



WASHINGTON COUNTY CIRCUIT COURT

Courthouse
150 North First Avenue
Hillsboro, OR 97124

February 5, 2024

Dear Judiciary Committee,

I am writing to you as the Presiding Judge for Washington County Circuit Court to request your support for Judicial Department requests that would provide Washington County with one additional judicial position and allow us to move forward with the initial stages of our Courthouse Replacement Project. The courthouse planning funds were part of the Chief Justice Recommended Budget for 2023-25 and the Judicial Department has filed SB 1541 in the upcoming session to authorize the judicial position.

In brief, the county's growing population, increasing diversity, expanded use of treatment courts, and being a hotspot in the current public defense crisis all contribute to a growing number of pending cases, including felonies, pending beyond our time-to-disposition goals. We need an additional judicial position and modern courthouse to appropriately provide the services our residents deserve.

Washington County is the most diverse county in Oregon. This means the court has a growing and more diverse need for interpreters for court proceedings. When I first started practicing law in the county in 2005, Spanish was by far the most prominent language spoken after English, with Russian likely in second place. Since that time, Washington County has become more diverse and has evolved dramatically in terms of the overall make-up of that diversity. While Spanish is still the most prominent secondary language in our court, it is followed by Arabic, Somali, Mandarin, Chuukese, Korean, Vietnamese, American Sign Language, Chuj, and

Russian – in that order. From 2020 to 2023 the number of court hearings involving the use of an interpreter has jumped from 5,197 in 2020 to 9,305 in the first three quarters of 2023 alone. (This is not particularly skewed due to the pandemic as there has been a jump in each of the years in between.) Each of these cases takes more court time for each hearing due to the impact of the use of an interpreter.

Our population continues to grow – and trends toward youth. Despite the population difference of approximately 200,000 people between Multnomah and Washington County, Washington County only has 13,210 fewer children than Multnomah County. Approximately 50% of the children living in Washington County identify as non-white. Our county continues to expand, with new developments in south Hillsboro and North Plains, among other neighborhoods.

Washington County has multiple treatment courts designed to provide a more structured environment for high-risk, high-need offenders in order to reduce recidivism and what would likely otherwise be a costly prison sentence both financially to the state and to the offender and their families due to the separation. There are both monetary and non-monetary savings that are difficult to easily quantify, including the reduction in ACEs (Adverse Childhood Experience) scores for the children of offenders (one of which is incarceration of a parent) that often lead to the next generation ending up in the justice system. Our court has coordinator positions funded by Criminal Justice Commission grants, and would welcome moving those positions to General Fund to provide more stability in recruitment and retention for those critical positions.

In my own Mental Health Court, I see the positive impact on participants, helping to stabilize them with housing, medication prescribers, treatment providers, and support for their sobriety. There is a limit to how many people we can serve through these courts due to a lack of system-wide resources, including the number of available judges. This is true for our ARC (drug treatment court), Veterans Treatment Court, and FSAP (our family treatment court that keeps children out of state care), as well as others.

As is often the case, the programs that may serve fewer persons but take the most time – even when they are the most effective – can be the

easiest for community partners to cut to meet their budgetary needs. This is especially true for treatment courts, which by definition include many partners in the treatment court team. This would be a huge step in the wrong direction for our community.

Several recent legislative changes and legal rulings have added to the pressure on Washington County's judiciary and court system. Reforms of our system to require waivers out of juvenile court on Measure 11 matters, the elimination of security release and changes to the release process, as well as the federal cases involving Fitness to Proceed / Aid and Assist matters and unrepresented defendants in Washington County have all added significantly to the court time spent on certain cases. This is pointed out not to comment on the merit of any of these legislative changes or litigation matters, but merely to highlight that these choices do have an impact on court resources. Juvenile waiver hearings often take weeks from start to finish and a huge additional amount of court time is dedicated to daily release hearings. We have giant dockets for unrepresented defendants and people going through the Aid and Assist process that require significant court time. These matters are important, and they deserve the court time they receive, but they come at the expense of time for other important matters.

My judicial colleagues constantly feel the pressure that comes with lack of time. It places them and our system under stress. It negatively impacts even the best judge, as we all must manage our time and courtrooms efficiently to ensure matters are heard in a timely manner. Unfortunately, this comes at the natural expense of the amount of time a person gets for their hearing before a judge. The opportunity to be fully heard is one of the most important tenets of our judicial system and a required element of the procedural justice and fairness we all strive to achieve. When Washington County has fifteen minutes to spend on a matter that would receive an hour or more of court time in neighboring counties, there is something horribly wrong. This is where we find ourselves daily.

It is unfair to all the people who come to our court seeking justice and a court resolution of their matters. It has come to the point where certain civil and probate litigants are purposely filing their matters in other court

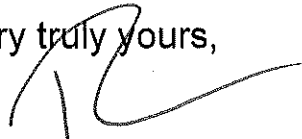
jurisdictions to avoid the delays, they would otherwise face in Washington County due to the prioritization of other matters such as in-custody criminal cases that simply must happen on constitutional and statutory timelines.

Washington County actually needs four additional judges to meet its workload and timeline demands, according to the Oregon Judicial Department workload study. Two were requested in the 2023 session. None were approved. Today the ask is for one. If we do not at least get one judge, we will again fall further behind. This will have a direct and negative impact on the entire Washington County community.

Further, one of the ongoing stumbling blocks for receiving additional funding for judges has been the lack of additional courtroom facilities. The county is dedicated to providing the courtroom facilities necessary at this time and is ready to proceed with starting the process of replacing our aging courthouse, part of which was built in 1912, that no longer provides adequate space. It is not built to current standards for earthquakes or ADA-related accessibility. Our current courthouse complex does not provide the trauma-informed space necessary for litigants or court staff, among others. We must take advantage of the opportunity to begin this process now or else our issues will compound rapidly as our population continues to grow.

Please join in supporting Washington County and its judicial workforce so that we can truly provide the best opportunity to be heard for every member of our diverse community. Please work with your colleagues to provide Washington County with an additional judge and the financial resources necessary to initiate the Courthouse Replacement Project planning efforts. I thank you in advance for your support.

Very truly yours,



Rebecca D. Guptill
Presiding Judge
Washington County Circuit Court