LINN COUNTY JUSTICE COURT

DISTRICT 4A
30 E. Maple Street, P.O. Box 283
LEBANON, OR 97355
(541) 258-5777
Fax (541) 258-5500
linnjusticecourt@co.linn.or.us

MEMORANDUM OF TESTIMONY

TO: Ways & Means Public Safety Sub-committee.

FROM: Hon. Jad Lemhouse on behalf of the Oregon Justice of the Peace Association.

DATE: May 17, 2017

RE: Local Court Report: OJPA Discussion Points

- 1. Preparing and sending the LCR should be a court responsibility.
- 2. Each court should send the LCR directly to the Legislative Fiscal Office.
- 3. Neither AOC or LOC nor any other non-state agency should in any way be responsible for the LCR--that responsibility should be exclusive to the courts.
- 4. The process for courts providing LFO with the LCR on a biennial basis should not be materially different than courts providing the Dept. of Revenue with monthly reports of fine distributions or the statistical reports that were previously required of Justice Courts and Municipal Courts.
- 5. Because Justice Courts are not numerous, the judge who serves as President of the OJPA is in a position that may be utilized to facilitate LCR reporting by Justice Courts.
- 6. Once OJPA became aware that the LCR's for Justice Courts had not been timely submitted, a complete set of LCR's and Summary for Justice Courts was forwarded to Mr. Steve Bender at the Legislative Fiscal Office. (Mr. Bender's Memo was dated 2/27/17; our submission was sent on 3/317.)
- 7. The major problem in getting the LCR to LFO was a lack of concerted outreach to inform and explain the new obligation to report.

Exhibits:

- Exhibit 1. Memo from Douglas Bray dated Jan. 18, 1977; RE: Monthly Statistical Reports.
- Exhibit 2. Statistical Report Relating to Justice of the Peace Courts, June 1989
- Exhibit 3. Memo from Chief Justice Carson dated Apr. 8, 1996; RE Statistical Reporting Requirement.
- Exhibit 4. County Payment Coupon (top); Payment Coupon Criminal Fine Account (bottom).

STATE OF OREGON



SUPREME COURT

SURREME GOURT BUILDING COSALEM GREGOR 97010 . HELEPHONES 503.378.3922

LOREN D. HICKS
State Court Administrator

January 18, 1977

REGEINED
JAN 21 1977

TO:

All Justices of the Peace

FROM:

Douglas Bray

RE:

Monthly Statistical Reports

LEBANON JUSTICE

Enclosed please find a supply of statistical reporting forms and instructions for the current year. Please review the instructions' definition section with your clerk. There is significant change in the definition of closed cases, on page 2 of the instructions, which allows the court to count, for statistical purposes, a case as closed when it is inactive due to the nonappearance of the defendant. The Inactive Cases provision will allow a court to weed out older cases where there is little likelihood of an appearance and without dismissing the complaint against the defendant.

DMB:dl Enclosures

JUSTICE COURT STATISTICAL REPORTING SYSTEM INSTRUCTIONS



LEBANON JUSTICE

PURPOSE

This reporting system has been designed and implemented to provide data on cases filed, closed and pending in the Justice Courts of Oregon. The collected data will be published on a monthly basis by the State Court Administrator. This reporting system has been implemented at the request of the Chief Justice of the Supreme Court pursuant to the direction of ORS 1.006.

THE REPORTING SYSTEM

The reporting system consists of these instructions, a daily entry form (Form JCS-1), and a monthly reporting form (JCS-2). The daily entry form, Number of Transactions by the Day of the Month (JCS-1), is divided into four fields of data. Each data field is subdivided into four categories: civil, small claims, offenses (nontraffic), and traffic offenses. Fields 1 and 4 (Cases Pending First Day and Cases Pending Last Day) require only one entry in the ledger each month. Fields 2 and 3 require the entry of transactions on each day of the month. The daily ledger was designed to provide for the collection of information required to complete the Monthly Reporting Form (JCS-2). The ledger is intended to be an aid to the justice court for collecting data. It is not necessary to submit it with the reporting form at the end of each month.

The Monthly Reporting Form (JCS-2) is to be compiled at the end of each month from the transactions recorded and totaled in the daily ledger. This report must be completed and received in the Office of the State Court Administrator not later than the tenth day of the month following the reported month. Mail the completed monthly report to:

Justice Courts Division
Office of the State Court Administrator
Oregon Supreme Court
Salem, Oregon 97310

DEFINITION OF TERMS

The definitions of the following terms will be observed in the entry and recording of all case transactions:

<u>Case</u>: Any action filed in court for the purpose of adjudication. Case Filed: A case shall be deemed filed when it is officially brought to the attention of the court and entered in a log, docket, or register of court actions for the purpose of adjudication. Traffic offenses filed in a Traffic Violations Bureau shall be considered as cases filed in court.

Case Pending: A case pending is any case that has been filed in the court and that has not reached termination by the last day of the reported month. This includes citations and complaints pending on outstanding warrants for failure to appear.

Case Closed: A case is to be considered closed at the conclusion or closing of the case by judgment, entry of order of dismissal, bail forfeiture, or transfer to another court or jurisdiction. Cases terminated by a Traffic Violations Bureau are to be considered cases terminated by the court. Note: When a defendant is placed on probation, the action is considered terminated at the time the sentence is pronounced rather than upon conclusion of the probationary period. Cases concluded by the assessment of a fine to be paid in installments over a period of time shall be considered terminated at the time judgment is entered and not at the time of the final payment of the assessed fine. Cases appealed from a final judgment of the justice court shall be considered terminated at the time of the entry of the judgment in the justice court.

Inactive Cases: The court may declare a case inactive and closed if it has exhausted the procedural and administrative remedies available to bring the defendant before it and, after a reasonable waiting period, the defendant has failed to appear and answer the charge. A reasonable waiting period shall be at least one-hundred-and-eighty days from the date of the last action taken by the court to secure the defendant's appearance to answer the charge.

A case that is declared inactive and closed shall be counted for statistical purposes as a case terminated notwithstanding the absence of a judgment, order of dismissal, or bail forfeiture in the proceeding.

If a defendant appears to answer the charge in a case that has been labeled inactive and closed for statistical purposes, that case shall not be counted again as a case terminated.

Civil Action: For purposes of this report, a civil case shall be defined as any action for the enforcement of a private right or redress of a private wrong within the civil jurisdiction of justice courts as defined by ORS 51.080 and exclusive of small claims actions.

Small Claims Action: For purposes of this report, a small claims action shall be defined as any action filed in the Small Claims Department of the justice court as provided by ORS Chapter 55.

Offenses: For purposes of this report, the term offenses as defined by ORS 161.505 shall not include traffic offenses as defined by ORS 484.010(10). However, the term offenses shall include all other crimes and violations filed in the justice courts.

Traffic Offense: For purposes of this report, the category traffic offense shall be the inclusive category for all offenses defined by ORS 484.010(10).

AN EXPLANATION OF THE REPORTING SYSTEM

The Justice Court Statistical Reporting System is designed to collect data on four types of cases: civil, small claims, offenses (nontraffic), and traffic offenses. Information is collected on these four types to determine how many are filed each month, closed each month, and carried over into the next month. This information is recorded, by type of case, in the four data fields on the daily entry form, Number of Transactions by the Day of the Month (JCS-1). The total monthly figures for each type of case and each data field are reported to the State Court Administrator on the Monthly Reporting Form (JCS-2).

Field 1

The first field is Cases Pending First Day. This field, subdivided according to the four types of cases, tells us how many cases have been carried to the present month from the last day of the previous month. This field is completed on the first day of the reporting month.

Field 2

The second field, Cases Filed, records the number of new cases to add to the cases pending on the first day of the month. The data is entered daily in Form JCS-1, and the monthly total for each type of case is entered in Form JCS-2.

Field 3

The third field, Cases Closed, records all cases that are closed during the month as defined under the <u>Definition of Terms</u> section of these instructions. The data is entered daily in Form JCS-1, and the monthly total for each type of case is entered in Form JCS-2.

Field 4

The fourth field is Cases Pending Last Day. This field reports the number of cases pending on the last day of the month to be carried over into the

next month. The data entered in this field can be calculated for each of the four types of cases. The data can be calculated by adding the number of cases pending on the first day (Field 1) to the number of cases filed during the month (Field 2) and subtracting the number of cases closed (Field 3). The calculation yields the number of cases pending on the last day (Field 4).

INSTRUCTIONS FOR FORM JCS-1: NUMBER OF TRANSACTIONS BY DAY OF THE MONTH

Field

Instruction

Cases Pending First Day: Enter for each type of case the totannumber of cases pending on the first day of the month. Enter this figure in the space designating the first day and in the "total" column. No further entries are required in this field during the month.

The calculations of the number of cases pending in the justice court for the first reporting month requires a complete case inventory of all pending cases. All subsequent reporting months will use the same data as reported in Data Field 4, Cases Pending Last Day, of the previous month.

- <u>Cases Filed</u>: Enter each day for each type of case the number of cases filed in the justice court. At the conclusion of the month, add the number of cases filed in each category of cases and enter that figure in the "total" column.
 - Cases Closed: Enter each day for each type of case the number of cases closed in the justice court. At the conclusion of the month, add the number of cases closed in each category of cases and enter each total in the "total" column.
 - Cases Pending Last Day: Enter on the last day of the reporting month for each type of case the number of pending cases to be carried over to the next month. Enter this data in the space designating the last day of the month and in the "total" column.

The number of cases pending on the last day of the month may be calculated using the following equation:

Cases Pending First Day

- + Cases Filed
- Cases Closed
- = Cases Pending Last Day

This equation must be applied to each of the four case categories: civil, small claims, offenses (nontraffic), and traffic offenses.

Form JCS-1 is to be retained by the justice court.

INSTRUCTIONS FOR FORM JCS-2: MONTHLY REPORTING FORM

The Monthly Reporting Form is designed for the reporting of the data recorded in the "total" column of the daily ledger of case transactions (Form JCS-1). The monthly form is divided into four vertical columns of boxes, one column for each data field. Each column contains five boxes, one for each case category and the fifth for the total of all cases under the data field.

At the conclusion of the last day of the reporting month, enter the data from the total column of each data field on Form JCS-1 into the appropriate box on Form JCS-2. Total each column of boxes and enter this figure in the "total" box for that data field.

Check the completed Monthly Reporting Form to be certain that all figures are entered correctly and the report balances mathematically. Reports having errors will be returned for correction and resubmission.

Reports should be mailed to this office not later than the tenth day of the month following the reported month. Mail the completed monthly reports to:

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Inactive Cases: The court may declare a case inactive and closed if it has exhausted the procedural and administrative remedies available to bring the defendant before it and, after a reasonable waiting period, the defendant has failed to appear and answer the charge. A reasonable waiting period shall be at least 180 days from the date of the last action taken by the court to secure the defendant's appearance to answer the charge. A court also may declare a case inactive and closed if the defendant is admitted to a pre-adjudication diversion program of one year duration or longer.

A case that is declared inactive and closed shall be counted for statistical purposes as a case terminated not-with-standing the absence of a judgment, order of dismissal, or bail forfeiture in the proceeding.

If a defendant appears to answer the charge, or for further proceedings in the matter, in a case that has been labeled inactive and closed for statistical purposes, that case shall not be counted again as a case terminated.

<u>Civil Action:</u> For purposes of this report, a civil case shall be defined as any action for the enforcement of a private right or redress of a private wrong within the civil jurisdiction of justice courts as defined by ORS 51.080 and exclusive of small claims actions.

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Offenses: For purposes of this report, the term offenses as defined by ORS 161.505 shall not include traffic offenses as defined by ORS 801.555. However, the term offenses shall include all other crimes and violations filed in the justice courts.

<u>Traffic Offense:</u> For purposes of this report, the category traffic offense shall be the inclusive category for all offenses defined by ORS 801.555.

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Field

Instructions

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Justice Courts Divison Office of the State Court Administrator Supreme Court Building Salem OR 97310

Revised 12/84

00840

z, A
county and district
Judge Doe

march 1978

month and year

JUSTICE COURT STATISTICAL REPORTING SYSTEM

Monthly Reporting Form

	FIELD 1 PENDING FIRST DAY	FIELD 2 FILED DURING MONTH	FIELD 3 CLOSED DURING MONTH	FIELD 4 PENDING LAST DAY	
CIVIL	10 -	+ 4 -	<u> </u>	= 9	
SMALL CLAIMS	6 -	- 2 -	- 4 =	= 4	
OFFENSES	15	- 6 -	. // =	- 10	
TRAFFIC	50	+ 42 -	- 45 =	= 47	
TOTAL:	87 -	- 54 -	65 =	- 70	

Z, A
county and district

Judge Doe

april 1998

month and

JUSTICE COURT STATISTICAL REPORTING SYSTEM

Monthly Reporting Form

	FIELD 1 PENDING FIRST DAY	FIELD 2 FILED DURING MONTH	FIELD 3 CLOSED DURING MONTH	FIELD 4 PENDING LAST DAY
CIVIL	9			
SMALL CLAIMS	4			
OFFENSES	10	• .		
TRAFFIC	47	-		
TOTAL !	70		·	
\$ \$	1	larried larch, Tay,	benging	

FORM JCS-2

3.1 Cull 2.3 Offenses 4.4 Troffic 4.2 Small Claims C. 2 4.3 Offenses JUSTICE COURTS STATISTICAL REPORTING SYSTEM 3.2 STATION 2.2 Small Claims FIELD ACTION 1 : THE R Offeren 5 ST COL 2 Offeren 50 S. Fam Fra 15 6 0 **6** Hom Take Was I 7 r • 9 10 7 13 W Mon FIELD 2: Conon Filed 4 19 14 15 16 Number of Transactions by Day of the Month FIELD 4: Coses Pending Less Day FRELD 3: Coses Closed FIELD 1: Cases Pending First Day 17 16 8 21 22 23 Two Wand The MARCH 1978 24 28 28 N 2 Two Wal The Fre march 31, 1998 8 2 47 47 31 TOTAL W 0 Alunn 50 TE SE TOTAL O TOTAL 30

JUSTICE COURTS YEARLY STATISTIC REPORT

	J.P. ANNUAL SALARY	*****************			TRAFFIC	**********	Name
	HOURS PER WEEK	**************************************			MISDEMEANORS	~*************************************	
	X	****			WEIGHT/GAME PARK CIT.	*********	Title
	NO. OF STAFF	**********			JURY TRIALS	***********	Justice of the
	SALARY RANGE	********************************		~	TRAFFIC	**********************************	e Peace County
	PH PH	****			ANNUAL RE	********	nty
	HOURS PER WEEK	******		w.	REVENUE STATE	*****	

STATISTICAL REPORT

RELATING TO JUSTICE OF THE PEACE COURTS IN THE STATE OF OREGON

June, 1989

Compiled by the Office of the State Court Administrator Supreme Court of Oregon

JUSIICE COURT	BAKER Baker	BAKER Huntington	BAKER Richland	COLUMBIA Clatskanie	COLUMBIA	CURRY Brookings	CURRY Port Orford	DOUGLAS Canyonville
Field 1 Pending First Day	196	C	۲		C	Ĺ	C	
Cmp] Cmiclo	107	0 0	10			76		
Offerance	OF C	7 0				0/0/		
Ullelises	7	OT	31		00	79	Ŋ	122
Traffic	1560	30	29		17	502	175	738
Field 2 Filed During Month Civil	14	0	0		0	30		26
Small Claims	7	С	C		~	28	C	32
Offenses	32	11			4	53	0	27
Traffic	581	5			36	206	29	251
Field 3 Closed During Month Civil	9	0	0		0	34	Н	26
Small Claims	0	1	0		С	6	0	32
Offenses	28	8	7		4	47	0	17
Traffic	407	4	36		33	235	32	185
Field 4 Pending Last Day Civil	269	0	1		0	48	Н	0
Small Claims	55	τ	0		0	68	0	0
Offenses	9	13	41		8	89	6	132
Traffic	1734	31	32		20	473	172	804

a service

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JUSTICE COURT	DOUGLAS Drain	DOUGLAS Reedsport	DOUGLAS Glendale	GILLIAM Arlington	GILLLIAM Condon	GRANT Canyon City	HARNEY Burns	HOOD RIVER Cascade Lock
	-	22	C	C	C	31	4	C
\vdash	3	15	0	0	7	119	8	3
-	117	501	113	8	4	194	9	16
H	952	1079	493	522	2	368	447	3037
	2	O	0	0	0	0	1	0
-	1	3	2	1	0	26	4	0
\vdash	S	4	9	3	I	35	6	0
	301	283	171	221	8	117	171	394
	ო	10	0	0	0	0	1	0
	3	9	τ	1	1	7	11	0
H	3	16	7	1	2	12	12	3
\vdash	261	299	129	219	6	77	199	385
	0	21	0	0	0	33	4	0
	1	12	1	0	0	138	1	3
	119	489	115	10	3	217	3	13
\dashv	992	1063	535	524	1	408	419	3046

Lincoln Cty Harrisburg	796			4				107 188	23		3	106 218	1051	335	2	4	
LANE UP/W I	ע	4	4	551	71	0	0	327	٢	~ ~	2	289	72	1	2	589	
LANE																	
LAKE Summer Lk																	
LAKE Lakeview	13	47	224	495	-	19	30	139	0	6	35	95	14	57	219	539	
KLAMATH Chiloquin	145	158	404	9873	C	1	5	617	-	1	10	514	144	158	399	9266	
JACKSON Gold Hill	0	0	17	772	0	0	7	94	0	0	4	83	0	0	20	783	
JUSTICE COURT	Field 1 Pending First Day Civil	Small Claims	Offenses	Traffic	Field 2 Filed During Month Civil	Small Claims	Offenses	Traffic	Field 3 Closed During Month Civil	Small Claims	Offenses	Traffic	Field 4 Pending Last Day Civil	Small Claims	Offenses	Traffic	

													Ī	_			Victor and the second
MORROW Irrigon	21	6	151	1176	0	0	26	119	T,	0	27	205	20	6	150	793	
MORROW Heppner	19	2	48	165	0	3	6	15	0	4	11	46	19	1	46	134	
MARION Woodburn													,				
E. MARION Stayton																	
MAIHEUR Vale	28	91	8	331	2	1	13	146	2	1	2	122	28	91	19	355	
MAIHEUR Nyssa	39	57	15	629	0	11	5	200	9	21	3	275	33	47	17	554	
MALHEUR Ontario	133	78	281	2226	Ŋ	10	20	585	12	10	15	532	126	78	286	2279	
LINN Lebanon	9	19	207	1478	10	13	45	214	10	21	70	444	3	11	182	1248	
JUSTICE COURT	Field 1 Pending First Day Civil	Small Claims	Offenses	Traffic	Field 2 Filed During Month Civil	Small Claims	Offenses	Traffic	Field 3 Closed During Month Civil	Small Claims	Offenses	Traffic	Field 4 Pending Last Day Civil	Small Claims	Offenses	Traffic	

JUSTICE COURT	SHERMAN Moro	TILLAWOOK Tillamook	WASHINGTON Tigard	WHEELER Fossil	WHEELER Mitchell	TOTAL
Field 1 Pending First Day Civil	O	43	37	C	c	0001
Small Claims	0	43	12	0	0	1111
Offenses	121	1964	13	7	2	4738
Traffic	412	1904	1516	18	1	32710
Field 2 Filed During Month Civil	0	က	19	0	O	050
Small Claims	0	19	9	0	0	222
Offenses	29	108	2	9	0	528
Traffic	170	431	1182	13	25	7385
Field 3 Closed During Month Civil	0	3	13	0	0	159
Small Claims	0	10	13	0	0	184
Offenses	23	71	1	9	2	485
Traffic	163	238	1033	22	26	7218
Field 4 Pending Last Day	0	43	43	0	0	1973
Small Claims	0	52	വ	0	0	1149
Offenses	127	2001	14	1	0	4781
Traffic	419	2097	1665	6	0	32977



1163 State Street
Salern, Oregon 97310-0260
Telephone: (503) 986-5700
FAX: (503) 986-5730
TDD (503) 986-5504

THE SUPREME COURT

April 8, 1996

MEMORANDUM

TO:

Clerk of the Court

All Municipal and Justice Courts

FROM

Chief Justice Wallace P. Carson, Jr.

RE:

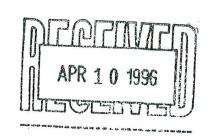
Statistical Reporting Requirement

For many years, the municipal and justice courts of Oregon kindly have provided statistical caseload data to the Judicial Department. As you are no doubt aware, we have not published a municipal or justice court statistical report for some time now.

Due to increased demands on our limited resources, we are not currently able to expend the time required to compile and publish the data that you have been reporting, nor are we likely to be able to devote resources to such an effort in the near future. I am, therefore, suspending any previous statistical reporting requirements authorized by ORS 1.002(1)(b) and ORS 8.125(4) until further notice. You may still wish to compile the information for local use, but you no longer need to send a copy to the Office of the State Court Administrator.

I appreciate your past efforts and willingness to provide statistical information to us. If we have sufficient resources in the future to dedicate to the collecting and disseminating of data on municipal and justice court caseloads, I may again ask for your assistance in providing the information.

WPC:MWM:bkv/E5B96008.F



MUNICIPAL & JUSTICE COURT REPORTING FORM

	Municipal Cou Justice Court		nuary-June ly-December	140	□ Revision YEAR
		Filed During Period	Terminated During Perio		Pending Last Day
Civil					Start
Small	Claims			**	
Misde	emeanors	•		ander Tari	
Viola	tions			<u>1</u>	"老子"
Infrac	etions				
Parki	ng				
TOT.	ALS		20 10 10 10 10 10 10 10 10 10 10 10 10 10		TO 100 TO
	Civil		Court Trials	Jui	ry Trials
	Small Claim	15	事 医端中		N/A
	Misdemeand	ors	1		
ő	Violations	······································			N/A
	Infractions	Office Committee			N/A
	Parking	ing the state of t			N/A
	TOTALS				
	Person Filing Report	t (please print)		Court	
Address					N
1441033				Phone	Number

[9/22/95]

COUNTY PAYMENT COUPON	For the month of:
For Fines, ORS 153.660 Levy and County Assessment.	Month , 20
1. Fines: 4510-3112	Court Name & Address:
2. Court Cost & Fees: 4510/3112	
3. ORS 153.660 Levy (\$16 on cases filed after July 30, 2012)	LINN COUNTY JUSTICE COURT
3a. Jail Assessment (60% of Total) 4210-3124	PO BOX 286
3b. Crt Security (40% of Total) 9991124 R124	HARRISBURG, OR 97446
4. Handling fee prior to 1/01/12: 4510/3112	
5. County Assessment (60% of County Assessment on cases filed Prior to January1, 2012) 4510/3112	(541) 995-8311
6. Total Payment to County	For Internal use only:
	1. 4510/3112: crt cost/fines
Make Check payable to: LINN COUNTY TREASURER	old county assess/handling fee
Mail to: PO BOX 100, ALBANY OR 97321	2. 60% (Jail Assess.) 4210/3124
Payment due date: Last day of the month following the month of collection	3. 40% (Crt Sec Assess.) 9991124R12

OREGON
DEPARTMENT
OF REVENUE

Payment Coupon Criminal Fine Account

	For office use only	y
Date red	eived	
T		

Enter payment amount

Program	Year	Period	Liability	ORS 153.633 CFA	
912	17	05	1 4	\$	
Program	Year	Period	Liability	Fines (state share)	
928	17	05	1 .	\$	
Program	Year	Period	Liability	Other	
926	17	05	1 •	\$	
			TOTAL		
•				\$	

(See back for instructions and mailing instructions)

	BIN	County	Period covered	
9	10581569	LINN	MAY	17

LINN COUNTY JUSTICE COURT PO BOX 286 HARRISBURG OR 97446

Make your check payable to:

Oregon Department of Revenue

150-601-003 (Rev. 01-17)

☐ Check here if address has changed and make any necessary corrections.