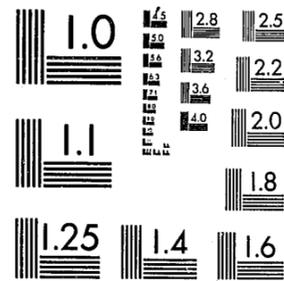


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**DISTRICT COURT
TRAFFIC AND PARKING FEE AND FINE
COLLECTION SYSTEMS
DEPARTMENT OF JUSTICE SERVICES**

Internal Audit Report
#1-79
June, 1979



MULTNOMAH COUNTY OREGON

JEWEL A. LANSING, CPA
COUNTY AUDITOR
ROOM 412, COUNTY COURTHOUSE
PORTLAND, OREGON 97204
(503) 248-3320



JEWEL LANSING, CPA
COUNTY AUDITOR
ROOM 412 COUNTY COURTHOUSE
PORTLAND, OREGON 97204
(503) 248 3320

MULTNOMAH COUNTY OREGON

Internal Audit Report #1-79
June 12, 1979

To: Don Clark, Chairman
Earl Blumenauer, Commissioner
Dennis Buchanan, Commissioner
Gladys McCoy, Commissioner
Dan Mosee, Commissioner

Re: ~~X~~ Traffic and Parking Fee and Fine Collection Systems of the
Multnomah County District Court
Department of Justice Services

The attached Internal Audit Report #1-79 concerns our examination of the traffic and parking collection systems of the District Court of Multnomah County. A companion Report to Management #E-79 being issued concurrently with this report addresses more detailed internal management concerns.

Several people requested that we conduct this review of the fee assessment and fine collection systems of the Multnomah County District Court. Requests for audit were made by the Director of the Department of Justice Services, the District Court Administrator, the Presiding Judge, and the Chairman of the Board of County Commissioners. We had also noted cash handling deficiencies last spring in our report #B-78. This review has afforded us an opportunity for detailed follow-up of those items.

The County Auditor's office has assigned a high priority to Justice Services matters in the last two years. Reasons for this priority include the high interest level of the Board and the Chairman of the Multnomah County Commissioners, the concurring opinions of the Auditor's Citizens Advisory Committee, the complexity of the system, and the continuing acceleration of Justice Services costs.

On May 4, 1979, we furnished copies of a first rough draft of this report to all District Court judges, the District Court Administrator, and the Director of Justice Services. We requested comments and corrections from them which were incorporated into our report. A second working draft and a final draft

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IAR #1-79
COVER LETTER
DISTRICT COURT
June, 1979

were again circulated to these same fifteen people, as well as others, to allow opportunity for clarification of facts and issues.

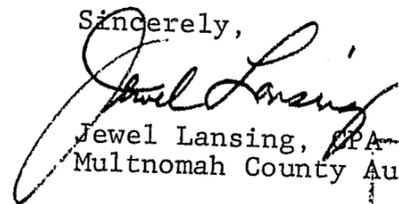
Among agencies which received portions of the draft were the Multnomah County District Attorney and Sheriff, the Oregon State Police and Motor Vehicles Division, the City of Portland Police and Traffic Departments, and other agencies which deal directly with the District Court on a regular basis. The assistance of these support agencies has been sought and received during our study. We requested that each of these agencies notify us of any errors or omissions they noted in the draft. The assistance of these external agencies will continue to be needed in the follow-up period.

Responses to this report by District Court Administrator Wesley Carter, three individual judges, the Director of Justice Services Tuck Wilson, and the City Traffic Engineer, Don Bergstrom, are attached at pages 48-68. Since our report addresses both executive and judicial branch functions, we would appreciate receiving a written status report from both the Court Administrator and the Director of Justice Services within six months indicating what progress has been made concerning the areas covered by our recommendations. Minimum circulation of that response should include all County Commissioners, the County Executive Officer, and the County Auditor.

We understand that the Director of the Department of Justice Services will be making a follow-up review of matters discussed in this audit within the next six to nine months. This review should indicate whether or not further follow-up by our office is needed.

The cooperation of the District Court Administrator and his staff during our review has been much appreciated.

Sincerely,


Jewel Lansing, CPA
Multnomah County Auditor

Audit Team:
Jody Olson
Michael Miller
Geary Lewis
Alan Percell
Attachment

N CJRS

JUN 5 1981

ACQUISITIONS

Internal Audit Report #1-79
June, 1979

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MULTNOMAH COUNTY OREGON

JEWEL LANSING, CPA
COUNTY AUDITOR
ROOM 412, COUNTY COURTHOUSE
PORTLAND, OREGON 97204
(503) 248-3320

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DIGEST

One out of every three parking tickets issued in Multnomah County is not being paid; accountability for enforcement is diffused between City and County on the one hand and judicial and executive branches of County and State government on the other; both parking and traffic citations have been dismissed without adequate review or documentation; parking and traffic documents are not properly safeguarded; and a backlog of parking fines collected but unprocessed has not been adequately protected in the District Court of Multnomah County.

We believe that traffic and parking citations could easily disappear without trace. The traffic and parking collection systems of the Multnomah County District Court lack the basic checks and balances necessary to ensure against possible abuse. While we found no malfeasance, we found major deficiencies in the court's and law enforcement agencies' controls over parking and traffic citations.

Responsibility for administrative control of parking enforcement functions is not clearly defined. District Court judges feel their responsibility ends when they issue a warrant. They do not feel responsible for enforcement policies and procedures. Contractual obligations between the City and County for towing and other parking enforcement need clarification.

Steps have already been taken by the District Court judges to correct one of the major deficiencies we found in the Traffic Citation System: administrative dismissals of traffic infractions are no longer authorized. Traffic infractions, including many moving violations, were dismissed by use of a court stamp at the time of our audit tests. At least seven people had access to the safe in which these two stamps were kept overnight.

Control over dismissal of parking tickets is still inadequate. Documentation is not generally retained nor is second-

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party review always required.

Blanket write-offs of 122,000 unpaid parking tickets, representing at least \$3/4 million in unpaid bail, occurred in 1978. Some of these tickets were only 12 months old. Towing of vehicles by the City of Portland has almost stopped. Repeat offenders are abusing the systems. (Two vehicles accumulated one hundred tickets each in 1978.) The City receives the coins from the meters while Multnomah County retains all the bail/fine money.

A great deal of power has been delegated over the years to the District Court Administrator. Administrative powers, such as the ability to hire and fire personnel and schedule pro tem judges and court appointed attorneys, has been mixed with judicial authority such as the responsibility for directly dismissing certain types of tickets. (Part of this authority was rescinded in May, 1979.) Judges have indicated their willingness to review all current court policies soon.

Our recommendations to the District Court judges for the long-term improvements of the weaknesses we found, which are discussed in more detail later in this report, are summarized below:

- Assume more administrative responsibility or shift administration of traffic and parking collection systems to the executive branch of County government.
- Enlist cooperation of enforcement agencies to crack down on parking violators and support proposed license-withholding law.
- Tighten controls and security over citations, money, and information transmittal.
- Review and update existing District Court administrative policies.



MULTNOMAH COUNTY OREGON

JEWEL LANSING, CPA
COUNTY AUDITOR
ROOM 412, COUNTY COURTHOUSE
PORTLAND, OREGON 97204
(503) 248-3320

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June, 1979

FEE AND FINE COLLECTION SYSTEMS DISTRICT COURT

BACKGROUND

District Courts in Oregon have jurisdiction over most misdemeanor criminal cases*, preliminary hearings in felony cases, civil cases of \$3,000 or less, and small claims of \$500 or less.

Multnomah County has 13 District Court judges. (Pro tem judges also sat for 440 days - the equivalent of about two full-time judges - in Multnomah County District Court in 1978.)

District Court judges are elected in a non-partisan ballot for six year terms. The salaries of the judges are paid by the State, but all other Court expenses are borne by the County.

In January, 1972, the Multnomah County District Court assumed responsibility for, and merged with, the Portland Municipal Court. Since the merger, the average yearly caseload has been approximately 490,000 cases.

As of January 1, 1977, the District Court was designated as a Court of Record, requiring permanent recording of its proceedings for the first time. In February, 1978, the Gresham Municipal Court was taken over by, and merged with, Multnomah County District Court.

During the calendar year 1978, 342,817 parking cases, 107,088 traffic cases, and 4,189 other cases involving citations were filed in Multnomah County District Court. Over \$3½ million in

*District Court has jurisdiction over misdemeanor criminal cases, including traffic offenses which are punishable by a fine of up to \$1,000, imprisonment of one year or less, or both.

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fees, fines, and other revenue was collected by the Court in fiscal year 1978. Approximately \$850,000 in disbursements and refunds left \$2.7 million net revenues to the County. (See Appendix C.) The Court's fiscal year 1979 budget is \$2 million with 114 approved personnel positions. (See Appendices A and B.)

The District Court is given responsibility by state law for managing docketing (i.e., scheduling court appearance dates) and some other court affairs. The judges elect one of their number as presiding judge each fiscal year. The current presiding judge is William Beers, who will be completing the maximum two successive terms allowed by court rules at the end of June, 1979.

Responsibility for administering County Clerk and District Court Clerk functions (maintenance and custody of Court files and records) is assigned to a District Court Administrator who serves at the pleasure of the District Court judges. The current District Court Administrator, Wes Carter, transferred to District Court from the old Portland Municipal Court when the two courts merged in 1972. Carter has been with the two courts for about 13 years.

SCOPE OF AUDIT

The scope of this report covers the parking and traffic citations processing and collection systems of District Court. We designed tests to determine whether public records are available indicating the disposition of all tickets issued; the reliability of financial and support data affecting charges, bail money, and fines collected by District Court; and the adequacy of complementary internal controls throughout the system.

Our audit did not result in the design of a new system and was not intended to do so. As auditors, we examine existing accounting and management systems and attempt to pinpoint their weaknesses. We make general recommendations and identify some possible alternatives for dealing with problem areas. These recommendations are not intended to be all-inclusive, but rather are beginning tools for management's use in setting their own directions.

Many areas of District Court's operations were excluded from our study. We did not review District Court docketing procedures. We did not review the civil and small claims sections. We did

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not analyze job assignments of individual court employees, such as a time/motion or productivity measurement might do. We did not analyze District Court budgeted expenditures in detail.

Our major findings and recommendations concerning areas of public policy are included in this report, Internal Audit Report #1-79. An additional companion report, Report to Management #E-79, will be released concurrently with this report, and discusses more detailed management concerns.

PARKING TICKETS

Enforcement agencies issued an average of over 1,100 parking tags a day in Multnomah County in 1978. (See Appendix G-1.) Most of these citations are written by the City of Portland's Parking Patrol officers.*

People can pay their parking fines by mail or in person at the Multnomah County Courthouse, Room 110, or at the Gresham District Court at 50 N.E. Elliott. Parking violation bail/fines include a minimum of \$3 for overtime parking, \$5 for parking too close to a fire hydrant, \$10 for leaving keys in a car, a maximum of \$15 for double parking. Fines double if not paid within seven days.

A warrant can be issued for the impoundment of the vehicle if no bail/fine or hearing request is made within fourteen days. Unless a warrant is outstanding against a vehicle, a court appearance can be requested in lieu of paying a fine.

Eight positions are assigned to the District Court parking tag section. Room 110 of the Court Courthouse is open twenty-four hours Monday through Friday to receive fines and bail monies.

*Some tickets are also written by the County Sheriff's Office and Portland Police when a parking violation is an impediment to traffic. The Port of Portland, City of Gresham, and the University of Oregon Health Sciences Center also issue some parking tickets which are processed through the District Court.

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Revenues from parking tickets are shared with the agencies who issue the tickets. The Port of Portland and the City of Gresham share 50%/50% with the County. The City of Portland retains the money deposited in the parking meters while the County keeps all fine revenue.* The University of Oregon Health Sciences Center retains everything except \$75/month. (See Appendix C.)

TRAFFIC CITATIONS

Traffic citations are issued for violating rules of the road. Many traffic infractions (e.g., speeding and illegal turns) can be paid without appearing in court. But, individuals charged with major traffic offenses must appear in court. Major traffic offenses include reckless driving, driving while under the influence of intoxicants, leaving the scene of an accident, operating a motor vehicle while driver's license was suspended or revoked and attempting to flee or elude a police officer.

In 1978, 106,833 traffic citations were posted to District Court computer records. (See Appendix G-2.) The City of Portland Police Department issued about 60% of the total, Oregon State Police about 20%, the Multnomah County Sheriff's office issued about 15%, and the City of Gresham, City of Troutdale, and the Port of Portland combined issued less than 5% of the remaining citations.

The District Court traffic section is open 24 hours per day, starting at 8:00 a.m. Monday, through 12 midnight Friday, to service the public in Room 110 of the Multnomah County Courthouse.

*A contract with the City of Portland covers revenue from tickets which are issued to vehicles parking in areas which have no parking meters. Multnomah County budgeted \$210,600 in fiscal 1979 to pay the costs of patrolling the non-metered zones of the City of Portland. If the costs exceed revenues, the City must reimburse the difference to the County. Multnomah County probably lost revenue of up to an estimated \$70,000 in 1978 because Multnomah County did not have any method of tracking which revenue is received for which tickets. (Estimate of revenue lost is based on City of Portland figures for the numbers of tickets issued for metered and non-metered areas and collection rate estimates based on assumptions by District Court personnel and auditor.)

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Daytime service (8:30 a.m. to 5:00 p.m.) is also available at the Gresham District Court office. Fifteen employees staff the day section, with eleven on the night shifts.

State law requires that all guilty verdicts for traffic offenses be transmitted to the Oregon Motor Vehicles Division in Salem within 24 hours of conviction (ORS 482.480). The Division must also be informed of any limitation placed on a licensee's driving privilege (ORS 484.415). The Multnomah County District Court sends batches of carbon copies (marked "abstract copy") of all guilty verdict traffic citations to Salem every day.

BUDGET, PERSONNEL AND CASELOAD GROWTH

The combined number of parking and traffic cases processed through District Court has remained about the same since the merger of District Court with the Portland Municipal Court in January, 1972 (448,000 cases in 1972 to 450,000 cases in 1978). District Court handles many other matters besides traffic and parking. Increased filings have been recorded in small claims, misdemeanors and felonies. The total of all cases* filed has changed little since the merger. The following caseload information was furnished by the State Court and the Deputy District Court Administrator:

Calendar Year	CITATIONS ISSUED			TOTAL CASES FILED
	Traffic	Parking	TOTAL	
1972	107,162	340,523	447,685	490,245
1973	93,727	424,020	517,747	563,231
1974	100,114	355,733	455,847	506,084
1975	89,035	340,393	429,428	472,880
1976	109,447	311,929	421,376	461,950
1977	95,151	294,801	389,952	427,728
1978	107,088	342,817	449,905	492,720
<u>Percentage change:</u>				
72-78	-.07%	+.7%	+.5%	+.5%

*Total cases include felonies, misdemeanors, civil, and small claims, in addition to parking and traffic. (See Appendix B.)

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The number of judges was budgeted at 12 in fiscal year 1973, and was increased to 13 in fiscal year 1978. Among factors cited in discussing the need for additional judges have been the increased rights of citizens to legal representation in DUII cases and the requirement which made District Court a Court of Record in 1977. The following figures were taken from Multnomah County budget documents for the past seven fiscal years:

Fiscal Year	District Court Budget	Personnel	Judges
73	\$1,059,243	76	12
74	1,097,812	76	12
75	1,270,538	75	12
76	1,647,329	102 ¹	12
77	1,781,070	103	12
78	2,018,080	108 ²	13
79	2,098,472	114	13

The District Court budget has almost doubled from \$1 million to \$2 million in the seven-year period fiscal year 1973 through 1979. Corrected for inflation, the growth has been 14% for the seven-year period.

FINDINGS

In our review of the District Court's management of the parking and traffic citation processing and collection systems of District Court, we found management deficiencies at many points in both systems. We reviewed court records regarding the disposition

¹The unusually large increase in the number of personnel from fiscal year 1975 to fiscal year 1976 mainly was due to assumption of applicable sections of the Division of Court Process by the District Court.

²The increase from 103 to 108 positions in fiscal 77-78 was due to a transfer of personnel from the Data Processing Authority to District Court.

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of tickets issued; the reliability of financial and support data affecting charges, bail money, and fines collected by District Court; and, the adequacy of controls throughout the system. While we found no malfeasance, we found major deficiencies in internal control of citations, money, information and dismissal mechanisms.

Inequitable treatment of citizens is an inevitable consequence of inadequate tracking and control systems for parking and traffic matters. Citizens who pay their parking fines when due, or double the fine when overdue, are being treated inequitably because towing by the City has virtually stopped. Unpaid parking citations are being written off by blanket orders, some when only twelve months old.

Nearly one out of every three tickets issued for parking violations in Multnomah County is not being paid.

Some tickets written to traffic offenders were being dismissed by administrators without a judge's review at the time of our audit field work. These dismissals were done by use of a stamp which was not properly safeguarded. The user of the stamp did not need to sign or initial the citation to dismiss it. District Court judges voted in May, 1979, to revoke this authority and to discontinue use of the stamps.

Many District Court judges told us that they do not feel they are, or should be, responsible for either collection or enforcement policies and procedures. Other judges agreed with our position that as long as the traffic and parking fee and fine collection systems are budgeted and administered under the District Court umbrella, the District Court judges must assume oversight responsibilities and attempt to negotiate both short and long-term solutions to problems identified.

We found that accountability for District Court management has been diffused through "benign neglect" by judges in the past, as well as through separation of powers between the executive and judicial branches of government.

We have discussed some possible alternatives to try to deal with these problems in the conclusions and recommendations which follow.

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CONCLUSIONS

We found general agreement among judges, County management staff and District Court personnel that there are major management deficiencies in the systems which we examined. We did not find clear consensus, however, as to how these long-term problems should be corrected, or who should be responsible for making changes.

Corrective steps are now being planned by District Court and Justice Services personnel. Short-term actions which we believe would help to deal with problems identified in this report include:

- . Elimination of the parking tag processing backlog. (The District Court judges have already directed the Court staff to give priority to this problem);
- . Allowing a limited amnesty period for citizens to pay outstanding parking tags without penalty;
- . Publicizing an intensive follow-up vehicle-towing campaign;
- . Forming committees of District Court judges to meet with appropriate County and City agencies to seek long-term solutions.

While County Commissioners seem reluctant and District Court judges were very unreceptive to the idea of focusing on the revenue-raising potential of District Court collection systems, we feel that it is reasonable to look to the direct users of any system to pay as much of the operating cost of that system as possible. Increased enforcement costs could be paid for by increased fine collections.

We believe that some major action or reorganizational shift is needed to correct the serious weaknesses which we found in District Court systems. District Court administrators have contended that District Court has few, if any, problems which would not be corrected by more dollars and more staff. We believe the problems are much broader than that, and that clarification of responsibility and accountability between judges and staff as well as between District Court and other agencies needs to be one of the first questions faced. While adding staff could reduce backlog, it would not, in itself, improve any controls or procedures.

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The strength of the judicial branch of government in the United States is based in large part upon the respect and belief in the integrity of the system by its citizens. That confidence must be carefully guarded and earned. The Multnomah County District Court judges have responded positively in keeping with the tenets of that system and have indicated their willingness to seek solutions to the problems we have identified.

While we did not find any instances of wrong doing, it is our opinion that Multnomah County does not have the basic checks and balances needed to give reasonable assurance that abuses could not occur.

Many judges agree that it is the District Court's responsibility to exercise control over traffic citations from the time they are issued through the time the citation is entered in official records. Only with acknowledgement of that potential problem, and acknowledgement of responsibility for improving and maintaining those systems, can progress be made. We are optimistic that appropriate changes will occur.

RECOMMENDATION 1: District Court Judges should assume more administrative responsibility or shift administration of traffic and parking collection systems to the executive branch of Multnomah County.

Administrative responsibility for "maintenance and custody of court files and records" is delegated to a District Court administrator selected by the District Court judges under Multnomah County Ordinance 102, dated June 19, 1975. Enabling state legislation which says that District Court judges may establish a "Traffic Court Violations Bureau" is contained at ORS 484.310.

The county home rule provisions of the Oregon Constitution and ORS Chapter 46 also help to explain the County's responsibility and authority for traffic and parking citation systems. At least one judge feels that the District and Municipal Court merger of 1972 inappropriately gave executive branch functions to the judicial branch of government.

If the majority of District Court judges votes to

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do so, and the County Commissioners agree, it appears to us that County Clerk functions assigned to the District Court Administrator by County Ordinance 102 could be reassigned elsewhere. In the meantime, responsibility for those functions remains in the District Court and must be addressed by the thirteen judges.

Improvements to Present System

We agree with the conclusion of a court consultant's report issued in 1978 that the constraints of daily work-load should not detract from judges having ultimate responsibility and accountability to the public for court administration. "This leads to the conclusion that specialized administrative functional areas (should) be divided up amongst the Judges, preferably by committee, under the direction and guidance of the Presiding Judge," Ellis Pettigrew stated in his report.

We believe that the \$125,000 budgeted in the current year by the County Commissioners for District Court system improvements could be more profitably used by the judges if they first agreed on what their administrative duties and operating procedures ought to be. A committee system may be needed to form this concensus.

We observed no mechanism which allows the judges to effectively deal with administrative issues on a regular basis. The solution to these internal understandings must come from the judges themselves.

A systems consultant could design new controls for the District Court's parking and traffic citation processing systems. Although the District Court judges have previously voted to eliminate docketing questions from system design improvements at this time, we caution them not to ignore the importance of reviewing the interrelationship between the docketing and collection systems. During our review of court collection processes, we frequently ran into questions about docketing procedures even though docketing was not the focus of our audit tests and programs.

Many necessary manual and data processing changes can be designed by a systems consultant, but computerization alone will not solve District Court control weaknesses. Any new com-

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puter system design should be reviewed in advance for control mechanisms and audit trails.

We believe another partial solution would be for the District Court judges to request funding for a permanent control person for the District Court collection systems. Such a person would need broad authority to institute and review controls.

Transfer Responsibility to County Executive:
Revise Ordinance 102

If the District Court judges are not willing to assume greater responsibility for administering fee and fine collection systems, we recommend that they request revision of County Home Rule Ordinance 102¹ by the Board of County Commissioners. This ordinance delegates responsibilities to the District Court Administrator that are assigned to County Clerks in non-home-rule counties. Ordinance 102 (see Appendix D) contains the following provisions at Section 5:

Because assuring satisfactory performance of the functions assumed by the Court administrators²...is the responsibility of Multnomah County under the constitution and laws of the State of Oregon, the Board shall at all times remain responsible for determining that such functions are being performed in a manner it deems satisfactory....If at any time the Board determines that said functions are not being performed...in a manner which best promotes the interests of the people of Multnomah County the Board shall by ordinance assign functions...to such other county...offices as it may select....

Many judges tell us that they do not want to get involved in court administration. Some stated flatly that the executive branch of Multnomah County should assume responsibility

¹ Ordinance 102 has been recodified in the Multnomah County Code as MCC 2.30.350 through .370.

² Plural designation of "administrators" refers to both Circuit and District Courts.

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for collecting traffic and parking fees and fines immediately. Presiding Judge William Beers stated that, "We're not in the management business and we're not trying to be revenue raisers and money collectors - this is foreign to any concept of judicial process as I understand it."

A consultant's report, issued in October 1978, observed that, "Attention should be devoted to whether or not parking ticket administration should be part of the court organization. The function of the parking division is largely one of administrative process...." The City of Portland Traffic Engineer, Don Bergstrom, told us that he believes the solution is to create an Administrative Violations Bureau.

We respect the independence which judges must have to adjudicate matters which are brought to them - to decide when persons are guilty or not guilty of crimes as charged, and to set penalties for disobeying the law. In many ways, it seems a conflict with that judicial role to expect judges to administer the heavy volume fine and fee collection systems which accompany traffic and parking matters.

If administrative responsibility is transferred, we suggest that special consideration be given to cash management (collection) and enforcement responsibilities.

Relocation Options: If Ordinance 102 is revised so that traffic and parking fine and fee collection functions are shifted to some other County division, a variety of options is available. The Director of the Department of Justice Services, Tuck Wilson, could be delegated responsibility for administering a Traffic and Parking Collection Division. The County Finance Office in the Office of County Management or the Assessment and Taxation Division of the Department of Administrative Services would be other alternatives that should be considered.

Spin-Off Parking Tag Section: An alternative to shifting all collection responsibilities from District Court would be to spin off only the Parking Tag Section. Some other jurisdictions have removed parking offenses from the criminal court's jurisdiction and established a civil administrative tribunal. An administrative system could accept payments and settle almost all disputes through an adjuster. Only those cases that require judicial review would be assigned to the Courts.

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Legislation Could Change Court's Administration

House Bill 2001, under consideration by the current legislature, proposes shifting responsibility for administration of District Court matters from Multnomah County to the State.

This bill would require the state to assume additional court costs, rather than just paying judges' salaries as is presently the case. (Total Multnomah County Circuit and District Court costs in fiscal year 1979 are \$4.3 million of which the State pays 17%.)

Any decision regarding reorganization of the District Court activities should be delayed until the 1979 State Legislature adjourns or takes a final vote on HB 2001.

Another reorganization proposal has been made in SB 902, which would merge the District and Circuit Courts statewide into one court of general jurisdiction. A proponent of such a change has argued that since the District Court has become a Court of Record so that appeals may be taken directly to the Court of Appeals, the need for a two-layered court system no longer exists.

Senate Bill 670 would require merging the administrative functions of the Multnomah County District and Circuit Courts under one court administrator.

Appointment of referees or magistrates (instead of judges) to handle traffic matters has also been suggested. Senate Bill 671 would require the Supreme Court of Oregon to appoint traffic magistrates for Multnomah County District Court.

We have not studied these legislative proposals fully and make no recommendations concerning their merit.

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RECOMMENDATION 2: Enlist cooperation of enforcement agencies to crack down on parking violators and encourage Multnomah County Commissioners to lobby for a new state law which would withhold vehicle licenses until all parking tickets are paid.

A large number of people are abusing the parking system in Portland. We reviewed the number of outstanding parking tickets against specific vehicles during 1978 and found two vehicles that had collected 100 parking tickets each. A hundred other vehicles had collected from 41 to 93 tickets each. Another 9,000 vehicles had from 6 to 40 each. (See Appendix I.) We have had people tell us that they have a glove compartment full of unpaid parking tickets.

Over 122,000 unpaid parking tickets were written off in 1978, many of which were only 12 months old. These tickets represented at least \$3/4 million worth of unpaid bail.

Multnomah County's collection rate of parking citations in 1978 was about 69%, according to the Parking Tag Supervisor's estimate.* We found that other cities and counties of comparable size through active enforcement of parking violators have achieved much higher collection rates. Salt Lake City estimates a 94% collection rate, Denver 85%, Fresno County 83%, and Jacksonville 81%. (See Appendix E.)

Since the City has almost stopped towing vehicles (see Appendix H-1), enforcement of parking violations has virtually ceased. The parking citation states that the fine doubles if not paid within seven days. But this is only true for those who choose to pay the double amount. If people pay nothing within 14 days, warrants can be issued for failure to pay which could cause impoundment of the vehicle. However, such warrants are rarely, if ever, enforced by the City or County.

*No data was available in the District Court or through the parking tag computer system to verify the accuracy of this figure. Since no one knows how many citations were actually issued, and the number of paid citations varies from the daily to the monthly log reports, no reconciliation is possible.

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We found that little towing is being done except for extreme cases such as an abandoned vehicle or vehicles parked in tow-away zones. (The incidence of towing in the City of Portland decreased from 189 in January 1978, to 34 in December 1978.*) In December 1978, the District Court Administrator stopped sending out notices of failure to pay fines.

Increased Enforcement Needed

We have talked with the District Court judges, the Director of Justice Services, and the City of Portland Traffic Engineer concerning some immediate steps which might be taken to increase enforcement. These steps would require considerable advance planning and coordination between the City of Portland and Multnomah County:

- . A one-month amnesty period could be declared for citizens to pay parking tags without penalty;
- . An intensive follow-up campaign of towing of vehicles could be planned for vehicles with outstanding unpaid citations;
- . News releases and publicity could be issued to inform the public of these efforts.

We would support all of these efforts and urge that any long-term plans take the results of these efforts into consideration.

Clarification of Enforcement Responsibility

Many District Court judges reject the notion that they are in any way responsible for parking violation enforcement. They feel their only obligation is to issue warrants. They say that what happens once the warrants are issued is out of their hands. If this is so, we believe judges have at least a responsibility to help clarify whose responsibility enforcement is, and to help provide incentives, either positive or negative, to see that more enforcement occurs.

**However, our test results, shown at Appendix H-4, indicate that 81% of all outstanding citations against vehicles towed (including abandoned and stolen vehicles) were collected as a result of towing.*

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The City of Portland Parking Patrol, which decides which vehicles are towed, has decreased its towing as a result of time and productivity studies made. No one could provide us with a written agreement between Multnomah County and the City of Portland which spells out the City's discretion or responsibility. (City of Portland gets the coins from the parking meters, but Multnomah County retains all the fine and bail receipts from parking meter violations)

We suggest that a new contract between the County and the City be prepared by the County Chairman clarifying towing responsibilities and costs. The District Court judges could help facilitate this process by delegating their implicit enforcement oversight function to the Director of Justice Services and by cooperating with his efforts to increase enforcement. Both the Board of County Commissioners and the District Court judges have ignored this area in the past, perhaps because of misunderstanding or lack of clarification as to who has the responsibility.

Encourage County Lobbying Support for Legislation to Withhold License Renewal

The City of Portland has proposed legislation (Senate Bill 936), which would require the Oregon Motor Vehicles Division to withhold motor vehicle license renewals until outstanding warrants have been cleared. Similar legislation already exists in New York and California.

We realize that other jurisdictions do not have the same set of circumstances as Multnomah County. We believe that Multnomah County could collect a higher percentage of parking tickets with relatively little cost through a motor vehicle license withholding law. Enactment of such legislation should be vigorously promoted by Multnomah County.

Even if some judges do not feel it is an appropriate judicial role to "lobby" at the legislature, judges could play an important role by encouraging the Board of County Commissioners to support this bill. (The Multnomah County Auditor testified in favor of this bill at the Senate Transportation Committee hearing May 28, 1979, while this report was in draft review stage. She relayed support for the concept of the bill on behalf of the District Court judges present at a May 24 meeting with the Auditor and the Director of Justice Services.)

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Other Parking Enforcement Measures

Other parking ticket enforcement measures which should be considered include:

- . Substantially increase the bail schedule for non-payment of parking tags after 45 days, and for vehicles which have several outstanding tickets.
- . Increase parking fines by a large enough amount to deter citizens from risking a parking ticket instead of using parking garages.¹
- . Cease practice of blanket write-off of unpaid parking tickets when 12 months old.
- . Issue 30, 60, and 90-day warning notices tied to stricter enforcement measures.² (Multnomah County District Court stopped sending 21-day reminder notices last fall; to our knowledge, the County has never issued second or third notices as commercial collection agencies do.)
- . Set up an internal County Collection Agency, or turn unpaid tickets over to a private collection agency for collection. Some kind of legislation would probably be needed that would permit the bail to be collected as a civil penalty, according to a District Court judge.
- . Discuss with the City the use of a "Booting" device (locks a vehicle tire so it cannot be moved) if other enforcement mechanisms do not appear possible or cost effective. (Jacksonville, Florida and Denver, Colorado are examples of jurisdictions which have used booting devices.)

¹The City of Portland Traffic Engineer has requested an increase in the minimum parking fine from \$3 to \$4 because "...it's now cheaper to park on the street and risk a ticket than to pay for parking on a commercial lot." Seattle charges a minimum \$5 fee for any parking offense. San Francisco increased its fine for parking in former tow-away zones to \$25 and found that illegal parking in targeted zones decreased dramatically.

²The City of Rochester, New York mails a 30-day reminder notice that parking fines may be paid within 60 days of date of issue without penalty. On the 61st day, a second notice is mailed which triples the \$5 minimum fine to \$15. At 90 days, a Judgment is entered and the fine is raised to \$50, the maximum per unsatisfied violation allowable under their current regulations.

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- . Discuss with the City the hiring of private towing companies to identify and tow repeat offenders on a commission basis.
- . Issue show-cause orders for the registered owners of vehicles which accumulate a large number of tickets.
- . Monitor incidence of repeat offenders and set goal of decreasing repeats.
- . Set goal of increasing collection rate and monitor performance.

While several District Court judges have told us that they feel enforcement methods and collection rates have nothing to do with them, we disagree. Respect for the law and improved traffic flow are directly affected by citizens obeying parking laws, and District Court is presently the focal part of this process.

RECOMMENDATION 3: Tighten controls and security over citations, money and transmittal of information.

"...The District Court clerical office can be entered at any time...(details omitted)...Once inside, one would have unlimited access to a substantial amount of checks and cash..., to District Court records, and to computer terminals accessing the Court's files..." observed a Courthouse security consultants team in April, 1979.

We noted many of the same weaknesses. Situations that were of major concern to us included:

- . An average 15-day backlog of \$55,000 in cash and checks representing over 9,100 payments sat in unlocked files and cardboard boxes in the District Court office during the field work of our audit. We estimate this has represented a loss in interest revenue of \$5,000 annually. (The District Court judges have now instructed the administrative staff to give priority to eliminating this backlog.)
- . Abstract copies of traffic citations being prepared by eight different people for transmittal to the Department

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of Motor Vehicles are left on a desk top overnight.

Bail funds, representing some large cash payments, posted in the District Court and in the 7th floor Courthouse jail are left in the Courthouse overnight and on weekends.

Parking and traffic citations are stacked in open bins in Room 110 and also sit openly on the Court Administrators' desks.

During the field work of our audit, a stamp was used to void traffic citations which was accessible to at least seven District Court staff when locked in the safe overnight. A duplicate stamp, which was used infrequently, was kept in the safe where its occasional disappearance would not be missed. No record was kept of how many times the stamps were used and no supervisory review was made of citations that were voided. On May 24, 1979, the judges passed a resolution eliminating the use of this stamp.

District Court retains the original parking citations from 6 months to 2 years. To increase control and reduce storage costs, the citations could be microfiched. We understand that enabling legislation would need to be passed to provide that the microfiche copy could substitute for the original complaint document.

Logs or control registers are not kept by the Portland Police, County Sheriff Deputies, or State Police, for the citations they send to District Court.* Tickets could disappear without trace both enroute to the Courthouse and prior to computer entry after they are received by District Court. We traced 100 traffic citations from five law enforcement agencies and found that records kept by issuing agencies provide little, if any, third-party internal control of traffic citations issued. (See Appendix H-6.)

Parking tickets are dismissed by the Court Administrator without review or without any reason being given on the ticket. Documentation was not retained on most of

*The Port of Portland and City of Gresham, who account for less than 5% of tickets issued, do maintain citation logs.

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the 9,500+ parking citations voided in 1978. 86% of the dismissed parking tags we examined in our test of 197 citations had no audit trail. (See Appendix H-2.)

The Court's permanent file copies of major traffic crime convictions (containing the only complete history of citations dismissed) are not always available in the central Courthouse file. We could not readily locate the Court's copy of 47 citations disposed of during the period April through June, 1978. Eleven of the missing citations were found within two or three days. It took two weeks for auditors and the court staff to find all but one of the remaining 36 citations. (All citations were for cases which had been disposed of almost a year earlier.) The 35 citations were found in five different District Court desks or files in the County Courthouse or at the Gresham Court. (See Appendix H-7.)

The County's data processing system for traffic citations does not reflect reduced charges and plea bargaining of charges. When we traced records of all persons found guilty of a major traffic crime in Multnomah County District Court during April, May and June of 1978 to their individual driving records at the Oregon Motor Vehicles Division we originally found that 24 convictions shown on the County's data processing records had not been posted. Subsequent time-consuming searches indicated that all but 5 of these postings could be accounted for through reduced charges, consolidated plea bargaining, illegible writing of conviction dates, or incorrect spelling of names. Of the remaining five, the District Court had not sent the abstracts of two citations to the state, while the reason the other three were not posted is unknown. (See Appendix H-8.) However, our tests showed that the process could have been circumvented without detection. If the abstract copy had not been sent by District Court, or not received by the Motor Vehicles Division, no one would have known the difference.

No reconciliation of the number of traffic or parking tickets paid is ever made to the amount of dollars received in the aggregate.

To tighten security in District Court, the Courthouse security consultants recommended that the locks of the clerical offices of the District Court be taken off the master

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June, 1979

system of the Courthouse; open stairwells be kept locked; night and weekend access be limited to authorized persons; computer terminals be secured when not in use; cash and important documents be locked up; and daily deposits be made of cash, checks, money orders, etc. We urge the District Court or the Director of Justice Services to implement these security recommendations as quickly as possible.

Standard internal control procedures such as reconciliation of control totals, segregation of duties, numerical sequencing, and independently maintained logs of important documents transmitted to and from District Court are basic checks and balances which should be woven into the routine procedures of the District Court. Any new computer system should be reviewed for control mechanisms and adequacy of audit trails before implementation. Attention should also be given to reviewing the linkages between the Court's docketing (i.e., scheduling of court hearing dates), and fine collection systems.

Detailed aspects of control are discussed in our Report to Management #E-79.

RECOMMENDATION 4: Review and update existing District Court administrative policies.

The District Court judges have indicated their willingness to review current policies, including the authority which has been accumulated by the Court Administrator,* court policy for administrative dismissal of parking citations and possible efficiencies available through more uniform procedures. The policy of allowing administrative dismissal of certain traffic citations was revoked during our audit process.

District Court policies have evolved over the last several years, some dating back to the Portland Municipal Court.

*The District Court Administrator has been exercising a mixture of judicial and administrative authority, including hiring and firing of employees (some of which are covered neither by an employee-bargaining unit nor the County's merit system ordinance); scheduling of pro tem judges; administrative dismissal of some kinds of tickets; and discussions with the City of Portland regarding off-street parking enforcement.

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In our discussions with some of the District Court judges, there appeared to be lack of awareness of current court policies. Many judges have never seen a November 7, 1977 memo listing and combining all previous court policies. We believe a review of the Court's judicial and administrative policies will assure better accountability, result in better utilization of resources, and improve the Court's overall efficiency.

Among policies which we believe need review are the following:

- . The District Court Administrator has been delegated the authority to void parking tickets for a variety of reasons. This whole process should be reviewed. At a minimum, we believe that control procedures should be tightened and that the voiding of parking tickets on police officers' privately owned vehicles should be discontinued. (See Appendix H-3.)
- . Blanket dismissal of parking and traffic tickets needs to be reviewed. There is no data processing reason for these dismissals.* (See Appendices F 1-3.)
- . Lack of involvement of judges in planning for District Court fiscal matters leaves a void which is not being filled by anyone else. Judges should either exercise the planning and review function of this \$2 million operation themselves, or delegate it to some other body.
- . Lack of uniformity in administrative handling of cases among judges should be reviewed for possible administrative efficiencies and improved court records. Administrative procedures of the court are

*Effective February 1, 1979, the Court ordered the dismissal of traffic citations outstanding which were issued prior to 12/31/76. It also recalled and vacated all outstanding warrants of arrest. The order excepted DUI's, traffic crimes, and trial cases on appeal. Approximately 1,700 traffic citations were written off in accordance with the order. Effective 4/1/77, the Court did the same thing with traffic crimes issued prior to 12/31/74, including DUI's, reckless driving, hit and run, eluding a police officer, and DWR/DWS. About 1,000 traffic crimes were written off in accordance with the order.

apparently not being communicated to all judges, particularly pro tems. An administrative procedures manual might be a partial solution to this problem.

Although all judges are independently elected for identical lengths of term and salaries, current procedures do not appear to allow for equal participation. Adoption of more formal internal rules such as regular meeting times, agendas which would review policy actions to be taken by the Court Administrator and Presiding Judge, and a committee structure such as recommended by the 1978 Pettigrew report might be organizational changes to be considered.

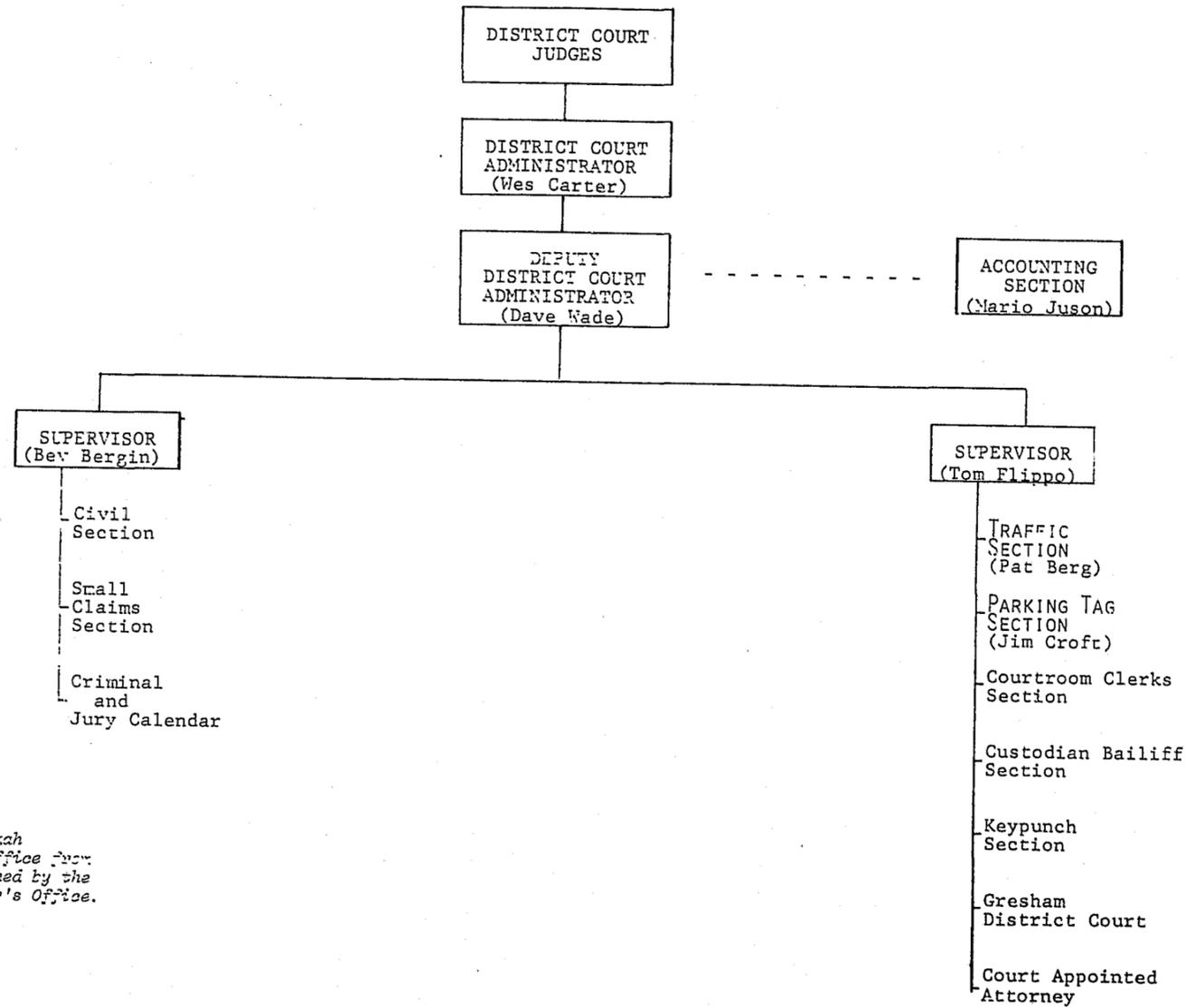
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MULTNOMAH COUNTY
DISTRICT COURT ORGANIZATION CHART*



*Prepared by Multnomah
County Auditor's Office from
information furnished by the
Court Administrator's Office.

COMBINED BUDGET, STAFF AND CASELOAD
for
DISTRICT AND PORTLAND MUNICIPAL COURTS
(FY 68 through FY 79)
(1967 through 1978)

APPENDIX B
IAR #1-79
June, 1979

<u>FISCAL YEAR/CALENDAR YEAR</u>	<u>BUDGET^{1,2}</u>	<u>STAFF^{1,2}</u>	<u>TOTAL CASES</u>	<u>FELONIES^{3,4,5}</u>	<u>MISDEM^{3,4}</u>	<u>CITY CRIMINAL³</u>	<u>TRAFFIC^{3,4}</u>	<u>CIVIL^{3,4}</u>	<u>SMALL CLAIMS^{3,4}</u>	<u>PARKING³</u>	<u>OTHER³</u>
1967-68/1967	\$ 476,412	58	416,934	(FEL + MISDEM. = 10,111)		17,832	95,341	16,862	3,951	257,815	15,022
1968-69/1968	598,803	65	392,148	8,682	2,180	18,463	83,838	16,697	3,655	239,113	19,522
1969-70/1969	742,327	69	339,134	8,403	2,072	20,423	84,806	17,385	3,866	187,302	14,877
1970-71/1970	802,873	70	363,503	7,919	2,283	22,374	76,521	15,703	3,597	218,647	16,439
1971-72/1971	1,610,691	71	406,863	5,998	2,610	17,940	73,167	14,737	4,325	275,286	12,800
1972-73/1972 ⁶	1,059,243	76	490,245	2,093	7,903	-	107,162	14,228	7,516	340,523	10,800
1973-74/1973	1,097,812	76	563,231	1,954	5,504	-	93,727	13,858	7,345	424,020	16,823
1974-75/1974	1,270,538	75	506,084	2,302	7,054	-	100,114	12,165	9,769	355,733	18,947
1975-76/1975	1,647,329	102	472,880	2,084	6,659	-	89,035	8,865	14,553	340,393	11,291
1976-77/1976	1,781,070	103	461,950	2,072	6,811	-	109,447	8,875	11,200	311,929	11,616
1977-78/1977	2,318,080	108	427,728	2,448	9,126	-	95,151	10,279	12,774	294,801	3,149
1978-79/1978	2,098,472	114	492,720	2,399	10,495	-	107,088	11,208	14,524	342,817	4,189
<u>PERCENTAGE CHANGE:</u>											
<u>Calendar Year</u>											
67 through 78	+340.5%	+96.6%	+18.2%	-	-	-	+12.3%	-33.5%	+267.6%	+33.0%	-72.1%
73 through 78	+ 91.2%	+50.0%	-12.5%	+22.8%	+90.7%	-	+14.3%	-19.1%	+ 97.7%	-19.2%	-75.1%

¹Source: Multnomah County approved budget documents, budget supplements, and Coopers & Lybrand annual reports (Report on Examination of Financial Statements and Supplementary Data). Interdepartmental Service Reimbursements are not included in the District Court budgets.

²Source: City of Portland approved budget documents.

³Source: Multnomah County District Court Administrator's Office.

⁴Source: Judicial Administration in the Courts of Oregon (1967-78).

⁵Some felony cases are counted in both District Court (preliminary hearings) and Circuit Court (trials).

⁶District Court assumed responsibility for Portland Municipal Court on January 1, 1972.

DISTRICT COURT
RECEIPTS AND DISBURSEMENTS OF REVENUE¹
Fiscal Year 1978

	FEES AND MISC. REVENUE		DISBURSEMENTS TO CITATION ISSUING AGENCIES						REFUNDS	NET REVENUES
	FINES		State of Oregon	City of Portland	Troutdale & Gresham	Port of Portland	Univ. of Oregon ²	Total		
Parking Fines	\$1,268,658	-	-	-	\$ 1,960	\$18,062	\$41,769	\$ 61,791	\$40,444	\$1,166,423
Traffic Fines	1,693,394	-	\$185,995	\$463,446	10,769	4,786	-	664,996	16,361	1,012,037
Other:										
District Court - Fees	-	\$201,445	-	-	-	-	-	-	177	201,268
District Court - Civil	-	156,533	-	-	-	-	-	-	1,766	154,767
District Court - Other Fees	-	53,218	-	-	-	-	-	-	3,302	49,916
District Court - Forms	-	13,747	-	-	-	-	-	-	-	13,747
Criminal Fines	121,264	-	51,291	-	-	-	-	51,291	7,201	62,772
Pedestrian Fines	3,456	-	20	1,945	-	-	-	1,965	-	1,491
Animal Control Fines	22,551	-	-	-	-	-	-	-	58	22,493
Fish and Game Fines	7,902	-	4,451	-	-	-	-	4,451	-	3,451
Marine Fines	758	-	286	-	-	-	-	286	-	472
Weighmaster Fines	1,008	-	1,017	-	-	-	-	1,017	-	(9)
Nuisance Control	40	-	-	-	-	-	-	-	-	40
Court Costs	-	530	-	-	-	-	-	-	-	530
Attorney Court Costs	-	1,645	-	-	-	-	-	-	-	1,645
Video Tape	-	301	-	-	-	-	-	-	-	301
Cash Overage	-	678	-	-	-	-	-	-	-	678
Cash Shortage	-	(781)	-	-	-	-	-	-	-	(781)
Fee for Posting Bail	-	12,742	-	-	-	-	-	-	-	12,742
Alcohol Education Fees	-	3,650	-	-	-	-	-	-	-	3,650
	<u>\$3,119,031</u>	<u>\$443,708</u>	<u>\$243,060</u>	<u>\$465,391</u>	<u>\$12,729</u>	<u>\$22,848</u>	<u>\$41,769</u>	<u>\$785,797</u>	<u>\$69,309</u>	<u>\$2,707,633</u>

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¹Source: Multnomah County District Court Statement of Cash Receipts and Disbursements of Revenue, from July 1, 1977 to June 30, 1978 (prepared by Mario Juson, District Court Accountant).

²University of Oregon Health Sciences Center (Marquam Hill).

EXCERPTS FROM
MULTNOMAH COUNTY ORDINANCE NO. 102¹

(Adopted June 19, 1975)

* * * * *

Section 2. Assignment of Functions.

Upon receipt by the Clerk of the Board of written notices from the presiding judges of said courts² that, subject to the provisions of this ordinance, their respective court administrators are authorized to assume responsibility for the functions described in subsection (1) of this section, the functions now performed by the Division of Courts Process of the Department of Justice Services shall be assigned as follows:

(1) The Circuit and District Court Administrators shall perform the services and duties imposed by state law and county ordinances upon the county clerk and district court clerk with reference to administration of the courts and maintenance and custody of court files and records.

* * * * *

Section 5. County Responsibility.

Because assuring satisfactory performance of the functions assumed by the court administrators pursuant to Section 2 of this ordinance is the responsibility of Multnomah County under the Constitution and laws of the State of Oregon, the Board shall at all times remain responsible for determining that such functions are being performed in a manner it deems satisfactory and in the interests of the people of Multnomah County. The Board shall periodically review whatever matters it regards as relevant to this determination If at any time the Board determines that said functions are not being performed in a satisfactory manner or in a manner which best promotes the interests of the people of Multnomah County, the Board shall by ordinance assign said functions to the Department of Justice Services or to such other county departments or offices as it may select pursuant to its authority under Section 6.30 of the Charter of Multnomah County and under Section 5 of Ordinance No. 64. Upon the enactment of any such ordinance, the court administrators shall immediately cease performance of said functions and shall assist in all necessary and appropriate manners the transfer of the functions to the departments or offices to which they are assigned.

¹Ord. 102 was redesignated as MCC 2.30.350 in the 1978 codification of Multnomah County ordinances.

²"Courts" refers to both District and Circuit Courts.

PARKING FINES AND COLLECTIONS FOR OTHER JURISDICTIONS¹
(Listed in declining order of number of parking tags issued)

<u>Year</u>	<u>Jurisdiction</u>	<u>Number of Park- ing tags Issued</u>	<u>Number of Park- ing tags Collected</u>	<u> Collec- tion Rate</u>	<u>Revenue Collected from parking fines</u>	<u>How delinquent parking fines are enforced</u>
Not given	San Francisco, California	2,292,000	1,719,000	75%	\$17,796,000	Stop car registration until fine is paid
1978	Denver County Court	575,841	489,465 ⁴	85%	1,953,502	Booting ² or towing vehicle
Not given	Seattle, WA Municipal Court	540,000 ⁴	342,000 ⁴	63% ⁴	2,500,000	Bench warrant issued
FY 77-78	San Diego, CA Municipal Court	491,629	294,977 ⁴	60%	1,293,068	No enforcement
1977	Honolulu, Hawaii	457,800	306,726 ⁴	67%	-	License renewal stopped and bench warrant issued
FY 77-78	Oakland - Piedmont, CA Municipal Court	402,737	307,263	76%	1,435,555	Bench warrant issued and adopting registration hold system
<u>1978</u> ³	<u>Multnomah County, OR</u>	<u>342,817</u>	<u>235,797</u>	<u>69%</u>	<u>1,147,458</u>	<u>Minimal towing</u>
Not given	Salt Lake City, Utah	230,364	216,535	94%	845,300	Bench warrant issued
FY 77-78	Austin, Texas	188,789	104,302	55%	-	Towing; bench warrant
1978	Spokane, WA	137,757	107,565	78%	465,408	Changing from jail time to default judgment collection
Yearly	Kansas City, MO Municipal Court	130,000	104,000 ⁴	80%	1,600,000	Warrant reminder notices
Yearly	Rochester, New York	110,400 ⁴	87,600 ⁴	76.5%	950,000 ⁴	License renewal stopped. Booting.
1978	Toledo, Ohio	107,882	64,730 ⁴	60% ⁴	589,232	Court summons
FY 77-78	Jacksonville, Florida	102,738	83,465	81% ⁴	258,907	Booting ²
1978	Fresno County, California	95,954	79,642	83%	408,301	DMV notified not to renew license

¹Information obtained by questionnaires sent by Multnomah County Auditor during the months December, 1978 and March, 1979.
²A boot is a mechanical device attached to a vehicle tire which locks it so that it cannot be driven until the boot is removed.
³Multnomah County data for citations issued, collected and collection rate estimated by parking tag supervisor. Revenue collected compiled from District Court accountant's monthly reports of parking receipts less refunds and remittances to collecting agencies for 1978.
⁴Estimates calculated by Multnomah County Auditor's Office based on information provided by responding agencies.

IN THE DISTRICT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

ORDER DISMISSING PARKING)
CITATION COMPLAINTS AND)
VACATING WARRANTS ISSUED)
PRIOR TO JANUARY 1, 1978)

O R D E R

IT IS HEREBY ORDERED AND ADJUDGED that effective December 15, 1978, all outstanding State of Oregon, County of Multnomah and City of Portland parking citation complaints issued prior to January 1, 1978, excluding any and all parking citation complaints currently on appeal, be and hereby are DISMISSED, and that any outstanding warrants of arrest, bench warrants and impoundment orders issued thereon be and hereby are RECALLED and VACATED.

DATED this 1st day of December, 1978.

U. C. Beers
PRESIDING JUDGE OF THE DISTRICT COURT

IN THE DISTRICT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

ORDER DISMISSING CITATIONS)
WRITTEN ON THE OREGON)
UNIFORM COMPLAINT AND SUMMONS,)
INCLUDING MARINE, FISH & GAME,)
WEIGHMASTER, P.U.C., HITCH-)
HIKE AND PEDESTRIAN VIOLATIONS,)
BUT EXCLUDING DUII AND TRAFFIC)
CRIMES, ISSUED PRIOR TO)
DECEMBER 31, 1976)

O R D E R

IT IS HEREBY ORDERED that on February 1, 1979, all outstanding State of Oregon, County of Multnomah, City of Portland, Port of Portland and City of Gresham citations issued on the Oregon Uniform Complaint and Summons prior to December 31, 1976, including Marine, Fish & Game, Weighmaster, P. U. C., Hitchhike and Pedestrian violations, but excluding any and all such violations currently on appeal, and excluding all DUII and Traffic Crime violations, be, and the same hereby are, DISMISSED, and any outstanding warrants of arrest and/or bench warrants issued thereon be, and hereby are, RECALLED and VACATED.

DATED this 15 day of January, 1979.

U. C. Beers
PRESIDING JUDGE OF THE DISTRICT COURT

IN THE DISTRICT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

ORDER DISMISSING ALL SERIOUS TRAFFIC
OFFENSE COMPLAINTS WRITTEN ON THE
OREGON UNIFORM TRAFFIC COMPLAINT
AND SUMMONS ISSUED PRIOR TO
DEC. 31, 1974:

ORDER

IT IS HEREBY ORDERED AND ADJUDGED that on April 1, 1977 all outstanding STATE of Oregon, County of Multnomah, City of Portland and Port of Portland complaints written on the Oregon uniform traffic complaint and summons and issued prior to Dec. 31, 1974, for the following serious traffic offenses: Reckless Driving (ORS 487.550), Driving Under The Influence Of Intoxicants (ORS 484.540), Failure to Perform The Duties Of A Driver Involved In An Accident Or Collision (ORS 483.602 and 483.604 (1) (a) (b). (2)), Fleeing or Attempting To Elude A Police Officer (ORS 487.555) and Driving While Suspended Or Revoked (ORS 487.560), excluding any and all such offenses currently on appeal or pending for trial, be and the same hereby are dismissed and that any outstanding warrants of arrest and/or bench warrants issued thereupon, be and the same hereby are recalled and vacated.

DATED this 8 day of March 1977.

APPROVED AS TO FORM

[Signature]
DEPUTY DISTRICT ATTY.

[Signature]
PRESIDING JUDGE OF THE DISTRICT COURT

CALENDAR YEAR 1978
PARKING TAGS ISSUED AND PAID¹
MULTNOMAH COUNTY DISTRICT COURT

	<u>NUMBER ISSUED</u>	<u>NUMBER OF PAYMENTS²</u>
January	25,042	17,269
February	26,962	16,423
March	28,607	21,946
April	27,286	20,343
May	29,726	15,668
June	29,467	23,259
July	27,402	16,469
August	31,020	26,844
September	26,722	18,835
October	33,873	20,683
November	29,657	17,921
December	<u>27,053</u>	<u>20,137</u>
YEARLY TOTAL	<u>342,817</u>	<u>235,797</u>

¹Source: District Court weekly computer printouts maintained by parking tag supervisor.

²Payments are not necessarily of citations issued in the same month. The estimated collection rate based on the above figures is 69% (on a "cash" basis, rather than "accrual").

CALENDAR YEAR 1978
 MULTNOMAH COUNTY DISTRICT COURT
 TRAFFIC CITATIONS
 BY
 ISSUING AGENCY AND TYPE OF TICKET¹

APPENDIX G-2
 IAR #1-79
 June, 1979

	<u>ISSUED</u>	<u>DISMISSED</u>	<u>NOT GUILTY</u>	<u>CONVICTIONS</u>	<u>OUTSTANDING</u>
<u>CITATIONS BY ISSUING AGENCY:</u>					
Portland Police Department	64,933	5,723	1,277	44,475	13,458
County Sheriff's Office	20,728	2,347	482	14,029	3,870
Port of Portland	669	51	21	488	109
Oregon State Police	23,270	1,349	381	17,896	3,644
Gresham and Troutdale	<u>2,522</u>	<u>198</u>	<u>59</u>	<u>1,951</u>	<u>314</u>
1978 TOTAL	<u>112,122</u>	<u>9,668</u>	<u>2,220</u>	<u>78,839</u>	<u>21,395</u>
<u>CITATIONS BY TYPE OF OFFENSE:</u>					
Traffic Infraction	96,612	6,981	1,849	71,671	16,111
Traffic Crime	<u>10,221</u>	<u>1,615</u>	<u>225</u>	<u>4,048</u>	<u>4,333</u>
Sub-total, all traffic citations	106,833 ²	8,596	2,074	75,719	20,444
Pedestrian and Hitchhiking	2,350	519	18	1,139	674
Fish and Game	18	2	0	15	1
Weighmaster	481	45	5	320	111
Animal Control	2,339	496	120	1,572	151
Marine	86	5	3	67	11
Recreation	1	0	0	1	0
Nuisance	<u>14</u>	<u>5</u>	<u>0</u>	<u>6</u>	<u>3</u>
1978 TOTAL	<u>112,122</u>	<u>9,668</u>	<u>2,220</u>	<u>78,839</u>	<u>21,395</u>

¹Source: Computer Analysis by Multnomah County Data Processing Authority.

²Traffic citation figures furnished to the State Court Administrator by District Court as shown at Appendix B indicated a slightly different number of cases for 1978.

PARKING TICKET BACKLOG*
(cluster/interval random sampling)

Test Date: January 30, 1979

Estimated Population Size: 9,131 undeposited payments \$55,000

Sample Size: 397 \$ 2,392

- Results:
1. Average backlog 15 days*
 2. Oldest item 109 days
 3. 22% were 25 days or older
 4. 45% of checks were not restrictively endorsed although envelopes were previously opened

Other Findings:

- Potential investment revenue is lost
- Letter opening equipment is defective
- Access is not properly restricted
- Remittances over or under the amount owed accepted as though correct amount

*Age was determined by comparing postmark date to audit test date.

PARKING CITATIONS DISMISSALS
(one week's dismissals; without notification)*

Test Period: January 30 thru February 6, 1979

Citations reviewed: 197

- Results:
1. 169 (86%). No reason given on citation for dismissal. Of these, 145 (74%) had no initials, while 24 (12%) had the Court Administrator's initials.
 2. 15 (8%) citation indicated "new owner," (a valid reason for dismissal, according to current court policies) and clerk's initials.
 3. 6 (3%) citation indicated wrong "license or make," (a valid reason for dismissal, according to current court policies) and clerk's initials.
 4. 4 (2%) citation indicated "stolen vehicle," (a valid reason for dismissal, according to current court policies) and clerk's initials.
 5. 3 (1%) citation indicated "duplicate issue," or "key punch error," (a valid reason for dismissal, according to current court policies) and clerk's initials.

*Dismissed citations were pulled from District Court's permanent disposition file to determine whether documentation was present to support the reasons for the dismissals. District Court personnel were not notified beforehand that this test would be made.

PARKING CITATIONS DISMISSALS¹
(one week's dismissals with notification)

Test Period: March 13 through March 20, 1979

Sample and Population Size: 113

- Results:
1. 77 (68%) citations were accompanied by VOID cards signed by police (a valid reason for dismissal according to current court policies).² Of these, 30 (26%) were initialed by the Court Administrator or his deputy, while the other 47 (42%) had not been initialed by anyone.
 2. 6 (5%) citations initialed by Deputy Court Administrator or Parking Tag Supervisor - no reason given for dismissal.
 3. 21 (19%) citations indicated "new owner" (a valid reason for dismissal according to current court policies - 20 with clerk's initials, 1 with no initials).
 4. 9 (8%) citations indicated a valid reason for dismissal under current court policies (defective meter, City Traffic Engineer letter, etc.) and initialed by clerk or Parking Tag Supervisor.

¹District Court personnel were notified beforehand to save all documentation rather than their usual practice of discarding it after filing in the disposition file.

²Jim Croft, Parking Tag Supervisor, stated that at least half of the police void cards are for police officers privately owned vehicles while they are on official business (e.g. court appearances).

TOWING AS A COLLECTION DEVICE
(one month's tows)

Test Period: January, 1978

Total tows in 1978: 1,239¹

Total tows in January 1978: 189

- Results:
1. 163 entries were actually towed or the driver appeared before the towing took place and signed an agreement to post bail.
 - a. 132 (81%) resulted in collection of outstanding fines against vehicle.
 - b. 31 (19%) did not result in collection of outstanding fines against vehicle.²
 2. 26 entries were cancelled because the individual drove away or ownership had changed or the warrant had been paid.

Other

Observation: Incidence of towing entries decreased in 1978 from a high of 189 in January, to 34 in December.

¹Total entries in District Court towing log for 1978. (Most towing was ordered by Portland Parking Patrol.)

²Reasons for non-collection included abandonment of vehicles and new registered owners.

TRAFFIC CITATION DISMISSALS
(survey sample)*

Test Period: 4th Quarter, 1978

Test Date: March 2, 1979

Sample Size: 50

- Results:
1. 25 (50%) citations were signed by a Judge.
 2. 18 (36%) citations were stamped "VOID" for wrong court time, location or date. Of these 17 had no initials.
 3. 3 (6%) citations indicated "insurance verified" (a valid reason for dismissal according to current court policies) and clerk's initials.
 4. 2 (4%) citations were dismissed without any signature - Judge's, Administrator's or clerk's.
 5. 2 (4%) citations were for cases which had been remanded to Juvenile Court and were found in files at the Donald E. Long Home where disposition is accumulated on separate documents.

*The sample consisted of the first two traffic citations designated D (dismissed) or NG (not guilty) under each alphabetical listing by last name of violator on a computer printout of disposed cases for the quarter ended December 31, 1978. Dismissed citations were pulled from District Court's permanent disposition file to determine whether signatures and explanations were present to support the reasons for the dismissals.

TRAFFIC CITATIONS SYSTEM FLOW
(survey sample)¹

Test Period: June through August, 1978²

Sample Size: 100

Results:

<u>Location of Citation Record</u>	<u>No. of Citations</u>
In BOTH District Court and DPA Computer files	86
In District Court files <u>ONLY</u>	4
In Juvenile Court files <u>ONLY</u>	2
On computer file <u>ONLY</u>	1
Invalid numbers supplied by issuing agency	<u>7</u>
TOTAL	<u>100</u>

¹Citations were identified at the issuing enforcement agency and traced through disposition in District Court. Of the 100 citations issued, 8 were issued by the Gresham Police, 5 by the Port of Portland, 18 by the Multnomah County Sheriff, 24 by the Oregon State Police and 45 by the Portland Police. The number of citations selected for each agency were based on the number of citations assigned to the agencies for the period 10/3/77 to 1/18/79.

²The Portland Police supplied one citation that we later determined had been issued in October, 1977. The citation was found in both District Court and DPA computer files.

MAJOR TRAFFIC CRIME DISMISSALS AND NOT GUILTIES¹
(100% sample)²

Test Period: 2nd Quarter, 1978

Population Size: 401

- Results:
1. Initial auditor's search of permanent files:
 - a. 316 (79%) citations were found with judge's signature or judge's initials indicating dismissal or not guilty.
 - b. 47 (12%) citations were not filed in the permanent central file.³ 46 were eventually found in five different District Court desks and files.
 - c. 38 (9%) citations were photo copies of the front of citation only. (Originals were subsequently located in Circuit Court and District Court case files.
 2. Combined search by District Court personnel and auditors over a subsequent two-week period located 400 of 401 citations with the following dispositions:
 - a. 193 (48%) settled on motion by DA⁴ and signed by judge.
 - b. 142 (35%) settled on assigned court date without a DA's⁴ notation, but signed by a judge.
 - c. 33 (8%) citations transferred to Circuit Court to be consolidated with felony charges against offender. 1 citation had been sent to the Court of Appeals in Salem.
 - d. 27 (7%) settled before the assigned court date without a DA's⁴ notation, but signed by a judge.
 - e. 5 (2%) citations transferred to criminal section of District Court to be consolidated with misdemeanor charges against offender.
 - f. 1 (-%) not located (next sequential number located with identical driver data and charge information).

¹All citations for major traffic offenses (DUIL, Eluding, Hit and Run, DWR/DWS, and Reckless Driving) dismissed or not guilty from April 1, 1978 to June 30, 1978 were pulled from District Court's permanent disposition files to determine whether documentation was present to support reasons for the dismissals.

²Source: Computer analysis by Multnomah County Data Processing Authority in March 1979.

³The Traffic Citation Supervisor was furnished a typed list of all missing tickets. The Supervisor found some citations, and signed the list verifying that the remaining 34 tickets could not be found.

⁴The mention of DA's motion or notation in this test is to indicate additional information noted by the judge or clerk on the citation. The District Attorney has no responsibility for, or control over, this notation.

MAJOR TRAFFIC CRIME GUILTY VERDICTS¹
(100% sample)²

Test Period: 2nd Quarter, 1978

Population Size: 985

- Results:
1. 875 (89%) citations appeared on individual's Oregon Motor Vehicles Division driving record consistent with District Court computer records.
 2. 86 (9%) citations entered on Motor Vehicles Division records were consistent with adjudication but not consistent with District Court computer records.
 3. 24 (2%) citations were not entered on the individual's driving record as recorded on computer records. Subsequent matching with original citation documents indicated that:
 - a. 15 were located and accounted for through plea bargaining without notation on computer files, unrecorded reduced or combined charges, illegible writing of dates or incorrect spelling of names;
 - b. 4 were for out-of-state drivers, of which 3 would routinely have been sent to the violator's home state without maintaining an Oregon record, and 1 would be in a DMV backlog of records to be built for out-of-state drivers (a low-priority at DMV); and
 - c. 5 were not posted, of which the abstract copies for 2 were found attached to the original citation in District Court files and had not been previously forwarded through clerical error, leaving only 3 unexplained discrepancies.

¹The names of all persons cited for major traffic offenses (DUIL, Eluding, Hit and Run, DWR/DWS, and Reckless Driving) adjudicated guilty from April 1 through June 30, 1978, were sent to the Oregon Motor Vehicles Division in Salem to determine whether the offense had been recorded on the individual's driving record. ORS 484.240 requires the court to send an abstract copy of all traffic convictions and bail forfeitures to the Oregon Motor Vehicles Division.

²Source: Computer analysis by Multnomah County Data Processing Authority, matched to Oregon Motor Vehicles Division records by the Motor Vehicles Division, during March and April, 1979.

INCIDENCE OF REPEAT OFFENDERS¹
PARKING TAGS

<u>Parking Tags Issued Per Vehicle License Number for 1978</u>	<u>Number of Vehicles with a given count of Parking Tags Issued Against Them</u>
1 - 5	153,895
6 - 10	6,041
11 - 15	1,588
16 - 20	639
21 - 25	307
26 - 30	131
31 - 35	91
36 - 40	54
41 - 45	27
46 - 50	31
51 - 55	15
56 - 60	12
61 - 65	9
66 - 70	7
71 - 75	2
76 - 80	1
81 - 85	1
86 - 90	0
91 - 95	1
96 - 100	1
101 - 105	0
106 - 110	1
<hr/>	
Total Number of Vehicles Ticketed in 1978 ²	<u>162,854³</u>

¹Source: Computer Analysis by Multnomah County Data Processing Authority.

²Total parking tags issued per Appendix B was 342,817; this Appendix I is a consolidation of tickets issued by vehicle.

³Some January and February, 1978, parking violations are not included in these figures because the parking citation computer system does not retain certain details after one year. Analysis was not made until April, 1979.



DISTRICT COURT OF THE STATE OF OREGON
for MULTNOMAH COUNTY

1021 SOUTHWEST FOURTH AVENUE, ROOM 232
PORTLAND, OREGON 97204 • (503) 248-3957

RESPONSE 1
IAR #1-79
June, 1979
page 1 of 12

WESLEY D. CARTER
COURT ADMINISTRATOR

June 5, 1979

M E M O R A N D U M

To: Jewel Lansing, CPA
Multnomah County Auditor

From: Wesley D. Carter
District Court Administrator

Subj: RESPONSE TO DISTRICT COURT AUDIT REPORT



R E S P O N S E S

I am attaching the District Court Administration's Formal Response to the audit conducted on the Court's parking and traffic fee and fine collection systems.

This response has been reviewed and approved by Presiding Judge William C. Beers.

WDC:d

COURT ADMINISTRATOR'S RESPONSE

The District Court of Oregon for Multnomah County appreciates the audit task accomplished by Mrs. Jewel Lansing, County Auditor, and her staff, at this Court's request. The requested audit covered the Court's ordinance-imposed functions of the parking and traffic fee and fine collection systems. The Court also appreciates the opportunity to respond to criticisms noted in the audit. Clarification is needed to avoid misconceptions and misunderstandings of the functional objectives of this Court.

At the outset, it is assumed that the purpose of an audit is to objectively determine weaknesses in a given system and to identify the strengths. It is unfortunate that the scope of this audit was limited in large part to the parking and traffic fee and fine collection systems, for those systems comprise only one cog in a very large wheel. Considering the objectives of the Court system in its entirety and the huge volume of cases processed annually by this Court, it is readily apparent that the Court's system does function well.

Any report or audit will posit and recommend adoption of a broad theoretical basis for ultimate operation. Whether such recommendations in practice will provide a productive mode of operation is a matter requiring careful attention. Each suggestion needs to be carefully analyzed before any substantial changes can

be undertaken.

In considering the recommended changes, the necessity of securing resources and additional clerical staff has not been addressed. Each year, the county has consistently restricted additions to the Court's budget. The increasing costs of state-mandated expense leaves virtually nothing with which to install new systems and sophisticated gear. Clerical functions connected with becoming a court of record, a more complex traffic code, more complex trial scheduling and the accompanying problems of police overtime, and an expanded Gresham Court are factors which also have restricted the flexibility of the management staff and put the Court into a posture of crisis management.

The system as a whole shows that the Court has not had sufficient management or supervisory personnel to establish the desirable control recommended in the audit report. Those goals are in harmony with the Court's thinking and Court management has already addressed many of the items recommended for improvement. For example, a new data processing system for parking tags was being developed prior to the audit. Prior to implementing this system, the Court will carefully analyze it for the types of internal controls recommended in the audit. The Court has, and continues to desire to, seek the services of qualified consultants to assist with developing new and efficient methods of handling its large paper flow systems. Sufficient staff must be provided as well as new equipment.

IN REGARD TO THE ENFORCEMENT OF PARKING CITATIONS, IT IS TO BE OBSERVED THAT:

The Court, during the latter part of 1978, found it necessary to restrict its spending. Because the Court is unable to restrict its expenditures for the many state mandated services it provides, in order to comply with the county's fiscal mandates, the Court suspended its practice of mailing courtesy reminder notices to citizens with unpaid parking citations, thus saving postage as well as computer time costs amounting to an estimated \$25,000 per year. While the District Court generates more income for the county's general fund than any other division in the Department of Justice Services, the county approved the lowest percentage increase in the District Court's 1979-1980 fiscal year budget than any Justice Services division.

When a vehicle accumulates a designated dollar amount of parking citations, the Court issues a warrant for the impoundment of the vehicle. In the view of Court management, enforcement of impoundment warrants is solely the responsibility of the City of Portland. Recognizing, however, that vehicle towing had decreased, Court management directed a letter to Chairman Clark late last year expressing concern over the lack of enforcement and the resultant loss of revenue. While the towing of vehicles remains below the level of January, 1978, the actual number of vehicles towed increased from 34 in January, 1979, to 75 in April, 1979.

In an effort to determine the most effective means of collection enforcement, the Court administration has contacted several jurisdictions throughout the nation. Collection rates, we found, vary from a low of 42% in Spokane, Washington, to a high of 94% in Charlotte, North Carolina. While there is no one absolute method for effective enforcement, it is interesting to note that the California jurisdictions contacted enjoy a higher collection rate than does Portland. This is attributed to the fact that California has a policy whereby vehicle registration is withheld from citizens with outstanding parking citations. A similar Bill is now before the Oregon Legislature.

The audit report indicates, and Appendix I shows, that several vehicles had accumulated large numbers of parking citations. These figures are inaccurate in that the figure listed includes outstanding as well as paid citations.

The Court has now reduced the backlog to a seven day processing period. Additionally, all checks are restrictively endorsed upon receipt, and the Court is giving maximum priority to reducing the backlog to zero.

REVENUE FROM NON-METERED PARKING CITATIONS:

A footnote on page 4 of the audit report indicates that Multnomah County is losing up to \$70,000 per year in revenue because there is no tracking method to determine the amount of

revenue derived from parking tags issued in non-metered areas (under an agreement with the City of Portland, the county is required to reimburse the city for direct costs of enforcement in non-metered areas, and the city is required to return to the county any deficit between these direct costs and actual revenues derived from non-metered areas). Effective March 27, 1979, the parking tag computer system was reprogrammed so that monthly reports will now be produced reflecting the number of citations issued in non-metered areas, the number paid and the revenue derived therefrom.

CONVICTION REPORTS TO THE MOTOR VEHICLES DIVISION:

The audit indicates that there were 18 major traffic crime convictions which do not appear on the defendants' driving records. Of these 18 convictions, seven do not appear on the defendants' driving records, four were reduced to a lesser charge and the convictions on the lesser charges are on the defendants' driving records, four were consolidated with felony cases thus removing these citations from District Court jurisdiction and vesting jurisdiction in the Circuit Court, and three convictions are in fact on the driving records as charged and convicted.

Of the seven convictions not appearing on the driving records, abstracts on two of the citations were found with the original citations. Of the remaining five convictions, the court is

unable to determine the cause, however since the abstracts are not in the Court's possession, the Court assumes that the abstracts were, indeed, sent to the Motor Vehicles Division.

With respect to those convictions "not found" because the charges were reduced, the current data processing system for traffic citations does not reflect reduced charges. The system as it now exists is basically an indexing system with the function of locating original citations based on the defendants' names and original charges. Court management and DPA personnel will review this part of the system to determine whether improvement in this area can be achieved.

The audit report indicates that a single desk should be assigned the functions involved with processing conviction information. This suggestion was implemented on May 21, 1979, and a control mechanism will be developed as soon as possible.

In attempting to determine whether convictions were on the defendants' driving records, the audit report noted that it was difficult to locate permanent file citations and that they were eventually found in five different locations. In addition to the fact that the Court has a Gresham office, various clerks in different locations are involved in the processing of citations. Considering the volume of citations and the amount of handling required, at any given time some citations will always be out of file.

BUDGET, PERSONNEL AND CASELOAD GROWTH:

While the auditor correctly points out that the number of cases filed has remained fairly constant, it must be noted also that intervening factors such as becoming a court of record, appeals going directly to the Court of Appeals and higher jurisdictional limits have caused the complexity, and hence the adjudicatory and processing time, to greatly increase in any given case.

The audit indicates that the Court's number of budgeted positions increased from 75 to 102, or a total of 27 positions, in fiscal year 1975-1976. While this figure is accurate, it should be remembered that there was a corresponding decrease in the number of personnel in the former Division of Courts Process. There was no increase in operating costs to Multnomah County as a result of these transfers.

Similarly, the increase from 103 to 108 positions in fiscal year 1977-1978 was due to a transfer of personnel from the Data Processing Authority to the District Court. This transfer maximized efficiency and record integrity and did not result in any additional costs to the county. Therefore, 35 positions added to the District Court between 1975 and 1978 are, in fact, positions which were already budgeted in other county departments.

With respect to staffing, the audit indicates that adding additional staff could reduce case backlog but "would not, in itself, improve

any controls or procedures." While it is true that the addition of staff will not improve control or procedures, such additions would provide the management staff with the flexibility needed to address those issues. Due to severe staff shortage, the District Court's management staff currently spends a majority of its time addressing day-to-day operational issues created by such a shortage.

BLANKET DISMISSALS OF CITATIONS:

The audit report repeatedly raises concern with respect to the Court's periodic dismissal of parking and traffic citations. With respect to dismissal of parking citations, the audit report indicates that there is no data processing reason for such dismissals. The Court's liason with the Data Processing Authority indicates that in order to retain these citations in the system, additional blocks of computer space would be required. It is undetermined whether any additional revenues derived from retaining these citations would compensate for the additional operating costs. Attention is directed to the previous discussion regarding revenues generated as they relate to the Court's budget.

In addition to DPA limitations with respect to retaining these parking citations, the original citations themselves would have to be retained. Office and file space limitations would prohibit the Court from retaining all citations issued.

With respect to the dismissal of traffic infraction cases, the

same computer, space and file limitations apply as with the parking citations. A different reason exists for the dismissal of traffic crime citations. When a defendant fails to appear on a traffic crime citation, the normal procedure is for the Court to issue a warrant for the defendant's arrest. This is not done with traffic infraction citations. When it becomes apparent to the Sheriff's Warrant Section that it is unable to serve an arrest warrant, that section returns the warrants to the Court with a request that the same be recalled and vacated. It appears to the Court that after a designated period of time, these warrants become unservable. Hence, the Court has adopted a "blanket" dismissal policy with respect thereto.

Along these same lines, the audit report expressed concern over the potential for abuse with respect to the "rubber stamp" voiding of traffic citations. The rubber stamps no longer are in use.

DISTRICT COURT SECURITY:

Both the audit report and a separate courthouse security study expressed concern with security arrangements in District Court offices and for the records, files and computer terminals located therein. It should be noted that it is the county's responsibility to maintain building security. Implicit in that responsibility is the responsibility to provide adequate resources to make the offices secure.

On a number of occasions, the Court has requested that the county provide for security measures recommended by the Court. For example, the Court requested that special covers be installed to protect the videotape equipment in the Court's special videotape courtroom. On another occasion, the Court requested that special teller-type windows be installed on open counters where bail is posted, fines are taken and records are kept, for the safety of Court employees who must deal with citizens who are often irate and hostile. In both instances, the county returned the requests unprocessed saying that the county lacked funds for such projects.

On May 30, 1979, the Court requested that all security problems identified in these two reports be corrected. In the meantime, Court management will attempt to secure all records, files, funds, etc., at the conclusion of each working day. In the past, the Court has always maintained strict procedures with respect to securing moneys, limiting access to safes, etc. Areas of concern identified by the auditor will be reviewed and corrective procedures implemented as may then be indicated.

SUPPLEMENTAL AUDIT REPORT:

While a great deal of the information contained in the supplemental report merely repeated findings in the audit report, a few comments are in order.

The supplemental report indicates that there is no reconciliation between systems and that there is no documented collection history.

RESPONSE 1
IAR #1-79
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page 12 of 12

This statement is not accurate in that the Court Accounting section keeps very precise records of revenue collected and disbursed.

The report indicates that the Court employs no "accounts receivable" system. The report points out that there is no way to match revenue generated to tickets issued prior to the end of the fiscal year. This is true. The auditor is assuming that the Judges will fine identical amounts in all cases -- an erroneous assumption. While there are prescribed bail and violations bureau fine amounts for the various traffic offenses, the Court cannot determine whether a defendant will choose to appear before a Judge and, if so, what fine the Judge may levy if the defendant is found guilty.

The report suggests that mail for the parking tag section be segregated for delivery purposes from other courthouse mail. This has been accomplished. The District Court has rented a post office box for delivery of parking tag mail, and a new letter opener to expedite processing will be ordered.

RESPONSE 2
IAR #1-79
June, 1979



DISTRICT COURT OF THE STATE OF OREGON
for MULTNOMAH COUNTY
DEPARTMENT NUMBER 16 • COUNTY COURTHOUSE
PORTLAND, OREGON 97204 • (503) 241-1111

PHILIP T. ABRAHAM
JUDGE

June 5, 1979



Ms. Jewell Lansing, CPA
County Auditor
Room 412
Multnomah County Court House
Portland, Oregon 97204

RE: Internal Audit
Report #1-79 and
Report to Management #1-79

Dear Ms. Lansing:

I have reviewed the above captioned reports and have discussed my views on them with you personally. This letter is to compliment you on the professionalism you have demonstrated in preparing your report and the courtesy you have extended to the judges in asking for their review and comments before your final report.

The Multnomah County District Court is the largest court operation in the state and as a metropolitan volume court has its attendant problems. I believe the judges of this court are dedicated persons who are deeply concerned with providing the best court possible for the citizens of this county.

Your report makes it apparent that we judges must become more involved in the administrative operation of this court and it certainly is my intention to do so. Your recommendation can be used as a basis for going forward with necessary improvements.

Very truly yours,

PHILIP T. ABRAHAM
District Court Judge

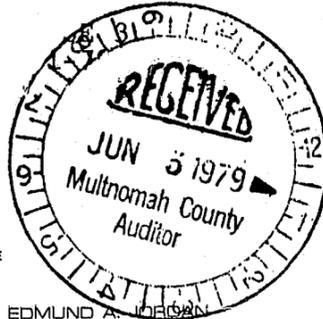
PTA:gr

RESPONSE 3
IAR #1-79
June 1979



DISTRICT COURT OF THE STATE OF OREGON
for MULTNOMAH COUNTY

DEPARTMENT NUMBER 10 • 1021 SOUTHWEST FOURTH AVE
PORTLAND, OREGON 97204 • (503) 248-3888



EDMUND A. JORDAN
JUDGE

June 5, 1979

Ms. Jewel Lansing, CPA
Multnomah County Auditor
Room 412, Multnomah County Courthouse
Portland, Oregon 97204

Dear Ms. Lansing:

I have studied all of your reports and final drafts involving the IAR #1-79 and #E-79 audits and find that, in my opinion, they are well done and accurate. I have not responded in writing before because I had no criticism to make except for the suggestions made at the Judges' meetings.

I certainly agree with your conclusion that no effective study of the District Court can be made without going into the matter of docketing and I trust that some progress can be made on that in the near future.

Thanks for your cooperation and I hope that we can now work together to implement some of the findings of the report.

Sincerely,

EDMUND A. JORDAN
District Court Judge

EAJ:br

RESPONSE 4
IAR #1-79
June, 1979



DISTRICT COURT OF THE STATE OF OREGON
for MULTNOMAH COUNTY

DEPARTMENT NUMBER 2 • COUNTY COURTHOUSE
PORTLAND, OREGON 97204 • (503) 248-3846

DONALD H. LONDER
JUDGE

June 5, 1979



Jewell Lansing, C.P.A.
Multnomah County Auditor
Rm. 412, Multnomah County Courthouse
Portland, Oregon 97204

Re: DISTRICT COURT AUDIT REPORT

Dear Mrs. Lansing:

I have read your final report and I am taking this opportunity to make a personal response. I do not purport to speak for all of the judges; however, I can say for myself that I think the report was objective and extremely fair. I think your cooperation in giving the judges the opportunity to make any corrections and responses is highly commendable.

With reference to the report itself, I consider it extremely helpful in determining the future direction to be taken by the District Court. It is my understanding that we have already started to implement some of your recommendations. It is my intention, personally, to review these implementations and to attempt to see that whatever further changes are required are made as quickly as possible. As long as we have the responsibility, I for one do not wish to neglect that responsibility. It would seem rather obvious that we recognize that we have problems, that those problems be identified (as you have done) and that those problems be rectified. Based on your report, I am of the opinion that we need a complete system updating.

Thank you again for the opportunity to be heard.

Very truly yours,

DONALD H. LONDER
District Court Judge

DHL:emc



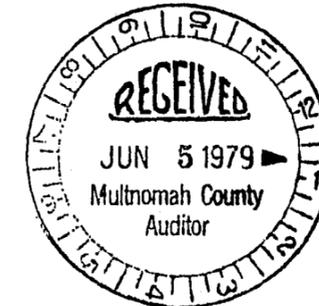
MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUSTICE SERVICES
ROOM 809, COUNTY COURTHOUSE
PORTLAND, OREGON 97204
(503) 248-3701

COUNTY COMMISSIONERS
DON G. WALK, Chairman
DAN MOSEE
ALICE CORBETT
DENNIS BUCHANAN
BARBARA ROBERTS

June 5, 1979

Mrs. Jewell Lansing, Auditor
Multnomah County, Oregon
Room 412 Multnomah County Courthouse
1021 S. W. 4th Avenue
Portland, Oregon 97204



Dear Jewell:

I have reviewed drafts of two reports recently issued by your office relating to the District Court Traffic Office. I wish to thank you and your staff for undertaking this extremely difficult and time-consuming task. I consider the report to be of high quality and it will prove to be a useful tool in improving the administration of the citation function of the Court. I do not, however, consider the deficiencies you have found to be just the Court's problem. They are the County's problem. To that end, I am ready and willing to assist the Court in every way I can in addressing those deficiencies.

I Internal Audit Report #1-79

Recommendation 1:

At my request, the Board of County Commissioners appropriated \$125,000 specifically to assist the Court in improving its management of the Clerk of the Court and citation functions. We are in the process of narrowing the focus of that study. Information in this audit will be used to direct the consultants to the most productive areas.

You have noted the Multnomah County Ordinance Number 102 which transferred the responsibility for the administration of court records to the District Court Administrator. Should the judges determine that it is in the best interest of the court to reassign certain functions to the executive branch, I would consider recommending such action by the Board.

Recommendation 2:

In order to clarify the responsibility for enforcement of parking ordinances, my office is in the process of renegotiating the agreements with the City of Portland regarding that subject.

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Mrs. Jewell Lansing
June 5, 1979
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Further, Senate Bill 936 has been placed on the legislative priority list for my office. We will provide the legislature with information showing our support for the bill when it receives its next hearing. I view it as an important tool in the enforcement of parking ordinances.

Recommendation 3:

I have requested Sgt. Scott Gratton, the County Security Director, to meet with District Court Administrative personnel to suggest and expedite the implementation of security measures.

As the Court develops responses to the recommendations contained in the report, I will offer my assistance to them in order that they be implemented as soon as possible.

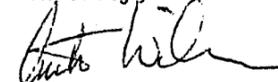
II Report to Management #E-79

Of the several recommendations contained in the report, Number 8, Outside Agency Controls, is pertinent to this office. I will instruct the Division of Public Safety to implement the suggestion that they retain one copy of all uniform traffic citations issued.

III Summary

Both reports point out a need for the executive management of the County to join with the management of the Court in a combined effort aimed at improving Court administration. Ultimately the public does not make such distinctions when the stewardship of such matters is at issue. I'm confident this report will help us all meet our mutual responsibilities.

Sincerely,



TUCK WILSON, Director
Department of Justice Services

TW/vcg



DEPT. OF FINANCE
AND ADMINISTRATION June 5, 1979
NEIL GOLDSCHMIDT
MAYOR

BUREAU OF TRAFFIC
ENGINEERING
D.E. BERGSTROM
CITY TRAFFIC ENGINEER
420 S.W. MAIN ST.
PORTLAND, OR. 97204
503/248-4295

Jewel Lansing, C.P.A.
Multnomah County Auditor
Room 412, Multnomah County Courthouse
Portland, OR 97204

RE: Final Draft - IAR #1-79

Dear Ms. Lansing,

Thank you for giving us the opportunity to review and comment on your internal audit report of the Parking and Traffic Collection System of the District Court of Multnomah County.

One of your primary concerns addressed in the draft is the effect on the collection rate caused by the Parking Patrol Division no longer towing vehicles with outstanding bail. As mentioned in the draft, this action was recommended by the City's Bureau of Management and Budget in a study performed on the Parking Patrol Division operations. We are attaching an excerpt from this study which recommends that the tag warrant process be modified. The excerpt questions the responsibility (City or County) to enforce the collection of unpaid parking citations and suggests that discussions be initiated between the City and County to determine such responsibility and develop new collection procedures.

At the time of this study the Parking Patrol Division was issuing an approximate average of 1,600 tag warrants per year on an average time per occurrence of 33.25 minutes for a total of 887 hours per year. The study felt that due to the lack of an established assignment of the responsibility, the 887 hours could be better expended in the performance of other Parking Patrol activities (i.e., beat coverage, citation issuance, timing, etc.).

In addition, we did take the advise of Management and Budget and initiate informal discussions and offer suggestions to the County on possible methods to increase the collection rate and discourage the non-payment of parking violations. Many of these suggestions appear on pages 21-22* of the final draft

*Auditor's note: This refers to pages 17 and 18 of final report.

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IAR #1-79. As a further attempt to discourage the practice of non-payment the City of Portland originated legislation (Senate Bill 936) which would require the State DMV to withhold registration renewal to any vehicle with outstanding parking citations.

We agree with your conclusion that a serious problem does exist and immediate priority should be given to the identification of the agency responsible for the correction of this problem. Let it be known that the City of Portland is more than willing to work closely with the County in arriving at an agreeable solution.

Sincerely,


D.E. Bergstrom
City Traffic Engineer

DEB/CJM/as

attachment

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EXCERPT FROM
PARKING PATROL STUDY

January 1976
(Attachment to Don Bergstrom Letter of June 5, 1979)

Tow

Both the tag warrant list update and the stolen vehicle list review have been eliminated. In order to remove the constant violator from the streets, the deputy should check the tag warrant list when necessary and may request information regarding stolen autos from the dispatcher. The deputy will cite the car and leave the scene. The practice of deputies' radioing in to verify tow completion has been discontinued.

Complaint Response

Complaints in all beats will be handled by the deputy who is assigned to the beat where the complaint has occurred. The Assistant Supervisor will be responsible for handling the chronic complaints from citizens in all areas of the City that require a great deal of individual deputy time. Additionally, the Assistant Supervisors will provide assistance to deputies in resolving complaints at the request of the deputy on the beat.

Tag Warrants

The entire operation has been intensively reviewed. The investigation revealed that while the tag warrant operation as currently performed by Parking Patrol Deputies is advantageous in that assists in removing constant offenders from the streets, there are distinct disadvantages to the present system. It appears that the operation requires a heavy commitment of resources in relation to benefit to the City. Further research including cost-benefit analysis may suggest possible alternatives that can be discussed with the County.

Until such time as discussion with the County and solutions are forthcoming, the Bureau of Management and Budget recommends that the tag warrant operation be modified. The deputies will not update the tag warrant list but it will be available to the deputies. Instead, there will be one control list kept by the dispatcher. At the discretion of the deputy, he or she will radio the dispatcher requesting a tag check. If the check is positive, the deputy will relay relevant data to the dispatcher who will dispatch a tow truck to the scene. The deputy will issue a tow citation and remain at the site until the truck has arrived. Other proposed adjustments may be forthcoming at the conclusion of the discussions with Multnomah County. Such recommendations will be provided to the City Traffic Engineer as an addendum to this report.

END