

Cleveland Heights Municipal Court

**2004
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 10, 2005

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 2004

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 2004 annual report, I would like to bring to your attention the following matters:

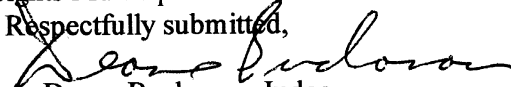
This year the court remitted over \$2,284,624 of revenue from all divisions to the City of Cleveland Heights, an increase of over \$263,000 or more than 13% over last year's remittances. It should be noted that in the year 2003 the revenues remitted by the court to the city increased by 23% over the 2002 levels. That is to say the 2004 remittances now represent nearly a 40% increase over the 2002 remittances of funds to the city. The increased remittances to the City of Cleveland Heights are attributable to the increased volume of cases handled by the court and as well, to 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. In 2004 that number increased even further to 25,753 charges processed. It continues to be of significance that there is a steady increase in the number of charges for persons driving while under suspension or without valid drivers licenses, which nearly doubled in 2003, and has increased by an additional 80% in 2004. The number of speeding charges processed through the court in 2004 has increased by over 10%. In the criminal division, there were no significant increases in the number or types of cases heard by the court during the year 2004.

The court continues to make significant progress in its efforts to collect monies owed to the court. The court's strict enforcement of the policy that "all fines and costs are due on the day imposed", has resulted in an improved collection rate of fines imposed and in the reduction in the amount of outstanding fines and costs owed to the court from \$553,881 which existed at the time this Judge was elected in 2001, to \$390,200 at the end of 2004, a reduction of \$163,680 in outstanding funds due. Clearly the trend of annual increases in outstanding monies owed to the court has been reversed. We will continue, however, to look for ways to further improve in these categories. It should be noted that these efficiencies have been achieved with fewer court employees.

The Court continues to work on establishing a Policy and Procedures Manual that will, when implemented, more clearly define the court's administrative and operational policies and procedures. Our citywide forums in which procedures followed by the court in handling certain types of cases are discussed with citizens, has been well received. 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. Deane Buchanan, Judge

Phone (216) 291-4901 ♦ Fax (216) 291-2459

www.clevelandheightscourt.com

Case Filings 2004

MONTH	FELONIES	MISDEMEANORS	O.M.V.I.	TRAFFIC	PER INJURY	CONTRACTS	F.E.D	OTHER CIVIL	SMALL CLAIMS
January	17	154	5	1577	7	31	32	2	30
February	15	166	4	1874	4	29	21	4	19
March	16	290	2	1640	8	44	20	6	29
April	22	145	3	1586	2	22	41	3	18
May	28	161	2	1055	7	168	36	3	13
June	17	213	5	1807	6	152	27	7	19
July	24	217	2	1098	5	218	36	12	20
August	17	239	0	1455	3	161	23	7	24
September	28	235	2	1216	7	154	32	9	20
October	13	218	4	1549	7	42	38	10	24
November	28	179	1	1569	6	30	27	7	21
December	16	152	4	1889	5	19	33	9	12
TOTAL	241	2369	34	18,315	67	1070	366	79	249
Re-Activated	40	306	3	3,030					
Case Total	281	2675	37	21,345					

These statistics are compiled from the monthly reports submitted to the Supreme Court of Ohio required under Superintendence Rule 12. Multiple charges filed against an individual as the result of the same act or a 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 to the current docket when the Court regains jurisdiction over a defendant such as an arrest on a warrant or a license forfeiture.

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

TRAFFIC OFFENSES BY INDIVIDUAL CHARGE FOR 2004

Assured Clear Distance	275
Bicycle/Skateboard	89
Child Restraint	48
Compliance with Police Order	5
Driving under Suspension	2,352
Driving under the Influence of Alcohol/BAC	49
Failure to Control	213
Failure to Yield	198
Fleeing	6
Hit Skip/Leaving the Scene	33
Improper Left Turn	192
Improper U-Turn	77
Improper Passing	31
Improper Lane Change	96
Improper Turn	138
Left of Center	28
Light Violations	608
No Operator's License	895
Fail to Display License	740
Expired License <6 mo	189
Other License Violations	70
Other Moving Violations	330
One Way Street	25
Parking Complaints	753
Pedestrian Violations	96

Reckless Operation	44
Registration/Title/Plates	2,185
Seat Belt/Operator	653
Seat Belt/Passenger	3
Speed	13,053
Stop Sign	578
Traffic Control Lights	1,073
Traffic Control Device	155
Unlawful Entrustment	13
Unsafe Vehicle/Equip.	460

TOTAL CHARGES: 25,753

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
2002:	22,102
2003:	23,900

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 2004. 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.

Proctor

04/11/2005

Attached please find page 5 of the 2004 Annual Report for Cleveland Heights Municipal Court.

Typographical errors were found on the page included with the original mailing of the report on 3/11/2005.

Please remove page 5 from the report and insert this reissued copy.

Maria F. Hallabrin
Maria F. Hallabrin, Clerk

**CRIMINAL/TRAFFIC BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2004**

Balance on Hand January 1, 2004		\$ 90,353.00
Receipts 2004		<u>\$ 2,958,074.89</u>
	TOTAL	\$ 3,048,427.89

DISBURSEMENTS:

	2002	2003	2004
City of Cleveland Heights			
Fines	\$ 837,385.07	\$ 947,142.23	\$1,074,532.60
Costs	\$ 466,053.14	\$ 603,566.45	\$ 683,765.72
Housing	\$ 3,937.00	\$ 6,022.00	\$ 6,610.00
Computer Fund	\$ 32,311.00	\$ 97,350.00	\$ 125,327.00
Special Projects Fund	\$ 169,663.00	\$ 191,119.00	\$ 211,407.50
Drug Fines	\$ 830.00	\$ 1,465.00	\$ 500.00
Reimburse/Witness/Jury	\$ 946.00	\$ 1,642.00	\$ 2,080.00
Bailiff Fees	\$ 103.00	\$ 72.78	\$ 189.30
Community Service	\$ 2,975.00	\$ 1,491.00	\$ 1,593.00
Visa Convenience Fee	\$ -0-	\$ 1,438.00	\$ 5,926.00
Unclaimed Funds	<u>\$ 802.00</u>	<u>\$ 1,228.50</u>	<u>\$ 722.40</u>
Sub-Total	\$1,515,005.21	\$ 1,852,536.96	\$2,112,653.52
Cuyahoga County			
Regular Fines	\$ 37,803.65	\$ 32,224.28	\$ 36,578.50
Uniform Traffic Fines	\$ 49,413.43	\$ 69,222.97	\$ 115,288.76
1/2 Liquor Fines	\$ 1,426.00	\$ 634.00	\$ 992.50
Reimburse/Witness/Jury	<u>\$ 1,837.00</u>	<u>\$ 1,725.10</u>	<u>\$ 1,266.00</u>
Sub-Total	\$ 90,480.08	\$ 103,806.35	\$ 154,125.76
State of Ohio			
RRF/Victims Fund	\$ 142,323.48	\$ 163,178.00	\$ 179,854.50
GRF/General Fund	\$ 174,084.00	\$ 216,798.00	\$ 298,215.50
Seat Belt	\$ 24,880.00	\$ 18,434.70	\$ 15,460.00
Expungements	\$ 540.00	\$ 600.00	\$ 960.00
1/2 Liquor Fines	\$ 1,426.00	\$ 634.00	\$ 992.50
BMV Fees	\$ 20,382.50	\$ 31,991.04	\$ 37,667.00
Pharmacy Board (Drug)	<u>\$ 50.00</u>	<u>\$ 170.00</u>	<u>\$ -0-</u>
Sub-Total	\$ 363,685.98	\$ 431,805.74	\$ 533,149.50
Other Disbursements			
County Law Library	\$ 783.15	\$ 624.00	\$ 624.00
Misc. Agency Transfers	\$ -0-	\$ -0-	\$ -0-
* DUI Housing Fund	\$ 2,078.00	\$ 3,979.00	\$ 2,255.00
* DUI Arrest Agency	\$ 965.00	\$ 1,876.00	\$ 1,064.00
DUI Indigent Fund	\$ 1,055.00	\$ 1,840.00	\$ 675.00
Refunds	<u>\$ 140,986.95</u>	<u>\$ 146,813.92</u>	<u>\$ 150,362.11</u>
Sub-Total	\$ 145,868.10	\$ 155,132.92	\$ 154,980.11
 GRAND TOTALS	 \$2,115,039.37	 \$ 2,543,281.97	 \$2,954,908.89

Balance on Hand December 31, 2004 \$ 93,519.00

TOTAL \$ 3,048,427.89

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

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Reissued 04/08/05

CRIMINAL OFFENSES BY INDIVIDUAL CHARGE FOR 2004

Abduction	2	Park Regulations	6
Alcohol/Underage/Sale	27	Rape	6
Assault	61	Receive Stolen Property	56
Assault on Police	12	Resist Arrest	40
Assault / Felony	34	Riot / Aggravated	8
Bad Checks	5	Robbery	7
Breaking & Entering	25	Agg. Robbery	15
Burglary	31	Sexual Imposition	2
Burglary/Aggravated	5	Telephone Harassment	9
Building	80	Theft/Petty Theft	215
Carrying Concealed Weapon	7	Trespass	81
Child Endangering	6	Unauthorized Use of a Motor	
Criminal Damaging	12	Vehicle	7
Criminal Mischief	15	Unreasonable Noise	232
Disorderly/Disturb the Peace	200	Vandalism	6
Dog / Cat Run at Large	85	Violation of Protection Order	17
Dogs / Vicious	17	Zoning	42
Domestic Violence	103		
Domestic Violence / Felony	11		
Drug abuse or Possession	33	TOTAL CHARGES	
Drug Instruments	14	FILED:	2,928
Drug Trafficking	17		
Falsification	4		
Felony D.U.I	1	<i>Previous Years::</i>	
Firearms	11	1994	2,531
Forgery	7	1995	2,657
Housing	696	1996	2,543
Housing/Occupancy	201	1997	2,628
Intoxication	39	1998	2,601
Kidnapping	6	1999	2,655
Marihuana <100 gr	73	2000	2,296
Menacing	8	2001	2,890
Agg. Menacing	20	2002	2,955
Menacing / Stalking	13	2003	3,218
Misidentification	46		
Miscellaneous	129		
Murder / Attempted Agg.	1		
Obstructing Official Business	57		
Open Container	43		

**CRIMINAL/TRAFFIC BRANCH
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Other Disbursements			
County Law Library	\$ 783.15	\$ 624.00	\$ 624.00
Misc. Agency Transfers	\$ -0-	\$ -0-	\$ -0-
* DUI Housing Fund	\$ 2,078.00	\$ 3,979.00	\$ 2,255.00
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DUI Indigent Fund	\$ 1,055.00	\$ 1,840.00	\$ 675.00
Refunds	\$ 140,986.95	\$ 146,813.92	\$ 153,852.11
Sub-Total	<u>\$ 145,868.10</u>	<u>\$ 155,132.92</u>	<u>\$ 159,010.11</u>
GRAND TOTALS	\$2,115,039.37	\$ 2,543,281.97	\$2,957,908.89
Balance on Hand December 31, 2004			<u>\$ 90,519.00</u>
		TOTAL	\$ 3,048,427.89

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**CIVIL / SMALL CLAIMS BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2004**

Balance on hand January 1, 2004		\$ 3,087.37
Receipts 2004		<u>\$ 497,718.40</u>
	TOTAL	\$ 500,805.77

DISBURSEMENTS:

City of Cleveland Heights	2002	2003	2004
Costs	\$ 102,796.50	\$ 129,637.07	\$ 132,359.18
Computer Funds	\$ 18,622.00	\$ 28,673.00	\$ 32,370.83
1% Legal Aid	\$ 183.87	\$ 224.20	\$ 251.69
Bailiff Fees	\$ 199.70	\$ 345.60	\$ 298.80
Marriage Fees	\$ 915.00	\$ 930.00	\$ 915.00
Unclaimed Funds	\$ -0-	\$ 25.00	\$ -0-
Sub-Total	<u>\$ 122,717.07</u>	<u>\$ 159,834.87</u>	<u>\$ 166,195.50</u>
State of Ohio Legal Aid	\$ 18,203.13	\$ 22,195.80	\$ 24,917.31
Judgments & Refunds	<u>\$1,040,637.71</u> ■	<u>\$ 263,924.86</u>	<u>\$ 306,923.69</u>
Sub-Total	<u>\$1,058,840.84</u>	<u>\$ 286,120.66</u>	<u>\$ 331,841.00</u>
GRAND TOTALS	\$1,181,557.91	\$ 445,955.53	\$ 498,036.50

Balance on Hand December 31, 2004		<u>\$ 2,769.27</u>
	TOTAL	\$ 500,805.77

■ 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 2004**

Balance on Hand January 1, 2004		\$ -0-
Receipts 2004		<u>\$ -0-</u>
	TOTAL	\$ -0-

DISBURSEMENTS:	2002	2003	2004
City of Cleveland Hgts	\$ -0-	\$ -0-	\$ -0-
To Creditors	\$ -0-	\$ -0-	\$ -0-
Return to Depositor	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
TOTALS	\$ -0-	\$ -0-	\$ -0-

Balance on Hand December 31, 2004	\$ -0-
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**CIVIL/LANDLORD-TENANT BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2004**

Balance on Hand January 1, 2004		\$ 3,549.15
Receipts 2004		<u>\$ 9,346.00</u>
	TOTAL	\$ 12,895.15

DISBURSEMENTS:	2002	2003	2004
City of Cleveland Hgts	\$ 96.92	\$ 241.38	\$ 156.82
To Landlords	\$ 6,402.00	\$ 9,233.72	\$ 5,814.27
To Tenants	\$ 359.33	\$ 1,189.00	
Repair/Maint./Other			
Paid by Court Order	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
TOTALS	\$ 11,540.00	\$ 10,664.10	\$ 5,971.09

Balance on Hand December 31, 2004	\$ 6,924.06
	TOTAL
	\$ 12,895.15

MISCELLANEOUS ITEMS FOR 2004

There were 177 garnishments filed on civil and small claims actions.

The Landlord Tenant Division-Rental Escrow, received 8 new cases and 4 were completed.

No Trusteeship cases were filed in 2004

Judge Buchanan performed 61 weddings during the year.

There were 10 jury trials held during 2004.

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 over 2,600 reinstatements sent to the B.M.V. for those who took care of their forfeitures after the suspension date.

2004 was the first full year of accepting payments on the inter net through the court web site. In 2003 we processed 719 cases in 6 months; in 2004 we processed 2,963 cases. Many persons have conveyed to the court their positive opinions on the convenience of using this method.

The Court and police department automated ticket project was not in use in 2004.

The Bureau of Motor Vehicles returned \$ 1,624.21 to the City which was collected from O.V.I. reinstatement fees by the Bureau of Motor Vehicles. This money was deposited in the O.V.I. Indigent Fund as per State Statute. There were no miscellaneous refunds in 2004.

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

	2002	2003	2004
Criminal/Traffic	\$ 1,520,890.71	\$ 1,861,506.95	\$2,118,271.73
Civil/Small Claims	\$ 122,717.07	\$ 159,834.87	\$ 166,195.50
Trusteeship	\$ -0-	\$ -0-	\$ -0-
Landlord/Tenant	\$ 96.92	\$ 241.38	\$ 156.82
TOTALS	\$ 1,643,704.70	\$ 2,021,583.21	\$2,284,624.05

This report includes the December 2004 disbursement even though that money was not paid out until January 2005.

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

RE: **PROBATION OFFICE, 2004**

I. PRESENTENCE INVESTIGATION/PROBATION VIOLATIONS, 2004

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Presentence Investigation Reports	461	555	518	471
Probation Violation Reports	38	21	26	12
Expungement Reports	27	31	29	46
Reviews			31	46

II. SUPERVISION CASELOAD, on December 31, 2004

	<u>12-31-01</u> <u>caseload</u>	<u>12-31-02</u> <u>caseload</u>	<u>12-31-03</u> <u>caseload</u>	<u>12-31-04</u> <u>caseload</u>
Active (Supervised):	234	361	469	464
Inactive (Non-Supervised):	347	512	723	823

Supervision caseload, per Probation officer

<u>On 12-31-01</u>	<u>On 12-31-02</u>	<u>On 12-31-03</u>	<u>On 12-31-04</u>	<u>% Increase</u>
133	181	234	232	-1%

III. SUPERVISION, 2004 inclusive

(2002, followed by 2003, numbers in parenthesis, for comparison)

Total active probation cases, supervised,
Jan.-Dec. 2004, inclusive: **1,434** (719/1,027)

Total inactive probation cases,
Jan.-Dec. 2004, inclusive: **1,877** (904/1,324)

New active probation cases
added in 2004: **972** (479/718)

New inactive probation cases
added in 2004: **1155** (527/811)

* * *

Number of probation cases (active/inactive),
on 12-31-04, whose sentences also
included jail time,
with % of caseload: **275** - **20%**
(201/284 - 23/24%)

**IV. MAJOR OFFENSES OF PROBATIONERS on supervision,
Dec. 31 2004**

(2001 and 2002, followed by 2003, year end numbers, in parenthesis, for comparison)

	<u>No. of cases</u>	<u>% of cases</u>	<u>Cumul. %</u>
Driving Under Suspension	215 (11/55/185)	46 (05/15/39)	46
Petty Theft	83 (53/88/73)	18 (22/24/17)	64
Domestic Violence	35 (60/61/63)	08 (26/17/14)	72
Assault	28 (14/28/25)	06 (06/08/05)	78
OMVI	22 (32/30/44)	05 (14/08/9)	83
Disorderly Conduct	09 (10/15/10)	02 (04/04/02)	85
Trespassing	09 (06/07/08)	02 (03/02/02)	87
Menacing/Stalking	08 (05/11/12)	01 (02/03/03)	88
Other	55 (22/57 37)	12 (09/16/08)	100

V. RESTITUTION/COMMUNITY SERVICE, 2004 inclusive

(2001 and 2002, followed by 2003, total year numbers in parenthesis, for comparison)

Restitution transferred to victims, 2004:

\$3479.89 (\$6,258.71/ \$3,524.92/ \$2,339.84)

Community Service referrals to Court

Community Service, 2004 inclusive: **41** (101/ 108/ 44)

Community Service, total hours ordered

in 2004: **1,657** (4,314.50/ 3,079.75/ 2,219)

Total Community Service hours scheduled in Cleveland Heights non-profit agencies, through CCS, by all courts in county area, 2004:

3,425.5 (2,565.75/ 2,341.00/ 4,188.25)

Total additional Community Service hours

Worked in Cleveland Heights,

Work crew litter collection 2004: **414** (775/634/693)

(348 30-gallon bags of litter)

SERVING THE COURT IN AN OFFICIAL CAPACITY DURING 2004

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
Christopher Smith (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 Administrative Assistant (3 months)
Clovice Ramsey, Probation Administrative Assistant (9 months)

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
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 for 2004.



Maria F. Hallabrin, Clerk of Court