



City of Tigard Memorandum

To: Honorable Mayor and City Council

From: Michael J. O'Brien, Presiding Judge
Brenda Annis, Court Operations Supervisor

Re: 19th Annual Report from Tigard Municipal Court

Date: March 7, 2018

We are pleased to present our 19th annual review of Tigard Municipal Court operations to Council.

1. Highlights of 2017:

- The court's traffic diversion program recorded 1,156 participants during 2017, or about 23% of the court's total caseload. The compliance rate remained very high, with 86.8% of participants completing all requirements. Those who succeed receive the benefit of further education in traffic safety and dismissal of their citations.
- The court's total caseload of 4,927 represented a decline of approximately 13% compared to 2016. The number of speeding violations declined by 39% since 2016, while the number of license-related violations increased.
- The court continues to promote efficient disposition of cases and high service levels by prioritizing the use of electronic resources, including email communication and electronic payments.
- The court recruited a court clerk, restoring authorized staffing levels, and two pro-tem judges. The judge and court staff took part in professional education programs sponsored by the Oregon Department of Transportation, the Oregon Municipal Judges' Association and the Oregon Association for Court Administration. The judge and Central Services Director represented the court and distributed materials in Spanish during the Latino Information Festival at the Tigard Public Library. The judge continued to submit a monthly column to the Cityscape newsletter.

2. Traffic Diversion Program: With the exception of cellphone violations, the court's diversion program continued through its second full year as authorized by Council in mid-2015. Eligibility is based on a simple standard: no convictions or diversion programs within the previous five years. Offenders who opt for diversion are referred to various traffic-safety classes in the metro region; their citations are dismissed upon proof of completion and payment of required fees to the court. The court fee is equivalent to the minimum fine that would otherwise be imposed.

Legislative action during 2017 affected one aspect of the diversion program: cellphone violations. With the passage of HB 2597, state law on the unlawful use of mobile electronic devices was substantially revised, effective October 1st. Penalties were increased and a third conviction in ten years was enhanced to a traffic crime. Violators are ineligible for any diversion program that would result in dismissal. However, fines for a first offense may be waived upon completion of a distracted-driving class certified by ODOT. The Tigard Police Department has elected not to seek state certification and its distracted-driving program has been discontinued. The court now refers eligible defendants to the certified classes conducted by U-Turn 180.

Diversion otherwise remains a popular option for eligible defendants. About one quarter of the court’s caseload enrolls in a diversion program, and the compliance rate is 86.8%. The classes conducted by Choices I and AARP are the most frequent programs utilized by the court, receiving about 79% of all referrals. Upon proof of compliance with vehicle equipment laws, the court generally dismisses those citations upon payment of a \$40 administrative fee.

In response to other legislative changes, the court adjusted its diversion program for cases involving minors in possession of alcohol or marijuana.

Table 1 - Annual Court Caseloads
CY 2013-17

2017	4,927
2016	5,672
2015	5,990
2014	6,675
2013	7,180

The court’s caseload has averaged 6,089 violations annually during the last five years.

The vast majority of the caseload involved traffic violations under the Oregon Vehicle Code and Tigard city ordinances. The most common types of violations were:

Table 2 – Violation types
2016-17

<i>Violation</i>	<i>2017</i>	<i>2016</i>
Speeding	1,530	2,510
Cellphones	225	301
Traffic control*	622	678
Driver's licenses**	638	455
Total	3,015	3,944
% of caseload	61%	70%

**Traffic signals and stop signs*

*** Driving While Suspended and
No Operator's License*

The number of speeding violations declined dramatically (by 39%) compared to 2016, while citations for license violations increased. Defendants who demonstrate compliance with licensing and insurance requirements receive lesser sanctions.

The court's monthly caseloads averaged 411 during 2017, with a high of 538 in March and a low of 251 in January.

4. *Disposition of cases in 2017:* As in previous years, more than two-thirds of citations result in convictions entered by the judge or court staff. A large majority of dismissals result from successful completion of a diversion program.

Table 3 – Dispositions
2017

<i>Types</i>	<i>Percent</i>
Guilty by judge	20
Guilty by clerk	29
Guilty by default	17
Acquit/dismiss*	28
Other	5

**Includes diversions*

5. *New legislation:* As mentioned previously, Oregon's new law on mobile electronic devices (HB 2597) enhanced penalties for violations and criminalized third and subsequent convictions. In other action, the legislature increased presumptive fines by \$5, effective January 1, 2018. The court adjusted its fine schedules accordingly.

6. *CY 2017 fiscal highlights:*

- Total fines and fees imposed: \$864,364, or 10% less than in 2016 – a decline roughly proportional to lower caseloads.

- Court staff completed final testing for the implementation of its new collections module, which is designed to make the collections process more efficient and effective.
- The total number of e-payments remained fairly stable in 2017, while revenues from that source declined by about 16%.

Table 4 – Electronic Payments
2016-17

<i>E-Payments</i>	<i>2017</i>	<i>2016</i>
Total \$ amounts	198,314	235,735
# of payments	1,899	2,214
Average \$ payment	104.43	106.47

7. *Staff development and activities:* With Council approval, the court appointed Emily Oberdorfer and Erin Kirkwood to serve as pro-tem judges on an as-needed basis. After about six months of understaffing, an experienced applicant, Holly Fenton, was retained as a Court Clerk II in October. She joins Rebecca Winchell, also a Court Clerk II, in our front office, returning the court to authorized staffing levels. Brenda Annis, who has served the City as a Court Clerk II for 18 years, was promoted to replace the outgoing Court Operations Supervisor.

The judge completed his second year as an elected member of the OMJA Board of Directors and served on the committee that organized the OMJA Annual Fall Conference in September. He also attended ODOT's Annual Judicial Education Conference in March and continued his occasional service as a judge in the Tigard Peer Court. The judge and Central Services Director represented the court at the Latino Information Festival at the Tigard Public Library, where they answered questions about the court and distributed brochures and other court materials in Spanish.

The judge's monthly column on Oregon law and traffic safety in Tigard continued through its tenth year in the Cityscape newsletter. Recent topics included: Oregon's new cellphone law, pedestrian safety, the functions of municipal courts, the role of judges and court staff, license suspensions, and distracted driving.

Court staff attended the Annual Fall Conference of the Oregon Association for Court Administration. Staff also assisted in the development of downtown parking policies by providing information to the Police and Community Development departments.

Finally, we again wish to acknowledge the hard work and professionalism of court staff during 2017. We are pleased that the court continues to offer a high level of service to residents of Tigard, police officers, and others who utilize court processes.

We are available to respond to any questions you have concerning court operations.