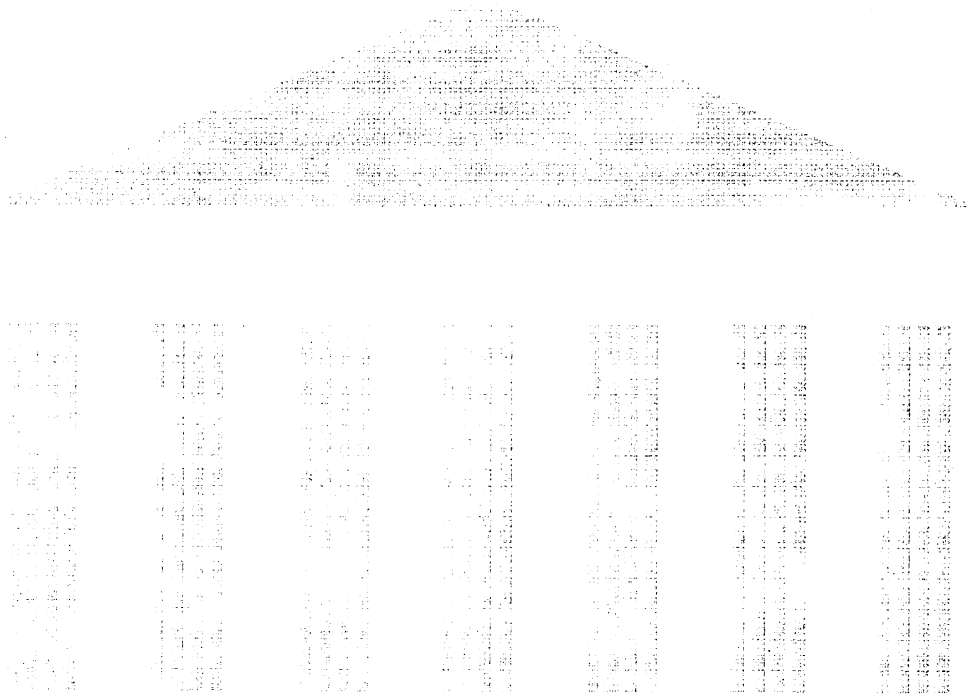


Cleveland Heights Municipal Court



1997 Annual Report

Lynn C. Toler, Judge

TABLE OF CONTENTS

COMMENTS, JUDGE TOLER..... 1
CASE FILINGS..... 2
TRAFFIC OFFENSES BY CHARGE..... 3
CRIMINAL OFFENSES BY CHARGE..... 4
CRIMINAL RECEIPTS/DISBURSEMENTS..... 5
CIVIL, SMALL CLAIMS RECEIPTS/DISBURSEMENTS..... 6
LANDLORD-TENANT & TRUSTEESHIP RECEIPTS/DISBURSEMENTS..... 7
MISCELLANEOUS ITEMS..... 8
PROBATION DEPARTMENT REPORT..... 9
EMPLOYEE ROSTER.....12

TO: Council of the City of Cleveland Heights
Board of Commissioners of Cuyahoga County

Re: Cleveland Heights Municipal Court's Annual Report for 1997

In this, my 1997 annual report, I would like to bring the following matters to your attention.

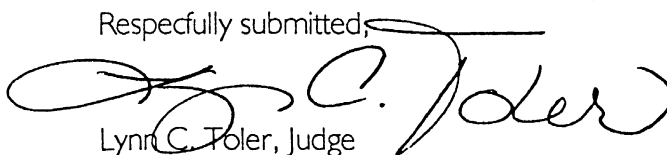
This year has seen a stabilization in the number of traffic tickets handled by this court. There were 24,996 traffic filings in 1997 as compared to 16,655 in 1995 and 34,346 in 1996. The court continues to improve its collection procedures in an effort to minimize the number of defendants who default on fine payments. We have found that the issuance of license forfeitures for failure to pay is a very effective means by which to garner compliance from those who would otherwise ignore that responsibility. Accordingly, the court increased the number of license forfeitures it issued from 990 in 1996 to 1,650 in 1997. As a result of our license forfeiture program alone, 785 individuals who had failed to pay imposed fines honored their obligations this year.

The court's conscientious pursuit of fines that have been levied assists it in keeping court costs down. Once again, in 1997, this court was not required to raise its costs. Despite the fact that we have not raised costs the court's income continues to exceed its budget. It appears that we have successfully reversed the trend noted at the beginning of my tenure (see Comments accompanying this court's 1994 and 1995 financial reports) in which it appeared that costs would soon outstrip revenue.

While it is appropriate to concentrate on the financial aspects of the court's operation in this annual report, the efficacious and conscientious administration of justice is, of course, my primary purpose. I believe that no institution can rest on its laurels and that improvement is always possible and necessary. To that end, the court has made the following improvements in 1997: (1) The court has installed a system by which attorneys may search case dockets by modem; (2) Deputy bailiffs have been provided with peace officer training; (3) Housing court procedures have been modified by the implementation of a one year probation term restriction in an effort to reduce the number of cases that remain on the court's docket for an extended period of time; (4) The court has begun to make "courtesy calls" to housing court defendants who are issued warrants for non-appearance in an effort to increase the appearance rate while eliminating any undue embarrassment. This method appears to have cut the non-appearance rate almost in half.

As always, this court will continually review its procedures and work diligently to better all aspects of its operations every year.

Respectfully submitted,



Lynn C. Toler, Judge

Case Filings 1997

	A	B	C	D	E	F	G	H	I
	Felonies	Misdemeanors	O.M.V.I.	Other Traffic	Personal Injury & Property Damage	Contracts	F.E.D.	Other Civil	Small Claims
JANUARY	18	143	8	2,021	5	33	29	14	30
FEBRUARY	9	147	10	1,946	4	44	28	16	26
MARCH	14	186	8	2,229	4	38	21	17	26
APRIL	10	182	5	2,114	12	84	31	19	81
MAY	9	188	9	1,501	7	48	35	17	47
JUNE	8	144	9	1,301	9	61	39	9	33
JULY	17	204	5	1,358	1	73	30	12	87
AUGUST	19	208	5	1,382	3	50	29	1	38
SEPTEMBER	13	250	7	1,600	5	99	30	7	70
OCTOBER	8	214	6	1,612	5	64	29	3	38
NOVEMBER	13	137	2	1,069	1	48	20	5	30
DECEMBER	12	162	6	1,525	5	39	24	2	30
New Case Total	150	2,165	80	19,658	61	681	345	122	536
Re-activated Total	19	369	3	1,389					

These statistics are compiled from monthly reports submitted to the Supreme Court of Ohio under Superintendence Rule 12. Multiple charges filed against an individual as the result of the same act or series of acts are only counted as ONE CASE. Reactivated cases are those brought back onto the current docket when the Court regains jurisdiction over a defendant such as an arrest on a warrant or license forfeiture. The civil division of the court does not have reactivated cases. Individual criminal and traffic CHARGES appear elsewhere in this report.

TRAFFIC OFFENSES BY CHARGE 1997

Assured Clear Distance.....	251
Bicycle/Skateboard.....	21
Child Restraint.....	57
Compliance with Police Order.....	11
Driving Under Suspension.....	271
Driving Under the Influence	
of Alcohol/B.A.C.....	128
Failure to Control.....	198
Failure to Yield.....	228
Fleeing.....	13
Hit Skip/Leave Scene.....	34
Improper Left Turn.....	836
Improper U-Turn.....	84
Improper Passing.....	104
Left of Center.....	18
Operator License Violations.....	1,996
Pedestrian Violations.....	37
Reckless Operation.....	27
Speed.....	13,039
Stop Sign.....	706
Traffic Control Device.....	976
Other Moving Violations.....	362
Parking, complaints filed.....	1,082
Registration/Title/Plates.....	2,194
Unsafe Vehicle/Equipment.....	369
No Plate Light.....	73
Other Light Violations.....	661
Seat Belt/Operator.....	1,177
Seat Belt/Passenger.....	43
TOTAL CHARGES 1997:	24,996

TOTAL CHARGES 1996: 34,346

TOTAL CHARGES 1995: 16,655

TOTAL CHARGES 1994: 19,152

These figures and those on the preceding page represent the number of criminal complaints and the number of traffic tickets plus parking complaints actually filed with the court during the year 1996. The number of cases filed are on the Supreme Court Report Chart starting this section. The Rules of Superintendence for Municipal and County Courts provide that multiple offenses arising from the same incident by the same defendant be given only one case number and counted only as one case for the purpose of the monthly reports to the Supreme Court of Ohio. This is the basis for the difference between the number of CASES and CHARGES. There are always more charges than cases under this method.

CRIMINAL OFFENSES BY CHARGE 1997

Alcohol/Underage.....	45	Riot.....	6
Animals.....	3	Robbery.....	10
Assault.....	51	Agg. Robbery.....	8
Felonious Assault.....	15	Scavaging.....	3
Bad Checks.....	3	Sexual Imposition.....	5
Breaking & Entering.....	14	Solicitation.....	4
Burglary.....	7	Telephone Harassment.....	7
Agg. Burglary.....	6	Theft-Petty.....	105
Att. Agg. Burglary.....	4	Theft-Grand.....	5
Building.....	116	Trespass.....	50
Carrying Concealed Weapon.....	6	Unauthorized use of a	
Child Endangering.....	0	motor vehicle.....	4
Criminal Damaging.....	4	Unreasonable Noise.....	0
Criminal Mischief.....	23	Vandalism.....	4
Criminal Tools.....	10	Violation of a Protection	
Complicity.....	0	Order.....	8
Disorderly/Disturb Peace.....	288	Weapons Prohibited.....	0
Dog/Cat Run at Large.....	20	Zoning.....	85
Dogs/Vicious.....	0		
Domestic Violence.....	164	TOTAL CHARGES FILED:	2,628
Drugs.....	29	Charges 1996:	2,543
Drug Instruments.....	6	Charges 1995:	2,657
Falsification.....	1	Charges 1994:	2,531
Felony D. U. I.....	3		
Firearms.....	11		
Fire Code.....	2		
Fireworks.....	2		
Fleeing/Escape.....	6		
Forgery.....	0		
Homicide.....			
Negligent.....	0		
Vehicular.....	0		
Agg. Vehicular.....	0		
Housing.....	875		
Intoxication.....	128		
Kidnapping.....	0		
Littering/Handbills.....	8		
Marihuana.....	58		
Marihuana Trafficking.....	6		
Menacing.....	17		
Agg. Menacing.....	10		
Misidentification.....	43		
Miscellaneous.....	39		
Murder/Aggravated.....	2		
Obstructing Official Business.....	8		
Occupancy Permit.....	144		
Open Container.....	53		
Park Regulations.....	32		
Public Indecency.....	5		
Rape.....	2		
Receive Stolen Property.....	27		
Resist Arrest.....	39		

**CRIMINAL/TRAFFIC BRANCH
RECEIPTS AND DISBURSEMENTS FOR 1996**

Adjusted Balance on Hand January 1, 1997		\$ 52,223.00	
Receipts 1997		<u>\$2,059,574.42</u>	
	TOTAL	<u>\$2,111,797.42</u>	
 DISBURSEMENTS:			
City of Cleveland Heights	1995	1996	1997
Fines	\$ 534,590.69	\$ 864,914.84	\$ 737,219.23
Costs	\$ 137,123.98	\$ 460,615.60	\$ 455,041.56
Housing	\$ 7,216.00	\$ 9,487.00	\$ 10,854.90
Computer Fund	\$ 67,424.50	\$ 212,224.00	\$ 199,844.00
Drug Fines	\$ 417.00	\$ 89.00	\$ 119.00
Witness/Jury Reimbrs	\$ 1.899/0	\$ 1,912.00	\$ 1,764.80
Bailiff Fees	\$ -0-	\$ -0-	\$ 211.00
Community Service Fees	\$ -0-	\$ -0-	\$ 4,262.00
Unclaimed Funds	\$ 967.00	\$ 1,425.00	\$ 811.50
Sub-Total	\$ 749,638.17	\$1,550,667.44	\$1,410,127.99
 Cuyahoga County			
Regular Fines	\$ 18,796.00	\$ 16,480.00	\$ 15,076.50
Uniform Traffic Fines	\$ 24,597.00	\$ 30,585.50	\$ 28,523.25
1/2 Liquor Fines	\$ 909.00	\$ 620.50	\$ 607.50
Witness/Jury Reimbrs	\$ 944.00	\$ 531.90	\$ 1,904.00
Sub-Total	\$ 45,246.00	\$ 48,217.90	\$ 46,111.25
 State of Ohio			
RRF/Victims Fund	\$ 90,336.93	\$ 193,062.00	\$ 173,073.00
GRF/General Fund	\$ 101,983.00	\$ 235,770.00	\$ 211,645.00
Seat Belt	\$ 5,776.00	\$ 29,865.00	\$ 24,470.00
Expungements	\$ 450.00	\$ 540.00	\$ 630.00
1/2 Liquor Fines	\$ 909.00	\$ 620.50	\$ 607.50
BMV Fees	\$ -0-	\$ -0-	\$ 4,680.00
Pharmacy Board (Drug)	\$ 99.00	\$ 81.00	\$ 219.00
Sub-Total	\$ 199,553.93	\$ 459,938.50	\$ 415,324.50
 Other Disbursements			
County Law Library	\$ 591.48	\$ 653.06	\$ 730.71
Misc. Agencies/Trans	\$ 891.00	\$ 3,491.00	\$ 3,740.50
* DUI Housing Fund	\$ 1,072.00	\$ 659.00	\$ 1,423.00
* DUI Arrest Agency	\$ 1,295.00	\$ 1,706.00	\$ 2,054.00
DUI Indigent Fund	\$ 1,100.00	\$ 1,931.00	\$ 2,116.25
Refunds	\$ 121,455.65	\$ 176,769.58	\$ 170,601.22
Sub-Total	\$ 126,405.13	\$ 185,209.64	\$ 180,665.68
 GRAND TOTALS	\$1,120,843.23	\$2,244,033.48	\$2,052,229.42
 Balance on Hand December 31, 1997			<u>\$ 59,568.00</u>
	TOTAL		<u>\$ 2,111,797.42</u>

* Money from these two funds goes directly into accounts for the Cleveland Heights Police Department for future DUI education and enforcement.

**CIVIL/SMALL CLAIMS BRANCH
RECEIPTS AND DISBURSEMENTS FOR 1997**

Balance on Hand January 1, 1997		\$ 1,190.00
Receipts 1997		<u>\$353,774.01</u>
	TOTAL	<u>\$354,964.01</u>

DISBURSEMENTS:

	1995	1996	1997
City of Cleveland Heights			
Costs	\$ 85,119.66	\$ 86,097.10	\$ 79,457.95
Computer Fund	\$ 33,269.50	\$ 37,532.50	\$ 35,404.00
1% Legal Aid	\$ 189.85	\$ 203.09	\$ 208.84
Unclaimed Funds	\$ 650.22	\$ 195.87	\$ -0-
Bailiff Fees	<u>\$ 95.00</u>	<u>\$ 325.00</u>	<u>\$ 220.00</u>
Sub-Total	\$119,324.23	\$124,353.56	\$115,290.79
State of Ohio Legal Aid	\$ 18,795.15	\$ 20,105.91	\$ 20,675.16
Judgements and Refunds	<u>\$251,599.64</u>	<u>\$242,869.41</u>	<u>\$215,386.15</u>
Sub-Total	\$270,394.79	\$262,975.32	\$236,061.31
GRAND TOTALS	\$389,719.02	\$387,328.88	\$351,352.10

Balance on Hand December 31, 1997		<u>\$ 3,611.91</u>
	TOTAL	<u>\$354,964.01</u>

**CIVIL/TRUSTEESHIP BRANCH
RECEIPTS AND DISBURSEMENTS FOR 1997**

Balance on Hand January 1, 1997		\$ -0-
Receipts 1997		<u>\$ -0-</u>
	TOTAL	\$ -0-

DISBURSEMENTS:	1995	1996	1997
City of Cleveland Hgts	\$ -0-	\$ 10.00	\$ -0-
To Creditors	\$ -0-	\$ -0-	\$ -0-
Return to Depositor	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
TOTALS	\$ -0-	\$ 10.00	\$ -0-

Balance on Hand December 31, 1997		\$ -0-
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**CIVIL/LANDLORD-TENANT BRANCH
RECEIPTS AND DISBURSEMENTS FOR 1997**

Balance on Hand January 1, 1997		\$ 588.50
Receipts 1997		<u>\$ 5,788.00</u>
	TOTAL	\$ 6,376.50

DISBURSEMENTS:	1995	1996	1997
City of Cleveland Hgts	\$ 102.25	\$ 80.00	\$ 64.08
To Landlords	\$ 4,807.95	\$ 7,476.48	\$ 4,438.17
To Tenants	\$ 4,175.10	\$ 493.02	\$ 569.25
Repair/Maintenance paid by Court Order	<u>\$ 674.70</u>	<u>\$ -0-</u>	<u>\$ 5,071.50</u>
TOTALS	\$50,617.48	\$ 9,760.00	\$ 8,049.50

Balance on Hand December 31, 1997		<u>\$ 1,305.00</u>
	TOTAL	\$ 6,376.50

MISCELLANEOUS ITEMS

There were 1,646 garnishments filed on civil and small claims actions.

The Landlord Tenant Division received eight (8) new cases and 7 were disposed of in 1997.

No Trusteeship cases were filed in 1997.

Judge Toler performed 12 weddings during the year.

There were 11 jury trials during 1997.

The criminal division issued 1,675 license forfeitures on persons who did not appear for court or did not pay their fine and costs. Approximately 500 persons took care of their forfeitures before the suspension dates became effective and 285 reinstatements were sent to the BMV for those who took care of their forfeitures after the suspension date.

The Bureau of Motor Vehicles returned \$1,975.00 to the City which was collected from DUI reinstatement fees collected by the BMV. This money was deposited in the DUI Indigent Fund as per State Statute. The State of Ohio returned \$3,071.00 to the City to cover the State per diem paid to acting judges, and \$977.00 was returned to the City for miscellaneous refunds.

Recap of money paid to the City from all divisions for the last three years:

	1995	1996	1997
Criminal/Traffic	\$ 749,638.17	\$1,554,257.69	\$1,550,667.44
Civil/Small Claims	\$ 119,324.23	\$ 124,353.56	\$ 124,353.56
Trusteeship	\$ -0-	\$ 10.00	\$ -0-
Landlord/Tenant	\$ <u>102.25</u>	\$ <u>80.00</u>	\$ <u>64.08</u>
TOTALS	\$ 869,064.65	\$1,678,701.25	\$1,675,085.08

This report includes the December 1997 disbursement even though that money was not paid out until January 1998.

*amended
2-25-98*

TO: Judge Lynn C. Toler
 FROM: James Miller
 Chief Probation Officer

RE: PROBATION ACTIVITY, 1997

I. PRESENTENCE INVESTIGATIONS/ PROBATION VIOLATIONS, 1996

	<u>1995</u>	<u>1996</u>	<u>1997</u>
Presentence Investigation Reports	572	460	446
Probation Violation Reports	88	127	76
Expungement	18	38	46
Diversion	18	38	20

II. SUPERVISION CASELOAD, on December 31, 1997

	<u>12-31-95 caseload</u>	<u>12-31-96 caseload</u>	<u>12-31-97 caseload</u>
Active (Supervised):	333	286	229
Inactive (Non- Supervised):	324	273	364
Post-sentence Warrants Outstanding:	162	75	186

III. SUPERVISION, 1997 Inclusive
(1996 numbers in parenthesis, for comparison)

Total active probation cases, supervised, Jan.-Dec. 1997, inclusive:	727	(758)
Total inactive probationer cases, Jan.-Dec. 1997, inclusive:	776	(744)
New active probation cases added in 1997:	444	(431)
New inactive probation cases added in 1997:	505	(416)

* * *

Number of probation cases (active/inactive), on 12-31-97, whose sentences also in- cluded jail time, with % of caseload:	229	-	37%
	(205)	-	36%

Supervision caseload, per Probation Officer:

<u>On 12-31-95</u>	<u>On 12-31-96</u>	<u>On 12-31-97</u>	<u>% Decrease 96-97</u>
167	143	114	-20

IV. MAJOR OFFENSES OF PROBATIONERS, on supervision, Dec. 31,
1997 (1996 number in parenthesis, for comparison)

	<u>No. of cases</u>	<u>% of cases</u>	<u>Cum. %</u>
OMVI	60 (62)	26 (22)	26
Domestic Violence	56 (87)	24 (30)	50
Petty Theft	21 (34)	9 (12)	59
Intoxication	21 (19)	8 (07)	67
Disorderly Conduct	17 (12)	8 (04)	75
Assault	16 (22)	7 (08)	82
Criminal Mischief	10 (10)	4 (03)	86
Driving Under Suspension	7 (08)	3 (07)	89
Trespassing	3 (05)	1 (02)	90
Menacing, Harrassing	2 (08)	1 (02)	91
Concealed Weapons	1 (01)	1 (02)	92
Others	16 (18)	8 (07)	100

V. PROBATION REFERRALS, in Dec. 31, 1997 caseload
 (As required by Court under Conditions of Probation;
 1996 figures in parenthesis, for comparison)

ALCOHOL/DRUG

Alcohol/ Drug Treatment, including Driver Intervention Programs; A.A., N.A., C.A.:	117	(127)
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VIOLENCE

Batterers intervention programs	43	(61)
Restitution	10	(13)

THEFT

Economic Crime Program	6	(30)
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COUNSELING

Psychiatric therapy/ evaluation	13	(13)
Sexual disorders counseling	1	(01)

EMPLOYMENT/ EDUCATION

Maintain fulltime school and/or employment	4	(14)
Obtain GED	4	(10)

COMMUNITY SERVICE

Community Service referrals, as of 12-31-97:	45	(80)
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IV. RESTITUTION/ COMMUNITY SERVICE, 1997 inclusive
 (1996 numbers in parenthesis, for comparison)

Restitution transferred to Victims, 1997:	\$1880.26	(\$4,995.72)
Community Service referrals to Court Community Service, 1997:	204	(211)
Community Service, total hours ordered, in 1997:	5,328.5	(5,921)
Total Community Service hours scheduled in Cleveland Heights non-profit agencies, through C.C.S.:	6221.75	(4,377)

SERVING THE COURT IN AN OFFICIAL CAPACITY DURING 1997 WERE:

Lynn C. Toler, Judge
 Maria F. Hallabrin, Clerk of Court
 William E. Uzl, Bailiff

Russell Baron, Acting Judge
 Ranelle Gamble, Acting Judge
 Mark L. Hoffman, Acting Judge
 Alan H. Kraus, Acting Judge
 Joy Savren, Acting Judge

Georgeann Schmidt, Magistrate
 Dale Lefferts, Magistrate

Lincoln Scott, Housing Officer

Nancy Simpson, Deputy Bailiff until 10/31/97
 Allison Allen, Deputy Bailiff, 11/3/97
 Lawrence Jasper, Deputy Bailiff, 2/24/97
 Leo Krejci, Deputy Bailiff

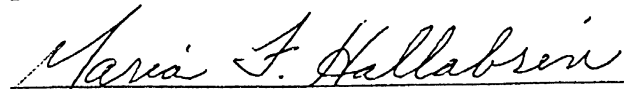
JoAnn Gallitto, Chief Deputy Clerk/Civil Division
 Ann Ludwig, Chief Deputy Clerk/Criminal Division

Bettie Ballard, Civil Deputy Clerk
 Nichole Burke, Civil Deputy Clerk, until 7/29/97
 Cherie Disbro, Criminal Deputy Clerk
 Angela Gerding, Criminal Deputy Clerk
 Virginia Journee, Criminal Deputy Clerk
 Lisa Little, Criminal Deputy Clerk
 Carole Motyka, Criminal Deputy Clerk
 Jeanette Politi, Civil Deputy Clerk
 Amy Satterwaite, Criminal Deputy Clerk until 9/1/97
 Rochelle Smith, Criminal Deputy Clerk
 Tawanda Smith, Criminal Deputy Clerk

Amy Trejbal, Law Clerk, until 9/29/97
 Laurie Cohen-Miller, Law Clerk

James Miller, Chief Probation Officer
 Valinda Garner, Probation Officer
 Celeste Corbin, Probation Office Secretary

This report covers all operations, employees, income and disbursements of the Cleveland Heights Municipal Court as verily prepared.



 Maria F. Hallabrin, Clerk of Court