LAKEWOOD MUNICIPAL COURT

Judge Patrick Carroll

Clerk of Court Terri A. O'Neill

ANNUAL REPORT FOR 2017



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LAKEWOOD MUNICIPAL COURT

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> PATRICK CARROLL JUDGE

February 16, 2018

LAKEWOOD MUNICIPAL COURT 2017 ANNUAL REPORT

As with any public entity, the Lakewood Municipal Court faced and addressed both new and ongoing challenges in 2017. 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. In addition, court security became a major issue due to events at the Lakewood City Hall. Despite these issues, the Lakewood Municipal Court underspent its allocated budget, while providing an efficient, open and accessible forum for dispute resolution and law enforcement for the Lakewood Community. In terms of service to the community, the court provided:

- Treatment for persons with substance abuse and/or mental illness,
- An available forum for persons to seek redress in civil cases and in particular small claims court, as the increased filings have indicated, and
- Continued supervision to monitor offenders to reduce repeat offenses.

This report is a summary of the operation of the Lakewood Municipal Court for 2017. 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 2017 was 10,325 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 2017 decreased from the previous year by 779 cases. Both traffic and criminal cases decreased with 771 less cases from the previous year. Civil case filings decreased in 2017 by 8 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, OVI laws were substantially changed in April 2017, increasing the penalties, driver's license suspension periods, and increase ignition interlock.

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.

The Lakewood Court has also been active in the current bail reform project that started in the Cleveland and Toledo Municipal Courts. 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. The list of Lakewood jail inmates is checked twice daily by the court. Through constant, diligent oversight by the court, inability to post a bond has not been a significant problem in Lakewood.

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. The lack of security at city hall was demonstrated last summer when a person was able to bring a shotgun into the city hall lobby. In addition to this incident, knives, drug paraphernalia and other contraband have been found on people entering Lakewood City Hall. As a result of these incidents and an ever increasing awareness for the need to provide a safe place for everyone coming to city hall, for court or any other purposes, additional security measures were made by the court. The entrance to city hall is restricted to one door during court hours with screening by court security bailiffs as the person enters the building.

While the shotgun incident was unforeseen, most public shootings are also unforeseen. Public buildings have become targets and issues of safety for both court employees and the general public must also be considered and balanced. The court deals with cases, both criminal and civil, which may involve violence, substance abuse and mental health issues. As Chief Justice O'Connor stated in her annual state of the judiciary address:

Ensuring the safety of the judiciary should be a primary, not secondary, concern. . . . In this day and age, it's not a quantum leap for a disturbed individual to think that violence against a judge or a family member or court staff is an appropriate way to deal with a problem. ¹

The risk of harm is not limited to a judge or court employee, but anyone else in the general area. These new procedures cause minimal intrusion while keeping the Lakewood Municipal Court open and accessible. Moreover, litigants and jurors have expressed favorable comments about the new security measures.

Part of the court's efforts to improve security included reduced use of city hall. The court's community work service program, which had been exclusively controlled by the Lakewood Probation Department, has been combined with the county's community service program. The result is to divert more people to the county program, reducing the number of people on probation from coming into city hall. The court's program will continue to provide services to the community on a modified basis.

In addition, the court's alcohol awareness program was restructured and moved to the Lakewood Public Library. As a night program, the move eliminates the expense of a security guard at city hall during evening hours. The court is especially grateful to Library Director James Crawford and his staff for the room accommodation as well as the smooth transition of the program.

TRANSITIONS

Wally Wincek retired as a court bailiff after serving the Lakewood Court over thirty (30) years. Wally was vital of the daily operations of the court, including courtroom assistance, serving subpoenas, and assisting landlords in forcible entry and detainer cases. As a comment of the longevity of the court staff in general, Wally was the last Lakewood Court employee hired by Judge Harold Craig.

Penny Beckwith served as a deputy clerk in the civil division and retired after ten (10) years with the court. Penny assisted with the filing, processing and scheduling of small claims cases as well as many other duties for the court.

The long term, dedicated public service of both of these public servants have contributed to the effective operation of the court as well as to the other participants involved in the court process, including litigants, witnesses, victims of crime and the general community.

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 2017, I continued my service on the Editorial Board of the

State of the Judiciary Address, August 31, 2017.

Ohio Jury Instruction Committee of the Ohio Judicial Conference and was appointed chair of the criminal sub-committee in August, 2017. I completed my second term on the Board of Trustees of the Ohio Judicial College and to the Continuing Legal Education Commission of the Ohio Supreme Court. Although both terms expired in December, 2017, I continued my service as the education chair of the statewide municipal judges association.

I also continued to serve as a faculty member of the Ohio Judicial College, as I have done since 2003, teaching numerous courses to other judges throughout the State of Ohio. Last year I taught eight (8) separate courses for the judicial college, with topics including civil procedure, landlord/tenant law, court administration 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.

I also served on an ad hoc committee by Chief Justice O'Connor to study weighted work loads for all levels of courts in Ohio.

Other community activities included involvement with the Lakewood Police Citizens Academy and the Lakewood City's landlord education seminars as well as being on the board of trustees of the Lakewood Historical Society. 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 seven (27) marriages were performed in the Lakewood Municipal Court in 2017. 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.

CONCLUSION

This report marks the completion of my twenty eighth year as Judge of the Lakewood Court. I have seen changes in the community over time which creates new challenges to both the court and our community. It is an ongoing process. 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. I have also attempted to operate a court that is fair and looks to the safety of the 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, 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. When a court focuses on raising revenue instead of addressing public safety, it cast doubt on the impartiality of the tribunal and erodes the public trust. In an open letter form Chief Justice O'Connor last year, courts are not designed to contribute to the general financial operation of the city, but to administer justice to everyone fairly and impartially.²

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 purpose of a fine in a misdemeanor case is to alter inappropriate behavior. 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 \$119,383.77 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 2017 decreased from the previous year due primarily to the continued decease in filings of traffic and misdemeanor cases. Decreased filings in prior years have a financial impact on the current year because some people may not pay their fines and court costs immediately, but will do so later when there is a need to remove a vehicle registration block or renew a driver's license. The net

² July 12, 2017. The Chief Justice's entire letter is available upon request.

revenue collected by the court in 2017 resulted in a surplus of funds of \$193,129.55 to the State of Ohio, Cuyahoga County and the City of Lakewood.

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, also have a financial impact on the 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 defray, not support the operation of the court. By statute most court costs do not accrue to the municipality. Over the years the State of Ohio has imposed costs on cases in municipal courts to support 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 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. While the Lakewood court costs are the lowest of all courts in Cuyahoga County, the vast majority of cases in the municipal court are minor traffic cases and 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 are not allocated as part of the court's operating budget and are controlled solely by the court. The purposes of these funds is to allow the court to make 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.

<u>Computer Maintenance Fund</u> 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 \$25,080.00 in 2017 with a balance at the end of the year of \$41,540.61.

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 \$101,042.00 in 2017 with a balance at the end of the year of \$380,242.35. 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 and for additional court security expenses. It is expected that these projects 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 2017 to pay for drug screening tests, professional psychiatric evaluations and other expenses to operate the mental health court program. In 2017 the fund accrued \$26,564.21 with an ending balance of \$88,895.33.

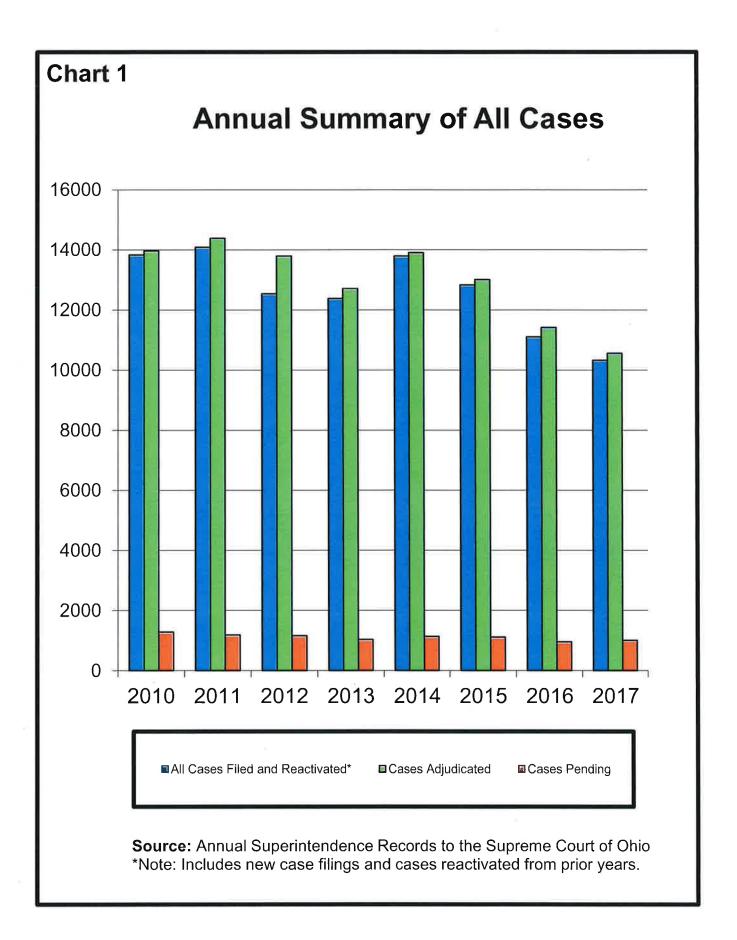
Indigent Drivers Alcohol Treatment Fund (IDAT) This fund is created by Ohio Revised Code Section 4511.19(H). The IDAT was funded by two sources; 1) A portion of fines collected in OVI convictions and 2) drivers license reinstatement fees distributed by the Ohio Department of Public Safety for OVI defendants. The fund is restricted in use to providing alcohol, drug and/or mental health services to indigent defendants. In 2017 the fund accrued \$15,306.85 with an ending balance of \$152,060.66. \$13,764.16 was paid from this fund in 2017 to pay for substance abuse assessments and treatment for indigent defendants. Over the past few years the State of Ohio broadened 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.

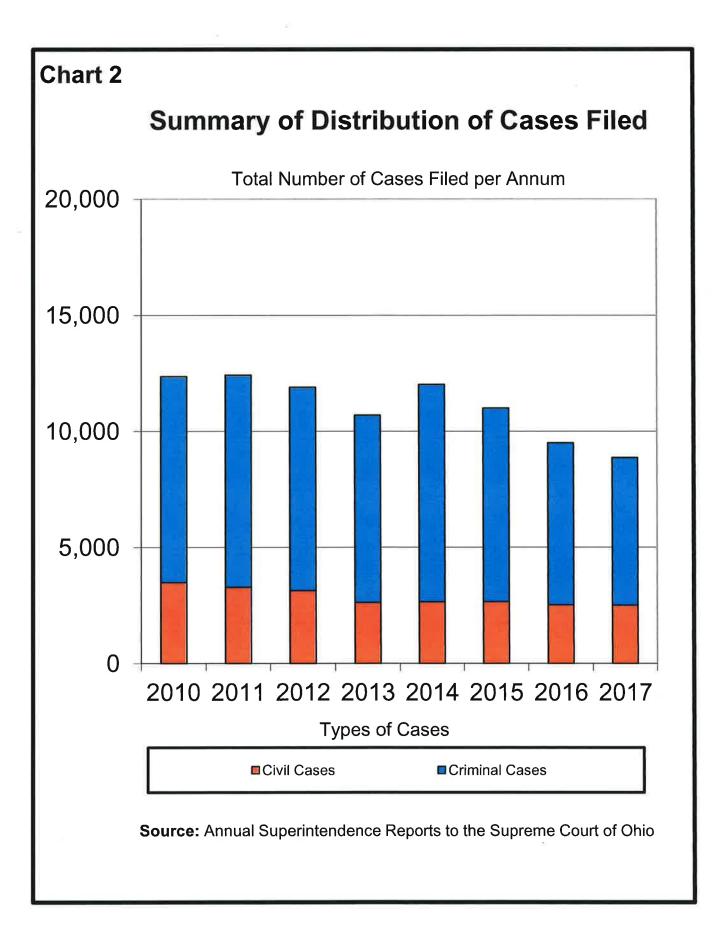
Indigent Drivers Interlock and Alcohol Monitoring Fund (IDAM) was created by the amendment to Ohio Revised Code Section 4511.191 in 2008. Like the IDAT Fund, the fund is mandated by state law. A portion of fines collected for OVI convictions are required by state law to be paid into this fund. The fund, which collected \$12,072 in 2017, 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 was 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.





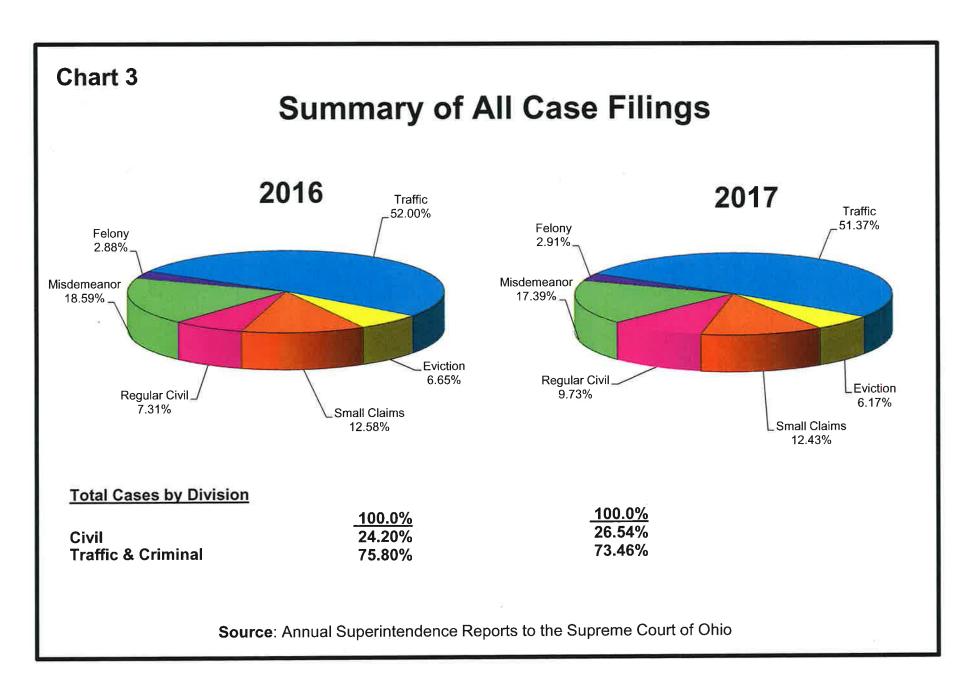
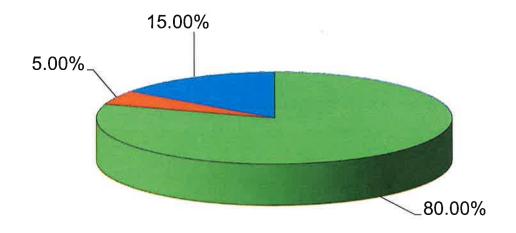


Chart 4

SUMMARY OF DISTRIBUTION OF REVENUE





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

PAID TO	CITY
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ACCOUNT NUMBER	101-0000- 361.10-00 361.20-00 361.30-00 361.50-00	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	CRIMINAL*	WITNESS	<u>JUROR</u>	INTEREST	<u>P.S.I.</u>	I.D.A.T.	STATE <u>I.D.A.T.</u>	<u>L.E.A.</u>	<u>S.P.F.</u>	<u>C.M.F.</u>
January	\$78,702.65	\$137.00	\$0.00	\$93.56	\$50.00	\$225.00	\$394.50	\$231.00	\$9,267.00	\$2,257.00
February	87,614.93	181.00	700.00	95.01	66.00	425.00	433.50	155.00	9,430.00	2,306.00
March	86,946.41	201.00	0.00	92.65	0.00	7,740.85	417.00	345.00	9,731.00	2,279.00
April	66,501.94	198.00	0.00	100.96	0.00	285.00	292.50	300.00	7,684.00	1,997.00
May	71,413.81	192.00	0.00	87.67	50.00	524.00	342.00	500.00	8,280.00	2,017.00
June	69,452.22	194.00	0.00	97.60	50.00	335.00	331.50	350.00	8,803.00	2,178.00
July	68,301.27	197.00	0.00	128.11	50.00	141.00	369.00	150.00	8,290.00	1,939.00
August	73,426.05	121.00	0.00	139.04	50.00	275.00	352.50	275.00	8,552.00	2,170.00
September	61,393.21	96.00	0.00	127.09	50.00	240.00	303.00	244.00	8,094.00	2,116.00
October	68,325.25	108.00	0.00	123.71	0.00	300.00	357.00	293.00	8,203.00	2,061.00
November	66,435.32	162.00	0.00	131.80	0.00	3,799.05	316.50	316.00	7,352.00	1,829.00
December	59,082.28	100.00	<u>0.00</u>	139.85	<u>42.00</u>	<u>295.00</u>	<u>282.00</u>	<u>316.00</u>	7,369.00	<u>1,931.00</u>
'17 Totals	\$857,595.34	\$1,887.00	\$700.00	\$1,357.05	\$408.00	\$14,584.90	\$4,191.00	\$3,475.00	\$101,055.00	\$25,080.00
'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

REFERENCE:

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

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

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

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

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

*Includes Criminal and Traffic

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

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

PAID TO CITY

ACCOUNT NUMBER	237-0000- 361.50-00 R.C.	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	799-0000- 384.00-00	
<u>2016</u>	<u>I.D.A.M.</u>	L.E.T.F.	PROBATION	<u>CIVIL</u>	MARRIAGE FEES	SMALL <u>CLAIMS</u>	TRUSTEESHIP	LANDLORD/ TENANT	UNCLAIMED MONIES	TOTAL TO CITY <u>2017</u>
January	\$622.35	\$622.50	\$2,407.00	\$11,125.48	\$100.00	\$3,358.69	\$12.80	\$25.04	\$213.00	\$109,844.57
February	779.94	634.50	2,521.21	9,269.90	25.00	3,576.39	1.00	21.39	85.00	118,320.77
March	528.00	561.50	3,074.00	13,880.58	50.00	1,908.47	12.00	25.63	522.90	128,315.99
April	2,826.21	488.00	2,179.00	10,864.40	25.00	4,174.63	9.50	8.00	55.00	97,989.14
May	970.00	570.00	2,639.00	12,067.26	25.00	3,477.15	19.00	36.43	209.00	103,419.32
June	1,763.11	325.00	2,633.00	11,805.12	75.00	4,369.41	1.00	21.56	598.00	103,382.52
July	502.00	431.00	1,106.00	11,077.58	50.00	1,760.77	1.00	24.98	104.32	94,623.03
August	1,414.25	441.00	2,388.00	11,764.03	25.00	4,120.89	1.50	26.80	2,454.33	107,996.39
September	921.88	412.50	1,884.00	11,444.70	75.00	5,370.73	1.50	34.09	0.00	92,807.70
October	611.00	490.00	2,954.00	10,470.27	25.00	4,214.46	7.00	26.20	0.00	98,568.89
November	2,026.62	810.40	1,702.00	9,908.46	0.00	2,778.25	1.00	18.17	249.00	97,835.57
December	1,250.82	462.99	1,702.00	12,958.78	<u>50.00</u>	4,178.09	<u>9.46</u>	30.01	<u>525,20</u>	90,724.48
'17 Totals	\$14,216.18	\$6,249.39	\$27,189.21	\$136,636.56	\$525.00	\$43,287.93	\$76.76	\$298.30	\$5,015.75	\$1,243,828.37
'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

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

2017	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- <u>Seatbelt</u>
January	\$1,930.00	\$360.20	\$4,311.00	\$9,666.80	\$180.00	\$714.00	\$1,315.00	\$920.50	\$901.50
February	2,080.00	491.00	4,464.00	10,119.00	120.00	500.00	1,445.00	1,011.50	1,520.00
March	2,035.00	676.00	4,428.00	10,098.00	240.00	1,076.00	1,390.00	976.50	1,288.50
April	1,830.00	289.00	4,104.00	9,693.00	150.00	1,498.00	1,240.50	875.00	1,335.00
May	1,280.00	286.00	2,934.00	6,473.00	150.00	944.00	890.00	609.00	560.00
June	1,605.00	370.00	3,789.00	8,797.26	150.00	913.00	1,120.50	777.00	1,450.00
July	1,745.00	400.00	3,839.00	8,768.00	30.00	578.00	1,230.00	861.00	1,305.00
August	1,626.00	575.00	3,753.00	8,655.74	210.00	732.00	1,164.00	812.50	1,330.00
September	1,579.00	429.00	3,348.00	7,672.00	150.00	587.00	1,010.00	710.00	1,169.00
October	1,675.00	374.00	3,739.00	8,400.50	150.00	817.00	1,205.50	840.00	1,026.00
November	1,550.00	289.00	3,272.00	7,627.50	90.00	985.00	1,053.50	731.50	950.00
December	<u>1,415.00</u>	<u>261.00</u>	3,149.00	7,078.30	30.00	930.00	939.50	<u>654.50</u>	<u>882.00</u>
'17 Totals	\$20,350.00	\$4,800.20	\$45,130.00	\$103,049.10	\$1,650.00	\$10,274.00	\$14,003.50	\$9,779.00	\$13,717.00
'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

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

2017	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)	Totals
January	\$0.00	\$0.00	\$0.00	\$70.00	\$2,407.00	\$625.00	\$87.00	\$705.49	\$24,193.49
February	0.00	0.00	0.00	0.00	2,022.00	531.00	74.00	0.00	24,377.50
March	0.00	0.00	0.00	210.00	4,396.00	160.00	87.00	0.00	27,061.00
April	0.00	0.00	0.00	260.00	2,186.00	1,525.00	86.00	0.00	25,071.50
May	0.00	80.00	75.00	65.00	1,588.74	510.00	65.00	0.00	16,509.74
June	0.00	250.00	0.00	40.00	3,327.00	2,046.50	96.00	0.00	24,731.26
July	0.00	275.00	0.00	140.00	2,784.00	696.00	75.00	0.00	22,726.00
August	235.00	100.00	0.00	0.00	1,626.16	1,193.00	87.00	0.00	22,099.40
September	0.00	600.00	0.00	70.00	1,606.00	894.00	59.00	0.00	19,883.00
October	0.00	230.00	0.00	0.00	2,803.00	1,605.00	72.00	0.00	22,937.00
November	0.00	100.00	0.00	0.00	2,217.75	250.00	58.00	0.00	19,174.25
December	0.00	<u>0.00</u>	<u>0.00</u>	0.00	2,109.46	947.00	60.00	0.00	<u>18,455.76</u>
'17 Totals	\$235.00	\$1,635.00	\$75.00	\$855.00	\$29,073.11	\$10,982.50	\$906.00	\$705.49	\$267,219.90
'16 Totals	\$85.00	\$1,605.00	\$50.00	\$1,685.00	\$29,094.50	\$14,156.00	\$971.00	\$648.42	\$293,898.41

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 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.

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 for the fourth consecutive year in 2017 by 449 cases, from 5,624 new and reactivated cases in 2016 to 5,175 cases last year. One specific type of traffic case, operating a vehicle under the influence of alcohol (O.V.I.) decreased from 202 cases in 2016 to 193 in 2017. This includes both misdemeanor and felony O.V.I. cases.

Criminal misdemeanor cases also decreased for the fourth consecutive year in 2017 by 309 cases. There were 2,429 criminal misdemeanor new and reactivated cases in 2016, compared to 2,120 in 2017. These cases include theft, assault, domestic violence and drug offenses in addition to other criminal offenses.

In addition to the traffic and criminal cases in 2017, 1,125 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.

There were no significant changes with felony charges filed in the Lakewood Municipal Court in 2017, with 258 cases filed last year compared to 274 in 2016. The felony cases refer only to the charges filed in the Lakewood Municipal Court and do not include other felony charges filed directly in the Common Pleas Court which did not pass through 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 2017 seventy two (72) 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 2017 to provide both inpatient and out patient drug and alcohol treatment services to defendants. Those defendants fortunate to have insurance were able to obtain private treatment with court supervision. In addition, seventy eight (78) defendants were provided drug treatment through the Cuyahoga County Probation Department's jail reduction program. Although an insignificant change from seventy nine (79) referrals in 2016, the statistics show the constant stream of serious drug cases.

MENTAL HEALTH COURT

Numerous criminal cases involve mental illness and/or substance abuse. Over the past sixteen (16) 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 2017, the Lakewood Court directly handled thirteen (13) 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.

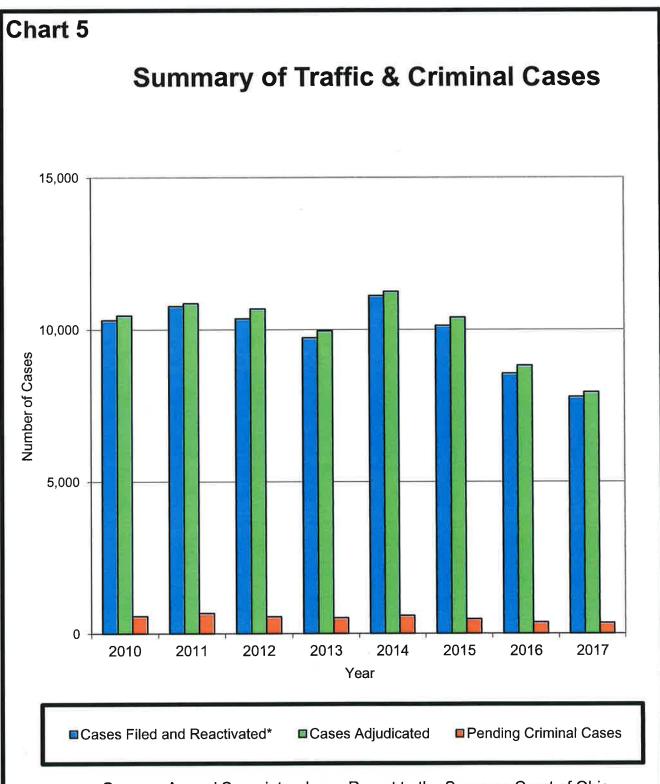
HOUSING COURT CASES

Criminal cases

Building and health code violations are also included in the criminal category. The number of building code violations continued to decrease in 2017, from 70 cases in 2016 to 65 cases in 2017. The decreased filings are a continued trend over recent years.

Housing Court Diversion Program

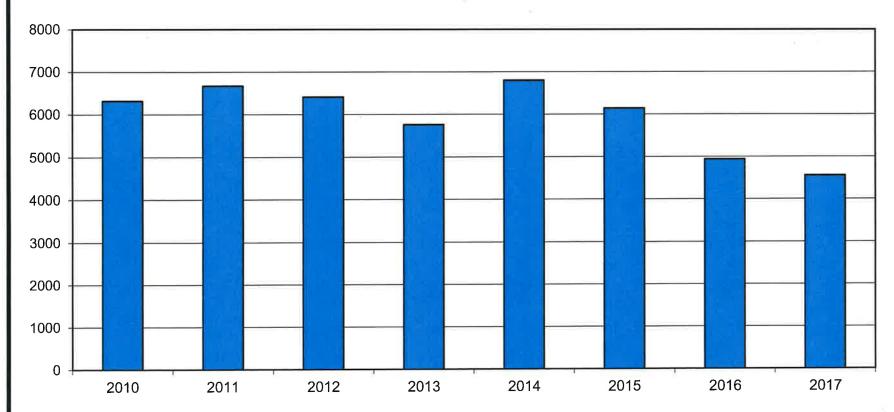
The Lakewood Municipal Court continued the diversion program that was established in 2010 for owner occupied building, housing and health code violation cases. The purpose of the diversion program is to assist homeowners to fix their homes and achieve compliance with the housing and building codes. The 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, however, the diversion program, while effective, was limited in its ability to assist homeowners to correct housing code violations.



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



Traffic Citations filed per annum in Lakewood Municipal Court*

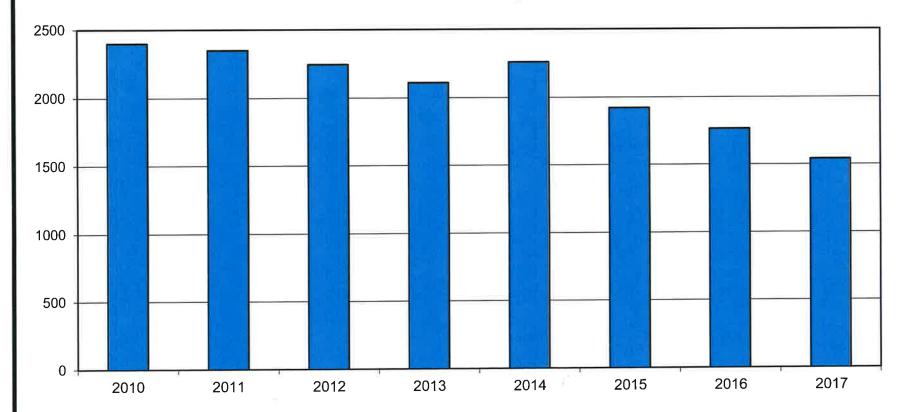


* Excludes OVI charges.

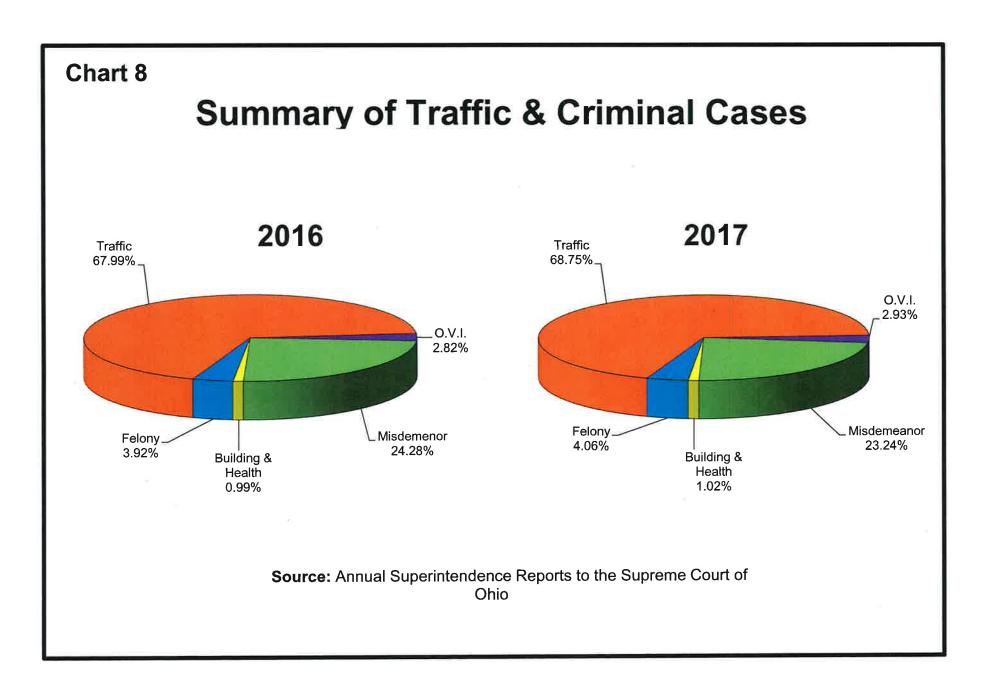
Source: Annual Superintendence Reports to the Supreme Court of Ohio

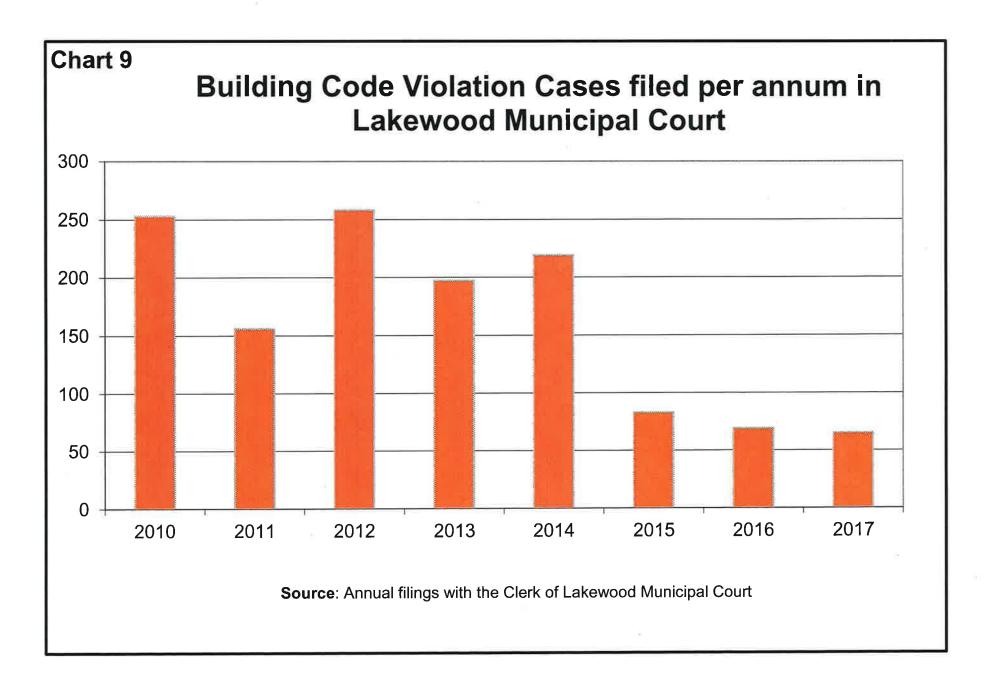


Misdemeanor Charges filed per annum in Lakewood Municipal Court



Source: Annual Superintendence Reports to the Supreme Court of Ohio





CRIMINAL DIVISION MONTHLY SUMMARY OF CITY RECEIPTS AND EXPENDITURES

2017 Passints	Total Deposits & Bond Receipts	Total City Receipts	Totals
2017 Receipts	Receipts	(all city fines, costs & interest)	<u>I otais</u>
January	\$25,419.00	\$93,768.22	\$119,187.22
February	18,346.00	101,569.62	119,915.62
March	20,329.00	103,639.64	123,968.64
April	14,453.00	81,937.43	96,390.43
May	23,223.00	87,527.32	110,750.32
June	22,155.00	86,613.91	108,768.91
July	19,022.00	81,645.03	100,667.03
August	14,871.00	92,078.64	106,949.64
September	19,709.00	78,542.32	98,251.32
October	18,158.00	83,299.89	101,457.89
November	16,674.00	79,684.00	96,358.00
December	13,568.00	77,073.67	90,641.67
Subtotal Amount	\$225,927.00	\$1,047,379.69	\$1,273,306.69
*Carried Over from			
December 2016	\$56,233.00		
Total	\$282,160.00	\$1,047,379.69	\$1,329,539.69
	Total Bonds Refunded	Total Receipts Summary	
2017 Expenditures	and Transferred	Disbursed to City-Fines and Costs	
			
January	\$22,490.00	Traffic	462,180.50
February	15,551.00	Criminal	82,744.21
March	29,465.00	10% Bond Costs	15,915.00
April	13,982.00	Court Costs, Exp, LETF	288,293.44
May	23,579.00	Diversion	1,100.00
June	22,667.80	Witness	1,887.00
July	16,293.00	Jury	700.00
August	24,554.00	Interest on Deposits Criminal unclaimed monies	1,357.05
September	13,008.00	(R.C. 1901.31g)	3,003.20
October	19,781.26	O.V.I. Funds (R.C. 4511.99)	36,875.08
November	15,148.00	Probation Fund	27,189.21
December	18,786.00	*Special Projects Fund	101,055.00
		*Computer Maintenance Fund	25,080.00
Subtotal Amount	\$235,305.06	•	
		Total	1,047,379.69
Carried over to 2018	\$46,854.94		
Total	\$282,160.00	*Includes assessed fees in all cases	

CRIMINAL DIVISION - STATISTICAL DATA

	<u> 2016</u>	<u>2017</u>
Individual Charge Filings		
Traffic Citations	4940	4555
Traffic Summons	0	0
Traffic Warrants	3	1
Criminal Citations	1367	1273
Criminal Summons	106	80
Criminal Warrants - Felonies	274	258
Criminal Warrants - Misdemeanors	291	163
Total Individual Case Filings	6981	6330
Case Adjudications* (Processed Through Open Court or Violations Bureau)		
Traffic and Criminal Cases Adjudicated	8823	7813
Arrest Warrants on Complaints Issued and Executed		
Traffic and Criminal Warrants Issued	568	476
Traffic and Criminal Warrants Executed	464	409
Contempt of Court Arrest Warrants Issued and Executed		
Contempt of Court Non-appearance Warrants Issued	861	858
Contempt of Court Non-appearance Warrants Executed	741	712
Contempt of Court Non-appearance for Payment Hearing Warrants Executed	7	4

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

CRIMINAL DIVISION - STATISTICAL DATA TRAFFIC OFFENSE DESCRIPTIONS

	Individual O	ffense Filings
	<u>2016</u>	2017
Traffic Offense Description		
Backing Without Vigilance	76	48
Bicycle/ Bicycle Helmet Violations	47	44
Certain Acts Prohibited	2	3
Driving on Sidewalk or Curb	1	5
Driving Under Suspension or Revocation	874	558
Earphone Use While Driving	4	7
Emergency Vehicle Violation	3	3
Excessive Noise, Loud Exhaust, Horn Blowing	106	97
Failure to Control Motor Vehicle/Accident/Full Time & Attention While Driving/		
Failure to Yeild Right of Way/Assured Cleared Distance	495	286
False Info Provided	9	3
Financial Responsibility	6	0
Following too Closely	50	36
Improper Change of Course, Lane Usage, Weaving, Right Side of Roadway	89	138
Improper or Unsafe Lights & Equipment, Obstructed View	340	426
Improper Passing	22	22
Improper Turns	136	140
Improper Vehicle Ident, Illegal Use of Plates, Exp. Plates, Fictious Plates	1037	1160
Leaving Scene of Accident/ Hit Skip/ Stopping After Accident	45	54
Left of Center	33	29
Litter from Motor Vehicle	15	14
Motorcycle/ Moped Violations	16	19
No Operator's License; License Restrictions, Exp. Operator's License, Unlicensed to Drive	136	117
One Way Streets	6	8
Open Door in Traffic	1	2
Operating a Vehicle Impaired (L.C.O.)	141	130
Operating a Vehicle Impaired(R.C.)	36	6
OVI/BAC Refusal	31	28
Pedestrian Related; Right of Way	24	16
Physical Control (L.C.O.)	15	8
Physical Control (R.C.)	3	4
Railroad Crossing Violations	0	0
Reckless Operation of Vehicle	9	11
Report Change of address	2	0
Restricted Street, Excessive Weight or Load, Closed Street, Commercial	69	63
Seatbelt / Child Restr. Law / Booster	704	648
Speeding	566	567
Temporary Operator's Permit Violation	39	28
Texting while driving	1	2
Tire Peeling/Street racing	19	15
Toys in Street	4	8
Traffic Control Devices; Traffic Lights & Signs	1324	1050
Unattended Motor Vehicle	8	7
Unsafe Motor Vehicle	15	13
Willful and Wanton Disregard, Failure to Comply	34	38
Wrongful Entrust, Permitting	23	9
Trongial Dividuoi, to intening	23	,

CRIMINAL DIVISION - STATISTICAL DATA CRIMINAL OFFENSE DESCRIPTIONS

<u>CITY ORDINANCE OFFENSES - MISDEMEANORS</u>

Criminal Offense Description	Indiv Offense 2016		Criminal Offense Description	Indivi Offense I 2016	
Aggravated Menacing	1	12	Misuse of 911/ Misconduct of Emergency	0	1
Animal Code Violation	111	64	Noise Violations	29	14
Assault	12	10	Obstruction Justice	1	0
Building/Fire/ Zoning Code Violations	74	65	Obstruction Official Business	35	38
Carry Concealed Weapon/ Improper			Occupying a Drug Premises	11	18
Handling of a Firearm	9	5	Open Container/ Public Consumption	86	71
Comply Lawful Order	5	4	Passing Bad Checks/ NSF Checks	1	0
Criminal Damaging	29	15	Possession of Dangerous Toys	0	1
Criminal Mischief	5	7	Possession of Drug Instruments/		
Criminal/ Agg Trespassing	52	67	Paraphernalia	172	186
Curfew/ Park	21	4	Possession/ Discharge Fireworks	2	1
			Public Indecency/Procuring/Prostitution/		
Defraud Livery	2	0	Soliciting	8	3
Discharging Firearms / Imp Hand	4	0	Receiving Stolen Property	5	5
Disorderly Conduct/ Persist/ Intox	706	616	Resisting Arrest/ Willful Fleeing	17	13
Drug Abuse / Poss of Halluc/Intoxicant			Rumaging in Refuse	0	4
Marijuana/Permitting	174	148	Sales to Minor/ Minor Purchasing &		
Endangering Children	1	0	Poss of Alcohol/Legal Consump in MV	18	19
False Alarms	3	5	Soliciting License/Bill Posting	3	2
Falsification/ False Info to Officer	39	25	Stun Gun	1	0
Illegal Knives	4	1	Telephone Harassment	3	1
Inducing Panic	1	1	Theft/ Petty Theft	32	22
Littering/Spitting	3	4	Unauthorized Use Motor Vehicle	1	1
Menacing	2	1	Unlawful Transaction use in Weapons/		
g			Transport/Use while intoxicated	6	1

CRIMINAL DIVISION - STATISTICAL DATA CRIMINAL OFFENSE DESCRIPTIONS

STATE STATUTE OFFENSES - MISDEMEANORS

	Indiv Offense			Indivi Offense l	
Colorinal Officer Description			Criminal Offense Description	2016	2017
Criminal Offense Description	<u>2016</u>	<u>2017</u>	Criminal Offense Description	2010	2017
Aggravated Menacing	27	9	Passing Bad Checks/ Misuse CC	10	10
Arson	2	1	Possession of Criminal Tools	25	13
Assault	48	40	Public Indecency/ Sexual Imp/		
Breaking & Entering	1	0	Voyer/Prostitution	10	3
Contempt of Court	0	7	Receiving Stolen Property	14	9
Criminal Damaging/ Mischief	13	14	Resisting Arrest	5	5
Criminal Simulation / Complicity	9	0	Riot/ Inciting to Violence/ Inducing		
Criminal Trespassing/ Agg Tress	7	13	Panic	5	2
			Sales to Minor/ Poss/		
DCI/ Persisting	2	2	Consump/Tobacco	2	11
Domestic Violence	37	38	Surrender Foreign Drivers License	0	2
Drug Paraphernalia/ Cultivating	111	69	Telephone Harassment	13	11
Drugs of Abuse/					
Permitting/Possession	58	52	Theft	192	173
Endangering Children/ Patient	17	4	Trafficking	8	5
Falsification/ Taking IdentityFailure			Unauthorized Use of Motor		
to disclose personal info.	15	18	vehicle/Property	2	4
False Alarm	5	1	Underage Drinking	3	0
			Use/ Discharge Firearms/ Poss/ Imp		
Fishing Without a License/ Illegal			Handling/Deface	6	4
Acquisition of Wild Animals	2	11	Vandalism	1	0
Forgery/ Illegal food stamps	1	2	Violation of TPO	12	22
Intimidation of victim/witness	3	0	Willful Flee & Elude/ Failure		
Liquor	2	0	to Comply/ Escape	5	2
Menacing/ Stalking	6	7			
Misconduct on Public Tranportation	0	2			
Obstruction Justice, Official Bus.	9	8			

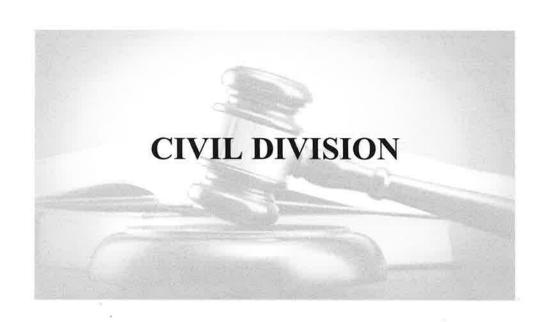
OTHER GOVERNMENTAL AGENCIES

	<u>2016</u>	<u> 2017</u>
Department of Natural Resources		
Division of Wildlife/ Watercraft	2	-11
Metropolitan Park-Including Traffic	32	23
Ohio State Patrol	30	61
Public Safety/ Liquor Control	3	10
RTA	0	5
Web	1	1

CRIMINAL DIVISION - STATISTICAL DATA CRIMINAL OFFENSE DESCRIPTIONS

STATE STATUTE OFFENSES - FELONIES

	Indiv Offense l	idual Filings		Indiv Offense I	/idual ≧ilings
Criminal Offense Description	<u>2016</u>	<u>2017</u>	Criminal Offense Description	<u>2016</u>	<u>2017</u>
Aggravated/ Felonious Assault	30	16	Forgery/ Taking an Identity	9	9
Aggravated Burglary	2	4	Fraud/ Misuse of CC/ Passing bad checks	3	1
Aggravated Murder/Attempt	5	1	Grand Theft/ Theft/ Grand Theft of MV	25	35
Aggravated Robbery	10	12	Illegal Processing of Drug/Conveyance		
Aggravated Trespass/ Menacing/			Documents/ Ordance chemicals	6	7
Criminal Tresspassing	2	0	Involuntary Manslaughter	5	2
Arson	1	1	Intimidation, Retaliation	4	3
Breaking and Entering	7	8	Kidnapping/ Unlawful Restraint	2	0
Burglary	17	19	Obstructing Justice	3	5
Carrying a Concealed Weapon/			Rape/ Sexual Battery	8	5
Improper Handling/ Crim Tool			Receiving Stolen Property	20	20
Weapons under Disability	20	13	Robbery	2	5
Complicity/ Conspiracy/ Corrupt	7	2	Tampering with Evidence	8	2
Corruption of a Minor/ Child			Trafficking in Drugs	34	23
Endangering/Obsenity/Unlawful Sex	1	0	Unauthorized Use of Motor Vehicle	1	0
Deception to Obtain Drugs	1	0	Vandalism	1	6
Domestic Violence/			Willful Eluding/ Fleeing/		
Violation of TPO	12	16	Failure to Comply	3	7
Drugs Of Abuse	39	39			



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 2017 decreased by 8 cases from the prior year. General civil cases, involving claims of property damage, personal injury and breach of contract, increased from the previous year by approximately twenty three (23.0%). (714 cases in 2016 and 878 cases in 2017) Many of these cases involve consumer credit issues.

Small claims cases

One aspect of civil cases, small claims cases, decreased by 92 cases, from 1,200 cases 2016 to 1,108 in 2017. 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, 85.40 % were filed by the City of Lakewood for collection of municipal income taxes. The remaining 14.60% were filed by private parties. While the number of small claims cases filed by the city for tax collection decreased, the number of small claims cases filed by private parties has continued to increase for the third consecutive year.

Landlord/tenant cases

Also part of the civil division, eviction cases in 2017 decreased by 80 cases, with 634 cases in 2016 to 554 cases in 2017. 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 31 rent deposit cases filed in 2017, compared to 21 cases in 2016.

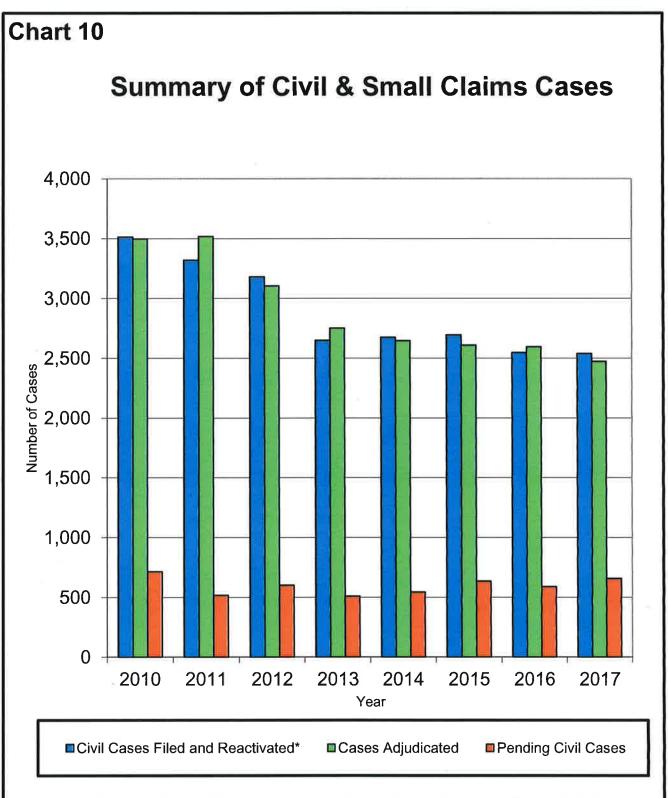
Most of the eviction proceedings and small claims cases are heard by one of the court magistrates. After the conclusion of the hearing the magistrate files a written report and recommendation. Both parties are given fourteen (14) days to file written objections to the judge for review. If objections 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 magistrate's recommendation may be upheld, modified, or set for an additional hearing with the judge.

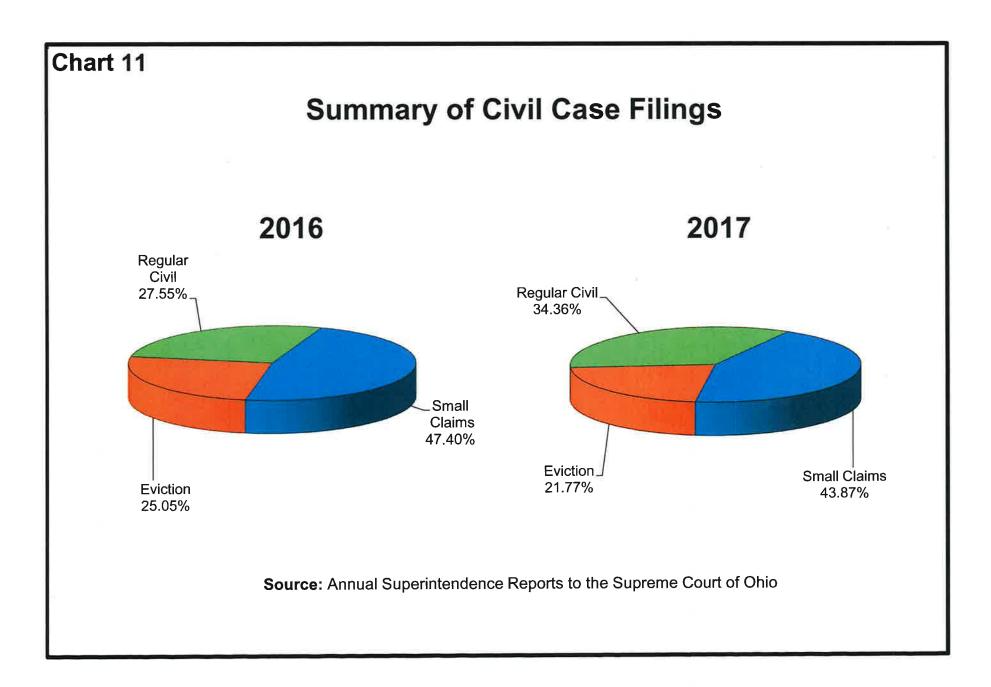
Trusteeship

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. In July 2017, I gave a presentation to the statewide municipal judges association on trusteeship in Ohio.

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 seven (7) active trustee cases during the year with one (1) additional case filed in 2017.



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



CIVIL DIVISION - Landlord/Tenant ANNUAL STATISTICAL SUMMARY

	<u>2016</u>	<u>2017</u>
Cases Pending at Beginning of Year	92	94
Cases Filed & Reactivated	648	563
Cases Adjudicated	<u>(646)</u>	<u>(565)</u>
Cases Pending Year-end	94	92
Case Adjudication Summary	<u>2016</u>	<u> 2017</u>
Trial Hearing by Judge	7	8
Hearing by Magistrate	257	206
Transfer to Civil Docket/Other	14	9
Dismissal for Want of Prosecution	0	1
Other Dismissals	358	329
Bankruptcy Stay	0	0
Other Terminations	<u>10</u>	<u>12</u>
Total	646	565
Objections filed from Magistrate's Reports to Court:	24	11
Rent Deposits filed with the Court	21	31

2017 Mileage expense: \$1,670.38

CIVIL DIVISION - SMALL CLAIMS ANNUAL STATISTICAL SUMMARY

	<u>2016</u>	<u> 2017</u>
Cases Pending at Beginning of Year	304	264
Cases Filed & Reactivated	1,200	1,108
Cases Adjudicated	(1,240)	(1,099)
Cases Pending Year-end	264	273
5		
Case Adjudication Summary	<u>2016</u>	<u>2017</u>
Trial Hearing by Magistrate	657	523
Trial Hearing by Judge	13	11
Transfer to Civil Docket	0	0
Dismissal for Want of Prosecution	0	2
Other Dismissals	564	560
Bankruptcy Stay	4	0
Other Terminations	<u>2</u>	<u>3</u>
Total	$1,24\overline{0}$	1,099
Objections filed from Magistrate's Reports to Court:	16	13
2016 Small Claims Cases Filed by Type	Percent	Percent
Regular Civil	13%	15%
Municipal Tax Cases	<u>87%</u>	<u>85%</u>
Total	100%	100%

CIVIL DIVISION - TRUSTEESHIP MONTHLY SUMMARY OF RECEIPTS

2017 Receipts	Total Receipts
Carried over from December 2016	\$303.00
January	\$626.00
February	\$50.00
March	\$600.00
April	\$475.00
May	\$950.00
June	\$50.00
July	\$50.00
August	\$75.00
September	\$75.00
October	\$350.00
November	\$50.00
December	\$473.00
2017 Totals	\$3,824.00
2016 Carryover & 2017 Receipts	\$4,141.00
Costs disbursed to City	(\$76.30)
Disbursed to Creditors	(\$3,589.74)
Refunded to Trustee	\$0.00
Undisbursed & Carried over - January 2018	\$474.96

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

2017 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 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 an interview with a probation officer to provide the court with more background information about the offense and the offender prior to final disposition. The investigation includes the offender's version of the offense, a copy of the police report, criminal record check, family history, mental health and substance abuse history, work history and a recommendation for final disposition. The presentence report may also include collateral information from family members, the arresting officer and the victim. The Probation Department wrote 215 presentence reports this year to assist the court with sentencing.

When an offense results in property damage or personal injury, the victim is contacted to provide information regarding the offense and is encouraged to express an opinion regarding 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 2017 the Probation Department collected \$35,437.97 in restitution that was distributed to victims of crime.

In addition to preparing presentence reports, the Probation Department supervises offenders that have been placed on community control supervision. The average number of probationers supervised each month is 189. This is a decrease of eighteen 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 to avoid imposition of the original jail sentence. Terms of community control supervision often contain a strong rehabilitation component to address the problems that initially brought the offender to the court's attention.

Court imposed rehabilitation may include such elements as mandatory treatment for alcohol and drug dependency, abstinence from all mood altering substances, attendance at twelve step meetings, personal counseling or completion of an anger management or domestic violence program.

As available jail space declines, the Probation Department utilizes electronic monitored house arrest and global tracking as an alternative to jail 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 time designated by

statute for the particular offense. Thirty-one (31) offenders were assigned to a period of house arrest. Eligible offenders for the program are those with non-violent offense convictions who lack significant prior criminal histories.

Offenders assigned to house arrest are required to pay their own service fees to the house arrest provider for installation and daily monitoring.

The Probation Department has also made referrals to ignition interlock services for repeat OVI offenders with driving privileges. Installation of an interlock device requires the driver to blow into a breathalyzer which is attached to the ignition. If the device test positive for alcohol the car will not start.

A significant amount of time in the Probation Department is devoted to case management and preparation for community control violation hearings. In 2017, 261 probationers were required to appear in court to answer charges of a probation violation. After scheduling a hearing it is the probation officer's duty to inform the offender of the nature of the charges and prepare testimony for the court regarding details of the violation.

When confronted with strong evidence of a violation the offender often acknowledges his or her lack of compliance. The court then has several options to address the violation, ranging from imposition of the original sentence to mandating additional conditions of probation.

Offenders who appear in Lakewood Municipal Court and are subsequently referred to the Probation Department often suffer from a variety of personal problems including alcohol and/or drug addiction, marital and family problems, sexual, financial, mental health and medical issues. The Probation Department works diligently utilizing a variety of community resources to offer offenders assistance in the areas where they need it. The goal is that when the probation term expires the offender can successfully return to the community as a law abiding citizen.

The Probation Department continues to try to the meet the needs of mentally ill offenders. This group of people often need more time for case management. With this in mind, the Lakewood Municipal Court, a long with five other area municipal courts became part of the Mental Health Court Liaison Project. This program was implemented in 2003. The purpose of the project is to assist municipal court systems with early identification, assessment, referral/linkage to community cased alternatives for the non-violent mentally ill offender. Mental health liaisons work collaboratively with the Probation Department to meet these needs. In 2017 thirteen (13) 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 linked with the community mental health system.

The past several years have seen a significant increase in the number of people we see who are addicted to drugs and in particular heroin. Lakewood Municipal Court uses a program in conjunction with the Cuyahoga County Probation Department and the Cuyahoga County Jail. This program, known as the jail reduction program, takes individuals who have received a jail sentence and places them in a treatment program followed by a period of probation supervision. In 2017, seventy-eight (78) people were referred to this program.

This past year brought changes to two programs supervised by the Probation Department; community work service and MADD meetings. These changes were made in the interest of improving security at Lakewood City Hall. Court ordered community service is now managed by the Cuyahoga County Community Service office at no cost to Lakewood Municipal Court. Workers are still providing service to the City of Lakewood; however workers are no longer reporting to city hall before starting their work as they had been doing in the past. For over twenty-five years monthly MADD meetings were held at Lakewood City Hall to educate first offense OVI offenders. Again in the interest of safety, a change was made. In December 2017 Charlotte Query began teaching monthly alcohol awareness sessions at the main branch of the Lakewood library. This service is provided at no cost to the court. These meetings are only open to persons from Lakewood Municipal Court who are required to attend three sessions as a condition of their probation. MADD meetings were open to anyone sentenced from any area court.

The goal of the Probation Department is to protect the community and to assist probationers with problems that led to their involvement in the criminal justice system. The Lakewood Municipal Court Probation Department staff works very hard to achieve this objective.

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 Term.
January	12	17	18	206	\$2,233.57	22	3	1	11	13	24
February	12	14	23	192	3,168.63	18	1	1	12	8	34
March	22	18	12	196	2,526.48	17	2	0	13	18	27
April	17	14	19	181	2,073.14	19	3	1	6	5	26
May	5	8	26	185	5,185.07	24	3	2	11	17	24
June	6	16	9	187	2,298.78	27	5	3	11	16	25
July	10	9	19	181	5,884.25	25	4	1	11	17	34
August	13	16	15	188	1,660.32	16	1	2	10	16	19
September	r 11	11	12	187	2,229.64	16	2	0	10	13	24
October	23	24	21	188	4,251.33	33	4	0	3	22	24
November	16	15	25	189	1,184.48	24	2	0	6	21	26
December	<u>17</u>	<u>16</u>	<u>16</u>	<u>186</u>	2,742.28	<u>20</u>	<u>1</u>	<u>0</u>	<u>8</u>	<u>16</u>	<u>27</u>
'17 Totals	164	178	215	189	\$35,437.97	261	31	11	112	182	314
'16 Totals	185	199	247	207 (Mo.Avg.)	\$15,842.82	251	9	14	133	165	305

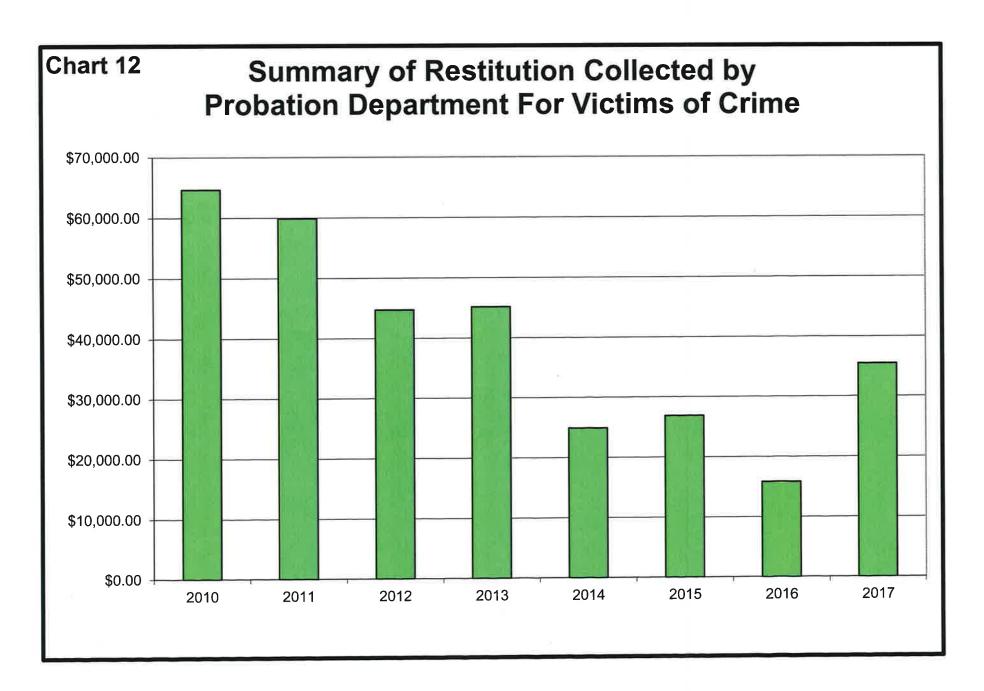
Total New Active Probation Referrals 2017

294

PROBATION DEPARTMENT - STATISTICAL ARREST DATA

The following listing is a breakdown of the quantity and type of convictions referred for active probation supervision in 2017

referred for active probation supervision in 2017	2016	2017
	<u>2016</u>	<u>2017</u>
Aggravated Menacing/Menacing/Aggravated Tresspassing	4	10 0
Arson	1	-
Assault	25	37
Attempted Drug Abuse	2	0
Attempted Possession of Drugs	2	6
AttemptedTrafficking	4	2
Carrying a Concealed Weapon/Discharge firearm	6	1
Certain Acts Prohibited	0	1
Child Endangering	6	2
Contempt of Court	9	5
Criminal Damaging	11	12
Criminal Mischief	0	1
Criminal TrespassingAggravated Tresspassing	10	8
Dangerous Animals/Dog at large	1	0
Disorderly Conduct/Intox	17	23
Domestic Violence	9	19
Driving While Under Suspension	13	10
Drug Abuse	15	6
Failure to Comply	1	2
Failure to Control	9	4
False Alarms	2	2
False Information/Failure to Identify/Fraud	6	5
Hit Skip	1	2
Illegal Processin of Drug Documents	0	2
Inducing Panic	2	0
Intimidation	0	2
Misuse of credit card	1	1
No Operators License	3	2
Obstruction of Official Business	9	10
Occupying a drug premises	1	1
Open container	1	0
Operating a Vehicle Impaired	91	68
Persisting	1	1
Petty Theft	29	25
Physical Control	17	5
Pocket knives	2	0
Possession of Criminal Tools	4	1
	41	25
Possession of Drug Paraphernalia	7	23
Possession of Drugs	0	15
Possession of Drug abuse instrument	-	
Probation Violation	5 2	2 1
Public Indecency	4	2
Receiving Stolen Property		1
Reckless Operation	2	7
Resisting Arrest	8	
Sales to Minors	7	3
Telephone Harassment	6	5
Theft/Attempted breaking and entering	6	33
Traffic	1	5
Unauthorized use of Motor Vehicle/Wrongful entrustment	0	1
Unlawful Transportation of Weapon	3	0
Using Weapons While Intox	1	1
Violation of a Temporary Protection Order	<u>5</u>	<u>6</u>
Totals	413	385



COMMUNITY WORK SERVICE

The following listing is a breakdown of quantity and type of convictions referred for Community Work Service in 2017

PAGE 1 OF 2

OFFENSE

	<u>2016</u>	<u>2017</u>
Aggravated Menacing/Menacing	4	1
Animal Violation	3	0
Assault	7	7
Attempted Trafficking/Possession/Trafficking	5	2
Carrying a Concealed Weapon/Possession of Stun Gun	6	0
Criminal Damaging/Attempted Criminal	16	13
Criminal Mischief/Body Piercing/Attempted Criminal Mischief	3	1
Criminal Simulation/Complicity	4	2
Criminal Trespassing/Aggravated Trespassing	4	5
Discharging Fireworks/Possession of Fireworks	1	0
Disorderly Conduct/Intoxication/Persist/Noise/Park Curfew	9	17
Driving While Under Suspension	58	45
Drug Abuse/Permitting	7	7
Endangerment Child/Interfere with	0	1
Failure to Control	10	11
Failure to Yield	1	2
False Information	5	1
Full Time and Attention	1	0
Hit-Skip	7	7
Improper Handling of a Firearm/Unlawful/while Intoxicated/Transaction	3	1
Improper Identification	0	1
Making False Alarms	2	3
Misuse of Credit Cards	5	1
No Operator's License	2	8
Obstruction of Official Business	5	11

COMMUNITY WORK SERVICE

The following listing is a breakdown of quantity and type of convictions referred for Community Work Service in 2017

PAGE 2 OF 2

	2016	<u>2017</u>
Open Container of Alcohol in Public	0	0
Operating a Vehicle Impaired	133	105
Passing of Bad Checks	1	2
Petty Theft/Attempt/Indentity/Defraud Livery	53	17
Physical Control of Vehicle Under the Influence	10	2
Possession of Criminal Tools	2	3
Possession of Drug Paraphernalia	6	10
Possession of Hallucinogens/Marijuana	2	5
Probation Violation/Contempt of Court	118	112
Receiving Stolen Property	2	2
Reckless Operation of a Vehicle/Willful Wanton	5	4
Resisting Arrest	3	4
Sale of Alcohol to Minor/Underage Possession/Failure to ID/Certain Acts	11	7
Seat Belt/Child Restraint	2	2
Telephone Harassment	2	1
Theft/Attempted Theft/Att Breaking and Entering/Tampering with	2	30
Traffic Control Device/Misc. Traffic/Littering/Assured Clear Distance	9	14
Unauthorized Use of a Motor Vehicle/Wrongful Entrustment/Permit	1	2
Violation of Temporary Protection Order	<u>1</u>	<u>0</u>
Total	531	469

^{**}NOTE: • 291 defendants were assigned CWS in 2017. There were 50 defendants who had two offenses 24 defendants who had three offenses.

[•] Of the 7 Sales of Alcohol to Minor/Underage Possession, 5 were offered the Diversion Program

^{• 62} Defendants were assigned resitution in 2017

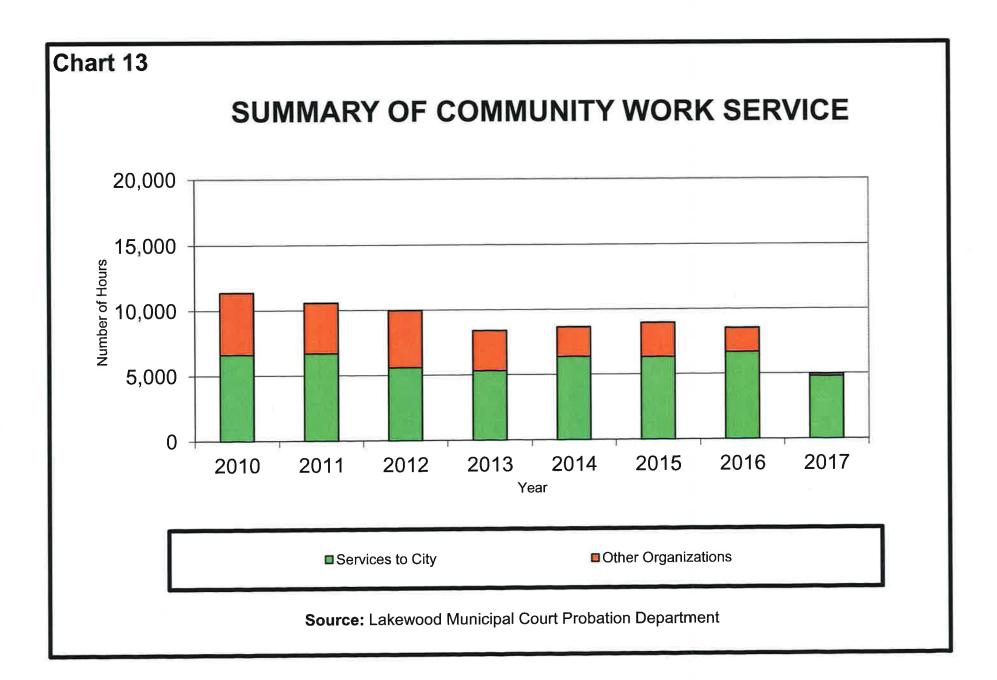
^{• 1} Defendant was assigned GED in 2017

COMMUNITY WORK SERVICE

	<u>Hours</u>	<u>Total</u>
City Services	4251	\$34,645.65
Office on Aging	<u>544</u>	<u>\$4,433.60</u>
Total City Services	4795	\$39,079.25
Beck Center	120	\$978.00
Lakewood Meals on Wheels	<u>39</u>	<u>\$317.85</u>
Total Non City Services	159	\$1,295.85
Total Community Work Service Hours	4954	\$40,375.10

In prior years, community service workers were also assinged to the Nature's Bin, Recovery Resources and other non-profit entities. Nature's Bin closed in November 2016 resulted in termination of services. Recovery Resources did not request community service assignments in 2017.

^{*} The Dollar Amount is computed at minimum wage of \$8.15 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								97	10		
Notification email	lakewoodcourt@lakewoodoh.net											
Court	Lakewood Municipal Court											
Date of most recent inventory	06/21/17					115						
Report month (MM)	Report y	ear	(mm)	2017			e E					
			Α	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	5	83	4	85	4	199	92	11	264	747
	New cases filed	2	258	1542	186	4370	8	739	547	116	1102	8868
Cases trans	sferred in, reactivated, or redesignated	3	232	578	7	612	0	14	7	1	6	1457
	TOTAL (Add lines 1-3)	4	495	2203	197	5067	12	952	646	128	1372	11072
	TERMINATIONS BY:	The state of the s	Α	В	С	D	E	F	G,	_н	_1	Т
	nclude bindover by preliminary hearing, guilty or no contest pleas and defaults)	5	0	778	24	1023	6	402	8	20	11	2272
Hearing by Magistrate	(include guilty or no contest pleas and defaults)	6	Х	0	0	0	0	1	206	48	523	778
Transfer (include waive	rs of preliminary hearing and individual judge assignments)	7	125	432	162	479	3	124	9	1	2	1337
Dismissal for lack of speed	dy trial (criminal) or want of prosecution (civil)	8	0	0	0	0	0	2	- 1	2	2	7
Other Dismissals (inc	clude dismissals at preliminary hearing)	9	124	83	0	247	1	144	327	32	560	1518
	Violations Bureau	10	х	236	х	2641	х	Х	x	х	Х	2877
Una	vailability of party for trial or sentencing	11	232	575	6	588	0	0	0	0	_ 0	1401
	Bankruptcy stay or interlocutory appeal	12	0		0	0	0	11	0	0	0	11
	Other terminations	13	2	21	0	g	0	8	3	11	1	55
	TOTAL (Add lines 5-13)	14	483	2125	192	4987	10	692	554	114	1099	10256
Pending end	d of period (Subtract line 14 from line 4)	15	12	78	5	80	2	260	92	14	273	816
	Time Guideline (months)		1 =	6	6	6	24	12	12	12	6	х
	Cases pending beyond time guideline	16	(0	0	(0	0	0	0	0	0
Number of mont	ths oldest case is beyond time guideline	17	ſ	0	0	(0	0	0	0	0	X

The Supreme Court of Ohio Form IJ - Individual Judge Report

Judge's Attorney Registration Number	0031127					×							
Judge's name	Patrick Carroll					. 100 10							
Notification email	lakewoodcourt@lakewood	doh	.net -	- 11									
Court	Lakewood Municipa	ıl C	ourt										
Date of most recent inventory	06/21/17												
Report month (MM)	Report y	ear	(YYYY)	2017		Ý.,							
		-	В	С	D	E	F	G .	н	Т	V		
¥			Misdemeanors	O.V.I.	Other Traffic	Personal Injury & Property Damage	Contracts	FED.	Other Civil	Total	Visiting Judge		
F	ending beginning of period	1	109	27	55	2	15	2	0	210	0 1		
	New cases filed	2	426	161	478	3	124	9	1	1202	0 2		
Cases transferred in, r	eactivated, or redesignated	3	75	6	59	1	4	0	0	145	0 3		
	TOTAL (Add lines 1-3)	4	610	194	592	6	143	11	1	1557	0 4		
	TERMINATIONS BY:		В	С	D	E	F	G	н	Т	V		
	Jury trial	5	0	0	0	0	0	0	0	0	0 5		
	Court trial	6	90	8	164	0	О	0	0	262	53 6		
	Default	7	Х	Х	X	0	19	0	0	19	0 7		
Guilty or no co	ntest plea to original charge	8	178	132	112	X	X	X	X	422	41 8		
Guilty or no con	test plea to reduced charge	9	35	16	130	X	х	X	X	181	25 ⁹		
Dismissal for lack of spec	edy trial (criminal) or want of prosecution (civil)	10	0	0	0	0	4	0	0	4	0 1		
	Other Dismissals	11	139	0	35	4	35	2	0	215	23 ¹		
Trans	fer to another judge or court	12	1	0	0	0	1	0	0	2	1 1		
	Referral to private judge	13	Х	х	X	0	0	0	0	0	0 1		
Unavailability o	f party for trial or sentencing	14	79	10	56	0	0	0	0	145	0 1		
Bankruptcy	stay or interlocutory appeal	15	0	0	0	0	6	0	0	6	0 1		
	Other terminations	16	15	2	22	2	61	9	1	112	7 1		
	TOTAL (Add lines 5-16)	17	537	168	519	6	126	11	1	1368	150 ¹		
Pending end of period	(Subtract line 17 from line 4)	18	73	26	73	0	17	0	0	189	0		
	Time Guideline (months)	8	6	6	6	24	12	12	12	X	X		
Cases pe	nding beyond time guideline	19		0	(0	0	0	0	0	0		
Number of month	s oldest case is beyond time guideline	20	(0	C	0	0	0	0	х	0		
Cases submitted awa	iting sentencing or judgment beyond time guideline	21	(0 0	(0	0	0	0	0	0		
		- 3	В	С	D	E	F	G	- H	- 1	V		

