



MEMORANDUM

TO: Honorable Mayor and City Council

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

RE: 12th Annual Report from Tigard Municipal Court

DATE: June 7, 2011

Thank you for again giving us the opportunity to meet with Council and the City Manager for our 12th annual review of Municipal Court operations. The highlights of the 2011 calendar year and a brief summary of current activities are presented below. Please let us know if you have any questions or comments.

1. Caseload for CY 2010: As reflected in Table 1, the court's caseload declined by 23% last year compared to the unprecedented levels of CY 2009:

2010	7,028
2009	9,165
2008	6,229
2007	6,920
2006	6,372

Though the caseload for 2010 represents a significant decline from the previous year's volume, the court processed cases at an average rate of 585 per month, about 8% higher than the average for 2006-08. The caseload for 2009 has proven, so far, to be a statistical "outlier."

As in past years, traffic citations continued to dominate our caseload:

CATEGORY	2009	2010
Traffic and parking	9,107	6,995
Adult city code misd/viol	9	12
Youth Court	35	15
Code enforcement	13	6

About 37% of the court’s traffic caseload in 2010 consisted of citations for Speeding and Failure to a Obey Traffic Control Device (primarily stop signs and traffic signals). There were significant declines in both areas, and in the number of Safety Belt violations:

Table 3 - Changes In Citations For Selected Violations 2009-10			
Violation	2009	2010	% Change
Speeding	2,399	1,794	-25
Traffic control devices*	1,256	841	-33
No safety belt	676	521	-23

*Primarily stop signs and traffic signals

Since Oregon’s new cell phone law (ORS 811.507) went into effect on January 1, 2010, the court has processed 653 violations.

During the period 2008-09, the latest years for which reliable data is available, 28.9% of those cited for traffic violations were residents of Tigard.

2. Effect of electronic citations (“e-cites”): As forecast in our 2009 report, electronic citations came into wide use among motor officers after July 1, 2010. During the first three months following their introduction, 1,206 e-cites were filed. E-cites have demonstrated their many advantages, from time saved by officers in issuing citations to the avoidance of duplicative data entries by court staff. Compared to handwritten citations, the error rate has also declined significantly and illegibility is not an issue. On busy days, when as many as 100 e-cites may be filed, court staff saves several hours of time that would otherwise be required for data entry.

3. New legislation: In October 2009, Oregon legislators adopted a \$45 “offense surcharge” for all violations. Although the surcharge was scheduled to sunset on July 1, 2011, it will likely be extended to at least December 31st of this year if, as expected, HB 2712A passes in the current session. In our oral report, we will update the Council on the status of this and other bills that could have an impact on court operations.

4. Consideration of financial hardships in imposing and collecting fines: Due to continuing high unemployment and related economic circumstances in Oregon, a relatively small number of defendants requests special consideration from the court in imposing or collecting fines. For defendants who are unable to pay the balance due within 30 days, the court has always offered payment agreements, subject to a \$15 fee. If timely payments are not made, the court will suspend the defendant’s right to drive in Oregon and initiate standard collection activities.

As a general rule for most violations, Oregon courts must impose *at least* 75% of the Base Fine fixed by law and stated on the front of the citation. Upon a showing of economic hardship, however, the court has the authority to discharge, or waive, fines.

In those cases where a discharge is appropriate, the fine is reduced to zero or suspended in full but the record of the conviction will be forwarded to DMV and placed on the defendant's driving record. The court has the additional authority under ORS 135.755 to dismiss citations "in furtherance of justice," but this authority is rarely invoked in the absence of a recommendation from the citing officer or City prosecutor.

Where defendants with clean records and/or financial hardship are cited for multiple minor violations (e.g., Speeding and Failure to Signal a Lane Change), the court may exercise its discretion to impose a fine on one violation and discharge the fine on the other. Both violations will still appear on the driving record, but this approach avoids duplicating the costs and assessments that would otherwise be imposed.

5. Revenues/collections

Table 4 - Collected fines, penalties and assessments		
	2009	2010
Fine/offense surcharge	\$729,467	\$699,406
Civil penalties	\$2,414	\$2,223
Mandated assessments	\$316,465	\$296,234
Collections total	\$1,048,346	\$997,863

6. Public Information and Education: The judge's monthly "Rules of the Road" column continues to appear in Cityscape and on the City's website. Recent topics include: "Oregon's Cell Phone Law Revisited," "Oregon Traffic Law 101," "A Safety Success Story" (on seat belts), "Flashing Yellow Lights" and "Driving While Distracted." Printed copies of the columns are also available to the public on a rack next to the court counter.

7. Continuing Education and Training: The judge and a court clerk attended the Oregon Department of Transportation's annual Judicial Education Program in March, 2010. As in the past, ODOT assumed most of the costs for this annual conference. The court manager attended the annual conference of the Oregon Association for Court Administration in October, 2010.

8. Current activities: From January 1 through May 31, 2011, 2,960 citations have been filed. With the renewal of the Three Flags Safety-Belt Enforcement program, there has been marked increase in the court's caseload during recent weeks.

Please let us know if you would like us to provide any additional information. Thank you again for your time and interest.