

## **CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS**

### **Study Session Worksheet**

Presentation Date: June 29, 2010      Time: 1:30 p.m.      Length: 30 minutes

Presentation Title: Justice Court Update

Department: Justice Court

Presenters: Justice of the Peace Karen Brisbin, Kristin Twenge, Nancy Newton

### **POLICY QUESTION**

In addition to providing the Board of County Commissioners an update on current Justice Court operations and discussion on how restricted revenues from the Justice Court could be distributed under ORS (Oregon Revised Statute) 137.308 (as collected under ORS 137.309); the policy question to be considered is should the Board of County Commissioners approve a pro-tem Justice of the Peace for Clackamas County Justice Court.

### **ISSUE & BACKGROUND**

#### **Background**

The Justice Court was established by the Board of County Commissioners in February, 2009 based on a proposal submitted by the Clackamas County Sheriff's Office (CCSO).

Justice Court operations began in late April, 2009 with the hiring of the Court Administrator. In May 2009, Karen Brisbin was appointed Justice of the Peace by Governor Ted Kulongowski. Over the next several months a court management software system was implemented and other agencies were contacted to determine if the Justice Court could utilize administrative efficiencies and technology to assist with operations. This customer service approach resulted in a broadening of the Justice Court's scope to include: Oregon State Police (OSP), Federal Weigh Master, TriMet, Fish and Game, CCSO and OSP Marine Patrol, Drug and Alcohol violations, and most recently, Juvenile violations. A temporary facility was selected in Milwaukie/Oak Grove to house Court operations until the Sunnybrook remodel is complete which will be the permanent location for the Court.

With a greater number of agencies citing into the Justice Court than initially projected, the need for staffing has increased moderately and now includes four full time Legal Secretaries and two part time Legal Secretaries in addition to the full time Court Administrator and part time Justice of the Peace.

In keeping in line with sustainability goals of Clackamas County, the Justice Court selected a software system that will allow for a "paperless" court. Additionally, the Judge is able to disposition cases electronically from the bench, reducing the need for one to two court clerks in the courtroom. Court

operations officially began on February 23, 2010 with the implementation of the traffic and violation division.

Currently, the Justice Court is implementing an electronic interface with CCSO records department so that the Court will receive citation data once it has been entered by CCSO records staff eliminating duplicate entry by Justice Court staff. Clackamas County Justice Court is also the first Court in the state that will be receiving citations electronically from Oregon State Police. With the efficiencies gained by technology, changes to staff workload should be decreased in order to accommodate the implementation of our civil division (as required under ORS 55.011) later this Fall.

As mentioned during the FY 2010-11 Budget Committee meetings, the Justice Court budget and operations will be revisited during the 2010-11 FY, with a possible budget adjustment at that time to reflect full Court operations and revenue and expense data.

### **Issue One: Distribution of Justice Court Revenues**

With the increase in our customer base, revenues generated by the Justice Court have also increased; however, some monies received by the County are restricted as per **ORS 137.308**.

From March through May, 2010, the Justice Court received \$334,131 in Gross Revenue, of which \$208,177 may be used by the County in the following manner (Attachment A):

- Of the total Gross Revenue received in this time period, 38% is paid to the State of Oregon. 55% is non restricted funds to be used by the County and 7% must be used in the County per ORS137.308.
- Of the total Net Revenue 88% or \$183,640 of the \$208,177 is non restricted and may be used by the County based on existing Board policy and other relevant County needs and priorities. The remaining 12% (\$24,537) is collected under ORS 137.309 as a County Assessment and is restricted.

Attachment B details the manner by which the County Assessment must be distributed:

- 60% for planning, operating and maintaining County juvenile and adult corrections programs and facilities; and
  - Drug and Alcohol programs approved by the Alcohol and Drug Commission.
  - Shall be in a manner consistent with the approved community corrections plan for the County; however,
  - The county may not expend more than 50% of the funds on the construction or operation of a County jail;
  - Prior to budgeting the funds, a County shall consider any comments received from, and upon request, shall consult with the governing body of a City that forwards assessments concerning the proposed uses of the funds.
- 40% to the County Court Facilities Security Account.

Attachment C outlines the various ways fines are distributed according to their classification. In all instances, the State receives a \$37 Unitary Assessment funding distribution first. The second priority is the \$45 Offense Surcharge which is unrestricted County funds, followed by the County Assessment which varies based on the violation. Prior to disbursement of the County Assessment, the Court withholds and disburses to the State, the State Court Facilities Security Account and Law Enforcement

Medical Liability Account dollars. Once all required disbursements are made, the remaining money is the "fine." If the citation for a violation was issued by a Clackamas County Sheriff's Deputy, 100% of the "fine" dollars are unrestricted funds for the County. However, if the citation for a violation was written by Oregon State Police, 50% of the "fine" dollars must be paid to the State while the remaining 50% becomes County unrestricted funds.

**Issue Two: Approval of Pro-Tem Justice of the Peace**

Justice Court operations will require use of a pro-tem Justice of the Peace in the event that the presiding Justice is unavailable or has a conflict of interest in a pending case. County Counsel has advised Justice Court staff that the presiding Justice of the Peace should submit to the Board, for their review, any recommendation for a pro-tem Justice of the Peace. At this time, presiding Justice of the Peace, Karen Brisbin, is recommending Marion County, Justice of the Peace Janice Zyryanoff to be approved by the Board as the Clackamas County Justice Court pro-tem Justice of the Peace.

**QUESTION(S) PRESENTED FOR CONSIDERATION**

1. Should the Board of County Commissioners approve Marion County Justice of the Peace Janice Zyryanoff as Clackamas County Justice Court pro-tem Justice of the Peace?

**OPTIONS AVAILABLE**

1. The Board of County Commissioners could approve appointment of Marion County Justice of the Peace Janice Zyryanoff as Clackamas County Justice Court pro-tem Justice of the Peace.
2. The Board of County Commissioners could defer a decision regarding the appointment of a pro-tem Justice of the Peace to a later date.

**RECOMMENDATIONS**

1. Staff respectfully requests that the Board of County Commissioners approve option 1, the appointment Marion County Justice of the Peace Janice Zyryanoff as Clackamas County Justice Court pro-tem Justice of the Peace.

**SCHEDULE FOR STUDY SESSION**

Division Director/Head Approval \_\_\_\_\_  
Department Director/Head Approval \_\_\_\_\_  
County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact [Kristin Twenge @ 503-794-3802](mailto:Kristin.Twenge@503-794-3802)

\*5/2007 Version