

COURT PROBATION DEPARTMENT
JIM MILLER

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

Re: Cleveland Heights Municipal Court's Annual Report for 1996

In this, my 1996 annual report, I would like to bring your attention to the following matters:

In previous years this court has noted a trend of decreasing traffic case filings and corresponding revenue. While the 1995 decrease was not as large as initially thought (the number of traffic charge filings was revised from 13,461 to 16,655) the number of filings was, none the less, decreasing every year. 1996 saw a dramatic reversal in that trend. This year the court handled 34,346 traffic filings. Accordingly, revenue increased significantly as well. That notwithstanding, the clerk's office has continued to remain diligent in its collection efforts to ensure that fines levied are paid.


The additional filings have, of course, significantly increased the court's case load. The number of traffic trials scheduled before this court grew almost three-fold during the last four months of the year. In order to hear all of these cases within the short time frame required by law, this court scheduled double dockets twice a month at which time an acting judge and Judge Toler conducted simultaneous trials. While these sessions often continued into the evening it allowed the court to adjudicate or otherwise dispose of more than 70 cases in one day. Concurrently, the clerk's office performed an additional 1,961 hours of work as a result the additional filings. Despite the unprecedented influx of cases, these measures have allowed the court's docket to stay current without any staffing increases.

While the efficient and cost effective operation of this court is important, those aspects of the court's operation do not over shadow its primary purpose, that being the fair and conscientious administration of justice. To that end I have continued to review this court's procedures and make improvements where necessary.

In response to ever growing concerns regarding courthouse safety the court has hired an additional bailiff whose primary function is courthouse security. Moreover, physical changes have been made to increase security both in the clerk's office and the courtroom itself. The court has also increased the number of housing warrants served in an effort to minimize the non-appearance rate in housing court.

As always, this court will continue its efforts to improve all aspects of its operations in the coming year.

Respectfully submitted,



Lynn C. Toler, Judge

Case Filings 1996

	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	12	119	5	1396	3	56	26	6	54
FEBRUARY	17	153	8	1466	8	49	25	4	66
MARCH	16	249	3	1062	3	62	28	9	37
APRIL	22	149	4	1213	11	59	21	18	47
MAY	14	156	2	1040	7	62	22	6	31
JUNE	10	173	9	2221	6	33	24	9	17
JULY	21	212	8	3519	7	44	49	13	71
AUGUST	11	252	4	2597	4	52	32	14	25
SEPTEMBER	9	223	10	2821	4	35	27	8	57
OCTOBER	18	252	10	3130	7	172	25	12	44
NOVEMBER	8	162	7	1690	2	35	19	10	23
DECEMBER	18	105	10	2793	5	30	25	11	27
New Case Total	176	2205	80	24948	67	689	323	120	499
Re-activated Total	14	533	-0-	1329	-0-	-0-	-0-	-0-	-0-

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

TRAFFIC OFFENSES BY CHARGE 1996

Assured Clear Distance.....	281
Bicycle/Skateboard.....	25
Child Restraint.....	75
Compliance with Police Order.....	9
Driving Under Suspension.....	382
Driving Under the Influence of Alcohol/B.A.C.....	127
Failure to Control.....	218
Failure to Yield.....	182
Fleeing.....	8
Hit Skip/Leave Scene.....	38
Improper Left Turn.....	853
Improper U-Turn.....	47
Improper Passing.....	31
Left of Center.....	20
Operator License Violations.....	2,583
Pedestrian Violations.....	15
Reckless Operation.....	29
Speed.....	16,168
Stop Sign.....	975
Traffic Control Device.....	1,215
Other Moving Violations.....	468
Parking, complaints filed.....	1,111
Registration/Title/Plates.....	2,691
Unsafe Vehicle/Equipment.....	1,082
No Plate Light.....	1,190
Other Light Violations.....	2,773
Seat Belt/Operator.....	1,709
Seat Belt/Passenger.....	41
TOTAL CHARGES 1996:	34,346

TOTAL CHARGES 1995: 16,655

TOTAL CHARGES 1994: 19,152

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 1996

Alcohol/Underage.....	19	Riot.....	4
Animals.....	15	Robbery.....	18
Assault.....	12	Agg. Robbery.....	16
Felonious Assault.....	14	Scavaging.....	4
Bad Checks.....	7	Sexual Imposition.....	6
Breaking & Entering.....	3	Solicitation.....	11
Burglary.....	5	Telephone Harassment.....	6
Agg. Burglary.....	10	Theft--Petty.....	49
Att. Agg. Burglary.....	6	Theft--Grand.....	63
Building.....	75	Trespass.....	90
Carrying Concealed Weapon.....	5	Unauthorized Use of a	
Child Endangering.....	33	Motor Vehicle.....	6
Criminal Damaging.....	11	Unreasonable Noise.....	25
Criminal Mischief.....	20	Vandalism.....	10
Criminal Tools.....	9	Violation of a Protection	
Complicity.....	1	Order.....	9
Disorderly/Disturb Peace.....	214	Weapons Prohibited.....	9
Dog/Cat Run at Large.....	16	Zoning.....	31
Dogs/Vicious.....	1		
Domestic Violence.....	235	TOTAL CHARGES FILED: 2,543	
Drugs.....	19	Total Charges 1995: 2,657	
Drug Instruments.....	6	Total Charges 1994: 2,531	
Falsification.....	3		
Firearms.....	7		
Fire Code.....	3		
Fireworks.....	1		
Fleeing/Escape.....	8		
Forgery.....	1		
Homicide.....			
Negligent.....	1		
Vehicular.....	1		
Agg. Vehicular.....	2		
Housing.....	832		
Intoxication.....	95		
Kidnapping.....	3		
Littering/Handbills.....	7		
Marihuana.....	31		
Marihuana Trafficking.....	7		
Menacing.....	16		
Agg. Menacing.....	12		
Misidentification.....	35		
Miscellaneous.....	37		
Murder/Aggravated.....	1		
Obstructing Official Business...8			
Occupancy Permit.....	180		
Open Container.....	66		
Park Regulations.....	19		
Public Indecency.....	5		
Rape.....	6		
Receive Stolen Property.....	25		
Resist Arrest.....	38		

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

Adjusted Balance on Hand January 1, 1996		\$ 45,962.00
Receipts 1996		<u>\$2,250,294.48</u>
	TOTAL	<u>\$2,296,256.48</u>

DISBURSEMENTS:

	1994	1995	1996
City of Cleveland Heights			
Fines	\$ 507,641.72	\$ 534,590.69	\$ 864,914.84
Costs	\$ 114,170.50	\$ 137,123.98	\$ 460,615.60
Housing	\$ 9,806.00	\$ 7,216.00	\$ 9,487.00
Computer Fund	\$ 56,508.50	\$ 67,424.50	\$ 212,224.00
Drug Fines	\$ 705.50	\$ 417.00	\$ 89.00
Witness/Jury Reimbrs	\$ 375.50	\$ 1,899.00	\$ 1,912.00
Unclaimed Funds	<u>\$ 18,116.19</u>	<u>\$ 967.00</u>	<u>\$ 1,425.00</u>
Sub-Total	\$ 707,323.91	\$ 749,638.17	\$1,550,667.44

Cuyahoga County

Regular Fines	\$ 6,635.00	\$ 18,796.00	\$ 16,480.00
Uniform Traffic Fines	\$ 28,004.00	\$ 24,597.00	\$ 30,585.50
1/2 Liquor Fines	\$ 456.5	\$ 909.00	\$ 620.50
Witness/Jury Reimbrs	<u>\$ 40.85</u>	<u>\$ 944.00</u>	<u>\$ 531.90</u>
Sub-Total	\$ 35,136.35	\$ 45,246.00	\$ 48,217.90

State of Ohio

RRF/Victims Fund	\$ 80,052.00	\$ 90,336.93	\$ 193,062.00
GRF/General Fund	\$ 97,932.57	\$ 101,983.00	\$ 235,770.00
Seat Belt	\$ 690.00	\$ 5,776.00	\$ 29,865.00
Expungements	\$ 510.00	\$ 450.00	\$ 540.00
1/2 Liquor Fines	\$ 456.60	\$ 909.00	\$ 620.50
Pharmacy Board (Drug)	<u>\$ 86.50</u>	<u>\$ 99.00</u>	<u>\$ 81.00</u>
Sub-Total	\$ 179,727.67	\$ 199,553.93	\$ 459,938.50

Other Disbursements

County Law Library	\$ 585.53	\$ 591.48	\$ 653.06
Misc. Agencies/Trans	\$ 100.00	\$ 891.00	\$ 3,491.00
* DUI Housing Fund	\$ 942.00	\$ 1,072.00	\$ 659.00
* DUI Arrest Agency	\$ 1,591.00	\$ 1,295.00	\$ 1,706.00
DUI Indigent Fund	\$ 1,675.00	\$ 1,100.00	\$ 1,931.00
Refunds	<u>\$108,162.54</u>	<u>\$ 121,455.65</u>	<u>\$ 176,769.58</u>
Sub-Total	\$113,056.07	\$ 126,405.13	\$ 185,209.64

GRAND TOTALS	\$1,035,244.00	\$1,120,843.23	\$2,244,033.48
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Balance on Hand December 31, 1996		\$ 52,223.00
	TOTAL	<u>\$2,296,256.48</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 1996**

Balance on Hand January 1, 1996		\$ 3,022.15
Receipts 1996		<u>\$385,496.73</u>
	TOTAL	<u>\$388,518.88</u>

DISBURSEMENTS:

City of Cleveland Heights	1994	1995	1996
Costs	\$ 92,411.50	\$ 85,119.66	\$ 86,097.10
Computer Fund	\$ 31,977.50	\$ 33,269.50	\$ 37,532.50
1% Legal Aid	\$ 220.37	\$ 189.85	\$ 203.09
Unclaimed Funds	\$ 8,166.35	\$ 650.22	\$ 195.87
Bailiff Fees	<u>\$ -0-</u>	<u>\$ 95.00</u>	<u>\$ 325.00</u>
Sub-Total	\$132,775.72	\$119,324.23	\$124,353.56
State of Ohio Legal Aid	\$ 21,816.63	\$ 18,795.15	\$ 20,105.91
Judgements and Refunds	<u>\$327,783.32</u>	<u>\$251,599.64</u>	<u>\$242,869.41</u>
Sub-Total	\$349,599.95	\$270,394.79	\$262,975.32
GRAND TOTALS	\$484,891.82	\$389,719.02	\$387,328.88

Balance on Hand December 31, 1996		<u>\$ 1,190.00</u>
	TOTAL	<u>\$388,518.88</u>

**CIVIL/TRUSTEESHIP BRANCH
RECEIPTS AND DISBURSEMENTS FOR 1996**

Balance on Hand January 1, 1996		\$ -0-
Receipts 1996		<u>\$ 10.00</u>
	TOTAL	\$ 10.00

DISBURSEMENTS:	1994	1995	1996
City of Cleveland Hgts	\$ 67.32	\$ -0-	\$ 10.00
To Creditors	\$ 3,093.73	\$ -0-	\$ -0-
Return to Depositor	<u>\$ 204.95</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
TOTALS	\$ 3,366.00	\$ -0-	\$ 10.00

Balance on Hand December 31, 1996		\$ -0-
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**CIVIL/LANDLORD-TENANT BRANCH
RECEIPTS AND DISBURSEMENTS FOR 1996**

Balance on Hand January 1, 1996		\$ -0-
Receipts 1996		<u>\$ 8,638.00</u>
	TOTAL	\$ 8,638.00

DISBURSEMENTS:	1994	1995	1996
City of Cleveland Hgts	\$ 469.70	\$ 102.25	\$ 80.00
To Landlords	\$39,234.55	\$ 4,807.95	\$ 7,476.48
To Tenants	\$ 2,443.23	\$ 4,175.10	\$ 493.02
Repair/Maintenance paid by Court Order	<u>\$ 8,470.00</u>	<u>\$ 674.70</u>	<u>\$ -0-</u>
TOTALS	\$50,617.48	\$ 9,760.00	\$ 8,049.50

Balance on Hand December 31, 1996		<u>\$ 588.50</u>
	TOTAL	\$ 8,638.00

MISCELLANEOUS ITEMS

There were 1,856 garnishments filed on civil and small claims actions.

The Landlord Tenant Division received eleven (11) new cases and 10 were disposed of in 1996.

One Trusteeship case was filed in 1996, but the defendant then withdrew his request for trusteeship.

Judge Toler performed 6 weddings during the year.

There were 14 jury trials during 1996.

The criminal division issued 990 license forfeitures on persons who did not appear for court or did not pay their fine and costs. Approximately 350 persons took care of their forfeitures before the suspension dates became effective and 614 reinstatements were sent to the BMV for those who took care of their forfeitures after the suspension date.

The Bureau of Motor Vehicles returned \$1,400.00 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 \$1,867.10 to the City to cover the State per diem paid to acting judges, and \$323.15 was returned to the City for miscellaneous refunds.

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

	1994	1995	1996
Criminal/Traffic	\$ 707,323.91	\$ 749,638.17	\$1,554,257.69
Civil/Small Claims	\$ 132,775.72	\$ 119,324.23	\$ 124,353.56
Trusteeship	\$ 67.32	\$ -0-	\$ 10.00
Landlord/Tenant	<u>\$ 469.70</u>	<u>\$ 102.25</u>	<u>\$ 80.00</u>
TOTALS	\$ 840,636.65	\$ 869,064.65	\$1,678,701.25

This report includes the December 1996 disbursement even though that money was not paid out until January 1997.

TO: Judge Lynn C. Toler
 FROM: James Miller
 Chief Probation Officer
 RE: PROBATION ACTIVITY, 1996

I. PRESENTENCE INVESTIGATIONS/ PROBATION VIOLATIONS, 1996

	<u>1994</u>	<u>1995</u>	<u>1996</u>
Presentence Investigation Reports	362	572	460
Probation Violation Reports	72	88	127
Expungement Reports	15	16	22
Diversion Reviews	40	18	38
Total reports prepared:	494	694	647

II. SUPERVISION CASELOAD, on December 31, 1996

	12-31-94 caseload	12-31-95 caseload	12-31-96 caseload
Active (Supervised):	252	333	286
Inactive (Non- Supervised):	282	324	273
Post-sentence Warrants Outstanding:	140	162	75

III. SUPERVISION, 1996 Inclusive
 (1995 numbers in parenthesis, for comparison)

Total active probation cases, supervised, Jan.-Dec. 1996, inclusive:	758	(713)
Total inactive probation cases, Jan.-Dec. 1996, inclusive:	744	(531)
New active probation cases added in 1996:	431	(458)
New inactive probation cases added in 1996:	416	(396)

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Number of probation cases (active/inactive), on 12-31-96, whose sentences also in- cluded jail time, with % of caseload:	205	-	36%
	(171)	-	26%

Supervision caseload, per Probation Officer:

<u>On 12-31-94</u>	<u>On 12-13-95</u>	<u>12-31-96</u>	<u>% Decrease 95-96</u>
126	167	143	-14

IV. MAJOR OFFENSES OF PROBATIONERS, on supervision, Dec. 31,
 1996 (1995 number in parenthesis, for comparison)

	<u>No. of Cases</u>	<u>% of Cases</u>	<u>Cum. %</u>
Domestic Violence	87 (98)	30 (29)	30%
Petty Theft/RSP	34 (64)	12 (19)	42
OMVI	62 (47)	22 (14)	64
Assault	22 (33)	8 (10)	72
Disorderly Conduct	12 (20)	4 (06)	76
Trespassing	5 (15)	2 (05)	78
Criminal Mischief	10 (08)	3 (02)	81
Menacing & Harrassing	8 (07)	3 (02)	84
Intoxication	19 (07)	7 (02)	91
Driving Under Susp.	8 (06)	3 (02)	94
Concealed Weapons, etc.	1 (05)	0 (02)	94
Others	18 (22)	6 (07)	100

V. PROBATION REFERRALS, in Dec. 31, 1996 caseload
 (As required by Court under Conditions of Probation;
 1995 figures in parenthesis, for comparison)

ALCOHOL/ DRUG

Alcohol/ Drug Treatment, including Driver Intervention Programs; AA, NA, CA:	127	(99)
Vehicle Interlock, with breathalyzer:	0	(01)
Electronic Home Monitoring:	1	(01)

VIOLENCE

Batterers Intervention programs:	61	(73)
Carrying Concealed Weapons program:	2	(04)
Geographic restrictions:	1	(05)
Restitution:	13	(23)

THEFT

Economic Crime Program	30	(40)
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COUNSELING

Psychiatric therapy/evaluation	13	(20)
Sexual Disorders therapy	1	(01)
Parenting classes	2	(01)
Family counseling	1	(02)

EMPLOYMENT/EDUCATION

Maintain fulltime school and/or employment	14	(08)
Obtain GED	10	(09)

COMMUNITY SERVICE

Community Services referrals, as of 12-31-96:	80	(81)
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IV. RESTITUTION/ COMMUNITY SERVICE, 1996 inclusive
(1995 numbers in parenthesis, for comparison)

Restitution transferred to Victims, 1996:	\$4,995.72	(\$4,586.35)
Community Service referrals to Court Community Service, 1996:	211	(162)
Community Service, total hours ordered, in 1996:	5,921	(5,303)
Total Community Service hours scheduled in Cleveland Heights non-profit agencies, through Court Community Service:	4,377	(3,497.50)

SERVING THE COURT IN AN OFFICIAL CAPACITY DURING 1996 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
Lynn Kelley, Acting Judge/until 3/96
Alan H. Kraus, Acting Judge
Joy Savren, Acting Judge

Georgeann Schmidt, Referee/Magistrate
Dale Lefferts, Referee/Magistrate

Lincoln Scott, Housing Officer

Nancy Simpson, Deputy Bailiff
Ken Sutherland, Deputy Bailiff
Leo Krejci, Deputy Bailiff

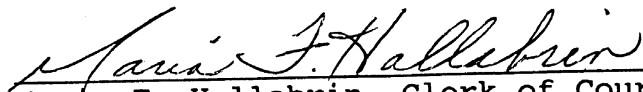
JoAnn Gallitto, Chief Deputy Clerk/Civil Division
Ann Ludwig, Chief Deputy Clerk/Criminal Division

Bettie Ballard, Civil Deputy Clerk
Nichole Burke, Civil Deputy Clerk
Cherie Disbro, Criminal Deputy Clerk
Irene Humanchuk, Criminal Deputy Clerk/until 8/96
Lisa Little, Criminal Deputy Clerk
Carole Motyka, Criminal Deputy Clerk
Jeanette Politi, Civil Deputy Clerk
Amy Satterwaite, Criminal Deputy Clerk
Rochelle Smith, Criminal Deputy Clerk
Tawanda Smith, Criminal Deputy Clerk

Amy Trejbal, 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