



Multnomah County Sheriff's Office

CLOSE STREET SUPERVISION

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Exemplary service for a safe, livable community

Date: 10/12/2020

CSS Deputy: Randy Johnson

TO: D.D.A. Nathan Vasquez, Defense Attorney: Eric Wolfe

CC: Court File

CASE: 20CR50067

Name: Swinney, Alan

DOB: 05/18/1970

SWIS: 825585

FILED

OCT 13 2020

CIRCUIT COURT

CSS RECOMMENDATION: Accept

The court referred the defendant, **Swinney, Alan**, to Close Street Supervision (CSS) for evaluation only. After completing an investigation into the suitability of releasing the defendant into the community, CSS believes the defendant is likely to be successful if released to the community on Close Street Supervision. Close Street Supervision recommends that the defendant, **Swinney, Alan**, be released from custody pending the outcome of the above-named case.

The defendant was involved in an incident during a protest/antiprotest rally in down town Portland. According to police reports both sides were agitated and aggressive in their tactics. The defendant's alleged actions are of great concern, I was initially leaning towards recommending a denial of release based on the nature of the charges and community safety. Only after careful consideration of the possibility of success while on pretrial release and interviewing the defendant and the victim did I change my recommendation.

During my interview with the victim he didn't say he was in fear of the defendant but felt safer knowing he was in jail.

After considering the circumstances and evaluating the threat to the community I believe the defendant could be successful on pretrial with the following conditions of release.

- Obey all laws.
- Third party release to Close Street.
- GPS monitoring with an exclusion zone consisting of down town Portland.
- No travel to Portland unless for legal or medical appointments arranged in advance.
- No possession of any weapons or ammunition to include paintball guns, tear gas or pepper spray.
- Must live at 23211 E Sandy Ave. Rhododendron Or. Any change in address must be pre-approved by Close Street in advance.
- No contact with the victim or witnesses to include social media or third party.
- All other Close Street general conditions of release to include weekly check ins with our office and no use or consumption of drugs or alcohol unless prescribed by a physician.

Close Street takes community and victim safety very seriously when considering a recommendation on release. Due to the nature of the charges and high profile aspect of this case the defendant should be cautioned that his actions going forward will be closely monitored. If the court does choose to release the defendant he should be aware that any violation of Close Street conditions or any condition imposed by the court would result in an immediate request to revoke of his release.

Current Charges: Assault II X 2, Assault 4, Unlawful use of tear gas X 2, Unlawful use of a weapon X 3, Menacing, Pointing a firearm at another.

Please refer to the District Attorney for information regarding the nature of the current offense.

Prior Criminal History:

☐ Felonies: Convictions
☒ Misdemeanors: 1 Convictions

Arrest history:

Arrest 04/22/1995 DUII Convicted

Arrest 08/12/2012 Assault 3 DV Dismissed

Arrest 09/26/2012 VRO Dismissed

Facts indicating the possibility of violations if released (FTA's):

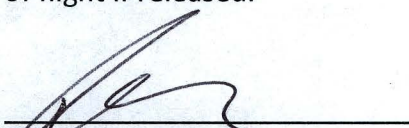
- ☐ The defendant has NA failure(s) to appear.
☐ The defendant has NA parole/probation violation(s).

The defendant has no record to indicate rather or not he would comply with conditions.

SECONDARY CONSIDERATIONS:

The defendant reported living with friends at 23211 E Sandy Ave Rhododendron Or. I contacted the property owner Dixie Bailey and confirmed that he does live at this address. She said he is welcome to stay as long as he followed his release conditions and obeyed all laws. She said she is willing to help him attend all court dates and offer transportation if necessary. I have verified the address and done a physical check. The defendant has been in the metro area for approximately 9 months. He was born and spent the majority of his life in Texas. He collects military disability and does not have full time employment.

Due to the defendants length of time in the area and a lack of ties to the community there is an elevated risk of flight if released.


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