilize its own form so long as it contains the pertinent information listed in paragraph 8)a.-k.

9) Deborah Ruiz of ADES, as an individual within the criminal justice system who receives patient information under 42 CFR Part 2, Subpart C, § 2.35, shall disclose any information received to the St. Helens Municipal Court, Prosecuting Attorney, and defendant's counsel only. Deborah Ruiz of ADES shall only disclose the patient information to carry out official duties with regard to the patient's conditional release or other action in connection with which the consent is given.

10) A defendant has the right to refuse to sign a written consent to disclose patient health information. Any defendant that refuses to sign a written consent shall report to the St. Helens Municipal Court each month during the period of defendant's DUII treatment to show proof of compliance with the terms of defendant's DUII Diversion or DUII probation.

11) If a DUII Services Provider consistently fails to comply with this Court Order, Deborah Ruiz of ADES shall cease referring defendants to the DUII Services Provider. If a defendant is currently engaged in DUII treatment with a DUII Services Provider that fails to comply with this Court Order, the defendant shall be allowed to remain with the DUII Services Provider and the defendant shall provide the reports directly to Deborah Ruiz of ADES and the St. Helens Municipal Court every 30 days until the DUII treatment is deemed successfully completed.

DATED this 24th day of January, 2023.



Amy B. Lindgren, Municipal Court Judge

Provider's logo
Name
Address
Phone/Fax

TREATMENT STATUS REPORT

Date of status report	
Client name	
Date of birth	
County	Columbia County, Oregon
Referral agency	St. Helens Municipal Court
Evaluator	Deborah Ruiz, ADES of Columbia County
Diversion / Conviction	
Date of enrollment	
Compliant / non-compliant	
Appointments attended	
Appointments missed	
Groups attended	
Groups missed	
Last contact date	
Tentative completion date	
Dates UA given and results	
Lab results for positive UA	

Additional comments:

--

Counselor signature

Date

NOTICE PROHIBITING RE-DISCLOSURE OF SUBSTANCE USE DISORDER INFORMATION

This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR Part 2). The federal rules prohibit you from making any further disclosure of information in this record that identifies a patient as having or having had a substance use disorder either directly, by reference to publicly available information, or through verification of such identification by another person unless further disclosure is expressly permitted by the written consent of the individual whose information is being disclosed or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose (see §2.31).

The federal rules restrict any use of information to investigate or prosecute with regard to a crime any patient with a substance use disorder, except as provided at §§2.12(c)(5) and 2.65.

IN THE MUNICIPAL COURT FOR THE CITY OF ST. HELENS
COUNTY OF COLUMBIA, STATE OF OREGON

**In the Matter of the Establishment of a
Violations Bureau, a Violations Bureau
Fine Schedule and Related Matters**

) **General Order 2023-02**
) **Violations Bureau Order**
) (ORS 153.800)
)
)
)

For the efficient disposition of the business of this court, and for the convenience of
citizens charged with the commission of a traffic violation or municipal code violation, a
Violations Bureau is established in the Municipal Court of the City of St. Helens as provided
herein and by Oregon law.

IT IS HEREBY ORDERED THAT:

I.

Violations Bureau Established

There is established within the St. Helens Municipal Court a Violations Bureau and the
positions of Violations Clerk and Deputy Violations Clerk. As used herein, the terms “Violations
Bureau” and “Bureau” mean the Violations Bureau of the St. Helens Municipal Court.

II.

Designation of Bureau Clerks

The Court Clerks are hereby designated as the Violations Clerks. The Violations Clerks may
designate one or more members of the city staff as Deputy Violations Clerks for the Bureau. As
used herein, the term “Clerk” means the Violations Clerk and Deputy Violations Clerks of the
Violations Bureau.

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1 **III.**

2 **Authority of Clerks**

3 A Clerk may accept written appearance; requests or waivers of trial; plea of no contest;
4 payments of fine, costs and assessments for violations that are subject to the authority of the
5 clerk, or payment of presumptive fine amounts for violations that are subject to the authority of
6 the violations clerk. These enumerated powers are not the exclusive powers of a Clerk; A Clerk
7 has all powers necessary or convenient to conduct the business of the Violation Bureau
8 consistent with the terms and purpose of this order.

9 **IV.**

10 **Subject Matter Jurisdiction of the Bureau**

11 Subject to the terms provided herein, a Clerk may exercise authority over any violation,
12 except that a Clerk shall refer to a Judge any violation alleged to involve:

- 13 1. A minor in possession of alcohol or marijuana;
- 14 2. The sale of tobacco to a minor;
- 15 3. Tobacco possession by minor;
- 16 4. Violations of St. Helens Municipal Code unless specified as a “Fix It” violation in
17 Section X of this Order;
- 18 5. All class A traffic violations unless the defendant submits a plea of no contest with the
19 full presumptive fine paid prior to the arraignment date;
- 20 6. All traffic violations alleged to be committed by a juvenile;
- 21 7. Operating a motor vehicle while using a mobile electronic device, ORS 811.507, unless
22 the defendant submits a plea of no contest with the full presumptive fine paid prior to the
23 arraignment date;

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- 1 8. A significant doubt on the part of the Clerk regarding:
- 2 a. The accuracy or sufficiency of a violation citation;
- 3 b. The validity of a defendant's driver's license, proof of insurance or other
- 4 relevant documentation; or
- 5 c. The application of the provisions of this order to a particular situation.

6 **V.**

7 **Payment of Fines and Fees**

8 A defendant who appears in person for arraignment on a violation that is subject to the

9 authority of a Violations Clerk shall have the following options regarding how to proceed on the

10 violation. The Clerk shall inform the defendant of these options.

- 11
- 12 1. **Plead Not Guilty and Request a Hearing.** The defendant shall complete appropriate
- 13 forms documenting the plea of not guilty and the request for a trial. The form shall
- 14 require the defendant to provide a current address and phone number and shall instruct
- 15 the defendant how to obtain discovery from the appropriate agency prior to trial.
- 16 2. **Plead No Contest and Pay a Fine.** The Clerk shall view the defendant's driving record
- 17 and determine the number of moving violations the defendant has been convicted of.
- 18 Based on this information, the Clerk shall determine the appropriate amount of fine
- 19 under the Violations Bureau Fine Schedule. The fine amount a defendant would pay
- 20 pursuant to the Violations Bureau Fine Schedule shall be disclosed to the defendant. If
- 21 the defendant consents to the violation being processed by the Violations Bureau, the
- 22 Clerk shall accept the defendant's plea of no contest, enter the conviction and impose
- 23 the appropriate fine (and any additional fees or assessments). The Clerk shall then accept
- 24 payment in full of the fine or have the defendant enter into an installment agreement.

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If a defendant seeks to plead no contest to a violation but does not consent to the authority or determination of the Violations Clerk, the defendant shall be directed to appear on the scheduled court date to appear before the judge.

If a defendant does not choose how to proceed on a violation under a Clerk's authority, the defendant shall be directed to appear on the scheduled court date to appear before the judge.

Receipt of Presumptive Fine Amount; No Offered Mitigation

Except as provided in Section IV, upon receipt of the presumptive fine amount set on the citation with no accompanying plea or with a plea of no contest without any accompanying explanation of circumstances, the Clerk shall enter a conviction and impose a fine equal to the presumptive fine amount.

Receipt of Presumptive Fine; Offered Mitigation

Upon receipt of the presumptive fine amount set on the citation with an enclosed letter of explanation from the defendant, the Clerk shall forward the letter of explanation to the Judge for consideration. A letter of explanation may be sent to the court and/or Clerk by regular mail, e-mail or facsimile.

Seat Belt Diversion

Upon a citation for Failure to Properly Use Safety Belts (ORS 811.210), and if the defendant has no prior conviction or never having taken a seatbelt course previously for the failure to use a safety belt, the Clerk may offer to divert the safety belt violation. The defendant must enter a plea of no contest, pay a \$50 administrative fee, and successfully complete a court-approved seatbelt safety class within ninety (90) days. If the defendant chooses this option, the

1 Clerk shall set a compliance date on the safety belt violation approximately 90 days from the
2 date of entry of plea. If the defendant returns to the court on or before the rescheduled court date
3 with a certificate of completion of the seatbelt diversion class and has paid all applicable fees or
4 costs, the Clerk shall dismiss the violation. If the defendant elects to participate in the seat belt
5 diversion program but fails to comply, the clerk shall enter the conviction and forward the
6 conviction to Oregon DMV. The full amount of the presumptive fine will be assessed with credit
7 for the \$50 administrative fee.

8 **IX.**

9 **Adult Traffic Safety Program**

10 Pursuant to St. Helens Municipal Court General Order 2023-03, a Clerk may offer a
11 defendant participation in the court's traffic diversion program if the defendant is eligible for
12 traffic safety program according to the General Order 2023-03. The Clerk shall accept
13 defendant's no contest plea, provide the defendant all necessary paperwork and referral to the
14 court-approved traffic safety class. If a defendant successfully completes all the terms of the
15 Traffic Safety Program, the Clerk shall dismiss the citation at the expiration of the agreement. If
16 defendant fails to meet the terms of the agreement, the Clerk shall enter the conviction and
17 submit the conviction to the Oregon Department of Motor Vehicles. The presumptive fine will
18 be assessed and there will be credit given for the administrative fee paid for participation in the
19 traffic safety program.

20 **X.**

21 **Authority to Dismiss Certain Citations – "Fix It Tickets"**

22 If a defendant provides proof that defendant resolved an alleged violation listed below prior
23 to the arraignment date, a Clerk may treat the violation as a "Fix It Ticket." Unless, otherwise
24 noted in the table below, if defendant pays a \$50 administrative fee in full and provide proof that
25 the matter alleged is resolved, the Clerk shall dismiss the violation. If a defendant requests a

reduction or waiver of the “Fix It Ticket” administrative fee, the Clerk shall instruct the defendant to write a letter to the Judge or refer the defendant to the Judge to consider a reduction or waiver of the administrative fee.

Motor Vehicle Violations Subject to the Fix It Ticket Program:

ORS	Violation Alleged	Administrative Fee
803.220	Name or Address Change for Vehicle Registration	\$50
803.300	Failure to register vehicle	\$50
803.455	Fail to Renew	\$50
803.505	Failure to Carry Registration Card	\$50
803.540	Fail to Display Plates	\$50
803.545	Fail to display out of state plate	\$50
803.550	Illegal alteration or display of plates – Proof of registration <i>after</i> offense date	\$50
803.560	Improper display - Proof of registration at the time of offense	None
803.560	Improper display – Proof of registration <i>after</i> date of offense	\$50
806.012	Failure to Carry Proof of Insurance – proof of insurance at the time of offense	None
807.010	No Operator’s License	\$50
807.420	Name/Address Change on ID Card	\$50
807.560	Name/Address Change on License or Permit	\$50
811.225	Inoperable Seatbelt	\$50
815.100	No Federal Annual Safety Inspection	\$50
815.160	Metal objects on tires	\$50
815.185	Improper fenders / mud flaps	\$0

815.200	Violation of visible emission limits	\$50
815.215	Failure to have windshield wipers	\$50
815.220	Obstruction of Vehicle Windows	\$50
815.222	Tinted Windows	\$50
815.235	Operation without rearview mirror	\$50
815.250	Exhaust System	\$50
815.280	Bicycle Equipment	\$50
815.285	Fail to carry roadside warning devices	\$50
816.300	Operating with nonstandard lighting equipment	\$50
816.330	Defective lighting equipment	\$50
816.360	Prohibited lighting equipment	\$50

Code Enforcement Violations Subject to the Fix It Ticket Program:

Code	Violation Alleged	Administrative Fee
5.01.015	Fail to Renew Business License – prior to initial appearance	\$50
6.04	Fail to Obtain Dog License – prior to initial appearance	\$50

XI.

Failure to Appear; Suspension of Driver's License

On all traffic violation matters under jurisdiction of this Order, except for Minor in Possession violations, if a defendant fails to appear for their scheduled appearance date on the citation, or fails to appear at any scheduled court proceeding in regards to the citation, the Clerk shall send the defendant a Default Judgment Letter by first class mail to the address provided on the citation or, if defendant has updated their address, to the address provided by defendant. The

1 Default Judgment Letter will notify defendant of any default judgment, fine imposed,
2 instructions regarding payment of the fine, and notification that defendant's driver's license is
3 subject to suspension for failure to appear, and any other information as the court might direct. If
4 defendant appears in court or before a Violations Clerk within 15 days of the Default Judgment
5 Letter being mailed and pays the fines and fees in full or executes a payment plan, the court will
6 take no action regarding defendant's driver's license. If defendant fails to appear after 15 days,
7 the Clerk shall send the defendant a Failure to Appear Letter by first class mail to the addressed
8 provided on the citation or, if defendant has updated their address, to the address provided by
9 defendant. The Failure to Appear Letter will notify defendant that the court will send a driver's
10 license suspension order to the Department of Motor Vehicles to suspend the defendant's driving
11 privileges for failure to appear, that defendant's account will be sent to a collection agency, and
12 anything else the court directs.

13 A license suspension imposed because of failure to appear shall remain in effect until the
14 defendant pays the entire amount owed, including a suspension clearance fee, unless the judge
15 approves otherwise. A defendant may submit a Motion to Reopen with an accompanying \$50
16 administrative fee to request relief from the provisions of this paragraph or pay \$500 down or
17 50% of the outstanding fines and fees (whichever is lower) and set up monthly payments with
18 the court for a one-time release of the driver's license. The defendant must also execute a new
19 pay agreement promising to reappear in court and be subject to a suspension for failure to
20 appear.

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XII.

Fine Schedule

As of the date of this order, the presumptive fine amount for a violation with no aggravating circumstances alleged, other than parking or St. Helens Municipal Code violations, cited into this court and under the jurisdiction of the Violation Bureau is as follows:

Violation Class	Presumptive Fine	Reduced fine – Clean record for three (3) years prior to the date alleged on citation
Class A	\$440	\$400
Class B	\$265	\$240
Class C	\$165	\$140
Class D	\$115	\$100
Specific Fine	\$650	No reduction

If aggravating circumstances are alleged on a traffic offense, a Violations Clerk may process and accept payment of a no contest plea mailed to the court with full payment of the presumptive fine. If a defendant appears in court on the arraignment date, the Clerk shall refer the defendant to the Judge for a personal appearance.

XIII.

Failure to Appear; Entry of Judgment

On all violation matters, upon the failure of a defendant to make the appearance date as scheduled on the citation or later court date, the Clerk shall, unless otherwise required by law, enter a default judgment against the defendant as provided by ORS 153.102(1). For charges with no aggravating factors, the Clerk shall impose a sentence to pay a fine as follows:

\$550 for a Class A violation;

\$350 for a Class B violation;

\$250 for a Class C violation;

1 \$150 for a Class D violation; and

2 \$1,000 for a Specific Fine violation.

3 On all violation matters, upon the failure of a defendant to appear at the date, time and place
4 set for any trial, the Clerk shall, unless otherwise required by law, enter a default judgment
5 against the defendant as provided by ORS 153.102(2). The Clerk shall impose a sentence to pay
6 a fine as follows:

7 \$2,000 for a Class A violation;

8 \$1,000 for a Class B violation;

9 \$500 for a Class C violation;

10 \$250 for a Class D violation; and

11 \$2,000 for a specific fine violation, or the maximum penalty otherwise established by law
12 for the specific fine violation.

13 XIV.

14 Effective Date of Order

15 This order takes effect January 25, 2023, and shall supersede all prior Violation Bureau
16 Orders.

17 Dated this 24th day of January, 2023.

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19 

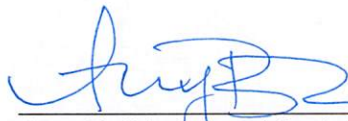
20 Amy B. Lindgren, Municipal Court Judge
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**In the Matter of the Establishment
of the St. Helens Municipal Court
Adult Traffic Safety Program**

ORDER 2023-03

4. Defendants shall execute an agreement outlining the terms of the traffic safety program. The terms shall include the following:
 - a. Defendant must sign the Declaration of Eligibility.
 - b. For defendants between the ages of 18 years old and 64 years old, defendant must complete the online Legacy Emanuel High Risk Driver's Course 90 days from the date defendant entered the agreement. No other program will be authorized or accepted without permission of the court.
 - c. For defendants over the age of 65 at the time of the offense, defendant must complete either the AARP Smart Driver traffic safety class or the Legacy Emanuel High Risk Driver's Course within 90 days.
 - d. Defendant cannot receive any moving violations for the period of the agreement.
 - e. Defendant must pay all court costs associated with the program.
 - f. Defendants entering into the traffic safety program shall be provided a handout containing information and requirements for the specific program in which they are to enroll.
5. Court fees: In addition to any fees required by the class, all defendants will pay a the presumptive fine minus the cost of the class. This is a nonrefundable administrative fee. Full payment will be made to the court at the time of scheduling the class or as stipulated in the court payment agreement.
6. Noncompliance: If a participant fails to complete all requirements of the agreement within the agreed upon time limit, the court may take one or more of the following steps without further notice.
 - a. Assess the presumptive fine amount (defendant will receive credit for the administrative fee paid upon entry into the program);
 - b. Send the record of the conviction to DMV for entry on the defendant's driving record;
 - c. Add a collection fee of 25% to any unpaid balance after 30 days;
 - d. Refer the case to a collection agency; and/or
 - e. Pursue any addition remedies that may be available under Oregon law.

DATED this 24th day of January, 2023.



Amy B. Lindgren, Municipal Court Judge

In the Matter of the Establishment of the St. Helens Municipal Court Juvenile Traffic Safety Program

- ORDER 2023-04**

- b. Defendant must complete the in-person Legacy Emanuel High Risk Driver's Class within 90 days from the date defendant entered the agreement. No other program will be authorized or accepted without permission from the court.
 - c. Defendant must return to court with an essay informing the court what he/she learned in the class.
 - d. Defendant cannot receive any moving violations for the period of the agreement.
 - e. Defendants entering into the Juvenile Traffic Safety Program shall be provided a handout containing information and requirements for the specific program in which they are to enroll.
5. Noncompliance: If a participant fails to complete all requirements of the agreement within the agreed upon time limit, the court will assess the presumptive fine and take any pursue any additional remedies that may be available under Oregon law.

DATED this 24th day of January, 2023.



Amy B. Lindgren, Municipal Court Judge

IN THE MUNICIPAL COURT OF THE CITY OF ST. HELENS

COUNTY OF COLUMBIA, STATE OF OREGON

**In the Matter of Pretrial Release by
Sheriff or entity supervising the local
correctional facility for St. Helens
Municipal Court**

)
)
) **ORDER No. 2023-05**
)
)
)

WHEREAS,

1. 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 reliance on security release and provide statewide guidance for local pretrial release orders.

2. 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, both the persons who are and the offenses that are:

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

3. In turn, the Chief Justice issued guidelines for Presiding Judge Pretrial Orders. Additionally, the Chief Justice entered Chief Justice Order 22-010 that requires each Presiding Judge of a Circuit Court to enter a standing pretrial release order as required under ORS 135.233(1) that complies with the guidelines established by the Chief Justice with an operative date of July 1, 2022. Although the St. Helens Municipal Court is not bound by Order 22-010, the St. Helens Municipal Court generally follows the Chief Justice orders and intends to do so in this matter.

4. This Order accomplishes that mandate.

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NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS

CRIME CATEGORY 1

1. The Sheriff shall release on recognizance with a release agreement with the general conditions in ORS 135.250, all defendants charged with the following offenses:
 - A. Any non-person misdemeanor, except those offenses listed in crime categories 2 or 3 below;
 - B. Any driving while suspended offense defined in ORS 811.182, and
 - C. Any other offense that is not included in crime categories 2 or 3 below.

CRIME CATEGORY 2

2. The Sheriff shall release on court-imposed conditions, all defendants charged with the following offenses:
 - A. Any non-domestic violence person misdemeanor, as defined in OAR 213-003-0001(15);
 - B. Any driving under the influence of intoxicants (DUII) offense, as defined in ORS 813.010 and ORS 813.011;
3. The Sheriff shall hold for arraignment, first appearance, or a release decision under ORS 135.235(3)(b), all defendants charged with the following offenses:
 - A. Any domestic violence misdemeanor, as defined in ORS 135.230;
 - B. Any violation of a stalking protective order as described in ORS 163.750; and
 - C. Any of the following offenses:
 - i. Failure to appear, as defined in ORS 162.195;
 - ii. Fleeing or Attempting to Elude, as defined in ORS 811.540;
 - iii. Resisting arrest, as defined in ORS 162.315;
 - iv. Giving false information to a peace officer, as defined in ORS 807.620 and ORS 162.165;
 - v. Escape in the second degree, as defined by ORS 162.145, and unauthorized departure, as defined in ORS 162.175;

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4. The release decision shall be made using a two-step process.

Step 1: Identify the charge and crime category;

Step 2: Determine if the defendant meets the criteria to consider any overriding circumstances and what if any enhanced conditions of release should be ordered.

5. The Release Guidelines Categorization List maintained by the Office of the State Trial Court Administrator (<https://www.courts.oregon.gov/programs/pretrial>) shall be used in Step 1. **Identifying the charge and crime category** that a defendant will fall into.
6. Attached to this Order is Exhibit A to be used in Step 2, which includes a chart of **overriding circumstances to be considered** and if a defendant meets the criteria of the overriding circumstance, the action that should be taken with regard to the release decision. Exhibit A is hereby incorporated into this Order.
7. Attached to this Order is Exhibit B also to be used in Step 2, which includes **enhanced conditions of release**. These enhanced conditions of release shall be used if, after identifying the charge and release category it is determined that there are overriding circumstances which require enhanced conditions of release. Exhibit C is hereby incorporated into this Order.

This Order supersedes all previous orders on the same subject and shall remain in effect until further order of this Court.

DATED this 25th day of January, 2023.



Amy B. Lindgren, Municipal Court Judge

EXHIBIT A: CRITERIA FOR OVERRIDING CIRCUMSTANCES

OVERRIDING CIRCUMSTANCES	CATEGORY 1 CHARGE	CATEGORY 2 CHARGE	CATEGORY 3 CHARGE
Any Category 1 offense with a named victim or location	Move to Category 2		
Any incident involving a Co-Defendant	Move to Category 2		
Individual resides or works out of State	Move to Category 2		
Multiple charges over multiple incidences in the 48 hours prior to arrest or multiple charges arising out of one incident	Move to Category 3	Move to Category 3	
Any prior FTA	Move to Category 3	Move to Category 3	
Three convictions for the same conduct in the last five years	Move to Category 3	Move to Category 3	
Current property crime charge with conviction for a property crime in past 8 years	Move to Category 3	Move to Category 3	
Current trespass charge with a conviction for trespass in past 8 years	Move to Category 3	Move to Category 3	
Any violation of a court order	Hold for arraignment or first appearance		
Any outstanding warrants or holds	Hold for arraignment or first appearance		
Individual is subject to an active restraining order	Hold for arraignment or first appearance		
Individual is unable to comprehend the release process or participate in the release assessment process or sign a release agreement	Hold for arraignment or first appearance		
A direct threat of violence to a victim, law enforcement officer, or anyone else connected to the case	Hold for arraignment or first appearance		

EXHIBIT B: CRITERIA FOR CONDITIONAL RELEASES

The following offense-specific criteria lead to the following conditions:

CHARGE	SPECIAL CONDITION OF RELEASE
DUII or Attempted DUII	<ul style="list-style-type: none">• Absolutely no consumption of intoxicants;• No entry into liquor stores, taverns, bars, or dispensaries.
Non-DV person crimes eligible for release with special conditions	<ul style="list-style-type: none">• Absolutely no contact with the victim;• No entry onto premises, business or other location occupied by the victim;• No possession or access to firearms or other deadly weapons;• If intoxicants are implicated in the crime, absolutely no consumption of intoxicants
Any Category 1 offense with a named victim or location	<ul style="list-style-type: none">• No contact order for alleged victim or location
Co-Defendant	<ul style="list-style-type: none">• No contact with Co-Defendant

The following person-specific criteria lead to the following conditions:

CRITERIA	CONDITION OF RELEASE
Person is visibly intoxicated	<ul style="list-style-type: none">• Absolutely no consumption of intoxicants;• No entry into liquor stores, taverns, bars, or dispensaries.
Substance misuse is indicated in PCA	<ul style="list-style-type: none">• Absolutely no consumption of intoxicants;• No entry into liquor stores, taverns, bars, or dispensaries.
Any Category 1 offense where defendant resides or is employed out of State	<ul style="list-style-type: none">• Delete standard release condition of "Not leave the State of Oregon" but keep waiver of extradition requirement