

LAKEWOOD MUNICIPAL COURT
ANNUAL REPORT FOR 2009

March 1, 2010

LAKEWOOD MUNICIPAL COURT 2009 ANNUAL REPORT

This report is a summary of the operation of the Lakewood Municipal Court for 2009. The report sets out the Court's statistics, including case filings and adjudications by type, as well as financial information. It is hoped that this annual report will be beneficial in providing a general overview of the operation of the Lakewood Municipal Court.

This report is being issued in accordance with the requirements of Section 1901.14 of the Ohio Revised Code to the Lakewood City Council and the Cuyahoga County Board of Commissioners. In addition to this statutory mandate, the annual report is also available to the general public for review on the court's website. (www.lakewoodcourtoh.com). The Court's website also provides information about the court's procedures and forms as well as direct public access to all cases, both civil and criminal, going back to 1983. As a public entity, it is important that information concerning the operation of the Court be available on a widespread basis.

The total number of new cases filings in the Lakewood Municipal Court in 2009 decreased from the previous year, by 478 cases or approximately four per cent (3.76%). Traffic and criminal case filings decreased by 464 cases (5.17% decrease) from the previous year. Civil cases filed in 2009 decreased insignificantly by 14 cases from the previous year. With the addition of reactivated cases, which include transfers from other courts and previously filed cases that have been stayed (execution of arrest warrant in traffic and criminal cases and discharge in bankruptcy in civil cases), the total caseload increased in 2009 by 488 cases.

The number of cases filed per year does not fully explain the Court's workload. A traffic or criminal case may contain more than one charge. Changes by both legislative enactment and judicial decisions require additional filings and hearings, which have resulted in an increase in the amount of work per case. While these changes are necessary to protect the rights and interests of all of the parties involved, they also impact the operation of the Court.

COURT RENOVATION PROJECT

The entire Court, except for the courtroom and Judge's office, were renovated in 2009. Frayed and worn carpet and outdated work stations were replaced after twenty five years of use. Through the efficient supervision of the Clerk of Court, Terri O'Neill, court staff, and city employees, the project was completed over a holiday weekend with

minimal interruption to the operation of the court. On Friday, after the close of business, the old work stations were removed and the carpet was ripped up. New carpet was laid and work stations were put together and installed on Saturday and Sunday. On the Monday holiday, computers and telephones were rewired. Court employees came in on the holiday to reorganize their desks and the clerk's office. As a result, the court was able to open at 8: 00 a.m. on Tuesday with no lost time in operation to the public. In an effort to reduce public spending, some of the desks and other office equipment were transferred to the Lakewood Police.

COMMUNITY WORK SERVICE & GRAFFITI

The court expanded the use of its community work service program in 2009 to clean up graffiti on public and private buildings in Lakewood. Graffiti is a public scourge that debases our community. The recipients are crime victims. To combat this problem, offenders were required to complete community work service assignments by cleaning graffiti. Private property owners may apply to the court's probation department to have graffiti removed. Special cleaning products were purchased through the court's probation supervision fund to complete the process. Once a release is executed by the property owner and the police have the opportunity to take a report and photographs, community service workers will be assigned.

COURT SECURITY

Safety in the Court for parties, witnesses and Court staff, as well as others who work or come into Lakewood City Hall has been a serious concern. While it has been my consistent goal to make the Lakewood Municipal Court open and accessible, issues of safety for both Court employees and the general public must also be considered and balanced. Steps were taken in 2009 to form a court security committee to review and enhance security measures in the court in conformity with the Rules of Superintendence of the Ohio Supreme Court.

Transportation of prisoners to or from other prison facilities also raises security risks. To minimize security risks and reduce taking police off of the streets for prisoner transport, the Lakewood Municipal Court conducts video arraignments, sentencings and pretrial conferences for prisoners incarcerated outside of the Lakewood jail. In addition, the court's video conference system is used by the Lakewood police to present grand jury testimony, avoiding the need for the police officer to go the Cuyahoga County Justice Center.

ADDITIONAL DEVELOPMENTS AND COMMUNITY INVOLVEMENT

It is also important for the Court to be involved in programs outside of the Court to promote the legal system. In 2009, I continued my service on the Editorial Board of the Ohio Jury Instruction Committee of the Ohio Judicial Conference and my involvement as a faculty member of the Ohio Judicial College in 2009, teaching numerous courses to other judges throughout the State of Ohio. I also continued to serve as a Trustee of the Cleveland Metropolitan Bar Association. An article I wrote on affirmative defenses in criminal cases was published in the Cleveland Metropolitan Bar Journal and republished by the Ohio Judicial conference in a statewide judicial publication. Magistrate Thomas Wagner also participated as an instructor for trial advocacy with the Cleveland Marshall College of Law in 2009. With the Probation

Department and me, a seminar on domestic violence was held for doctors involved in family practice at Fairview Hospital. These activities not only benefit the public beyond regular court duties, but also improve the operation of the court by greater awareness of new techniques and procedures as well as changes in cases and statutes that have a direct effect on the operation of the court.

The Court also continued its involvement in the Lakewood community. This included attendance at all of the D.A.R.E. graduations in the public and parochial schools. In addition, twenty seven (27) marriages were performed in the Lakewood Municipal Court in 2009.

During the year it was necessary to be away from the Court for judicial and continuing education conferences. As a single judge court, temporary judicial assignments were required to continue the Court's operation. The Court acknowledges the assistance of Judge Gerald Francis Sweeney, retired from the Cleveland Municipal Court, Magistrate Thomas Wagner and attorneys John V. Jackson, II, John McCaffrey, and James Wooley who served the Court as visiting and acting judges.

While the Lakewood Municipal Court is separate from other aspects of municipal government, the Court's successful operation could not have been achieved without the assistance of the City's Administration and City Council. Specifically, the members of the Police, Law and Building Departments who provided information and assistance for the Court to do its job properly. Through cooperation with the City's Administration and Council the Lakewood Municipal Court is able to serve the community. The Court looks forward to continue to work with Mayor FitzGerald and his Administration in addressing the challenges that face our community.

CONCLUSION

On a personal note, I was re-elected as judge in November, 2009. This report marks my twentieth year as judge of the Lakewood Court. I have seen changes in the community over this time. Through new programs and procedures, the court has evolved to address the challenges facing our community. It is an ongoing process. I realize that change may also bring questions. I welcome any such questions, suggestions or constructive criticism that may result in a better understanding or improvement of the operation of the court.

As the Judge of the Lakewood Municipal Court, I have attempted to implement procedures for the efficient administration of justice and to provide an open, accessible and responsive forum to resolve legal disputes in our community. The successful continuation of the Court's programs during the past year, however, could only have been achieved with the dedication and hard work of all the employees of the Lakewood Municipal Court. Only through the supportive efforts of all Court employees could the successes of the past year have been attained.

Respectfully submitted,

Judge Patrick Carroll

CRIMINAL AND CIVIL DIVISIONS
REVENUE AND CASE SUMMARY DATA

COURT FINANCES AND REVENUES

Changes with the City of Lakewood and the overall condition of the economy have made all of us more conscious of spending. During the year the Court attempted to spend cautiously which resulted in returning an additional \$101,114 of its allocated budget to the general fund of the City of Lakewood. Part of the budget surplus was the use of special court funds for operating expenses, permitting the court to return unused budgeted funds to the city for other uses.

The revenue collected by the Court in 2009 decreased by almost five percent (4.48 %) from the previous year. The decrease in revenue was due to decrease in traffic citations and collection issues due to the general economic situation. The decrease in revenue is compared to the prior year which was the first full year of the court's credit card and other collection procedures.

The Court's revenue in 2009 exceeded the Court's operating expenses, resulting in a surplus of funds in excess of \$548,596 to the State of Ohio, Cuyahoga County and the City of Lakewood. Of these funds, \$63,532 of the Court's revenues was paid to Cuyahoga County and \$259,011 to the State of Ohio. In addition, \$262,053 of revenue in excess of the Court's budgeted expenses were made available to the City to fund specific community programs or made part of the general fund. Distribution of funds is based upon state law and the nature of the cases involved. The Court's careful responsibility towards the use of public funds was also demonstrated by the positive report that was issued in 2009 by the Ohio State Auditor's Office for the year 2008.

It is important to note, however, that the revenue generated by the Court is an incidental benefit to the Court's primary function of the administration of justice. The amount of revenue received by a court will be primarily dependent upon the volume of cases in the Court. The number of cases filed, whether civil, traffic or criminal, is completely outside of the Court's control. Much of the Court's revenue comes from the imposition of fines. The amount of any fine depends on the conduct of the defendant and other factors. While a substantial fine may be appropriate for a person guilty of assault, the same fine may be inappropriate in a domestic violence case where it would cause a hardship to the family members and victims of the offense.

It is axiomatic that a fine may not be imposed in a criminal case unless a person is found guilty of an offense. It is important that every person who comes before the Court in a traffic or criminal case knows that his or her case will be fairly heard and decided on the merits of the case, without regard to consideration of potential revenue to the City.

COURT COSTS

Consideration of Court revenues raises numerous issues. As with any governmental entity, the cost of operation is a matter of public concern. It has been the consistent aim of this Court to place the costs of its operation upon those who use it, instead of the taxpayers of the City of Lakewood. This includes filing fees in civil cases as well as fines and court costs from the involuntary use of the Court in traffic and criminal cases.

Court costs are assessed in civil, traffic and criminal cases. The purpose of court costs is to assist in the cost of the operation of the Court. Court costs were increased in

2009, for civil, traffic and criminal cases to reflect the rising costs of operation. The basic court cost for traffic and criminal cases is ninety (\$90.00) dollars.

By statute, however, most court costs do not accrue to the Court. Over the years the State of Ohio has imposed court costs on traffic, criminal and civil cases. The money from these costs goes to the State of Ohio, not to the Lakewood Court or the City of Lakewood for the operation of the court. The increased court costs over the years have shifted the amount of revenue collected by the court to the State of Ohio rather than remaining with the City of Lakewood.

Each Municipal Court sets its own court costs. Because the vast majority of cases in the Municipal Court are minor traffic cases, increased court costs, in addition to a fine, may result in a heavy financial burden for relatively minor violations. The Lakewood Court has kept its court costs low in order to avoid imposing a greater expense to all, regardless of the relative degree of culpability. For more egregious misconduct the Court may impose a higher fine or other penalty.

SPECIAL COURT FUNDS

Municipal Courts are granted statutory authority from the Ohio General Assembly to create and maintain special funds from court costs. These special funds allow the court to make such improvements and maintain court programs without seeking additional funds from the City's general revenue fund in the Court's annual operating budget.

The Computer Maintenance Fund provides for the installation and upgrade of the Court's computer system and related projects. Ohio Rev. Code Sec. 1901.261(B). This fund is also used to purchase software upgrades and computer supplies as well as consulting and maintenance contracts. This fund accrued \$37,547 in 2009 with a balance at the end of the year of \$41,037.93 for computer replacement and routine maintenance of the Court's computer system.

Special Projects Fund was created in 2002 by authority of Ohio Rev. Code Sec. 1901.26(B). This fund is an additional assessment in civil, traffic and misdemeanor cases. The Court's Special Projects Fund was used in 2009 to renovate the clerk's office, probation department and library. This fund accrued \$143,492 in 2009 with a balance at the end of the year of \$183,184. The entire cost of renovating the clerk's facilities, including carpet, desks and other equipment was paid through the special projects fund, thus requiring no additional funding from the City of Lakewood.

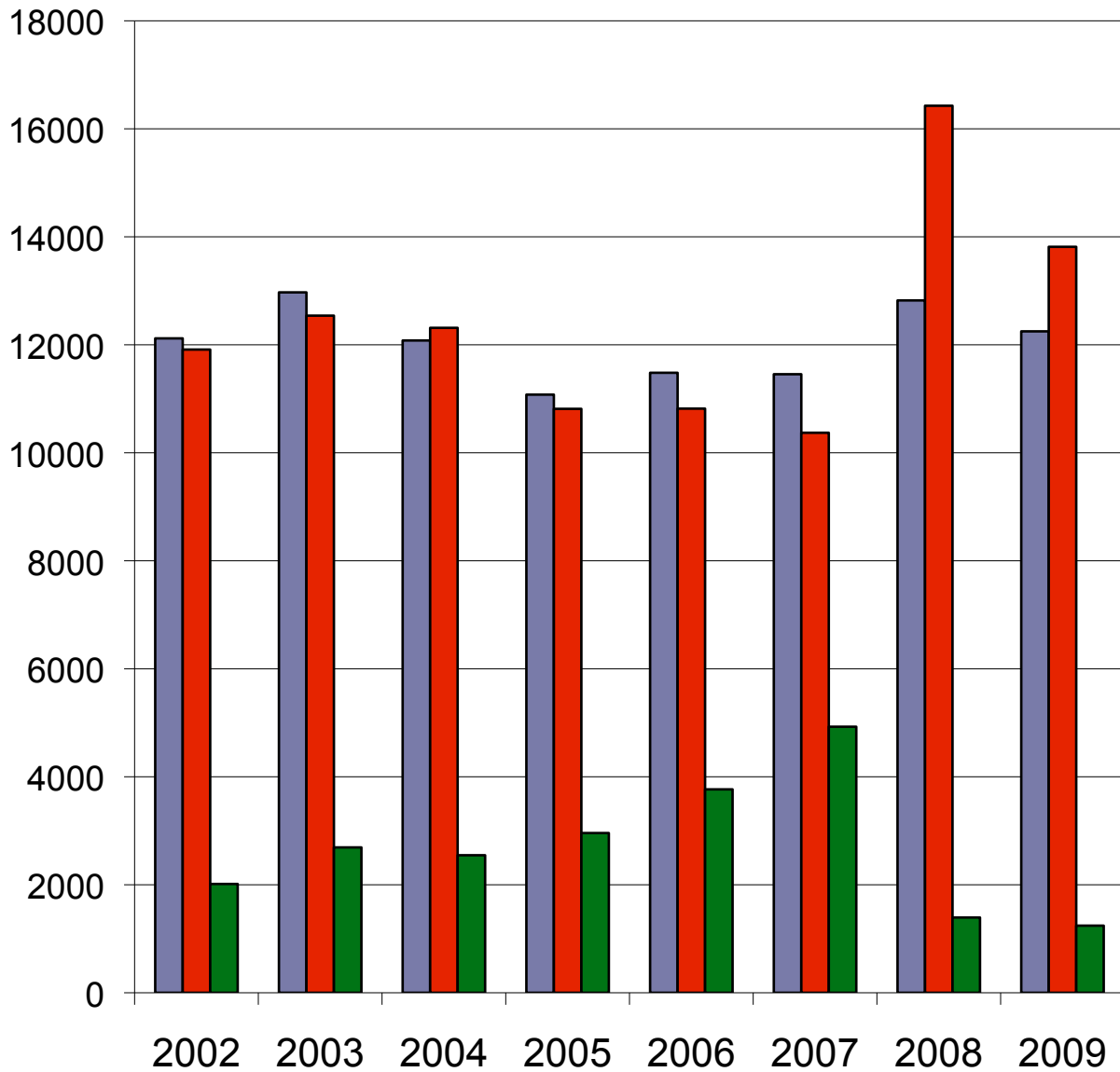
Probation Supervision Fund Unlike the other special funds, this fee is only assessed to those criminal defendants who are placed on active community control supervision. Thus, this fee would not be assessed in a minor traffic citation, when a fine is paid and there is no further court involvement. The reason for this fund is to assess a greater cost of the Court's operation on those defendants who, by their conduct, require additional court services and supervision.

The Probation Fund supports long term capital improvements and programs for the Probation Department which were not funded by the Court's operating budget. This fund was used in 2009 to pay for drug screening tests, professional psychiatric evaluations and other expenses to operate the mental health court program. In 2009 the fund accrued \$36,354 with an ending balance of \$63,112.93. A portion of the Court's

operating expenses was shifted to the probation fund in 2009, permitting a reduction in the Court's operating budget.

The revenue to the City's general fund is in addition to interest on special court funds and municipal income taxes collected through small claims cases. Interest generated from the court's special funds goes directly to the City of Lakewood. The accrued interest is in addition to the revenue the Court provides to the City from fines and court costs.

**Chart 1 Annual Summary of All Cases
for the Lakewood Municipal Court**

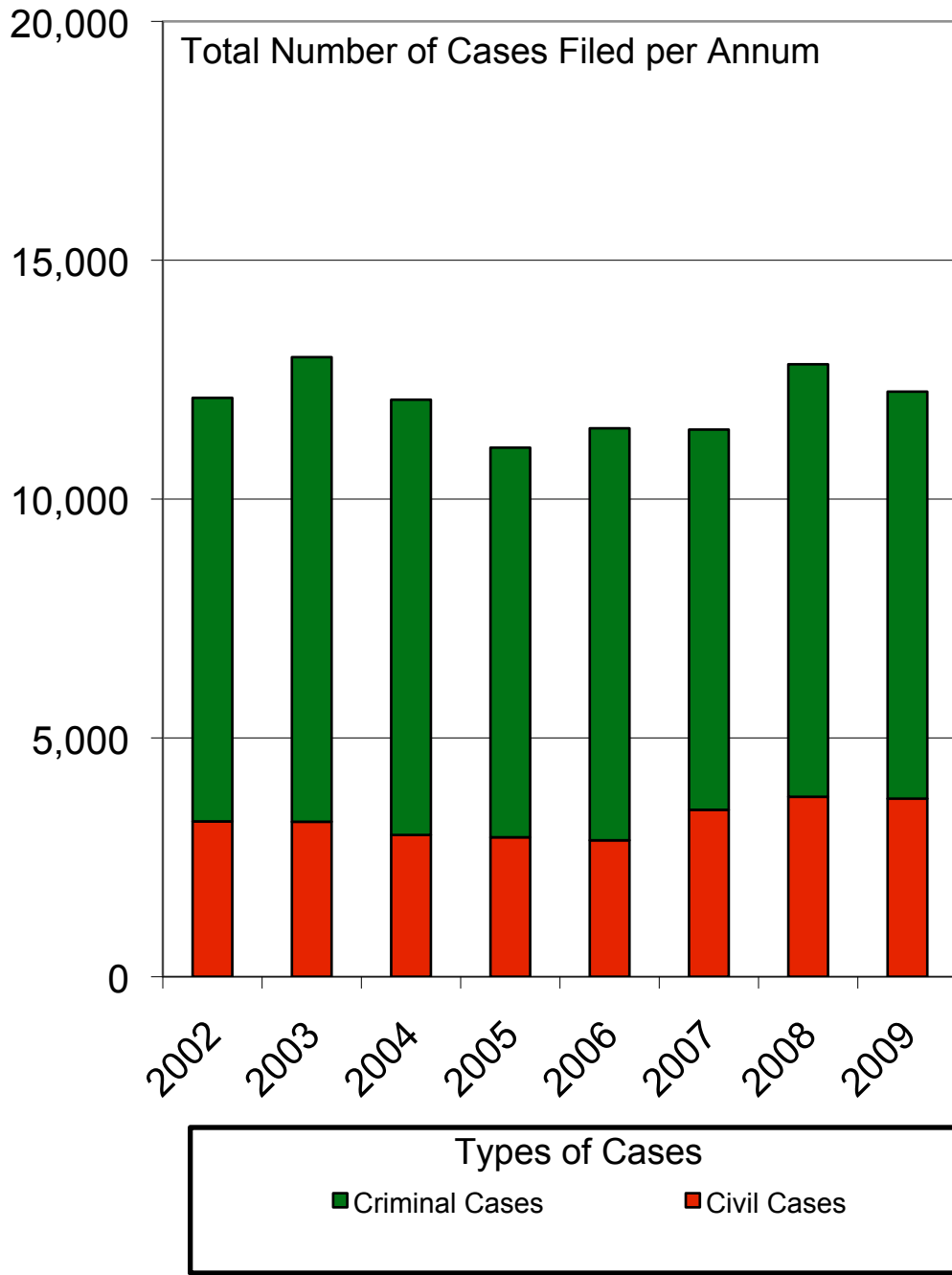


■ All Cases Filed ■ Cases Adjudicated ■ Cases Pending

Source: Annual Superintendence Reports
to the Ohio Supreme Court

Chart 2

**Summary of Distribution of Cases Filed
with the Lakewood Municipal Court**

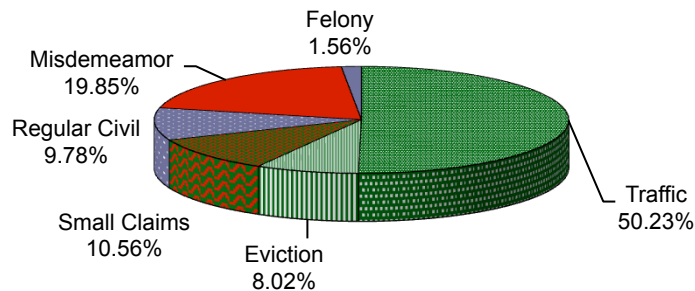


Source: Annual Superintendence Reports
to the Ohio Supreme Court

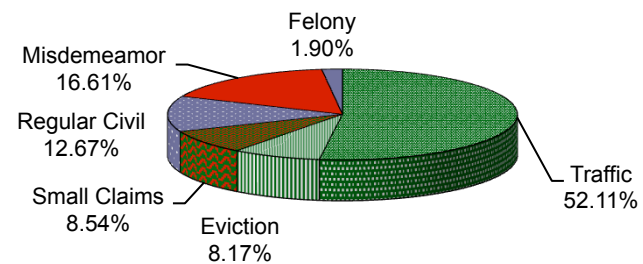
Chart 3

Summary of All Case Filings for the Lakewood Municipal Court 2008 & 2009

2009



2008



Total Cases by Division

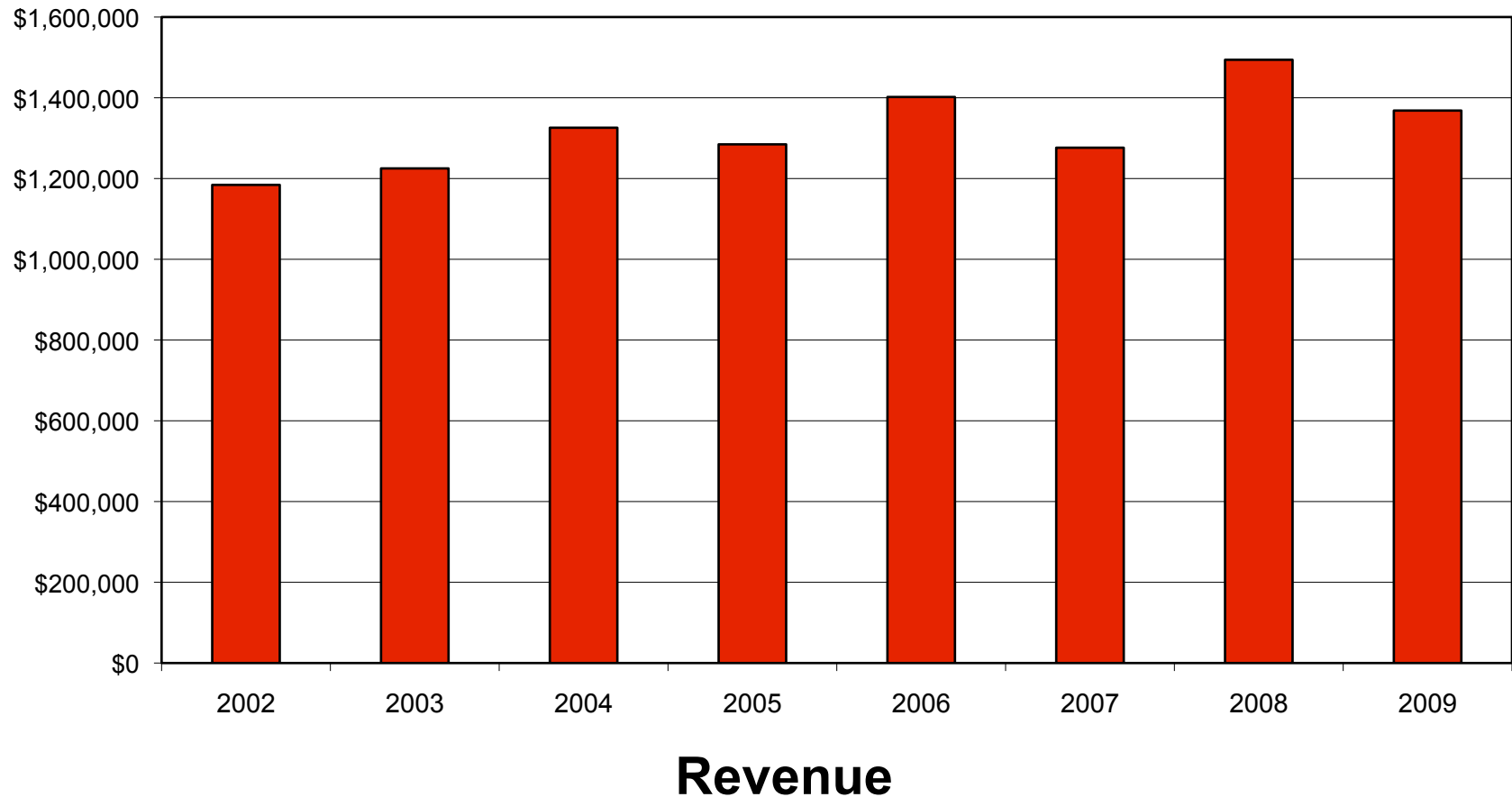
	<u>100.0%</u>
Civil	28.36%
Traffic & Criminal	71.64%

	<u>100.0%</u>
Civil	29.38%
Traffic & Criminal	70.62%

Source: Annual Superintendence Reports to the Ohio Supreme Court

Chart 4

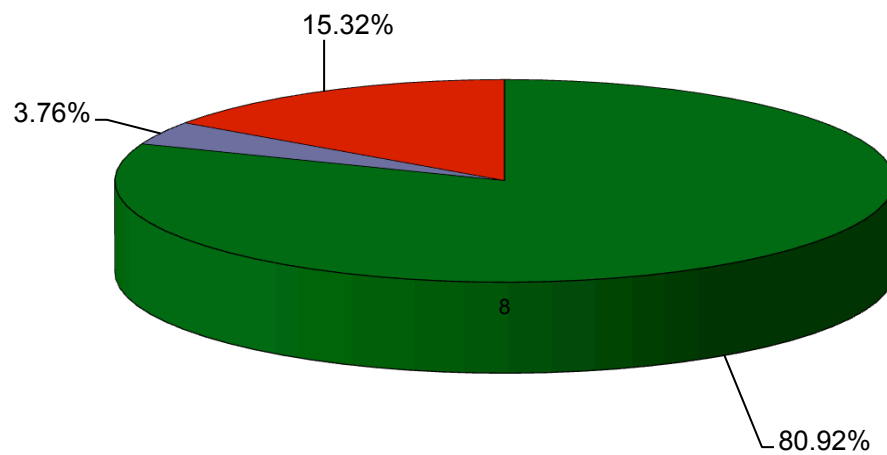
Summary of Revenue For the City of Lakewood By The Lakewood Municipal Court



Note: Revenues include only those funds available to the City of Lakewood

Chart 5

**SUMMARY OF DISTRIBUTION OF REVENUE
FROM THE LAKEWOOD MUNICIPAL COURT**



■ City of Lakewood ■ Cuyahoga County ■ State of Ohio

**CRIMINAL AND CIVIL MONTHLY SUMMARY OF REVENUE TO CITY
(PAGE 1 OF 2)**

PAID TO CITY ACCOUNT NO.										
	101-0000- 361.10-00 361.20-00 361.30-00 361.50-00	101-0000- 361.35-00	101-0000- 361.20-00	101-0000- 370.00-00	232-0000- 361.50-00 CRIMINAL	230-0000- 361.50-00 CRIMINAL	231-0000- 361.50-00 CRIMINAL	235-0000- 361.50-00 R.C.	234-0000- 361.50-00 R.C.	237-0000- 361.50-00 R.C.
	CRIMINAL			CRIMINAL						
2009	<u>CRIMINAL*</u>	<u>WITNESS</u>	<u>JUROR</u>	<u>INTEREST</u>	<u>P.S.I.</u>	<u>I.D.A.T.</u>	<u>L.E.A.</u>	<u>S.P.F.</u>	<u>C.M.F.</u>	<u>I.D.A.M.</u>
January	\$80,639.27	\$216.00	\$0.00	\$40.99	\$50.00	\$275.00	\$302.00	\$10,523.00	\$2,798.00	\$550.00
February	98,818.30	198.00	130.00	10.67	0.00	344.00	328.00	11,858.00	2,977.00	600.00
March	99,598.19	162.00	0.00	21.49	0.00	481.00	501.00	12,405.00	3,189.00	1,000.00
April	92,984.93	168.00	320.00	19.50	150.00	200.00	188.00	12,443.00	3,109.00	300.00
May	85,950.93	252.00	0.00	19.21	150.00	475.00	466.00	11,060.00	2,836.00	750.00
June	98,213.20	202.00	0.00	17.30	102.00	455.00	476.00	12,647.00	3,246.00	808.00
July	107,598.20	351.00	0.00	0.00	51.00	270.00	266.00	14,091.00	3,607.00	506.00
August	91,828.10	300.00	0.00	0.00	0.00	184.00	180.00	12,576.70	3,235.00	383.00
September	87,325.92	293.00	16.00	0.00	4.00	250.00	235.00	11,898.00	2,964.00	350.00
October	91,594.76	204.00	509.00	0.00	100.00	416.00	415.00	11,520.00	2,857.00	1,472.90
November	93,009.50	208.00	0.00	0.00	0.00	609.00	517.00	11,287.00	2,723.00	1,013.00
December	<u>84,812.70</u>	<u>318.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>892.10</u>	<u>412.00</u>	<u>11,184.00</u>	<u>2,910.00</u>	<u>609.00</u>
09 Totals	\$1,112,374.00	\$2,872.00	\$975.00	\$129.16	\$607.00	\$4,851.10	\$4,286.00	\$143,492.70	\$36,451.00	\$8,341.90
'08 Totals	\$1,230,182.95	\$2,535.00	\$996.00	\$4,045.76	\$2,144.00	\$5,263.00	\$5,092.00	\$143,802.00	\$36,229.00	\$700.00

REFERENCE:

P.S.I. - Political Subdivision Involved. Authority R.C. 4511.99

I.D.A.T. - Indigent Drivers Alcohol Treatment. Authority R.C. 4511.99

L.E.A. - Law Enforcement Agency. Authority R.C. 4511.99

S.P.F. - Special Projects Fund. Authority 1901.26(B)

C.M.F. - Computer Maintenance Fund. Authority 1901.261(B)

I.D.A.M. - Indigent Drivers Interlock and Alcohol Monitoring Fund R.C. 4511.19(1)

* Includes Criminal, Traffic, and Parking cases

**CRIMINAL AND CIVIL MONTHLY SUMMARY OF REVENUE TO CITY
(PAGE 2 OF 2)**

PAID TO CITY ACCOUNT NO.									
	222-0000- 361.50-00	236-0000- 361.50-00	101-0000- 361.20-00	101-0000- 361.20-00 MARRIAGE & WITNESS FEES	101-0000- 361.20-00 SMALL CLAIMS	101-0000- 361.20-00 TRUSTEESHIP	101-0000- 361.20-00 LANDLORD/ TENANT	799-0000- 384.00-00 UNCLAIMED MONIES	TOTAL TO CITY 2009
<u>2009</u>	<u>L.E.T.F.</u>	<u>PROBATION</u>	<u>CIVIL</u>						
January	\$936.50	\$2,274.00	\$15,252.40	\$0.00	\$4,745.00	\$22.24	\$20.65	\$0.00	\$118,645.05
February	1,280.00	3,309.00	15,908.00	25.00	3,485.00	22.24	25.20	0.00	\$139,318.41
March	1,181.00	4,109.00	17,913.76	75.00	3,761.00	22.50	47.00	0.00	\$144,466.94
April	798.00	3,275.00	14,719.00	75.00	3,954.00	13.24	23.41	0.00	\$132,740.08
May	412.00	3,981.00	15,088.00	50.00	3,502.39	14.40	2.95	0.00	\$125,009.88
June	1,403.50	3,043.00	18,997.00	50.00	2,860.71	15.40	15.80	0.00	\$142,551.91
July	1,170.00	3,070.00	17,112.50	100.00	3,763.00	16.40	26.10	0.00	\$151,998.20
August	932.00	2,355.00	16,648.00	25.00	4,765.00	18.40	30.30	1,914.00	\$135,374.50
September	893.50	1,853.00	15,707.00	25.00	3,091.00	31.20	19.36	0.00	\$124,955.98
October	482.00	3,245.00	14,275.50	100.00	2,681.76	19.90	12.25	563.31	\$130,468.38
November	796.50	2,971.00	11,600.32	75.00	3,346.36	11.60	12.00	0.00	\$128,179.28
December	<u>515.50</u>	<u>2,869.00</u>	<u>15,082.40</u>	<u>75.00</u>	<u>4,250.29</u>	<u>18.64</u>	<u>18.00</u>	<u>157.40</u>	<u>\$124,124.03</u>
'09 Totals	\$10,800.50	\$36,354.00	\$188,303.88	\$675.00	\$44,205.51	\$226.16	\$253.02	\$2,634.71	\$1,597,832.64
'08 Totals	\$9,846.99	\$38,163.00	\$189,499.00	\$475.00	\$39,536.00	\$294.34	\$320.02	\$7,182.40	\$1,716,306.46

REFERENCE:
L.E.T.F - Law Enforcement Trust Fund. Authority R.C. 4511.99
Unclaimed Monies. Authority R.C. 1901.31(g)

**CRIMINAL DIVISION
COUNTY AND STATE REVENUES
(VIOLATIONS UNDER STATE STATUTE)**

(Page 1 of 2)

Month	<u>C.R.I.S.</u> (1)	<u>Indigent</u> (2)	<u>State- Vic of Crime</u> (3)	<u>State- IDSF</u> (4)	<u>State- Exp. Fee</u> (5)	<u>State- SB 209</u> (6)	<u>State- IDAT</u> (7)	<u>State- IDSF</u> (8)	<u>State- OCJS</u> (9)
January	\$1,930.00	\$275.00	\$4,246.00	\$7,125.00	\$150.00	\$0.00	\$437.00	\$1,445.00	\$1,008.00
February	2,295.00	275.00	5,200.00	8,726.00	60.00	1,076.00	510.00	1,700.00	1,190.00
March	2,391.00	375.00	5,506.00	9,151.00	60.00	1,510.00	579.00	1,905.00	1,339.50
April	2,319.00	325.00	5,222.00	8,666.00	90.00	456.00	534.00	1,780.00	1,247.00
May	1,893.00	376.00	4,623.00	7,730.00	60.00	1,179.00	435.00	1,450.00	1,015.00
June	2,110.00	399.00	5,166.00	8,671.00	150.00	1,291.00	522.00	1,740.00	1,218.00
July	2,510.00	384.00	6,292.00	10,473.00	150.00	798.00	623.00	2,058.00	1,445.50
August	2,349.00	225.00	5,346.00	8,952.00	120.00	627.00	567.50	1,875.00	1,312.50
September	2,184.00	575.00	5,077.00	8,503.00	210.00	485.00	503.00	1,670.00	1,169.00
October	2,256.00	250.00	5,248.00	10,296.00	60.00	1,093.00	583.00	1,930.00	1,351.00
November	2,155.00	440.00	5,066.00	12,292.00	60.00	1,577.00	502.50	1,657.50	1,162.00
December	<u>2,051.00</u>	<u>310.00</u>	<u>4,685.00</u>	<u>11,795.00</u>	<u>60.00</u>	<u>994.00</u>	<u>485.50</u>	<u>1,556.50</u>	<u>1,078.00</u>
'09 Totals	\$26,443.00	\$4,209.00	\$61,677.00	\$112,380.00	\$1,230.00	\$11,086.00	\$6,281.50	\$20,767.00	\$14,535.50
'08 Totals	\$24,501.00	\$4,227.00	\$64,484.00	\$107,696.00	\$900.00	\$5,079.00	\$1,477.50	\$4,906.50	\$3,435.00

REFERENCE:

- (1) Cuyahoga Regional Information System assessment of \$5.00 per moving violation. Authority R.C. 2949.093. Effective 10-1-05.
- (2) Indigent Application Fee for Ohio Public Defender's Office. Authority R.C. 120.36. Effective 10-1-05.
- (3) State Vic of Crime is Victims of Crime Fund for reparations to victims of crime. Authority R.C. 2743.70.
- (4) State Indigent Defense Support Fund FKA State General Fund collections to defray expense of court appointed counsel for indigents. Authority R.C. 2949.091.
- (5) State Exp. Fee is Record Expungement Fee. Authority R.C. 2953.31 to 2953.36.
- (6) State Indigent Defense Support Fund R.C. 4511.19
- (7) State I.D.A.T. Indigent Driver's Alcohol Treatment Fund R.C. 2949.094
- (8) State I.D.S.F. Indigent Defense Support Fund R.C. 2949.094
- (9) State Drug Law Enforcement Fund R.C. 2949.094

**CRIMINAL DIVISION
COUNTY AND STATE REVENUES
(VIOLATIONS UNDER STATE STATUTE)**

(Page 2 of 2)

<u>Month</u>	<u>State- Seat Belt</u>	<u>State- Nat'l. Res.</u>	<u>State- Met Park</u>	<u>State- Liquor</u>	<u>State- Child Rest.</u>	<u>County- Criminal</u>	<u>County- Traffic</u>	<u>County - Crime Stoppers (10)</u>	<u>County- Law Lib. (11)</u>	<u>Totals</u>
January	\$1,760.00	\$0.00	\$0.00	\$50.00	\$0.00	\$1,644.00	\$1,848.00	\$86.00	\$624.00	\$22,628.00
February	2,380.00	0.00	255.00	0.00	105.00	2,273.00	926.00	96.00	0.00	\$27,067.00
March	2,052.00	0.00	325.00	0.00	120.00	2,006.00	1,925.00	107.00	0.00	\$29,351.50
April	2,975.00	0.00	35.00	0.00	140.00	1,165.00	2,467.20	112.00	0.00	\$27,533.20
May	2,355.00	0.00	150.00	0.00	147.00	728.00	1,495.80	115.00	0.00	\$23,751.80
June	2,430.00	100.00	0.00	0.00	140.00	1,115.00	2,315.00	138.00	0.00	\$27,505.00
July	2,275.00	110.00	375.00	0.00	270.00	1,026.00	2,250.60	178.00	0.00	\$31,218.10
August	2,328.00	0.00	0.00	50.00	315.00	437.00	624.00	116.00	0.00	\$25,244.00
September	2,322.00	50.00	175.00	0.00	70.00	578.00	552.00	100.00	0.00	\$24,223.00
October	2,155.00	95.00	5.00	150.00	140.00	1,339.00	1,616.00	118.00	0.00	\$28,685.00
November	2,190.00	0.00	200.00	75.00	280.00	788.00	639.00	122.00	0.00	\$29,206.00
December	<u>1,715.00</u>	<u>0.00</u>	<u>70.00</u>	<u>50.00</u>	<u>70.00</u>	<u>313.00</u>	<u>798.00</u>	<u>100.00</u>	<u>0.00</u>	\$26,131.00
'09 Totals	\$26,937.00	\$355.00	\$1,590.00	\$375.00	\$1,797.00	\$13,412.00	\$17,456.60	\$1,388.00	\$624.00	\$322,543.60
'08 Totals	\$31,849.00	\$95.00	\$2,042.00	\$287.50	\$1,015.00	\$20,746.00	\$26,776.40	\$333.00	\$667.50	\$300,517.40

REFERENCE:

(10) County Crime Stoppers

(11) County Law Library is annual apportionment assessment to support same. Authority R.C. 3375.50.

All other fees are for Criminal, Traffic, Seat Belt, Natural Resources, Metropolitan Park, Liquor, and Child Restraint State Statute violations.

CRIMINAL DIVISION

TRAFFIC AND CRIMINAL DIVISION

Traffic and criminal misdemeanor cases range from minor misdemeanors, with penalties of a fine up to \$150 to first degree misdemeanors, which carry a possible fine up to \$1,000 and a jail sentence up to six (6) months.

Most traffic cases are minor misdemeanors. Instead of a court appearance, a fine for a minor misdemeanor may be paid without a court appearance. Traffic citations may be paid by phone with credit cards. The waiver schedule is available from the Court or from the Court's website. (www.lakewoodcourtoh.com). When a traffic or criminal charge involves the possibility of a jail sentence, then a court appearance is required.

Traffic cases decreased by 372 cases (3.30%) from 6,670 new cases in 2008 to 6,272 cases last year. One specific type of traffic case, charges for operating a vehicle under the influence of alcohol (O.V.I.) decreased from 233 cases in 2008 to 207 in 2009. This includes both misdemeanor and felony O.V.I. cases. An O.V.I. charge is elevated to a felony when the defendant has three (3) or more convictions for O.V.I. within six (6) years or five (5) or more O.V.I. convictions within twenty (20) years from the time of arrest.

There was a small increase of 14 criminal misdemeanor cases, from 2,102 cases in 2008 to 2,134 in 2009. These cases include theft, assault, domestic violence and some drug offenses.

In addition to the traffic and criminal cases in 2009, 1,438 arrest warrants were executed by the Lakewood Police. These are warrants issued for persons who failed to appear in Court voluntarily after being served with a traffic citation or misdemeanor criminal complaint. It also includes warrants for post trial proceeding such as community control supervision violation hearings and hearings to address unpaid fines. Warrants on a pending case due to lack of appearance by a defendant mean increased work per case. Without the assistance of the Lakewood Police, the Court could not operate effectively.

Felony charges filed in the Lakewood Municipal Court decreased from 212 cases in 2008 to 114 cases in 2009. The decrease in case filings was due to a change in reporting through the court's participation in the Criminal Justice System Management Program.

The jurisdiction for felony cases is in the Common Pleas Court. A Municipal Court has jurisdiction in felony cases to set bond and determine if there is evidence of probable cause for the case to be transferred to the Common Pleas Court. The felony cases refer only to the charges filed in the Lakewood Municipal Court and do not include felony charges filed directly in the Common Pleas Court.

CRIMINAL JUSTICE SYSTEM MANAGEMENT PROGRAM

A comprehensive review of felony case processing for Cuyahoga County was conducted by the Justice Management Institute resulting in a report issued in 2005. Multiple recommendations were made to the Cuyahoga County Board of Commissioners, Prosecutor and Common Pleas Court to revise procedures for handling felony cases. One

of the accomplished recommendations is a greater integration between the Common Pleas Court and Municipal Courts in Cuyahoga County for processing felony cases.

With the Criminal Justice System Management Program felony cases are directly processed and transported to the Cuyahoga County Jail. As a result, the number of felony cases processed through the Lakewood Municipal Court has been greatly reduced. This efficient and expedited processing procedure substantially reduced time in the Lakewood jail for felony cases by immediate transfer to the Common Pleas Court as the court of disposition. In addition, the procedures have resulted both in earlier representation and discovery by defense attorneys as well as earlier disposition of felony cases. The length of time from felony arrest in Lakewood to indictment Common Pleas Court has been drastically reduced.

Benefits realized from the Criminal Justice System Management Program include jail reduction, cost efficiency, consistency in criminal representation and early disposition of cases. The success of the program is due to a coordinated effort by all elected officials and agencies involved in the Cuyahoga County criminal justice system.

MENTAL HEALTH COURT

Numerous criminal cases involve mental illness and/or substance abuse. Over the past eight (8) years, the Lakewood Court has been actively involved in the Mental Health Court Program in cooperation with other municipal courts in Cuyahoga County. While mental illness is a problem for every court, there is insufficient volume for a single court to maintain its own program. This program, which is financially supported by the Cuyahoga County Commissioners, provides an efficient resource for suburban municipal courts with standardized screening procedures and a coordinated system of assistance. It also brings judges and court staff together on a regional basis to share resources and seek remedies that will benefit the community.

The purpose of this program is to ensure that severely mentally ill persons charged with misdemeanor offenses will be identified, screened and linked to mental health services. In 2009, the sixth complete year of the program, the Lakewood Court dealt with twenty five (25) cases. There were twenty nine (29) similar cases in 2008. Although few in number, these cases require extensive time and involvement of court staff and attorneys certified in this specialized area.

Mental health issues in these cases were identified earlier and the persons involved were expeditiously referred for commitment, medication or other treatment. The efficiency of the program not only reduces the risk to the City by transferring the defendant from the Lakewood jail, but also provides the defendant with medication and other treatment during the evaluation process. With this program, not only can the illness be addressed, but also future criminal incidents may be reduced.

HOUSING COURT CASES

Criminal cases

Building and health code violations are also included in the criminal category. The number of building code violations decreased for the fourth straight year from 181 cases in 2008 to 159 cases in 2009. These cases comprised less than two percent (2.00%) of traffic and criminal case filings. Although classified as criminal, these cases are different from other criminal cases, for the focus is upon bringing properties into compliance rather than dealing with past misconduct. While there may appear to be greater emphasis on housing code violations in light of the relatively small number of cases, these cases are extremely important because of the age of many Lakewood homes.

In addressing these cases, the Court balances the need to enforce the building code and maintain housing stock with the interests of the property owner. Regularly scheduled compliance hearings with the property owner and the building inspector, along with incremental fines, generally obtain compliance. Because many of the violations involved exterior work, such as painting, landscaping and masonry, it was not feasible to seek compliance with these violations during the winter months. Building code compliance became more challenging last year with the increase of foreclosures and vacant houses. With the active participation of Mary Anne Crampton and Hilary Schickler with the LakewoodAlive Housing Outreach Program, defendants were provided assistance to expedite building code compliance.

Civil Cases

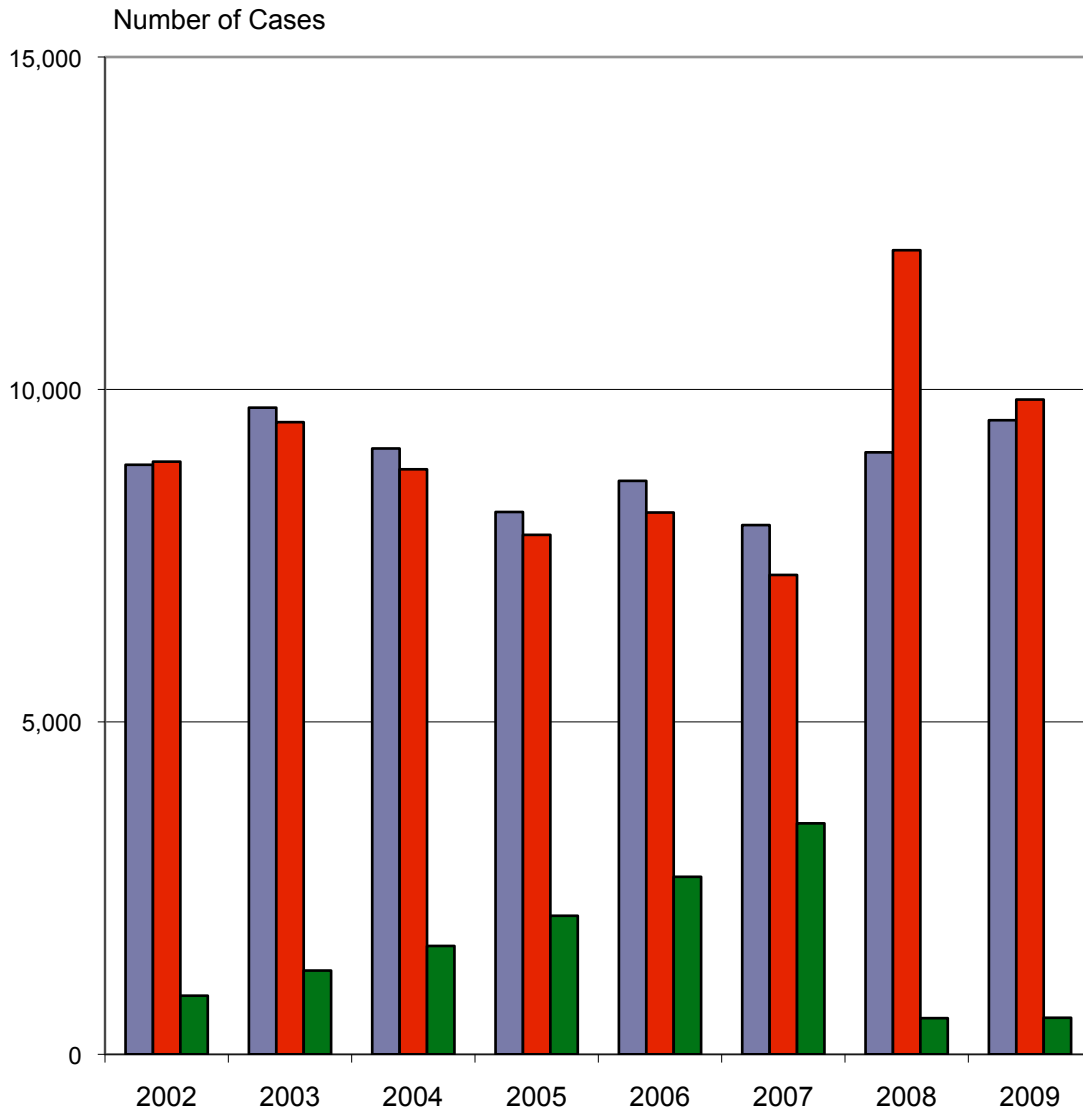
In addition to prosecution by the City for noncompliance with building code cases, a tenant is permitted under Ohio Law to obtain compliance with building code violations against landlords without the city's involvement by depositing rent with the municipal court. Tenants must be current in their rent and give the landlord reasonable notice of the lease or code violations. If the landlord does not remedy the violation, the tenant may deposit the rent with the court. The court will retain possession of the rent until compliance has been made. In addition, the court may also order a reduction of rent to the tenant for the period of time of the violation. There were 17 rent deposit cases in 2009, compared to 33 cases in 2008.

PARKING TICKETS

Unlike other cases handled by the court, parking ticket fines are set by Lakewood City Council. The Lakewood Court merely acts as a collection agency for the City and provides a forum for disputes of parking tickets. Parking tickets filed with the court in 2009 decreased by 826 from 12,004 in 2008 to 11,178 in 2009. Parking tickets are not included in the number of cases filed with the court unless the recipient files a dispute with the court. Once a dispute is filed, a case number is assigned and scheduled for court. There were 34 disputed parking tickets in 2009, an increase from 27 disputed cases in 2008.

Chart 6

**Summary of Traffic & Criminal Cases
for the Lakewood Municipal Court**

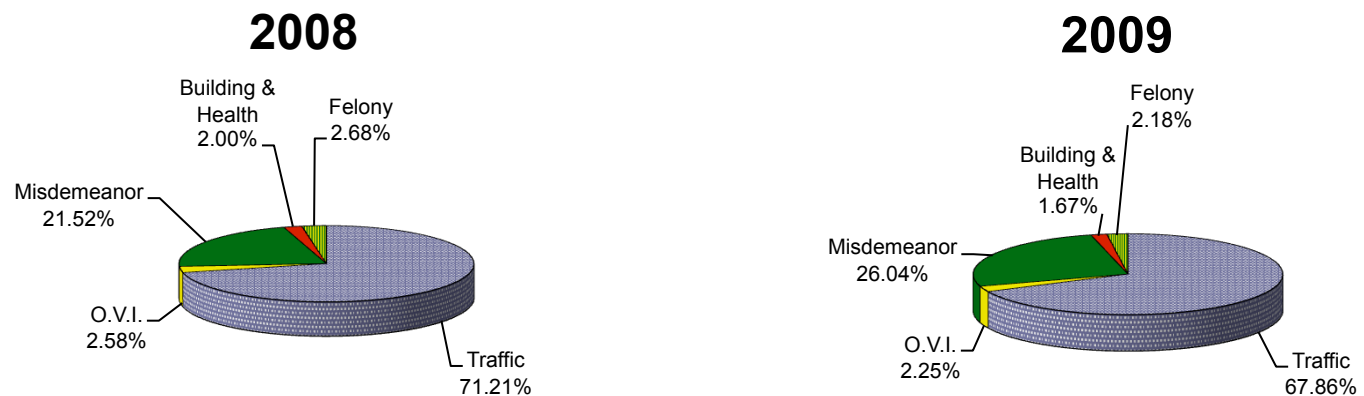


■ Cases Filed ■ Cases Adjudicated ■ Pending Criminal Cases

Source: Annual Superintendence
Reports to the Ohio Supreme Court

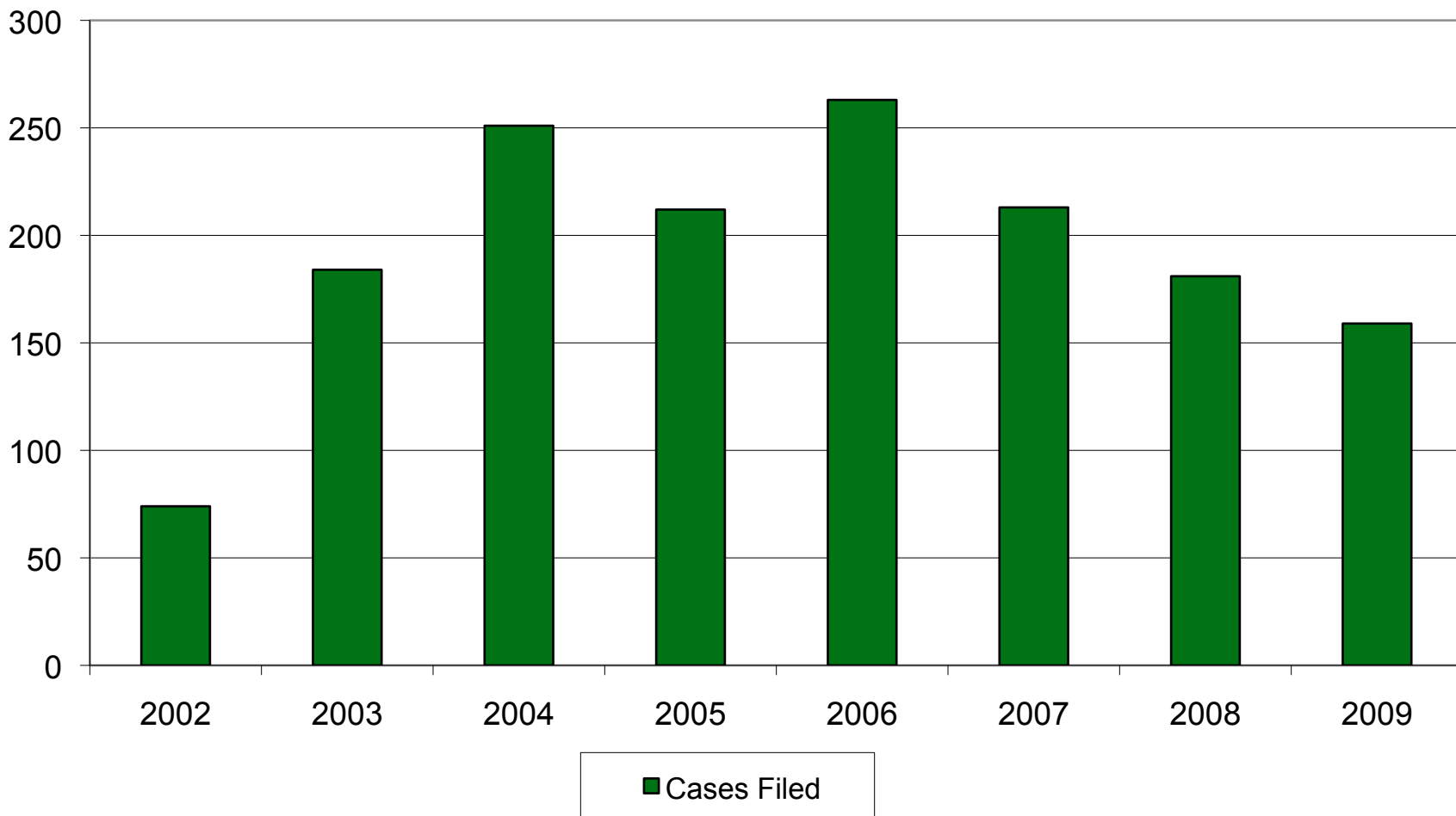
Chart 7

Summary of Traffic & Criminal Cases for the Lakewood Municipal Court 2008 & 2009



Source: Annual Superintendence Reports to the
Ohio Supreme Court

Chart 8 Summary of Cases Involving Building Code Violations in the Lakewood Municipal Court



Source: Annual Court Reports

CRIMINAL DIVISION - MONTHLY SUMMARY OF CITY RECEIPTS AND EXPENDITURES

<u>2009 Receipts</u>	<u>Total Deposits & Bond Receipts</u>	<u>Total City Receipts (all city fines, costs & interest)</u>	<u>Totals</u>
January	\$19,970.00	\$94,871.90	\$114,841.90
February	26,391.00	116,541.59	142,932.59
March	27,015.00	118,841.30	145,856.30
April	22,758.00	110,578.94	133,336.94
May	23,593.00	98,963.53	122,556.53
June	25,466.00	116,597.39	142,063.39
July	25,472.00	127,135.20	152,607.20
August	20,961.00	109,957.80	130,918.80
September	22,050.00	102,737.42	124,787.42
October	22,741.00	109,880.66	132,621.66
November	26,404.10	110,504.00	136,908.10
December	<u>21,104.00</u>	<u>101,029.70</u>	<u>122,133.70</u>
Subtotal Amount	\$283,925.10	\$1,317,639.43	\$1,601,564.53
*Carried Over from December 2008	<u>51,245.00</u>	<u>0.00</u>	<u>51,245.00</u>
Total	\$335,170.10	\$1,317,639.43	\$1,652,809.53

<u>2009 Expenditures</u>	<u>Total Deposits and Bonds Refunded</u>	<u>Total Receipts Summary Disbursed to City-Fines and Costs</u>	
January	\$17,993.00	Traffic	427,467.06
February	27,707.00	Traffic Forfeitures	0.00
March	28,742.00	Criminal	136,299.05
April	24,760.00	Criminal Forfeitures	245.00
May	25,013.00	Parking: Bureau	173,133.00
June	28,049.00	Court	1,970.00
July	26,883.00	10% Bond Costs	21,470.00
August	21,208.00	Court Costs, Exp, LETF	357,402.06
September	19,143.00	Diversion	1,400.00
October	20,508.00	Witness	2,872.00
November	20,622.10	Jury	975.00
December	<u>23,477.00</u>	Interest on Deposits	129.16
Subtotal Amount	\$284,105.10	Crim. unclaimed monies (R.C. 1901.31g)	2,121.40
		O.V.I. Funds (R.C. 4511.99)	18,086.00
Carried Over to 2010	<u>51,065.00</u>	Probation	36,354.00
		Special Projects Fund	114,880.70
		Computer Maintenance Fund	<u>22,835.00</u>
Total	\$335,170.10	Total	\$1,317,639.43
		*'08 Total	\$1,442,699.60

CRIMINAL DIVISION - STATISTICAL DATA

Individual Charge Filings	<u>2008</u>	<u>2009</u>
Traffic Citations	7662	6219
Traffic Summons	47	49
Traffic Warrants	10	4
 Parking Summons	 27	 34
Criminal Citations	2184	1567
Criminal Summons	237	171
Criminal Warrants - Felonies	212	114
Criminal Warrants - Misdemeanors	350	396
 Total Individual Case Filings	 10729	 8554
 Case Adjudications* (Processed Through Open Court or Violations Bureau)	 <u>2008</u>	 <u>2009</u>
 Traffic and Criminal Cases Adjudicated	 13659	 11400
 Arrest Warrants on Complaints Issued and Executed	 <u>2008</u>	 <u>2009</u>
Traffic and Criminal Warrants Issued	406	514
Traffic and Criminal Warrants Executed	592	435
 Contempt of Court Arrest Warrants Issued and Executed	 <u>2008</u>	 <u>2009</u>
Contempt of Court -- Non-appearance Warrants Issued	920	940
Contempt of Court -- Non-appearance for Payment Hearing Warrants Issued	501	410
Contempt of Court -- Non-appearance Warrants Executed	801	698
Contempt of Court -- Non-appearance for Payment Hearing Warrants Executed	386	305

*Computed From Supreme Court Superintendence Report Year-End Figures.

**CRIMINAL DIVISION - STATISTICAL DATA
TRAFFIC OFFENSE DESCRIPTIONS**

Individual Offense Filings

<u>Traffic Offense Description</u>	<u>2008</u>	<u>2009</u>
Backing Without Vigilance	59	53
Bicycle/ Bicycle Helmet Violations	22	33
Certain Acts Prohibited	10	6
Driving on Sidewalk or Curb	5	5
Driving Under Suspension or Revocation	553	418
Earphone Use While Driving	2	7
Emergency Vehicle Violation	1	2
Excessive Noise, Loud Exhaust, Horn Blowing	8	80
Failure to Control Motor Vehicle/Accident/Full Time & Attention While Driving/ Failure to Yield Right of Way/Assured Cleared Distance	337	264
False Info Provided	10	4
Following too Closely	30	27
Improper Change of Course, Lane Usage, Weaving, Right Side of Roadway	118	139
Improper or Unsafe Lights & Equipment, Obstructed View	397	351
Improper Passing	14	20
Improper Turns	58	142
Improper Vehicle Ident, Illegal Use of Plates, Exp. Plates, Fictitious Plates	1112	1020
Leaving Scene of Accident/Hit Skip/Stopping After Accident	63	71
Left of Center	0	5
Litter from Motor Vehicle	10	28
Motorcycle/Moped Violations	1	10
No Operator's License; License Restrictions, Exp.Operator's License, Unlicensed to Drive	608	536
One Way Streets	0	16
Open Door in Traffic	7	2
Operating a Vehicle Impaired (L.C.O.)	160	148
Operating a Vehicle Impaired(R.C.)	62	54
Parking (To Court)	27	34
Pedestrian Related; Right of Way	43	57
Physical Control (L.C.O.)	3	1
Physical Control (R.C.)	5	2
Playing in Street	1	0
Railroad Crossing Violations	1	0
Reckless Operation of Vehicle	17	20
Restricted Street, Excessive Weight or Load, Closed Street	133	128
Seatbelt/Child Restr. Law	1544	1413
Speeding	1527	1049
Stop For School Bus	2	4
Temporary Operator's Permit Violation	67	53
Tire Peeling	26	15
Toys in Street	7	9
Traffic Control Devices; Traffic Lights & Signs	1190	1558
Unattended Motor Vehicle	21	27
Unsafe Motor Vehicle	7	9
Use of Highway For Soliciting	2	2
Willful and Wanton Disregard	6	13

**CRIMINAL DIVISION - STATISTICAL DATA
CRIMINAL OFFENSE DESCRIPTIONS**

CITY ORDINANCE OFFENSES -MISDEMEANORS

<u>Criminal Offense Description</u>	<u>Individual Offense Filings</u>		<u>Criminal Offense Description</u>	<u>Individual Offense Filings</u>	
	<u>2008</u>	<u>2009</u>		<u>2008</u>	<u>2009</u>
Aggr. Menacing	12	15	Menacing	8	12
Animal Code Violation	64	68	Misuse of Credit Cards	3	9
Assault	42	50	Noise Violations	137	127
Building & Zoning Code Violations	181	159	Obstructing Justice	4	1
Carry Concealed Weapon/ Improper Handling of a Firearm	9	13	Obstruction Official Business	54	54
Comply Lawful Order	8	4	Occupying a Drug Premisis	4	8
Contributing to Delinquency of Minor	22	0	Open Container/Public Consumption	95	77
Criminal Damaging	42	44	Passing Bad Checks/NSF Checks	5	2
Criminal Mischief	7	6	Possession of Dangerous Toys	4	4
Criminal Simulation	5	2	Possession of Drug Instruments/Parapha	117	115
Criminal Trespassing	89	101	Possession/Discharge Fireworks	17	11
Curfew/Park	60	50	Promoting Prostitution/Soliciting	3	1
Defraud Livery	6	6	Public Indecency/Exposure	4	3
Discharging Firearms	2	4	Receiving Stolen Property	25	20
Disorderly Conduct/Persist/Intox	715	799	Resisting Arrest/Willful Fleeing	20	13
Domestic Violence	5	5	Rummaging in Refuse/Refuse Removal	5	4
Drug Abuse/Poss of Halluc/Marijuana	97	126	Sales to Minor/Minor Purchasing & Possession of Alcohol	66	45
Endangering Children	12	22	Soliciting License/Bill Posting	7	7
False Alarms	7	7	Stun Gun	2	4
Falsification/False Info to Officer	60	61	Telephone Harassment	6	12
Health Code Violation	1	0	Theft/Petty Theft	76	75
Hours of Sale/Consumption	4	1	Unauthorized Use Motor Vehicle	3	4
Illegal Knives	4	5	Unlawful Restraint	1	2
Inducing Panic	1	4	Unlawful Transaction use in Weapons	8	9
Littering	14	10	Unlawful Use of Property	3	2
			Voyeurism	1	0

**CRIMINAL DIVISION - STATISTICAL DATA
CRIMINAL OFFENSE DESCRIPTIONS**

STATE STATUTE OFFENSES - MISDEMEANORS

<u>Criminal Offense Description</u>	<u>Individual Offense Filings</u>		<u>Criminal Offense Description</u>	<u>Individual Offense Filings</u>	
	<u>2008</u>	<u>2009</u>		<u>2008</u>	<u>2009</u>
Aggravated Menacing	6	2	Illegal Dist. Of Tobacco	2	0
Alcohol Consumption in a Motor Veh	0	1	Importuning	1	0
Arson	1	0	Interfere with Custody	1	2
Assault	13	16	Menacing/Stalking	6	1
Boating Violations	1	5	Obstruction Justice, Official Bus.	0	8
Contempt of Court	22	11	Passing Bad Checks	0	2
Contributing to Delinquency of Minor	1	3	Possession of Criminal Tools	11	12
Criminal Damaging/ Mischief	1	4	Public Indecency/Sexual Imposition	2	7
Criminal Simulation	6	7	Receiving Stolen Property	7	10
Criminal Trespassing/Agg Tress	5	6	Resisting Arrest	2	0
DCI	3	3	Restricted Sales Liquor	2	0
Domestic Violence	53	36	Riot	4	0
Drug Paraphernalia	4	7	Sales to Minor/Poss/Consump	2	10
Drugs of Abuse	13	4	Telephone Harrasement	1	2
Endangering Children	0	3	Theft	89	123
Extradition	4	3	Unauthorized Use of Motor Vehicle/ Persist	1	3
Failure to File Taxes	7	3	Unlawful Restraint	0	1
Falsification/Taking Identity	3	6	Use/Discharge Firearms	1	3
Fishing Without a License/Illegal Acquisition of Wild Animals	13	8	Violation of TPO	17	12
			Willful Flee & Elude	3	1

OTHER GOVERNMENTAL AGENCIES

	2008	2009
Cuyahoga County Sheriff	0	3
Department of Natural Resources		
Division of Wildlife/Watercraft	2	7
Metropolitan Park-Including Traffic	24	18
Liquor Control	3	3
Public Safety	1	3
Ohio Dept of Tax	7	1
Ohio State Patrol	0	1

CRIMINAL DIVISION - STATISTICAL DATA
CRIMINAL OFFENSE DESCRIPTIONS
STATE STATUTE OFFENSES - FELONIES

<u>Criminal Offense Description</u>	<u>Individual Offense Filings</u>		<u>Criminal Offense Description</u>	<u>Individual Offense Filings</u>	
	<u>2008</u>	<u>2009</u>		<u>2008</u>	<u>2009</u>
Aggravated Arson	1	2	Illegal Conveyance of Prohibited Item	1	0
Aggravated/Felonious Assault	15	10	Illegal Processing of Drug/ Documents	1	1
Aggravated Burglary	6	0	Intimidation, Retaliation	1	3
Aggravated Murder/Attempt	0	1	Kidnapping	0	1
Aggravated Riot/Riot	2	0	Menacing by Stalking/Telephone Harassment	0	4
Aggravated Robbery	7	2	Misuse of Credit Card	2	0
Aggravated Trespassing/ Criminal Trespassing	0	3	Murder	1	0
Aggravated Vehicular Assault	1	0	Passing Bad Checks	4	3
Assault	2	0	Patient Neglect	1	0
Attempt	2	3	Permitting Drug Abuse	0	1
Breaking and Entering	8	1	Petty Theft	3	0
Burglary	14	8	Possession of Criminal Tools	1	0
Carrying a Concealed Weapon	3	1	Prostitution	0	1
Corruption of a Minor	0	4	Rape	6	4
Criminal Simulation	1	0	Receiving Stolen Property	15	8
Deception to Obtain Drugs	1	1	Resisting Arrest	1	0
Domestic Violence/Violation of TPO	6	6	Robbery	10	1
Drugs of Abuse	24	5	Tampering with Evidence	1	1
Endangering Children	2	1	Trafficking in Drugs	33	12
Forgery	1	3	Unauthorized Use of Motor Vehicle	1	0
Fraud, Take Identity Another	1	0	Vandalism	0	1
Grand Theft/Grand Theft Motor Vehicle	30	26	Weapons Under Disability	2	0
Gross Sexual Imposition	0	1	Willful Eluding/Fleeing/Failure to Comply	2	1

CRIMINAL DIVISION - PARKING VIOLATIONS BUREAU

2009 STATISTICAL DATA

	<u>Police Tickets Issued</u>	<u>Meter Tickets Issued</u>	<u>Total Tickets Issued</u>	<u>Summons Issued</u>	<u>Bureau Receipts</u>	<u>Court Adj'd. Receipts</u>	<u>Total Receipts</u>
Jan.	970	113	1,083	3	\$15,160.00	\$325.00	\$15,485.00
Feb.	456	255	711	4	14,110.00	345.00	\$14,455.00
March	468	215	683	2	12,380.00	85.00	\$12,465.00
April	515	178	693	5	10,710.00	175.00	\$10,885.00
May	530	395	925	3	11,115.00	85.00	\$11,200.00
June	555	607	1,162	1	17,976.00	135.00	\$18,111.00
July	590	404	994	1	17,445.00	150.00	\$17,595.00
August	562	422	984	5	12,062.00	200.00	\$12,262.00
Sept.	498	525	1,023	1	16,935.00	60.00	\$16,995.00
Oct.	551	535	1,086	3	15,965.00	115.00	\$16,080.00
Nov.	575	470	1,045	3	15,010.00	25.00	\$15,035.00
Dec.	<u>474</u>	<u>315</u>	<u>789</u>	<u>3</u>	<u>14,800.00</u>	<u>270.00</u>	<u>\$15,070.00</u>
'09 Totals	6,744	4,434	11,178	34	\$173,668.00	\$1,970.00	\$175,638.00
'08 Totals	7,822	4,182	12,004	27	\$207,000.00	\$2,241.00	\$209,241.00

CIVIL DIVISION

CIVIL DIVISION

Civil cases are disputes between private parties, as opposed to a traffic or criminal charge which is a case commenced by the government. Civil cases are generally filed to recover monetary damages, return of property, or restitution of rental premises in eviction proceedings. The monetary jurisdictional limit for cases in this Court is \$15,000. Cases involving a greater claim for money damages must be filed in the Common Pleas Court.

If a party seeks monetary damages of \$3,000 or less, the party has the option of filing a small claims case. The small claims process provides an expeditious and cost efficient forum for people to seek money damages when the amount in dispute is relatively low. In most small claims cases attorneys are not involved and the parties present their case themselves.

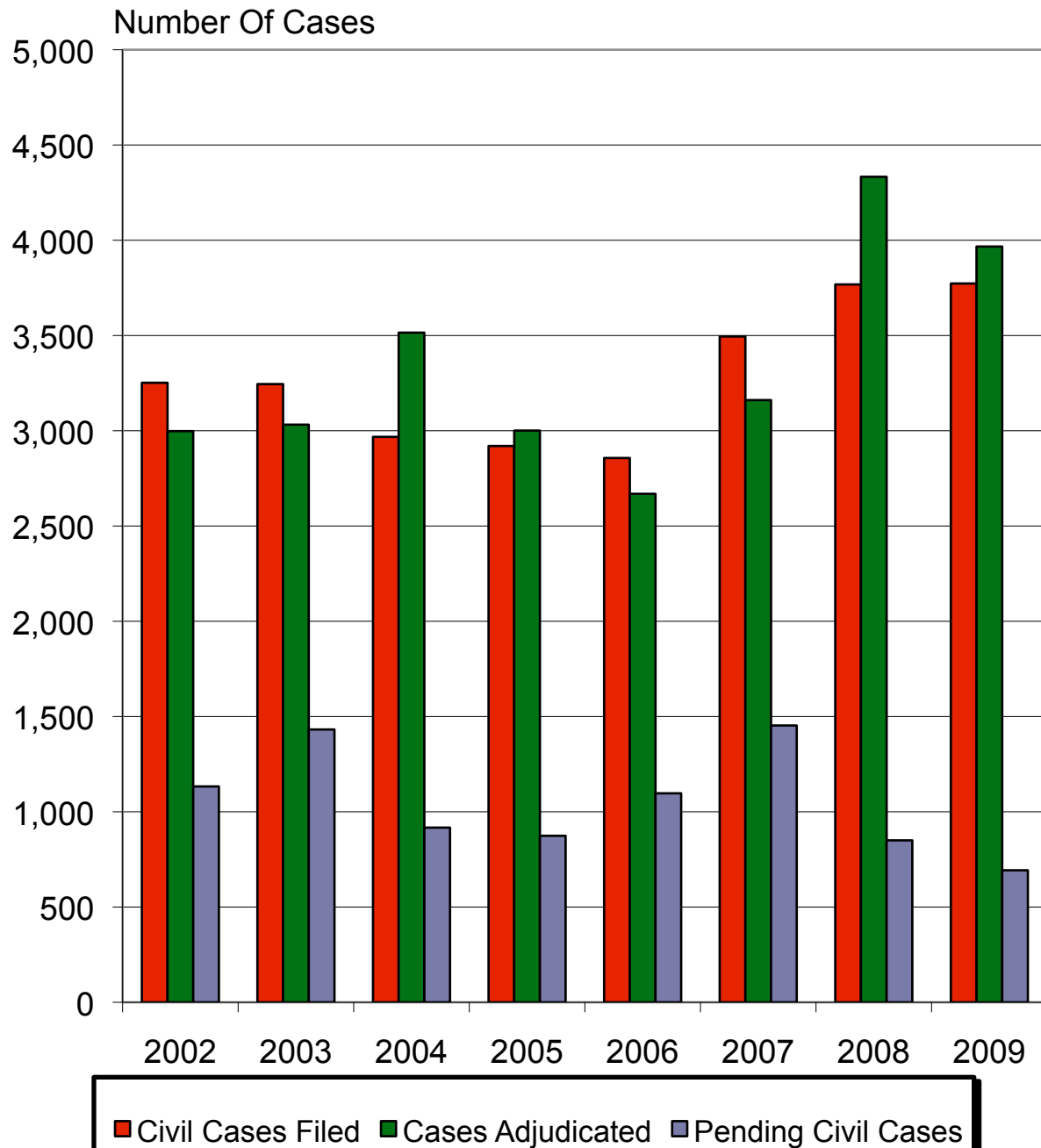
Civil cases are divided into three (3) sections; general civil cases, small claims and eviction proceedings. The total number of civil case filings increased substantially in 2009 from the prior year. General civil cases, involving claims of property damage, personal injury and breach of contract, decreased almost twenty percent (19.94%), from the previous year. (1,301 cases in 2009 and 1,625 cases in 2008.)

One aspect of civil cases, small claims cases, increased by over twenty eight per cent (28.31%) (1,095 cases 2008 to 1,381 in 2009). Of all the small claims cases that were filed last year, 1,121 (81.17 %) were filed by the City of Lakewood for collection of municipal income taxes. The remaining 260 cases (18.83%) were filed by private parties. Small claims filings for private cases increased from the preceding year, although not significantly. Municipal income tax cases increased from the preceding year by over thirty two percent (32.20%). (848 cases in 2008 and 1,121 in 2009).

Also part of the civil division, eviction cases in 2009 increased, although not significantly, from 1,048 cases in 2008 to 1,067 cases in 2009. These cases include a landlord's claims for possession of the rental property, damages to the premises and unpaid rent. It also includes a tenant's claim for return of security deposit and deposit of rent into escrow with the Clerk of Court.

Chart 9

**Summary of Civil & Small Claims Cases
for the Lakewood Municipal Court**

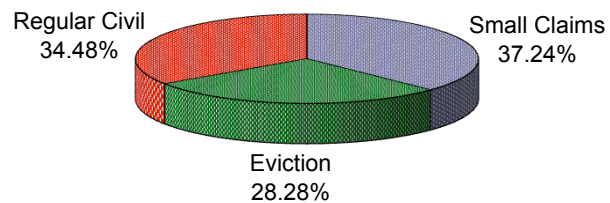


Source: Annual Superintendence Reports to the Ohio Supreme Court

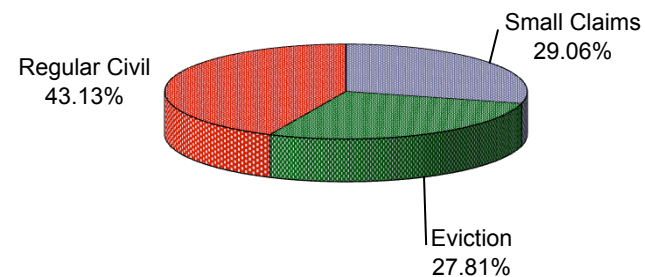
Chart 10

Summary of Civil Case Filings for the Lakewood Municipal Court 2008 & 2009

2009



2008



Source: Annual Superintendence Reports to the
Ohio Supreme Court

CIVIL DIVISION - TRUSTEESHIP MONTHLY SUMMARY OF RECEIPTS

<u>2009 Receipts</u>		<u>Total Receipts*</u>
Carried over from Dec., '09	\$	-
January		1,112.00
February		1,112.00
March		1,291.29
April		662.23
May		720.00
June		952.02
July		820.00
August		920.00
September		1,560.00
October		995.00
November		580.00
December		<u>932.00</u>
'09 Total	\$	11,656.54
Costs disbursed to City	\$	\$226.16
Disbursed to Creditors		9,978.33
Refunded to Trustee		166.29
Undisbursed & Carried over - Jan '10		1285.76
		'09 Total \$11,656.54

Explanatory Note:

Total receipts and expenditures include:

Court Costs paid to City

All Trustee monies accepted by Clerk's Office to be disbursed to eligible creditors

Monies on deposit at year-end undisbursed and carried over to subsequent year

PROBATION DEPARTMENT

2009 PROBATION DEPARTMENT ANNUAL REPORT

The Lakewood Municipal Court Probation Department maintained its commitment to the community under the direction of Judge Patrick Carroll. The Probation Department provides an important service to the Lakewood Community. It is responsible for two primary functions within the court system: presentence probation investigations and probation supervision. A presentence investigation (PSI) is conducted on behalf of the Court after the defendant has been convicted through a plea of guilt or a finding of guilt. The defendant is scheduled for a personal interview with the Probation Department to provide the Court with more background information on the offense prior to final disposition.

The investigation includes the offender's personal history and his or her version of the offense, the police report, a criminal record check, and recommendation for disposition. The presentence report may also include collateral interviews with all appropriate parties to the offense such as the offender's family members, the arresting police officer, and the victim. The Probation Department produced 300 presentence investigations this year to assist the Court with sentencing.

When an offense results in property damage or personal injury, the victim is requested to provide information regarding the offense and is encouraged to express an opinion about sentencing. It is the Probation Department's responsibility to consult with the victim to verify the amount of loss or personal injury and to forward that information to the Court so the Court may order payment of restitution in the appropriate situations. In 2009, the Probation Department collected \$68,979.87 in restitution that was distributed to victims of crime.

In addition to preparing presentence reports, the Probation Department supervises a large monthly volume of offenders that have been placed on active reporting status by the Court. The average number of probationers supervised each month is 236. Probationers are required to strictly comply with a variety of conditions imposed by the Court in order to maintain their freedom in the community and avoid imposition of the original jail sentence. Terms of probation frequently contain a strong rehabilitation component to address the problems which initially brought the offender to the Court's attention.

Court imposed rehabilitation may include such elements as mandatory treatment for alcohol/drug dependency, abstinence from alcohol and all mood altering substances, attendance at self-help group meetings such as Alcoholics Anonymous, personal counseling, and mandatory participation in anger management counseling for those offenders convicted of domestic violence.

As available jail space declines, the Probation Department coordinated electronic monitored house arrest and global tracking as an alternative jail sentence in appropriate cases. According to Ohio law, offenders sentenced to electronic monitoring must serve three times as many days under house arrest to equal the amount of actual jail time designated by statute for the particular offense. Eighteen (18) offenders were assigned and successfully completed a period of house arrest. Eligible offenders for the program are those with non-violent offense convictions who lack significant prior criminal histories and are gainfully employed.

Global tracking was used in 2009 to track an offender who was convicted of stalking. As is the case with house arrest, people monitored with a global tracking device are required to pay for the cost of the service.

Offenders assigned to house arrest and global tracking are required to pay their own service fees to the house arrest and global tracking provider for installation and daily monitoring. This requirement appears to be a forceful motivator encouraging offenders to complete the program because all fees are non-refundable and there is no credit for time served upon a finding of violation.

The Probation Department has also made referrals to ignition interlock services for repeat DWUI offenders with occupational driving privileges. Installation of an ignition interlock device requires the driver to blow into a breathalyzer which is attached to the ignition, and if the device tests positive the vehicle will not start.

A significant amount of time in the Probation Department is devoted to case management as well as preparation for probation violation hearings. Approximately 280 probationers were required to appear in court over the last year to answer to charges of probation violation. After scheduling a hearing, it is the probation officer's duty to inform the offender of the nature and consequences of the charges pending and to prepare testimony for the Court regarding the details of the violation.

When confronted with strong evidence of violation, the offender will frequently acknowledge his or her lack of compliance. The Court then has several options to remedy the violation ranging from the imposition of the original jail sentence to mandating that additional or more stringent conditions of probation be imposed that, if met, will demonstrate that continued probation supervision is warranted for the benefit of the probationer and the community at large.

Offenders who appear in Lakewood Court and are later referred to the Probation Department often suffer from a variety of personal problems including alcoholism, drug addiction, marital and family problems, sexual maladjustment, financial, psychiatric, and medical problems. The Department works diligently utilizing a variety of community resources to offer offenders assistance in the areas where they need it most. Consequently, when the probation term expires often the offender can successfully return to the community without supervision as a law-abiding, productive citizen.

The Probation Department continues to see an increase in the incidence of mentally ill offenders. This group of offenders often requires more time for case management. With this in mind, the Lakewood Municipal Court, along with five other area municipal courts became a part of the Mental Health Court Liaison Project. This project was implemented in February 2003. The purpose of the project is to assist municipal court systems with early identification, assessment, referral/linkage to community based alternatives for the non-violent mentally ill offender. Mental health liaisons work collaboratively with the Probation Department to meet these needs. In 2009 twenty-five (25) individuals were referred to the mental health liaisons and/or a forensic psychologist for a mental health evaluation. As a result of this project, mentally ill offenders have decreased the amount of time spent in jail and has been diverted to more appropriate resources such as psychiatric hospitals, crisis stabilization units or home. Mentally ill offenders have benefited by not losing their housing or other entitlements as well as being re-engaged with the community mental health system.

**PROBATION DEPARTMENT MONTHLY ACTIVITY SUMMARY
REFERRAL RESULTS**

	PSI Carry Over to next Mo.	PSI Monthly Referrals	Presentence Investigation Completed PSI	Active Prob. Mo. Vol.	Restitu- tion Collected	Probation Violation Hearings	House Arrest Assign.	INACTIVE Probation w//PSI	ACTIVE Probation w//PSI	ACTIVE Probation No PSI	ACTIVE Probation Term.
January	20	31	31	242	\$5,912.00	13	1	1	12	14	37
February	22	23	23	245	8,103.36	31	1	4	15	12	24
March	11	21	31	251	12,435.28	20	1	7	14	13	21
April	15	21	24	241	5,431.74	27	0	2	7	14	31
May	21	24	18	250	2,556.00	37	6	2	12	20	23
June	22	25	23	250	5,725.88	29	1	2	11	20	31
July	20	20	19	244	3,478.78	15	0	3	8	16	30
August	26	29	25	228	3,572.07	19	1	2	9	8	33
September	19	29	32	212	4,305.05	25	0	2	9	12	37
October	12	28	30	213	5,250.44	21	0	3	13	15	27
November	34	37	20	231	7,420.02	23	1	1	8	19	9
December	36	<u>32</u>	<u>24</u>	<u>227</u>	<u>4,789.25</u>	<u>20</u>	<u>1</u>	<u>2</u>	<u>8</u>	<u>11</u>	<u>23</u>
2009 Total		320	300	236	\$68,979.87	280	13	31	126	174	326
2008 Total		275	325	269 (Mo.Avg,)	\$74,326.40	156	23	28	144	145	312

**310 Total New
Active Probation
Referrals 2009**

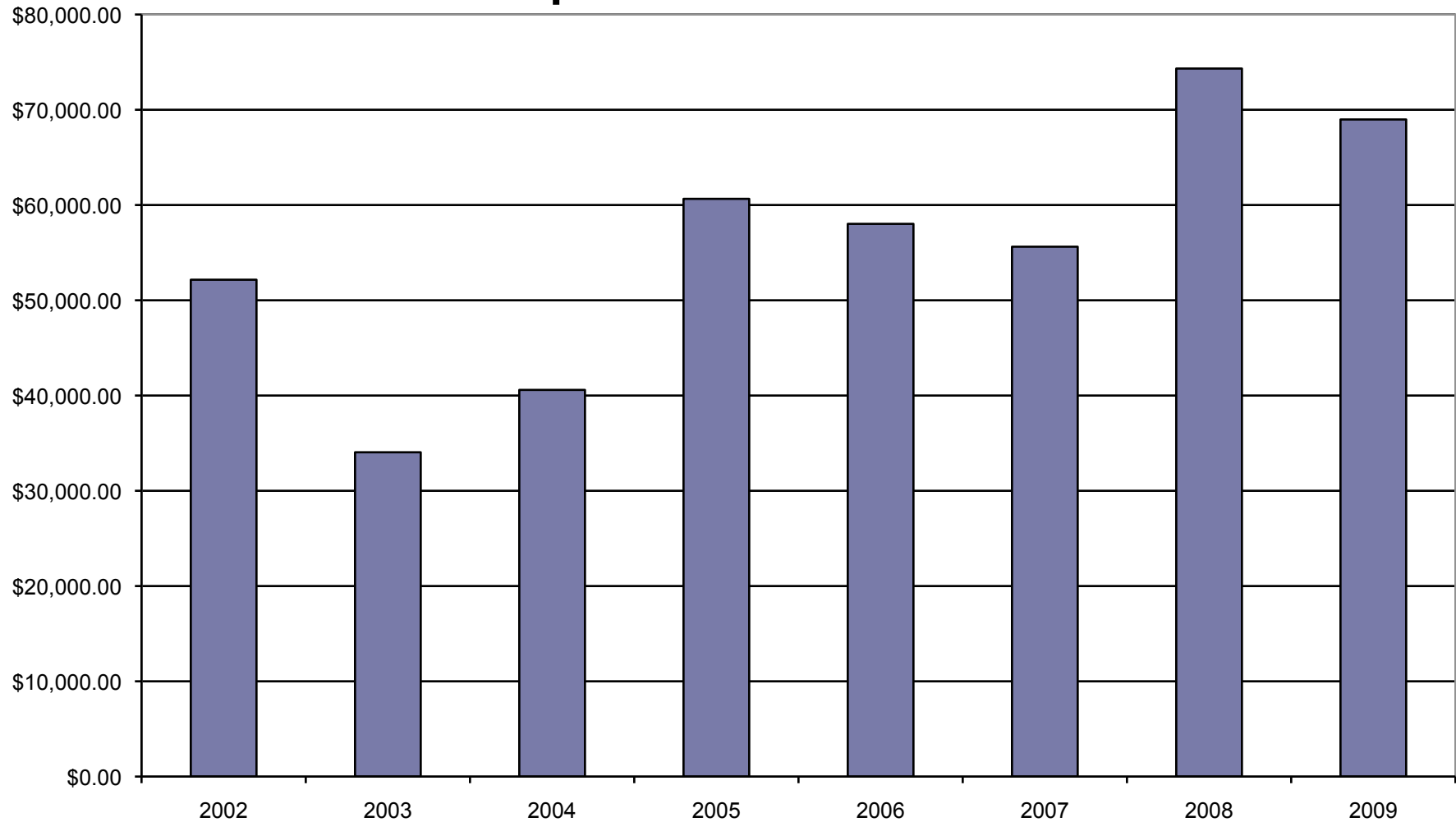
PROBATION DEPARTMENT - STATISTICAL ARREST DATA
The following listing is a breakdown of the quantity and type of convictions
referred for active probation supervision in 2009:
PAGE 1 OF 2

	<u>2008</u>	<u>2009</u>
Aggravated Menacing/Menacing	9	5
Arson	0	0
Assault	24	29
Assured Clear Distance	1	0
Attempted Deception to Obtain	2	0
Attempted Possession of Drugs	5	1
Attempted Theft	2	0
Backing Without Vigilance	0	1
Building Violations	1	0
Carrying a Concealed Weapon	1	2
Certain Acts Prohibited	3	0
Child Endangering	5	9
Contempt of Court	0	3
Contributing Del. Minor	1	4
Criminal Damaging	9	17
Criminal Trespassing	11	16
Cruelty to Animals	1	0
Disorderly Conduct	5	10
Dogs at Large	0	1
Domestic Violence	41	20
Drag Racing	0	4
Driving While Under Suspension	20	17
Drug Abuse	4	10
Failure to Comply	1	0
Failure to Control	7	6
Failure to Reinstate	1	0
Failure to Yield	1	2
False Alarms	2	2
False Information	0	6
Full Time & Attention	2	0
Hit Skip	6	1
Improper Identification	1	1
Inducing Panic	1	1
Interfering with Custody	1	0
Intox	24	37
Misuse of Credit Cards	3	0
Noise	0	3
No Operators License	1	3
Obstruction of Official Business	9	9
Occupy Drug Premisis	1	1
Open Container	3	3
Operating a Vehicle Impaired	82	77

PROBATION DEPARTMENT - STATISTICAL ARREST DATA
The following listing is a breakdown of the quantity and type of convictions
referred for active probation supervision in 2009:
PAGE 2 OF 2

	<u>2008</u>	<u>2009</u>
Permitting Drug Abuse	0	1
Permitting Unlicensed Driver	1	0
Persisting	2	4
Petty Theft	20	22
Physical Control	7	0
Pocket Knives	1	0
Possession of Criminal Tools	3	0
Possession of Drug Paraphernalia	25	26
Possession of Drugs	3	1
Probation Violation	17	16
Prohibition Concerning Animals	1	0
Prostitution	0	1
Public Indecency	1	1
Receiving Stolen Property	4	1
Reckless Operation	1	3
Resisting Arrest	10	3
Sales to Minors	10	4
Seatbelt	1	2
Tampering with Evidence	0	2
Telephone Harassment	2	3
Theft	3	6
Traffic Control Device	1	0
Unauthorized Use of Motor Vehicle	4	3
Unlawful Entrustment	0	1
Unlawful Restraint	1	1
Violation of a Temporary Protection Order	4	3
Voyerism	0	1
Walking on Highway	1	0
Willful Fleeing	3	0
	417	406

Chart 12 **Summary of Restitution Collected by
Probation Department For Victims of Crime**



COMMUNITY WORK SERVICE

The following listing is a breakdown of quantity and type
of convictions referred for Community Work Service in 2009

PAGE 1 OF 2

<u>OFFENSE</u>	<u>NO. OF CASES</u>	
	<u>2008</u>	<u>2009</u>
Animal Violation		1
Aggravated Menacing/Menacing	8	2
Assault	20	11
Assured Clear Distance	1	0
Attempted Drug Abuse	1	0
Attempted Forgery	0	0
Attempted Petty Theft	1	1
Attempted Possession of Cocaine	2	1
Attempted Trafficking	0	0
Backing Without Vigilance	1	0
Carrying a Concealed Weapon	2	1
Change of Course	0	0
Contributing to Delinquency of a Minor	13	7
Criminal Damaging	19	19
Criminal Mischief/Body Piercing	0	1
Criminal Trespassing/Aggravated Trespassing	14	13
Discharging Fireworks/Possession of Fireworks	13	10
Disorderly Conduct/Intoxication/Persist	8	19
Domestic Violence	3	2
Driving While Under Suspension	37	46
Drug Abuse	6	8
Endangerment - Child	1	4
Expired License	0	1
Expired Plates	1	0
Failure to Control	18	20
Failure to Yield	4	3
False Information	3	8
Full Time and Attention	0	4
Hit-Skip	18	17
Identity Theft	2	0
Illegal Distribution of Tobacco	1	0
Improper Handling of a Firearm	1	1
Improper Identification	3	1
Improper Turn/backing	4	1
Inducing Panic/Riot	0	0
Littering	0	0
Making False Alarms	1	2
Misuse of Credit Cards	4	3
Noise	2	0

COMMUNITY WORK SERVICE

The following listing is a breakdown of quantity and type
of convictions referred for Community Work Service in 2009

PAGE 2 OF 2

	<u>2008</u>	<u>2009</u>
No Operator's License	14	13
Obstruction of Justice/Impersonating a PO/Prostitution	3	
Obstruction of Official Business	9	11
Open Container of Alcohol in Public	2	4
Operating a Vehicle Impaired	149	120
Passing of Bad Checks	3	2
Permitting Curfew	1	0
Petty Theft	28	44
Physical Control of Vehicle Under the Influence	4	6
Possession of Criminal Tools	2	0
Possession of Drug Paraphernalia	7	8
Possession of Hallucinogens/Marijuana	1	1
Probation Violation/Contempt of Court	119	110
Receiving Stolen Property	7	6
Reckless Operation of a Vehicle	5	10
Red Light	0	1
Resisting Arrest	4	3
Sales of Alcohol to Minor/Underage Possession	31	41
Seat Belt/Child Restraint	5	3
Speed	1	0
Telephone Harassment	1	1
Temporary Permit	2	3
Theft with Elderly Specs	1	0
Traffic Control Device/Misc. Traffic	1	1
Unauthorized Use of a Motor Vehicle	4	0
Unauthorized Transportation of a Weapon	0	2
Violation of Temporary Protection Order	0	1
	626	597

****NOTE:** 299 Defendants were assigned CWS in 2009. There were 91 Defendants who had two offenses.

17 Defendants who had three offenses.

Of the 41 Salea of Alcohol to Minor/Underage Possession, 31 were offered the Diversion Program

93 Defendants were assigned restitution in 2009

7 Defendants were assigned GED in 2009

COMMUNITY WORK SERVICE

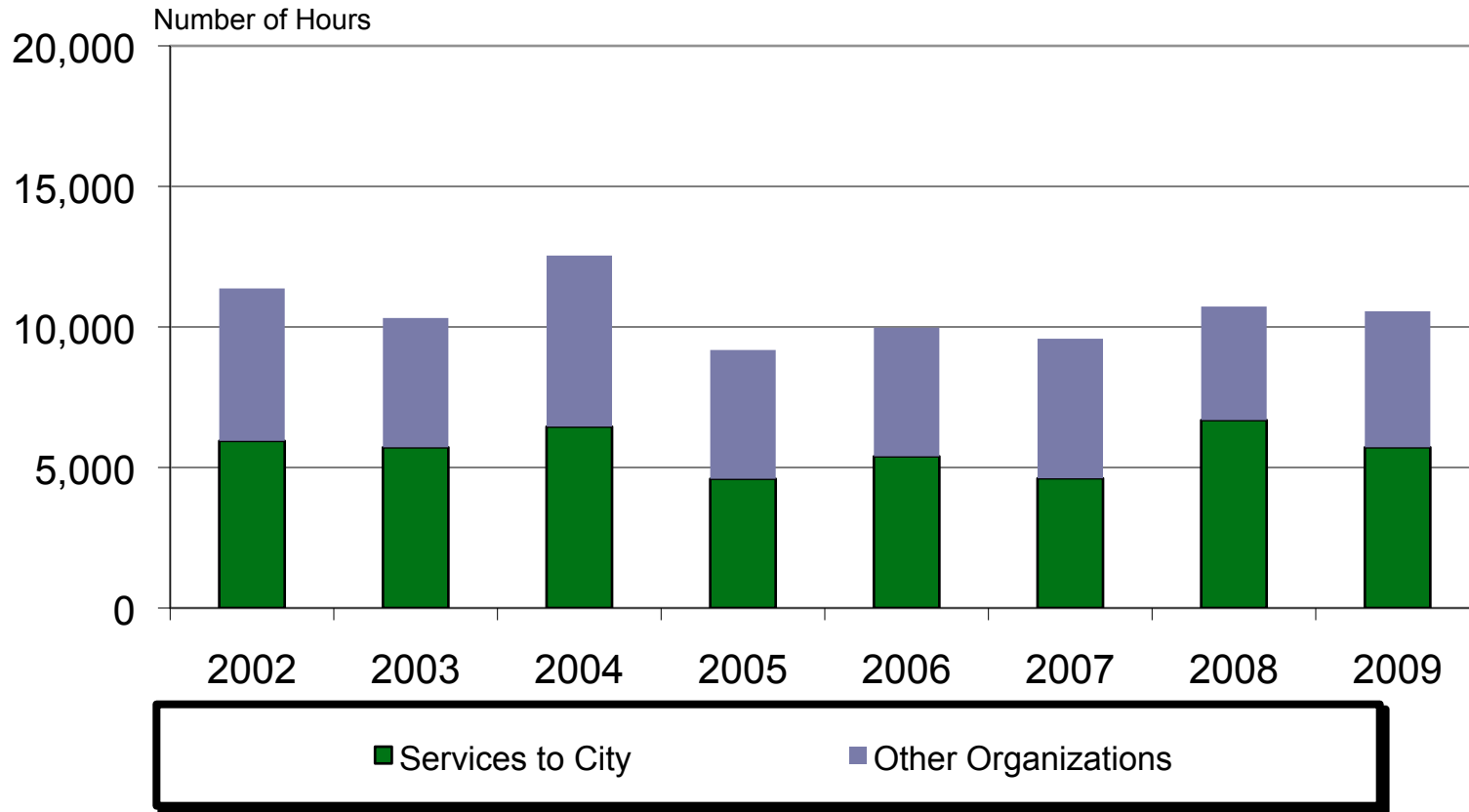
	<u>Hours</u>	<u>Total</u>
City Services	5,268.0	\$38,456.40
Office on Aging	<u>450.0</u>	<u>\$3,285.00</u>
Total City Services	5,718.0	\$41,741.40
	<u>Hours</u>	<u>Total</u>
The Nature's Bin	1,893.0	\$13,818.90
Recovery Resources	740.0	\$5,402.00
The New Day	272.0	\$1,985.60
Beck Center	1,494.0	\$10,906.20
Barton Center	20.0	\$146.00
Lakewood Meals on Wheels	405.0	\$2,956.50
Special Projects	<u>16.0</u>	\$116.80
Total Non City Services	4,840.0	\$35,332.00
Total Community Work Service Hours	10,558.0	\$77,073.40

The Dollar Amount is computed at minimum wage of \$7.30 per hour

2009 Total Hours: 10,558.00 Total Dollar Amount: \$77,073.40

Chart 13

SUMMARY OF COMMUNITY WORK SERVICE FOR THE LAKEWOOD MUNICIPAL COURT



Source: Lakewood Municipal Court
Probation Department

OHIO SUPREME COURT ANNUAL STATISTICS

ANNUAL 2009
THE SUPREME COURT OF OHIO
ADMINISTRATIVE JUDGE REPORT
MUNICIPAL COURT AND COUNTY COURT

		A	B	C	D	E	F	G	H	I	T	
		Felonies	Misdemeanors	O.M.V.I.	Other Traffic	Personal Injury & Property Damage	Contracts	F.E.D.	Other Civil	Small Claims	TOTAL	
Pending beginning of period	1	2	149	4	105	4	438	168	8	169	1,047	1
New cases filed	2	114	2,134	207	6,065	19	1,134	1,060	135	1,381	12,249	2
Cases transferred in, reactivated or redesignated	3	94	508	8	407	0	13	7	0	24	1,061	3
TOTAL (Add lines 1-3)	4	210	2,791	219	6,577	23	1,585	1,235	143	1,574	14,357	4
TERMINATIONS BY:												
		A	B	C	D	E	F	G	H	I	T	
Trial/Hearing by judge (include bindover by preliminary hearing, guilty or no contest pleas and defaults)	5	3	948	31	1,252	8	852	22	103	18	3,237	5
Hearing by Magistrate (include guilty or no contest pleas and defaults)	6	X	0	0	0	0	0	524	0	695	1,219	6
Transfer (include waivers of preliminary hearing and individual judgment assignments)	7	0	677	172	804	2	197	30	9	19	1,910	7
Dismissal for lack of speedy trial (criminal) or want of prosecution (civil)	8	0	0	0	0	0	6	1	1	2	10	8
Other dismissals (include dismissals at preliminary hearing)	9	110	113	5	144	6	248	487	10	589	1,712	9
Violations Bureau	10	X	338	X	3,789	X	X	X	X	X	4,127	10
Unavailability of party for trial or sentence	11	95	528	3	459	0	0	0	0	0	1,085	11
Bankruptcy stay or interlocutory appeal	12	0	0	0	0	0	33	1	0	2	36	12
Other terminations	13	1	83	4	4	1	8	31	12	12	156	13
TOTAL (Add lines 5-13)	14	209	2,687	215	6,452	17	1,344	1,096	135	1,337	13,492	14
Pending end of period (subtract line 14 from line 4)	15	1	104	4	125	6	241	139	8	237	865	15
Time Guideline (months)		1	6	6	6	24	12	12	12	6	X	
Cases pending beyond time guideline	16	0	0	0	0	0	0	0	0	0	X	16
Number of months oldest case is beyond time guideline	17	0	0	0	0	0	0	0	0	0	X	17
		A	B	C	D	E	F	G	H	I	T	

FAX TO:
(614) 387-9419

OR

Mail to:
Court Statistical Reporting Section
Supreme Court of Ohio
65 S. Front Street, 6th Floor
Columbus, OH 43215-3431

Administrative Judge Signature
Judge Patrick Carroll

216-529-6700

Preparer and telephone number if other than Judge
Terri A. O'Neill, Clerk of Court

Date

Date

THE SUPREME COURT OF OHIO
INDIVIDUAL JUDGE REPORT
MUNICIPAL COURT AND COUNTY COURT

Annual 2009

Annual 2009

		B	C	D	E	F	G	H	T	V	
		Misdemeanors	O.M.V.I.	Other Traffic	Personal Injury & Property Damage	Contracts	F.E.D.	Other Civil	Total	Visiting Judge	
Date of completion of most recent physical case inventory - Civil April 2008 - Small Claims April 2008 - Criminal May 2008											
Pending beginning of period	1	158	40	86	0	62	1	0	347	X	1
New cases filed	2	677	172	804	2	197	30	9	1,891	X	2
Cases transferred in, reactivated or redesignated	3	48	16	152	0	14	2	0	232	X	3
TOTAL (Add lines 1-3)	4	883	228	1,042	2	273	33	9	2,470	0	4
TERMINATIONS BY:		B	C	D	E	F	G	H	T	V	
Jury trial	5	6	0						6	0	5
Court trial	6	214	8	341	0	0	0	0	563	57	6
Default	7	X	X	X	0	0	0	0	0	0	7
Guilty or no contest plea to original charge	8	229	166	200	X	X	X	X	595	34	8
Guilty or no contest plea to reduced charge	9	49	6	206	X	X	X	X	261	22	9
Dismissal for lack of speedy trial (criminal) or want of prosecution (civil)	10	0	0	0	0	2	0	0	2	2	10
Other Dismissals	11	111	1	71	1	86	9	3	282	32	11
Transfer to another judge or court	12	0	0	0	0	3	0	0	3	0	12
Referral to private judge	13	X	X	X	0	0	0	0	0	0	13
Unavailability of party for trial or sentencing	14	63	6	85	0	0	0	0	154	0	14
Bankruptcy stay or interlocutory appeal	15	0	0	0	0	6	1	0	7	0	15
Other terminations	16	43	1	31	1	121	17	5	219	7	16
TOTAL (Add lines 5-16)	17	715	188	934	2	218	27	8	2,092	154	17
Pending end of period (Subtract line 17 from line 4)	18	168	40	108	0	55	6	1	378	0	18
Time Guideline (Months)		6	6	6	24	12	12	12	X	X	
Cases pending beyond time guidelines	19	0	0	0	0	0	0	0	0	X	19
Number of months oldest case is beyond time guidelines	20	0	0	0	0	0	0	0	0	X	20
Cases submitted awaiting sentencing or judgment beyond time guideline	21	0	0	0	0	0	0	0	0	X	21
		B	C	D	E	F	G	H	T	V	

<p>FAX TO: (614) 387-9419</p> <p>OR</p> <p>Mail to: Court Statistical Reporting Section Supreme Court of Ohio 65 S. Front Street, 6th Floor Columbus, OH 43215-3431</p>	<p>_____ Judge Signature - Judge Patrick Carroll</p> <p style="text-align: right;">216-529-6700</p> <p>_____ Preparer and telephone number if other than judge Terri A. O'Neill, Clerk of Court</p> <p>_____ Administrative Judge Signature Judge Patrick Carroll</p>	<p>_____ Date</p> <p>_____ Date</p> <p>_____ Date</p>
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