

MEMORANDUM

TO: Mayor and City Council

FROM: Martin Fisher, Municipal Court Judge

SUBJECT: 2023 MUNICIPAL COURT REPORT

DATE: November 8, 2023

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 dropped significantly. Note that, although the 2022 report covered a span of 14 months, that additional two months cannot account for the nearly 50% decrease seen this past year.

	Citations	Violations
8/25/2021-11/03/2022	821	1,325
11/04/2022-10/23/2023	418	694

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

	Fines	Outstanding
8/25/2021-11/03/2022	\$324,222.47	\$247,371.19
11/04/2022-10/23/2023	\$143,823.70	\$122,407.70

Collections totaled \$21,416.00, which is a mere fraction of prior years' collections.

Note that, as a result of the reduced number of citations, combined with issues related to lack of court attendance (discussed in greater detail below regarding the jail closure), the court has returned to its pre-COVID schedule of only meeting twice per month, on the first and third Thursday. (The second and fourth Thursdays are reserved for trials, which are also discussed below.)

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	2020	2021	2022	2023
Theft III (less than \$100)	50	12	23	25
Criminal Trespass (I & II)	22	22	75	69
Disorderly Conduct II	13	12	31	29
DUII	19	44	39	31
Criminal Mischief (II & III)	16	6	37	30
Interference w/police ofc'r / resisting arrest	13	14	13	18
Theft II (more than \$100, less than \$1,000)	10	25	19	18
Physical Harassment	5	10	20	17
Assault IV	4	2	8	7
Menacing	4	6	8	11

Notwithstanding the decline in citations overall, the number of citations for the above offenses has remained relatively steady.

Trials

The court has continued its nearly 7-year streak without a jury trial. Not that we haven't come close. A total of seven trials were scheduled since November 2022, with six of those being jury trials. Four of those were settled, in one the defendant failed to appear (and a warrant remains outstanding), and one was dismissed because the arresting officer was on administrative leave (and has since been terminated). Similarly, the one non-jury criminal trial was also dismissed because the officer was on administrative leave (and has also since been terminated.)

Defense Attorneys

The Council recently approved an hourly pay-raise for court-appointed attorneys, from \$50.00 to \$75.00 per hour, the first increase in nearly a decade. It is hoped that this increase will ensure that Cottage Grove continues to honor its constitutional obligation to provide court-appointed attorneys to eligible defendants.

Jail Closure

This past year saw the closure of the Cottage Grove jail and, in its place, the City entered into a contract to house defendants in the Springfield jail. Prior to closure, the Cottage Grove jail could house approximately 16 inmates, and tried to cap that total at 10. The current Springfield contract guarantees three beds, with options for additional inmates if the jail has space.

Aside from the reduction in jail capacity in general, which has limited the court's ability to sanction defendants, the Springfield jail refuses to house defendants prior to arraignment and possibly defendants who are not sentenced. This has had profound ramifications on the court. Some background is required here.

Typically, when a defendant is arrested, an officer has two choices – lodge the defendant in jail, or give the defendant a citation with a requirement to appear in court at a certain date and time. The reasons for making one choice versus another can vary and is a law enforcement decision that may revolve around public safety, the defendant's safety, the defendant's history, the severity of the alleged crime, etc.

If an officer elects to hold a defendant in custody, that defendant is entitled to a release decision, which essentially means that a judge must determine whether the defendant should remain in custody or be released subject to conditions. Prior to the past year, when a defendant was held in custody, the police would contact me the next business day to inquire about release. I would consider the above factors, and in particular the defendant's history of failing to appear in this or other courts.

Now that newly arrested defendants are not held in custody, they are instead given citations to appear. The number of defendants appearing has steadily declined. At the court session prior to this report, a mere four out of 11 criminal defendants appeared. At the session prior to that, 45% appeared.

When a defendant does not appear, a warrant is issued for that person's arrest, the idea being that the person who failed to appear will now be held to ensure their appearance. However, due to the Springfield jail's refusal to hold such defendants (even though the contract does not permit them to refuse), the failure to appear for an initial arraignment is without consequence. At most, once a warrant is served, the defendant can only be issued a new citation with a new date, and the cycle starts anew. Indeed, at least one defendant racked up at least 10 unrelated criminal charges in our court over a span of a few months, but he has never set foot in our court because, stated simply, he didn't have to. (Eventually, he was arrested for felonies including attempted arson and car theft, and sent to Lane County jail.)

In order to address this, officers have at times cited defendants into circuit court rather than Cottage Grove's court, because doing so means that, for at least a brief period, those defendants can be housed in Lane County jail. Unfortunately, nearly all of those cases are "no-filed" by the Lane County district attorney's office, meaning those defendants are released and the charges simply go away.

There have been recent discussions between the court and the police department's new leadership, and it is hoped that those conversations will lead to changes in the Springfield interpretation of its contract.

Conclusion

It can be presumed that the prior year's unsettled nature of the police department's staffing situation, coupled with the closure of the city's jail, have jointly contributed to the dramatic reduction in cases and consequences. It can be fairly extrapolated that, at least pending new officers completing training and finding their "sea legs," as it were, this coming year should look very much like the past, and no real improvement in numbers should be anticipated until at least 2025.

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', written over a horizontal line.

Martin M. Fisher, Municipal Court Judge