

City  
of  
Tigard



Respect and Care | Do the Right Thing | Get it Done

# 2014 Annual Report to Council

## Tigard Municipal Court

Michael J. O'Brien, Presiding Judge

Nadine Robinson, Manager

*Presented to: Tigard City Council*

February 18, 2014



# Municipal Court Programs

1. Traffic
2. Civil infractions
3. Public information

# 2013 Calendar Year Highlights

- ▶ **7,180 violations filed — 21.1% decrease**
- ▶ **8.4% below 6-year average**
- ▶ **97% of cases disposed of within 90 days**
- ▶ **640 violations (9%) docketed for trial**
- ▶ **TPD Distracted Driver program development**
- ▶ **E-citations and video now standard**

# Philosophy and Goals

- ▶ Provide an **impartial forum** for adjudications
- ▶ **Respectful courtroom and administrative process** for all parties and witnesses
- ▶ Full opportunity to be **heard and considered** in court
- ▶ **Fair, professional and efficient** dispositions

# Sanctions philosophy

- ▶ **Proportionate sanctions** to deter subsequent offenses
- ▶ Consider **individual circumstances** as permitted by law and workloads
- ▶ **Reduce recidivism through education** about public safety, relevant laws and legal processes
- ▶ **Limited diversion programs** to reinforce legal process

# Diversion Programs – 2013-14

- ▶ **7% offered diversion** in 2013
- ▶ **Teen drivers** 18 and under
- ▶ **Seniors** 60 and older
- ▶ **Safety belt** violations
- ▶ **TPD Distracted Driver** program in development for one-year trial

# Diversion: disadvantages

- ▶ **Lack of accountability** via “masking:” conviction not on DMV driving record
- ▶ **DMV Driver Improvement Program:** “masking” may allow frequent offenders to avoid license restrictions, suspensions
- ▶ **Diversions** (except DUII) not noted on DMV record
- ▶ Staff time needed to **monitor compliance**

# Diversion: advantages

- ▶ **Traffic schools educate to change driver behavior**
- ▶ **Enhanced public safety, reduced recidivism**
- ▶ **TPD's Distracted Driver class:** Increase awareness of cell and texting effects
- ▶ **Reduced docket pressure:** Some may prefer diversion to trial
- ▶ **Restructured fees:** Increase revenues to general fund

# Diversion Requirements – 2013

- ▶ **Clear DMV record:** 5-year “lookback”
- ▶ Pay **TMC administrative fee** equal to fine
- ▶ Attend approved **safety class** within 90 days
- ▶ Case then **dismissed** – no DMV entry
- ▶ **Revenue-neutral** for TMC
- ▶ **Criteria under review** with Council

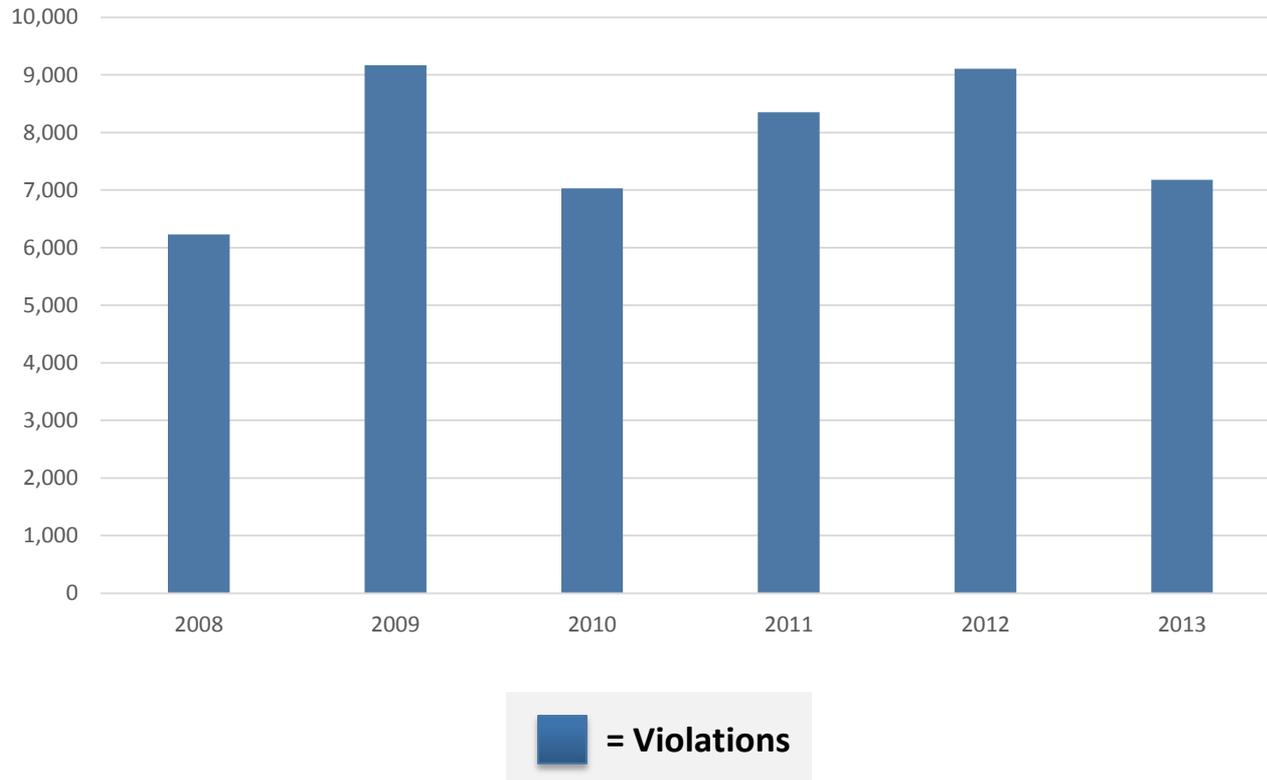
# Diversion options

- ▶ **Less stringent criteria – examples:**
  - ▶ **Beaverton MC:** “Lookback” 2 years, most defendants eligible
  - ▶ **Sherwood and Tualatin MC’s:** 5 years, most defendants eligible
- ▶ **Signed declarations:** Reduce risk of “masking” prior diversions in other courts
- ▶ **Restructured diversion fees** (by resolution)

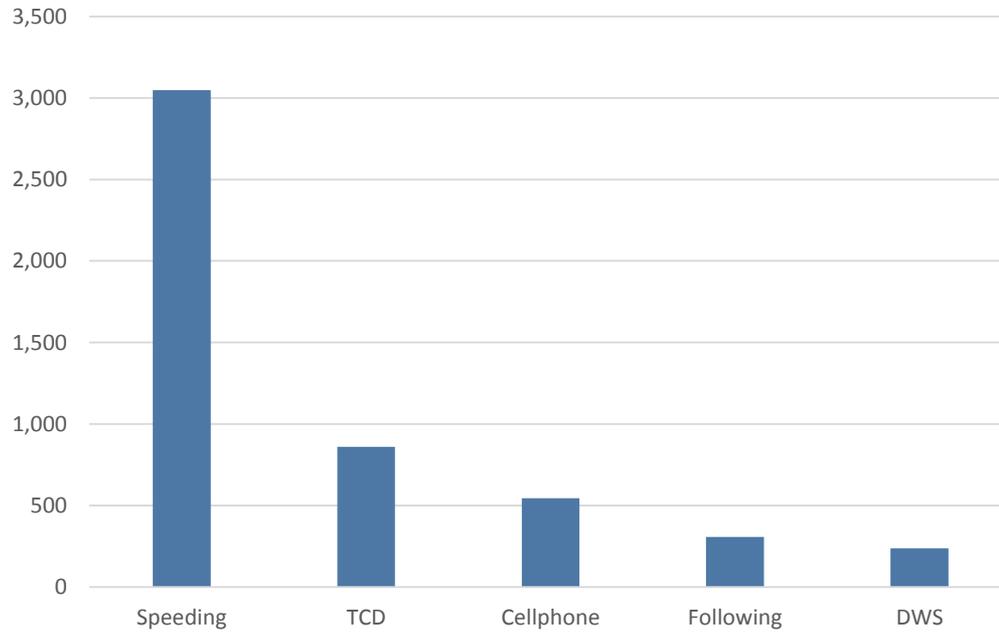
# Compliance Program - 2013

- ▶ **About 800** license and insurance violations filed
- ▶ **Insurance violations** dismissed under ORS if valid at stop
- ▶ **Fines reduced** upon proof of compliance after stop
- ▶ **Fix-It program** for equipment violations – \$40 fee

# Violations Filed 2008 – 2013



# Top 5 Violations – 2013



# Public Information Program

- ▶ **Information** provided in the courtroom, at the counter and online
- ▶ **Safety education** promoted through diversions
- ▶ **Trial brochure** for “not guilty” pleas
- ▶ **Online court rules** for attorneys, general public
- ▶ **“Rules of the Road:”** about 80 columns since 2007

# Technology Advances

- ▶ **Video evidence** commonplace during trials
- ▶ **5,488 e-citations** in 2013: facilitate data transfers
- ▶ **1,866 online payments** via CitePay USA – \$164,703 in revenues

# Budget Highlights — 2013

- ▶ **\$1,117,181 in fines and fees** imposed
- ▶ **23.9% decrease** – comparable to lower caseload
- ▶ **Remitted \$358,205** in statutory assessments to state and local agencies

## Other Court Activities

- ▶ **Court clerk** hired to fill vacant position
- ▶ Judge and Court Manager attended ODOT's annual **Judicial Education Conference** in March

# Tigard Municipal Court

13125 SW Hall Blvd.

Tigard, Oregon 97223

Court staff:

Chris Snodgrass

Brenda Annis

Morgan McFadden

*[www.tigard-or.gov/court](http://www.tigard-or.gov/court)*