



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Michael J. O'Brien, Presiding Judge
Nadine Robinson, Court Manager

RE: Annual Report from Tigard Municipal Court

DATE: May 19, 2009

Thank you for the opportunity to meet with Council and the City Manager for our tenth annual review of Municipal Court operations. The highlights of the 2008 calendar year are presented below. As always, we would be happy to answer any questions you may have.

1. Caseload for 2008: As reflected in Table 1, the court's caseload decreased by 9.9% compared to 2007:

Table 1 - Total Annual Court Caseload	
2008	6,229
2007	6,920
2006	6,372
2005	6,037
2004	7,397

Last year's caseload was at approximately the same level as 2005-06. As discussed below, recent trends suggest a return to higher volumes of traffic citations in 2009.

As shown in Table 2, most of the change in the court's 2008 caseload is attributable to a decline of 10.4% in traffic and parking violations. By contrast, the number of code enforcement cases increased, though the total number remains small compared to previous years. The Youth Court caseload decreased by about 14%, while the number of adult city code violations declined to negligible levels.

Table 2 - Caseload Fluctuations: 2007 & 2008		
CATEGORY	2007	2008
Traffic and parking	6,767	6,060
Adult city code misd/vio	62	11
Youth Court	65	56
Code Enforcement	26	102

2. Traffic caseload in 2008: Most of the decline in the court’s traffic caseload is the result of a one-third decrease in the number of violations involving speeding and traffic-control devices (Table 3).

Table 3 - Changes In Citations For Selected Violations 2007-08		
Violation	2007	2008
Speeding	2,296	1,486
Traffic control devices*	1,162	768
No safety belt	232	351
Following too closely	229	320
Fail to stop for a ped	15	155

[*primarily traffic signals and stop signs]

By contrast, the number of safety-belt violations increased by 51% in 2008. The court is anticipating continued increases in this category due to renewed funding for Oregon’s participation in the Three Flags program with Washington and British Columbia. Largely due to this multi-jurisdictional effort, the court processed 2,573 safety-belt citations from 2003 through 2008.

Other notable changes during 2008 include increases in citations for Failing to stop for a pedestrian and Following too closely, a violation that frequently involves rear-end collisions. In cases where no collision occurs, citing officers typically rely on the Distance Between Cars (DBC) laser technology to detect and prove unsafe following distances.

Annual fluctuations in caseload tend to reflect enforcement priorities, personnel levels, training schedules and funding in the Tigard Police Department.

3. Tigard Youth Court: Since its inception in 2002, Youth Court has adjudicated approximately 600 misdemeanor and status offenses. In most delinquency cases, the court imposes various conditions of probation during a specified period. These may include community service, a counseling program, letters of apology, a court diversion fee and, as appropriate, restitution to victims. Youth Court continues to coordinate its operations with Peer Court and the Washington County Juvenile Department.

4. Sanctions: Maximum and minimum fines for traffic violations are set by state statute. Reductions for most violations are limited to 25% of the “base fine,” the amount entered on the front of each ticket by the citing officer. Minimum base fines are set by the Oregon Judicial Department according to a formula established by statute. Tigard’s current base fines average about 4% higher than the minimums applied by state circuit courts.

Fines for municipal-code violations are not subject to the same statutory standards that apply to traffic citations. Penalties are typically based on the following criteria: proof of compliance, prior violations, the recommendation of City staff, and any

mitigating circumstances brought to the court’s attention by either party. A Unitary Assessment of \$37 is added to each fine, as provided by state statute.

5. Diversion Programs: These programs continue on a very limited scale for qualified defendants. Juvenile first offenders and qualified seniors over the age of 65 may be given the opportunity to participate in a diversion program that generally requires payment of a fine, attendance at a traffic school (such as Trauma Nurses Talk Tough) and a probationary period during which they must receive no new citations.

6. Public Information and Education: The court continues to pursue additional ways to increase its outreach and promote public understanding of traffic safety and the requirements of Oregon law. The judge’s “Rules of the Road” column has appeared in the Cityscape newsletter every month since September, 2007. The column appears on the court’s website and it is also converted into a handout which is available to the public in the City Hall lobby.

7. Continuing Education and Training: The judge and court manager attended the Oregon Department of Transportation’s judicial education program at the Oregon coast in March. Except for the registration fee and evening meals, ODOT assumes all costs for these annual conferences. The court manager also attended the Oregon Association for Court Administration’s spring conference in Cottage Grove.

8. New technologies: The use of video evidence at trial continues to expand as more cameras have been installed on police vehicles. The Court has worked with Tigard PD and IT to ensure that this valuable evidence can be efficiently presented during trials. Videotapes assist the court in resolving cases at trial and, where violations are demonstrated, encourage defendants to confront their driving behavior.

9. Revenues: During CY 2008 the court imposed fines, penalties, costs and assessments totaling \$964,457, a decrease of 13% compared to CY 2007.

Of the total sum collected (Table 4), \$247,406 was disbursed to other agencies under a statutory formula for unitary assessments, medical liability accounts, county assessments and court security fees. The recipients include the Oregon Department of Revenue, Oregon Judicial Department and Washington County.

Table 4 - Collected fines, penalties and assessments		
	2007	2008
Fine	\$695,873	\$580,897
Civil Penalties	17,881	5,607
Mandated assessments	288,878	247,406
Collections Total	\$1,002,632	\$833,910

10. Current activities: The court has absorbed a substantial increase in its caseload during recent months, including 933 violations in March — the highest volume for a single month in the court’s history. Despite the dramatic increase in violations, it

would be premature to conclude that it represents a long-term trend rather than a short-term fluctuation.

In another development, Tigard PD recently applied for a grant to purchase devices that would enable officers to issue electronic citations at the scene of a traffic stop. If the grant is awarded, the court's existing FullCourt software has the functionality to manage an e-cites caseload. Electronic citations would allow the court to process cases more efficiently and at less cost per citation.

Thank you for giving us the opportunity to present our tenth Annual Report to the Council.