

MCJRP Probation Violation Procedure

Absent exceptional circumstances, if a case initially qualifies for the Multnomah County Justice Reinvestment Program, the parties are to negotiate and stipulate that, as a condition of probation, administrative sanctions are presumptively allowed by the Department of Community Justice (DCJ) **except** for the following circumstances:

- Contact with the Victim
- Failure to Obey All Laws
- Absconding from supervision
- Failure to complete the restitution Intake/package interview and/or willful failure to comply with restitution obligations
- OTHER (used sparingly, generally surrounding Victim issues)

For the exceptional circumstances mentioned above, there is a presumption for a probation violation hearing in front of the probation judge, unless the parties are otherwise notified by the Court that an administrative sanction is appropriate. This practice will continue throughout the offender's entire term of probation, as ordered by the Court. DCJ will "stamp" or flag each of its in-house MCJRP cases to facilitate internal PO notification of case status and MCJRP procedure.

Whenever administrative sanctions are imposed on probation cases, the sentencing court and the deputy district attorney shall be notified utilizing the Department of Corrections Violation Report/Sanction Reporting Form. When a probation intervention/sanction involves modifying conditions of probation, the court must sign and return the request before the amended condition(s) is in effect, unless specific authority has been granted to the community corrections agency by the sentencing court or as allowed by statute.

Notification shall be sent by email to the probation judge and the District Attorney's MCJRP email inbox. Once notice is received, and prior to the imposition of any administrative sanction, the court, upon motion of the district attorney or on its own motion, may cause the offender to be brought before the court for a hearing, and may revoke probation or impose such other or additional sanction(s). If either party does not respond to the notice within four judicial days, administrative sanctions will be allowed to occur.

There may be certain new crime arrests or convictions that may be eligible for administrative sanctions (see list below). In situations involving a new law violation for any offense mentioned below, the probation judge and the DA's Office shall be notified via email by the probation officer that an administrative sanction is being sought by the Department of Community Justice to address the new law violation. Within four judicial days after receiving notice that a structured, intermediate sanction is being sought, the court or the deputy district attorney may respond opposing the administrative sanction and cause the offender to be brought

before the court for a hearing. If either party does not respond to the notice, administrative sanctions will be allowed to occur.

List of new crime arrests or convictions that may be eligible for Administrative Sanctions

1. Drinking alcohol in public
2. Open container of alcohol on public property
3. Alcohol in the park
4. Camping prohibited on public property and public right of ways
5. Erecting permanent or temporary structures in parks
6. Misuse of a public restroom
7. Park closure
8. Unlawful urination or defecation in a park
9. Misrepresentation of Age by a Minor
10. Offensive Littering
11. Failure to present a license
12. Criminal Trespass in the Second Degree
13. Theft in the Third Degree

Addendum to Plea Petition

State v. _____

Court #: _____

This case qualifies for the Multnomah County Justice Reinvestment Program. The parties negotiated and stipulate that, as a condition of probation, administrative sanctions are presumptively allowed by the Department of Community Justice **except** for the following circumstances:

- Contact with the Victim
 - Failure to Obey All Laws
 - Absconding from supervision for a period longer than 10 calendar days
 - Failure to complete the restitution Intake/package interview and/or willful failure to comply with restitution obligations
 - OTHER (use sparingly, generally surrounding Victim issues): _____
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Any violation of probation condition listed above shall result in a detainer and a probation violation hearing before the assigned probation judge (No JC2). DCJ will email notice to the Court and DA's Office of any administrative sanction imposed for violations outside of those listed above.

Defendant: _____

Date: _____

Defense Attorney: _____

Date: _____

Deputy District Attorney: _____

Date: _____