



## RELEASE

### POLICY.

Members shall use proper procedures and legal release authority to release inmates from the custody of the Sheriff in a timely and accurate manner. This is to protect the community and to reduce the exposure to liability for the Sheriff for the improper or late release of an inmate.

### PURPOSE.

This policy provides guidance on what criteria and authority to use to release an inmate and the specific procedures to use to properly release the inmate.

### OREGON JAIL STANDARDS:

- B-401 Opportunity for Security Release
- B-402 Unreasonable Delays Prohibited
- B-403 Release Authorization
- B-404 Identification
- B-406 Release Documentation

### REFERENCES:

- ORCP 79, Restraining Orders, generally. See also: ORS 419 B.845 and 419B.846, child abuse restraining orders; ORS 124.030, disabled and elderly persons restraining orders; and ORS 24.190, foreign restraining orders
- ORS 131.007 “Victim” defined
- ORS 133.310 (6), Authority of Peace Officer to Arrest Without Warrant; Violations of No Contact in Release Agreements
- ORS 135.230, Definitions for ORS 135.230 to 135.390
- ORS 135.235, Release Assistance Officer; Appointment; Duties
- ORS 135.240, Releasable Offenses
- ORS 135.245, Release Decision
- ORS 135.250, General Conditions of Release Agreement
- ORS 135.255, Release Agreement
- ORS 135.260, Conditional Release
- ORS 135.265, Security Release
- ORS 135.270, Taking of Security
- ORS 135.290, Punishment by Contempt of Court
- ORS 135.775, Agreement On Detainer
- ORS 169.076, Standards for Local Correctional Facilities
- ORS 169.330, Civil Liability for Release Of Prisoners

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**DEFINITIONS.**

**Book and Release.** A general condition of a conditional release imposed by the court. The release order and agreement directs the defendant to be booked and released before the next court appearance.

**Clerk of the Court.** A staff person authorized by Deschutes County Circuit Court to witness signatures on legal documents, sign legal documents, and swear affidavits and other legal documents, such as a Release Order and Agreement.

**Conditional Release.** A release from custody that legally imposes the obligation to perform or not perform certain acts in exchange for not being taken back into custody. Conditional release may include restrictions on activities, movements, associations, residence of the defendant, and whose care to release a defendant into.

**Forced Release.** A release from jail custody because the inmate meets criteria under a scoring system to free bed space when the jail reaches its rated bed capacity. Pre-trial inmates are obligated to appear in court, and sentenced inmates are released time served.

**Intoxicant.** A substance that impairs a person's judgment.

**Personal Recognizance Release.** A release from jail custody with the legal obligation to appear before a court on a future date.

**Release Authority.** 1) A judge with jurisdiction over an inmate's case. 2) A corrections deputy of any rank authorized by the presiding judge in Deschutes County to make release decisions on pretrial inmates based on criteria in court orders. A deputy must successfully complete court-approved training before receiving court release authority, which includes the limited powers of a clerk of the court to administer oaths for the purposes of release. A corrections deputy with release authority is called a deputy release officer by the courts and a release deputy by the Sheriff's Office.

**Release Assistance Officer.** A court employee who has specific release authority delegated by the Presiding Judge.

**Release Order and Agreement.** A sworn statement signed by the defendant stating the terms of the release and, if applicable, the amount of security.

**Security Release.** A release conditioned on a promise to appear in court at all appropriate times; this release is secured by cash, stocks, bonds or real property (also known as bail). Any security release other than cash must be processed by the court.

**Responsible Party Recognizance Release.** A release of a defendant eligible for personal recognizance release into the custody of a friend, relative or acquaintance.

**Temporary Detainer.** A sanction placed on individuals under Parole and Probation supervision who have been incarcerated for being intoxicated and who have no new criminal charges.

Temporary Detainer sanctions shall be a maximum of twelve (12) hours, unless the offender's ability to comprehend is still obstructed by the influence of alcohol and/or drugs after twelve hours. Those individuals shall be detained until their ability to comprehend is no longer obstructed.

**Third Party Supervisory Agreement.** An agreement made by a third party to supervise and be responsible for a defendant named on a Release Order and Agreement. Corrections members do not have the authority to approve a Third Party Supervisory Agreement.

**Victim.** A person who has suffered financial, social, psychological, or physical harm because of a crime. In the case of homicide or abuse of corpse in any degree, a member of the immediate family of the decedent and, in the case of a minor victim, the legal guardian of the victim.

**VINE.** Victim Information and Notification Everyday. A free telephone service that provides victims of crime information on an inmate's release from custody. Information is available to callers 24 hours a day, 365 days a year. VINE will automatically call an inmate's victim within approximately 15-minutes of the inmate's release from custody.

## PROCEDURES.

### *SECTION A: ADMINISTRATIVE ISSUES*

- A-1. Supervisor Responsibilities.** Supervisors shall keep members informed of changes in release practices. Supervisors will maintain current Circuit Court General Orders pertaining to release and make sure the booking room has a list of interpreters for staff reference. The on-duty shift supervisor will handle any questions or complaints from inmates not eligible for release. A shift supervisor is the last safeguard in the release process to make sure eligible inmates are properly released. The shift supervisor shall sign the *Release Authorization Form No. 416* to authorize a release.
- A-2. Use of the VINE System.** Members will encourage victims, criminal justice personnel or the public to register with the VINE service.
- A-3. Timely Release.** All inmates who have completed service of their original or modified sentence, who have secured a form of pre-trial release, or who are to be transferred to the custody of another agency or jurisdiction shall be released in a timely, secure and orderly manner. Releases shall be made only with proper documentation.
- A-4. Transfers.** Deputies shall identify and verify the authority of the person taking custody of an inmate that is released to another agency or jurisdiction.
- A-5. Court Ordered Book and Release.** Deputies shall fingerprint and photograph defendants that have been ordered by the court to be booked and released. The defendant must have a copy of the release order and agreement from the courts to be processed.

**SECTION B: RELEASE PREPARATION**

- B-1. Confirmation of Release Orders.** Members shall confirm faxed release orders are authentic by telephoning a recognized representative of the Court. The caller will note on the fax the name of who they talked to and the date and time of the conversation. They will do the same on teletype release orders if they doubt the authenticity of the order or have questions with it.
- B-2. Positive Identification.** Prior to physical release, the inmate shall be positively identified. Procedures for identifying the inmate may include, but are not limited to, personal knowledge, photograph comparison, fingerprint comparison, inmate wristband, identification tools, and/or asking the inmate information from his booking sheet that only they should know.
- B-3. Custody File.** The release deputy shall review the inmate's custody file to ensure the inmate is eligible for release and does not have any detainers, holds or additional local charges. Once cleared and approved by the release authority the shift supervisor shall review and approve all releases in a timely manner.
- B-4. Release Arrangements.** The use of the telephone by the inmate to help arrange for release must comply with Policy CD-12-3, Inmate Telephone Calls.
- B-5. Notification for Release.** For a lodged inmate, the release deputy will coordinate with the control center to inform the inmate to gather all of their personal and issued items and to send the inmate to the Booking room for processing.
- B-6. Medical Needs for Releasing Lodged Inmates.** The release deputy will call a nurse if *Form No. 575 (Personal Medications for Release)* has been completed and is in the inmate's custody file. The nurse will bring any personal medications or other healthcare items for the inmate in their possession to Booking. With the Facility Provider's approval, a nurse will provide a current paper prescription of any life maintaining medication to the inmate, or phone in a prescription to a local pharmacy for pick-up. Life maintaining prescriptions are medications such as insulin or a psychotropic drug. The release deputy shall give medications and other healthcare items to the inmate at release.
- B-7. File Review and Records Update for Release.** Before the actual physical release of the inmate, the release deputy shall do the following:
- Verify that the proper documents are in the custody file to authorize the release.
  - Verify a shift supervisor signed the *Release Authorization Form No. 416* to authorize the release.
  - Run a LEDS check on the inmate to ensure there are no current warrants. If there are any warrants or holds, the deputy must confirm the status before taking any actions.
  - Verify the inmate does not have any holds from any other agency or any outstanding conviction commitments. Immigrations and Customs Enforcement

holds or requests to detain are not sufficient authority to detain an inmate, unless issued by a federal judge.

- e. Under the Jail Management System (JMS) charge screen:
  - a. Make sure linked charges have court case numbers that match the first charge.
  - b. Enter any court dates and times by case number.
  - c. Make sure inmate is releasable on the charge.
  - d. If releasable, enter the appropriate release type code and the date and time.
  - e. Prepare a detainer if necessary.
- f. Make sure the inmate was fingerprinted at intake (see Policy CD-5-5, for specific procedures).
- g. Make sure a photograph of the inmate is in the file.
- h. Ensure DNA testing is completed as stated in Policy CD-5-14, Collection of DNA Samples.
- i. Enter in any information that needs to be completed before release.
- j. Print property release and bail check, if applicable.
- k. Teletype other agencies when releasing on their charges.
- l. Notify any probation officer via teletype of the inmate's release.
- m. Prepare and print a release agreement, if needed.
- n. Fax (or deliver) a copy of the *Pre-Trial No Contact Order Form No. 180* to the warrants desk for LEDS entry when applicable. When available, include a copy of relevant court minutes.

**B-8. Return of Issued Items.** The inmate shall return all AJ property given to the inmate for use while in custody.

**B-9. Release of Inmate Property.** All personal property and money belonging to the inmate shall be returned at the time of release (see Policy CD-5-4, Inmate Property and Policy CD-1-3, Inmate Accounts).

### **SECTION C: TIME SERVED RELEASE**

**C-1. Calculation of Time Served.** A shift supervisor or designee shall calculate and give sentenced inmates their release dates according to procedures in *Policy CD-5-8, Time Computations*. A shift supervisor will determine an inmate is eligible for release. The supervisor will then complete *Release Authorization Form No. 416*, authorizing the release of the inmate. The form will be filed in the inmate's custody file.

**C-2. Time Served Releases.** Once an inmate is determined to be time served, the shift supervisor will notify a deputy to process the inmate for release as soon as possible.

### **SECTION D: PERSONAL RECOGNIZANCE RELEASE**

**D-1. Release Authority Granted by Presiding Judge.** Pursuant to *ORS 135.235*, the Deschutes County Circuit Court Presiding Judge has directed and delegated authority to

Correction's Division deputies and supervisory staff to release persons on personal recognizance, provided they meet certain release criteria.

- D-2. Eligibility Guidelines.** Persons charged in Deschutes County with crimes classified as misdemeanors not listed in Section **D-3**, will be eligible to be considered for personal recognizance release under the release criteria set forth in Section **D-4**.
- D-3. Not Eligible Guidelines.** Persons charged in Deschutes County that are **not** eligible for personal recognizance release are:
- a. Any class A or B felony.
  - b. Any warrant arrest.
  - c. Class C Felonies (CF) and Class A Misdemeanors (AM) listed below:
    - 1) Criminally Negligent Homicide (ORS 163.145)
    - 2) Unlawful Use of a Weapon (ORS 166.220)
    - 3) Felons in Possession of a Firearm (ORS 166.270)
    - 4) Unlawful Paramilitary Activity (ORS 166.660)
    - 5) Unauthorized Use of a Vehicle (ORS 164.135)
    - 6) Criminal Mistreatment I (ORS 163.205)
    - 7) Escape II (ORS 162.155)
    - 8) Failure to Appear I (ORS 162.205)
    - 9) Sodomy III (ORS 163.385)
    - 10) Rape III (ORS 163.355)
    - 11) Sexual Abuse II (ORS 163.425)
    - 12) Online Sexual Corruption of a Child II (ORS 163.432)
    - 13) Custodial Sexual Misconduct I (ORS 163.452)
    - 14) Unlawful Contact with a Child (ORS 163.479)
    - 15) Private Indecency (ORS 163.467)
    - 16) Sexual Abuse III (ORS 163.415)
    - 17) Contributing to the Delinquency of a Minor (ORS 163.435)
    - 18) Custodial Sexual Misconduct II (ORS 163.454)
    - 19) Unlawfully being in a location where children regularly congregate (ORS 163.476)
  - d. Any form of domestic violence (ORS 133.055)
  - e. Any form of Protective Order, including violation of Restraining Orders and Stalking Crimes (ORCP 79 generally and ORS 163.732 or 163.750).
  - f. Probation, Parole, or transitional supervision violations.

- 1) Exception: A person under the influence of alcohol and /or drugs held on a Temporary Detainer. These individuals are sanctioned by Parole and Probation and released, “time served” when their ability to comprehend is no longer obstructed by alcohol or/and drugs (*See Section I.2*). Temporary Detainer sanctions will be provided by Parole and Probation the next business day.
- g. If the defendant has been convicted of any level of Failure to Appear or Escape.
- h. If the defendant has been arrested for violating the no-contact provision of a release agreement (ORS 133.310 (6)).
- i. If the defendant is currently on any type of release from Deschutes County Circuit Court (known at the time of booking).
- j. If the arresting Law Enforcement Officer (LEO) has indicated:
  - 1) Further law violations may soon be filed, or
  - 2) The defendant is currently a significant risk of causing physical harm to another.
- k. Any facts indicating the defendant will violate the law if the defendant is released without regulations (i.e., made threats to contact assault victims, or combination of charges that indicate the defendant may attempt to fail to appear).
- l. The totality of the number of criminal misdemeanor charges produces a bail amount over \$50,000.
- m. Defendant is charged with ten (10) or more misdemeanor or Class C Felony charges.
- n. Defendant does not cooperate with the booking process by refusing to give necessary information for release.
- o. Any facts that would indicate the defendant would not appear in Court as directed.
- p. Defendant has been convicted of Driving Under the Influence two (2) or more times in 5 years.

**D-4. Completion of Personal Recognizance Form.** A *Personal Recognizance Form No. 109* shall be completed on all arrestees (By hand or in the Jail Management System, JMS). The form determines eligibility for personal recognizance based on the following criteria:

- a. Current charges (See Sections D-2 & D-3)
- b. Employment/student status (If unemployed or not a full-time student, must be a resident of Oregon for 90 days.)
- c. Residence (If employed or full-time student, must be a resident of Oregon for 30 days.)

#### **SECTION E: RESPONSIBLE PARTY RECOGNIZANCE RELEASE**

**E-1. Released to a Responsible Party.** Defendants who meet personal recognizance release criteria and are charged with, “Driving under the Influence of Intoxicants,” or are

visibly intoxicated, may be released to a responsible party to ensure safe transport from the AJ, providing all the following criteria are met:

- a. The responsible party must be at least 18 years of age.
- b. The responsible party must not be under the influence of drugs and/or alcohol.
- c. The responsible party must not be a current criminal victim of the inmate to be released

If the defendant is unable to contact and obtain a responsible party at the time of processing, the defendant will be lodged until he can obtain a responsible party or until they are no longer intoxicated.

**E-2. Agreeing to be a Responsible Party (RP).** If the person meets eligibility criteria listed in **E-1**, the deputy shall:

- a. Explain to the person what is expected from him as an RP for the inmate.
- b. Request person's government issued identification to verify their identity. Document the responsible party's name in JMS.
- c. If the person accepts the responsibility of being an RP, have the person read the release agreement and sign accordingly.

#### ***SECTION F: CONDITIONAL RELEASE***

**F-1. Conditional Release.** A conditional release will be granted through the presiding court or Release Assistance Officer. Deputies do not have the authority to release an inmate on a conditional release without the authorization from either the judge or Release Assistance Officer.

**F-2. Release Order and Agreement.** Once the courts (Judge or Release Assistance Officer) authorize the conditional release of an inmate, the members will assist the courts by completing the Release Order and Agreement Form. Deputies shall enter all information designated by the release authority into the JMS. This may include, but is not limited to, terms and conditions of the release, current address and phone number, next court date(s) and no contact victim information designated (see Section **H-5**).

**F-3. Inmate Reads and Signs Release Order and Agreement.** The inmate shall read the completed Release Order and Agreement form prior to signing. If the inmate is unable to read the form, the releasing deputy shall read the form to the defendant and document this action on the form. The releasing deputy shall verbally advise the inmate of the conditions, date, time and place for the next court appearance, and that failure to appear or failure to comply with release conditions is a crime punishable by fine and/or imprisonment.

**F-4. Statement of Affirmation.** Upon completion of the Release Order and Agreement, the releasing deputy shall affirm by asking, "Do you swear or affirm you have read, understand and will abide by the conditions of this Release Agreement and that your name is spelled correctly on the top of this page? If so, say "I do."



- F-5. Distribution.** The original, signed Release Order and Agreement form will be filed with the courts. Additional copies of the Release Order and Agreement will be distributed to the District Attorney's Office, the inmate's custody file and the inmate.
- F-6. Third Party Supervisory Agreement.** At the courts' discretion, a Third Party Supervisory Agreement may be required as a condition of release. The Third Party Supervisory Agreement is an agreement signed by a third party to supervise and be responsible for a defendant named on a Release Order and Agreement. The third party supervisor agrees to notify the court immediately of any breach of the agreement, and to make every effort to assure the defendant appears at all scheduled hearings. Additionally, the third party supervisor understands that to knowingly aid the defendant in any breach of the agreement or to knowingly fail to report such a breach is punishable by contempt of court.
- F-7. Requests to Withdraw as a Third Party Supervisor.** Corrections staff will refer to the court a person who has signed a Third Party Supervisory Agreement, but no longer wants to be a third party supervisor for an inmate.

#### ***SECTION G: SECURITY RELEASE***

- G-1. Bail Amount.** The amount of security needed will depend upon the classification of the lodgeable offense (A, B, C felony or misdemeanor) which carries bail amounts determined by the Deschutes County Circuit Court pursuant to ORS 135.265 (See Judge Ashby General Order No. 2019-10). In the case of warrants, the pre-set bail amount is listed in the warrant.
- G-2. Security Guidelines.** As determined by the courts, inmates not eligible for personal recognizance release or granted conditional release by Deschutes County Courts will be required to post the appropriate security amount to be released from the AJ. Inmates eligible for security release may have access to a telephone to arrange for someone to post security on their behalf.
- G-3. Inmates charged with Murder or Treason.** Arrestees or inmates charged with Murder or Treason shall **not** be released prior to arraignment and court determination of release eligibility has been established.
- G-4. Bail Schedule for Measure 11 Offenses.** Pursuant to ORS 135.240, the bail schedule for Measure 11 charges differs from standard Class A and B felony charges. Refer to Measure 11 Bail Schedule provided by Deschutes County Circuit Court.
- G-5. Full Bail Guidelines.** Unless specified as full bail required, Oregon courts will accept ten percent (10%) of the bail amount as sufficient for release on both probable cause arrests and Oregon warrants. Until determined by facsimile or teletype communication, out-of-state warrants should be considered as full-bail only. Collateral bail (stocks, bonds or real property) may only be posted with the involved court and cannot be negotiated through the AJ or its members.

- G-6. Accepted Form of Security.** Accepted forms of security posted at the AJ are cash, U.S. Postal Money Order, cashier's check or official check from a bank, check from a local attorney's office or money on their inmate account. All other forms of payment, including credit cards, personal checks, third-party checks, and traveler's checks, shall not be accepted. All acceptable forms of payment will be made out to the AJ.
- G-7. Security Posted Guidelines.** Security should be posted with the State Court whenever possible. Deschutes County Circuit Courts accepts bail during normal business hours. A bail receipt should be delivered to the AJ and a copy made for the arrestee's custody file before release. When the Deschutes County Circuit Courts are closed or when accepting bail for an out-of-county court, the procedure below shall be followed:
- a. The security amount shall be confirmed and an appropriate court date will be selected or requested from the State court or agency;
  - b. Request person's government issued identification to verify their identity. Document the name of the person posting bail in JMS.
  - c. The money will be accepted, counted and a receipt will be written and given to the person posting bail;
  - d. All monies accepted for bail shall require counting and verification by two members before the departure of the person posting bail. Both members shall legibly print their name and initials on the receipt;
  - e. A Bail Information Sheet provided by the courts shall be completed. The Bail Information Sheet and the money, or receipt from inmate account, will be placed together in an envelope. The envelope shall be deposited in the locked box in booking or administration.
  - f. If the security being posted is for a Deschutes County Circuit Court case, a completed Security Release Funds Notice shall be included.
  - g. Any **cash** posted that is \$10,000 and over shall require a *Report of Cash Payments Over \$10,000 Received in a Trade or Business IRS Form 8300*. (Note: Per IRS Publication 1544, a cashier's check, bank draft or money order with a face amount of more than \$10,000 is **not** treated as cash for the purpose of submitting this form.)
  - h. Fill out a Release Order and Agreement form as outlined in this section.
- G-8. Release Delay.** Deputies may delay release of a security-eligible inmate with authorization of a shift supervisor for the following reasons:
- a. More warrants or charges have been issued that justify continued detention or re-arrest.
  - b. A LEO is in the process of filing a new criminal complaint against the inmate.
  - c. Release conditions not yet met as ordered by a court or court release officer. Example: the need for a responsible person.
  - d. A shift supervisor is awaiting a reply from a judge on a request to increase the amount of security.

- e. The admission process has not been completed due to the inmate's lack of cooperation or other delays which are not the fault of the deputy.

**G-9. Unreasonable Release Delay.** Deputies may not delay the release of an inmate for any unreasonable purpose, such as to punish the inmate for a bad attitude or other reason, solely at the request of a LEO to accommodate investigative priorities, for other personal reasons, or because of animosity towards the inmate.

**G-10. Criminal Charges Not Filed.** When the District Attorney or the Grand Jury makes the determination not to file criminal charges on an arrestee these guidelines will be followed:

- a. The District Attorney will make notification to the courts and the courts will provide the AJ with authorization to release defendant pursuant to the written order from the court.
- b. After receiving the court order, the inmate shall be released without delay.
- c. The inmate will receive a copy of the court order and a copy will be placed in the inmate's custody file.

#### **SECTION H: RELEASE AGREEMENTS**

**H-1. Need for Release Agreement.** The release deputy shall prepare a *Release Order and Agreement* for inmates who receive a conditional release from the judge or Release Assistance Officer or who meet criteria for personal recognizance, responsible party recognizance or security release.

**H-2. Contact with a Victim of Domestic Violence.** An inmate in custody for a domestic violence offense must not have any contact with the victim of the offense. A victim may post security for an inmate, but cannot be present when the deputy releases the inmate. Such restriction on contact must be part of a *Release Order and Agreement*. The *Release Order and Agreement* will contain the following information:

- a. No contact with the victim(s). To protect the privacy of the victim, staff shall **not** put the victim's address or phone number on the *Release Order and Agreement*.
- b. The inmate may not return to the scene of the offense, even if the scene is their house. The court of jurisdiction is the only authority that may give a released inmate permission to return. The inmate must provide a different address than that of the victim and it must be a physical lodging address and not a P.O. Box number.

**H-3. Content of Release Agreements.** Release agreements and security release agreements require the same information, except that a security release agreement contains security deposit information. For the purposes of this policy, when the term "release agreement" is used it also applies to security release agreements.

**H-4. Release Conditions.** The Release Assistance Officer or a court order may require the inmate to follow specific conditions for release. The release deputy shall check all court

orders and other documents authorizing release thoroughly for conditions of release. The deputy shall ensure each applicable condition of release is listed in the JMS and also appears on the printed *Release Order and Agreement* for the inmate.

- H-5. Court Appearance Information and Schedule.** Corrections supervisors shall make sure release deputies have the most current *Deschutes County Court Release Information and Schedule* form and court-scheduling information from other counties. (These forms and documents include the time and court locations the release deputy must use when assigning court appearance date to an inmate's release agreement.) The deputy must check for scheduled court holidays before assigning any date using standing scheduling guidelines from a court.
- H-6. Preparing the Release Agreement.** The release deputy will use JMS to prepare a *Release Order and Agreement* form based on the instructions from the release authority, court orders, and other appropriate documents. The deputy must verify that all the information on the agreement is complete, including the following:
- a. Inmate's Booking number
  - b. Correct spelling of the defendant's (inmate's) name (The deputy will correct the spelling on the release agreement if the JMS name was misspelled and not yet corrected.)
  - c. Address where the defendant will stay (which may differ from the JMS home address)
  - d. Court date, time, name, and location
  - e. Special conditions that apply
  - f. Defendant's address, telephone number, and descriptors
  - g. Person posting security or Responsible Person's (RP) information and signature (if applicable)
  - h. Defendant's signature, which confirms the inmate swore or affirmed that the information is correct and they will obey the Release Agreement.
  - i. Release deputy's name, signature, title, agency, and date of signing
  - j. Interpreter's name, signature, and date of signing (if applicable)
- H-7. Inmate Read and Sign Release Order and Agreement.** The inmate will read the completed *Release Order and Agreement* form prior to signing. If the inmate is unable to read the form, the deputy will read the form to the defendant and document this action on the form. The deputy shall verbally advise the inmate of the conditions, date, time and place for the next court appearance, and that failure to appear or failure to comply with release conditions is a crime punishable by fine and/or imprisonment.
- H-8. Statement of Affirmation.** Upon completion of the *Release Order and Agreement*, the releasing deputy shall affirm by asking, "Do you swear or affirm you have read, understand and will abide by the conditions of this Release Agreement and that your name is spelled correctly on the top of this page? If so, say "I do."

- H-9. Deputy Sign Release Agreement.** The releasing deputy shall sign the *Release Order and Agreement* form, in accordance with *Order Granting Release Authority for Corrections Deputies*.
- H-10. Distribution.** The original, signed *Release Order and Agreement* form will be filed with the courts. Additional copies of the Release Order will be distributed to the District Attorney's Office, the inmate's custody file and the inmate.

### ***SECTION I: RELEASING THE INTOXICATED INMATE***

- I-1. Inmates Charged with Driving Under the Influence.** Inmates who are charged with "Driving Under the Influence of Intoxicants," or are visibly intoxicated, may not be released on their own recognizance prior to detoxification or until a responsible party recognizance release is granted.
- I-2. Releasing Guidelines.** For an alcohol-intoxicated person, a blood alcohol content (BAC) below 0.08 is an indicator the person is no longer legally intoxicated. However, members will not rely solely on the BAC in making a release decision. Deputies will consider the fatigue of the person, their mental state, and possible other drugs taken with the alcohol when evaluating the person's ability to care for self. Deputies may request opinions from a nurse regarding intoxication concerns.

### **FORMS USED:**

- In the Matter of Establishing a Security Release Schedule (General Order No. 2019-10)
- Release Authority for the Deschutes County Sheriff's Office (General Order No. 2016-08)
- [Personal Recognizance Form No. 109](#)
- Pre-Trial No Contact Order Form No. 180
- Property Form No. 309
- Release Authorization Form No. 416
- Personal Medications For Release Form No. 575
- Release Order and Agreement Form (State Court Form)
- Report of Cash Payments Over \$10,000 Received in a Trade or Business IRS Form 8300
- Security Release Funds Notice (State Court Form)
- Third Party Supervisory Agreement (State Court Form)