



# MORROW COUNTY DISTRICT ATTORNEY

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March 7, 2023

TO: The Public Safety Subcommittee of the Ways and Means Committee  
RE: Support for SB 5512 POP 122 (Construction Bonds for Future OCCIF New Courthouses)  
Support for SB 5512 POP 116 (Court Security Entrance Screening)

Co-Chairs and members of the Subcommittee,

As a life-long Morrow County resident and Morrow County District Attorney since 2010, I have had the opportunity to see the rapid growth in Morrow County and the need for new courtroom space for the Morrow County Circuit Court. This increase growth in criminal cases, and increase legal requirements with dealing with jurors and in-custody defendants has shown that the current historic courthouse would require extensive changes to meet the needs if the circuit court. Remodeling the history courthouse is not a feasible solution based upon the cost to remodel and the concerns with remodeling our historic courthouse that still adequately serves other county functions. I believe at this time the best and only solution is to build a separate facility for the circuit court that can provide the space and security that is not required.

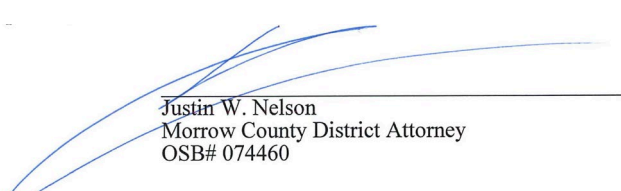
In particular, the following issues currently exist with our courthouse:

- No space for defense attorney to meet with clients in private.
  - There are not private conference rooms or offices available.
  - \*\*Please see letter from Blue Mountain Defenders LLC Managing Director Dan Stephens.
- Ability for jurors who are sitting in jury room to hear what is occurring in court.
  - Court staff are required to play music or “white noise” in the room if a attorney wishes to make legal arguments on a motion outside the presence of the jury.
  - I do not believe the court can guarantee that jurors have not heard these legal arguments during prior trials.
- Court Security made to work.
  - The courthouse building itself, courtroom, and waiting area were never designed with court security in mind. We have tried to make it work as we can by adding a single metal detector upstairs. However, that metal detector is only used on court days, and at all other times there is no court security in the building.
- In-Custody defendants required to “sneak in” to courthouse.
  - If a defendant is transported from the jail to the courthouse for a jury trial, we are required to bring that defendant in either (1) very early, or (2) wait until all jurors have arrived and are sealed in a sperate room, so that jurors do not see the defendant bring brought into the

- courthouse.
- The only location to bring a defendant is the main entrance used by jurors and anyone else coming into the county building. The defendant is generally brought in by sheriff office security and they will be in handcuffs. The jury is not allowed to see the defendant in this way, and a juror who see's the defendant like this can lead to a mistrial.
  - Jury deliberation space
    - Currently the jury deliberation room has difficulty holding 12 jurors.
    - The only bathroom available to the jurors in the jury deliberation room is in a small closet in the room, which is approximately 3-4 feet from the jury deliberation table. There is absolutely no privacy for jurors needing to use the restroom. The only other option for jurors is to use the public bathroom of the courthouse, which is not feasible during jury deliberation or trials since that is the same area used by attorneys, witnesses, court staff, etc.
  - Defendant holding cell
    - Morrow County does not have a specifically designed/designated holding space for in-custody defendants. The defendant either waits on the back bench of the courtroom, or is taken down to the basement of the courthouse in the employee break room area and held there.
    - County staff have raised concerns to the county that this is not a safe environment for county employees and have requested that this practice cease.
  - Technology and History Buildings
    - Oregon Circuit Courts have recently embraced technology in the courtrooms, with the COVID-19 pandemic pushing the changes even more. Currently all of our in-custody matters are heard via WebEx video, and many of our court dates include witnesses, victim, attorneys, and defendants sometimes appearing via video.
    - The current court space has one single television in the courthouse that is used for both WebEx and for trial purposes. We currently cannot utilize both WebEx court and presenting digital evidence at the same time because they use the same screen. Unlike other newer courtrooms that may have multiple displays, Morrow County has been limited by its current spacing to only one television.
    - This television is also difficult for both defendants, jurors, and the court to see at the same time for a trial.

I believe the building of a new courthouse for circuit court purposes will solve the issue mentioned above, and allow the current historic courthouse to continue to serve the needs of Morrow County residents. The current courthouse will still be used by the Morrow County Clerk, Assessor, Justice Court, and County Treasurer. The move would also open additional space for Morrow County employees as the County continues to grow each year.

Thank you for your time,



Justin W. Nelson  
Morrow County District Attorney  
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# Oregon Judicial Department

## Court Security Entrance Screening

POP 116

### Safe Courthouses: Court Security Entrance Screening

#### Key Points

- ✓ Local Court Security Accounts have been chronically underfunded for years.
- ✓ Most court facilities have no entrance screening, and some courts may lose their entrance screening because of lack of funding.
- ✓ OJD is proposing a partnership with counties to provide safe court facilities for our court users, court staff, and judges.

OJD's mission is to provide fair and accessible justice services that protect the rights of individuals, preserve community welfare, and inspire public confidence. To fulfill this mission and inspire public trust and confidence in those we serve, it is important for people to feel safe when they enter our courts. Of the 36 circuit courts in Oregon, only 14 counties have entrance screening to protect our court users, court staff, and judges. All state court facilities need security entrance screening, but local court security accounts have been chronically underfunded for years.

#### All State Court Facilities Need Security Entrance Screening

Local court security accounts authorized under ORS 1.178 and 1.182 supplement court security provided by local Sheriff's offices. Unfortunately, the funding stream has been insufficient for many years and court security needs have increased, putting additional pressure on local court security accounts. Courts like Benton and Jackson have either had to downgrade or consider closing screening stations due to declining revenues, while courts with no security screening remain vulnerable, without a viable remedy. Many other courts are not able to provide basic security improvements or upgrades, such as security cameras. Sadly, violence against judges has been increasing across the country.<sup>1</sup> Without additional court security funding to meet minimum security standards, all court occupants – including both users and staff – are at risk.

#### A Partnership with Courts and Counties

To establish a minimum-security standard for all court facilities, OJD is asking for a state investment to provide funding for security screening equipment in 22 counties that have no entrance screening and share the costs of screening personnel with counties for all court facilities statewide. Counties will also ensure there is only one public entrance into the court facility and continue to provide on-site law enforcement.

#### Counties With No Court Security Entrance Screening

Clatsop	Hood River	Polk
Columbia	Jefferson	Sherman
Coos	Josephine (Juvenile)	Tillamook
Crook	Lake	Umatilla
Curry	Linn	Wallowa
Gilliam	Malheur	Wasco
Harney	Morrow	Wheeler

#### Questions?

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Approving this package would provide \$12.5 million GF to implement the minimum-security standard for all court facilities established in Chief Justice Order (CJO) 17-072.

<sup>1</sup><https://www.nycbar.org/media-listing/media/detail/the-disturbing-trend-of-threats-and-violence-against-judges-and-the-vital-importance-of-judicial-security>



# Oregon Judicial Department

## POPs 119, 121 & 122

### Safe and Efficient Courthouses: Planning, Construction, and Improvement Projects

#### Key Points

- ✓ Many counties cannot afford to replace unsafe courthouses without state assistance.
- ✓ The Legislature created the OCCCIF and the SCFSA to make funding available for courthouse repairs and replacements. Projects must meet specific criteria.
- ✓ Counties must provide matching funds for OCCCIF projects and work with circuit courts to develop and submit requests to the AOC Court Facilities Task Force which makes recommendations to the Chief Justice.
- ✓ The Chief Justice submits prioritized requests to the Legislature every two years.

#### Questions?

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The Chief Justice works with the Association of Oregon Counties (AOC) to produce and submit a prioritized list of courthouse capital projects as part of the Chief Justice's Recommended Budget (CJR). In addition to county and court submissions, priorities are informed by two reports:

1. In 2008, the Legislature funded a study to assess court facilities from "best-to-worst" (e.g., seismic, security, ADA, etc.).
2. In 2016, the Legislature requested the Oregon Judicial Department (OJD)/AOC to prioritize and estimate costs for projects likely to be requested in the next 12 years.

#### POP 119 - Planning for Future Oregon Courthouse Capital Construction and Improvement Fund (OCCCIF) Projects

Some courthouse replacement planning and feasibility costs cannot be funded using state bonds. The state has provided a General Fund match to cover these costs in the early stages of the project, prior to providing bond funding for the construction phases. The following planning project requests total \$4.7 million in general funds for the following counties:

Project	2023-25 GF Request
Harney**	\$3,000,000
Hood River	\$42,549
Lincoln	\$56,250
Polk	\$225,000
Washington	\$1,250,000
Umatilla	\$100,000
<b>Total</b>	<b>\$4,673,799</b>

\*\* Harney County's project could be funded in POP 119 or POP 122

#### POP 122 – Construction Bonds for Future OCCCIF New Courthouses

The following construction project requests total \$87.1 million in bond funding for the construction phase of the replacement projects and \$167.1 million in OF limitation.

Project	2023-25 Bond Request
Clackamas*	\$61,740,000
Benton*	\$5,095,000
Curry*	\$10,730,000
Harney**	\$3,000,000
Morrow	\$6,505,000
<b>Total</b>	<b>\$87,070,000</b>

\* Continued projects

\*\* Harney County's project could be funded in POP 119 or POP 122



## POP 121 - State Court Facilities and Security Account (SCFSA)

The following repair/improvement project requests total \$8.7 million in Criminal Fine Account (CFA) funds or general funds for repairs and improvements to existing courthouses.

County	Project	2023-25 CFA/GF Request
Benton	Roof and Boiler	\$555,000
Clatsop	Security Improvements	\$301,020
Columbia*	Remodel to expand court space	\$2,000,000
Coos**	Carpet, Windows, Paint	\$800,000
Douglas	Elevator and Exterior Refurbish	\$2,025,000
Josephine*	Second phase of courthouse remodel	\$750,000
Lake	Elevator	\$84,656
Tillamook**	County Annex	\$1,000,000
Umatilla	Security Improvements	\$465,000
Wasco	Elevator and Remodel	\$705,000
<b>Total</b>		<b>8,685,676</b>

\*Continued projects

\*\* These projects are new, however in the 2021-23 biennium other courthouse improvement projects were completed in these counties.