



SIXTH JUDICIAL DISTRICT

MORROW & UMATILLA COUNTY CIRCUIT COURTS

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PENDLETON, OR 97801

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HON. DANIEL J. HILL
Presiding Judge

IRMA SOLIS
Acting Trial Court Administrator

February 28, 2023

MEMORANDUM FOR The Public Safety Subcommittee of the Ways and Means Committee

Subject: Morrow County request for Courthouse construction funds – Policy Option Package 122 (SB 5512)

Chair and members of the Subcommittee

It is a pleasure for me to address the Subcommittee regarding the funding request in the Chief Justice's budget to provide funds in the amount of \$6,050,000.00 for the construction of a new Courthouse for Morrow County. I am informed by the Chair of the Board of Commissioners that the County has matching funds available. I am addressing herein the critical need for the new courthouse and asking for your support.

Executive Summary

The 6th Judicial District consists of Umatilla County and Morrow County and the five Judges, one mostly grant funded Limited Duration part-time Referee Judge, for treatment court and limited general jurisdiction. Support staff consists of 40 permanent and two grant funded staff for both Umatilla and Morrow County. The 6th Judicial District has a standing request for an additional full-time elected judge and a permanent referee judge. For Morrow County, the Judges of the Judicial District provide daily in-person or video judicial support, in conjunction with the three permanent court staff. On average, the court provides in-person judicial support nearly every Thursday, many Fridays, and during the week if there is a trial. As noted below, case filings are increasing even without Measure 110 offenses, and the increased need for judicial services then impacts the ability to provide services in Umatilla County. In short, we are stretched thin, and this

courthouse will greatly improve our ability to provide services to Morrow County residents as we expand judicial time response to meet the service needs in Morrow County.

The courthouse was designed in an eclectic style, borrowing elements from Baroque and American Renaissance. The building is composed of a distinctive blue basalt from the A.W. Osmin quarry just outside of Heppner with sandstone accents from the Baker area. The central feature is a tower that terminated in a domed cupola and contained clock from Seth Thomas Clock Company in New York. The building was completed in March of 1903 for a cost of \$56,900. Soon after, a flash flood of nearby Willow Creek wiped out a large section of the town of Heppner leaving 247 dead and hundreds more residents homeless. The new courthouse, located on high ground, was spared from flood damage and served as a temporary shelter for residents in the aftermath.



The request for you to consider for Morrow County is a request for construction funds to replace the Courthouse in Heppner. The rough plan on which the request was based came from a 2021 feasibility study resulting in the plan to build a separate new construction, with all other alternatives being determined to be unfeasible. The old Courthouse, in turn, can be used for County services, including the Justice of the Peace.

As defined in ORS 1.185, in my capacity as Presiding Judge, I have determined that the courthouse in Heppner is unsuitable and insufficient to provide adequate courtrooms, jury spaces (assembly and jury rooms), and court offices. For example, it is inadequate for ADA access, deficient in providing for courtroom space, jury space, jury assembly space, security, attorney/client rooms, and custodial holding cells.

Some further highlights of the problems with the Courthouse follow. The courtroom size is inadequate to safely hold two party trials let alone multi-party trials, and juvenile matters such as shelter care with multiple attorneys. The judicial office is shared by the justice and circuit court judges. It is accessed by a corridor shared with staff, jurors, and potentially in-custodies. It is near the courtroom but does not have adequate sound insulation separating jury deliberation. Office does have a tiny private restroom (not ADA compliant) and a private access hallway to the courtroom. There is no assigned jury assembly space within the historic courthouse. Jury assembly is currently done at the Bartholomew Building next door, causing jurors to walk and climb stairs, moving about 200 feet back and forth as needed. Administrative offices are located on the public corridor, but not directly connected to private corridors. Duress alarms are not currently provided.

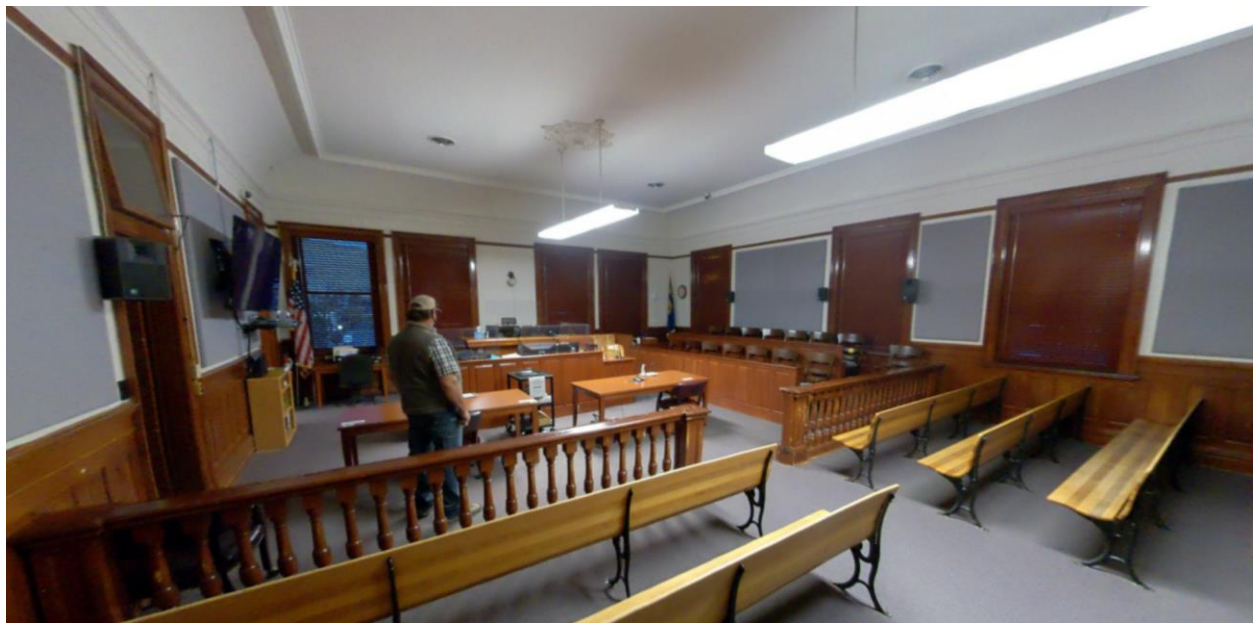
The Administrative Area is crowded. Public service occurs through a transaction shelf attached to the office entry door. There is a public terminal located within the secured area. Record and file storage is occurring out in the open with little to no secure storage. There is no dedicated space for a court facilitator. There are no attorney/client conference rooms within the courthouse. There are no separated waiting areas for adverse parties within the courthouse. There is no space for mediation services. In-Custody receiving, holding, and transportation do not meet JCF requirements. There is a totally inadequate holding area in the basement, and one holding area – in the courtroom, no sally port, control center, dress-out, property and clothing storage, attorney interview space, etc. In-Custody is taken from basement to open area behind the courtroom via elevators, stairs and corridors that are shared with public and staff. Poor jury conditions, and inadequate in-custody management tends to create a condition where in-custody trials are ripe with a very high chance of mistrial.

The course of action determined provides a substantial renovation of the existing Courthouse to organize its operations primarily around County functions and builds a new circuit court facility on a different site, co-locating

the District Attorney in the courthouse, and providing for attorney/client rooms, the location of which to be in Heppner.



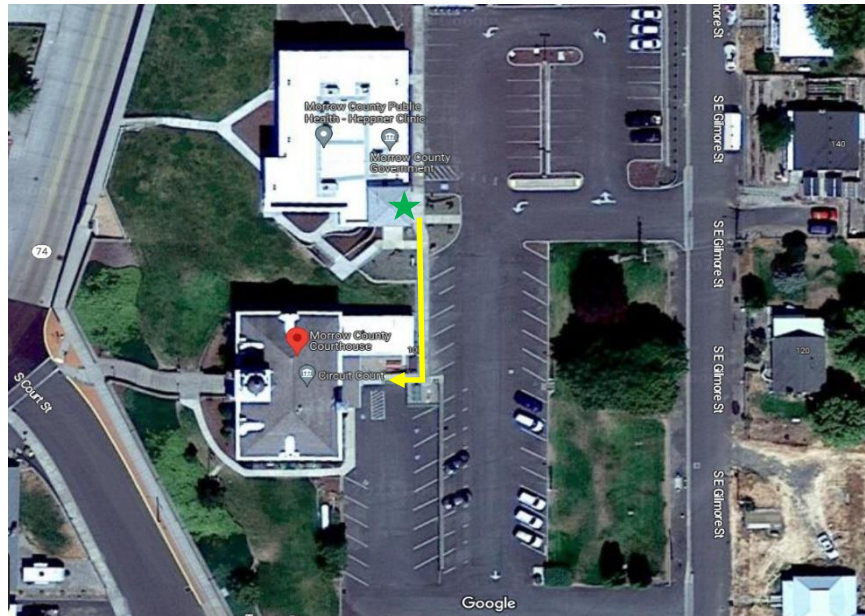
Morrow County Court service 'window'



Morrow County Courtroom
MM



Morrow County Jury Room



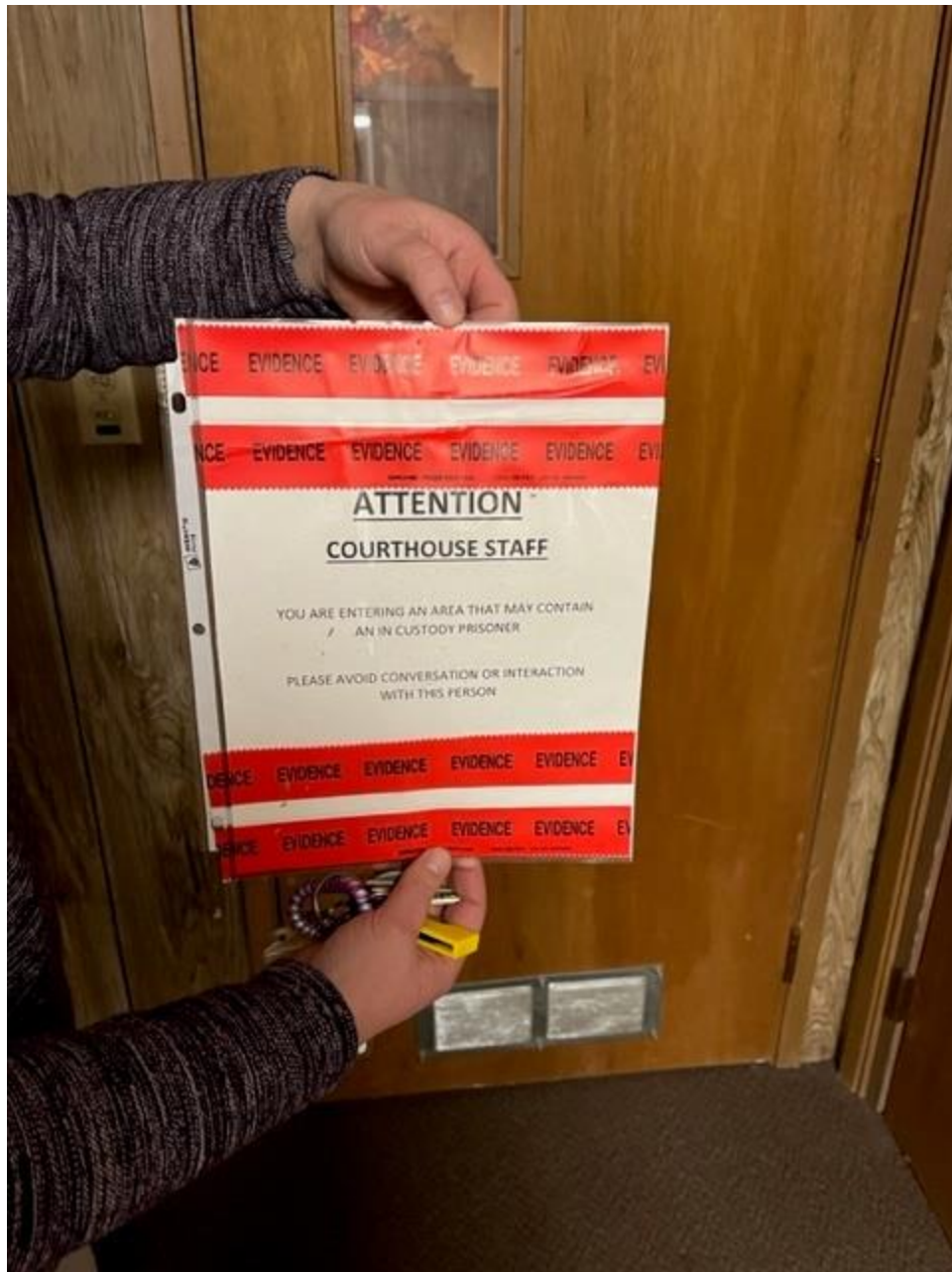
Jury Assembly is in the building on top of the photo next to the courthouse



Morrow County holding area at back of courtroom

Below are pictures of the basement holding area:





Some things are priceless

Discussion

The Heppner Courthouse is inadequate as required under ORS 1.185.

The Circuit Court under ORS 166.360 defines “court facility” and “public building,” and thus the whole of the courthouse at Heppner, Oregon is contained in the definition of courthouse. As authorized by ORS 1.085, the Chief Justice has designated the county courthouse as the principal location for the sitting of the circuit court (or other structure located in the county seat that serves as the facility provided by a county pursuant to ORS 1.165). See, Chief Justice Order 98-007. Circuit Court judges fulfill their constitutionally mandated duties to administer justice both in courtrooms and in chambers. See, e.g., ORS 3.070 authorizing a circuit court judge to, in chambers as fully and as effectively as if in open court, “grant and sign defaults, judgments, interlocutory orders and provisional remedies, make findings and decide motions, demurrers and other like matters relating to any judicial business coming before” the judge, including hearing contested motions. In performing their judicial duties, judges of the state courts frequently possess information accorded confidential status by state and federal laws, privileged information, and information containing highly personal facts and data. Courts are obligated to maintain the confidential and privileged nature of the sensitive information they receive by ensuring that access to that information is restricted to the judges who possess it, and when necessary, court staff who assist the court in performing its duties whether as custodians of the courts’ records and files or as judges’ assistants. Consequently, given the nature of a circuit court judge’s constitutional and statutory duties and obligations, it is imperative that each circuit court judge is provided meaningful workspace, chambers, in which a judge can accommodate parties and attorneys for hearings or other judicial business and in which a judge may privately review documents filed with or provided to the court. ORS 1.185 requires essentially that the County shall provide for suitable and sufficient courtrooms, staff offices, jury rooms, and space for the judges. For the Circuit Court, the facilities required to be provided are suitable and sufficient courtrooms, offices and jury rooms for the court, the judges, other officers and employees of the court and juries in attendance upon the court. ORS 1.171 empowers the Presiding Judge to issue orders to regulate Circuit Court Judicial business. That includes regulating operations of activities within the court offices and courtroom. ORS 1.180 essentially makes the Presiding Judge responsible for managing security policy within the whole courthouse. The Presiding Judge shall regulate the disposition of the judicial business of the circuit court under ORS 1.171. Pursuant to ORS 1.185 the county ‘shall’ provide suitable and sufficient courtrooms, offices,

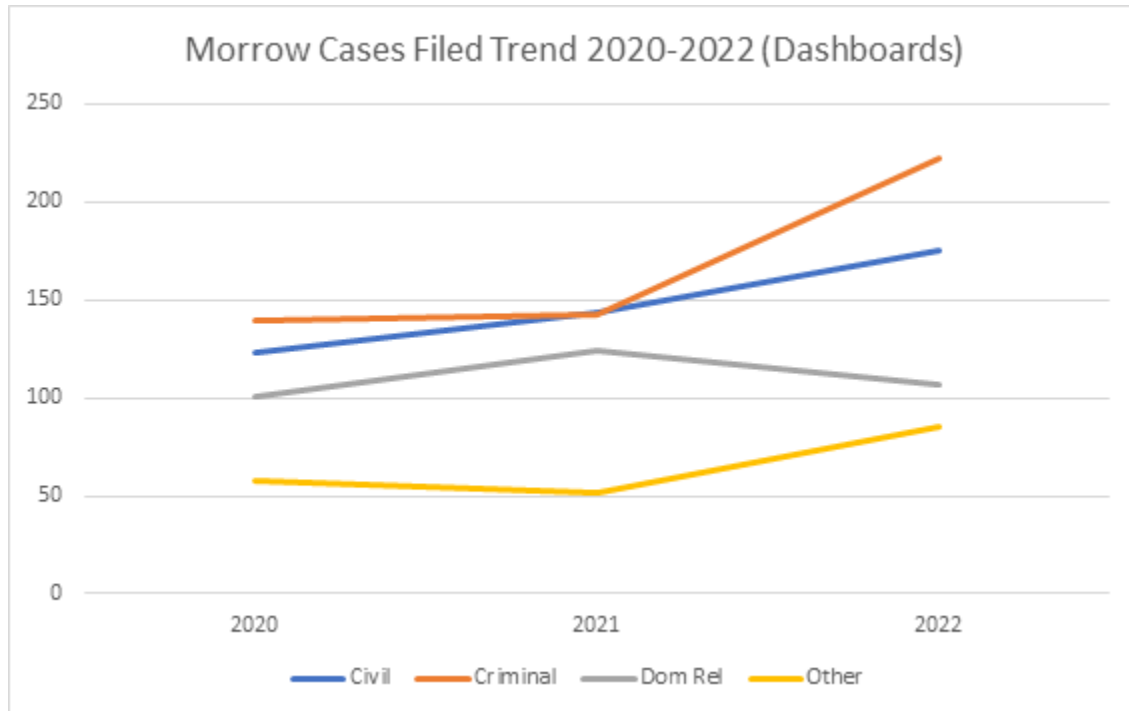
and jury rooms for the circuit court, including the judges, and employees of the court. Pursuant to ORS 8.225 the Trial Court Administrator is responsible for maintaining the records of the Circuit Court. Essentially, all of these requirements are either adversely impacted, or non-existent in the current courthouse.

Capacity and Future Need Discussion

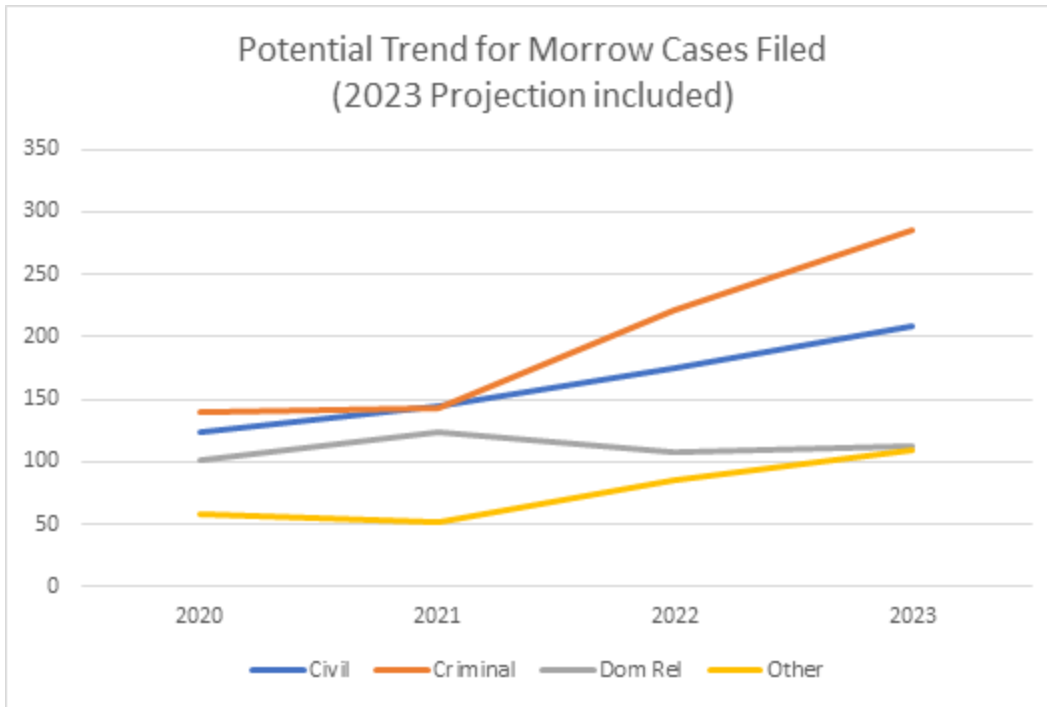
Morrow County's estimated 2023 population is 12,489 with a growth rate of 0.82% in the past year according to the most recent United States census data. Morrow County, Oregon is the 29th largest county in Oregon. It is supported by the Umatilla County jail. The jail has a maximum capacity of 252 and an average capacity of 203-235. Each month the jail has approximately 330-350 intakes. The Circuit Court manages all of the felony, many misdemeanors, and all civil other than small claims and forcible eviction and detainer. The Justice Court, operating in Irrigon and also out of the Heppner Courthouse administers most misdemeanors, small claims, forcible eviction and detainer cases, and violations. This is worth noting as if the Justice Court was ever closed by the political authority, then the current Circuit Court would be even more inadequate to be able to address those additional cases. Only a new courthouse can accommodate such additional use. As is shown on the below 'dashboards', case numbers are increasing. Over the course of time the need for additional judicial services in Morrow County has increased. Moreover, criminal and larger civil cases in Morrow County tend to be complex even if relatively few. Please note that case filings are actually up even though Measure 110 drastically reduced filings, though there is an overall increase in serious offenses with a drug causation or nexus. The increase in population, particularly from the North End of the County along I-84, has increased the need for domestic relations and family law matters. The increase in case complexity, self-represented persons, and case load, all has made operations in the current courthouse extremely stressed. The tiny jury room is not very adequate for a 6 person jury let alone a complex case with 14-16 jurors. The judges share a 'chambers' with the Justice of the Peace, a totally unacceptable situation. The courthouse was built for operations existing in 1903, and certainly not for 2023, 120 years later.

MOR Cases Filed by year and case type				
	2020	2021	2022	2023*
Civil	123	144	175	32
Criminal	140	143	222	43
Dom Rel	101	124	107	12
Other	58	52	85	10
Totals	422	463	589	97

*2023 numbers are filings through 2/15/2023



Growth from year to year							
	2020	2021	change	2022	change	Avg Change	2023 projection
Civil	123	144	17%	175	22%	19%	208
Criminal	140	143	2%	222	55%	29%	286
Dom Rel	101	124	23%	107	-14%	5%	112
Other	58	52	-10%	85	63%	27%	110



I thank the Subcommittee for its hard work in assessing need across the State for use of the State’s limited resources and assure the Committee that this is a true need to address issues our region and provide the critical judicial services the people of Morrow County need and deserve. Please support the request of Morrow County for this critical construction.

Submitted:

Daniel J. Hill, Circuit Court Judge

**DANIEL J. HILL
PRESIDING JUDGE**