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August 14, 2025

ST. HELENS MUNICIPAL COURT REPORT

I apologize for not appearing personally to present this report. I am covering in Lake Oswego Municipal Court and unable to attend in person or on video.

I am pleased to report that operations of the St. Helens Municipal Court continue to run smoothly. Two new police officers were sworn in this morning. It was a pleasure to see the other members of the police department there in full force to support Officers Stratton and Rue.

A major component of the court continuing to operate smoothly is the passage of the bond measure to fund the Columbia County Jail. One change that we recently learned of is that the Columbia County Jail is no longer holding defendants who are arrested based on a police officer's probable cause for 36 hours. The 36-hour holding period allows the city attorney to determine whether it is appropriate to file charges and ask for a defendant to be held. I will be reviewing the Municipal Court's standing order regarding pre-trial release and making any necessary changes in the next week. The police department and city prosecutor intend to begin a new procedure where the PD will notify Mr. Erskine if a new report will be submitted that would require an immediate arraignment. If a charge is filed, the court would notify the jail by 10:30am and conduct a video arraignment and determine whether a further release hearing is necessary. A copy of the current pre-trial release order that will be modified, if necessary.

The court continues to have two defense attorneys, Steven Leskin and Steven Scharfstein. All the attorneys, including Mr. Erskine, represent their client very well. Mr. Leskin and Mr. Scharfstein's contracts were both renewed recently and I look forward to continuing to work with them. I am going into my eighth year as the St. Helens Municipal Court Judge! It is a pleasure to work for St. Helens and I look forward to many more years to come.

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) ORDER No. 2023-05
correctional facility for St. Helens)
Municipal Court)
)

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