

JACKSON COUNTY JUSTICE COURT STATEMENT ON COVID SPIKE AND RACISM

July 1, 2020

Justice Court Responses to Covid-19 and its Economic Impacts

On March 8, 2020, Governor Kate Brown announced a State of Emergency in Oregon due to the Covid-19 outbreak. At that time, there were 430 cases in the United States. Today, there are more than two and a half million cases in the U.S., and cases are once again spiking. Also in March, the Justice Court adopted a temporary order (General Order No. 20-1), which allowed a 20% discount for payment in full of fines through July 1, 2020. The Court is now extending that order through December 1, 2020. At the same time in March, all legal proceedings to collect past due court fines were suspended, and court clerks were directed to allow very flexible payment plans and to reduce monthly payment amounts upon request.

Several recent pieces of legislation have addressed the economic impacts of Covid-19. Many Oregonians have experienced lengthy delays in applying for unemployment benefits, and some enhanced temporary benefits are currently due to expire at the end of July.

Amnesty Program

The Justice Court will offer an Amnesty Program during the period of **July 1, 2020 through October 1, 2020**. During that period, citizens who can pay one half of the total original amount of fines imposed will have the remaining half forgiven. Additional court fees (but not collection agency fees) for nonpayment will also be forgiven. In many cases, this will result in more than a 50% reduction in the total owed. ORS 153.021 provides that the court may not reduce fines below minimum fine amounts. For additional information on the Justice Court Amnesty Program, call Southern Oregon Credit Services at **(541) 773-6238** if your case has been referred to collections, or the Court at (541) 774-1286.

Court Operations

On March 13, 2020, the Jackson County Justice Court announced a 60 day postponement for first appearances and trials to protect vulnerable persons. Upon reopening on May 13, the court provided six foot social distancing seating in the courtroom and lobby. The court also enhanced the building's air exchange capacity to increase the fresh outside air in the building from 30% to 50%, and increased air filters from a MERV 8 to MERV 13 (hospital grade) rating. We are also able to open a courtroom door to the outside fresh air during arraignments and trials.

The Justice Court will continue its operations with these social distancing and improved air exchange/filtering capacities. **Everyone is now required**, by the Governor's recent order, **to wear a face mask** while inside the building. We again remind **citizens** that they **do not have to enter the building** to take case of a ticket. If a citizen enters a plea of no contest (guilty), they can pay by phone, mail, or online; or they can provide a written explanation to the Judge. If a citizen enters a plea of not guilty, they can appear at the trial by phone or provide a written explanation. We highly encourage these **alternatives to appearing in person**.

Moratorium on Certain Traffic Offenses (SB 1601)

SB 1601, passed during the recent special session, provides a moratorium on certain offenses **between March 1 and December 31, 2020**, including:

- Unlawful parking in a handicap reserved space where the permit expired during the above period;
- Driving without a license under ORS 807.010;
- Failure to register or to renew a vehicle registration under ORS 803.300 or 803.455;
- Improper display of validating stickers under ORS 803.560;
- Failure to obtain a trip permit when required under ORS 803.600 (10).

If a citizen is issued one of these citations after the legislation is signed by the Governor, the court will **dismiss** the citation.

Justice Court Statement on Systemic Racism

Oregon Code of Judicial Conduct Rule 2.1 A provides that judges must insure the “impartiality . . . of the judiciary and access to justice . . . (and) promote public confidence in the . . . judicial system.” The Oregon Supreme Court has stated: “We must stand firm against racism and oppression. We must be intentional in our efforts to move in a different direction.”

<https://www.osbar.org/docs/resources/OSCMessages/reGeorgeFloyd.pdf>

The Salt Lake City, Utah Justice Court expressly acknowledged the institutional role that local courts have played in exacerbating racial inequality when it stated: “We are painfully aware that municipal courts like ours have historically been situated on, or at least very near, the tip of systemic racism's spear. *See, e.g.*, U.S. Dep't of Justice, Civil Rights Div., *Investigation of the Ferguson Police Department*, (March 4, 2015), at 42-61 (detailing how the practices employed by the Ferguson Municipal Court exacerbated existing racial disparities).”

<http://www.slcdocs.com/courts/court/COVIDO7.pdf>

The writer James Baldwin reminds us that “nothing can be changed until it is faced.” It is past time for courts to acknowledge and face the role that the justice system has played in facilitating systemic racism and criminalization of poverty. Any **system** can produce unjust results, even when all of the individual actors are doing their best, and with the best of intentions. At the Justice Court, we are doing the following:

- Requiring all staff to take implicit bias training;
- Recommitting ourselves to procedural fairness, actively assessing citizens’ ability to pay fines, and working with citizens to alleviate the burden of court fine obligations; and
- Reaching out to other community partners working for diversity and inclusion.

JULY 1, 2020

JACKSON COUNTY JUSTICE COURT

/s/ Joseph M. Charter

Justice of the Peace