



LANE COUNTY CIRCUIT COURT 2003 ANNUAL REPORT



ACKNOWLEDGMENTS

This report represents the achievements of employees working for Lane County Circuit Court. We extend special thanks to the following individuals for contributing to this annual report: Laura Ritenour, Linda Caffee, Marcie Selfridge, Colleen Carter-Cox, Edith Carcamo, Talitha McKay, Tana Tracewell, Gerri Loveland, Maryann Lyda, and Brooke Marshall.

Editor ~ Liz Rambo

David Factor
Trial Court Administrator

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Courthouse photo taken by Laura Ritenour, Administrative Analyst, Lane County Circuit Court and produced by Butch Nemec, Technical Support Specialist, Lane County Circuit Court.

For more information about Lane County Circuit Court, please see our web site at:

www.ojd.state.or.us/lane

DAVID P. FACTOR
TRIAL COURT ADMINISTRATOR



AS A SEPARATE AND INDEPENDENT BRANCH
OF GOVERNMENT, WE PROVIDE FAIR AND
ACCESSIBLE JUSTICE SERVICES THAT
PROTECT THE RIGHTS OF INDIVIDUALS,
PRESERVE COMMUNITY WELFARE AND
INSPIRE PUBLIC CONFIDENCE.

OREGON JUDICIAL DEPARTMENT
LANE COUNTY CIRCUIT COURT

Hon. Mary Ann Bearden
Presiding Judge
Lane County Circuit Court
125 East 8th Ave
Eugene, OR 97401

Dear Judge Bearden:

It is with pleasure that I officially transmit to you the 2003 Lane County Circuit Court annual report. While no summary report such as this could capture all of the fine work done by the judges and employees of the Circuit Court, the report provides an excellent overview of the court's achievements in that year.

As you well know, 2003 was a year of financial hardship for the court, with the state budget cuts dominating our administrative focus. However, as this report demonstrates, the court was still able to accomplish much through the hard work of its dedicated employees, from court clerks to judges. It is the work of all those individuals in very stressful times that has assured the success of this court in achieving its mission and serving the public, the community and the state judiciary.

Sincerely,

A handwritten signature in black ink that reads "D. P. Factor". The signature is written in a cursive style.

David P. Factor
Trial Court Administrator

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COURT OVERVIEW

The Court

The Oregon Judicial Department, led by the Chief Justice of the Supreme Court, is one of the three independent, co-equal branches of state government. Central administrative functions of the Judicial Department are managed by the Office of the State Court Administrator (OSCA), in Salem. The trial courts are organized in 27 judicial districts. Each judicial district relies on a local administrative team consisting of the Presiding Judge and the Trial Court Administrator to manage daily operations including case flow management, personnel, and budget oversight.

Lane County is the second most populous judicial district in the state following Multnomah County. Primary operations are based at the Lane County Courthouse in downtown Eugene. The court also operates two satellite sites. The Juvenile Court is housed at the John Serbu Juvenile Justice Center facility. Pretrial release functions and in-custody arraignments occur at the Lane County Jail.

OJD Mission Statement

As a separate and independent branch of government, we provide fair and accessible justice services that protect the rights of individuals, preserve community welfare and inspire public confidence.

Lane County Circuit Court Judges

The Honorable Mary Ann Bearden, Presiding
The Honorable Jack Billings
The Honorable Charles D. Carlson
The Honorable Cynthia Carlson
The Honorable Ted Carp
The Honorable Gregory Foote
The Honorable Eveleen Henry
The Honorable Bryan Hodges
The Honorable Lauren Holland
The Honorable Darryl Larson
The Honorable Kip Leonard
The Honorable Maurice Merten
The Honorable Douglas S. Mitchell
The Honorable Karsten H. Rasmussen
The Honorable Lyle Velure

The Bench

The Lane County Circuit Court bench consists of 15 full-time judges who are elected for six-year terms. When a judgeship is vacated between elections, the vacancy is filled by gubernatorial appointment. Such positions are subject to election to full six-year terms at the next general election.

The Chief Justice of the Oregon Supreme Court appoints a Presiding judge, selected by their colleagues on the bench, for a two-year term. The court has 18 dockets and bench assignments covered by the judges. Among the assignments are chief criminal judge, criminal team, juvenile, civil motions, civil show cause, probate, traffic, small claims, and ex parte. The judges rotate through these assignments and typically retain them for one to two years.

Jurisdiction

Lane County Circuit Court is a general jurisdiction trial court, hearing cases regardless of the subject matter, amount of money involved, or the severity of the crime alleged. The Circuit Court has jurisdiction over:

- All state offense cases from violations to felonies;
- All civil and small claims matters;
- Forcible entry and detainer (eviction) cases;
- Dissolutions of marriage, adoptions and other family law matters;
- Probate proceedings;
- Juvenile proceedings;
- Mental health and commitment proceedings; and
- Appeals from limited jurisdiction courts from throughout Lane County.

Decisions appealed from circuit court go directly to the Court of Appeals, except for cases where the circuit court sentenced a defendant to death. Death penalty appeals go directly to the Supreme Court.

Court Administration

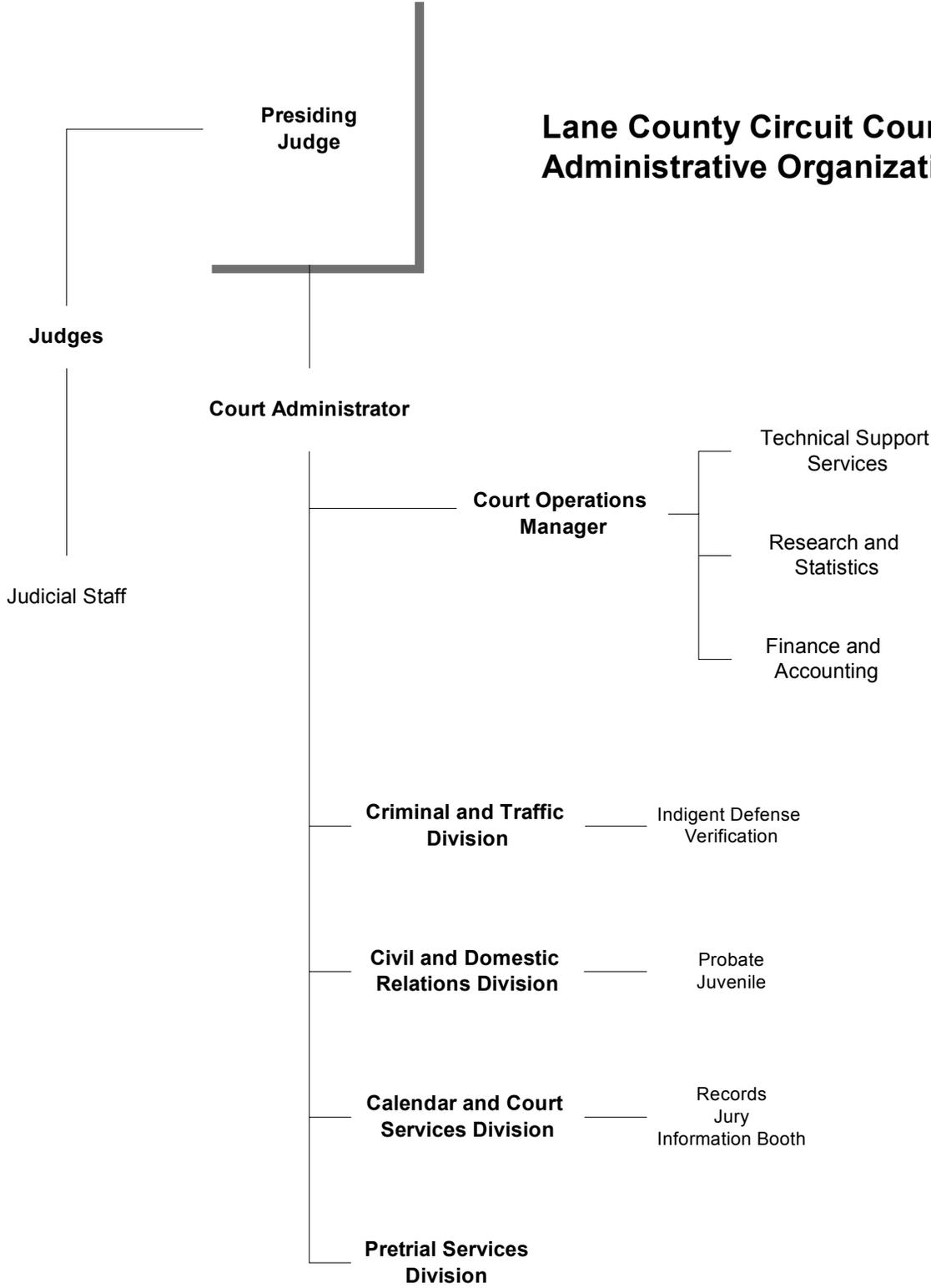
Under the direction of the presiding judge, the court administrator is responsible for the non-judicial operations of the court. To that end, court operations are organized in departments: civil case processing, criminal and traffic case processing, court services, pretrial release, judicial support, and administration.

In 2003, 113 employees worked in these six operational areas. The civil case processing unit is responsible for front-to-back civil, domestic relations, probate and juvenile case processing. Case processing runs from case initiation and cashiering, to data entry and judgment entry. The criminal and traffic unit has the same responsibilities for criminal and traffic case types, and also includes the indigent defense verification team.

The court services unit is comprised of the information booth, jury, records, and calendar clerk staff. Pretrial services release officers are responsible for pretrial risk assessment, release and supervision of defendants. Judicial support consists of judicial assistants, law clerks, court reporters, and courtroom clerks. Administration employees work in technical support, accounting and management support.

ORGANIZATION CHART

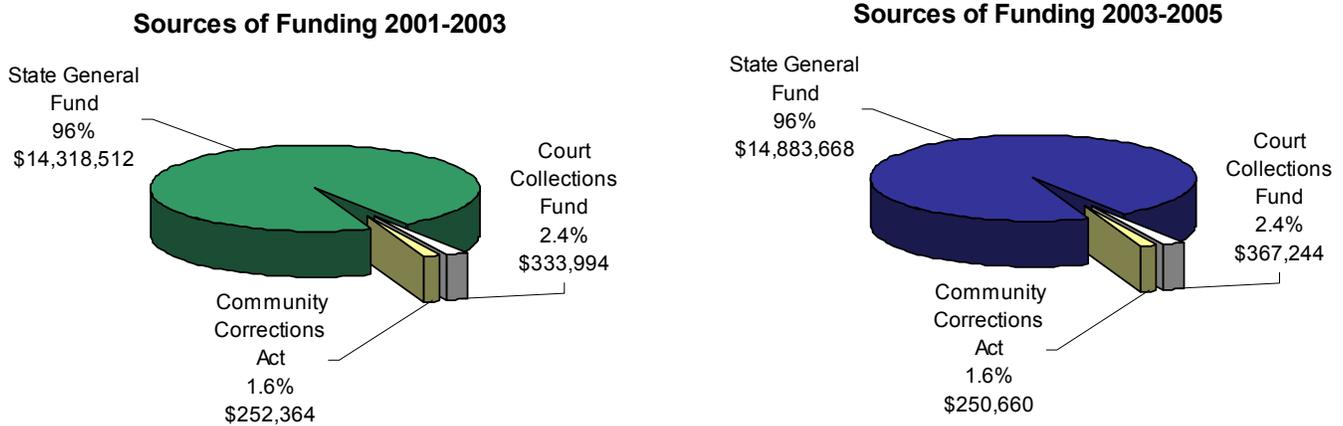
Lane County Circuit Court Administrative Organization



FINANCIAL OVERVIEW

Appropriations

The court operates on a two-year budget cycle. Calendar year 2003 carried over two of these fiscal biennia. The court's budget for 2001-2003 totaled \$14,904,870. For 2003-2005, the budget is \$15,501,572. The court operates with money from the state general fund and from special revenue funds. Special revenue amounts, totaling four percent of the court budget, come from court collections revenue and community corrections act funds. Ninety-six percent of the funds allocated are earmarked for personnel expenses, and four percent for overhead. The charts below illustrate the level of funding received from each funding source for the two biennia.



General Fund

As shown in the pie charts above, the state general fund contribution to the court's total budget remained nearly the same for these two budget cycles. However, this does not accurately portray the impact of general fund reductions. In 2002, HB 5100 resulted in a reduction of the court's general fund of \$428,813 or 2.9 percent. In 2004, the failure of ballot measure 30, resulted in a \$530,879, or 3.44 percent reduction.

Managing the impact of these funding reductions required the court to take dramatic steps in order to maintain basic services for the public. In 2002 the court laid off four people in three positions. With the passage of HB 4055 also in 2002, the court lost permanent funding and authorization for six essential positions including a technical support specialist, family court coordinator, two court clerks, and two stenographic reporters.

Some of the budget reduction efforts were implemented statewide by the OJD from March through July 2003. The statewide reduction measures included a hiring freeze, the closure of all circuit courts on Fridays, a ten percent salary reduction for all court staff, restricted capital purchases, elimination of all out of state and most instate travel, restricted training expenses, and reduction of all noncapital expenditures. In addition, all circuit courts in the state were unable to process small claims cases. A reduction to the Indigent Defense budget, also managed at that time by the OJD, resulted in insufficient funds to appoint lawyers to non-person misdemeanors and felonies. Unable to process cases without counsel, the OJD suspended work on non-person misdemeanors and felonies for those four months.

Some of these measures, including the hiring freeze, restricted travel, capital purchases, training and other non-capital expenditures continued through the end of 2003. In addition, all merit increases for court and other state employees have been eliminated through June 2005.

Collections Fund

Beginning in September 2001, part of the court's general fund budget was shifted to a special fund limitation for court collections. The 2001 legislature approved fees to be applied to cases in which the court establishes an installment payment plan and to those cases which must be referred for collection. The statewide expenditure levels for collection funds are limited to total revenues that are collected for that purpose. Each judicial district is allocated a limitation on the amount of money that can be spent on collection activities. In Lane County, collection activities include in house collection actions, referring debt to third-party collection agencies, receipting money on debts owed, and a variety of other financial transactions. Lane County's \$367,244 limitation funded 4.23 clerical positions in 2003.

Community Corrections Act

The Community Corrections Act fund is apportioned to Lane County Circuit Court, Pretrial Services Division by the Board of County Commissioners as recommended by the local public safety coordinating council (PSCC). The council develops and recommends plans for use of state resources to deliver a continuum of sanctions and services to fit the community and the offender. Pretrial Services is responsible for the release of defendants prior to trial and for supervision of released defendants as appropriate. In 2003, three positions were funded in the Pretrial Services Office. The current allocation of \$250,660 is less than previous biennia due to the state budget cuts and will finance 2.25 positions through July 2005.

Revenue

In 2003, the court collected and disbursed \$5,567,791. Revenue is primarily generated from filing fees, fees for services, fines, assessments, restitution, and forfeitures. Ninety-one percent of revenues generated by the court were distributed to other agencies and accounts as shown to the right. The majority of revenue generated goes to the Oregon General Fund and to the Department of Revenue for distribution to the Criminal Fines Costs and Assessments account. Fifteen percent of revenue generated stays in Lane County to fund city and county programs and agencies.

Of the money retained by the Judicial Department, only the court security fund and the drug court fund are directly allocated to local projects.

The court collection accounts are managed by the state court administrator to finance the court collection positions, and pay for expenses incurred from use of third-party collection agencies.

The OJD operating account is a temporary fund financed by a surcharge on certain fees collected by Circuit Courts commencing September 1, 2003 and ending June 30, 2005. The account is to be used for operating expenses of the court and is intended to partially offset the general fund budget cuts during the 2003-2005 biennium.

2003 Revenue Distribution	
Total Revenue Generated: \$5,567,791	
Restitution to Victims	\$927,378
State Agencies	
Oregon Bar Assoc Legal Services	\$280,090
Oregon Dispute Resolution Commission	\$93,382
Oregon Dept of Revenue (for CFAA distribution)	\$1,820,006
Oregon Adult and Family Services	\$11,278
Oregon General Fund	\$1,056,464
Oregon Housing & Community Services	\$1,306
Oregon Mental Health Dept	\$16,324
Oregon Youth Services Commission	\$1,643
	\$3,280,492
Lane County Agencies	
Lane County Sheriff	\$45,149
Lane County Liquor Control	\$8,609
Lane County Law Library	\$285,993
Lane County Mediation	\$400,066
Lane County Jail Assessment Fund	\$70,083
	\$809,900
Cities	
Eugene	\$10,476
Springfield	\$5,086
Cottage Grove	\$2,030
Coburg	\$5,611
Florence	\$926
Oakridge	\$2,751
	\$26,880
Revenue Retained by OJD	
Oregon Court Collection Fund	\$66,674
OJD Operating Account	\$82,803
Lane County Court Security Fund	\$46,722
Court Collections Revenue	\$277,027
Drug Court Fund	\$49,915
	\$523,141

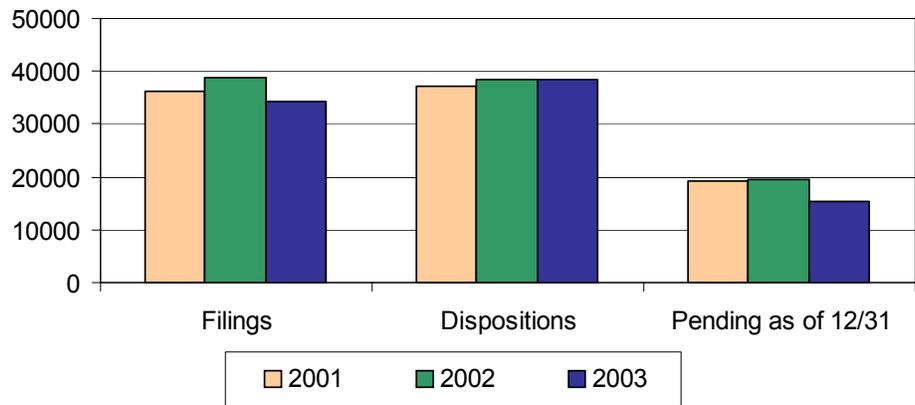
STATISTICS OVERVIEW

Filings and Dispositions

In 2003, 34,285 new cases were filed, a reduction of 11 percent from 2002. As mentioned previously, the state court system reduced the types of cases being processed in 2003 due to budget cuts. The result was that 4,000 fewer cases were filed in 2003 than in 2002. The majority of these were small claims (down by 1,500) and traffic violations (down by 2,000). Traffic violations were likely down due to reductions to the State Police budget.

Lane County took advantage of the reduction in case filings to reduce the backlog of pending cases in the court. Pending cases went down 21 percent from 19,604 in 2002 to 15,333 in 2003. Of the 15,333 cases pending as of 12/31/03, approximately 50 percent were cases that are outside of the court's ability to move forward due to warrants, bankruptcy, or other circumstances beyond the court's control. As of the end of 2003, Lane had the lowest number of active pending cases for like-size counties in the state. Of the active cases, only seven were more than two years old.

Comparison of Court Filings, Dispositions and Pending Cases 2001-2003



Criminal and Traffic Caseload

As depicted in the table on the next page, there were 15, 582 new criminal and traffic cases filed in 2003. With the exception of misdemeanors, filings of all criminal and violation case types were down in 2003 versus 2002. Part of this is due to the normal variation in case filings, and part is due to the above-mentioned cuts to indigent defense that made it impossible for the court to process certain criminal cases between March and July 2003. Drug charges, theft, burglary and robbery, assault, and

DUII outranked other criminal charges being filed.

2003 Criminal Caseload Overview

2003	Felonies	Misdemeanors	Violations	Total
Pending 1/1/03	5,057	4,509	4,521	14,087
New Cases Filed	3,720	3,292	8,570	15,582
Total Caseload	8,777	7,801	13,091	29,669
Dispositions:				
Jury Trials	76	53		129
Court Trials	92	37	286	415
Other Dispositions	3,701	3,542	12,180	19,423
Total Dispositions	3,869	3,632	12,466	19,967
Pending 12/31/03	4,908	4,169	625	9,702
Inactive 12/31/03	4,054	3,620	79	7,753
Active 12/31/03	854	549	546	1,949

Of criminal cases disposed, three percent were closed with a jury or court trial. Other dispositions included guilty pleas, early disposition programs such as the DA's Deferred Adjudication Program, and dismissals.

Civil Caseload

As shown in the table below, there were 13,898 new civil cases filed in 2003. This represents an 11 percent reduction in the number of civil case filings from 2002. General civil filings were slightly up, FED filings were slightly down, and small claims filings were down 23 percent from 2002. This is no doubt due to the inability of the court to process small claims cases between March and July of 2003.

2003 Civil Caseload Overview

2003	General Civil	Small Claims	FED	Total
Pending 1/1/03	1,526	1,549	81	3,156
New Cases Filed	6,869	4,982	2,047	13,898
Total Caseload	8,395	6,531	2,128	17,054
Dispositions:				
Jury Trials	48			48
Court Trials	40	117	62	219
Small Claims Mediation		407		407
Other Dispositions	6,752	4,475	1,996	13,223
Total Dispositions	6,840	4,999	2,058	13,897
Pending 12/31/03	1,555	1,532	70	3,157
Inactive as of 12/31/03	84	24	0	108
Active as of 12/31/03	1,471	1,508	70	3,049

Case dispositions decreased eight percent and cases pending at the end of the year decreased 3.5 percent. Civil trials in 2003 increased 17 percent over 2002. The majority of additional trials were on small claims while general civil and FED trials held steady. The trial rate on all civil cases of two percent is consistent with other like-sized counties and with the statewide average trial rate. For all civil cases, Lane County is lower than the statewide average for average age of case at termination.

Family Law Caseload

There were 4,722 family law case filings in 2003, a decrease of 4.3 percent from 2002. Case dispositions decreased 5.9 percent while pending cases decreased 4.1 percent. Family case trials commenced in 2003 remained the same as 2002. The trial rate on family law cases of 2.6 percent is consistent with the statewide average trial rate for family law cases.

2003 Family Law Caseload Overview

2003	Divorce	Abuse Prevention	Paternity	Adoption	Other Domestic	Total
Pending 1/1/03	476	0	29	45	99	649
New Cases Filed	1,671	1,340	308	249	1,154	4,722
Total Caseload	2,147	1,340	337	294	1,253	5,371
Dispositions:						
Court Trials	86				44	130
Other Dispositions	1,613	1,340	319	249	1,097	4,618
Total Dispositions	1,699	1,340	319	249	1,141	4,748
Pending 12/31/03	448	0	18	45	125	636

2003 Probate Caseload Overview

2003	Estates and Small Estates	Guardianships and Conservatorships	Other Probate	Total
Pending 1/1/03	460	1,008	13	1,481
New Cases Filed	592	157	47	796
Total Caseload	1,052	1,165	60	2,277
Dispositions:				
Total Dispositions	560	186	33	779
Pending 12/31/03	492	979	27	1,498

Probate Caseload

As depicted in the table to the left, 796 probate cases were filed in 2003, an increase of 5.7 percent over 2002. Disposition of probate cases increased by 8 percent and pending cases remained virtually unchanged.

Juvenile Caseload

The table on the right is an overview of the juvenile petitions filed in 2003. There were 1,231 juvenile petitions filed in 2003, only six fewer than filed in 2002. Dispositions decreased by 1.5 percent over 2002, while pending petitions increased by only ten. Juvenile case flow has remained fairly consistent over the last two years.

2003 Juvenile Caseload Overview

2003	Dependency	Delinquency	Termination of Parental Rights	Emancipation	Total
Pending 1/1/03	74	72	160	1	307
New Petitions Filed	531	451	238	11	1,231
Total Caseload	605	523	398	12	1,538
Dispositions:					
Total Dispositions	539	432	238	12	1,221
Pending 12/31/03	66	91	160	0	317

2003 HIGHLIGHTS

Statewide Committees, Appointments and Honors

Members of the court's bench and staff are very active locally and statewide on a variety of committees. During 2003, 16 judges and employees served on a number of different committees. Those committees dealt with all aspects of the court system including administration, training and education, criminal law, civil and family law, and juvenile legal issues.

Among members of the bench serving on committees were: Judge Jack Billings who was Lane County Bar Association President, and served on the Chief Justice's Judicial Education Committee, Judge Cynthia Carlson was a member of the Oregon State Bar Diversity Section, Education Committee and was also on the board of the Understanding Racism Foundation. Judge Eveleen Henry served on the Uniform Trial Court Rules Committee, and also as a member of the Oregon State Bar State Lawyer's Assistance Committee. Judge Darryl Larson was appointed to Chair the Governor's Drug and Violent Crime Advisory Board and also served as the Chair of the Treatment Subcommittee of the Methamphetamine Task Force. Judge Karsten Rasmussen was elected the vice-president of the Oregon Circuit Court Judges Association. Judge Lauren Holland served on the Lane County Domestic Violence Counsel and the Lane County Mediation Commission. She is also a member of the Chief Justice's Judicial Education Committee, and is on the Probate Committee of the Lane County Bar Association.



Court managers and supervisors served on the Chief Justice's Education Advisory Committee, the Chief Justice's Civil Law Advisory Committee, the Special Task Force on Future Technology in the Oregon Courts, the Chief Justice's Staff Education Committee and a variety of other committees and work groups.

Judge Cynthia Carlson was honored to receive the city of Eugene Human Rights Commission, Martin Luther King, Jr. Leadership Award for 2003.

Pretrial Services Division

In 2003, the Pretrial Services Office embarked on a new era of collaboration with the Lane County

Sheriffs Department Corrections Division and Department of Human Services, Parole and Probation Department. Called the Defendant Offender Management Center (DOMC), the project's purpose is to assess, place and manage defendants and offenders for the protection of the community and the integrity of the criminal justice system in order to accomplish three primary goals:

- Reduce the risk of community harm;
- More effectively and efficiently utilize Lane County criminal justice system resources; and
- Increase the rate at which defendants and offenders appear for scheduled court proceedings.

Implementation of a research-based and validated risk assessment tool is one of the primary strategies being implemented to achieve the above goals. In addition, the court will now place all corrections division capacity releases on court-based release agreements. Individuals placed on court-based releases have a substantially increased rate of appearance in court and the court has options for supervision of pretrial releasees that corrections does not have. Another strategy is to assess every defendant or offender booked into the Lane County Jail for risk. To accomplish this strategy, the corrections division will assign three deputy sheriffs to bolster staff of the court's pretrial release office. With this additional staffing, the pretrial office will return to 24/7 operation and the jail will manage population on a one-in, one-out basis, rather than reducing population twice daily to meet the federal capacity order. Implementation of the DOMC is set to begin in July 2004.

Court Tours

In 2003, Lane County Circuit Court hosted 21 tours serving 392 school-age children. The tours were tailored to the grade level of the students, from 2nd grade through college. Students get to sit in on arraignments, trials, sentencings and other court proceedings. They view official court records and participate in question and answer sessions with judges and other court employees. These staffed-tours provide students with valuable insight into the criminal justice system. Many teachers have integrated the tours as part of their lesson plans on the Constitution and American Government and return yearly. The court is proud to provide this important public service.



Court Specialist Maryann Lyda gives a tour for Highschool students

Family Court Assistance Office

The Family Court Assistance office is now in its third year of operation. The office is responsible for assists people without lawyers with court processes and available forms, providing information about legal services and other services available in the community, assisting litigants with document preparation and processing and reviewing documents for completeness and compliance with applicable rules and statutes.

In 2003, the office assisted 3,559 individuals with their family court cases. People were referred by the court, Legal Aid, local attorneys, the District Attorneys office, and a host of other sources. Sixty-four percent of those using the assistance office earned less than \$20,000 per year, and 63.5 percent of users had a no education post high-school. The office gave out 3,274 forms and fielded 3,830 phone calls.

Digital Audio Recording

Despite severe budget reductions, the court was able to implement an important enhancement to its recording systems in 2003. Beginning June 1, 2003, the court replaced its aging analog recorders with new FTR Gold digital recording systems. The upgrade to new technology was critical to improve the quality of the record in courtrooms where stenographic reporting is not available. The court now has FTR Gold recording installed in 13 of 17 courtrooms. The improvements over analog are many including:

- Clearer recording with the ability to separate microphone channels;
- Court staff can listen to the recording real time so that problems are detected immediately;
- The record is no longer on magnetic tape. Instead it is retained in files in the hard drive, is backed up to a server, and after four months, is stored permanently on CD.
- Permanent storage on CD uses only 2 percent of the space that analog tapes were using.
- The record can be sent out to litigants, transcribers, the Court of Appeals, and the public in digital format, with a much higher quality than the analog tapes.

Jury Service

The jury coordinator provides jurors for Circuit Court, handling the whole jury process from summoning to payroll. The master list of jurors consists of registered voters in Lane County and individuals whose Oregon drivers license address is in Lane County, with duplications eliminated.

Jury service in Lane county lasts for one day or for the duration of one trial. During 2003, 44,850 jury summonses and qualification questionnaires were mailed to prospective trial jurors. Of those summoned, approximately 20,000 people were requested to appear. Lane has a consistently high appearance rate for those called in to serve. During 2003, approximately 50 percent of prospective jurors whose numbers were selected appeared for jury duty. This compares with 25 - 30 percent in other like-sized courts in the state. Of the 10,089 jurors who appeared, 4,023 were drawn for jury panels.

**194 LANE COUNTY
RESIDENTS
REPORTED FOR
JURY SERVICE
EACH WEEK IN
2003**

Drug Court

Lane County Circuit Court's Drug Court is a diversion program which allows participants to have their case dismissed upon successful completion of the court program and associated treatment.

Drug Court collaboration brings together the Court, District Attorney, Public Defender Services, Parole and Probation, Department of Human Services, treatment providers, and many other organizations and agencies in our community to work as a team toward these common goals.

- Reduce participant contacts with the criminal justice system;
- Reduce costs associated with criminal case processing and re-arrest;
- Introduce participants to an ongoing process of recovery designed to achieve total abstinence from the use of mood-altering drugs;
- Promote self-sufficiency and empower participants to become responsible and productive members of the community;
- Reduce jail overcrowding.

Drug Court has a private endowment of \$1 million established by Dr. John Serbu which is managed by the Oregon Community Foundation. The yearly interest on the endowment helps to fund treatment services for Drug Court participants. In FY 2004-05, Serbu funds will provide \$83,072 in funding for Drug Court. However, in 2003, drug court treatment funding was significantly reduced due to elimination of Oregon Health Plan Standard coverage for chemical dependency. The result was that the drug court was forced to reduce its client population from 300 to 90 participants.

Since 1994, the Adult Drug Court has served 2078 participants. 739 participants have successfully completed the program. In 2003, Drug Court admitted 221 new petitions, and 124 participants successfully completed the program.

A 2001 recidivism study conducted by Oregon State Court Administration found that Drug Court graduates had a decrease of 82 percent in recidivism when arrests for the year prior to entry into Drug Court were compared with arrests in the year following program completion. (The decrease in felony arrests was 95 percent.) In addition, data from follow-up surveys with program graduates indicate that a high percentage of program graduates maintain abstinence after completing the program.

Approximately 25 drug-free babies have been born to program participants, and many more drug-free babies have been born to program graduates. The total lifetime costs for caring for children prenatally exposed to drugs or alcohol ranges from \$750,000 to \$1.4 million. [American University report published in 2002, based on 35 studies over a period of 17 years.]