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**BJA EXPEDITED DRUG CASE MANAGEMENT (EDCM)
DEMONSTRATION PROGRAM**

**OPERATIONAL SUMMARY
OF THE EXPEDITED DRUG CASE
MANAGEMENT PROGRAM**

MULTNOMAH COUNTY (PORTLAND), OREGON

144033

Implementation Date: December 1, 1991

Program Contacts:

EDCM Program: Judge William Keys, Senior Drug Judge (503/248-3219)
Stop Track: Judge Harl Haas (503/248-3052)

This publication was produced under Cooperative Agreement Number 89-DD-CX-K023 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the Department of Justice. This publication was reproduced for use by the Drug Case Management Technical Assistance and Training Project (BJA Grant No. 92-DD-CX-0016).

144033

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SUMMARY OF THE EXPEDITED DRUG CASE MANAGEMENT PROGRAM
MULTNOMAH COUNTY (PORTLAND), OREGON

I. DESCRIPTION OF THE MULTNOMAH COUNTY EDCM PROGRAM

A. Overview

The Multnomah County EDCM Program was implemented December 1, 1991¹ to focus on drug and property offenses and consists of three different types of tracks:

- (1) a combined adjudication and treatment track providing for both diversion and intensive treatment;
- (2) two case processing tracks²; and
- (3) two treatment tracks which address treatment/supervision/rehabilitation needs of eligible defendants with cases assigned to the adjudication tracks.

A description of these tracks is provided below:

B. Adjudication/Treatment Track

1. STOP

a. *Eligible Cases*

- case must be a drug possession case
- there must be no evidence that the defendant is involved in significant drug dealing
- the defendant can have no other felony or Class A misdemeanor cases pending or charged
- the defendant can have no detainers from other jurisdictions
- the defendant cannot be charged with DUI in the same charging instrument

¹ The STOP track began August 1, 1991.

² A third track for defendants with detainers from other jurisdictions was initially established but subsequently combined with the other adjudication tracks. (See Section IC).

A defendant who is eligible for the STOP program may have an extensive criminal conviction history and may have any number of prior drug convictions.

b. *Screening Procedure*

At the time of initial arraignment on the information³, the DA screens cases to identify eligible defendants. At arraignment, the names of those defendants determined to be eligible for the STOP Program are read in the Arraignment Court. Eligible defendants are provided with a Notice which describes the STOP Program, including eligibility criteria and program participation requirements. (See Attachment 1) Ninety-five percent (95%) of the STOP program participants are referred by the DA; a few are referred by private defense counsel following arraignment.

c. *Case Processing Procedures*

If a defendant is eligible for STOP, a special public defender is appointed (if the defendant is indigent) and the case is set for hearing two days following arraignment before the Judge presiding over the STOP cases. During this 48 hour period, the defense attorney meets with the defendant, describes the program, and determines whether the defendant is interested in entering. At 11 a.m. the following day, all eligible defendants come before the Diversion Judge and may either petition to enter the STOP program (see Attachments 2 and 3) or decline to participate (see Attachment 4).

Defendants who agree to participate in the STOP program have 14 days to withdraw their agreement to participate in which event their case goes back into the regular adjudication process as if it had never been diverted for treatment. If the defendant withdraws his/her participation after 14 days, he/she waives the right to a jury trial and proceeds to trial before the court on a stipulated statement of the facts in the police report.

Defendants in the STOP Track submit to daily acupuncture, beginning within 24 hours of court appearance. They also receive on-going counselling and random urinalysis. They appear monthly before the Judge presiding over the STOP program who reviews their performance. Failure to perform can result in sanctions ranging from reprimand, to a period of incarceration, to complete program termination. If the defendant completes the prescribed one year program successfully, the case is dismissed.

Unsuccessful STOP defendants cannot subsequently join the DTE treatment programs (see below) available for other defendants.

³ the day following arrest for detained defendants and seven days following arraignment for released defendants.

C. Adjudication Tracks

1. Current Tracks

a. Standard Drug Case Track

(1) *Eligible Cases*

all drug cases that are not assigned to the STOP Track;^{4,5}

(2) *Case Processing Procedures*

The pretrial hearing is set 21 days after arrest; at that time the state and defense counsel attempt to negotiate a plea agreement, using a worksheet completed which they jointly complete (see Attachment 5); if a plea agreement cannot be negotiated, the case is set for trial on day 49 before the presiding judge. The case can be continued for good cause or pled (on the following day) or, if neither occurs, it is then assigned to the Senior Drug Judge for a second conference. If no plea occurs at the second conference, the case is assigned to a trial date certain with trial that day or within a few days. At the time of disposition⁶, a Temporary Sentencing Order (Attachment 6) is executed by the Judge, using the information provided on the Plea Agreement Worksheet if submitted, and the provisions of that Order are subsequently entered into a form maintained on a personal computer, from which the Final Judgment and Sentence is prepared (Attachment 7).⁷

⁴ Cases involving detained defendants are expedited.

⁵ Most complex drug cases are handled by the federal prosecutor.

⁶ Since much of the information ordinarily compiled in a pre-sentence investigation report is already available at the time of adjudication as a result of the early screening activities undertaken for EDCM cases, disposition may occur simultaneously with adjudication or, if a separate disposition hearing is requested, can occur within the following seven days.

⁷ This procedure significantly decreases the delay and clerical tasks associated with sentencing orders prior to the EDCM program. Although currently only applied for cases in the EDCM program, the Court expects to expand the use of this procedure to all criminal cases in the near future.

b. Property Offense Track

(1) *Eligible Cases: ("list unit A")*

Most cases in this track involve drug dependant defendants whose crimes were committed to support their need for controlled substances.

Cases in this track are to be disposed of within 90 days and proceed with the same trial date certainty and strict case management that characterizes the drug caseload. These cases have been singled out for a special processing track to which the strict EDCM case management strategies are applied because: (a) they generally require the same defendant screening and assessment as drug cases; (b) they are generally amenable to expedited adjudication; and (c) they frequently require the appearance of lay witnesses whom the court wants to schedule as expeditiously as possible.

(2) *Screening Procedures*

At issue the cases are screened by the District Attorney to identify defendants with appropriate charges to qualify for this track.

(3) *Case Processing Procedures*

Cases in this track proceed as follows:

At the arraignment, the trial date is set for day 49. Track procedures have recently been modified to permit attorneys to request a voluntary settlement conference with the Drug Judge anytime between Day 21-35. A readiness report hearing occurs on Day 35. The case can be scheduled for a plea at that time. If not, it appears on Day 50 for a criminal calendar conference before the Presiding Judge who screens for continuances or pleas. A continuance may be granted by the Presiding Judge only for good cause. Cases scheduled for plea are set the next day. If the case is neither continued or pled at that time, it is sent to the Drug Judge the same day at 1:30 who tries again to reach a plea. If a plea offer is accepted, the Drug Judge either takes the plea or assigns the case to another judge that day; if a trial is scheduled, it will be scheduled within one week to provide the state an opportunity to subpoena the civilian witnesses.

All cases in this track are to be disposed of within 90 days of filing.

2. Other

When the EDCM program began, the Court also established a third adjudication track for defendants upon whom detainers had been lodged by either the Immigration and Naturalization Service or other jurisdictions. This track, called the Extra

Jurisdictional Hold Track, focussed on defendants who were arrested on a drug charge and were detained pretrial as a result of their detainer. During the course of post-arrest screening by the local pretrial release agency, defendants with extra-jurisdictional holds and current local drug charges were identified and their cases are flagged by the release assistance officer. The first flag was entered in the computer with the entry of the release interview. The flag alerted the case scheduling staff when the arraignment on the indictment was scheduled and the case was, at that time, placed in the "hold" track.

Defendants assigned to the Extra-jurisdictional hold track made their first appearance on the information and one week later were indicted. The case was scheduled for trial in 24 days and continued only with the approval of the Senior Drug Judge. When the case appeared for trial on Day 24 before the Presiding Judge, the case, unless continued for good cause, was sent to the Senior Drug Judge the same day for plea or, if the case was to be tried, assigned the first available trial date.

The Extra-Jurisdictional Hold Track was discontinued after several months of project operation for several reasons:

- (1) a decrease in the frequency with which INS was placing holds on defendants;
- (2) the difficulty in ascertaining information regarding the existence of INS holds on defendants in time to apply this information to case track assignments; and
- (3) the expediting of the drug case adjudication process generally which was occurring as a result of the EDCM program

D. Drug Treatment Tracks

The cases in these "treatment" tracks are also assigned to other "adjudication" tracks and processed according to the procedures applicable to the respective adjudication track assigned.

1. Pretrial DTE

a. *Eligible Cases*

- Defendants charged with a drug offense
- Defendants who admit to being drug users or determined to have drug problems
- program capacity is 75 persons

b. *Screening Procedures*

The pretrial release office identifies defendants eligible for this track during the initial interview at the time of booking. Cases arising from a drug offense or defendants who admit to using drugs illegally are flagged for drug evaluation and

monitoring. If community treatment resources are available, these defendants may be referred to begin treatment pretrial and supervised intensively by pretrial release staff.

c. *Case Processing Procedures*

N/A. Cases assigned to Pretrial DTE proceed according to the procedures applicable to the track assigned.

d. *Treatment/Supervision Procedures*

Eligible defendants are evaluated pretrial regarding treatment needs and must comply with pretrial conditions of drug testing, treatment and counselling. When pretrial release conditions are violated, the defendant is brought before the Senior Drug Judge on a Show Cause Order. The Drug Judge can take various actions, including requiring more frequent reporting, drug testing, temporary incarceration or complete revocation of the release agreement. Defendants in this pretrial program are targeted for more intensive treatment following adjudication, guided by the report of their performance pretrial.

2. DTE Post Adjudication

a. *Eligible Cases*

- Defendants convicted of a drug or property offense and deemed eligible for the drug treatment services of the community corrections program funded by BJA
- program capacity is under discussion with the Department of Community Corrections, the County's probation supervising agency.

b. *Screening Procedures*

The Department of Community Corrections or the District Attorney identify eligible defendants at the time of the presentence investigation, if one is ordered, or at the time of sentencing.

c. *Case Processing Procedures*

N/A. The Post Adjudication DTE program applies to cases that have already been adjudicated.

d. *Treatment/Supervision Procedures*

Eligible defendants can be sentenced to a variety of intermediate sanctions, including drug monitoring and out-patient treatment. Defendants are not required to pay any special fee to participate in these programs, other than the normal probation supervision fee. Probation violations are brought before the Senior Drug Judge who can take various actions, including the ordering of periodic incarceration and, ultimately, probation revocation.

II. TRACK PROCEDURES AND TIMEFRAMES

EVENT	Stop	Other Drug	Property	Extra-Jur. Hold
Arrest	Day 1	Day 1	Day 1	Day 1
Pretr. Scr. - for "holds" - for DTE	n/a n/a	n/a Day 1	n/a Day 1	Day 1 n/a
DA scr. for STOP	Day 1	n/a	n/a	n/a
Arrgt: cust ⁸ :	Day 2	Day 2	Day 2	Day 2
Appr. before Divers. Judge	Day 4	n/a	n/a	n/a
Indctmt.	n/a	Day 9	Day 9	Day 9
Pretrl.Hrng.	n/a	Day 21	n/a	n/a
Vol.Setmt.Conf.	n/a	n/a	Day 21 - 35	n/a
Crim. Cal. Conf.	n/a	Day 50/P.J.(cont) or to Drug Judge for trial in 5-7 days)	Day 50 (cont) or to Drug Judge for trial in 5-7 days)	n/a
Review Hrngs.	beg. Day 33 ⁹	n/a	n/a	n/a
Readiness Rept. Hrg.	n/a	n/a	Day 35	n/a
Trial	n/a	Day 60/P.J. (cont. or to P.J./ Drug Judge)	Day 50/P.J. (cont. or to Drug Judge with adjud. in less than 90 days)	Day 24/P.J. (cont. or to Drug Judge same day)
Disposition ¹⁰	Day 365	Day 60	Day 90	Day 24

⁸ Day 9 for released defendants

⁹ and every 30 days for a 12-month period

¹⁰ often disposition is simultaneous with the adjudication because information that would normally be collected in the pre-sentence investigation report is already available. If a separate disposition hearing is requested, it is generally held within seven days.

III. RELEVANT SENTENCING PROVISIONS

Oregon uses a presumptive sentencing scheme which provides for the following sentences for drug offenses:¹¹

(1) Possession of CDS (except possession of less than 1 ounce of marijuana):

Maximum: 30 days in jail plus 60 days of drug treatment or work release

(2) Distribution of a CDS:

Maximum: 60 days in jail plus 60 days of drug treatment or work release

(3) "Substantial Quantity Cases" or sales for consideration:

5 grams of heroine; 10 grams of cocaine; 100 grams of hash; 150 grams of marijuana:

(a) for persons with minimal or no prior record:

Maximum: 90 days in jail plus 90 days of treatment

(b) for persons with a prior personal felony or 4 nonpersonal felonies:

Maximum: 21-30 months (depending on criminal history)

(4) Commercial drug offenses (evidence of manufacturing paraphernalia, guns, etc.):

(a) first offense:

Maximum: 16-18 months

(b) multiple nonpersonal prior felonies:

Maximum: 25-26 months

¹¹ Chapter 790, Oregon Laws 1989. See also Oregon Administrative Rules. 253. These sentencing provisions can be modified upon a showing of "substantial and compelling" justification.

IV. INITIAL IMPLEMENTATION EXPERIENCE

A. Initial Impact

The most immediate impact of the EDCM program has been reflected in case disposition time and judicial productivity. During the first nine months of the EDCM Program, the average age of all criminal cases at disposition decreased from 119.7 days to 75.6 days, with the average age of cases disposed through the EDCM program 67.5 days. The Court estimates that approximately one half of the criminal caseload consists of the drug and property cases handled under the EDCM program. This caseload is now being handled by 3.5 judges, compared with 5.5 judges who handled these matters prior to the EDCM program, thereby freeing up two additional judges to handle other aspects of the court's criminal and civil docket.

In addition, the early treatment and rehabilitation aspects of the program promote much earlier intervention with drug dependent defendants and, it is hoped, increase the likelihood for rehabilitation.

Local officials also note that by enabling the EDCM cases to move faster, existing resources can focus on the more serious cases.

B. Scheduling Practices

Multnomah County has not been able to achieve pleas for cases in the EDCM program as early as other EDCM jurisdictions for various reasons, most of which relate to the relative leniency of applicable sentencing guidelines. Efforts to expedite dispositions have therefore focussed upon accelerating the trial date. A scheduling procedure has been developed which combines a pre-trial conference with a trial date scheduled the following day, both occurring within 70 days of the arraignment for those cases not disposed of earlier. These events are not continued without very good cause. A statistically based trial setting program has been developed which greatly overschedules cases onto the pretrial conference date the day before trial and slightly over schedules cases set for trial the following day so that all cases can be disposed of by trial, plea or other disposition, with promptness and scheduling certainty.

V. ATTACHMENTS

1. Notice to Defendants Regarding STOP Program Eligibility and Participation Requirements
2. Waiver and Agreement of Defendants Petitioning to Enter the STOP Program
3. Defendant's Petition to Enter the STOP Program
4. "STOP" Program Declined Form
5. District Attorney and Defense Attorney Plea Assessment Worksheet
6. Temporary Sentencing Order
7. Final Judgment and Sentence

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

NOTICE TO DEFENDANTS

The Circuit Court Pretrial Drug Treatment Program (S.T.O.P.) provides persons who have been charged with the offense of Possession of a Controlled Substance I or II with an opportunity to attend treatment during pretrial release from confinement. Upon satisfactory completion of that treatment, the Court will dismiss the charges with prejudice. You may file a motion to set aside the record of arrest. This program is a privilege you may exercise only once. To take part in this program, you must do the following:

You must request to enter the S.T.O.P. Program no later than Tuesday following the Thursday Drug Call. You must complete and sign the petition form given to you by the Court or by your attorney and file the petition with the Court. At the time of filing you must pay a S.T.O.P. Program fee of \$300; however, the Court may make provisions for payment of the fee on an installment basis. You are eligible for this program if:

1. You are charged with PCS I or PCS II and you were in possession of only a small amount of a drug consistent with personal use;
2. You have not participated in the S.T.O.P. Program before and you are not currently participating in the S.T.O.P. Program;
3. There is no evidence that you have been involved in significant and substantial drug dealing;
4. You have no other felony crimes or any Class A person misdemeanors pending or charged in the same charging instrument other than traffic offenses or other counts or charges of PCS I or PCS II;
5. The State is not seeking a dispositional departure and there are no circumstances indicating to the District Attorney's Office your inability to succeed in the STOP program;
6. You have no hold from another jurisdiction (you may petition the court if the hold is later resolved) and are otherwise eligible for security release;
7. There is no verifiable evidence of gang association or affiliation within one year of your arrest;
8. You are not charged with DUII in the same charging instrument

Prior to your arraignment, the District Attorney will review the police reports and the criminal history provided by the police agency and will make a preliminary determination whether your

case is one the state would be willing to dismiss if treatment is successfully completed. At your arraignment, the Court will be notified by the District Attorney whether your case appears to be appropriate for dismissal if drug treatment is completed. A public defender will be appointed at the time of arraignment (if you are eligible for appointed counsel).

The Court will set your case over to the next court review date to allow you time to make a decision as to whether you wish to enter the S.T.O.P. Program. At the time you return to Court for the S.T.O.P. Program option hearing, a final decision on eligibility and participation will be made.

If you agree to participate in the S.T.O.P. Program and you are eligible, you will execute the Drug Treatment Agreement where you agree to waive preliminary hearing and proceed on the District Attorney's information. You further agree to waive a speedy trial and waive a jury trial. You waive any double jeopardy claims upon this or related cases. You agree that should you be terminated from the treatment program or elect to withdraw from it, you stipulate to the police reports and lab reports and proceed to a court trial on a stipulated facts basis. You waive any search and seizure challenges to the evidence contained in the police reports. If, within 14 days of the day you sign the treatment agreement you wish to withdraw from the program, your case will be returned to the trial docket.

During the treatment program, you will be continued on release subject to satisfactory compliance with terms of the drug treatment program agreement and any other conditions imposed by the Court. If you violate the terms of the release agreement, you may be returned to custody. During the pretrial treatment period, your case will be continued until successful completion of the treatment period or until termination of agreement.

Entry into the S.T.O.P. Program does not entitle you to dismissal of the present charge until you have completed the program of treatment indicated as necessary by the assessment, including compliance with all treatment requirements and paying all fees and performing other program conditions to the satisfaction of the Court. If you successfully comply with all S.T.O.P. Program requirements, the District Attorney agrees to move for dismissal of the charge and the Court will dismiss the charge with prejudice.

If you decide that you do not wish to take part in the S.T.O.P. Program and you prefer to go to trial or enter a plea of guilty, you must sign and file with the Court a waiver of your opportunity to participate in the program. The waiver will be kept in the Court's record to clearly show that you had an opportunity to participate in the Drug Treatment Program and freely and voluntarily chose not to do so. Your case will then proceed to trial (or plea) in the usual manner.

If you choose to enter the S.T.O.P. Program and then later choose not to continue in the program, all fees which you have paid to the Court are not refundable.

Attachment 2 (p. 1)
(Petition, Waiver and Agreement
MULTNOMAH COUNTY CIRCUIT COURT of Defendants electi
DRUG DIVERSION PETITION, WAIVER AND AGREEMENT to enter STC

Defendant / Petitioner Name _____
Last First Middle
Address _____
Street Apt. # City State Zip
Phone () _____ DOB _____ Case No.C _____

If this petition is allowed by the court, the petitioner agrees to give up the rights and to carry out the agreements listed below and explained in the "Notice to Defendants".

1. I hereby give up the right to a preliminary hearing, Grand Jury Indictment and agree to proceed upon the District Attorney's Information.
2. I hereby give up any former jeopardy rights in any subsequent action upon this charge or any other offenses based upon the same criminal episode.
3. I hereby give up my right to a speedy trial. I also give up my right to a jury trial. I give up my right to call witnesses and to cross-examine the State's witnesses. I also give up my right to testify. I give up my right to contest the stop and/or search in my case.
4. I hereby agree that should the treatment program be terminated after 14 days from today either by the Court or me, I will proceed to a court trial based solely upon the facts in the police report and laboratory reports, which I hereby stipulate to.
5. It is agreed by the Court that if the petitioner wishes to withdraw from the treatment program within 14 days of today, this Agreement will be voided and the case will be returned to the trial docket and I will have all my constitutional rights available to me upon trial of my case.
6. I agree to satisfactorily complete a diagnostic evaluation for the development of my drug/alcohol treatment program as ordered by the Court. I hereby authorize release of all treatment information by the provider to the Court. Any such information shall not be utilized by the District Attorney for any prosecution but may be considered by the Court in deciding my remaining in S.T.O.P.
7. I agree to complete the treatment program to the satisfaction of the Court.
8. I agree to not knowingly associate with any person possessing or using illegal drugs

(Court Order in response to Defendant's Petition to Enter STOP)

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON,)	
)	
Plaintiff,)	Case No. C
)	
v.)	D.A. No.
)	
_____ ,)	ORDER
)	
Defendant.)	

Defendants petition to enter pretrial drug treatment is:

1. _____ Denied

2. _____ Allowed, and based on the agreements

and waivers therein:

a) This case is transferred to the Circuit Court for all further proceedings on the Information of the District Attorney.

b) Defendant shall pay to the Multnomah County Circuit Court a stipulated compensatory fine for the benefit of the City of Portland Drug Treatment Trust Account in the amount off \$300.

The diversion fee of \$300 is payable at the rate of _____ per month or in full within _____ weeks/days.

_____ Payment schedule to be set at further proceedings.

c) Defendant shall report to the Portland Addiction and Acupuncture Center and begin the program of drug evaluation and treatment within 24 hours of the date of this order.

d) Defendant shall report for the next S.T.O.P. hearing on _____ at 9:00am in Courtroom _____ of the Multnomah County Courthouse.

DATED: _____

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

(Defendant's Statement)

declining to enter STOP program

FOR THE COUNTY OF MULTNOMAH

"STOP" PROGRAM DECLINED

STATE OF OREGON VS. _____

CASE NUMBER: _____

DA NUMBER: _____

I have been advised of the Circuit Court's STOP Program by the Court as well as my attorney. I fully understand the opportunity it affords me and the responsibilities it would incur upon me. I further understand that an election to participate must be made today and an election to not participate will result in my case being placed on the regular drug trial docket for trial. I further understand that I may not elect to participate in this program at any future date.

I hereby elect to not participate in the Circuit Court STOP Program.

Sign Name Date Print Name

Attorney for Defendant Date Print Name

Rev. 2/5/92 STOP PROGRAM DECLINED

IN THE CIRCUIT COURT OF THE STATE OF OREGON
 FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON
 V.

CIRCUIT COURT # _____
 District Attorney# _____

PRE-TRIAL OFFER

Defendant will be convicted of the following offense:

COUNT	OFFENSE	INCIDENT DATE
-------	---------	---------------

Defendant to be convicted on plea of _____ GUILTY _____ NO CONTEST

Counts to be dismissed: _____

Cases to be dismissed: _____

_____ Defendant is STOP eligible _____ Defendant is eligible for CONDITIONAL DISCHARGE

Plea offer conditioned on the following criminal record:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(If the defendant has any other convictions, juvenile or adult, or any other pending charges, this offer is void ab initio.)

Plea offer conditioned on defendant stipulating to (a) restitution liability and ability to pay _____;
 (b) being ordered to pay full restitution _____; or (c) to agree to restitution of _____.

DISTRICT ATTORNEY RECOMMENDATION:

DISPOSITION ON COUNT _____ Non-guidelines
 GRID COORDINATES _____ & _____ case _____

___ Sentence is a PRESUMPTIVE sentence
 ___ Sentence is a DURATIONAL departure
 ___ Sentence is a DISPOSITIONAL departure
 ___ Additional FACTORS: _____

PRISON: _____ MONTHS plus
 _____ MONTHS Post Prison Supvsn.

___ concurrent with _____
 ___ consecutive to _____

DEFN.

JUDGE

Factors _____

Factors _____

Recommended
 LOCATION: _____

IF CONSEC. ORS 137.124(4)
 CONSIDERED _____

PROBATION: _____ MONTHS _____ Bench _____ Formal

SPECIAL CONDITIONS OF PROBATION COUNT _____

- a/g. _____ DRUG PACKAGE
- h. _____ No trespassing in Old Town.
- i. _____ No illegal reentry into U.S.A.
- j. _____ Full time school or full time employment.
- k. _____ Polygraph examination.
- l. _____ Mental health evaluation/treatment.
- m. _____ No firearm or other weapons.
- n/q. _____ ALCOHOL PACKAGE
- r. _____ OTHER: _____

CUSTODY UNIT CONDITIONS OF PROBATION:

- *All custody units not imposed are RESERVED
- a. _____ Custody units JAIL
_____ Work release authorized
 - b. _____ Custody units on Work Release.
 - c. _____ Custody units FOREST WORK PROJECT
4 weeks = 200 hours = 20 custody units (minimum)/50 hours per week
 - d. _____ Custody units of community service work
each custody unit equals 24 hours of community service

DEFN.

JUDGE
REPORT BY:

TO RM.824 TODAY
COMPLETED BY:

ABOVE CUSTODY UNITS ARE:

_____ concurrent with _____
_____ consecutive to _____

C.T.S. _____
CRISP _____
No CRISP _____

MONEY JUDGMENT ON COUNT _____

OBLIGATION: DA to check items to be paid

- | | | | |
|----|----|------------------------------|----------|
| | 1. | Penalty Assessment | \$ _____ |
| ☼☼ | 2. | Restitution | \$ _____ |
| | 3. | Indigent Defense
Recovery | \$ _____ |
| | 4. | Fine | \$ _____ |
| »» | 5. | BPST | \$ _____ |
| »» | 6. | CJAS | \$ _____ |
| | 7. | OTHER | \$ _____ |

Amount If Known

TOTAL MONEY JUDGMENT \$ _____

»» obligations 5 and 6 only applicable if FINE IMPOSED

☼☼ RESTITUTION VICTIMS:

VICTIM NAME _____
VICTIM NAME _____

AMOUNT _____
AMOUNT _____

Deferred payment is payable at \$ _____ per month, beginning _____ & each month thereafter, plus probation fee \$ _____ per month.

OFFER EXPIRES: _____ DDA on offer: _____ DATE _____

CUSTODY UNIT CONDITIONS OF PROBATION:

*All custody units not imposed are RESERVED

- a. _____ Custody units JAIL
_____ Work release authorized
- b. _____ Custody units on Work Release.
- c. _____ Custody units FOREST WORK PROJECT
4 weeks = 200 hours = 20 custody units (minimum)/50 hours per week
- d. _____ Custody units of community service
work. (each custody unit equals 24 hours of community service)

REPORT BY: _____

TO RM.824 TODAY

COMPLETED BY: _____

ABOVE CUSTODY UNITS ARE:

_____ concurrent with _____
_____ consecutive to _____

C.T.S. _____
CRISP _____ No CRISP _____

MONEY JUDGMENT ON COUNT _____

OBLIGATION:

☼☼	1.	Penalty Assessment	\$ _____	WAIVED _____
	2.	Restitution	\$ _____	
	3.	Indigent Defense Recovery	\$ _____	
	4.	Fine	\$ _____	
»»»	5.	BPST	\$ _____	WAIVED _____
»»»	6.	CJAS	\$ _____	WAIVED _____
	7.	OTHER	\$ _____	

TOTAL MONEY JUDGMENT \$ _____

»» obligations 5 and 6 only applicable if FINE IMPOSED

☼☼ RESTITUTION VICTIMS:

VICTIM NAME _____ AMOUNT _____
VICTIM NAME _____ AMOUNT _____

Deferred payment is payable at \$ _____ per month, beginning _____ & each month thereafter, plus probation fee \$ _____ per month.

DEFENDANT WAS ADVISED OF THE RIGHT TO APPEAL (ORS 135.020).

Signature of JUDGE _____ Dated: _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON

Circuit Court No.: C9202-30966
District Attorney No.: 461544

v.

JUDGMENT OF CONVICTION AND SENTENCE

Date of Proceeding: 04-09-92

Def. Atty: C. Rovics
Dist. Atty: J. Pakula
Tape Number: CTA 165667

Bar No. 90149
Bar No. 88284

Custody Status: Custody; Recognizance; Security

Defendant is convicted of the following offense(s):

Count	Offense	Date of Incident
2	PCS I	01-25-92

Defendant is unrepresented and knowingly waived counsel;
 Defendant waived two-calendar-day delay before sentencing.

IT IS ADJUDGED THAT DEFENDANT HAS BEEN CONVICTED on defendant's plea of:

Guilty;
No contest;
Not guilty and verdict of guilty, by jury trial;
Not guilty and verdict of guilty, by court trial.

- Defendant is acquitted of the following count(s):
- All other counts contained in the charging instrument in this case are hereby dismissed on the motion of the District Attorney in the interest of justice.

The security posted is to be:

- applied to other court-ordered obligations owed by the defendant or surety in this or any other case, and the balance, if any, is to be refunded;
- refunded to the person who posted it less the applicable security release fee.

Defendant was advised of the right to appeal (ORS 135.020).

DISPOSITION ON COUNT 2

SGL

IT IS ORDERED THAT THE FOLLOWING SENTENCE IS IMPOSED:

- a. Count(s) merge(s) with this Count for sentencing.
- b. DEPARTURE SENTENCING OR PRESUMPTIVE SENTENCE:
 - This sentence is a durational departure
 - This sentence is a dispositional departure, and the Court finds substantial and compelling reasons as stated in the record for this departure;
 - XX This is a presumptive sentence. SGL grid coordinates are 1 and H .

PROBATION:

Defendant is placed on probation for 18 months, subject to the standard conditions, any special conditions indicated on the Special Probationary Conditions attached hereto, and any financial obligations imposed in Money Judgment.

Defendant shall be supervised by:

- XX Multnomah County Department of Community Corrections;
- XX Case is transferred to Judge CASCIATO for judicial supervision of probation.

FINE:

Defendant shall pay the fine, if any, listed in the money judgment.

IT IS ORDERED THAT THE FOLLOWING CONDITIONS OF PROBATION ARE IMPOSED:

- a. XXX obey all laws and conform to the standard conditions of probation:
- b. XXX undergo a drug evaluation and subsequently enter and successfully complete a drug treatment program designated by a Probation Officer. TREATMENT IF NECESSARY
- c. XXX abstain from the use or possession of controlled substances.
- d. XXX submit to random urinalysis at the direction of a Probation Officer having reasonable grounds to believe that such a test will disclose evidence of a probation violation.
- e. XXX refrain from knowingly associating with persons who use or possess controlled substances illegally, and frequenting places where such substances are kept or sold.

- f. XXX submit person, residence, vehicle and property to search by a probation officer having reasonable grounds to believe that such a search will disclose evidence of a probation violation.
- g. XXX pay a probation supervision fee of (reduced amount) per month (ORS 423.570).
- h. XXX Other conditions of probation:
 - 1. Confiscate and destroy grow operation materials.
 - 2. Refer defendant to pain clinic.

IT IS ORDERED THAT THE FOLLOWING SPECIAL CONDITIONS OF PROBATION ARE IMPOSED:

It is ordered that the defendant serve a total of 5 custody units in a correctional facility or as part of a custody program as set forth in this section, and Defendant is committed to the custody of the appropriate supervisory authority.

custody units in jail.

To commence . Work release authorized.

5 custody units of community service work (each custody unit equals twenty-four hours of community service). To be served as follows: 120 HOURS

****ALL CUSTODY UNITS NOT IMPOSED ARE RESERVED****

MONEY JUDGMENT ON COUNT 2

IT IS ADJUDGED THAT DEFENDANT PAY THE FOLLOWING OBLIGATIONS:

THE JUDGMENT CREDITOR IS THE STATE OF OREGON WHILE THE JUDGMENT DEBTOR IS THE DEFENDANT.

OBLIGATION:		Waived
* (1) Penalty Assessment (CIC)	\$ 50.00	
(2) Restitution (REST)	\$	
(3) Indigent Defense Recovery (IDRC)	\$ 250.00	
(4) Fine (FINE)	\$	
* (5) BPST (BPAS)	\$	
* (6) DUII Conviction (DMVC)	\$	
(7) DMV Records (MVRA)	\$	
* (8) Jail Assessment (CJAS)	\$	
(9) Other:	\$	
TOTAL MONEY JUDGMENT	\$ 300.00	

Deferred payment is payable at \$25 per month, beginning 5-30-92 and each month thereafter.

*Unless a waiver is indicated, those fees and assessments marked are to be imposed administratively if the amount is left blank, and will be a condition of probation, and will not be subject to judgment docketing.

Date Signed: 04-13-92.

Nunc Pro Tunc: 04-09-92

Signature of JUDGE

KIMBERLY C. FRANKEL