



City of Tigard Memorandum

To: Honorable Mayor and City Council

From: Michael J. O'Brien, Presiding Judge
Anna Mae Gliebe, Court Operations Supervisor

Re: 18th Annual Report from Tigard Municipal Court

Date: February 21, 2017

We are pleased to present our 18th annual review of Tigard Municipal Court operations to Council and the City Manager.

1. *Highlights of 2016:* The court has actively pursued its goal of maximizing the use of electronic resources in order to reduce staff workloads and efficiently maintain contact with customers. Online payments increased substantially, as did email communications to and from court staff. The court also completed its first full year of implementing the expanded traffic diversion program authorized by Council in August, 2015. The program has met expectations, with high participation rates and an 85% compliance rate in 2016. Caseload declined gradually in CY 2016, continuing a trend that began after a record year in CY 2012. The court also initiated the recruitment process for two vacant pro-tem positions to provide coverage on occasions when the presiding judge is not available.

2. *Electronic access to the court and communications with the public:* The court gave high priority in 2016 to increasing email communications with defendants, police officers and witnesses. Email has proven to be an efficient and reliable means of receiving and providing information, while reducing staff workloads. Online payments also increased during 2016 (as reflected in Section 7 below).

Public education, in and out of the courtroom, remains a high priority in our efforts to promote traffic safety and reduce recidivism. The court's rules and website have recently been updated. A Spanish translation of the home page is now available online in addition to many of the court's documents. "Rules of the Road," the judge's column in *Cityscape*, has appeared monthly for the last ten years.

3. *Traffic Diversion Programs:* By resolution in 2015, Council authorized the court to expand its limited traffic diversion programs to include all defendants, with some exceptions, who have maintained clean driving records for the five years¹ prior to receipt of their citations. Court Rule

¹ The eligibility standard for Tigard's DDDP is one year.

6 was amended to reflect Council’s intent.

Participants in diversion programs must complete all requirements within 90 days, including: 1) Completion of the traffic-safety class to which they are referred by the court; 2) Payment of the appropriate fee for the class; 3) Payment of a fee to the court equal to half the presumptive fine for each violation; and, 4) Providing proof of compliance within the time allowed. For defendants who complete the program, the citation is dismissed and no record of a conviction is forwarded to Oregon DMV. Failure to comply results in a conviction, fine and entry on the Oregon driving record.

A total of 1,314 defendants (about 23% of total caseload) were referred to diversion programs during 2016, resulting in an overall compliance rate of about 85%. Depending on the type of violation, referrals included the following programs: Tigard’s Distracted Driver Diversion Program (DDDP), Legacy’s High Risk Driver’s Class, Legacy’s Young Driver Improvement, Court Services Institute’s Choices 1 and AARP. About 11% of all diversion referrals went to the DDDP.

4. 2016 Caseload (Table 1): Last year 5,629 traffic, parking, criminal and civil cases were filed with the court, about 6% less than in 2015. As in previous years, the vast majority of those cases involved traffic violations under the Oregon Vehicle Code and Tigard ordinances. The total reflects a continuing decline in caseload since the court’s all-time record was established in 2012.

Year	Caseload
2016	5,629
2015	5,990
2014	6,675
2013	7,180
2012	9,105

The court’s monthly caseload averaged 469 in 2016, fluctuating from a high of 584 in May to a low of 304 in November. The three most common violations were:

<i>Violation types</i>	<i>2016</i>	<i>2015</i>
Speeding	2,510	2,172
Traffic control	678	659
Cellphones	301	806
TOTAL	3,481	3,637
% of caseload	62	61

The 455 citations for driver’s license violations constituted 8% of the court’s caseload last year. Other common violations included Improper turns, Following too closely, Careless

driving and Obstructing intersections. The speeding violations included 4 cases of speeds greater than 100 mph, resulting in substantial statutory fines and mandatory license suspensions.

5. *Disposition of cases in 2016:* About 6% of all defendants entered a “not guilty” plea, resulting in a bench trial. A large majority (81%) elected to plead “no contest” by mail, online or in person at court; the remainder were found in default.

<i>Dispositions in 2016</i>	<i>Total</i>	<i>Percent</i>
Guilty by judge	1,382	25
Guilty by clerk	1,836	32
Guilty by default	746	13
Acquit/dismissed*	1,493	26
Other	215	04

**Includes diversions*

6. *New legislation:* With the legislature currently in session, the Oregon Municipal Judges Association and the Oregon League of Cities will closely monitor proposed measures that could affect municipal courts. As expected, a bill has been introduced that would amend and expand the statute prohibiting the use of hands-on mobile phones in response to a recent decision by the Oregon Court of Appeals.

7. *CY 2016 fiscal highlights:*

- The City entered into a contract with a new collection agency, Professional Credit Services.
- Total fines and fees imposed: \$966,818, or 6.4% less than in 2015.
- Total amount collected including fines and state and county fees: \$857,726, or 4.7% less than in 2015.
- Total e-payments increased by 25% during 2016:

<i>E-Payments</i>	<i>2016</i>	<i>2015</i>
Total \$ amounts	235,735	188,786
# of payments	2,214	1,937
Average \$ payment	106.47	97.46

8. *Staff development:* The court began the process of recruiting two pro-tem judges for service when the presiding judge is unavailable. The names of two finalists have been forwarded for Council’s consideration.

In March, the judge attended the annual ODOT’s Judicial Education Conference in Springfield. He also completed his second year on the Board of Directors of the Oregon Municipal Judges’ Association and served as a judge for several sessions of the Tigard Peer Court.

Court staff attended annual conferences of the Oregon Association for Court

Administration. Brenda Annis also went to an advanced training seminar for the FullCourt software program in Washington, D.C. The court recruited Rebecca Winchell, who offered substantial experience as a municipal-court clerk, to fill a recent vacancy.

Finally, we wish to acknowledge the hard work and professionalism of Brenda Annis and Rebecca Winchell over the past year. We are very pleased to have an experienced team that is dedicated to the constant enhancement of our services to the people of Tigard and the state of Oregon.

We welcome your comments and questions concerning court operations.