1998 Annual Report

Cleveland Heights Municipal Court

Lynn C. Toler, Judge

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PROBATION DEPARTMENT REPORT
EMPLOYEE ROSTER

To: Council of the City of Cleveland Heights

Board of Commissioners Cuyahoga County

Re: Cleveland Heights Municipal Court's Annual Report for 1998

In this, my 1998 annual report, I would like to bring your attention to the following matters.

The stabilization in the number of traffic tickets handled by the court originally noted in my 1997 report continues. While we have had large fluctuations in the number of charges handled in the past (e.g. 16,655 in 1995 and 34,346 in 1996) this year's intake of 26, 187 charges varies only slightly from the number handled in 1997 - 24,996. The court's commitment to collecting all fines and court costs imposed continues to maximize available revenue. This year the court took in more than 2.2 million dollars while our operating budget remains well under one million dollars. As a result this court has not had to raise its criminal court costs in over four years.

In 1998, the court made a number of technological improvements to its operations designed to facilitate access and expedite its administrative processes. We reviewed, and where necessary, either replaced or reprogrammed all court computer systems to ensure that the court is Y2K Compliant. We have also sought certification of Y2K compliance from all outside entities upon whose computer systems the court may rely . We established a WEB site at www.clevelandheights court.com which provides the general public with easily accessible information on the general workings of the court, small claims procedures, waiver fines and costs. We installed a drive up payment system for waiverable tickets so that payment can be made from one's car. We are now in the process of establishing Internet and E-Mail capabilities in an effort to make it easier for the public to contact us.

The court also computerized its certified mail processing to facilitate faster and more efficient service of process in civil and criminal matters. In addition, the court has added video arraignment capabilities to its court room which allows the court to arraign incarcerated individuals without physically bringing them to the court room. This process increases court room security and reduces our need to co-opt police officer's time escorting prisoners to and from the court room.

It should be noted that all of these technological advances were paid for from an existing state mandated fund and thus were made at no extra cost to the city.

As always this court continues its efforts to improve its operations every year.

Respectfully submitted,

Lvnn(C. Tøler, Judge

Case Filings 1998

Month	Felonies	Misdemeanors	O.M.V.I.	Traffic	Per. Injury	Contracts	F.E.D.	Other Civil	Small Claims
January	18	153	6	1,362	4	56	27	11	23
February	13	221	7	1,424	4	62	22	3	19
March	13	217	14	1,792	6	98	32	5	35
April	17	152	12	1,298	3	46	23	5	39
Мау	12	165	12	1,042	5	54	22	4	25
June	14	211	9	1,198	1	61	26	10	39
July	14	199	11	1,275	4	41	31	8	27
August	16	279	8	1,834	3	50	35	7	30
September	16	213	11	2,315	1	41	27	3	28
October	7	135	6	2,435	5	52	28	8	46
November	14	89	7	2,052	2	35	22	6	25
December	4	103	9	2,632	2	42	28	6	19
New Total	158	2,137	112	20,659	40	638	323	76	355
Reactivated									
Total	18	377	1	2,348					

These statistics are compiled from the monthly reports submitted to the Supreme Court of Ohio under Superintendence Rule 12. Multiple charges against an individual as the result of the same set of circumstances or series of acts is only counted as ONE CASE. Individual criminal and traffic CHARGES appear elsewhere in this report.

Reactivated cases are those brought back onto to the current docket when the Court regains jurisdiction over a defendant, such as an arrest on a warrant. There are no reactivated civil cases.

TRAFFIC OFFENSES BY CHARGE 1998

Assured Clear Distance Bicycle/Skateboard Child Restraint Compliance with Police Order Driving Under Suspension Driving Under the Influence of Alcohol/B.A.C Failure to Control Failure to Yield Fleeing Hit Skip/Leave Scene Improper Left Turn Improper U-Turn Improper Passing Improper Lane Change Left of Center No Operator's License Fail to Display License Expired License Less than 6 mont One Way Street Pedestrian Violations Reckless Operation Speed Stop Sign Traffic Control Device Other Moving Violations	207934401792022321243491604915501,3561,356159104454215,251432432751218	
Parking, complaints filed Registration/Title/Plates	1 , 0 / 6	PREVIOUS YEAR
Unsafe Vehicle/Equipment		TOTALS:
No Plate Light	135	1994: 19,152
Other Light Violations	581	1995: 16,655
Seat Belt/Operator	920	1996: 34,346
Seat Belt/Passenger	9	1997: 24,996
TOTAL CHARGES 1998:	26,187	

These figures and those on the preceeding 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 1998

Abduction6	Rape
Alcohol/Underage43	Receive Stolen Prop36
Alcohol/Sale to Underage17	Resist Arrest37
Assault55	Agg. Riot3
Felonious Assault24	Robbery5
Assault on a police Officer10	Agg. Robbery5
Agg. Vehicular Assault1	Solicitation6
Bad Checks4	Telephone Harassment3
Breaking & Entering6	Theft/Petty6
Burglary6	Theft/Grand
Agg. Burglary11	Trespass118
Building111	Unauthorized use of MV6
Carrying Concealed Weapon5	Unreasonable Noise289
Criminal Damaging10	Vandalism5
Criminal Mischief	Violation of Protection
Criminal Tools12	Order11
Complicity2	Weapons Prohibited8
Disrderly/Disturb Peace188	Zoning43
Dog/Cat Run at Large22	
Dogs/Vicious8	
Domestic Violence	momat cuances etten. 2 601
Drug Abuse	TOTAL CHARGES FILED: 2,601
Drug Instruments20	Charges 1994: 2,531
Drug Trafficking10	Charges 1994. 2,331 Charges 1995: 2,657
Drug Possession6	Charges 1996: 2,543
Falsification1	Charges 1997: 2,628
Felony D. U. I	Charges 1997: 27020
Firearms15	
Fire Code	
Forgery	
Intoxication	
Littering/Handbills10	
Marihuana <100 Grams55	
Marihuana Trafficking5	
Menacing	
Agg. Menacing19	
Misidentification50	
Miscellaneous	
Murder/Attempted7	
Obstructing Official Business16	
Occupancy Permit164	
Open Container106	
Park Regulations63	
Public Indecency3	

CRIMINAL/TRAFFIC BRANCH RECEIPTS AND DISBURSEMENTS FOR 1998

Balance on Hand January 1, Receipts 1998		\$ 59,568.00 \$2,270,864.26 \$2,330,432.26
DISBURSEMENTS: City of Cleveland Heights Fines Costs Housing Computer Fund Drug Fines Witness/Jury Reimbrs Bailiff Fees Community Service Fees Unclaimed Funds Sub-Total	1996 1997 \$ 864,914.84 \$ 737,219.23 \$ 460,615.60 \$ 455,041.56 \$ 9,487.00 \$ 10,854.90 \$ 212,224.00 \$ 199,844.00 \$ 89.00 \$ 119.00 \$ 1,912.00 \$ 1,764.80 \$ -0- \$ 211.00 \$ -0- \$ 4,262.00 \$ 1,425.00 \$ 811.50 \$ 1,550,667.44 \$1,410,127.99	\$ 520,592.12 \$ 3,586.17 \$ 220,223.50 \$ -0- \$ 1,880.37 \$ 139.40 \$ 7,538.50 \$ 941.50
Cuyahoga County Regular Fines Uniform Traffic Fines 1/2 Liquor Fines Witness/Jury Reimbrs Sub-Total	\$ 16,480.00 \$ 15,076.50 \$ 30,585.50 \$ 28,523.25 \$ 620.50 \$ 607.50 \$ 531.90 \$ 1.904.00 \$ 48,217.90 \$ 46,111.25	\$ 36,266.75 \$ 2,139.50 \$ 759.70
State of Ohio RRF/Victims Fund GRF/General Fund Seat Belt Expungements 1/2 Liquor Fines BMV Fees Pharmacy Board (Drug) Sub-Total	\$ 193,062.00 \$ 173,073.00 \$ 235,770.00 \$ 211,645.00 \$ 29,865.00 \$ 24,470.00 \$ 540.00 \$ 630.00 \$ 620.50 \$ 607.50 \$ -0- \$ 4.680.00 \$ 81.00 \$ 219.00 \$ 459,938.50 \$ 415,324.50	227,628.50 20,585.00 1,050.00 2,139.50 3,388.00 167.50
Other Disbursements County Law Library Misc. Agencies/Trans * DUI Housing Fund * DUI Arrest Agency DUI Indigent Fund Refunds Sub-Total GRAND TOTALS	\$ 653.06 \$ 730.73 \$ 3,491.00 \$ 3,740.50 \$ 659.00 \$ 1,423.00 \$ 1,706.00 \$ 2,054.00 \$ 1,931.00 \$ 2,116.25 \$ 176,769.58 \$ 170,601.23 \$ 185,209.64 \$ 180,665.65 \$ 2,244,033.48 \$2,052,229.45	2,575.00 1,202.00 2,418.00 5 \$ 2,778.25 2 \$ 162,205.17 8 \$ 172,059.27
Balance on Hand December 3	1, 1998 TOTAL	\$ 52,703.50 \$2,330,432.26

^{*} 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 1998

Balance on Hand January 1, 19 Receipts 1998	98	TOTAL	\$ 3,611.91 \$374,260.09 \$377,872.00
DISBURSEMENTS:			
City of Cleveland Heights Costs Computer Fund 1% Legal Aid Unclaimed Funds Bailiff Fees Sub-Total	1996 \$ 86,097.10 \$ 37,532.50 \$ 203.09 \$ 195.87 \$ 325.00 \$124,353.56	\$ 35,404.00	1998 \$ 72,259.75 \$ 29,897.50 \$ 183.94 \$ -0- \$ 315.40 \$102,656.59
State of Ohio Legal Aid Judgements and Refunds Sub-Total GRAND TOTALS	\$ 20,105.91 \$242,869.41 \$262,975.32 \$387,328.88	\$ 20,675.16 \$215,386.15 \$236,061.31 \$351,352.10	\$ 18,210.06 \$252,188.23 \$270,398.29 \$370,054.88
Balance on Hand December 31,	1998	TOTAL	\$ 4,817.12 \$ 377,872.00

CIVIL/TRUSTEESHIP BRANCH RECEIPTS AND DISBURSEMENTS FOR 1998

Balance on Hand January 1, 199 Receipts 1998	98	TOTAL	\$ -0- \$ -0- \$ -0-
DISBURSEMENTS:	1996	1997	1998
To Creditors Return to Depositor	\$ -0- \$ -0- \$ -0- \$ -0-	\$ 10.00 \$ -0- \$ -0- \$ 10.00	\$ -0- \$ -0- \$ -0- \$ -0-
Balance on Hand December 31,	1998	\$	-0-

CIVIL/LANDLORD-TENANT BRANCH RECEIPTS AND DISBURSEMENTS FOR 1998

Balance on Hand January 1, 19 Receipts 1998	998	TOTAL	\$ 1,305.00 \$ 7,574.00 \$ 8,879.00
DISBURSEMENTS:	1996	1997	1998
City of Cleveland Hgts To Landlords To Tenants	\$ 7,476.48	\$ 64.08 \$ 4,438.17 \$ 569.25	\$ 59.10 \$ 5,355.90 \$ -0-
Repair/Maintenance paid by Court Order TOTALS	\$ -0- \$ 9,760.00	\$ 5,071.50 \$ 8,049.50	\$ 1,049.00 \$ 6,464.00
Balance on Hand December 31,	1998		\$ 2,415.00
		TOTAL	\$ 8,879.00

MISCELLANEOUS ITEMS

There were 1,512 garnishments filed on civil and small claims actions.

The Landlord Tenant Division received ten (10) new cases and 8 were disposed of in 1998.

No Trusteeship cases were filed in 1998.

Judge Toler performed 9 weddings during the year.

There were 13 jury trials during 1998.

The criminal division issued 2,511 license forfeitures on persons who did not appear for court or did not pay their fine and costs. Approximately 1,603 persons took care of their forfeitures before the suspension dates became effective and 1,160 reinstatements were sent to the BMV for those who took care of their forfeitures after the suspension date.

The Bureau of Motor Vehicles returned \$1,875.00 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. A miscellaneous refund of \$50 was also paid to the City.

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

	1996	1997	1998
Criminal/Traffic	\$1,554,257.69	\$1,550,667.44	\$1,597,073.04
Civil/Small Claims	\$ 124,353.56	\$ 115,290.79	\$ 102,656.99
Trusteeship	\$ 10.00	\$ -0-	\$ -0-
Landlord/Tenant	\$ 80.00	\$ 64.08	<u>\$ 59.10</u>
TOTALS	\$1,678,701.25	\$1,666,022.31	\$1,699,789.13

This report includes the December 1998 disbursement even though that money was not paid out until January 1999.

TO:

Judge Lynn C. Toler James Miller

FROM:

Chief Probation Officer

RE:

PROBATION ACTIVITY, 1998

PRESENTENCE INVESTIGATION/PROBATION VIOLATIONS, 1998 I.

	1996	1997	1998
Presentence Investigation Reports	460	446	410
Probation Violation Reports	127	76	31
Expungement	38	46	44

SUPERVISION CASELOAD, on December 31, 1998 II.

	12-31-96 caseload	12-31-97 caseload	12-31-98 caseload
Active (Supervised):	286	229	233
<pre>Inactive (Non-Supervised):</pre>	273	364	350
Post-Sentence Warrants Outstanding:	75	186	185

III. SUPERVISION, 1998 inclusive (1997 numbers in parenthesis, for comparison)

Total active probation cases, supervised, JanDec. 1998, inclusive:	658	(727)
Total inactive probation cases, JanDec. 1998, inclusive:	853	(776)
New active probation cases added in 1998:	426	(444)
New inactive probation cases added in 1998:	488	(505)
* * *		
Number of probation cases (active/inactive), on 12-31-97, whose sentences also		
included jail time, with % of caseload:	205	- 35%
	(229	- 37%)

Supervision caseload, per Probation Office

<u>On 12-31-96</u>	On 12-31-97	On 12-31-98	% Increase
143	114	116	2

IV. MAJOR OFFENSES OF PROBATIONERS on supervision, Dec. 31, 1998 (1997 number in parenthesis, for comparison)

	No.	of cases	% of	cases	Cumul. %
Domestic Violence OMVI Petty Theft Intoxication Assault Disorderly Conduct Menacing, Harassing Driving Under Suspension Resisting Arrest Concealed Weapons Dogs Criminal Mischief Other	60 49 24 22 18 09 07	(56) (60) (21) (21) (16) (17) (02) (07) (03) (01) (00) (10) (13)	26 21 10 09 08 04 03 03 01 01 0	(24) (26) (09) (08) (07) (08) (01) (03) (01) (01) (01) (01) (04) (08)	26 47 57 66 74 78 81 84 87 88 89

V. PROBATION REFERRALS, in December 31, 1998 caseload

(As required by Court under Conditions of Probation;
1997 figures in parenthesis, for comparison)

ALCOHOL/DRUG

Alcohol/Drug Treatment, including Driver Intervention Programs; AA, NA, CA	102	(117)
VIOLENCE		
Batterers intervention program	30	(43)
Parenting Counseling	10	(-)
Restitution	13	(10)
Carrying Concealed Weapons Program	15	(-)
Letter of Apology	02	(-)
No dog ownership; destruction of dog	01	(-)
THEFT		
Economic Crime Program	05	(06)
COUNSELING		
Psychiatric therapy/evaluation	15	(13)
Sexual Disorders counseling	01	(01)
EMPLOYMENT/EDUCATION		
Maintain full time schooling	02	(04)
Obtain GED/Diploma	19	(04)
Maintain employment	16	(-)
COMMUNITY SERVICE		
Community Service referrals, as of 12-31-98	41	(45)

VI. RESTITUTION/COMMUNITY SERVICE, 1998 inclusive (1997 numbers in parenthesis, for comparison)

Restitution transferred to victims, 1998:	\$3,051.58	(\$1880.26)
Community Service referrals to Court Community Service, 1998 inclusive:	166	(204)
Community Service, total hours ordered in 1998:	3,927	(5,328.5)
Total Community Service hours scheduled in Cleveland Heights non-profit agencies, through CCS:	5351.25	(6221.75)

SERVING THE COURT IN AN OFFICIAL CAPACITY DURING 1998 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

Allison Allen, Deputy Bailiff, until 8/98 Christine Libbey, Deputy Bailiff Lawrence Jasper, Deputy Bailiff Leo Krejci, Deputy Bailiff

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

Bettie Ballard, Civil Deputy Clerk
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
Rochelle Smith, Criminal Deputy Clerk, until 3/98
Tawanda Smith, Criminal Deputy Clerk
Karen Szekely, Criminal Deputy Clerk

Laurie Cohen-Miller, Law Clerk until 10/98 Denise Steinlechner, Law Clerk

James Miller, Chief Probation Officer Valinda Garner, Probation Officer Celeste Corbin, Probation Secretary until 6/98 Tonigail Travis, Probation 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