

## MEMORANDUM

TO: Mayor and City Council

FROM: Martin Fisher, Municipal Court Judge

SUBJECT: 2022 MUNICIPAL COURT REPORT

DATE: November 9, 2022

### Background

The Cottage Grove Municipal Court handles traffic violations and misdemeanor crimes. Misdemeanors are those crimes with a maximum penalty of not more than 364 days in jail and a \$6,250.00 fine. The court may also impose a period of probation up to a maximum of five years. Examples of such crimes include DUII, assault IV, resisting arrest, trespassing, disorderly conduct, and theft (typically shoplifting from local retailers).

### Case Load and Collections

The court's caseload has remained relatively steady, with a slight decline in both overall citations (crimes) and violations (traffic, non-crimes). (The numbers are similar to last year's, but these numbers cover two additional months.)

	Citations	Violations
8/25/2021-11/03/2022	821	1,325

The breakdown of fines/revenue has reflects a decrease from last year as well.

	Fines	Outstanding
8/25/2021-11/03/2022	\$324,222.47	\$247,371.19

Collections totaled \$76,761.28, which is the second-largest amount the court has collected since I have been doing these reports, roughly \$9,000.00 lower than last year's record-setting year, and more than \$20,000.00 more than the next highest year.

### Crime and Violation Categories

Below is an overview of certain crimes that the court deals with, and a review of related trends. Although the underlying reports are attached, what follows are some notable highlights:

Offense	2019	2020	2021	2022
Theft III (less than \$100)	71	50	12	23
Criminal Trespass (I & II)	49	22	22	75
Disorderly Conduct II	38	13	12	31
DUII	26	19	44	39
Criminal Mischief (II & III)	29	16	6	37

Interference w/police ofc'r / resisting arrest	27	13	14	13
Theft II (more than \$100, less than \$1,000)	23	10	25	19
Physical Harassment	19	5	10	20
Assault IV	5	4	2	8
Menacing	4	4	6	8

Low-level thefts continue to trend well below historic norms, and although they have doubled from last year, last year was an outlier. (Also recall, these 2022 numbers cover a span of 14 months, so the per-month rate remains historically low.) Notable increases include citations for criminal trespass, disorderly conduct, and criminal mischief.

To the extent these numbers reflect a concerning trend, it's in the area of person-crimes – harassment, assault and menacing. Anecdotally, since the spring, the court has seen a spike in these cases arising out of domestic relationships, which has not been the case for several years. (Previously, most assaults, etc, were the result of acquaintance/neighbor scuffles, or essentially bar fights.)

#### COVID and Court

The court has resumed fully functioning in the same manner as pre-COVID, including the ability to again fully utilize the city jail. Barring any notable changes in the next year, this will be the last COVID component of the court's yearly report.

#### Trials

Although the court has resumed scheduling jury trials, none have taken place. (Although it is hard to track down, the last jury trial was likely more than four, possibly five years ago.)

Bench (non-jury) and traffic trials continue as normal.

#### Defense Attorneys

Recently, one of the two defense attorneys who regularly appeared in our court has stopped taking new cases from Cottage Grove, leaving the court with one attorney available to take on indigent defendants. Considering nearly all defendants qualify for a court-appointed attorney, having only the one attorney has slightly slowed down court days, but so far has been manageable. We will run into a problem when there is a conflict, and the one attorney cannot represent a defendant who is entitled to and eligible for a court-appointed attorney. We are in the process of soliciting interest to at least take on possible conflict cases should the need arise.

Of note, the incorporation of remote appearance capabilities should make taking on Cottage Grove cases somewhat more appealing to out-of-town attorneys who may otherwise choose not to due to the travel time relative to the pay.

Conclusion

The court has fully returned to normal operations at this point. Looking forward, we may be at an opportune time to resume what were early discussions in 2019 of establishing a program to more adequately address defendants with active and untreated mental health concerns, but that conversation will likely not resume until sometime into 2023.

As always, I welcome any and all feedback and suggestions for improvement toward that goal, and I thank you for the opportunity to continue my service as municipal court judge.

Recommendation

For information only.

Cost

None.

A handwritten signature in black ink, appearing to read 'Martin M. Fisher', with a long horizontal line extending to the right.

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Martin M. Fisher, Municipal Court Judge