

PROBATION  
JIM MILLER

# **CLEVELAND HEIGHTS MUNICIPAL COURT**

## **2002 ANNUAL REPORT**



**A. DEANE BUCHANAN**

**JUDGE**

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

Re: Cleveland Heights Municipal Court's Annual Report for 2002

Court proceedings have important value to all citizens and the Cleveland Heights Municipal Court will continue to place a premium on the efficient delivery of quality services. I am proud and very excited to report on the many positive and very innovative changes the court has made. In this, the Court's 2002 annual report, I would like to bring to your attention the following matters:

In 1999, the Court processed approximately 31,000 traffic offenses. In 2000, that number dropped to 21,000. In 2001, that number dropped even further to 15,753. **In 2002, the number of traffic offenses handled by this court increased significantly to 22,102.** This year the court remitted over \$1,643,000 to the City of Cleveland Heights while maintaining its adopted operating budget at \$980,130.

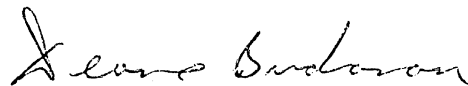
During the year 2002, significant changes have taken place within the court. **One of the two magistrate positions has been eliminated** resulting in the more efficient operation of the court, notwithstanding the substantial increases in the number of cases being handled by the Court. Other efficiencies such as the scheduling of mandatory final pre-trial conferences three days prior to jury trials have been implemented. This has resulted in the resolution of many criminal cases without Cleveland Heights jurors being inconvenienced by coming to court only to have cases settled on the day of trial.

In addition, new security measures have been implemented in Cleveland Heights Municipal Court. A metal detection scanner, purchased through a grant supplied by the Ohio Supreme Court, was placed into operation during all normal court hours and is manned by uniformed security personnel. A comprehensive courtroom security effort has been implemented that not only improves security in the courtroom and adjacent areas, but updates the emergency and disaster recovery plans. Additionally, in March 2002, we outfitted each of the two courtrooms with state of the art digital recording of all court proceedings. The digital recording provides clearer reception and faster retrieval of information and has eliminated the storage of bulky cassette tapes. New microphones were also placed in each of the courtrooms. Throughout this period of change, Cleveland Heights Municipal Court and the Clerk's office continued to process cases and provide service at a very high level of efficiency and courtesy.

While this court takes its fiscal responsibility to the City of Cleveland Heights quite seriously, the fair and efficient administration of justice, is, of course, this court's primary concern and ultimate goal. The court has continued to review and revise its housing court procedures in an effort to accomplish prompt and complete compliance with the housing code by housing defendants.

In the year 2003, the Cleveland Heights Municipal Court will develop and implement a comprehensive operations manual and will otherwise continue in its efforts to improve.

Respectfully submitted,



A. Deane Buchanan, Judge

## Case Filings 2002

MONTH	FELONIES	MISDEMEANORS	O.M.V.I.	TRAFFIC	PER INJURY	CONTRACTS	F.E.D	OTHER CIVIL	SMALL CLAIMS
January	27	186	3	1080	5	32	24	4	21
February	20	225	4	964	3	84	22	4	16
March	20	179	3	1157	5	105	24	1	28
April	25	195	5	1645	6	117	34	5	14
May	20	198	3	1693	8	53	43	6	40
June	21	201	5	1473	7	94	45	6	29
July	18	196	4	1546	8	17	34	4	33
August	12	194	5	1646	7	24	33	5	25
September	28	273	6	1214	3	20	33	2	26
October	16	216	6	1473	5	15	40	11	24
November	27	167	5	895	10	18	24	5	16
December	20	179	7	1566	9	18	27	5	13
TOTAL	254	2409	56	16,352	76	597	383	58	285
Re-Activated									
case total	29	290	1	1189					

*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 CHARGE 2002

Assured Clear Distance.....	324
Bicycle/Skateboard.....	32
Child Restraint.....	39
Compliance with Police Order.....	7
Driving Under Suspension.....	694
Driving Under the Influence of Alcohol/B.A.C.....	101
Failure to Control.....	22
Failure to Yield.....	357
Fleeing.....	5
Hit Skip/Leave Scene.....	40
Improper Left Turn.....	249
Improper U-Turn.....	35
Improper Passing.....	61
Improper Lane Change.....	95
Improper Turn.....	148
Left of Center.....	21
No Operator's License.....	467
Fail to Display License.....	1,070
Expired license <6 months.....	113
Other license violations.....	99
One Way Street.....	31
Pedestrian Violations.....	42
Reckless Operation.....	39
Speed.....	10,315
Stop Sign.....	414
Traffic Control Lights.....	694
Traffic Control Device.....	172
Other Moving Violations.....	423
Parking, complaints filed.....	759
Registration/Title/Plates.....	3,013
Unsafe Vehicle/Equipment.....	359
Light Violations.....	664
Seat Belt/Operator.....	1,195
Seat Belt/Passenger.....	3
<b>TOTAL CHARGES 2002:</b>	<b>22,102</b>

### PREVIOUS YEAR TOTALS:

1994:	19,152
1995:	16,655
1996:	34,346
1997:	24,996
1998:	26,187
1999:	31,684
2000:	21,029
2001:	15,753

The figures above and those on the following page represent the number of criminal charges and the number of traffic charges plus parking complaints actually filed with the court during the year 2002. 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 FOR 2002**

Abduction.....	1	Park Regulations.....	11
Alcohol/Underage/Sale.....	33	Public Indecency.....	3
Arson.....	4	Rape.....	0
Assault.....	43	Receive Stolen Property.....	43
Assault on Police.....	16	Resist Arrest.....	22
Felonious Assault.....	27	Riot.....	14
Bad Checks.....	1	Robbery.....	13
Breaking & Entering.....	15	Agg. Robbery.....	21
Burglary.....	22	Sexual Imposition.....	2
Agg. Burglary.....	12	Telephone Harassment.....	7
Building.....	139	Theft/Petty Theft.....	248
Carrying Concealed Weapon.....	13	Trespass.....	92
Child Endangering.....	3	Unauthorized Use of a Motor Vehicle.....	6
Contempt of Court.....	3	Unreasonable Noise.....	194
Criminal Damaging.....	7	Vandalism.....	9
Criminal Mischief.....	35	Violation of Protection Order.....	22
Criminal Tools.....	31	Zoning.....	62
Disorderly/Disturb the Peace.....	190		
Dog/Cat Run at Large.....	67		
Dogs/Vicious.....	50		
Domestic Violence.....	151	<b>TOTAL CHARGES FILED:</b>	<b>2,955</b>
Drug Abuse/Possession.....	23		
Drug Instruments.....	20		
Drug Trafficking.....	46		
Falsification.....	4		
Felony D.U.I.....	0	<i>Previous Years:</i>	
Firearms.....	17	1994 2,531	
Fleeing.....	6	1995 2,657	
Forgery.....	0	1996 2,543	
Housing.....	656	1997 2,628	
Housing/Occupancy.....	158	1998 2,601	
Intoxication.....	46	1999 2,655	
Kidnapping.....	2	2000 2,296	
Marihuana <100 gr.....	62	2001 2,890	
Menacing.....	38		
Agg. Menacing.....	6		
Misidentification.....	46		
Miscellaneous.....	84		
Murder.....	0		
Obstructing Official Business.....	19		
Open Container.....	90		

**CRIMINAL/TRAFFIC BRANCH  
RECEIPTS AND DISBURSEMENTS FOR 2002**

Balance on Hand January 1, 2002	\$ 45,093.00
Receipts 2002	<u>\$2,144,762.37</u>
<b>TOTAL</b>	<b>\$2,189,855.37</b>

**DISBURSEMENTS:**

	2000	2001	2002
<b>City of Cleveland Heights</b>			
Fines	\$ 991,770.26	\$ 761,579.86	\$ 837,385.07
Costs	\$ 513,047.45	\$ 403,407.70	\$ 466,053.14
Housing	\$ 2,593.00	\$ 3,842.00	\$ 3,937.00
Computer Fund	\$ 203,966.00	\$ 152,374.50	\$ 201,974.00
Drug Fines	\$ 28.25	\$ -0-	\$ 830.00
Witness/Jury/Int. Reimb	\$ 1,278.00	\$ 3,136.00	\$ 946.00
Bailiff Fees	\$ 245.80	\$ 141.80	\$ 103.00
Community Service Fees	\$ 6,117.50	\$ 5,307.50	\$ 2,975.00
Unclaimed Funds	<u>\$ 856.50</u>	<u>\$ 1,242.00</u>	<u>\$ 802.00</u>
Sub-Total	\$1,719,902.76	\$1,331,031.36	\$1,515,005.21
<b>Cuyahoga County</b>			
Regular Fines	\$ 18,203.90	\$ 20,252.55	\$ 37,803.65
Uniform Traffic Fines	\$ 40,337.25	\$ 35,922.75	\$ 49,413.43
1/2 Liquor Fines	\$ 864.50	\$ 1,002.50	\$ 1,426.00
Witness/Jury Reimbrs	<u>\$ 3,009.90</u>	<u>\$ 2,496.00</u>	<u>\$ 1,837.00</u>
Sub-Total	\$ 62,415.55	\$ 59,673.80	\$ 90,480.08
<b>State of Ohio</b>			
RRF/Victims Fund	\$ 173,513.00	\$ 127,891.00	\$ 142,323.48
GRF/General Fund	\$ 212,093.00	\$ 156,155.00	\$ 174,084.00
Seat Belt	\$ 21,548.00	\$ 20,470.00	\$ 24,880.00
Expungements	\$ 1,260.00	\$ 750.00	\$ 540.00
1/2 Liquor Fines	\$ 864.50	\$ 1,002.50	\$ 1,426.00
BMV Fees	\$ 31,920.00	\$ 26,489.50	\$ 20,382.50
Pharmacy Board (Drug)	<u>\$ 268.25</u>	<u>\$ 110.00</u>	<u>\$ 50.00</u>
Sub-Total	\$ 441,466.75	\$ 332,868.00	\$ 363,685.98
<b>Other Disbursements</b>			
County Law Library	\$ 781.97	\$ 1,044.35	\$ 783.15
Misc. Agency Transfers	\$ 182.00	\$ 118.00	\$ -0-
* DUI Housing Fund	\$ 659.00	\$ 3,048.00	\$ 2,078.00
* DUI Arrest Agency	\$ 1,391.00	\$ 1,364.00	\$ 965.00
DUI Indigent Fund	\$ 1,200.00	\$ 1,195.00	\$ 1,055.00
Refunds	<u>\$ 150,767.81</u>	<u>\$ 143,512.46</u>	<u>\$ 140,986.95</u>
Sub-Total	\$ 154,981.78	\$ 150,281.81	\$ 145,868.10
<b>GRAND TOTALS</b>	<b>\$2,378,766.84</b>	<b>\$ 1,873,854.97</b>	<b>\$2,115,039.37</b>

Balance on Hand December 31, 2002	74,816.00
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<b>TOTAL</b>	<b>\$2,189,855.37</b>
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\* 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 2002**

Balance on hand January 1, 2002		\$ 5,523.07
Receipts 2002		<u>\$ 1,179,343.70</u>
	<b>TOTAL</b>	<b>\$ 1,184,866.77</b>

**DISBURSEMENTS:**

	2000	2001	2002	
City of Cleveland Heights				
Costs	\$ 90,850.74	\$ 105,807.00	\$ 102,796.50	
Computer Fund	\$ 19,118.50	\$ 21,098.00	\$ 18,622.00	
1% Legal Aid	\$ 187.54	\$ 229.29	\$ 183.87	
Bailiff Fees	\$ 431.16	\$ 301.50	\$ 199.70	
Marriage Fees	\$ -0-	\$ -0-	\$ 915.00	
Unclaimed Funds	<u>\$ 258.26</u>	<u>\$ 211.51</u>	<u>\$ -0-</u>	
Sub-Total	\$110,846.20	\$ 127,647.30	\$ 122,717.07	
State of Ohio Legal Aid	\$ 18,566.46	\$ 22,699.71	\$ 18,203.13	
Judgments & Refunds	<u>\$ 359,124.57</u>	<u>\$ 422,682.28</u>	<u>\$1,040,637.71</u>	⊛
Sub-Total	\$ 377,691.03	\$ 445,381.99	\$1,058,840.84	
GRAND TOTALS	\$ 488,537.23	\$ 573,029.29	\$1,181,557.91	
Balance on Hand December 31, 2002			<u>\$ 3,308.79</u>	
		<b>TOTAL</b>	<b>\$1,184,866.70</b>	

⊛ Receipts and Disbursements in this year's Civil division report are somewhat skewed as the court collected a single judgment in excess of \$500,000.00



**CIVIL/TRUSTEESHIP BRANCH  
RECEIPTS AND DISBURSEMENTS FOR 2002**

Balance on Hand January 1, 2002		\$ 10.00
Receipts 2002		<u>\$ -0-</u>
	<b>TOTAL</b>	<b>\$ 10.00</b>

DISBURSEMENTS:	2000	2001	2002
City of Cleveland Hgts	\$ -0-	\$ -0-	\$ -0-
To Creditors	\$ -0-	\$ -0-	\$ -0-
Return to Depositor	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
<b>TOTALS</b>	<b>\$ -0-</b>	<b>\$ -0-</b>	<b>\$ -0-</b>

Balance on Hand December 31, 2002		<b>\$ 10.00</b>
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**CIVIL/LANDLORD-TENANT BRANCH  
RECEIPTS AND DISBURSEMENTS FOR 2000**

Balance on Hand January 1, 2002		\$ -0-
Receipts 2002		<u>\$ 8,318.50</u>
	<b>TOTAL</b>	<b>\$ 8,318.50</b>

DISBURSEMENTS:	2000	2001	2002
City of Cleveland Hgts	\$ 187.44	\$ 116.75	\$ 96.92
To Landlords	\$13,814.56	\$11,123.25	\$ 6,402.00
To Tenants	\$ 1,000.00	\$ 300.00	\$ 359.33
Repair/Maintenance/Other			
Paid by Court Order	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
<b>TOTALS</b>	<b>\$15,002.00</b>	<b>\$ 11,540.00</b>	<b>\$ 6,858.25</b>

Balance on Hand December 31, 2002		\$ 1,460.25
	<b>TOTAL</b>	<b>\$ 8,318.50</b>

## MISCELLANEOUS ITEMS FOR 2002

There were 263 garnishments filed on civil and small claims actions. This number is lower than previous years due to the new continuing garnishment law.

The Landlord Tenant Division received 9 new cases and 8 were completed.

No Trusteeship cases were filed in 2002

Judge Buchanan performed 52 weddings during the year.

There were only 2 jury trials that actually went forward during 2002.

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 resulted in 1,624 traffic tickets (encompassing 2,247 charges) being processed in this manner. This ticket program is installed in six police cars.

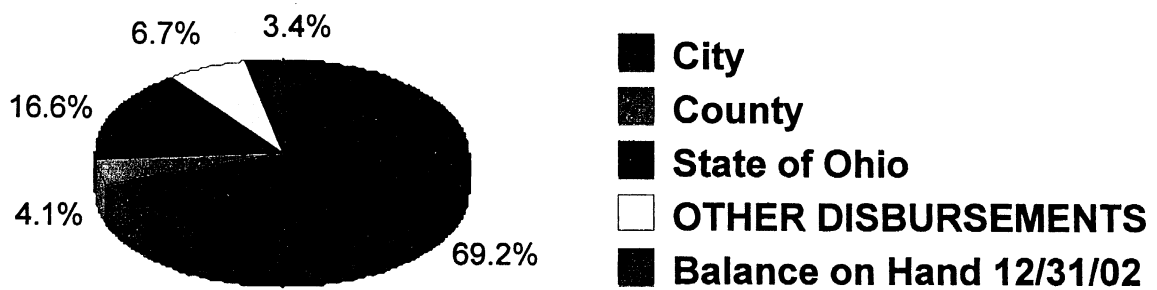
The Bureau of Motor Vehicles returned \$1,687.50 to the City which was collected from D.U.I. reinstatement fees collected by the B.M.V.. This money was deposited in the D.U.I. Indigent Fund as per State Statute. A miscellaneous refund of \$100.00 was also paid to the City.

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

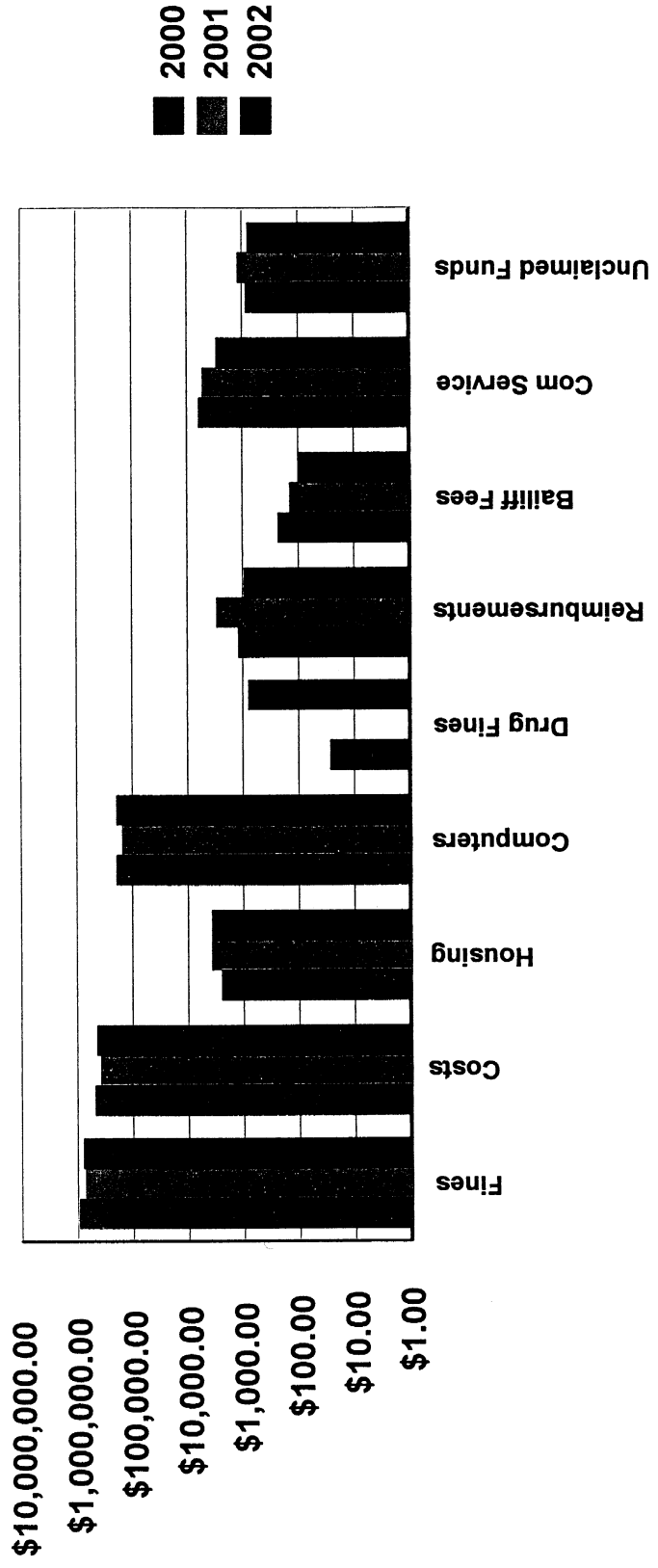
	2000	2001	2002
Criminal/Traffic	\$1,597,073.04	\$1,337,495.06	\$ 1,520,890.71
Civil/Small Claims	\$ 102,656.59	\$ 127,647.30	\$ 122,717.07
Trusteeship	\$ -0-	\$ -0-	\$ -0-
Landlord/Tenant	\$ 187.44	\$ 116.75	\$ 96.92
TOTALS	\$1,699,917.07	\$1,465,259.11	\$ 1,643,704.70

This report includes the December 2002 disbursement even though that money was not paid out until January 2003.

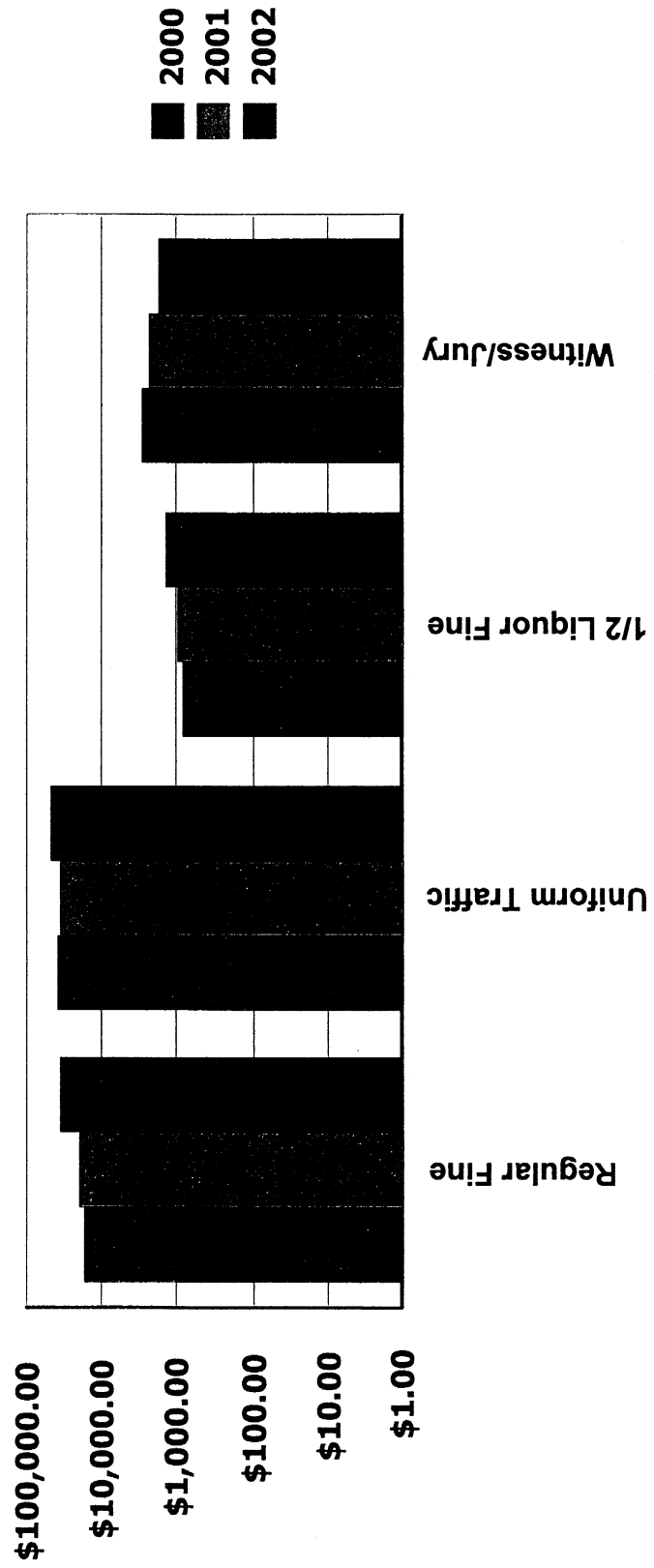
## 2002 Criminal and Traffic Distribution of Funds



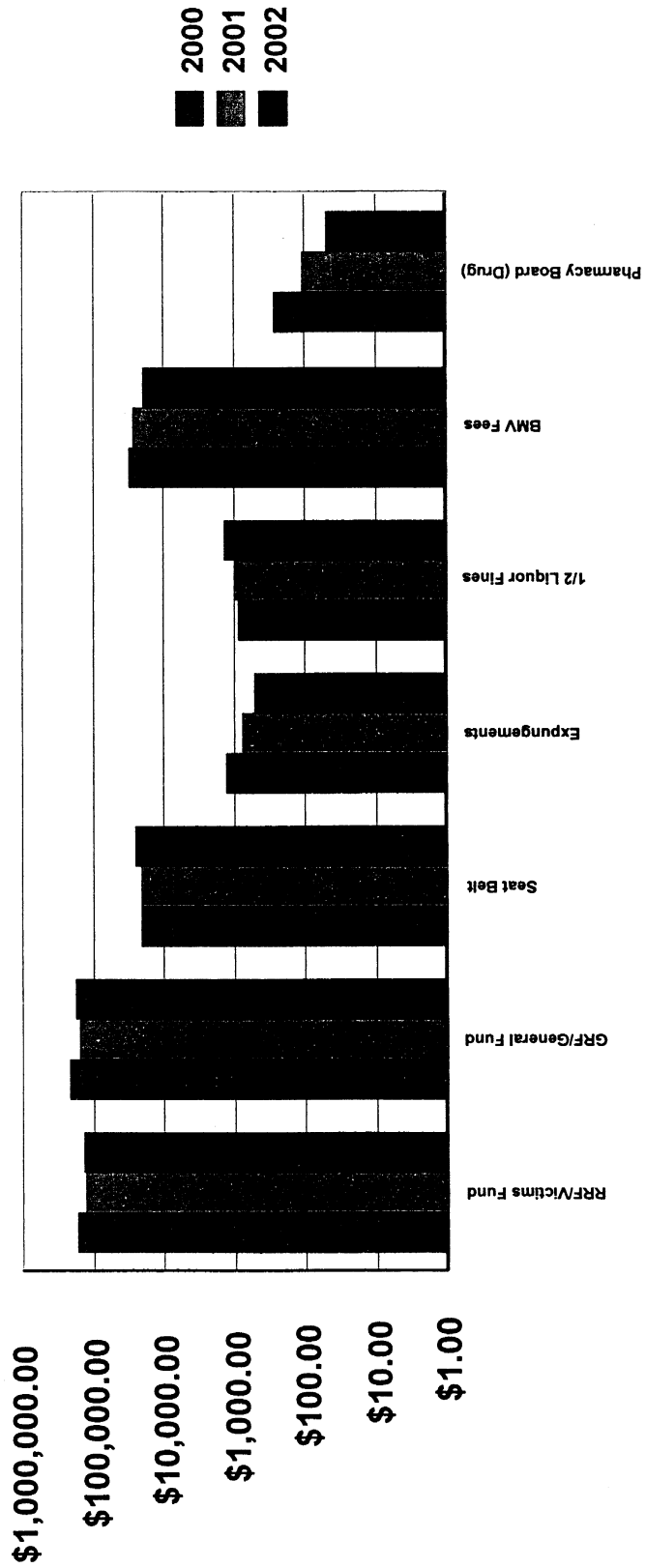
# CITY



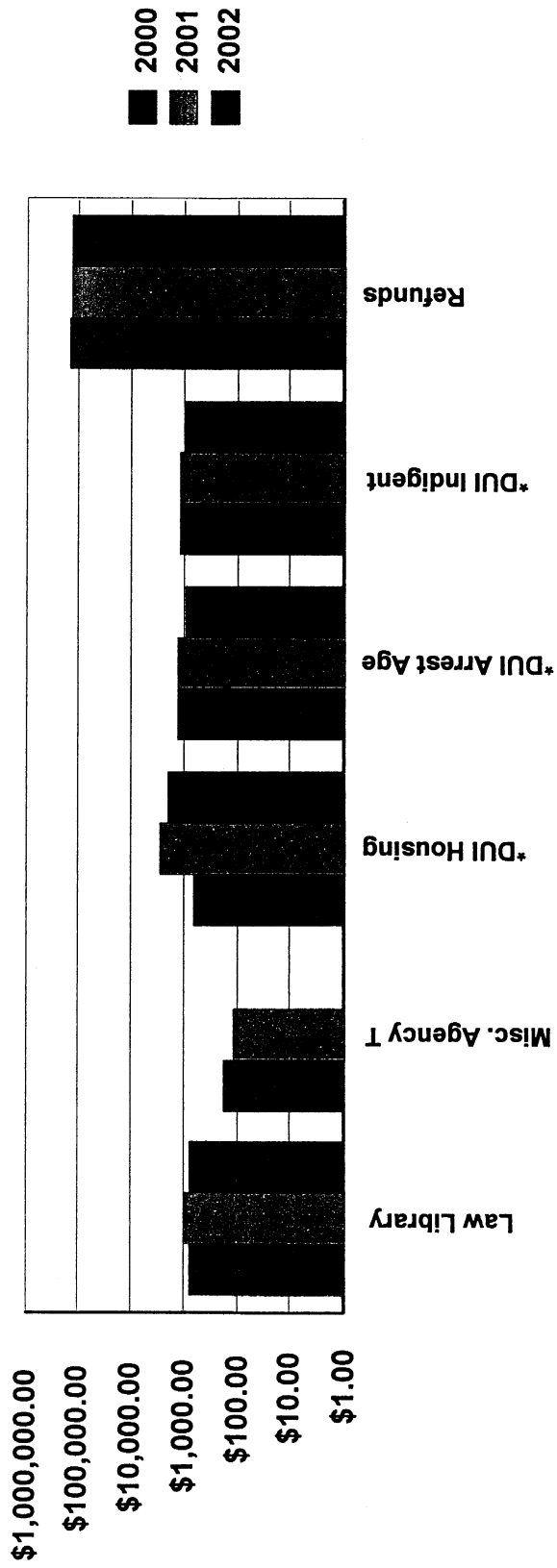
# COUNTY



# STATE OF OHIO



# OTHER DISBURSEMENTS



TO: Judge A. Deane Buchanan  
 FROM: James Miller  
 Chief Probation Officer

RE: PROBATION OFFICE, 2002

I. PRESENTENCE INVESTIGATION/PROBATION VIOLATIONS, 2000

	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Presentence Investigation Reports	454	422	461	555
Probation Violation Reports	34	27	38	21
Expungement Reports	35	46	27	31

Increase in Presentence reports written 2001-2002: 20%

II. SUPERVISION CASELOAD, ON December 31, 2002

	<u>12-31-99</u> <u>caseload</u>	<u>12-31-00</u> <u>caseload</u>	<u>12-31-01</u> <u>caseload</u>	<u>12-31-02</u> <u>caseload</u>
Active (Supervised):	272	266	234	361
Inactive (Non-Supervised):	405	394	347	512

Supervision caseload, per Probation officer

<u>On 12-31-99</u>	<u>On 12-31-00</u>	<u>On 12-31-01</u>	<u>On 12-31-02</u>	<u>% Increase</u>
136	133	117	181	54%



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

Total active probation cases, supervised, Jan.-Dec. 2002, inclusive:	719	(623)
Total inactive probation cases, Jan.-Dec. 2002, inclusive:	904	(804)
New active probation cases added in 2002:	479	(354)
New inactive probation cases added in 2002:	527	(384)

\* \* \*

Number of probation cases (active/inactive), on 12-31-02, whose sentences also included jail time, with % of caseload:	201	-	23%
	(157	-	38%)

IV. MAJOR OFFENSES OF PROBATIONERS on supervision, Dec. 31  
 2002

(2001 number in parenthesis, for comparison)

	<u>No. of cases</u>	<u>% of cases</u>	<u>Cumul. %</u>
Petty Theft	88(53)	24(22)	24
Domestic Violence	61(60)	17(26)	41
Driving Under Suspension	55(11)	15(05)	56
OMVI	30(32)	8(14)	64
Assault	28(14)	8(06)	72
Disorderly Conduct	15(10)	4(04)	76
Menacing/Stalking	11(05)	3(02)	79
Criminal Mischief	9(05)	2(02)	81
Intoxication	7(07)	2(03)	83
Trespassing	7(06)	2(02)	85
Dogs	5(06)	1(02)	86
Other	45(22)	14(09)	100

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

ALCOHOL/DRUG

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

VIOLENCE

Batterers intervention program	52 (41)
Parenting/Family counseling	6 (5)
Restitution	32 (30)
Carrying Concealed Weapons Program	2 (1)
Geographic restrictions	47 (20)
Forfeit Cash/Property seized	2
Anger Management Program	1 (1)
Apology	1
Curfew	1

COUNSELING

Psychiatric Therapy	16 (17)
Emotions Anonymous	1
Personal counseling	1 (3)

EMPLOYMENT/EDUCATION

Maintain full time schooling/GED	11 (9)
Maintain Employment	29 (30)
Maintain Employment or schooling	4 (3)

Project LEARN (Literacy)	1(2)
Community Re-entry program	6(2)

ANIMAL

Register Vicious Dog	4
Build Dog Fence	2
Obedience Training	1
Remove Dog	1

MOTOR VEHICLE

Obtain Driver's License	36
Remedial Drivers Course	3
Pay Judgement	2

COMMUNITY SERVICE

Community Service referrals, as of 12-31-02	42 (23)
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**VI. RESTITUTION/COMMUNITY SERVICE, 2002 inclusive**  
(2001 numbers in parenthesis, for comparison)

Restitution transferred to victims, 2002:	\$3,524.92 (\$6,258.71)
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Community Service referrals to Court Community Service, 2002 inclusive:	108 (101)
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Community Service, total hours ordered in 2002:	4,314.5 (3,079.75)
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Total Community Service hours scheduled in Cleveland Heights non-profit agencies, through CCS, 2002:	2,565.75 (2,341.00)
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Total additional Community Service hours Worked in Cleveland Heights, Work crew litter collection 2002 (348 30 gallon bags of litter)	634 (775)
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SERVING THE COURT IN AN OFFICIAL CAPACITY DURING 2002

**A. Deane Buchanan, Judge**

Maria F. Hallabrin, Clerk of Court  
Juanita Bryant, Bailiff

Russell Baron, Acting Judge  
Mark L. Hoffman, Acting Judge  
Alan Kraus, Acting Judge  
Dennis Niermann, Acting Judge

Georgeann Schmidt, Full Time  
Magistrate

Dale Lefferts, Part Time  
Magistrate

Lincoln Scott, Housing & Special Projects Coordinator

Lawrence Jasper, Deputy Bailiff  
Katie King, Deputy Bailiff  
Leo Krejci, Deputy Bailiff  
Terrance Eady, Deputy Bailiff (Summer)

Richard Baker, Security Officer (Part-time)

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

Amy Forsythe, 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  
Clovace Ramsey, Criminal Deputy Clerk  
Tawanda Smith, Criminal Deputy Clerk  
Karen Szekely, Criminal Deputy Clerk

Camille Johnson, Law Clerk

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