

JAMES MILLER, Chief Probation Officer
Cleveland Heights Municipal Court



40 Severance Circle Cleveland Heights, Ohio 44118-9988
(216) 291-4909

CLEVELAND HEIGHTS MUNICIPAL COURT

ANNUAL REPORT FOR 1988

SARA R. HUNTER, JUDGE

CLEVELAND HEIGHTS MUNICIPAL COURT

STATE OF OHIO

40 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OHIO 44118-9988

Sara R. Hunter, *Judge*

Nancy S. Welchans, *Clerk*
Anthony C. Tomaro, *Bailiff*

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

Annual Report for Year of 1988

(Pursuant to Section 1901.14 - Ohio Revised Code)

In 1988, the 30th year of its operation, the Cleveland Heights Municipal Court experienced an unprecedented increase in case filings, took some important steps to handle the increased volume, and initiated procedures for resolving some of its most difficult criminal cases. In particular, the Court has responded to a 50 percent increase in housing-related cases with a significant new program.

Of the 88 one-judge municipal courts in this state, this Court has consistently reported the highest or second highest number of annual case filings to the Ohio Supreme Court, as revealed by figures published annually in the Ohio Court Summary. Courts report their case activity under the Supreme Court's Superintendence Rules, which specify uniformity in case counting, so that apples are not compared with oranges. Although the 1988 Summary is not yet available, this Court can expect to show a sizeable lead in 1988 with its all time annual high of 29,760 cases filed.

A breakdown of new cases filed appears in the table immediately following this introduction. As always it excludes parking cases, even where trials were conducted, and transfers of judgments from other courts, even where hearings were held, because of the Supreme Court rule that they not be included. Comparison of the table for 1988 with the same table for 1987 shows a 40 percent increase in overall caseload from the previous year.

An even greater percentage increase in moneys paid by the Court to the City is demonstrated by the 1988 Summary of Total Disbursements to City - All Sources, found near the conclusion of this Report. In rounded figures the payments to the City increased by \$483,000, representing a 52 percent increase over the preceding year. A Court journal entry revising the Violations Bureau fine schedule, effective July 1, 1988, together with a great rise in traffic cases filed, account for the magnitude of this increase.

Keeping up with the added workload that these figures reflect required changes in staff and procedures. When the part-time Referee resigned early in the year to return to the full-time private practice of law, two part-time Referees were hired to replace her. Like their predecessor they both hear traffic and housing sessions on the criminal side and small claims, pre-trials, and ancillary matters in civil cases on the civil side. Fifteen attorneys continue to volunteer their services as Referees to conduct some civil hearings, and an Acting Judge has been regularly scheduled to preside over landlord tenant hearings and trials.

In June, 1988 the Court took a promised step to better resolve many of its most intractable housing cases with the establishment of the Court's first Housing Specialist. Serving the Court in this capacity is John Gustat, who served four years as Director of the City's Housing Preservation Office and Financial Institutions Advisory Committee. His broad understanding of Cleveland Heights and its property maintenance codes, its housing and commercial property stock, and the various preservation and loan programs available made him an ideally qualified person for the Court's new program. It involves presentence evaluation and the use of probation conditions in the more pressing housing cases, allowing the Court to tailor programs for dealing with them on an on-going basis. Temporary removal of referred cases from the regular Court process results in appraisal of the circumstances surrounding a particular problem property, including examination of a defendant's financial resources, and the cost of repairs, with the goal of developing realistic repair schedules. Where financial hardship is found, a concerted attempt is made to locate resources and personal accommodations needed to rectify the violations. Because all cases referred come with temporary suspension of fine and jail, extra incentive is provided to defendants to work toward a solution which puts energy and money into the cited property. In his first report to the Court on the 52 cases referred from July 1, 1988 through December 31, 1988 Mr. Gustat states:

"For the above time period, 21 percent of the cases referred have been closed out at this point and 17 percent are on probation, with the majority making satisfactory progress. The remaining 62 percent of the cases are active and many of them have time tables to July, 1989 for full compliance. Some of these will doubtless need extensions beyond that. My belief is that a strong majority of the active cases will be resolved favorable to the City's maintenance code and general improvement of the property.... Although the 1988 time period is short, I feel all of us involved with the Housing Docket have made substantial progress in establishing a system which will serve the Court and the community well. I am pleased to report that although these cases are difficult due to a myriad of circumstances, for the most part the defendants are not. The Court, defendants and the City are all basically interested in the same thing: improving the City's housing stock and its value."

As is shown by the compilation of 1988 Criminal Cases Filed - By Charge in this Report the emphasis upon housing cases last year was well timed. The total of 1,555 housing, building, zoning and fire code cases filed in 1988 represents a 50 percent increase over the number of such cases filed in 1987.

On August 15, 1988 a second probation officer position was created and filled by a former employee of the Cleveland Heights Police Department. By the end of 1988, our probation officers were supervising 259 active probationers, a 22 percent increase over 1987. The other half of probation's mission is to conduct in-depth presentence investigations on more serious cases, providing the Court with written reports on factors such as alcohol/chemical abuse, prior arrest records, and crime impact on victim's, together with sentencing recommendations. In 1988, probation produced 397 such reports. With such a caseload and with presentence investigations increasing, the new position was critical to maintain supervision and follow-up of offenders with prior records or long-term problems.

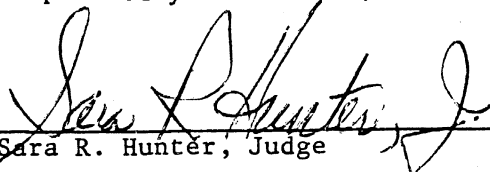
In a pioneering development, an innovative program initiated by Cleveland Heights probation, the Violence Assessment and Education Program, was inaugurated on November 18-19, 1988. The Violence Program is a two day class for men who have committed first time misdemeanor acts of violence, menacing, or harrassment against women. In addition to lectures and group discussions, the participants are screened for alcohol abuse and given a psychological profile which is a predicator of future violent behavior. A report goes back to the referring judge to aid in sentencing. Two years in the making, the regularly scheduled program is administered by the Education Training Research Foundation and held at the Cleveland Heights City Hall. It appears to be the only court-ordered program of its description in Ohio, and perhaps in the nation.

Finally, in anticipation of the installation of a Court computer system, discussed at length in prior annual reports and special memoranda, and agreed upon some time ago by the Court and City as a necessary step, the Clerk of Court and I have visited several courts during the past few months to see court computer systems in operation and have examined the literature of court technology. We believe that good systems for courts are at last available and feel confident that the system selected should vastly improve fine collections, issuance of warrants, bookkeeping, case management and docketing.

In the meantime the Court has been well served by a hardworking staff of deputy clerks under the leadership of Chief Deputy JoAnn Gallitto and Patricia Wokety. Part-time help has been provided to deal with special situations such as the increase in some civil filings by the City of Cleveland Heights. The Service Intern Program, funded with block grant money, was made available to the Court as well as to City departments. It has provided the Court with two excellent interns, one of whom was hired by the Clerk at the end of his internship.

In conclusion, special appreciation should be recorded here for the cooperation in 1988 of the City Manager, Robert Downey, who has met with me regularly to discuss and solve problems related to escalating caseload and needs for staff, resources, and space.

Respectfully submitted,


Sara R. Hunter, Judge

NEW CASES FILED-1988

	FELONY	MISD.	DWI	TRAFFIC	TORT	CONTRACT	F.E.D.	OTHER	CV	SMALL	CL.	TOTAL
JAN	24	161	4	1787	4	87	21	0	0	33	2121	
FEB	16	222	8	1527	10	109	29	1	1	31	1953	
MAR	12	140	10	2800	4	100	34	0	0	40	3140	
APR	23	185	7	2279	2	99	26	0	0	34	2655	
MAY	12	210	11	2093	6	76	28	1	1	59	2496	
JUN	11	255	11	2466	3	107	34	0	0	35	2922	
JUL	5	225	3	1840	3	82	25	1	1	39	2223	
AUG	15	205	6	2305	10	119	30	1	1	31	2722	
SEP	15	236	8	1838	8	118	39	0	0	56	2318	
OCT	8	190	7	1864	2	92	35	2	2	29	2229	
NOV	13	172	10	2551	5	111	21	0	0	40	2923	
DEC	16	331	9	1558	10	87	22	0	0	25	2058	
TOTAL	170	2532	94	24908	67	1187	344	6	6	452	29760	

These figures are those reported monthly to the Ohio Supreme Court using criteria from the official commentary to the Rules of Superintendence for Municipal and County Courts. They do not include any parking, even if a trial was held, or transfers of civil judgments.

1988 CRIMINAL CASES FILED - BY CHARGE

CRIMINAL

MISDEMEANOR

Domestic Violence	63
Disorderly Conduct	102
Trespassing	82
Menacing	22
Bad Checks	9
Criminal Mischief/Tools	36
Assault	67
Carrying a Concealed Weapon/Firearm in Motor Vehicle	12
Intoxication	111
Sidewalk Obstruction	6
Soliciting	5
Weapons	39
Possession of or Receiving Stolen Property	4
Narcotic Laws	67
Petty Theft	117
Resisting Arrest/Obstructing Official Business	80
Dogs/Cruelty to Animals	45
Building Code/Business Maintenance/R.D.H. Code/Bus. Code	65
Housing	1,348
Zoning	123
Fire Laws	19
Liquor Laws/Sale, Furnishing to Minors/Purchase by Minor/ Obstructing Liquor Agent	16
Open Container	101
Snow Removal	1
Misuse of Cred Card	1
Health/Scavenging	14
No I.D./Littering/Disturbing the Peace	146
Handgun Registration	18
Child Endangering/Violation of Protection Order	2
Contributing to Delinquency of Minor	10
Miscellaneous	<u>27</u>

TOTAL MISDEMEANOR CHARGES

2,758

FELONY

Bribery	2
Bad Checks	3
Escape	1
Carrying a Concealed Weapon	3
Receiving Stolen Property	41
Robbery	22
Aggravated Assault	27
Grand Theft/Attempted Grand Theft	30
Homicide	1
Sex Felonies	4
Forgery	11
Burglary/Breaking & Entering/Attempted Burglary	20
Narcotics/Aggravated Trafficking in Drugs	15
Criminal Tools	7
Miscellaneous	<u>7</u>

TOTAL FELONY CHARGES

194

TOTAL CRIMINAL CHARGES

2,952

TRAFFIC CASES FILED - BY CHARGE

1988

Driving Under Suspension or Revocation	643	
Driving While Under the Influence of Alcohol or Narcotics	165	
Leaving the Scene	42	
Fleeing a Police Officer	11	
Reckless Operation	42	
Moving Violations (Other)	13,776	
Equipment	10,516	
Non-Equipment/Non-Moving	9,213	
Contested Parking	115	
Parking with Summons Issued	<u>603</u>	
TOTAL TRAFFIC		35,126
TOTAL CRIMINAL		<u>2,952</u>
TOTAL TRAFFIC AND CRIMINAL		38,078

CLEVELAND HEIGHTS MUNICIPAL COURT

STATE OF OHIO

40 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OHIO 44118-9988

Sara R. Hunter, *Judge*

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PROBATION OFFICE CLEVELAND HEIGHTS MUNICIPAL COURT 1988 REPORT

I. INVESTIGATIONS Resulting in Reports to the Court in 1988

(A)	Presentence Investigations :	392
(B)	Probation Violation Hearings:	38
(C)	Expungement Hearing:	7.
TOTAL WRITTEN REPORTS TO COURT		<u>437</u>

II. SUPERVISION Case Load

(A)	Number of Probationers at Year End:	
	12/31/87	
	<u>565</u>	
	Active (supervised) -	211
	Inactive (Non-supervised)-	354
	12/31/88	
	<u>623</u>	
	Active (supervised) -	259
	Inactive (non-supervised)-	364
(B)	Percentage increase in supervised case load 1987-88:	22%
	(Increase in non-supervised case load	3%)
(C)	New Probationers during 1988:	437
	(Active probationers added:	208
	(Inactive probationers added:	229

(NOTE: Inactive probation category does not include already sentenced defendants whose inactive probation in 1988 followed a period of active probation.)

III. JAIL AND PROBATION:

1988 Probationers whose sentences included jail time in addition to fines/probation conditions: 74
(17% of new probationers.)

IV. COMMUNITY SERVICE:

(A). Probationers whose sentences included community service at non-profit agencies through the Court Community Service Program: $\frac{143}{(33\% \text{ of new probationers.})}$

V. ECONOMIC CRIME PROGRAM:

Defendants charged with Petty Theft, Receiving Stolen Property, Bad Checks, and Unauthorized Use of Property, who completed the E.T.R.F. Foundation Economic Crime Program in 1988:

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James K. Miller
James K. Miller,
Chief Probation Officer
February 14, 1989

JM:crsj

CRIMINAL BRANCH

1988 RECEIPTS AND DISBURSEMENTS

Balance on Hand, January 1, 1988 \$ 32,501.17

Receipts:

Housing Costs - Special	\$ 6,670.50	
Fines	141,074.67	
Costs	28,388.55	
Misdemeanors	50,490.50	
Reparations Rotary Fund	8,259.00	
General Revenue Fund	10,684.50	
Expungements	300.00	
Interest	324.17	
State Fines	105.00	
RRF - GRF Reserve	9,423.00	
Bad Checks Redeemed	1,974.00	
Credit Memo	<u>141.00</u>	\$ 257,834.89
		<u>\$ 290,336.06</u>

Disbursements:

City of Cleveland Heights:		
Special Housing Costs	\$ 6,550.50	
Fines and Costs	207,328.54	
Interest	<u>425.52</u>	\$ 214,304.56
Cuyahoga County:		
Law Library	\$ 855.00	
State Fines	<u>20.00</u>	875.00
State of Ohio:		
Expungement Costs	\$ 300.00	
Reparations Rotary Fund	9,599.00	
General Revenue Fund	<u>12,327.50</u>	\$ 22,226.50
To Other Courts:		
Reparations Rotary Fund	\$ 1,650.00	
General Revenue Fund	<u>688.00</u>	\$ 2,338.00
Other:		
Jurors	\$ 740.00	
Witness Fees	3,096.00	
Reparations Rotary Fund Refund	1,736.00	
General Revenue Fund Refund	2,110.00	
Overpayments	40.00	
Charge Back Fees	10.00	
Printed Checks Charge	4.90	
Bad Checks Not Redeemed	2,450.00	
Debit	<u>906.00</u>	\$ 11,092.90
		<u>\$ 250,836.96</u>

Balance On Hand, December 31, 1988 39,499.10

\$ 290,336.06

CRIMINAL BONDS - 1988

Balance on Hand, January 1, 1988		\$ 36,494.83
Bonds Collected	\$ 169,297.00	
Interest	385.27	
Outstanding Checks Collected	<u>428.00</u>	<u>170,110.27</u>
		\$ 206,605.10

Disbursements:

Bond Refunds	\$ 101,605.00	
10% Bonds	10,890.00	
Bonds to Other Courts	11,277.00	
Bonds to Common Pleas	20,550.00	
Bond Forfeitures	14,665.00	
Interest	517.11	
Criminal Account	260.00	
Check Order	131.42	
Dead Check Paid	180.00	
Unclaimed Bonds	<u>3,091.91</u>	\$ 163,167.44

Balance on Hand, December 31, 1988		<u>43,437.66</u>
		\$ 206,605.10

VIOLATIONS BUREAU - CRIMINAL DIVISION

1988

Classified Collections:

Parking Fines	\$ 235,583.08	
Parking Costs	235,583.04	
Traffic Fines	531,746.93	
Traffic Costs	67,303.00	
Misdemeanors	<u>4,885.00</u>	\$ 1,075,101.05
Bank Error	35.00	
Reparations Rotary Fund	38,448.00	
General Revenue Fund	51,255.00	
Seat Belt Fines	21,083.00	
Fines Collected under		
State Statute	125.00	
Interest	922.89	
Service Charge Credited		
Back to Account	<u>339.97</u>	112,208.86
Total Collections		\$ 1,187,309.91

Disbursements:

City of Cleveland Heights

Traffic, Misdemeanors		
Fines and Costs	\$ 603,889.77	
Parking Fines	468,265.65	
Interest	<u>957.89</u>	\$ 1,073,113.31

Lockbox Charges 3,285.60

State of Ohio

Reparations Rotary Fund	38,448.00	
General Revenue Fund	51,255.00	
Seat Belt Fines	21,083.00	
Department of Natural		
Resources	<u>25.00</u>	110,811.00

Cuyahoga County

Fines Collected under		
State Statute	<u>100.00</u>	100.00

Total Disbursements \$ 1,187,309.91

CLEVELAND HEIGHTS MUNICIPAL COURT
CIVIL BRANCH
STATEMENT OF RECEIPTS

Balance on hand, January 1, 1988 \$ 17,907.40

Receipts:

Costs		\$112,849.00
Judgments		215,217.54
Jurors fees		130.00
State costs		1,555.00
Other monies on deposit		96,133.22
Interest		<u>259.37</u>

Total \$426,144.13

444,051.53

Disbursements:

City of Cleveland Heights		\$111,881.09
Judgments		215,217.54
Jurors fees		10.00
State costs		1,455.00
Returned to depositor		94,589.33
Interest		133.10
Service charge		<u>173.18</u>

Total \$423,459.24

20,592.29

Balance on hand, December 31, 1988 \$444,051.53

CASES FILED

Cognovits		2
Transfers		737
Contracts		1188
Small Claims		452
Torts		65
Replevins		6
Forcible Entries		343
License Suspensions		<u>20</u>

Total 2,813

CIVIL CONTINUED

Proceedings after Judgment:

Garnishments	3,748	
Levies	19	
Certificate of Judgment	<u>66</u>	
Total		3,833

Motions		199
Weddings		52

TRUSTEESHIP

Pending - January 1, 1988	4	
Cases filed	<u>8</u>	
		12

Cases disposed of:

At debtor's request	0	
For non-compliance	3	
Filed bankruptcy	0	
Paid in full	<u>1</u>	

Total		4
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Pending December 31, 1988	<u>8</u>	
		12

Balance on hand - January 1, 1988	\$ 1,972.98	
Receipts - 1988	22,440.95	
Interest	<u>25.46</u>	
Total		\$24,439.39

Returned to depositor	\$ 27.17	
Disbursements to creditors	20,327.39	
Costs paid to city	535.83	
Service charge (deducted from costs)	<u>-0-</u>	

Total disbursements		\$20,890.39
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Balance on hand - December 31, 1988		3,549.00
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Total		\$24,439.39
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LANDLORD - TENANT

Cases pending - January 1, 1988	2	
Cases filed	<u>19</u>	<u>21</u>
Cases disposed of	18	—
Cases pending - December 31, 1988	<u>3</u>	<u>21</u>
Balance on hand - January 1, 1988	\$ 2,217.16	—
Total receipts - 1988	10,918.87	
Interest	<u>19.22</u>	
		<u>\$13,155.25</u>
Disbursements to landlords	\$10,593.32	
Disbursements to tenants	-0-	
Costs paid to city	92.25	
Other payments ordered by Court	-0-	
Service charge not yet deducted from interest	<u>17.77</u>	
Total disbursements		\$10,703.34
Balance on hand		2,451.91
Total		<u>\$13,155.25</u>

TOTAL RECEIPTS

1988

BONDS	\$ 169,725.00
CRIMINAL	257,510.72
VIOLATIONS	1,186,969.94
CIVIL	426,144.13
TRUSTEESHIP	22,458.20
LANDLORD-TENANT	10,918.87
INTEREST	1,936.38
	<hr/>
TOTAL RECEIPTS - 1988	\$ 2,075,663.24
	<hr/> <hr/>

1988

SUMMARY

TOTAL DISBURSEMENTS TO CITY - ALL SOURCES

FINES AND COSTS - CRIMINAL DIVISION	\$ 207,328.54
HOUSING COURT COSTS	6,550.50
10% BOND COSTS	10,890.00
BOND FORFEITURES	14,665.00
FINES AND COSTS - VIOLATIONS	595,868.59
FINES AND COSTS - PARKING	466,790.85
COSTS - CIVIL DIVISION	111,881.09
COSTS - TRUSTEESHIP	535.83
COSTS - LANDLORD-TENANT	92.25
TOTAL FINES AND COSTS	<u>1,414,602.65</u>
UNCLAIMED BONDS	3,091.91
INTEREST ON BANK ACCOUNTS	<u>2,892.60</u>
TOTAL	\$ 1,420,587.16

SALARIES AND WAGES	\$ 394,019.04
EMPLOYEE BENEFITS	119,838.13
OPERATING COSTS	65,706.28
CAPITAL EQUIPMENT	<u>-0-</u>
TOTAL OPERATING COSTS	\$ 579,563.45

SERVING THE COURT DURING 1988 IN AN OFFICIAL CAPACITY AS OF DECEMBER 31, 1988
WERE: .

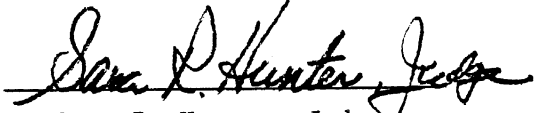
Sara R. Hunter, Judge
Nancy S. Welchans, Clerk of Court
Anthony C. Tomaro, Bailiff
Willie M. Wright, Deputy Bailiff
Nancy A. Simpson, Deputy Bailiff
Manuel M. Rocker, Assigned Judge
Glenn Billington, Acting Judge
Janet R. Burnside, Acting Judge
Bernard B. Dierenfeld, Acting Judge
Ranelle Gamble, Acting Judge
Mark L. Hoffman, Acting Judge
Dennis J. Niermann, Acting Judge

David Goodwin, Referee
Georgeann Schmidt, Referee

JoAnn Gallitto, Chief Deputy Clerk, Civil Department
Patricia Wokety, Chief Deputy Clerk, Criminal Department
Ruth Andreano, Deputy Clerk
Priscilla Carter, Deputy Clerk
Hazel Grant, Deputy Clerk
Irene Humanchuk, Deputy Clerk
Ann Ludwig, Deputy Clerk
Antoinette Mallory, Deputy Clerk
Jeanette Politi, Deputy Clerk
Belinda Ross, Deputy Clerk
Rochelle Smith, Deputy Clerk
Sandra Tkacz, Deputy Clerk
Diane Williams, Deputy Clerk
Peter Caron, Law Clerk

James K. Miller, Chief Probation Officer
Valinda Tyus-Garner, Probation Officer
Celeste Smith, Probation Secretary

This report covers all operations and costs of the Cleveland Heights Municipal
Court as verily prepared.


Sara R. Hunter, Judge

APPENDIX:

The following are volunteers who served Cleveland Heights Municipal Court during 1988.

Gary Axner, Jo Ettore, Larry Landis, Robert Vecchio, Louise Mosher, Curtis Stranathan, Russell Kirtz, Ronald Fetterman, Bradley Burland, Jeffrey Gerber, Stanley Bennett, Thomas Sampliner, William Steiner, Edward Lucey and Valerie Brandenburg served as referees.

Joe Calvert served as a volunteer deputy bailiff.

Jack Friedberg and Lucy Lott served as Jury Commissioners.

From the Retired Senior Volunteer Program the Court has received the services of Lee Casanova, Ida Ratino and Pauline Chavis.

Christine Guarnieri resigned as Referee and was succeeded by Georgeann Schmidt and David Goodwin.

Ermel Luckett resigned as Law Clerk in May and was succeeded by Peter Caron.

Reginald Holloway served a ten-week internship under the Service Intern Program before being hired as a part-time deputy clerk.