

CLEVELAND HEIGHTS MUNICIPAL COURT

2008

ANNUAL REPORT



A. DEANE BUCHANAN
JUDGE



CLEVELAND HEIGHTS MUNICIPAL COURT

A. DEANE BUCHANAN, JUDGE

April 6, 2009

40 Severance Circle
Cleveland Heights, OH 44118

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

Re: Cleveland Heights Municipal Court's Annual Report for 2008

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 improved diligence in these areas. In this, the court's 2008 Annual Report, I would like to bring to your attention the following matters:

This year the court remitted over \$2,080,121 of revenue from all divisions to the City of Cleveland Heights. It should be noted that this year's remittances are approximately \$306,650 more than the 2007 remittances of funds to the city. The increase in overall remittances to the City of Cleveland Heights are attributable primarily to the increase in traffic cases handled by the court and improved collection procedures.

In 2007, the number of traffic cases handled by the court was 14,833. In 2008 that number increased to 17,785 cases processed. The trend of increasing numbers of charges for persons driving under suspension or without valid drivers licenses has resumed. In 2007 there were 1,977 such cases. In 2008 that number increased to 3,268. Similarly, the number of speeding charges processed through the court in 2007 was 7,888. In 2008 that number increased to 10,050.

In the criminal division, there was a decrease in the number of cases heard by the court to 3,047 including 146 cases prosecuting persons for failing to file income tax returns during previous years. Our probation department continues its excellent work of supervising over 1,556 probationers. As a sentencing alternative in limited cases the Court has permitted home detention in lieu of jail time. Defendants wearing ankle bracelets pay a fee for the monitoring service.

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. The Court continues to refer some persons who are unable to pay fines and costs imposed to the Public Works Dept. of the City to perform community service for the city. During 2008 1,290 hrs of service was performed at a savings to the city of \$23,621 in labor costs. Other nonprofit agencies in the city have benefitted from similar referrals. We will continue to look for additional ways to further improve in these categories.

The Court has cooperated with the City in its efforts to reduce costs by not filling vacant positions and otherwise reducing operating costs. Our employees remain committed to providing excellent service and improving efficiencies in the operation of the Cleveland Heights Municipal Court.

Respectfully submitted,

A. Deane Buchanan, Judge



CASE FILINGS 2008

MONTH	FELONIES	MISDEMEANORS	O.M.V.I.	TRAFFIC	PER INJURY	CONTRACTS	F.E.D	OTHER CIVIL	SMALL CLAIMS
January	13	276	6	1,241	1	108	81	9	17
February	11	242	13	1,285		46	59	6	16
March	22	311	20	1,153	1	64	35	1	16
April	20	297	3	1,246	1	72	86	5	11
May	16	196	6	1,099	2	62	89	4	8
June	10	248	6	1,555	2	75	79	7	10
July	18	301	6	1,455	2	63	86	9	10
August	16	274	5	1,603		43	86	2	17
September	20	236	7	1,603	3	37	79	6	15
October	18	306	1	1,452	3	71	73	6	19
November	9	280	5	1,014	1	68	63	2	16
December	13	286	8	1,341	2	38	74	2	12
TOTAL									
Re-Activated	37	644	22	1,738			1		
Case Total	223	3,897	108	17,785	18	747	891	59	167

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 case 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.



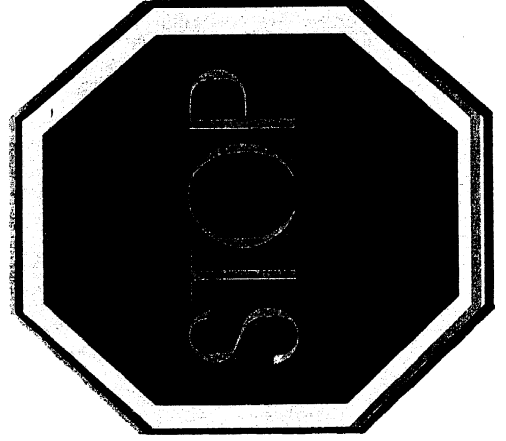
TRAFFIC OFFENSES BY INDIVIDUAL CHARGE FOR 2008

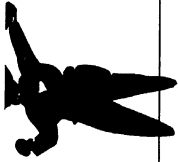
Assured Clear Distance	212	Bicycle	134	Child Restraint	44	Display of Plates	400
Driving on Sidewalk	11	Driving Under Suspension	2,175	Expired License<6months	161	Expired Plates	1,157
Fail to Display License	259	Failure to Control	207	Failure to Yield	203	Fictitious Plates	12
Fleeing	7	FRA Suspension	76	Hit Skip/Leave Scene	38	Improper Lane Change	41
Improper Passing	28	Improper U Turn	236	Improper Turn	353	Left of Center	27
Light Violation	578	No Licensed Driver	10	No Operator's License	1,017	Other License Violations	190
Other Moving Violations	164	One Way Street	23	OVI/Alcohol/BAC	101	Parking Complaints	613
Pedestrian Violations	65	Reckless Operation	10	Seat Belt Violation	509	Speeding Violation	10,050
Stop Sign Violation	298	Traffic Control Lights	353	Traffic Control Device	53	Turn Signal Violation	290
Unattended Vehicle	44	Unlawful Entrustment	6	Unlawful/Illegal Plates	202	Unsafe Vehicle/Equipment	261
Vehicle Trespass	2						

TOTAL CHARGES FOR 2008 20,620

PREVIOUS YEARS:

- 2007 16,291
- 2006 22,325
- 2005 27,811
- 2004 25,753





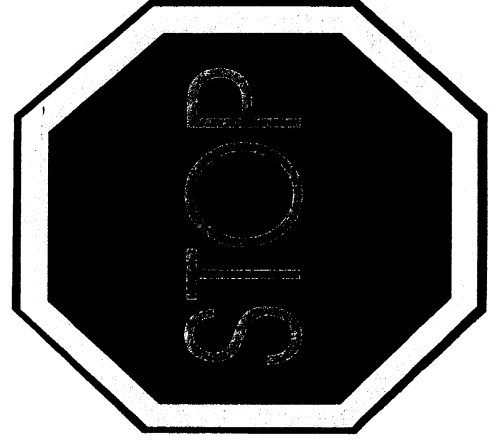
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**CRIMINAL/TRAFFIC BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2008**

RECEIPTS:

	2,006	2,007	2008
City of Cleveland Heights			
Local Costs	633,179.04	542,575.43	703,083.60
Computer Fund	108,725.00	83,129.50	96,193.00
Special Project	181,747.50	138,947.10	160,676.90
Fines	<u>1,114,206.00</u>	<u>916,760.74</u>	<u>1,059,774.00</u>
Sub-Totals	2,037,857.54	1,681,412.77	2,019,727.50
Cuyahoga County			
CRIS	75,871.15	55,072.00	67,556.50
Crime	<u>1,523.00</u>	<u>1,537.00</u>	<u>2,000.00</u>
Sub-Totals	77,394.15	56,609.00	69,556.50
State of Ohio			
General Revenue	252,750.50	187,618.00	223,490.50
Victims Crime	<u>152,122.50</u>	<u>112,822.50</u>	<u>134,226.50</u>
Sub-Totals	404,873.00	300,440.50	357,717.00
Other Receipts			
OVI Fines	3,888.00	4,600.00	7,991.00
Miscellaneous	<u>27,837.70</u>	<u>27,380.49</u>	<u>68,934.30</u>
Sub-Totals	31,725.70	31,980.49	76,925.30
GRAND TOTALS	<u><u>2,551,850.39</u></u>	<u><u>2,070,442.76</u></u>	<u><u>2,523,926.30</u></u>



**CRIMINAL/TRAFFIC BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2008**

DISBURSEMENTS;			
City of Cleveland Heights	2,006	2,007	2008
Fines	919,581.21	740,476.04	886,775.00
Costs	633,243.97	542,797.53	703,206.13
Housing	7,254.00	7,505.00	5,445.00
Computer Fund	108,719.00	83,129.50	96,181.00
Special Projects Fund	181,737.50	138,947.10	161,391.90
Drug Fines	202.00	929.00	870.00
Reimburse/Witness/Jury	278.00	336.00	460.00
Baliff Fees	1,097.00	754.20	1,016.30
Community Service	400.00	370.00	4,355.00
Visa Convenience Fee	11,693.50	10,467.00	12,610.50
Unclaimed Funds			
Sub-Total	1,864,206.18	1,525,711.37	1,872,310.83
 Cuyahoga County			
Regular Fines	45,518.00	61,423.20	66,408.05
Uniform Traffic Fines	135,216.80	105,272.50	92,953.50
CRIS Fund	75,866.15	55,072.00	67,551.50
Crime Stop	1,523.00	1,537.00	2,000.00
1/2 Liquor Fines	544.50	202.50	1,572.50
Reimburse//witness/Jury	1,054.67	830.19	2,092.00
Sub-Total	259,723.12	224,337.39	232,577.55
 State of Ohio			
RRF/Victims Fund	152,113.50	112,822.50	134,190.50
GRF/General Fund	135,216.80	187,618.00	223,430.50
Seat Belt	12,519.00	7,810.00	9,180.00
Expungements	990.00	840.00	900.00
1/2 Liquor Fines	544.50	202.50	1,572.50
BMV Fees	1,311.00	870.00	525.00
Pharmacy Board (Drug)	50.00	420.00	225.00
Sub-Total	302,744.80	310,583.00	370,023.50
 Other Disbursements			
Cleveland Law Library	853.50	1,335.00	933.00
DUI Housing Fund	2,030.00	2,527.00	3,298.00
DUI Arrest Agency	883.00	1,013.00	1,813.00
DUI Indigent Fund	975.00	1,060.00	1,300.00
Sub-Total	4,741.50	5,935.00	7,344.00
 GRAND TOTALS	2,431,415.60	2,066,566.76	2,482,255.88

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

**CIVIL/SMALL CLAIMS BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2008**

RECEIPTS:

City of Cleveland Heights	2,006	2,007	2008
Local Costs	206,177.60	201,316.50	172,576.00
Computer Fund	15,810.00	14,484.00	12,366.00
Special Project	26,530.00	24,170.00	20,610.00
Sub-Total	<u>248,517.60</u>	<u>239,970.50</u>	<u>205,552.00</u>
State of Ohio Legal Aid	47,303.00	38,019.00	32,150.00
Judgements & Refunds	294,855.88	522,803.08	418,679.55
Bailiff Fee	298.60	395.62	272.60
Miscellaneous Receipts	3,335.00	2,170.00	1,870.88
Sub-Total	<u>345,792.48</u>	<u>563,387.70</u>	<u>452,973.03</u>
GRAND TOTAL	<u><u>594,310.08</u></u>	<u><u>803,358.20</u></u>	<u><u>658,525.03</u></u>

DISBURSEMENTS;

City of Cleveland Heights	2,006	2,007	2008
Costs	206,177.60	201,316.50	172,560.00
Computer Funds	15,810.00	14,484.00	12,372.00
Bailiff Fees	298.60	395.62	272.60
Marriage Fees	3,335.00	2,170.00	1,870.88
Special Projects	26,530.00	24,170.00	20,620.00
Sub-Totals	<u>252,151.20</u>	<u>242,536.12</u>	<u>207,695.48</u>
State of Ohio Legal Aid	46,829.97	37,638.81	32,150.00
Judgements & Refunds	302,605.19	530,900.13	418,520.74
Sub-Totals	<u>349,435.16</u>	<u>568,538.94</u>	<u>450,670.74</u>
GRAND TOTALS	<u><u>601,586.36</u></u>	<u><u>811,075.06</u></u>	<u><u>658,366.22</u></u>

**CIVIL/LANDLORD-TENANT BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2008**

RECEIPTS:

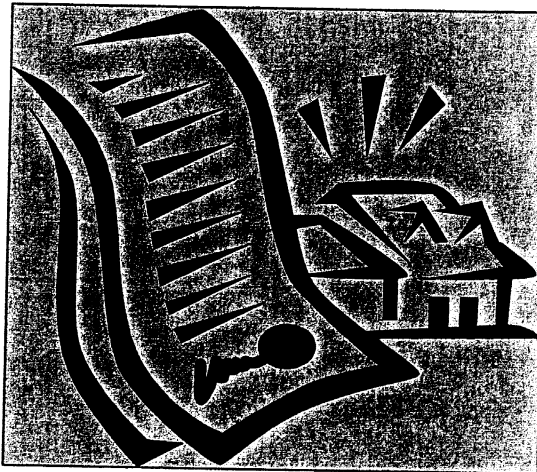
Rent Deposits on Hand January 1, 2008		660.00
Rent Deposits in 2008		<u>6,569.00</u>
	Total Deposits	<u>7,229.00</u>

DISBURSEMENTS:

	2,006	2,007	2008
City of Cleveland Heights	30.60	71.80	115.07
To Landlords	3,758.50	4,973.96	2,843.00
To Tenants		179.24	785.50
Repair/Maintenance/Other			836.40
Paid by Court Order			<u>1,306.80</u>
TOTALS	<u>3,789.10</u>	<u>5,225.00</u>	<u>5,886.77</u>

Rent Deposits on Hand December 31, 2008

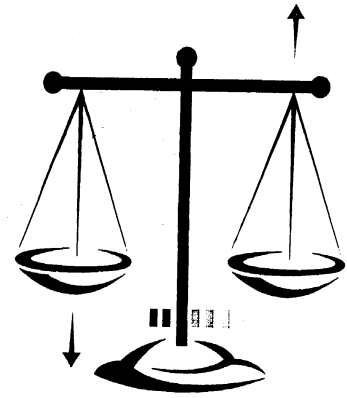
1,342.23



To: Judge A. Deane Buchanan

From: Valinda T. Garner
Chief Probation Officer

Re: **Probation Office, 2008**



I. PRE-SENTENCE INVESTIGATION/PROBATION VIOLATION, 2008

	2005	2006	2007	2008
Presentence Investigation Reports	395	444	479	534
Probation Violation Reports	11	15	10	7
Expungement Reports	36	37	34	20
Reviews	45	51	30	20

II. SUPERVISION CASELOAD, on December 31, 2008

	12-31-05 Caseload	12-31-06 caseload	12-31-07 caseload	12-31-08 Caseload
Active (Supervised)	432	404	435	623
Inactive (Non-Supervised)	808	987	881	849

Supervision caseload, per Probation officer (3) in 2008

On 12-31-05 216	On 12-31-06 202	On 12-31-07 217	On 12-31-08 208	% Increase 43%
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III. SUPERVISION, 2008 inclusive
 2005, 2006 and 2007 numbers provided for comparison

	2008	2005	2006	2007
Total active probation cases, supervised, Jan.-Dec.2008 inclusive	1,566	1,340	1,274	1,186
Driving Under Suspension cases Jan-Dec. 2008, inclusive count & % of cases	659/45%			
Total inactive probation cases, Jan.-Dec. 2008, Inclusive	1,769	2,061	1,879	1,689
New active probation cases added in 2008:	1,113	861	848	810
New inactive probation cases Added in 2008:	1,130	1,175	1,075	881
	*	*	*	*
Number of active probation cases on 12-31-2008, Whose sentences included jail time, with % of caseload	290		47%	
Number of probation cases (active/inactive), on 12-31-08, whose sentences also included jail time, with % of caseload	693	304	339	422
Percentage	47%	25%	25%	32%

IV. MAJOR OFFENSES OF PROBATIONERS on supervision, Dec. 31, 2008

	2008 Cases/%	2004 Cases/%	2005 Cases/%	2006 Cases/%	2007 Cases/%
Driving Under Suspension	252/40%	215/46%	185/43%	148/37%	143/33%
Petty Theft	138/22%	83/18%	83/65%	57/14%	127/29%
Domestic Violence	42/7%	35/14%	41/8%	44/11%	44/10%
Assault	41/7%	28/5%	24/6%	31/8%	26/6%
OVI	31/5%	22/9%	20/5%	24/7%	25/6%
Menacing/Harassment	13/2%	8/3%	14/1%	12/4%	12/3%
Trespassing	6/1%	9/2%	9/2%	8/3%	2/0%
Other	55/9%	37/8%	55/12%	66/34%	56/12%

V. RESTITUTION/COMMUNITY SERVICE, 2008 inclusive
(2004, 2005, 2006 and 2007 total year numbers provided for comparison)

	2008	2004	2005	2006	2007
Restitution transferred to victims,	\$4,970	\$3,480	\$5,765	\$3,215	\$5,500
Community Service referrals to Court	280	41	40	90	125
Total Community Service hours worked in Cleveland Heights non-profit agencies through CCS by all courts in county area,	4,608	3,426	2,958	2,892	3,302
Total additional Community Service hours worked in Cleveland Heights, CCS Work crew litter collection	499	414	343	595	449

Community Service/Public Works Referrals 2008

- As of December 16, 2008, the Court has referred 93 defendants to the Cleveland Heights Public Works Department. These individuals have performed a total of 1,290 hours of service and in turn have saved Public Works/the City approximately \$23,621 in labor cost.
- In 2006 when the endeavor began, total referrals of 34 defendants with a total of 776 hours were worked which in turn saved the City \$13,960.
- CCS – Court Community Service is a sentencing alternative program that has been in operation over 20 years. CCS operates supervised community service work crews that provide assistance to not-for-profit and governmental agencies throughout Cuyahoga County.

Alternative to Jail/Home Detention Referrals:

- In 2008 the total referrals made for Home Detention has been 50 defendants each providing registration fees averaging \$25.00 for a total of \$1162 collected.



**SERVING THE CLEVELAND HEIGHTS MUNICIPAL COURT
IN AN OFFICIAL CAPACITY DURING 2008**

**A. Deane Buchanan, Judge
Georgeann Schmidt, Magistrate
Juanita Bryant, Court Administrator/Chief Bailiff
Saundra Draper Berry, Clerk**

Mabel Jasper
Assigned Judge

Russell Baron
Alan Kraus
Mark L Hoffman
Dennis Niermann
Acting Judge

Lincoln Scott, Housing & Special Projects Coordinator
Cassandra Jones, Court Information Specialist
Richard Baker, Court Security

Lawrence Jasper, Deputy Bailiff
Virginia Journee', Deputy Bailiff
Leo Krejci, Deputy Bailiff

Valinda Garner, Chief Probation Officer
Charles Cox, Probation Officer
Exodus Lett, Probation Officer
Clowice Ramsey, Probation Administrative Assistant

Joann Gallitto, Chief Deputy Clerk/Civil Division
Karen Szekely, Chief Deputy Clerk/Criminal Division
Darlene Horton, 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
Brevlyn Williams, Criminal Deputy Clerk
Julie Zawadzki, Criminal Deputy Clerk