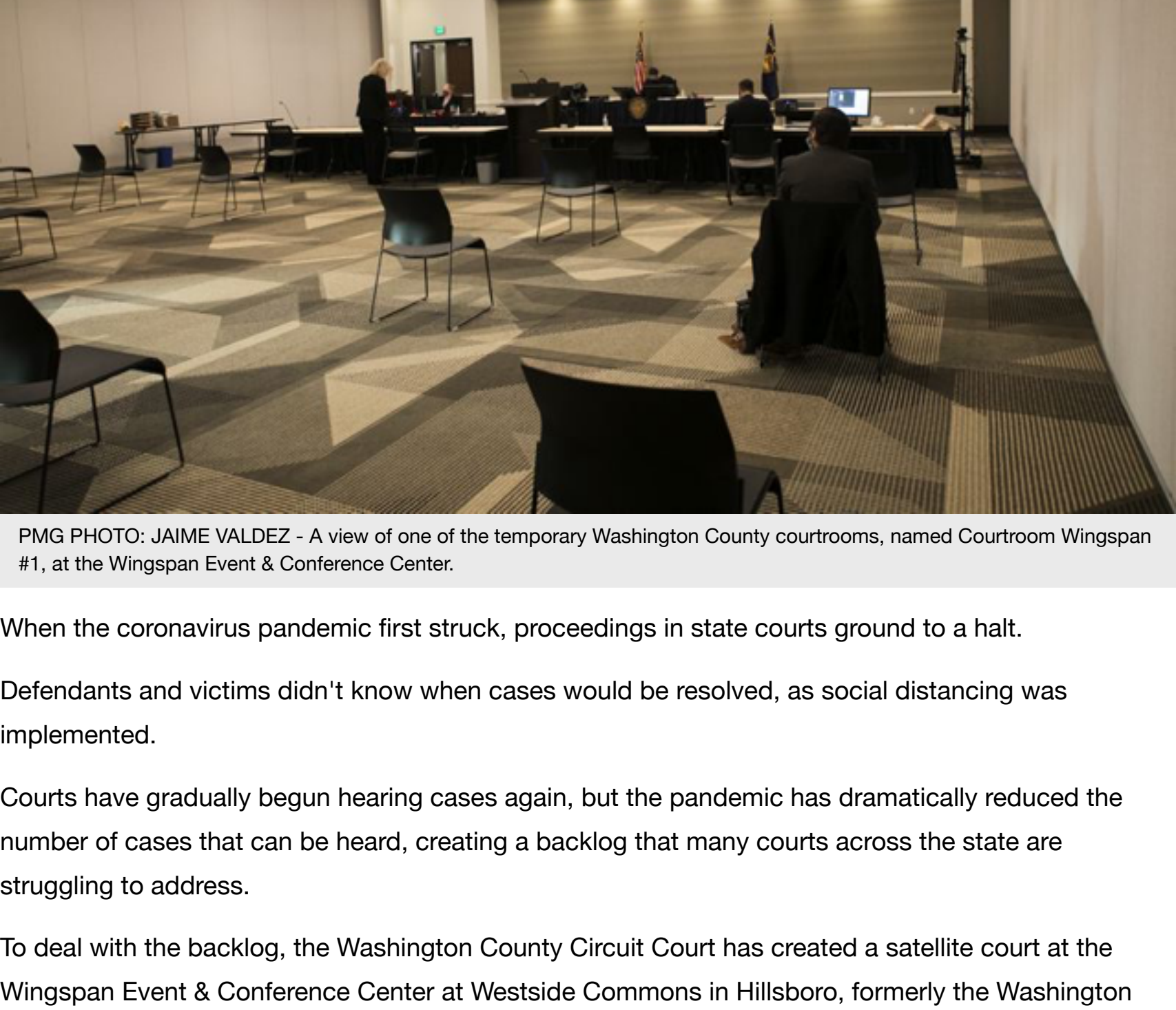


# New courts set up at Westside Commons to deal with case backlog

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Max EgenerOctober 26 2020

Washington County judges, prosecutors and defense attorneys address a backlog of cases created by the pandemic.



PMG PHOTO: JAIME VALDEZ - A view of one of the temporary Washington County courtrooms, named Courtroom Wingspan #1, at the Wingspan Event & Conference Center.

When the coronavirus pandemic first struck, proceedings in state courts ground to a halt. Defendants and victims didn't know when cases would be resolved, as social distancing was implemented. Courts have gradually begun hearing cases again, but the pandemic has dramatically reduced the number of cases that can be heard, creating a backlog that many courts across the state are struggling to address. To deal with the backlog, the Washington County Circuit Court has created a satellite court at the Wingspan Event & Conference Center at Westside Commons in Hillsboro, formerly the Washington County Fairground Complex. It's the first use of the building, where construction was completed only months ago in August. Two of the building's large conference rooms are currently being used as courtrooms, with the judge's bench, tables for prosecutors and counselors, and chairs for defendants and other court attendees spaced at least six feet apart. The court has also set up rooms where defendants and attorneys can meet separated by plexiglass. Washington County District Attorney Kevin Barton says the satellite court is currently being used to address a backlog of between 600 and 700 lower-level felony and misdemeanor cases. From Oct. 14, when the court opened, to Oct. 19, 215 cases appeared on the satellite court's docket. Of those, 112 cases were resolved with convictions, dismissals or alterations to probation. Defendants failed to appear for 63 cases, 13 were postponed and 27 were not resolved.

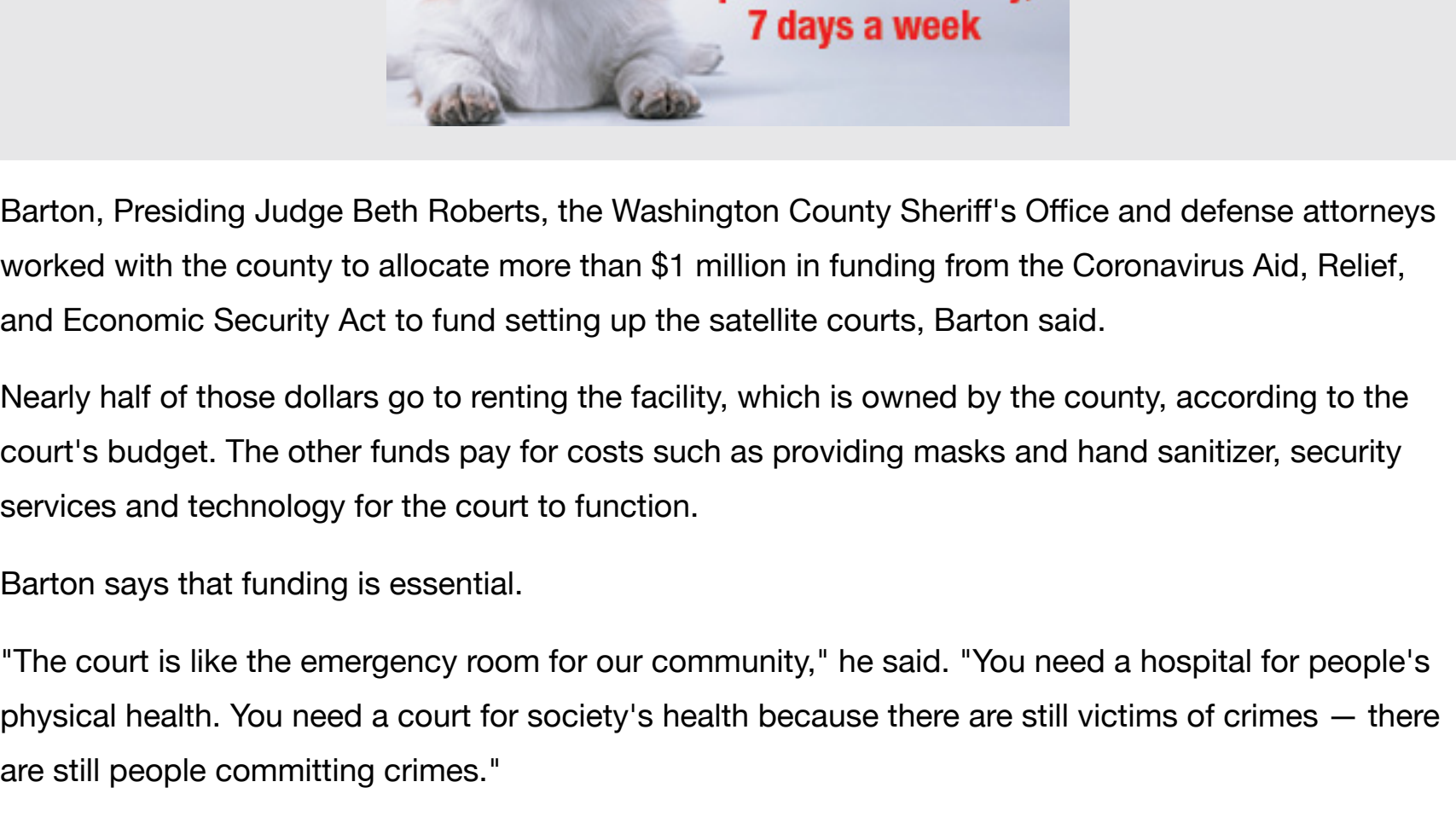
Barton and the court expected early on that conditions of the pandemic would improve enough to be able to start making significant progress on the backlog by the end of the summer.



PMG PHOTO: JAIME VALDEZ - Washington County District Attorney Kevin Barton says he's pleased that the brand new Wingspan Event & Conference Center is being used for satellite courtrooms.

"As time went on, we realized that wasn't really going to be a change, so we had to come up with something different," Barton said.

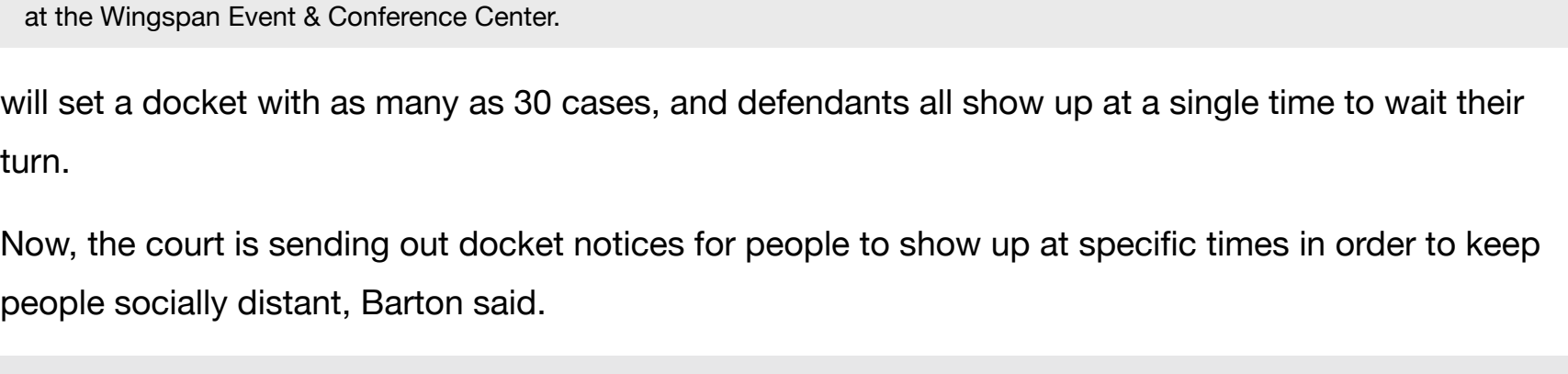
His office explored using the auditorium at the Hillsboro Civic Center or even high school gyms, as schools have remained shut down as well.



Barton, Presiding Judge Beth Roberts, the Washington County Sheriff's Office and defense attorneys worked with the county to allocate more than \$1 million in funding from the Coronavirus Aid, Relief, and Economic Security Act to fund setting up the satellite courts, Barton said. Nearly half of those dollars go to renting the facility, which is owned by the county, according to the court's budget. The other funds pay for costs such as providing masks and hand sanitizer, security services and technology for the court to function.

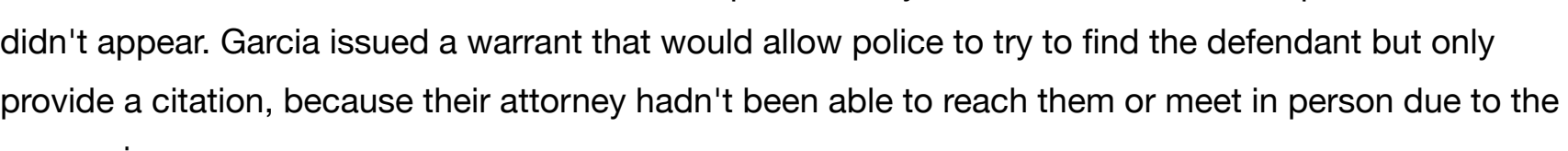
Barton says that funding is essential. "The court is like the emergency room for our community," he said. "You need a hospital for people's physical health. You need a court for society's health because there are still victims of crimes — there are still people committing crimes."

The small courtrooms at the Washington County Circuit Court are not conducive to social distancing, Barton said. Neither is the court's typical process for setting the docket, he said. Ordinarily, the court



PMG PHOTO: JAIME VALDEZ - The entrance of a temporary Washington County courtroom, named Courtroom Wingspan #1, at the Wingspan Event & Conference Center.

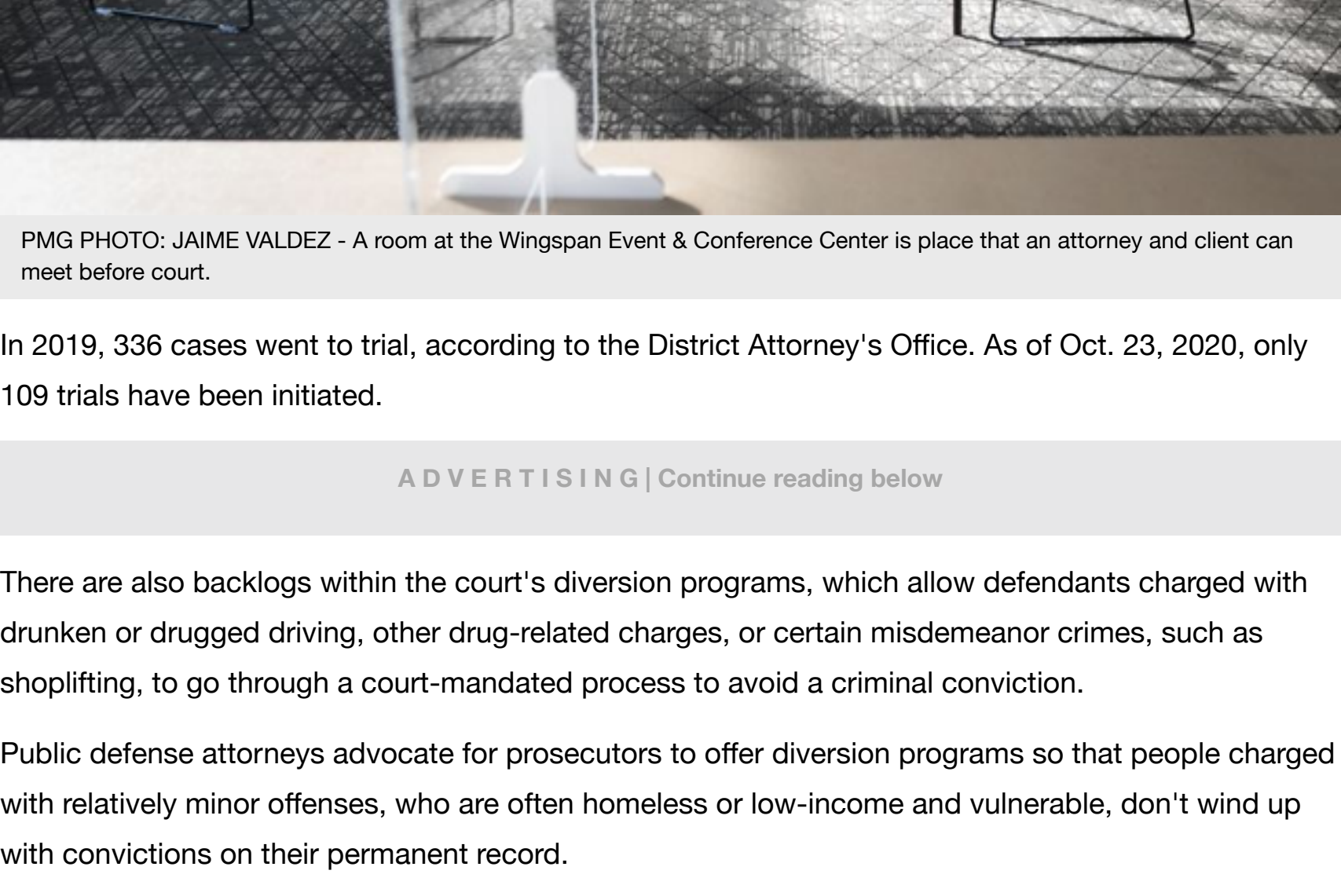
will set a docket with as many as 30 cases, and defendants all show up at a single time to wait their turn. Now, the court is sending out docket notices for people to show up at specific times in order to keep people socially distant, Barton said.



On Thursday, Oct. 22, the 9 a.m. docket was lighter than the week before, Barton said, with only two cases scheduled. Neither defendant showed up. One defendant had failed to appear multiple times, and Judge Oscar Garcia issued an arrest warrant. The other defendant had a court date the week prior, shortly after the satellite court opened, and didn't appear. Garcia issued a warrant that would allow police to try to find the defendant but only provide a citation, because their attorney hadn't been able to reach them or meet in person due to the coronavirus.

"The last thing we want to is punish someone for not showing up when they didn't get notice to be here," Barton said.

As more lower-level cases come to the court at the conference center, Barton said his office and other stakeholders at the court will evaluate whether the facility should be used for other types of processes — potentially including criminal trials, which have also slowed during the pandemic.



PMG PHOTO: JAIME VALDEZ - A room at the Wingspan Event & Conference Center is place that an attorney and client can meet before court.

In 2019, 336 cases went to trial, according to the District Attorney's Office. As of Oct. 23, 2020, only 109 trials have been initiated.



There are also backlogs within the court's diversion programs, which allow defendants charged with drunken or drugged driving, other drug-related charges, or certain misdemeanor crimes, such as shoplifting, to go through a court-mandated process to avoid a criminal conviction. Public defense attorneys advocate for prosecutors to offer diversion programs so that people charged with relatively minor offenses, who are often homeless or low-income and vulnerable, don't wind up with convictions on their permanent record. Asked if the District Attorney's Office has sought to increase diversion programs as a way to deal with the backlog of cases, a spokesperson said prosecutors want to address the backlog with any tools available.

Indeed, the data indicates that a significant number of cases have been resolved at the satellite court through various means. Of the cases already adjudicated by Oct. 19, a total of 56 resolved by guilty pleas to criminal offenses, with 29 other cases dismissed as part of those negotiations. Additionally, 40 cases were reduced to violations, and three cases were dismissed at the district attorney's direction. The Pamplin Media Group has reached out to Metropolitan Public Defender, which handles about 45% of defense work in the county, for comment on this story.

*Editor's note: Based on inaccurate data from the Washington County District Attorney's Office, an earlier version of this story undercounted the number of cases resolved by plea agreements at the satellite court as of Oct. 19. Fifty-six cases ended with guilty pleas to criminal charges. The story has been corrected.*

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