

CLEVELAND HEIGHTS MUNICIPAL COURT

2003 Annual Report



A. Deane Buchanan

Judge

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CLEVELAND HEIGHTS MUNICIPAL COURT

A. DEANE BUCHANAN, JUDGE

40 Severance Circle
Cleveland Heights, OH 44118

March 31, 2004

Maria F. Hallabrin, Clerk

To: Council of the City of Cleveland Heights
Board of Commissioners, Cuyahoga County

Re: Cleveland Heights Municipal Court's Annual Report for 2003

The Cleveland Heights Municipal Court continues to place a premium on providing efficient and courteous delivery of quality service to all persons who appear before the court. In addition, we have continued to improve courtroom security and collection procedures by implementing technological and other advancements in these areas. In this, the court's 2003 annual report, I would like to bring to your attention the following matters:

This year the court remitted over \$2,021,583.21 of revenue from all divisions to the City of Cleveland Heights, an increase of nearly \$378,000 or 23% over last year's remittances. The increased remittances to the City of Cleveland Heights is attributable to the increased volume of cases handled by the court and as well, the improved efficiencies implemented within the court.

In 2000, the number of traffic charges handled by the court was 21,029. In 2001 that number dropped to 15,753. In 2002 the number increased significantly to 22,102. In 2003 the number of traffic tickets issued and charges processed by this court increased even further to 23,900. Of significance is the increase in the number of charges for persons driving while under suspension or without valid drivers licenses, which nearly doubled in 2003, and speeding charges which increased by 16%. In the criminal division, there were no significant increases in the number or types of cases heard by the court during the year 2003.

The court continues to make significant progress in its efforts to collect monies owed to the court. During 2003 the court implemented a one time Amnesty Program pursuant to which persons owing money to the court in prior years were encouraged to pay and receive a 20% discount. This effort generated a modest return of nearly \$28,000.00, but did result in the resolution of many outstanding obligations and closing of many otherwise dormant files. In addition, the court established and strictly enforces a policy that all fines and costs are due on the day imposed, thereby eliminating a very liberal 'time to pay' policy that had existed for many years in the court.

The Court has nearly completed a Policy and Procedures Manual that will, when implemented, clearly define the court's administrative and operational policies and procedures. Improved technology and training of personnel has further improved security measures being implemented at the court. We look forward to further improving the level and quality of services provided in the Cleveland Heights Municipal Court in the future.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. Deane Buchanan".

A. Deane Buchanan, Judge

Case Filings 2003

MONTH	FELONIES	MISDEMEANORS	O.M.V.I.	TRAFFIC	PER INJURY	CONTRACTS	F.E.D.	OTHER CIVIL	SMALL CLAIMS
January	23	133	5	1654	3	27	24	5	15
February	18	276	5	1363	7	68	19	9	20
March	15	190	7	2010	6	94	26	3	15
April	9	143	12	1680	2	133	32	8	8
May	27	195	5	1338	13	91	26	3	20
June	16	226	10	1423	5	101	36	4	25
July	24	314	2	1374	10	67	27	3	29
August	29	315	3	1330	2	105	32	4	23
September	20	263	1	1502	5	64	30	20	17
October	19	255	6	1596	5	29	28	4	25
November	16	204	4	927	8	53	21	1	18
December	25	191	7	1493	12	122	19	4	23
TOTAL	241	2705	67	17,690	78	954	320	50	228
Re-Activated									
case total	41	324	3	1730					

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. Individual criminal and traffic CHARGES appear elsewhere in this report.

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.

There are no reactivated cases in the Civil Division of the Court.

TRAFFIC OFFENSES BY INDIVIDUAL CHARGE FOR 2003

Assured Clear Distance	294		
Bicycle/Skateboard	80		
Child Restraint	57		
Compliance with Police Order	15	Reckless Operation	137
Driving under Suspension	1,303	Registration/Title/Plates	1,895
Driving under the Influence of Alcohol/BAC	99	Seat Belt/Operator	860
Failure to Control	189	Seat Belt/Passenger	4
Failure to Yield	217	Speed	11,948
Fleeing	4	Stop Sign	465
Hit Skip/Leaving the Scene	42	Traffic Control Lights	1,026
Improper Left Turn	259	Traffic Control Device	123
Improper U-Turn	42	Unlawful Entrustment	16
Improper Passing	48	Unsafe Vehicle/Equip.	381
Improper Lane Change	97		
Improper Turn	166	TOTAL CHARGES: 23,900	
Left of Center	19		
Light Violations	824	PREVIOUS YEAR TOTALS:	
No Operator's License	697	1994:	19,152
Fail to Display License	1,124	1995:	16,655
Expired License <6 mo	148	1996:	34,346
Other License Violations	127	1997:	24,996
Other Moving Violations	477	1998:	26,187
One Way Street	25	1999:	31,684
Parking Complaints	678	2000:	21,029
Pedestrian Violations	14	2001:	15,753
		2002:	22,102

The figures above and those on the following page represent the number of individual traffic and criminal charges, plus parking complaints filed with the Court during the year 2003. The number of CASES filed are summarized on the Supreme Court Chart starting this section. The Rules of Superintendence for Municipal and County Courts provide that multiple offenses arising from the same incident or same set of circumstances by the same defendant are to 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 you may see between the number of CASES and CHARGES. There are always more charges than cases filed.

**CRIMINAL OFFENSES
BY CHARGE FOR 2003**

Abduction.....	1
Alcohol/Underage/Sale.....	10
Arson.....	2
Assault.....	61
Assault on Police.....	5
Felonious Assault.....	20
Bad Checks.....	5
Breaking & Entering.....	17
Burglary.....	19
Agg. Burglary.....	10
Building.....	101
Carrying Concealed Weapon.....	4
Child Endangering.....	2
Contempt of Court.....	2
Criminal Damaging.....	6
Criminal Mischief.....	15
Criminal Tools.....	16
Disorderly/Disturb the Peace.....	187
Dog/Cat Run at Large.....	59
Dogs/Vicious.....	8
Domestic Violence.....	166
Drug Abuse/Possession.....	8
Drug Instruments.....	21
Drug Trafficking.....	24
Falsification.....	9
Felony D.U.I.....	0
Firearms.....	14
Fleeing.....	7
Forgery.....	5
Housing.....	684
Housing/Occupancy.....	208
Intoxication.....	54
Kidnapping.....	0
Marihuana <100 gr.....	82
Menacing.....	39
Agg. Menacing.....	14
Misidentification.....	51
Miscellaneous.....	169
Murder.....	0
Obstructing Official Business.....	27
Open Container.....	69

Park Regulations.....	75
Public Indecency.....	0
Rape.....	2
Receive Stolen Property.....	67
Resist Arrest.....	25
Riot.....	5
Robbery.....	15
Agg. Robbery.....	15
Sexual Imposition.....	3
Solicitation.....	17
Telephone Harassment.....	7
Theft/Petty Theft.....	255
Trespass.....	51
Unauthorized Use of a Motor Vehicle.....	4
Unreasonable Noise.....	409
Vandalism.....	11
Violation of Protection Order.....	16
Zoning.....	40

TOTAL CHARGES FILED: 3,218

Previous Years:

1994	2,531
1995	2,657
1996	2,543
1997	2,628
1998	2,601
1999	2,655
2000	2,296
2001	2,890
2002	2,955

**CRIMINAL/TRAFFIC BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2003**

Balance on Hand January 1, 2003			\$ 74,816.00
Receipts 2003			<u>\$ 2,558,818.97</u>
		TOTAL	\$ 2,633,634.97
DISBURSEMENTS:			
City of Cleveland Heights	2001	2002	2003
Fines	\$ 761,579.86	\$ 837,385.07	\$ 947,142.23
Costs	\$ 403,407.70	\$ 466,053.14	\$ 603,566.45
Housing	\$ 3,842.00	\$ 3,937.00	\$ 6,022.00
Computer Fund	\$ -0-	\$ 32,311.00	\$ 97,350.00
Special Projects Fund	\$ 152,374.50	\$ 169,663.00	\$ 191,119.00
Drug Fines	\$ -0-	\$ 830.00	\$ 1,465.00
Reimburse/Witness/Jury	\$ 3,136.00	\$ 946.00	\$ 1,642.00
Bailiff Fees	\$ 141.80	\$ 103.00	\$ 72.78
Community Service	\$ 5,307.50	\$ 2,975.00	\$ 1,491.00
Visa Convenience Fee	\$ -0-	\$ -0-	\$ 1,438.00
Unclaimed Funds	\$ 1,242.00	\$ 802.00	\$ 1,228.50
Sub-Total	\$ 1,331,031.36	\$ 1,515,005.21	\$ 1,852,536.96
Cuyahoga County			
Regular Fines	\$ 20,252.55	\$ 37,803.65	\$ 32,224.28
Uniform Traffic Fines	\$ 35,922.75	\$ 49,413.43	\$ 69,222.97
1/2 Liquor Fines	\$ 1,002.50	\$ 1,426.00	\$ 634.00
Reimburse/Witness/Jury	\$ 2,496.00	\$ 1,837.00	\$ 1,725.10
Sub-Total	\$ 59,673.80	\$ 90,480.08	\$ 103,806.35
State of Ohio			
RRF/Victims Fund	\$ 127,891.00	\$ 142,323.48	\$ 163,178.00
GRF/General Fund	\$ 156,155.00	\$ 174,084.00	\$ 216,798.00
Seat Belt	\$ 20,470.00	\$ 24,880.00	\$ 18,434.70
Expungements	\$ 750.00	\$ 540.00	\$ 600.00
1/2 Liquor Fines	\$ 1,002.50	\$ 1,426.00	\$ 634.00
BMV Fees	\$ 26,489.50	\$ 20,382.50	\$ 31,991.04
Pharmacy Board (Drug)	\$ 110.00	\$ 50.00	\$ 170.00
Sub-Total	\$ 332,868.00	\$ 363,685.98	\$ 431,805.74
Other Disbursements			
County Law Library	\$ 1,044.35	\$ 783.15	\$ 624.00
Misc. Agency Transfers	\$ 118.00	\$ -0-	\$ -0-
* DUI Housing Fund	\$ 3,048.00	\$ 2,078.00	\$ 3,979.00
* DUI Arrest Agency	\$ 1,364.00	\$ 965.00	\$ 1,876.00
DUI Indigent Fund	\$ 1,195.00	\$ 1,055.00	\$ 1,840.00
Refunds	\$ 143,512.46	\$ 140,986.95	\$ 146,813.92
Sub-Total	\$ 150,281.81	\$ 145,868.10	\$ 155,132.92
GRAND TOTALS	\$ 1,873,854.97	\$ 2,115,039.37	\$ 2,543,281.97
Balance on Hand December 31, 2003			<u>\$ 90,353.00</u>

TOTAL **\$ 2,633,634.97**

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

**CIVIL / SMALL CLAIMS BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2003**

Balance on hand January 1, 2003		\$ 3,308.79
Receipts 2003		<u>\$ 445,734.11</u>
	TOTAL	\$ 449,042.90

DISBURSEMENTS:

City of Cleveland Heights	2001	2002	2003
Costs	\$ 105,807.00	\$ 102,796.50	\$ 129,637.07
Computer Fund	\$ 21,098.00	\$ 18,622.00	\$ 28,673.00
1% Legal Aid	\$ 229.29	\$ 183.87	\$ 224.20
Bailiff Fees	\$ 301.50	\$ 199.70	\$ 345.60
Marriage Fees	\$ -0-	\$ 915.00	\$ 930.00
Unclaimed Funds	\$ 211.51	\$ -0-	\$ 25.00
Sub-Total	<u>\$ 127,647.30</u>	<u>\$ 122,717.07</u>	<u>\$ 159,834.87</u>
State of Ohio Legal Aid	\$ 22,699.71	\$ 18,203.13	\$ 22,195.80
Judgments & Refunds	<u>\$ 422,682.28</u>	<u>\$1,040,637.71</u> ■	<u>\$ 263,924.86</u>
Sub-Total	<u>\$ 445,381.99</u>	<u>\$1,058,840.84</u>	<u>\$ 286,120.66</u>
GRAND TOTALS	\$ 573,029.29	\$1,181,557.91	\$ 445,955.53

Balance on Hand December 31, 2003		<u>\$ 3,087.37</u>
	TOTAL	\$ 449,042.90

■ Receipts and Disbursements in 2002 Civil division report were somewhat skewed as the court collected a single judgment in excess of \$500,000.00

**CIVIL/TRUSTEESHIP BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2003**

Balance on Hand January 1, 2003	\$ 10.00
Receipts 2003	<u>\$ -0-</u>
TOTAL	\$ 10.00

DISBURSEMENTS:	2001	2002	2003
City of Cleveland Hgts	\$ -0-	\$ -0-	\$10.00
To Creditors	\$ -0-	\$ -0-	\$ -0-
Return to Depositor	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
TOTALS	\$ -0-	\$ -0-	\$ 10.00

Balance on Hand December 31, 2003 **\$ -0-**

**CIVIL/LANDLORD-TENANT BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2003**

Balance on Hand January 1, 2003	\$ 1,460.25
Receipts 2003	<u>\$ 12,753.00</u>
TOTAL	\$ 14,213.25

DISBURSEMENTS:	2001	2002	2003
City of Cleveland Hgts	\$ 116.75	\$ 96.92	\$ 241.38
To Landlords	\$11,123.25	\$ 6,402.00	\$ 9,233.72
To Tenants	\$ 300.00	\$ 359.33	\$ 1,189.00
Repair/Maint./Other			
Paid by Court Order	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
TOTALS	\$15,002.00	\$ 11,540.00	\$ 10,664.10

Balance on Hand December 31, 2003 \$ 3,549.15

TOTAL **\$ 14,213.25**

MISCELLANEOUS ITEMS FOR 2003

There were 243 garnishments filed on civil and small claims actions.

The Landlord Tenant Division received 10 new cases and 7 were completed.

No Trusteeship cases were filed in 2003

Judge Buchanan performed 62 weddings during the year.

There were 8 jury trials that actually went forward during 2003.

The criminal division again issued license forfeitures and registration blocks on persons who did not appear for court or did not pay their fine and costs. There were 1,121.00 reinstatements sent to the B.M.V. for those who took care of their forfeitures after the suspension date.

The Court and police department automated ticket project was not in use in 2003.

The Bureau of Motor Vehicles returned \$ 1,275.00 to the City which was collected from D.U.I. reinstatement fees collected by the B.M.V.. This money was deposited in the D.U.I. Indigent Fund as per State Statute. There were no miscellaneous refunds in 2003.

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

	2001	2002	2003
Criminal/Traffic	\$1,337,495.06	\$ 1,520,890.71	\$ 1,861,506.95
Civil/Small Claims	\$ 127,647.30	\$ 122,717.07	\$ 159,834.87
Trusteeship	\$ -0-	\$ -0-	\$ -0-
Landlord/Tenant	\$ <u>116.75</u>	\$ <u>96.92</u>	\$ <u>241.38</u>
TOTALS	\$1,465,259.11	\$ 1,643,704.70	\$ 2,021,583.21

This report includes the December 2003 disbursement even though that money was not paid out until January 2004.

TO: Judge A. Deane Buchanan
 FROM: James Miller
 Chief Probation Officer
 RE: PROBATION OFFICE, 2003

I. PRESENTENCE INVESTIGATION/PROBATION VIOLATIONS, 2003

	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
Presentence Investigation Reports	422	461	555	518
Probation Violation Reports	27	38	21	26
Expungement Reports	46	27	31	29
Reviews				31
Increase in Presentence reports written 2000-2003:				23%

II. SUPERVISION CASELOAD, on December 31, 2003

	<u>12-31-00</u>	<u>12-31-01</u>	<u>12-31-02</u>	<u>12-31-03</u>
	<u>caseload</u>	<u>caseload</u>	<u>caseload</u>	<u>caseload</u>
Active (Supervised):	266	234	361	469
Inactive (Non-Supervised):	394	347	512	723

Supervision caseload, per Probation officer

<u>On 12-31-00</u>	<u>On 12-31-01</u>	<u>On 12-31-02</u>	<u>On 12-31-03</u>	<u>% Increase</u>
133	117	181	234	29%

III. SUPERVISION, 2003 inclusive
 (2001, followed by 2002, numbers in parenthesis, for
 comparison)

Total active probation cases, supervised, Jan.-Dec. 2003, inclusive:	1,027	(623/719)
Total inactive probation cases, Jan.-Dec. 2003, inclusive:	1,324	(804/904)
New active probation cases added in 2002:	718	(354/479)
New inactive probation cases added in 2002:	811	(384/527)

* * *

Number of probation cases (active/inactive), on <u>12-31-03</u> , whose sentences also included jail time, with % of caseload:	284	-	24%
	(157/201	-	38/23%)

IV. MAJOR OFFENSES OF PROBATIONERS on supervision,
Dec. 31 2003

(2001, followed by 2002, number in parenthesis, for comparison)

	<u>No. of cases</u>	<u>% of cases</u>	<u>Cumul. %</u>
Driving Under Suspension	185 (11/55)	39 (05/15)	39
Petty Theft	79 (53/88)	17 (22/24)	56
Domestic Violence	63 (60/61)	14 (26/17)	70
OMVI	44 (32/30)	9 (14/08)	79
Assault	25 (14/28)	5 (06/08)	84
Menacing/Stalking	12 (05/11)	3 (02/03)	87
Disorderly Conduct	10 (10/15)	2 (04/04)	89
Trespassing	8 (06/07)	2 (03/02)	91
Criminal Mischief	6 (05/09)	1 (02/02)	92
Other	37 (22/57)	8 (09/16)	100

V. RESTITUTION/COMMUNITY SERVICE, 2003 inclusive

(2001, followed by 2002, numbers in parenthesis, for comparison)

Restitution transferred to victims, 2003:

\$2,339.84 (\$6,258.71/ \$3,524.92)

Community Service referrals to Court

Community Service, 2003 inclusive: 44 (101/108)

Community Service, total hours ordered

in 2003: 2,219 (4,314.50/3,079.75)

Total Community Service hours scheduled

in Cleveland Heights non-profit

agencies, through CCS, all courts,

2003: 4,188.25 (2,565.75/2,341.00)

Total additional Community Service hours
 Worked in Cleveland Heights,
 Work crew litter collection 2003 693 (775/634)
 (348 30 gallon bags of litter)

VI. **PROBATION REFERRALS, in December 31, 2003 caseload**
 (As required by Court under Conditions of Probation;
 2001, followed by 2002, figures in parenthesis, for
 comparison)

ALCOHOL/DRUG

Alcohol/Drug Treatment, including Driver Intervention Programs; AA, NA, CA	93 (86/102)
Home Monitoring	2 (02/02)
Vehicle Interlock	0 (02/0)

VIOLENCE

Batterers intervention programs	43 (41/53)
Protection of Person condition	55 (N/A)
Parenting/Family counseling	7 (05/06)
Restitution	35 (30/32)
Carrying Concealed Weapons Program	0 (01/02)
Geographic restrictions	78 (20/47)
Forfeit Cash/Property seized	0 (02)
Return of Property	1 (N/A)
Anger Management Program	2 (01/01)

Apology	1	(01/01)
Curfew	1	(01)
Surrender firearms	1	(N/A)

COUNSELING

Psychiatric therapy	15	(17/16)
Emotions Anonymous	0	(01)
Personal counseling	1	(03/01)
Sexual Disorders therapy/Sexoholics Anon.	3	(0/0)
Obtain medical treatment	1	(N/A)

EMPLOYMENT/EDUCATION

Maintain full time schooling/GED	18	(09/11)
Maintain Employment	35	(30/29)
Maintain Employment or schooling	6	(03/04)
Project LEARN (Literacy)	2	(02/01)
Community Re-entry program	1	(02/06)
Coming of Age book report	13	(N/A)
Anti-theft class	2	(0/0)
Cleveland Works	1	(01)

ANIMAL

Register Vicious Dog	3	(04)
Build Dog Fence	0	(02)
Obedience Training	0	(01)
Remove Dog	0	(01)

MOTOR VEHICLE

Obtain Driver's License	165	(36)
Remedial Drivers Course	0	(03)
Pay Judgement	0	(02)
Driving Under Suspension probation class	175	(0)

COMMUNITY SERVICE

Community Service referrals, as of 12-31-03	17	(23/42)
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SERVING THE COURT IN AN OFFICIAL CAPACITY DURING 2003

A. DEANE BUCHANAN, JUDGE
Mariá F. Hallabrin, Clerk of Court
Juanita Bryant, Bailiff

Russell Baron, Acting Judge
Alan Kraus, Acting Judge
Dennis Niermann, Acting Judge

Lynn C. Toler, Assigned Judge
Mark L. Hoffman, Acting Judge

Georgeann Schmidt, Full Time Magistrate

Lincoln Scott, Housing & Special Projects Coordinator

Lawrence Jasper, Deputy Bailiff
Katie King, Deputy Bailiff
Leo Krejci, Deputy Bailiff
Theodore Williams, Deputy Bailiff (Summer)

Richard Baker, Security Officer (Part-time)
James Copeland, Security Officer (Part-time)


Camille Johnson, Law Clerk (Part-time)

James Miller, Chief Probation Officer
Valinda Garner, Probation Officer
JoDell Howard, Probation Secretary

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

Winifred Hall, Criminal Deputy Clerk
Virginia Journee, Criminal Deputy Clerk
Elaine Kessler, Civil Deputy Clerk
Jane Mack, Criminal Deputy Clerk
Carole Motyka, Criminal Deputy Clerk
Samira Parker, Criminal Deputy Clerk
Jeanette Politi, Civil Deputy Clerk
Clovice Ramsey, Criminal Deputy Clerk
Karen Szekely, Criminal Deputy Clerk
Amy Forsythe-Wise, Criminal Deputy Clerk

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


Maria F. Hallabrin, Clerk of Court