

### **Board Preferences for Warrant or Arrest and Detention Request:**

The supervising officer needs to provide enough information in the arrest or warrant request so that the Board can find reasonable grounds to believe a violation occurred.

The supervising officer should make a reasonable attempt to locate the offender prior to submitting a warrant request.

### **The Board would like the following information in the warrant or arrest and detention request:**

- 1) The date of the alleged violation (for a warrant) or arrest (for a suspend and detain request).
- 2) Identify the alleged condition(s) violated. For example,
  - a. Smith violated GC13 by failing to report.
  - b. Smith violated GC 10 by committing a new crime, Assault IV.
  - c. Smith violated SC3 by having contact with persons under 18 years of age.
- 3) A brief description of the behavior. For example,
  - a. A written action plan directed Smith to report on the first Monday of every month. Smith failed to report on 12-1-19. Attempts made to contact Smith by phone and at his listed residence were unsuccessful.
  - b. I received information from a reliable source that indicated Smith had prohibited direct contact with his girlfriend's three year old son and six-year-old daughter on 12-1-19.
  - c. Smith admitted consuming methamphetamine on 12-1-19.
  - d. Smith assaulted his girlfriend on 12-1-19. Police arrested and charged Smith with Assault IV.

### **Failing to report or absconding considerations:**

- a. Did the offender fail to report for an office visit or other appointment or did he abscond?
- b. Does the officer have the offender's phone number, contact phone number, and/or address or physical location (homeless camp)?
- c. Did the officer attempt to contact or locate the offender prior to requesting a warrant?
- d. If not, are there extraordinary or aggravating circumstances that require an immediate warrant without attempting to contact or locate?
- e. Does the offender regularly fail to report or is the offender a chronic absconder?
- f. Did the offender fail to report or abscond in addition to committing a new crime?

### **Description examples:**

- 1) Smith violated GC13 by failing to report after release from jail on 12-1-19. Jail staff directed Smith to report within 24 hours of release. Smith has not provided contact information and his whereabouts are unknown.
- 2) Smith violated GC10 on 12-1-19 by committing Assault IV. Police arrested and charged Smith with assaulting his girlfriend by hitting her multiple times.
- 3) On 11-15-19 Smith signed an action plan directing him to provide me an address or location of where he stays nightly and to report on 12-1-19. Smith failed to provide me any information on

where is staying and failed to report for an office visit on 12-1-19 (GC13). His whereabouts are unknown.

- 4) On 12-1-19 Smith was arrested by police and charged with Rape I, and Sex Abuse II. He allegedly walked up to the victim, pulled down his pants, pulled down the victim's pants, groped her, and attempted to have sex with her. He told police he had used methamphetamine earlier in the day. Because of the new crimes and drug use Smith was suspended from sex offender treatment. He violated GC2, GC10, and SC10.
- 5) Smith failed to report on 12-1-19, a violation of GC13. On 12-4-19 I contacted the Mission Center where is was supposed to be staying. Employees reported that they have not seen him in over a week. Smith's whereabouts are currently unknown.
- 6) Smith is in violation of GC7 and GC13. On 11-1-5-19, Smith reported that he was staying at the Budget Inn. After he failed to report on 12-1-19, I contacted the Budget Inn. The clerk told me Smith checked out on 11-18-19. Smith has not provided a new address and failed to report as directed.

### **Oregon Law on Warrant or Arrest and Detention Request**

Oregon law allows a supervisory authority to order the arrest and detention of any person under their supervision, custody or control if there are reasonable grounds to believe that:

- 1) the person has violated conditions of supervision and the violation is serious enough to warrant a recommendation of incarceration, or
- 2) the person has escaped from supervision, custody or control, or
- 3) the person's behavior constitutes a threat or danger to self or the community, or
- 4) the person is suffering from an emotional or psychological disturbance which makes the offender dangerous to self or others if left in the community.

**Reasonable grounds** exist when facts and circumstances within the officer's knowledge are sufficient to justify a belief that a violation has occurred.

**Escape** means the unlawful departure of a person from a correctional facility, or from the supervision, custody or control of a corrections officer or other person authorized by the department or supervisory authority to maintain supervision, custody or control of the person while the person is outside the correctional facility.

**"Best interest" return** may apply when the offender is suffering from an emotional or psychological disturbance which makes the offender dangerous to self or others if left in the community. This includes showing the capacity to carry out threats of violence, circumstances and conduct similar to that which led to the initial incarceration, or the offender's behavior cannot be adequately controlled in the community.

### **Other**

The law requires the supervisory authority to investigate to determine whether a condition has been violated.

The offender is arrested pending a violation hearing.

The Sanction Authority may consider:

- 1) The seriousness of the allegations and the risk to the offender or the community;
- 2) The likelihood of the offender absconding or failing to appear at the hearing;
- 3) The availability of resources in the community such as residence and employment;
- 4) Any recommendation of the parole and post-prison supervision officer.

**References:**

Oregon Revised Statute (ORS) 144.350 Order for arrest and detention of escapee or violator of parole, post-prison supervision, conditional pardon or other conditional release; investigation by department

ORS 144.331 Suspension of parole or post-prison supervision.

ORS 144.350 Order for arrest and detention of escapee or violator of parole, post-prison supervision, probation, conditional pardon, or other conditional release: investigation by department.

Oregon Administrative Rule (OAR) 255-075-0002 Suspension of Parole and Post-Prison Supervision; Citation to Appear

OAR 291-014-0100 Arrest and Transport, Authority, Purpose, and Policy

OAR 291-014-0110 Arrest and Transport, Definitions

OAR 291-014-0120 Arrest

OAR 255-075-0003 Criteria for Allowing Offender to Remain in Community Pending Hearing

OAR 255-075-0004 Guidelines for "Best Interest" Return.