

Municipal Justice System – Existing Challenges

Judicial Perspective, Wayne E. Allen, Presiding Judge

Justice System Backlog

In April 2015 the court, in conjunction with other justice system partners, began to analyze and create recommendations to address the court's backlog of cases. The pace of resources in the justice system has not kept pace with the enforcement of misdemeanor activity within the City. The court has a strong desire to address and resolve criminal cases swiftly and efficiently. As part of the effort to create recommendations to address the backlog two sub-groups of the court's Case Management Team met and provided written recommendations to the Community Justice Policy Team. In June 2015, the court began to report data to show the backlog of pending cases, which total 5,113 dockets. With some one-time funding assistance from City Council the court and justice system stakeholders began to implement several of the recommendation of these two sub-groups. From June 2015 to February 2016 the court saw a drop in the backlog cases of 16.7% or 854 dockets. This reduction was primarily due to the following changes made by the court:

1. Dismissed and set new criteria for contempts
2. Set new criteria for show cause allegations
3. Reduced single incident offenders, with warrant outstanding over a year, on select charges, from misdemeanor to violation (one time effort)
4. Increased dispositions at the jail in February due to added TSR days at the jail (started 2/1/2016)

Increasing TSR's at the jail, provides for ongoing opportunities to resolve cases while court participants are in custody. While this has been implemented for just a short time we have seen a significant increase in the resolution of cases. This effort is funded with one-time funds and currently is not funded to continue past June 30, 2016. The resource need includes an EPD Court Liaison Officer, money for additional judicial and court staff hours, as well as additional prosecutor and defense attorney resources. I believe reducing these appearances is a step backward and creates massive dysfunction for our system.

Under-resourced City Prosecutor Office

A robust prosecutor's office is essential to the functionality of the court and to its obligations to the community. The resource level of the prosecutor's office has an enormous impact on how innovative programs can be implemented, the court's docket, clearing of backlog and incoming filing decisions, and ultimately the quality of justice the court is able to provide. The current challenges are affecting the courts ability to provide effective and timely justice in individual cases. The time from arrest to final judgment is several months, Oregon time standards for disposition on misdemeanor cases is 60 days. William Gladstone said, "justice delayed is justice denied." Delays dampen the sense of urgency required to impose a sanction and have impact on future criminal behavior and impact the courts ability to get some offenders connected with much needed mental health services.

In order to continue evaluating cases that have aged in the backlog and determine the viability of prosecution and the best community outcome the City Prosecutor needs resources to review the facts on a case by case basis. It is not realistic to ask an already overburdened City Prosecutor's Office to review old cases one by one, this is a significant resource drain. A better solution is to set these cases for TSR appearance and review them as they come up for the appearance date. But this

solution requires work by the court appointed attorney, judges, and court staff in addition to the underfunded City Prosecutor's Office. The court calendar is regularly overbooked and available hearing dates are set out well past desired timelines. Adding court sessions for additional TSR appearances requires additional resources for the increased judicial hours, court clerk, prosecutor, and court appointed attorney resources.

Community Court

Court has become very adept at processing cases in a fair and constitutional way. Unfortunately, opportunities for the court to work with the prosecutor and defense attorneys toward a long term solution for repeated criminal behavior by those whose lives are in crisis are few and fleeting. In many cases, the criminal charge that brought the defendant before the court is the proverbial tip of the iceberg. In those cases resolving them is not going to end the person's problems which impact their community. Community court provides the opportunity to quickly get a client whose life is in crisis, access to social resources available in the community. Community Courts are proven to be very effective in reducing recidivism and more importantly, are the right thing to do.

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Court Operations Perspective, Cheryl Stone, Court Administrator

Staffing

The municipal court supports a number of enforcement agencies including Parking Services, Eugene Police Department (EPD), University of Oregon Police (UOPD), and Oregon Liquor Control Commission (OLCC). We also work close with other partners such as Lane County Sheriff's Office, Springfield Jail, Quality Research Associates, Lane County Behavioral Health, Oregon State Police, and Oregon Driver and Motor Vehicles (DMV). Court resources to process incoming cases, outgoing disposition information, and compliance have not kept pace with the growth and increased complexity of cases and legislative reporting requirements. Any requests from partners or judges that require additional staffing resources are difficult or impossible to accommodate without using funding from external sources or sacrificing tasks or services in another areas. This includes adding additional court sessions to increase resolution of cases to reduce backlog or development of additional problem solving approaches for court participants.

The court has worked diligently with our justice system partners to provide quality services that meet their needs, enhance services to the public, and fulfill our constitutional and statutory requirements. In order to mitigate the impact of the staffing situation we have cross trained staff in multiple areas of court procedure. In the event of planned or unplanned leave we are able to pull staff from other areas to cover critical duties for a specified time period and reduce impact to our stakeholders and the public.

Budget

Court administrative staff actively manage and monitor the court budget. In recent years the increase in complexity of prosecution and law enforcement evidence (in car video, body cameras, etc.) requires increased judicial and defense attorney hours to review and consider in evaluating cases. Increased judicial and defense attorney costs have been offset by savings in other areas of the Central Services and court budget such as unused jail beds at the Springfield facility or staffing savings due to vacancies. The increased resource requirement and costs create limitations on the court's ability to add staff and judicial hours to help reduce backlog and create a capacity limitation for the number of projects the court can support and lead with our partners.

Docketing/Backlog

As one of the court's defense attorneys stated, "The reality of the court process in Eugene Muni on a day-to-day basis is that the judges, the clerks, the prosecutor and her staff and the defense lawyers and their staff have just enough time and resources to keep up with the ongoing cases – and to say "keep up with" may not be entirely accurate, as there is a backlog of cases."

The court is monitoring and reporting monthly a dashboard of performance measures and backlog to keep abreast of the timely resolution of cases and reduction of backlog. The incoming case flow remains larger than the resources required to timely and efficiently process cases. Innovative project such as an early disposition program require increased resources upfront (for planning and implementation) to gain the types of outcomes that resolve larger volumes of cases with fewer resources.

Please see Judge Allen's comments regarding efforts of the Backlog workgroup and efforts implemented to date.

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Police Perspective, Pete Kerns, Police Chief

Although completed almost a decade ago, our Police Executive Research Forum -- International City/County Managers Association report still provides credible analysis of the challenges faced by Eugene Police Department today. Completed in 2007, the report states

When Eugene is compared to the cities participating in the International City/County Managers Association (ICMA) Center for Performance Measurement (CPM) program, police services in the City of Eugene fall in the bottom tier of cities on several basic measures. The existing level of police service provided to the citizens of Eugene is very low due to significant understaffing in the Eugene Police Department in comparison to other municipal law enforcement agencies in the United States.

EPD has:

- *Significantly higher property crime;*
- *Dispatches an officer to far fewer calls for service from the public;*
- *Dispatches far fewer calls as top priority;*
- *Takes much longer to respond to calls for service;*
- *Is much less likely to assign serious property crime reports to a detective;*
- *Is less likely to cite drivers for moving traffic violations; and*
- *Must spend more on overtime to provide police services to the public*

	<i>Eugene FY 2006</i>	<i>Other ICMA survey participant departments FY 2005</i>
<i>Part I property crimes reported per 1,000 capita</i>	<i>77</i>	<i>39</i>
<i>Dispatched calls for service per 1,000 capita</i>	<i>301</i>	<i>570</i>
<i>Calls dispatched as top priority per 1,000 capita</i>	<i>19</i>	<i>68</i>
<i>Officer response time to top priority calls (minutes)</i>	<i>8.1</i>	<i>6.2</i>
<i>Percent of Part I property crime reports assigned to detectives</i>	<i>5%</i>	<i>39%</i>
<i>Moving violation traffic citations per 1,000 capita</i>	<i>86</i>	<i>107</i>
<i>Percent overtime expenditures for sworn officers</i>	<i>7.5%</i>	<i>6.7%</i>

Update: Challenges in 2016

Overall, department staffing, calls-for-service and reported-crimes has not changed sufficiently to change the conclusions drawn in this report. There are some new factors that challenge service provision.

Homelessness

Homelessness is an increasing problem for our city and we have seen changes in the composition of this population. They are a difficult set of people to serve well. There has been a 68% increase in the number of chronically homeless, a 95% increase in the mentally ill, and a 27% increase in the number of the homeless with substance abuse problems.

Not only has there been an increase in the absolute numbers of chronically homeless, those with mental illness and substance abuse, these populations comprise a significantly larger proportion of the community's homeless.

Among those who are homeless in 2015:	Homeless Population Characteristics	Increase from 2013
47%	Chronically Homeless	22%
27%	Serious Mental Health diagnoses	12%
14%	Substance Abuse	9%

Source: 2013 and 2015 Point in Time Homelessness Count

High Utilizers of Police Service

In 2015, 25 individuals accounted for 655 arrests. They averaged 31 arrests each, with a range from 49 arrests to 17 during the year. Nearly all their charges were in municipal court with a few felonies processed by the DA's Office. The vast majority of people with repeat contact with the police are homeless; of these 25, 92% reported no residential address. Our officers encounter individuals in this discrete population when a community member calls to report a crime in progress, or when an individual's criminal behavior is otherwise brought to the attention of officers. Our local criminal justice and mental health systems do not have the capacity to detain, treat or hold accountable those in greatest need of intense criminal justice and behavioral health services. Instead they are frequently cycled through processes that provide brief, temporary and expensive relief but which do not serve to resolve root causes of individuals' criminal behavior. Consequently, officers spend a great deal of time with this population, taking focus away from felony crimes like residential burglaries, identity theft, vandalism and unsafe driving.

Seasonal Transient Population

There is a significant number of homeless who arrive in Eugene for the summer month. Service providers have noted an increase in the demand for services from these visitors that occurs during the summer months, and this experience is supported by observations of officers. This population tends to congregate in downtown public space. Some engage in criminal behavior and many do not. Offenses associated with those committing crimes are like those we see all year and include: open drug use, drug sales, trespassing, harassment, sex crimes and assault. Officers strive to assure the safety of all visitors to Eugene, and the increased number of seasonal visitors provides a strain on the already-taxed system.

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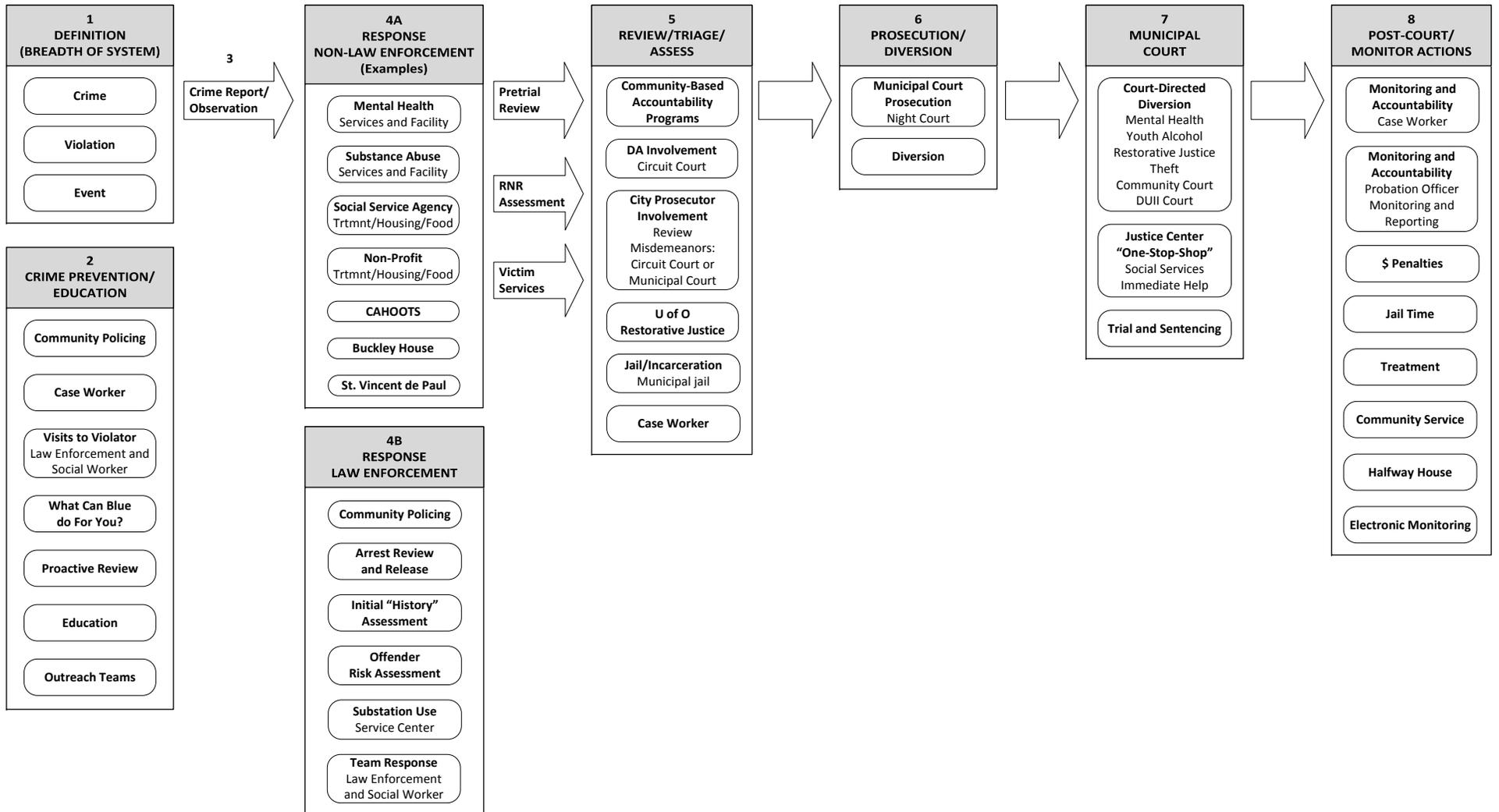
Prosecutor Perspective, Susan Triem, City Prosecutor

As the City's criminal litigators, we serve on the frontline of our municipal justice system. Our system partners – the police and the court – drive our workload: the police supply over 6500 misdemeanor charges for prosecution yearly, and the court sets aggressive deadlines and daily dockets to manage the flow of the cases that we must meet. Our office struggles to keep up pace with our system partners. We face significant, chronic workload challenges on a daily basis, and operate as a "pinch point" in the justice system that often impairs our system's overall mission and success.

Our prosecutors are asked to handle far more cases on a daily basis than lawyers can manage, and our caseloads are far in excess of the recommended guidelines that scholars cite to criticize the caseloads of public defenders. Yearly, our office assigns over 1500 misdemeanor cases per attorney. By contrast, misdemeanor attorneys in the Lane County District Attorney's Office handle yearly caseloads of around 300. Excessive caseloads can lead to inadvertent errors, long backlogs in court settings, bottom-line plea offers, routine reduction of low-level misdemeanors to violations (over 2000 each year), and a reduced ability to provide necessary attention to the rights of victims. Upgraded police technologies, such as in-car and body worn cameras, contribute to this crushing workload as our office bears the burden of gathering, reviewing, duplicating and providing this evidence to defense attorneys, with no upgrade to the foundation on which the system runs – namely, prosecution staff. Furthermore, creative "problem solving" court programs such as Mental Health Court and Community Court require more time in court, and more administrative resources than traditional cases, as far more court appearances are required before a case is finally resolved.

COMMUNITY JUSTICE PROCESS DIAGRAM

Attachment B



Community Justice Initiative – Summary of Reports and Analyses

Jail Bed Capacity Analysis

(Prepared by City staff, May 2014)

This report analyzes utilization of the 25 jail beds currently leased by the City of Eugene at the Lane County Jail (15 beds) and at the City of Springfield Jail (10 beds). The report provides a review of the jail bed utilization based on the current data and discusses potential alternatives to jail sentencing, such as changes to adjudication policies and practices, diversion options, changes to sentencing practices, and different options for law enforcement response. The report provides a summary of the options and costs for expanding the Lane County Sheriff's Office jail bed capacity, and provides recommendations for additional data collection.

Municipal Court Site Visit Report

(Prepared by the Center for Court Innovation, August 2014)

The Center for Court Innovation reached out to the Eugene Municipal Court to provide technical assistance in the planning and development of a community court. Brett Taylor, Deputy Director of Technical Assistance, facilitated a two-day strategic planning session with key stakeholders. The process included a facilitated group discussion regarding goals, important steps in the planning process, pilot ideas, and identification of next steps. The final report includes recommendations on how to move forward with planning and a community court action plan.

Municipal Court Caseflow Management Assessment

(Prepared by the National Center for State Courts, March 2015)

The City applied and was awarded grant funds from the State Justice Institute to contract with the National Center for State Courts to assess case flow management and provide training on best practices related to caseflow. The process included observations and interviews with a large number of justice system stakeholders and court operations. The final report includes recommendations on how the justice system can improve processing of cases from initiation to disposition. The court is working with justice system stakeholders to evaluate and implement recommendations from this assessment.

Backlog Workgroup Recommendations

(Prepared by City staff, April 2015)

Judge Allen worked with judicial system stakeholders to analyze and make recommendations on how to reduce the court's backlog of cases. The backlog workgroup reviewed data compiled over the course of the last several months and looked at the current capacity of the court and its partners to resolve cases given current staffing levels. The backlog workgroup generated recommendations that will most likely have the biggest impact on significantly reducing the court's backlog of unresolved misdemeanor cases.

Criminal Justice Processes and Leakages

(Prepared by ECONorthwest, June 2015)

This report was prepared by Ed MacMullan, Senior Economist, based on staff interviews and data collection from various stakeholders of the current City of Eugene municipal justice process, including staff from the Eugene Municipal Court, Eugene Police Department, Eugene City Prosecutor's Office, Lane County Adult Corrections, and contracted public defender attorneys. The report documents major phases in the current municipal justice process, identifies major process leakages (defined as points in the criminal justice process where an offender exits the process sooner than desired or intended, e.g. via capacity-based release), and discusses actions and process changes that could help mitigate process leakages.

Mental Health Court Diversion Program

(Prepared by the National Center for State Courts, August 2015)

The City of Eugene Mental Health Court Diversion Program began in September 2004. Judge Mary Mori presides over the program, which has served several hundred individuals. The Eugene Municipal Court contracted with the National Center for State Courts to perform a high-level evaluation of the mental health court and services available to mental health court participants. This process included interviews with team members and participants, as well as a look at recidivism data for a three-year period. Overall the evaluation came back favorable with mention of high graduation rates and "the court is demonstrating an impact based on a comparison of pre- and post-program arrest rates." The report provided six recommendations that would help the program move forward in implementing trending best practices in the area of mental health courts. The mental health court team is working to evaluate and implement these recommendations.

Failure to Appear Cost Analysis

(Prepared by ECONorthwest, February 2016)

This report was prepared by Ed MacMullan, Senior Economist, based on staff interviews and data collection from various stakeholders of the City of Eugene municipal justice process. This report identifies elements of the current process where Failure to Appear (FTA) is likely to occur and provides an analysis of the ongoing costs in the Eugene Police Department, Eugene Municipal Court, and the City Prosecutor's Office associated with processing and adjudication of FTA cases. The report estimates the total annual FTA costs at approximately between \$345,000 and \$450,000, most of which are in the Eugene Police Department.



Memorandum

Date: February 12, 2016

To: Intergovernmental Relations Committee

From: Cheryl Stone, Court Administrator

Subject: Grant Notification: 2016 Community Court Grant Program

Source/Purpose: The Center for Court Innovation released a competitive solicitation for up to 10 awards for implementation or enhancement of a community court.

Funds Requested: \$200,000

Match Required: None

Description: Community courts are problem-solving courts that attempt to address the underlying issues that lead to criminal behavior and give justice system officials more meaningful options when handling lower-level offenses. They seek to implement new, creative approaches to community engagement. They spread evidence-based practices, including the use of risk-needs assessment tools to link offenders to appropriate interventions. And they encourage the use of judicial monitoring to promote accountability and offer meaningful alternatives to incarceration.

Based on community feedback and Council's efforts regarding public safety concerns regarding downtown, the court's proposal for a community court starts with a small geographic location downtown and proposes expansion through the downtown patrol area over the two year grant period.

Time Period: The grant application deadline is February 19, 2016. The grant period for the funding is a two year period from June 2016 – May 2018.

Continuation Plan: It is our hope to the results of the community court program will rally community support and reduce crime in downtown to allow us to continue through realignment of resources and existing funds. The grant funds will fund one case manager FTE, security, required training events, and some limited amount of hardware.

Relation to City Priorities: This collaborative effort supports Council's goals of Safe Community, Sustainable Development, and Effective Accountable Municipal Government.

Relation to Other Jurisdictions: The court has worked closely with the City's Prosecutor's Office, contracted defense firms, the Eugene Police Department, and the Community Justice Team.



City of Eugene Police Department

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