LAKEWOOD MUNICIPAL COURT

Judge Patrick Carroll

Clerk of Court Terri A. O'Neill

ANNUAL REPORT FOR 2016



12650 Detroit Avenue Lakewood, Ohio 44107

216-529-6700

www.lakewoodcourtoh.com



LAKEWOOD MUNICIPAL COURT

12650 DETROIT AVENUE • LAKEWOOD, OHIO 44107 PHONE: (216) 529-6700 • FAX: (216) 529-7687

> PATRICK CARROLL JUDGE

LAKEWOOD MUNICIPAL COURT 2016 ANNUAL REPORT

February 17, 2017

As with any public entity, the Lakewood Municipal Court faced and addressed both new and ongoing challenges in 2016. These challenges include the continued widespread increase of cases involving heroin as well as other cases involving substance abuse and mental health of defendants in criminal cases. Despite these issues, the Lakewood Municipal Court underspent its allocated budget and returned a net surplus to the City of Lakewood without raising court costs, while providing an efficient, open and accessible forum for dispute resolution and law enforcement for the Lakewood Community.

This report is a summary of the operation of the Lakewood Municipal Court for 2016. 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 R.C.1901.14 to the legislative authority for the City of Lakewood and Cuyahoga County, as well as the Mayor of Lakewood and the Cuyahoga County Executive. 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 caseload for 2016 was 11,104 cases. This includes the total number of cases filed with the court as well as reactivated cases, which encompass transfers from other courts as well as 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 number of cases in the Lakewood Municipal Court in 2016 decreased from the previous year by 1,727 cases. Both traffic and criminal cases decreased with 1,580 less cases from the previous year. Civil case filings decreased slightly in 2016 by 147 cases from the previous year.

The number of cases filed per year does not fully explain the court's workload. A traffic or criminal case may contain multiple charges. In addition, due to the nature of the case, multiple hearings may be required. 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. As an example, in June 2016, the United States Supreme Court issued a decision that substantially changed the law in Ohio on a refusal to submit to a chemical test in an OVI case.

In the past few years the court has seen an increase in the number of defendants in criminal cases with mental health issues. Persons who are not fluent with the English language may require interpreter services to ensure they fully understand the case and its consequences. Probation reviews, drug and alcohol screening, and other efforts add to the workload of a case, but are essential to the safety of our community.

In addition, the Lakewood Court is actively involved with the Cuyahoga County Common Pleas Court and Prosecutor's Office regarding procedures in felony cases for setting bonds, conducting preliminary hearings and bindover procedures to expedite the disposition of the case in the Lakewood Court. 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.

The Lakewood Court has also been active in the current bail reform project that started in the Cleveland Municipal Court. The issue is a defendant's inability to post bond due to the defendant's financial situation and not due to the severity of an offense or risk of harm or flight. Through constant, diligent oversight of the Lakewood jail, inability to post a bond has not been a significant problem in Lakewood.

In an attempt to be fiscally responsible in these difficult times, the court under spent it budget by \$76,757 and returned this amount to the City's general fund. Overall revenue decreased due in part to the decrease in traffic citations issued during the year. The court sent \$49,489 to the Ohio Victims of Crime Fund and also collected and paid out over \$15,842 in restitution for crime victims in Lakewood Court cases.

TRANSITIONS

Kelli Boomer McCauley who worked in the criminal division and later the probation department, passed away in 2016 after a long battle with illness. Kelli started with the Lakewood Court as a summer intern and later became a full time employee, working for the court for 24 years. Kelli's long term, dedicated public service, as well as her indomitable spirit and infectious laughter, contributed to the effective operation of the court.

LEGAL 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 2016, I continued my service on the Editorial Board of the Ohio Jury Instruction Committee of the Ohio Judicial Conference. I also continued to serve on the Board of Trustees of the Ohio Judicial College and to the Continuing Legal Education Commission of the Ohio Supreme Court. In addition to being on the Board of Trustees, I also continued to serve as a faculty member of the Ohio Judicial College, teaching numerous courses to other judges throughout the State of Ohio.

I have been a member of the Ohio Judicial College Faculty since 2003. Last year I taught nine (9) separate seminars for the judicial college. The topics included general civil procedure, landlord/tenant law, and criminal procedure. From my research and preparation for these

seminars, I also gained additional knowledge and insight to help me be a better judge for our community.

Other activities included participating on panel presentations with:

- The United States Surgeon General on the heroin epidemic.
- LakewoodAlive and William Denihan, CEO of the Cuyahoga County Alcohol, Drug Addition & Mental Health Services Board on heroin and other drug abuse problems.
- The Southern Poverty Law Center and the Ohio Judicial Conference on the impact of fines, court costs and other financial sanctions.
- Tavis Smiley, on a nationally televised PBS show with Chief Justice O'Connor, former Justice Yvette Magee-Brown, and Judge Ronald Adrine on the impact of bail/bonds, fines and other financial sanctions on citizens.

Regarding the issue of fines and court costs, I continued my involvement with the ad hoc committee created by Chief Justice O'Connor to deal with these issues by all courts in the State of Ohio. Throughout the past few years there have been serious issues about defendants being incarcerated for nonpayment of fines and costs or the inability to post bond. As a result of the this involvement, bench cards were developed, to provide a concise, annotated, procedural summary for assessment and collection of fines, court costs and restitution for all judges in the State of Ohio. Last year I was also involved in drafting a bench card for factors and financial considerations for sealing criminal records for eligible defendants. These bench cards are available to anyone on the Supreme Court of Ohio website.

Other legal activities included involvement with the Lakewood Police Citizens Academy and the Lakewood City's landlord education seminars. The court showed its support for the D.A.R.E. programs by attendance at the D.A.R.E. graduations in the public and parochial schools in Lakewood as well as the D.A.R.E. basketball program.

By my participation in these judicial activities, court expenditures for mandatory continuing legal education and publications were reduced. In addition, the research and preparation gives me a better understanding of multiple aspects of the law, which helps me keep current with developments in the law.

In addition, twenty four (24) marriages were performed in the Lakewood Municipal Court in 2016. A number of the ceremonies performed were same sex marriages due to the U.S. Supreme Court's recent decision. The ceremonies were held without controversy, in keeping with the pledge to maintain a court that is open and available to everyone.

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 retired Judge Larry Allen of the Willoughby Municipal Court as well as attorneys John McCaffrey, Katherine Murray, Gary Arbeznik and David Stadler, who served the Court as acting judges during the past year.

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, Fire 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 better able to serve the community. The court looks forward to working with Mayor Summers, his Administration and City Council to address the challenges that face our community.

CONCLUSION

This report marks my twenty seventh 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,

Juda Path Call

Judge Patrick Carroll

CRIMINAL AND CIVIL DIVISIONS REVENUE AND CASE SUMMARY DATA

COURT FINANCES, REVENUES & EXPENDITURES

Consideration of court revenues raises numerous issues. As with any governmental entity, the cost of operation is a matter of public concern. While both fines and costs help to defray the expense of the operation of the court, it is not a function of the court to generate revenue. Instead, the revenue generated is an incidental benefit to the court's primary function of the administration of justice.

The view of a municipal court as a revenue generating entity has reached national attention. The United States Department of Justice issued a report, <u>Investigation of the Ferguson Police Department</u>, on March 4, 2015 following the disturbance in Ferguson, Missouri, finding that emphasis on revenue generation fundamentally compromised the role of the municipal court to act as a neutral arbitrator of the law and as the institution to safeguard the rights of its citizens.

Following the <u>Ferguson Report</u>, the White House conducted a bi-partisan forum on poverty and incarceration in December, 2015. A report was subsequently issued on the disproportionate impact of excessive fines on the poor. On March 14, 2016, the U.S Department of Justice issued a letter concerning the improper and/or excessive imposition and/or collection of fines and other financial sanctions. The justice Department stated that, "to the extent that these practices are geared not toward addressing public safety, but rather toward raising revenue, they can cast doubt on the impartiality of the tribunal and erode trust between local governments and their constituents."

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. Similarly, a fine in a heroin case, when the defendant is facing long term incarceration and/or treatment, a substantial fine is not only counterproductive to rehabilitation, but in reality, uncollectable.

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.

Changes with the City of Lakewood and the overall condition of the economy has made all of us more conscious of spending. During the year the court attempted to spend cautiously which resulted in over \$76,757 of its allocated budget returned as unspent 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 total revenue collected by the court in 2016 decreased from the previous year due primarily to the decease in filings of traffic citations as well as misdemeanor and eviction cases.

The total revenue collected by the court in 2016 decreased from the previous year due primarily to the decease in filings of traffic citations as well as misdemeanor and eviction cases. The court's revenue in 2016 exceeded the court's operating expenses, resulting in a surplus of funds of \$320,751 to the State of Ohio, Cuyahoga County and the City of Lakewood.

Of these funds, \$69,271 of the court's revenues was paid to Cuyahoga County and \$224,627 to the State of Ohio. In addition, \$26,853 of net revenue was provided 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 by the Ohio State Auditor's Office.

Changes in state law, by either legislative act or judicial decision, have an impact on the financial operation of the court. As a result, the costs of operation of the court are often increased without corresponding revenue.

COURT COSTS

Court costs are required by State law to be assessed in all civil, traffic and criminal cases. The purpose of court costs is to assist in the cost of the operation of the court. By statute most court costs do not accrue to the court. Over the years the State of Ohio has imposed costs on cases in municipal courts to defray the costs of state sponsored projects. The money from these costs goes to special revenue projects by and for the State of Ohio, and is not retained by 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 and Cuyahoga County, rather than remaining with the City of Lakewood.

Each municipal court sets its own court costs, with a portion retained by the local court after the balance is transferred to the State of Ohio. The basic court cost for traffic and criminal cases is ninety dollars (\$90.00), which is uniformly applied by law to all cases, regardless of the severity of the offense, the number of charges from a single incident, or a defendant's past record. The \$90.00 court cost, which is the lowest of all courts in Cuyahoga County, recognizes that 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.

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 use of these funds is statutorily restricted. In accordance with the respective statutory

authority for the creation of these funds, a summary of the expenditures are set out in this annual report. As public funds and in accordance with the Ohio Revised Code, a complete listing of all receipts and expenditures is available through the Clerk of the Lakewood Municipal Court or the Finance Director of the City of Lakewood.

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 and consulting and maintenance contracts. This fund accrued \$27,037 in 2016 with a balance at the end of the year of \$39,972.

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. This fund accrued \$115,042 in 2016 with a balance at the end of the year of \$335,302. The availability of the special projects fund permits the court to update equipment with no additional funding from the City of Lakewood's general fund. The court is in the process of accumulating these funds for a comprehensive computer software upgrade. It is expected that this upgrade will exhaust most, if not all of the current balance of the court's special projects fund, but will not need to go to City Council for additional funding to complete this upgrade.

<u>Probation Supervision Fund</u>. 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.

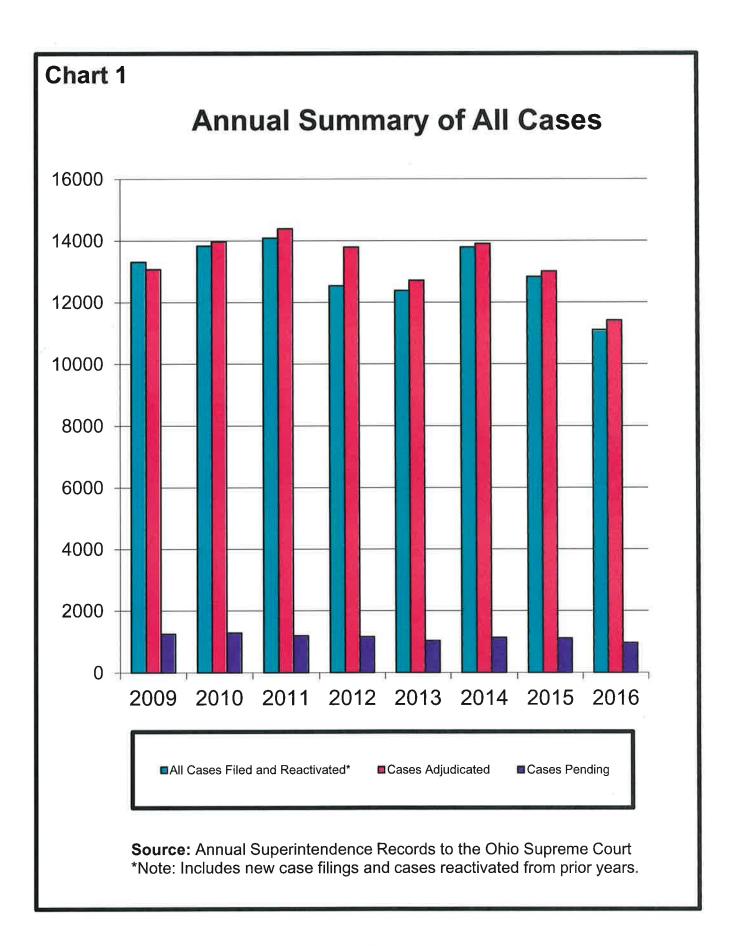
The probation fund supports long term capital improvements and programs for the Probation Department which were not funded by the court's operating budget. This fund was used in 2016 to pay for drug screening tests, professional psychiatric evaluations and other expenses to operate the mental health court program. In 2016 the fund accrued \$34,032 with an ending balance of \$67,868.

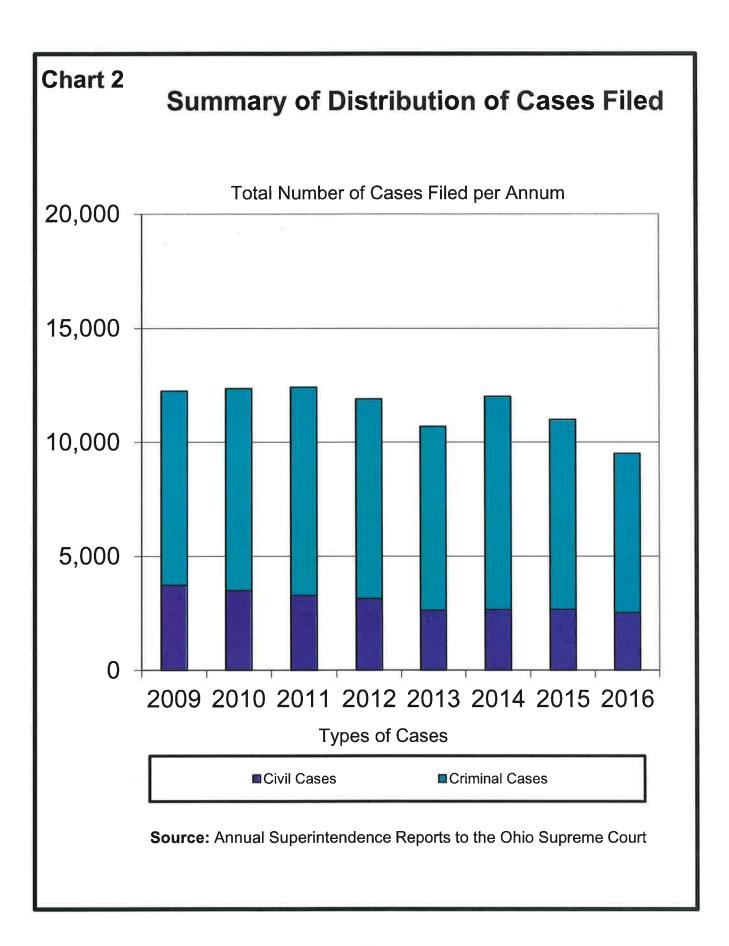
Indigent Drivers Alcohol Treatment Fund (IDAT) This fund is created by Ohio Revised Code Section 4511.19(H). The IDAT was funded by two sources; 1) A portion of fines collected in OVI convictions and 2) drivers license reinstatement fees distributed by the Ohio Department of Public Safety for OVI defendants. The fund is restricted in use to providing alcohol, drug and/or mental health services to indigent defendants. In 2016 the fund accrued \$9,382 with an ending balance of \$150,517. Approximately \$23,000 was paid from this fund in 2016 to pay for substance abuse assessments and treatment for indigent defendants. Over the past few years the State of Ohio modified the restrictions on the use of this fund to provide the court with more discretion to use these funds for substance abuse assessments and outpatient, as well as in patient treatment programs.

Indigent Drivers Interlock and Alcohol Monitoring Fund (IDAM) was created by the amendment to Ohio Revised Code Section 4511.191 in 2008. Like the IDAT Fund, the fund is mandated by state law. A portion of fines collected for OVI convictions are required by state law to be paid into this fund. The fund, which collected \$17,789 in 2016, is restricted in use to pay for ignition interlock and other alcohol monitoring devices for indigent defendants, with the discretion of the court to declare a surplus to be used for other rehabilitative services.

Effective April 6, 2017, the requirement for ignition interlock alcohol detection monitoring systems will be expanded to include all persons convicted of OVI, including first time offenders. The General Assembly also expanded the court's discretion for limited and even unlimited driving privileges. In light of this mandatory requirement to drive a car in Ohio with an OVI conviction, it is anticipated that demand for the use of this fund will increase.

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.





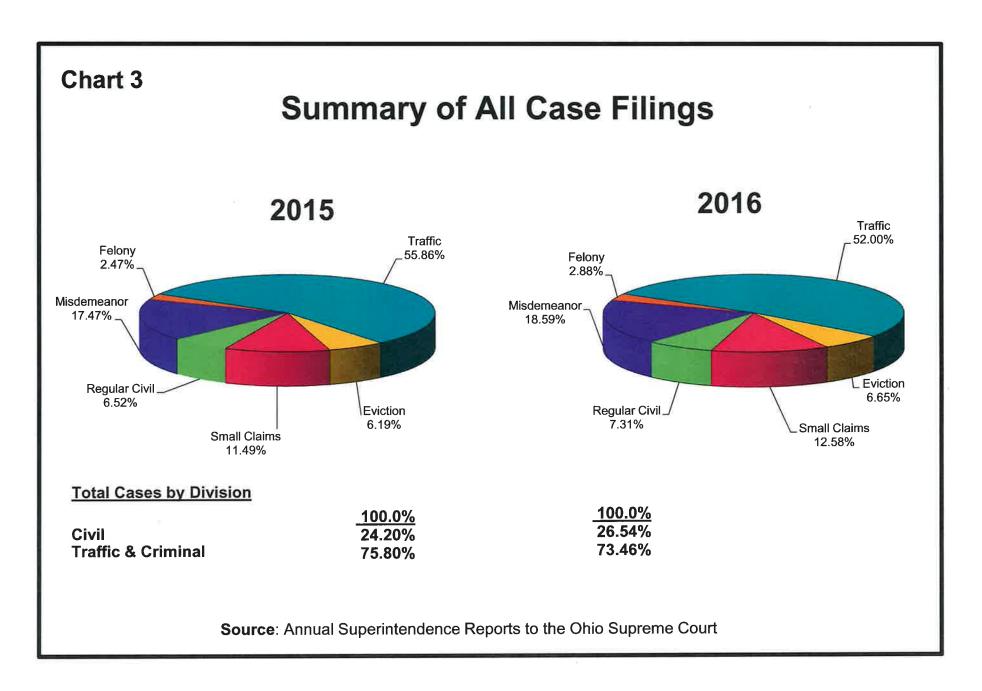
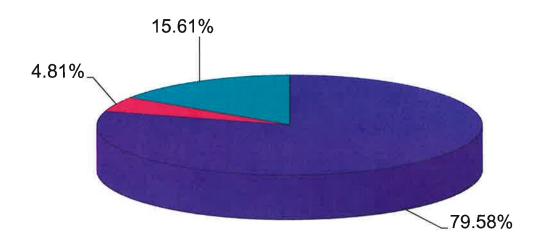


Chart 4

SUMMARY OF DISTRIBUTION OF REVENUE





CRIMINAL AND CIVIL MONTHLY SUMMARY OF REVENUE TO CITY Page 1 of 2

PAID TO CITY

ACCOUNT NUMBER	101-0000- 361.10-00 361.20-00 361.30-00	101-0000- 361.35-00 CRIMINAL	101-0000- 361.20-00 CRIMINAL	101-0000- 370.00-00 CRIMINAL	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
2016	361.50-00 <u>CRIMINAL*</u>	WITNESS	<u>JUROR</u>	INTEREST	<u>P.S.I.</u>	<u>I.D.A.T</u> .	STATE <u>I.D.A.T.</u>	<u>L.E.A.</u>	<u>S.P.F.</u>	<u>C.M.F.</u>
January	\$75,689.42	\$198.00	\$0.00	\$119.35	\$100.00	\$325.00	\$385.50	\$325.00	\$8,730.00	\$2,097.00
February	102,706.68	210.00	0.00	102.99	0.00	300.00	525.00	275.00	11,185.00	2,737.00
March	92,067.91	236.00	0.00	130.41	50.00	415.00	553.50	441.00	10,669.00	2,564.00
April	87,061.11	195.00	0.00	125.16	200.00	555.00	466.50	534.00	10,298.00	2,510.00
May	86,761.25	198.00	0.00	111.58	100.00	569.00	475.50	596.00	9,741.00	2,376.00
June	76,424.79	187.00	0.00	117.80	99.00	325.00	384.00	360.00	8,792.00	2,233.00
July	64,505.62	157.00	0.00	97.19	50.00	375.00	343.50	375.00	8,022.00	2,027.00
August	74,860.47	192.00	0.00	90.72	50.00	234.00	382.50	225.00	9,406.00	2,455.00
September	67,719.01	168.00	259.00	98.55	50.00	391.00	378.00	375.00	8,324.20	2,096.00
October	70,983.87	241.00	0.00	94.70	50.00	225.00	406.50	250.00	8,505.80	2,072.00
November	67,769.83	132.00	0.00	95.80	50.00	325.00	378.00	294.00	8,238.00	2,000.00
December	59,372.18	<u>168.00</u>	0.00	<u>95.32</u>	0.00	<u>325.00</u>	300.00	344.00	7,032.00	<u>1,870.00</u>
'16 Totals	\$925,922.14	\$2,282.00	\$259.00	\$1,279.57	\$799.00	\$4,364.00	\$4,978.50	\$4,394.00	\$108,943.00	\$27,037.00
'15 Totals	\$1,085,711.06	\$2,474.00	(\$475.00)	\$1,464.12	\$450.00	\$4,294.00	\$6,355.50	\$4,286.00	\$124,850.25	\$29,984.00

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

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

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

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

*Includes Criminal and Traffic

CRIMINAL AND CIVIL MONTHLY SUMMARY OF REVENUE TO CITY Page 2 of 2

PAID TO CITY

ACCOUNT NUMBER	237-0000- 361.50-00	222-0000- 361.50-00	236-0000- 361.50-00	101-0000- 361.20-00	101-0000- 361.20-00	101-0000- 361.20-00	101-0000- 361.20-00	101-0000- 361.20-00	799-0000- 384.00-00	
	R.C.									TOTAL
<u>2016</u>	<u>I.D.A.M.</u>	<u>L.E.T.F.</u>	PROBATION	CIVIL	MARRIAGE <u>FEES</u>	SMALL <u>CLAIMS</u>	TRUSTEESHIP	LANDLORD/ TENANT	UNCLAIMED MONIES	TO CITY 2016
January	\$708.00	\$475.75	\$2,663.00	\$9,927.90	\$50.00	\$2,231.46	\$9.00	\$27.33	\$264.00	\$104,325.71
February	550.00	659.50	2,331.00	11,665.38	0.00	4,585.62	74.14	48.11	170.00	138,125.42
March	2,243.23	627.00	4,212.00	12,758.52	75.00	3,122.91	0.00	41.44	2,157.00	132,363.92
April	718.00	678.50	3,854.00	14,161.04	50.00	3,374.58	2.00	28.50	12,336.36	137,147.75
May	2,744.79	387.00	3,518.00	12,373.82	0.00	3,250.69	9.27	42.80	324.00	123,578.70
June	2,387.42	650.00	3,293.00	11,230.34	100.00	4,752.06	17.54	27.75	1,703.00	113,083.70
July	744.00	337.50	2,922.00	10,911.54	75.00	2,869.25	25.81	0.00	1,769.59	95,607.00
August	1,008.04	156.50	2,149.00	12,088.86	75.00	3,967.73	0.00	15.00	598.10	107,953.92
September	2,182.95	834.50	2,260.00	12,839.76	0.00	3,003.36	26.31	11.55	192.00	101,209.19
October	546.00	405.00	2,304.00	10,366.08	25.00	2,353.51	1.00	12.21	1,228.17	100,069.84
November	1,666.50	818.00	2,294.00	11,084.36	30.00	2,412.81	49.00	23.12	0.00	97,660.42
December	2,290.51	<u>619.50</u>	2,232.00	11,925.56	0.00	<u>4,655.51</u>	9.00	<u>36.04</u>	168.00	91,442.62
'16 Totals	\$17,789.44	\$6,648.75	\$34,032.00	\$141,333.16	\$480.00	\$40,579.49	\$223.07	\$313.85	\$20,910.22	\$1,342,568.19
'15 Totals	\$8,623.80	\$6,601.85	\$36,646.79	\$131,983.57	\$650.00	\$38,027.80	\$117.00	\$294.44	\$5,091.40	\$1,487,430.58

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

2016	REDSS (1)	Indigent (2)	State- Vic of Crime (3)	State- IDSF (4)	State- Sealing Fee (5)	State- SB 209 (6)	State- IDSF (7)	State- OCJS (8)	State- Seatbelt
January	\$1,821.50	\$476.00	\$4,018.00	\$8,942.00	\$205.00	\$1,077.00	\$1,282.50	\$896.00	\$1,650.00
February	2,362.00	591.00	5,171.00	12,146.00	180.00	806.00	1,752.50	1,228.50	1,780.00
March	2,348.00	613.00	5,151.50	11,753.32	180.00	1,335.00	1,845.00	1,293.10	1,555.00
April	2,125.00	546.00	4,640.50	10,452.80	120.00	1,366.00	1,561.00	1,095.50	1,400.00
May	2,109.00	491.00	4,435.00	10,507.01	120.00	1,573.00	1,624.00	1,102.50	1,580.00
June	1,655.00	330.00	3,931.00	8,806.00	90.00	1,209.00	1,273.50	892.50	1,400.00
July	1,540.00	234.00	3,485.00	7,850.00	60.00	1,185.00	1,140.50	798.00	1,375.00
August	1,839.00	367.00	4,108.00	9,430.00	90.00	707.00	1,301.00	904.50	1,360.00
September	1,665.00	500.00	3,803.00	8,509.00	150.00	1,068.00	1,255.00	882.00	880.00
October	1,772.76	486.00	3,908.00	8,937.00	90.00	791.00	1,354.50	945.00	1,320.00
November	1,735.00	281.00	3,824.00	8,609.00	240.00	819.00	1,260.00	882.00	990.00
December	1,320.00	194.00	3,014.00	<u>6,966.00</u>	<u>0.00</u>	1,069.00	<u>999.50</u>	<u>696.50</u>	<u>720.00</u>
'16 Totals	\$22,292.26	\$5,109.00	\$49,489.00	\$112,908.13	\$1,525.00	\$13,005.00	\$16,649.00	\$11,616.10	\$16,010.00
'15 Totals	\$27,750.00	\$4,600.80	\$60,102.72	\$136,975.00	\$2,370.00	\$12,696.00	\$21,255.50	\$14,834.40	\$20,107.00

REFERENCE:

⁽¹⁾ Regional Enterprise Data Sharing 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 Sealing Fee is Record Sealing Fee. Authority R.C. 2953.31 to 2953.36.

⁽⁶⁾ State Indigent Defense Support Fund R.C. 4511.19

⁽⁷⁾ State I.D.S.F Indigent Defense Support Fund R.C. 2949.094

⁽⁸⁾ State Drug Law Enforcement Fund R.C. 2949.094

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

Page 2 of 2

2016	State- <u>Nat'l. Res.</u>	State- <u>Met Park</u>	State- <u>Liquor</u>	State- Child Rest.	County <u>Criminal</u>	County- <u>Traffic</u>	County- Crime Stoppers (9)	County - <u>Law Library</u> (10)	<u>Totals</u>
January	\$0.00	\$150.00	\$50.00	\$70.00	\$1,540.00	\$368.00	\$70.00	\$0.00	\$22,616.00
February	0.00	0.00	0.00	355.00	1,909.35	200.00	98.00	648.42	29,227.77
March	0.00	10.00	0.00	300.00	3,812.65	714.00	96.00	0.00	31,006.57
April	0.00	0.00	0.00	120.00	1,425.50	3,685.00	94.00	0.00	28,631.30
May	60.00	275.00	0.00	175.00	1,726.00	1,265.00	76.00	0.00	27,118.51
June	0.00	60.00	0.00	105.00	2,865.00	739.00	87.00	0.00	23,443.00
July	0.00	210.00	0.00	70.00	2,459.00	1,261.00	74.00	0.00	21,741.50
August	0.00	460.00	0.00	175.00	2,628.00	2,221.00	80.00	0.00	25,670.50
September	0.00	0.00	0.00	70.00	2,286.00	1,275.00	88.00	0.00	22,431.00
October	0.00	240.00	0.00	35.00	2,377.00	989.00	70.00	0.00	23,315.26
November	0.00	100.00	0.00	105.00	1,324.00	110.00	73.00	0.00	20,352.00
December	25.00	100.00	<u>0.00</u>	<u>105.00</u>	<u>1,742.00</u>	1,329.00	<u>65.00</u>	0.00	18,345.00
'16 Totals	\$85.00	\$1,605.00	\$50.00	\$1,685.00	\$26,094.50	\$14,156.00	\$971.00	\$648.42	\$293,898.41
'15 Totals	\$220.00	\$705.00	\$525.00	\$1,735.00	\$29,986.57	\$33,015.00	\$1,197.11	\$554.29	\$368,629.39

REFERENCE:

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

⁽⁹⁾ County Crime Stoppers

⁽¹⁰⁾ County Law Library is annual apportionment assessment to support same. Authority R.C. 3375.50.

TRAFFIC

AND

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 or on line 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. The Lakewood Court has adopted procedures to permit the initial court appearance by a written letter, which may be filed with the court by fax with an electronic signature.

Some cases, such as building code violations and certain driving under suspension charges, are unclassified misdemeanors. Although a jail sentence may not be imposed on a first offense for an unclassified misdemeanor, a jail sentence may be imposed for a later offense under certain circumstances. Under Ohio law, a defendant has a right to a jury trial if the offense has a potential jail sentence or a fine greater than \$1,000.

Serious criminal and traffic cases usually do not end with a conviction. Issues involving drug and/or alcohol abuse and addiction, mental health, anger management, restitution, community work service and other post conviction considerations require supervision by the probation department and the court. Often addressing these issues, whether in a presentence report or probation violation, is more time consuming than the original case. Thus, the time involved cannot be measured by the number of cases filed with the court, although it is one indicator of the volume of work performed by the court.

Traffic cases decreased substantially in 2016 by 1,354 cases, from 6,978 new and reactivated cases in 2015 to 5,024 cases last year. One specific type of traffic case, operating a vehicle under the influence of alcohol (O.V.I.) decreased from 274 cases in 2015 to 202 in 2016. This includes both misdemeanor and felony O.V.I. cases. The number of traffic citations has decreased by over 2,000 over the past two year period. (See chart on page 17).

Criminal misdemeanor cases decreased in 2016 by 217 cases. There were 2,646 criminal misdemeanor new and reactivated cases in 2015, compared to 2,429 in 2016. These cases include theft, assault, domestic violence and some drug offenses.

In addition to the traffic and criminal cases in 2016, 1,212 arrest warrants were executed by the Lakewood Police. These are warrants issued for persons who have 1) been charged with a criminal offense and pose a risk of flight or harm to the community or 2) failed to appear in court voluntarily after being served with a traffic citation or misdemeanor criminal complaint. It also includes warrants for post trial proceedings such as community control supervision/probation violation hearings. When warrants are issued due to lack of voluntary appearance from missed court dates, the work load per case is increased by both the Lakewood court staff and police. Without the assistance of the Lakewood Police, the court could not operate effectively.

There were no significant changes with felony charges filed in the Lakewood Municipal Court in 2016, with 274 cases filed last year compared to 272 in 2015. 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 or reactivated cases in the Lakewood Court.

The jurisdiction for felony trials is 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. In some cases, by agreement of the prosecutor and defendant, a felony charge may be amended to permit the Lakewood Court to retain jurisdiction as a related misdemeanor charge instead of transferring the felony charge to the Common Pleas Court. An amendment may be due to subsequently discovered evidence, unavailability of witnesses, agreement for victim restitution and other reasons. In 2016, 68 felony charges were effectively amended to misdemeanor charges with the Lakewood Court retaining jurisdiction for the entire case.

The court maintained its committed course to provide treatment for drug related crimes, balancing both treatment and accountability to those with drug and alcohol addiction. Treatment is accompanied with strict supervision. With drug abuse and addiction, diversion, intervention in lieu of conviction and treatment as a condition of probation/community control supervision are all used in various cases to get the defendant into a treatment program. The court's IDAT Funds were used in 2016 to provide both inpatient and out patient drug and alcohol treatment services to defendants. In addition, seventy nine (79) defendants were provided drug treatment through the Cuyahoga County Probation Department's jail reduction program. This is an increase from fifty one (51) cases in 2015.

MENTAL HEALTH COURT

Numerous criminal cases involve mental illness and/or substance abuse. Over the past fifteen (15) 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 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 2016, the Lakewood Court directly handled thirty four (34) cases. In addition, other cases requiring mental health evaluations were coordinated by the Lakewood Probation Department with the Common Pleas or other municipal courts. The cost of the mental evaluations is paid out of the court's probation supervision fund.

Although few in number, these cases require extensive time and involvement of court staff and attorneys certified in this specialized area. Upon determining if there is a mental health

issue, the defendant will be referred for an evaluation on issues of competency to stand trial, sanity, or a risk assessment. Moreover, although some of the cases are relatively minor in nature, the mental condition of the defendant poses a risk of harm that must be addressed regardless of the seriousness of the offense. In some cases, a defendant may be sent to North Coast Behavioral Health Care Facility until the defendant is restored or determined not to be restorable to competency.

Sometimes mental illness is combined with alcohol or drug abuse or addiction. These cases, called dual diagnosis disorders, are more complicated because the conditions and symptoms overlap. While both issues need to be addressed, they require different treatment. Over the years the Lakewood Court has developed strong working relationships with many treatment providers and sober living homes, as well as the ADAMHS Board.

Mental health issues in these cases were identified early 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.

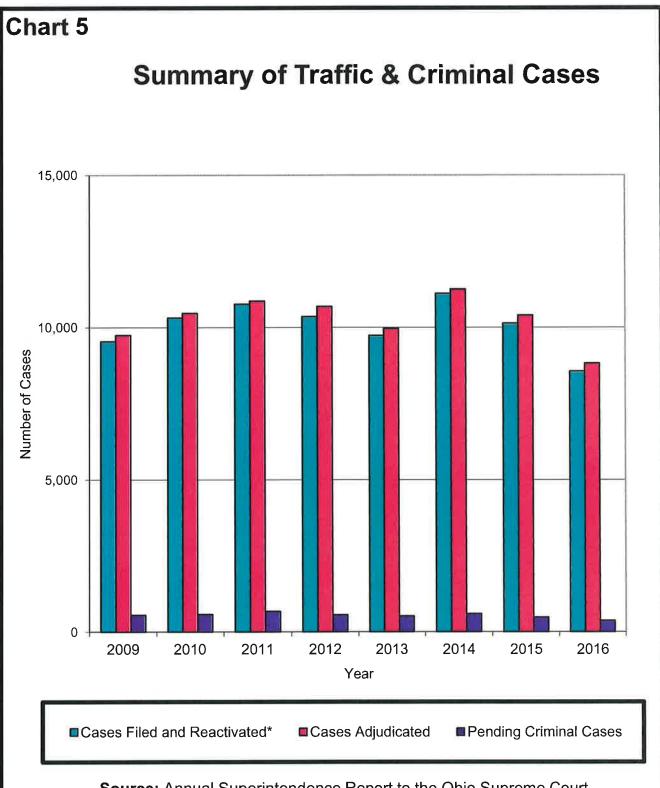
HOUSING COURT CASES

Criminal cases

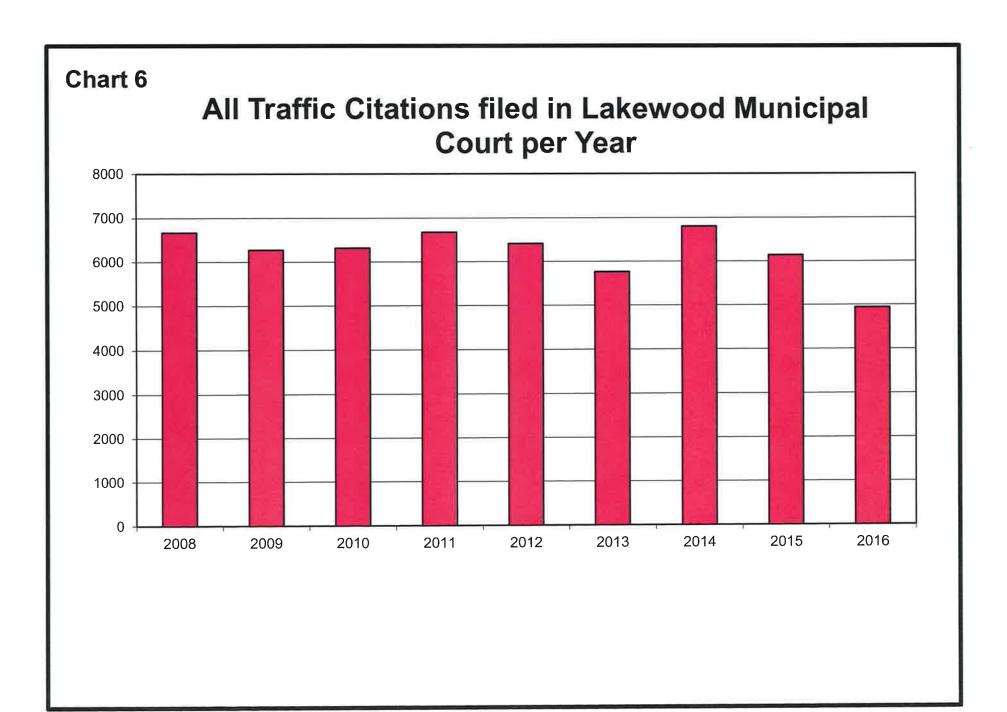
Building and health code violations are also included in the criminal category. The number of building code violations continued to decrease in 2016, from 83 cases in 2015 to 69 cases in 2016. The decreased filings are a continued trend over recent years. (See chart on page 19). Of the 69 cases filed by the law department, 28 involved the same property and offense, but for different dates. As such, there were 41 cases filed in 2016 involving separate properties.

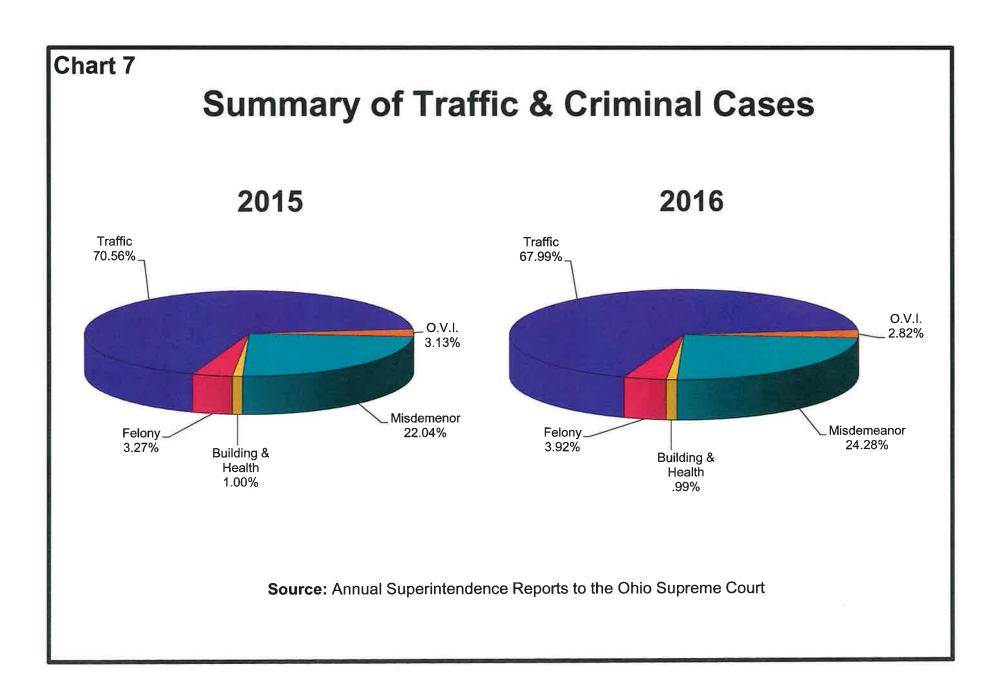
Housing Court Diversion Program

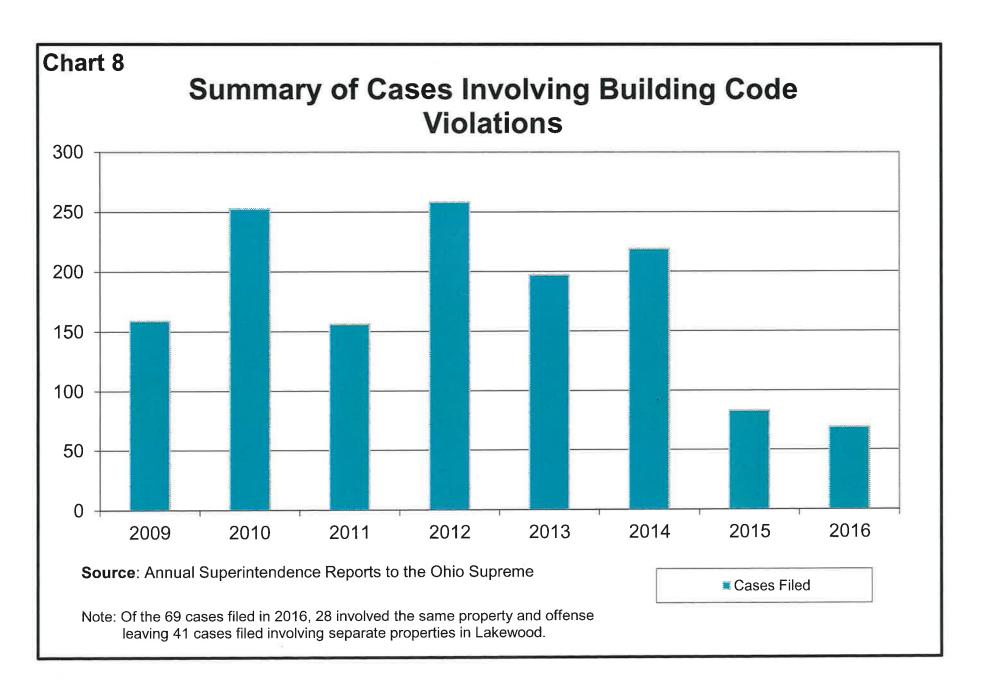
Beginning in 2010, the Lakewood Municipal Court established a diversion program for building, housing and health code violation cases. The purpose of the diversion program is to assist homeowners to fix their homes and achieve compliance with the housing and building codes. With the assistance of the City Administration, the diversion program has become a useful tool for the court to bring houses into compliance with the city's building and safety codes. With the decrease of building code cases filed last year, the diversion program, while effective, was limited in its ability to assist homeowners to correct housing code violations.



Source: Annual Superintendence Report to the Ohio Supreme Court *Note: Includes new case filings and cases reactivated from prior years.







CRIMINAL DIVISION MONTHLY SUMMARY OF CITY RECEIPTS AND EXPENDITURES

	Total Deposits & Bond	Total City Receipts	
2016 Receipts	Receipts	(all city fines, costs & interest)	Totals
Ianuamy	£22 120 AA	\$88,516.46	\$110,654.46
January February	\$22,138.00 24,937.00	119,459.93	144,396.93
March	· ·	110,692.18	131,949.18
April	21,257.00 20,112.00	117,208.59	137,320.59
May	20,307.00	103,196.57	123,503.57
June	· ·	94,442.48	116,026.48
July	21,584.00 16,106.00	80,528.80	96,634.80
	36,474.00	91,887.88	128,361.88
August	· ·	84,317.54	105,639.54
September October	21,322.00	85,305.54	104,800.54
November	19,495.00	81,596.92	105,405.92
December	23,809.00	76,429.61	
December	<u>16,543.00</u>	70,429.01	<u>92,972.61</u>
Subtotal Amount	\$264,084.00	\$1,133,582.50	\$1,397,666.50
*Carried Over from			, , ,
December 2015	\$91,708.01		
	*· - , ,		
Total	\$355,792.01	\$1,133,582.50	\$1,489,374.51
	Total Bonds Refunded	Total Receipts Summary	
2016 Expenditures	and Transferred	Disbursed to City-Fines and Costs	
January	\$27,472.00	Traffic	473,800.00
February	24,869.00	Criminal	92,826.95
March	29,143.00	10% Bond Costs	19,329.00
April	37,390.00	Court Costs, Exp, LETF	327,997.60
May	24,787.01	Diversion	1,164.00
June	27,407.00	Witness	2,282.00
July	19,786.00	Jury	259.00
August	22,715.00	Interest on Deposits	1,279.57
August	22,713.00	Criminal unclaimed monies	1,277.57
September	21,213.00	(R.C. 1901.31g)	12,156.69
October	17,302.00	O.V.I. Funds (R.C. 4511.99)	32,475.69
November	29,551.00	Probation Fund	34,032.00
December	17,924.00	*Special Projects Fund	108,943.00
December	1102,1000	*Computer Maintenance Fund	<u>27,037.00</u>
Subtotal Amount	\$299,559.01	Compared transferrance 1 and	27,007100
a man a cour A RESECUTESE	<i>\$4773007</i> 00X	Total	\$1,133,582.50
		0,	, , ,
Carried over to 2017	\$56,233.00		
Total	\$355,792.01	*Includes assessed fees in all cases	

CRIMINAL DIVISION - STATISTICAL DATA

Individual Charge Filings	<u>2015</u>	<u>2016</u>
Traffic Citations	6139	4940
Traffic Summons	0	0
Traffic Warrants	2	3
Criminal Citations	1536	1367
Criminal Summons	108	106
Criminal Warrants - Felonies	272	274
Criminal Warrants - Misdemeanors	276	291
Total Individual Case Filings	8333	6981
Case Adjudications* (Processed Through Open Court or Violations Bureau) Traffic and Criminal Cases Adjudicated	10400	8823
Arrest Warrants on Complaints Issued and Executed		
Traffic and Criminal Warrants Issued	550	568
Traffic and Criminal Warrants Executed	519	464
Contempt of Court Arrest Warrants Issued and Executed		
Contempt of Court Non-appearance Warrants Issued	914	861
Contempt of Court Non-appearance Warrants Executed	719	741
Contempt of Court Non-appearance for Payment Hearing Warrants Executed	6	7

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

CRIMINAL DIVISION - STATISTICAL DATA TRAFFIC OFFENSE DESCRIPTIONS

	Individual	Offense Filings
Traffic Offense Description	2015	2016
Backing Without Vigilance	66	76
Bicycle/ Bicycle Helmet Violations	53	47
Certain Acts Prohibited	6	2
Driving on Sidewalk or Curb	2	1
Driving Under Suspension or Revocation	778	874
Earphone Use While Driving	13	4
Emergency Vehicle Violation	4	3
Excessive Noise, Loud Exhaust, Horn Blowing	153	106
Failure to Control Motor Vehicle/Accident/Full Time & Attention While Driving/		
Failure to Yeild Right of Way/Assured Cleared Distance	520	495
False Info Provided	10	9
Financial Responsibility	9	6
Following too Closely	56	50
Improper Change of Course, Lane Usage, Weaving, Right Side of Roadway	260	89
Improper or Unsafe Lights & Equipment, Obstructed View	391	340
Improper Passing	21	22
Improper Turns	51	136
Improper Vehicle Ident, Illegal Use of Plates, Exp. Plates, Fictious Plates	1165	1037
Leaving Scene of Accident/ Hit Skip/ Stopping After Accident	62	45
Left of Center	51	33
Litter from Motor Vehicle	19	15
Motorcycle/ Moped Violations	10	16
No Operator's License; License Restrictions, Exp. Operator's License, Unlicensed to Drive	176	136
One Way Streets	20	6
Open Door in Traffic	4	1
Operating a Vehicle Impaired (L.C.O.)	157	141
Operating a Vehicle Impaired(R.C.)	99	36
OVI/BAC Refusal	26	31
Pedestrian Related; Right of Way	19	24
Physical Control (L.C.O.)	12	15
Physical Control (R.C.)	7	3
Railroad Crossing Violations	10	0
Reckless Operation of Vehicle	13	9
Report Change of address	0	2
Restricted Street, Excessive Weight or Load, Closed Street, Commercial	68	69
Seatbelt / Child Restr. Law / Booster	931	704
Speeding	904	566
Temporary Operator's Permit Violation	46	39
Texting while driving	0	1
Tire Peeling/Street racing	10	19
Toys in Street	28	4
Traffic Control Devices; Traffic Lights & Signs	1557	1324
Unattended Motor Vehicle	17	8
Unsafe Motor Vehicle	7	15
Willful and Wanton Disregard, Failure to Comply	26	34
Wrongful Entrust, Permitting	22	23

CRIMINAL DIVISION - STATISTICAL DATA CRIMINAL OFFENSE DESCRIPTIONS

CITY ORDINANCE OFFENSES - MISDEMEANORS

		idual		Indiv	
	Offense			Offense	
Criminal Offense Description	2015	<u>2016</u>	Criminal Offense Description	<u>2015</u>	<u>2016</u>
Aggravated Menacing	5	1	Misuse of 911/ Misconduct of Emergency	3	0
Animal Code Violation	97	111	Misuse of Credit Cards	2	0
Assault	14	12	Noise Violations	40	29
Building/Fire/ Zoning Code Violations	83	74	Obstruction Justice	0	1
Carry Concealed Weapon/ Improper			Obstruction Official Business	38	35
Handling of a Firearm	14	9	Occupying a Drug Premises	17	11
Comply Lawful Order	0	5	Open Container/ Public Consumption	70	86
Criminal Damaging	38	29	Passing Bad Checks/ NSF Checks	1	1
Criminal Mischief	7	5	Possession of Dangerous Toys	12	0
Criminal/ Agg Trespassing	93	52	Possession of Drug Instruments/		
Curfew/ Park	18	21	Paraphernalia C	161	172
Defraud Livery	3	2	Possession/ Discharge Fireworks	2	2
•			Public Indecency/Procuring/Prostitution/		
Discharging Firearms / Imp Hand	7	4	Soliciting	3	8
Disorderly Conduct/ Persist/ Intox	800	706	Receiving Stolen Property	8	5
Drug Abuse / Poss of Halluc/Intoxicant			Resisting Arrest/ Willful Fleeing	22	17
Marijuana/Permitting	164	174	Sales to Minor/Minor Purchasing &		
Endangering Children	2	1	Poss of Alcohol/Legal Consump in MV	20	18
False Alarms	2	3	Soliciting License/Bill Posting	5	3
Falsification/ False Info to Officer	36	39	Stun Gun	0	1
Hours of Sale/ Consumption	2	0	Telephone Harassment	1	3
Illegal Knives	9	4	Theft/ Petty Theft	37	32
Inducing Panic	1	1	Unauthorized Use Motor Vehicle	4	1
Littering/Spitting	10	3	Unlawful Transaction use in Weapons/		
Menacing	3	2	Transport/Use while intoxicated	7	6

CRIMINAL DIVISION - STATISTICAL DATA CRIMINAL OFFENSE DESCRIPTIONS

STATE STATUTE OFFENSES - MISDEMEANORS

	Indiv	idual		Indi	ividual
	Offense	Filings		Offens	e Filings
Criminal Offense Description	<u>2015</u>	<u>2016</u>	Criminal Offense Description	<u>2015</u>	<u>2016</u>
Aggravated Menacing	16	27	Obstruction Justice, Official Bus.	9	9
Arson	0	2	Passing Bad Checks/ Misuse CC	9	10
Assault	56	48	Possession of Criminal Tools	7	25
Breaking & Entering	1	1	Public Indecency/ Sexual Imp/		
Contempt of Court	3	0	Voyer/Prostitution	1	10
Criminal Damaging/ Mischief	8	13	Receiving Stolen Property	17	14
Criminal Simulation / Complicity	4	9	Resisting Arrest	7	5
Criminal Trespassing/ Agg Tress	18	7	Riot/ Inciting to Violence/ Inducing		
DCI/ Persisting	0	2	Panic	0	5
Domestic Violence	34	37	Sales to Minor/ Poss/ Consump	7	2
Drug Paraphernalia/ Cultivating	74	111	Telephone Harassment	9	13
Drugs of Abuse/			Theft	162	192
Permitting/Possession	51	58	Trafficking	11	8
Endangering Children/ Patient	14	17	Unauthorized Use of Motor		
Falsification/ Taking Identity Failure			Vehicle/ Property	6	2
to Disclose Personal Info.	11	15	Unlawful Restraint	5	0
False Alarm	1	5	Underage Drinking	2	3
Fishing Without a License/ Illegal			Use/ Discharge Firearms/ Poss/ Imp		
Acquisition of Wild Animals	5	2	Imp handling/ Deface	8	6
Forgery/ Illegal food stamps	3	1	Vandalism	0	E 1
Impersonating Police Officer	3	0	Violation of TPO	29	12
Intimidation of victim/witness	0	3	Willful Flee & Elude/ Failure		
Liquor	0	2	to Comply/ Escape	2	5
Menacing/ Stalking	6	6			
-					

OTHER GOVERNMENTAL AGENCIES

	<u>2015</u>	<u>2016</u>	
Cleveland Clinic	1	0	
Department of Natural Resources	_		
Division of Wildlife/ Watercraft Metropolitan Pork Including Treffic	5 12	2 32	
Metropolitan Park-Including Traffic Ohio State Patrol	170	30	
Public Safety/ Liquor Control	5	3	
RTA	1	0	
Web	1	1	

CRIMINAL DIVISION - STATISTICAL DATA CRIMINAL OFFENSE DESCRIPTIONS

STATE STATUTE OFFENSES - FELONIES

	Indiv <u>Offense Fi</u>			Ind <u>Offense</u>	lividual Filings
Criminal Offense Description	<u>2015</u>	<u> 2016</u>	Criminal Offense Description	<u>2015</u>	<u>2016</u>
Aggravated/ Felonious Assault	23	30	Extortion	1	0
Aggravated Burglary	9	2	Forgery/ Taking an Identity	6	9
Aggravated Murder/Attempt	2	5	Fraud/ Misuse of CC/ Passing bad checks	0	3
Aggravated Robbery	6	10	Grand Theft/ Theft/ Grand Theft of MV	32	25
Aggravated Trespass/ Menacing/			Illegal Processing of Drug/Conveyance		
Criminal Tresspassing	1	2	Documents/ Ordance chemicals	4	6
Arson	0	1	Involuntary Manslaughter	0	5
Breaking and Entering	2	7	Intimidation, Retaliation	1	4
Burglary	26	17	Kidnapping/ Unlawful Restraint	4	2
Carrying a Concealed Weapon/			Obstructing Justice	0	3
Improper Handling/ Crim Tool			Rape/ Sexual Battery	7	8
Weapons under Disability	5	20	Receiving Stolen Property	12	20
Complicity/ Conspiracy/ Corrupt	8	7	Robbery	8	2
Corruption of a Minor/ Child			Tampering with Evidence	5	8
Endangering/ Obsenity/			Telephone Harrassment	1	0
Unlawful Sex	2	1	Trafficking in Drugs	42	34
Deception to Obtain Drugs	0	1		0	1
Domestic Violence/			Vandalism	0	1
Violation of TPO	19	12	Willful Eluding/ Fleeing/		
Drugs Of Abuse	49	39	Failure to Comply	4	3



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.

Civil cases are divided into three (3) sections; general civil cases, small claims and eviction proceedings. The total number of civil cases filed and reactivated in 2016 decreased by 147 cases from the prior year. General civil cases, involving claims of property damage, personal injury and breach of contract, decreased from the previous year. (737 cases in 2015 and 714 cases in 2016) Many of these cases involve consumer credit issues.

Small claims cases

One aspect of civil cases, small claims cases, decreased by 71 cases, from 1,271 cases 2015 to 1,200 in 2016. The decreased filings were due to reduction of cases filed by the city for municipal income taxes. Of all the small claims cases that were filed last year, 87.46 % were filed by the City of Lakewood for collection of municipal income taxes. The remaining 12.54% were filed by private parties. The amount of small claims cases filed by private parties has continued to increase in recent years.

Effective September 28, 2016 the monetary limit of a small claims case was raised from \$3,000 to \$6,000. If a party seeks monetary damages of \$6,000 or less, the party has the option of filing a small claims case. 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 many small claims cases attorneys may not be involved and the parties may present their cases themselves.

Landlord/tenant cases

Also part of the civil division, eviction cases in 2016 decreased by 53 cases, with 687 cases in 2015 to 634 cases in 2016. These cases include a landlord's claims for possession of the rental property, damages to the premises and unpaid rent. It does not include other landlord tenant claims, such as actions by tenants for return of security deposit and deposit of rent into escrow with the Clerk of Court.

In addition to criminal housing code violations, 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

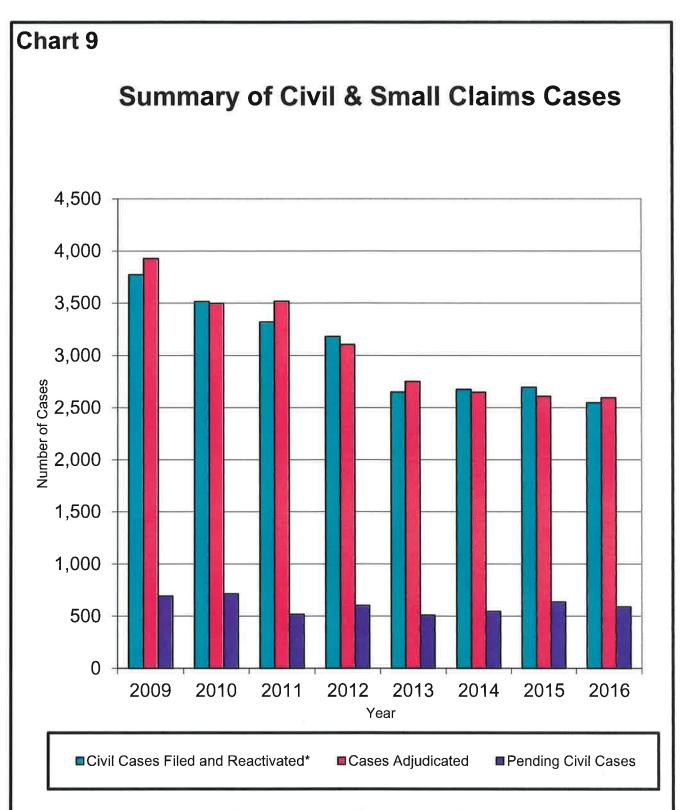
the tenant for the period of time of the violation. There were 21 rent deposit cases filed in 2016, compared to 23 cases in 2015.

Most of the eviction proceedings and small claims cases are heard by one of the court magistrates. After the conclusion of the hearing the magistrate files a written report and recommendation. Both parties are given fourteen (14) days to file written objections to the judge for review. If objections are filed, they are reviewed by the court to determine if an additional hearing is required before final judgment. Depending on the issues raised, the objections may be overruled or be grounds to modify the magistrate's recommendation.

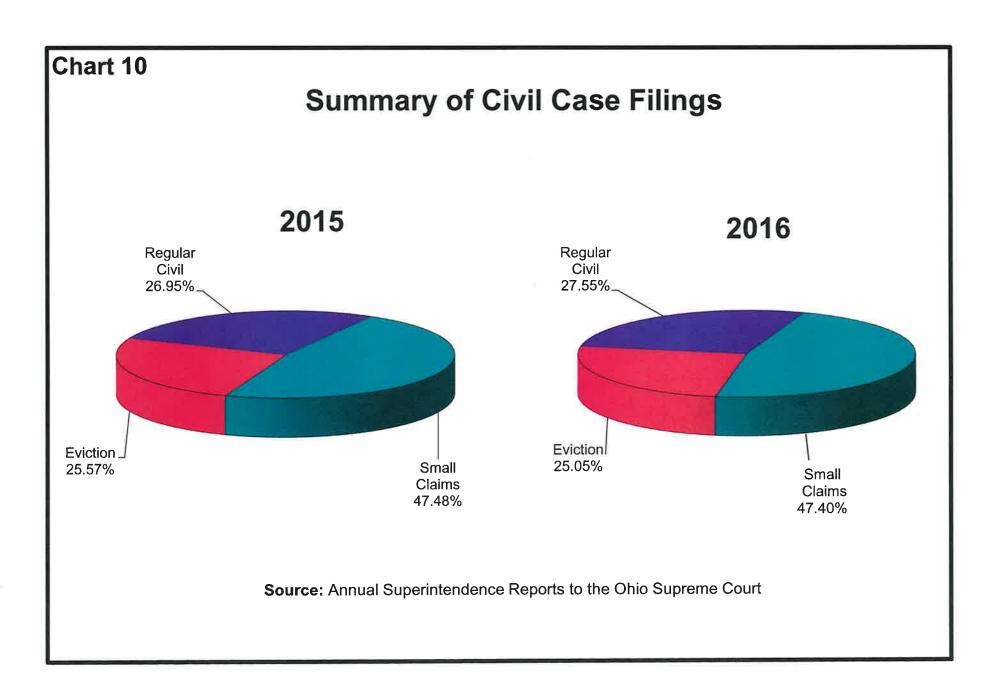
Trusteeship

In addition to adjudicating cases, the Ohio Revised Code authorizes municipal courts to create a trusteeship with a judgment debtor. A trusteeship is a court supervised procedure for a person to avoid garnishment of wages after judgment. Although a trusteeship is a little know remedy to assist a person faced with civil judgments, it is a safe and inexpensive method of debt consolidation and consumer relief.

The defendant pays a specified amount per month to the court which is distributed to the defendant's creditors. The monthly amount is determined based upon statutory percent of wages and exemptions. Compliance with the terms and conditions of the trusteeship prevents execution of judgment against the defendant. There were eight (8) active trustee cases during the year with five (5) cases filed in 2016.



Source: Annual Superintendence Report to the Ohio Supreme Court *Note: Includes new case filings and cases reactivated from prior years.



CIVIL DIVISION - Landlord/Tenant ANNUAL STATISTICAL SUMMARY

Cases Pending at Beginning of Year Cases Filed & Reactivated Cases Adjudicated Cases Pending Year-end	2015 79 699 (686) 92	2016 92 648 (646) 94
Case Adjudication Summary	<u>2015</u>	2016
Trial Hearing by Judge		7
Hearing by Magistrate	249	257
Transfer to Civil Docket/Other	13	14
Dismissal for Want of Prosecution	1	0
Other Dismissals	400	358
Bankruptcy Stay	2	0
Other Terminations	<u>16</u>	<u>10</u>
Total	686	646
Objections filed from Magistrate's Reports to Court:	21	24
Rent Deposits filed with the Court	23	21

2016 Mileage expense: \$1,570.64

CIVIL DIVISION - SMALL CLAIMS ANNUAL STATISTICAL SUMMARY

Cases Pending at Beginning of Year Cases Filed & Reactivated Cases Adjudicated Cases Pending Year-end	2015 243 1,271 (1,210) 304	2016 304 1,200 (1,240) 264
Case Adjudication Summary Trial Hearing by Magistrate Trial Hearing by Judge Transfer to Civil Docket Dismissal for Want of Prosecution Other Dismissals Bankruptcy Stay Other Terminations Total Objections filed from Magistrate's Reports to Court:	2015 609 8 2 0 588 3 0 1,210	2016 657 13 0 0 564 4 2 1,240
2016 Small Claims Cases Filed by Type Regular Civil Municipal Tax Cases Total	Amount 150 1,046 1,196	Percent 13% 87% 100%

CIVIL DIVISION - TRUSTEESHIP MONTHLY SUMMARY OF RECEIPTS

2015 Receipts	Total Receipts
Carried over from December 2015	\$10.00
January	\$9.00
February	\$74.14
March	\$0.00
April	\$2.00
May	\$9.27
June	\$15.54
July	\$25.81
August	\$0.00
September	\$26.31
October	\$1.00
November	\$49.00
December	<u>\$9.00</u>
2015 Totals	\$221.07
2015 Carryover & 2016 Receipts	\$12,484.76
Costs disbursed to City	(\$221.07)
Disbursed to Creditors	(\$12,249.69)
Refunded to Trustee	<u>\$0.00</u>
Undisbursed & Carried over - January 2016	\$14.00

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

2016 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 247 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 2016, the Probation Department collected \$15,842.82 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 207. This is a decrease of thirty-three people from last year. 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. Nine (9) offenders were assigned and most 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.

Offenders assigned to house arrest are required to pay their own service fees to the house arrest 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 with 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 251 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 2016, thirty-four individuals were referred to the mental health liaisons for an evaluation. As a result of this project, mentally ill offenders have decreased the amount of time spent in jail and have 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.

The past few years have seen a significant increase in the number of people who are addicted to drugs. Most of the time the drug of choice is heroin. Lakewood Municipal Court uses a program in conjunction with the Cuyahoga County Common Pleas Court Probation Department and the Cuyahoga County Jail to reduce jail overcrowding and to treat individuals who want treatment. This program is known as the Jail Reduction Program. Treatment is followed by a period of probation supervision. The treatment is done at no cost to the City of Lakewood. Last year seventy-nine (79) men and women were referred to this program. This number represents an increase of twenty-eight (28) people placed from the number treated in 2015.

PROBATION DEPARTMENT MONTHLY ACTIVITY SUMMARY REFERRAL RESULTS

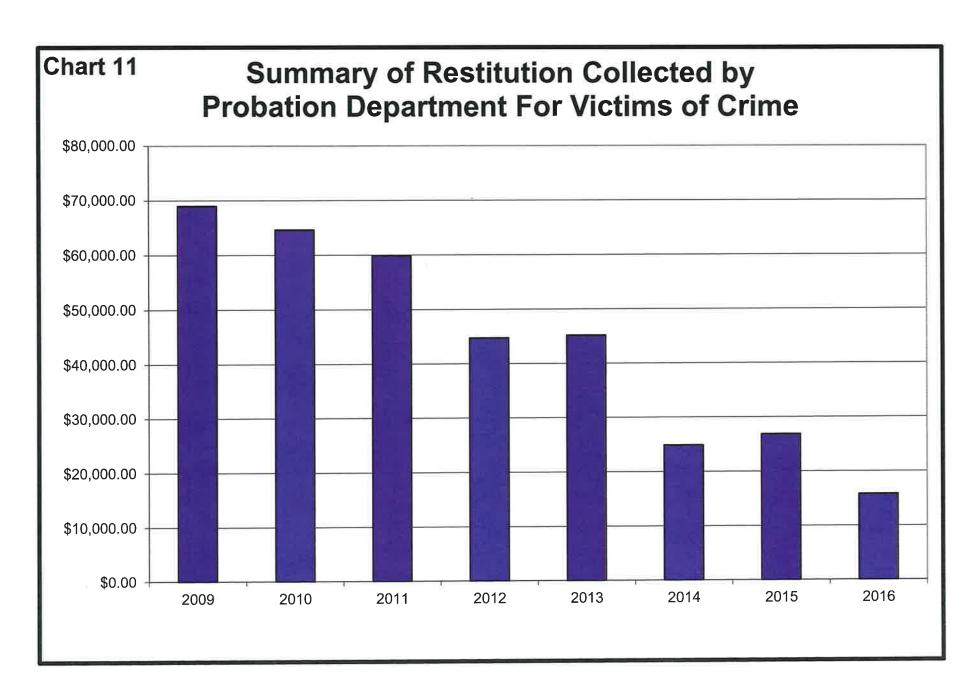
	PSI Carry Over to next Mo.	PSI Monthly <u>Referrals</u>	Presentence Investigation Completed PSI	Active Prob. <u>Mo. Vol.</u>	Restitution Collected	Probation Violation <u>Hearings</u>	House Arrest <u>Assign.</u>	INACTIVE Probation <u>w/PSI</u>	ACTIVE Probation <u>w/PSI</u>	ACTIVE Probation No PSI	ACTIVE Probation <u>Term.</u>
January	23	23	23	196	\$810.00	20	3	3	6	13	30
February	19	29	30	196	2,287.65	26	1	3	14	7	21
March	20	18	22	204	1,307.70	19	0	2	9	14	15
April	22	17	24	218	1,032.76	15	2	2	13	20	19
May	11	13	24	209	2,349.85	25	2	0	12	4	31
June	11	17	23	209	953.00	24	0	2	14	14	28
July	4	10	19	208	1,101.37	16	1	0	15	22	38
August	11	19	14	214	1,939.58	23	0	1	12	23	29
September	13	16	17	210	1,081.01	19	0	0	10	7	21
October	25	14	11	197	623.00	20	0	1	8	21	42
November	15	11	15	212	1,504.50	22	0	0	11	15	11
December	<u>11</u>	<u>12</u>	<u>25</u>	<u>206</u>	<u>852.40</u>	<u>22</u>	<u>0</u>	<u>0</u>	9	<u>5</u>	<u>20</u>
'16 Totals	185	199	247	207	\$15,842.82	251	9	14	133	165	305
'15Totals	201	243	276	240 (Mo.Avg.)	\$26,862.64	317	21	15	159	181	310

298 Total New Active Probation Referrals 2016

PROBATION DEPARTMENT - STATISTICAL ARREST DATA

The following listing is a breakdown of the quantity and type of convictions referred for active probation supervision in 2016

referred for detive probation supervision in 201		
	<u>2015</u>	<u>2016</u>
Aggravated Menacing/Menacing/Aggravated Tresspassing	11	4
Arson	0	1
Assault	34	25
Attempted Drug Abuse	1	2
Attempted Possession of Drugs	8	2
AttemptedTrafficking	4	4
Carrying a Concealed Weapon/Discharge firearm	1	6
Child Endangering	11	6
Contempt of Court	7	9
Criminal Damaging	10	11
Criminal TrespassingAggravated Tresspassing	7	10
Dangerous Animals/Dog at large	0	1
Disorderly Conduct	5	10
Domestic Violence	10	9
Driving While Under Suspension	18	13
Drug Abuse	11	15
Failure to Comply	1	1
Failure to Control	6	9
False Alarms	2	2
False Information	1	6
Hit Skip	4	1
Inducing Panic	0	2
Intox	17	7
Misuse of credit card	0	1
No Operators License	0	3
Obstruction of Official Business	3	9
Occupying a drug premises	0	1
Open container	0	1
Operating a Vehicle Impaired	82	91
Persisting	4	1
Petty Theft	32	29
Physical Control	10	17
Pocket knives	0	2
Possession of Criminal Tools	2	4
Possession of Drug Paraphernalia	30	41
Possession of Drugs	3	7
Possession of Harmful Into	1	0
Probation Violation	11	5
Public Indecency	3	2
Receiving Stolen Property	1	4
Reckless Operation	5	2
Resisting Arrest	5	8
Sales to Minors	3	7
Telephone Harassment	4	6
Theft/Attempted breaking and entering	0	6
Traffic control devise	0	1
Unalwful Transportation of Weapon	0	3
•	1	1
Using Weapons While Intox Violeties of a Temporary Protection Order	4	<u>5</u>
Violation of a Temporary Protection Order	±	2
Totals	373	413



COMMUNITY WORK SERVICE

The following listing is a breakdown of quantity and type of convictions referred for Community Work Service in 2016

PAGE 1 OF 2

OFFENSE

	<u>2015</u>	<u>2016</u>
Aggravated Menacing/Menacing	2	4
Animal Violation	0	3
Assault	8	7
Attempted Escape	0	0
Attempted Trafficking/Possession/Trafficking	5	5
Carrying a Concealed Weapon/Possession of Stun Gun	3	6
Criminal Damaging/Attempted Criminal	16	16
Criminal Mischief/Body Piercing/Attempted Criminal Mischief	1	3
Criminal Simulation/Complicity	2	4
Criminal Trespassing/Aggravated Trespassing	5	4
Discharging Fireworks/Possession of Fireworks	1	1
Disorderly Conduct/Intoxication/Persist/Noise/Park Curfew	10	9
Domestic Violence	0	0
Driving While Under Suspension	54	58
Drug Abuse/Permitting	7	7
Endangerment Child/Interfere with	4	0
Failure to Control	11	10
Failure to Yield	0	1
False Information	5	5
Full Time and Attention	1	1
Hit-Skip	8	7
Impersonating a Police Officer	1	0
Improper Handling of a Firearm/Unlawful/while Intoxicated/Transaction	3	3
Improper Identification	0	0
Improper Turn/backing	3	0
Making False Alarms	0	2
Misuse of Credit Cards	1	5
No Operator's License	4	2
Obstruction of Official Business	4	5
Occupying Drug Premises	1	0

COMMUNITY WORK SERVICE

The following listing is a breakdown of quantity and type of convictions referred for Community Work Service in 2016

PAGE 2 OF 2

	<u>2015</u>	<u>2016</u>
Open Container of Alcohol in Public	0	0
Operating a Vehicle Impaired	160	133
Passing of Bad Checks	8	1
Petty Theft/Attempt/Indentity/Defraud Livery	45	53
Physical Control of Vehicle Under the Influence	5	10
Possession of Criminal Tools	1	2
Possession of Drug Paraphernalia	6	6
Possession of Hallucinogens/Marijuana	3	2
Probation Violation/Contempt of Court	187	118
Receiving Stolen Property	3	2
Reckless Operation of a Vehicle/Willful Wanton	5	5
Resisting Arrest	5	3
Riot/Attempted Riot	0	0
Sale of Alcohol to Minor/Underage Possession/Failure to ID/Certain Acts	27	11
Seat Belt/Child Restraint	1	2
Telephone Harassment	0	2
Theft/Attempted Theft/Att Breaking and Entering/Tampering with	4	2
Traffic Control Device/Misc. Traffic/Littering/Assured Clear Distance	1	9
Unauthorized Use of a Motor Vehicle/Wrongful Entrustment/Permit	0	1
Violation of Temporary Protection Order	<u>0</u>	<u>1</u>
Total	621	531

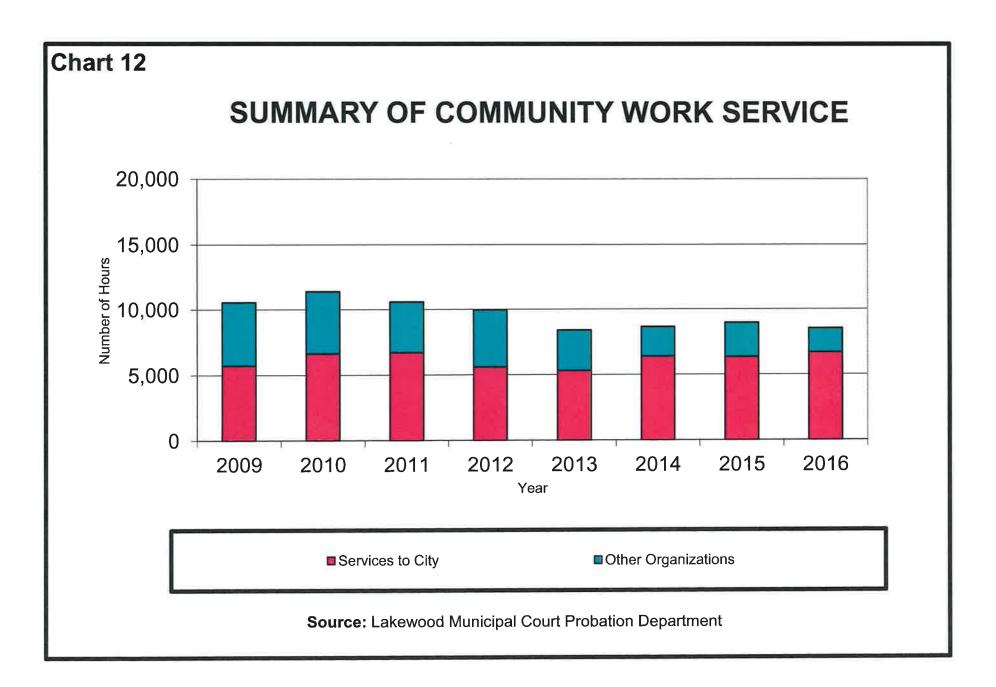
- Of the 11 Sales of Alcohol to Minor/Underage Possession, 5 were offered the Diversion Program.
- 53 Defendants were assigned resitution in 2016
- 2 Defendants were assigned GED in 2016

^{**}NOTE: • 219 defendants were assigned CWS in 2016. There were 76 defendants who had two offenses and 17 defendants who had three offenses.

COMMUNITY WORK SERVICE

	<u>Hours</u>	<u>Total</u>
City Services	6222	\$50,398.20
Office on Aging	<u>456</u>	<u>\$3,693.60</u>
Total City Services	6678	\$54,091.80
The Nature's Bin	1210	\$9,801.00
Recovery Resources	0	\$0.00
Beck Center	184	\$1,490.40
Lakewood Meals on Wheels	372	\$3,013.20
Special Projects	<u>72</u>	<u>\$583.20</u>
Total Non City Services	1838	\$14,887.80
Total Community Work Service Hours	8516	\$68,979.60

^{*} The Dollar Amount is computed at minimum wage of \$8.10 per hour



OHIO SUPREME COURT ANNUAL STATISTICS

The Supreme Court of Ohio Form AJ - Administrative Judge Report

Judge's Attorney Registration Number	0031127											
Judge's name	Patrick Carroll											
Notification email	lakewoodcourt@lakewoodoh.net											
Court	Lakewood Municipal Court											
Date of most recent inventory	04/20/16											
Report month (MM)	Report year (YYYY) 2016 Annual											
			A	В	С	D	E	F	G	н	1	T
			Felonies	Misdemeanors	O.V.I.	Other Traffic	Personal Injury & Property Damage	Contracts	F.E.D.	Other Civil	Small Claims	Total
	Pending beginning of period	1	3	110	6	113	6	190	92	14	304	838
10	New cases filed	2	274	1764	197	4746	11	582	632	102	1196	9504 ²
Cases trai	nsferred in, reactivated, or redesignated	3	229	665	5	676	3	15	2	1	4	1600 ³
	TOTAL (Add lines 1-3)	4	506	2539	208	5535	20	787	726	117	1504	11942
*	TERMINATIONS BY	-			C	D	E	F	G	н	1	т
Trial/Hearing by Judge (i	TERMINATIONS BY: include bindover by preliminary hearing,	5	A	В								2393
Hearing by Magistrat	guilty or no contest pleas and defaults) e (include guilty or no contest pleas and	6	0 X	884	35	1087	7	337	7	23	13	
Transfer (include waive	defaults) ers of preliminary hearing and individual	7		0	0	0	1	0	257	39	657	954
Dismissal for lack of spee	judge assignments) edy trial (criminal) or want of prosecution	8	122	522	166	606	6	82	14	0	0	1518
Other Disease of Co	(civil)	-	0	0	0	0	0	2	0	0	0	2 8
Other Dismissals (in	clude dismissals at preliminary hearing)	9	139	104	0	180		148	353	26	564	1516
	Violations Bureau	10	Х	263	Х	2910	X	Х	Х	Х	Х	3173 ¹
Una	availability of party for trial or sentencing	11	239	642	3	663	0	0	0	0	0	1547
	Bankruptcy stay or interlocutory appeal	12	0	0	0	0	0	15	0	0	4	19
	Other terminations	13	1	41	0	4	0	4	3	18	2	73
	TOTAL (Add lines 5-13)	14	501	2456	204	5450	16	588	634	106	1240	11195
Pending en	nd of period (Subtract line 14 from line 4)	15	5	83	4	85	4	199	92	11	264	747
	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	0
Number of mon	ths oldest case is beyond time guideline	17	0			0		0	0	0	0	X
		- 16										

The Supreme Court of Ohio Form IJ - Individual Judge Report

Judge's Attorney Registration Number	0031127			11	,						
Judge's name	Patrick Carroll										
Notification email	lakewoodcourt@lakewoo	odo	h.net								
Court	Lakewood Municipal Court										
Date of most recent inventory	1147711716										
Report month (MM)	Report year (YYYY) 2016 Annual										
	2)	r	В	С	D	E	F	G	Н	Т	V
			Misdemeanors	O.V.I.	Other Traffic	Personal Injury & Property Damage	Contracts	F.E.D.	Other Civil	Total	Visiting Judge
Pending beginning of period		1	119	51	75	2	27	0	0	274	0 1
	New cases filed	2	515	163	604	6	82	14	0	1384	0 2
Cases transferred in, re	activated, or redesignated	3	75	6	89	0	2	0	0	172	0 3
	TOTAL (Add lines 1-3)	4	709	220	768	8	111	14	0	1830	0 4
12/11	TERMINATIONS BY:	ř	В	С	D	E	F	G	Н	Т	V
	Jury trial	5	1	1	0	0	0	0	0	2	0 5
	Court trial	6	125	11	225	0	0	0	0	361	⁵ 56
	Default	7	х	X	х	0	5	0	0	5	0 7
Guilty or no conf	test plea to original charge	8	203	155	143	х	х	х	х	501	51 ⁸
Guilty or no conte	est plea to reduced charge	9	50	17	194	X	х	Х	х	261	55 ⁹
Dismissal for lack of speed	ly trial (criminal) or want of prosecution (civil)	10	0	0	0	0	3	0	0	3	2 10
	Other Dismissals	11	123	1	41	5	39	5	0	214	27 11
Transfe	r to another judge or court	12	1	0	0	0	2	- 0	0	3	1 12
	Referral to private judge	13	х	Х	х	Ö	0	0	0	0	O ¹³
Unavailability of p	party for trial or sentencing	14	85	8	80		0	0	0	173	0 14
Bankruptcy s	tay or interlocutory appeal	15	0	0		0	4	0	0	4	0 15
	Other terminations	16	12	0				7	0	93	8 16
	TOTAL (Add lines 5-16)	17	600	193				12	0	1620	200
Pending end of period (S	ubtract line 17 from line 4)	18	109	27	55		15	2	0	210	0 18
	Time Guideline (months)	71	6	6	6	24	12	12	12	X	X
Cases pend	ling beyond time guideline	19	0	0	0	0	0	0	0	0	0 15
Number of months of	oldest case is beyond time	20	0	13 O				0	0	X	0 20
Cases submitted awaiting	ng sentencing or judgment beyond time guideline	21	0	0			5	0	0	0	0 21

