

LAKEWOOD MUNICIPAL COURT

**Judge
Tess Neff**

**Clerk of Court
Christina McCallum**

2021 ANNUAL REPORT



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LAKEWOOD MUNICIPAL COURT

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TESS NEFF
JUDGE

March 29, 2021

Chief Justice, The Supreme Court of Ohio
Cuyahoga County Executive
President, Cuyahoga County Council
Mayor of Lakewood
President, Lakewood City Council

Ladies and Gentlemen:

It is with inordinate excitement that I submit my first open letter for the 2021 annual report as the newly elected judge in Lakewood Municipal Court. I want to thank my predecessor, Patrick Carroll, who is now retired from the court, for his decades of service. Because I was only sworn in as the new judge on January 1, 2022, I do not have a personal account of the information and data reported in the 2021 annual report. Hence, my letter is quite brief. However, you can count on reading about many new and exciting updates in next year's report.

A special gratitude of appreciation and thanks goes to Clerk of Court Christina McCallum, and the other clerk staff for their many, many hours of tedious work to compile the information contained in the annual report. In addition, every day they help to keep our community court operating and accessible to those who need our services.

Respectfully Submitted,

Judge Tess Neff

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COURT FINANCES, REVENUES & EXPENDITURES

Court fines and costs help defray the expense of the operation of the court. While the court generates revenue, the funds are an incidental benefit to the court's primary function of the administration of justice. The court does not function to generate revenue.

Fines are imposed to correct inappropriate behavior and to maintain a standard of conduct. Both civil and criminal cases include court costs, but fines are limited to traffic and criminal cases and may only be assessed if a person is found guilty of an offense.

The court collected net revenue of \$873,143.06 in 2021, an increase from the previous year. This revenue exceeded operating expenses by \$257,600.77. Additional funds were also distributed to the Cleveland Metroparks, Cuyahoga County, and the State of Ohio.

Funds are distributed according to state law and the types of cases involved. Changes in state law, affect the court's finances, including increasing costs where no corresponding revenue exists. Lakewood Municipal Court is conscientious in its use of public funds, and was acknowledged accordingly by the Ohio State Auditor's Office.

COURT COSTS

State law requires court costs be assessed in all civil, traffic and criminal cases. These costs defray the operation of the court. The State of Ohio imposes costs on municipal court cases to support the costs of state sponsored projects. This money supports special revenue projects managed by and for the State of Ohio, and is not kept by Lakewood Municipal Court or the City of Lakewood for court operations. The court sets its costs, and retains a portion after the balance is transferred to the State of Ohio.

SPECIAL COURT FUNDS

The Ohio General Assembly grants statutory authority to municipal courts to create and maintain special funds from court costs. These funds are not included in the operating budget and are controlled solely by the court. The funds allow the court to make improvements and maintain court programs without seeking additional funds from the City as part of the court's annual operating budget. Use of these funds is restricted by law.

The Computer Maintenance Fund provides for the installation and upgrade of the court's computer system and related projects. Ohio Rev. Code Sec. 1901.261(B). This fund is also used to purchase software upgrades and computer supplies as well as consulting and maintenance contracts. This fund accrued \$ 42,275.00 in 2021 with a balance at the end of the year of \$23,507.81.

The Special Projects Fund accrued \$48,069.00 in 2021 with a balance at the end of the year of \$258,615.41. The special projects fund permits the Court to update equipment with no

additional funding from the City of Lakewood's general fund.

Probation Supervision Fund This fee is only assessed to criminal defendants who are placed on active community control supervision. This fund assesses a greater cost of the Court's operation on those defendants who require additional court services and supervision.

The probation fund provides resources for the Probation Department which were not funded by the Court's operating budget. In 2021, this money paid for drug screening tests, professional psychiatric evaluations and other expenses to operate the mental health court program. The fund accrued \$23,450.40 in 2021 with an ending balance of \$137,697.69.

Indigent Drivers Alcohol Treatment Fund (IDAT) under Revised Code Section 4511.19(H). Money comes from a portion of fines collected in OVI convictions and driver's license reinstatement fees distributed by the Ohio Department of Public Safety for OVI defendants. The fund is restricted to provide alcohol, drug and/or mental health services to indigent defendants. In 2021 the fund accrued \$5,113.00 with an ending balance of \$138,030.80. \$5,025.14 was paid from this fund for substance abuse assessments and treatment for indigent defendants. Recently, the State of Ohio gave courts more discretion to also use IDAT funds for substance abuse assessments, outpatient, and in-patient treatment programs.

Indigent Drivers Interlock and Alcohol Monitoring Fund (IDAM) is funded by a portion of fines collected for OVI convictions, amendment to Ohio Revised Code Section 4511.191. IDAM collected \$11,794.56 in 2021, is restricted to pay for ignition interlock and other alcohol monitoring devices for indigent defendants. The court has discretion to declare any surplus be used for other rehabilitative services.

CRIMINAL AND CIVIL SUMMARY OF REVENUE TO CITY

	<u>2021</u>	<u>2020</u>
Criminal*	\$ 724,042.08	\$608,502.52
Criminal Witness	\$ 1,046.00	\$ 1,041.00
Criminal Juror	\$ 0.00	\$ 23.00
Criminal Interest	\$ 1,504.37	\$ 1,432.22
Criminal PSI	\$ 350.00	\$ 550.00
Criminal IDAT	\$ 1,961.50	\$ 2,576.50
Criminal State IDAT	\$ 2,411.00	\$ 2,136.00
RC LEA	\$ 2,767.00	\$ 2,472.00
RC SPF	\$ 3,608.00	\$ 42,129.50
RC CMF	\$ 3,172.00	\$ 37,423.00
IDAM	\$ 11,794.56	\$ 12,571.41
LETF	\$ 2,937.25	\$ 4,060.25
Probation	\$ 23,450.40	\$ 16,622.30
Civil	\$ 164,823.61	\$ 142,005.87
Marriage Fees	\$ 2.00	\$ 106.00
Small Claims	\$ 41,763.74	\$ 38,998.52
Trusteeship	\$ 15.00	\$ 44.20
Landlord/Tenant	\$ 296.35	\$ 180.58
Unclaimed Monies	<u>\$ 15,726.85</u>	<u>\$ 11,501.34</u>
Total To City	\$ 1,003,692.71	\$ 922,240.21

Reference:

*Includes Criminal and Traffic Unclaimed Monies--RC 1901.31 (g)

PSI: Political Subdivision Involved--RC 4511.99

IDAT: Indigent Drivers Alcohol Treatment--RC 4511.99

LEA: Law Enforcement Agency--RC 4511.99

SPF: Special Projects Fund--RC1902.26 (B)

CMF: Computer Maintenance Fund--RC1902.261 (B)

IDAM: Indigent Drivers Interlock & Alcohol Monitoring Fund--RC 4511.19(1)

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

	<u>2021</u>	<u>2020</u>
REDSS	\$ 11,050.00	\$ 9,712.24
Indigent	\$ 3,851.50	\$ 3,560.00
State-Vic of Crime	\$ 27,137.50	\$ 23,750.00
IDSF	\$ 62,112.19	\$ 54,092.50
State-Sealing Fee	\$ 1,920.00	\$ 1,500.00
State-SB 209	\$ 8,500.00	\$ 7,843.00
State-IDSF	\$ 7,505.50	\$ 7,232.50
State-OCJS	\$ 5,367.50	\$ 5,008.50
State-Seatbelt	\$ 5,600.00	\$ 4,395.00
State-Nat'l Res.	\$ 0.00	\$ 0.00
State-Met. Park	\$ 450.00	\$ 685.00
State-Liquor	\$ 0.00	\$ 0.00
State-Child Rest.	\$ 560.00	\$ 600.00
County-Criminal	\$ 25,266.40	\$ 20,105.00
County-Traffic	\$ 11,269.00	\$ 9,701.00
County-Crime Stoppers	\$ 744.00	\$ 668.00
County -Law Library	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Total Revenue	\$ 171,333.59	\$ 148,852.34

Reference:

- (1) Regional Enterprise Data Sharing System, \$5.00 per moving violation. RC 2949.093.
- (2) Indigent Application Fee for Ohio Public Defender's Office. RC 120.36.
- (3) State Vic of Crime is Victims of Crime Fund for reparations to victims of crime. RC 2743.70.
- (4) State Indigent Defense Support Fund FKA State General Fund collections to defray expense of court appointed counsel for indigents. RC 2949.091.
- (5) State Sealing Fee is Record Sealing Fee. RC 2953.31 to 2953.36.
- (6) State Indigent Defense Support Fund. Authority RC 4511.19.
- (7) State I.D.S.F Indigent Defense Support Fund. Authority RC 2949.094.
- (8) State Drug Law Enforcement Fund. Authority RC 2949.094.
- (9) County Crime Stoppers.
- (10) County Law Library is annual apportionment assessment to support same. RC 3375.50.

Other fees include Criminal, Traffic, Seat Belt, Natural Resources, Metropolitan Park, Liquor, and Child Restraint State Statute violations.

Chart 1

Annual Summary of All Cases

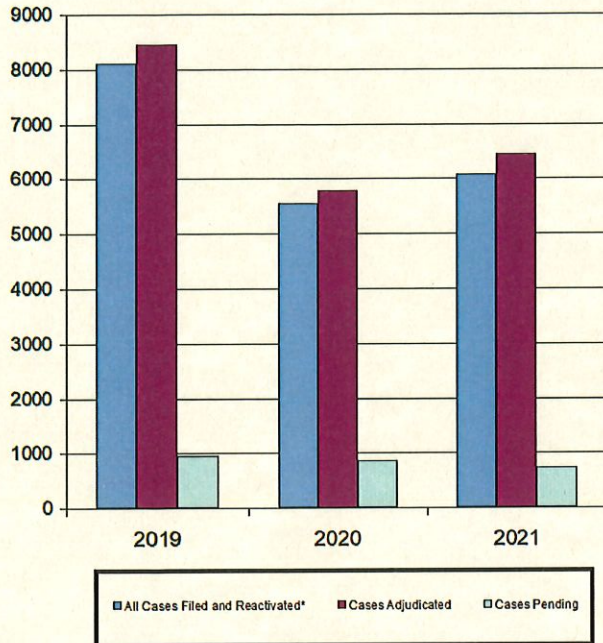


Chart 2

Summary of Distribution of Cases Filed

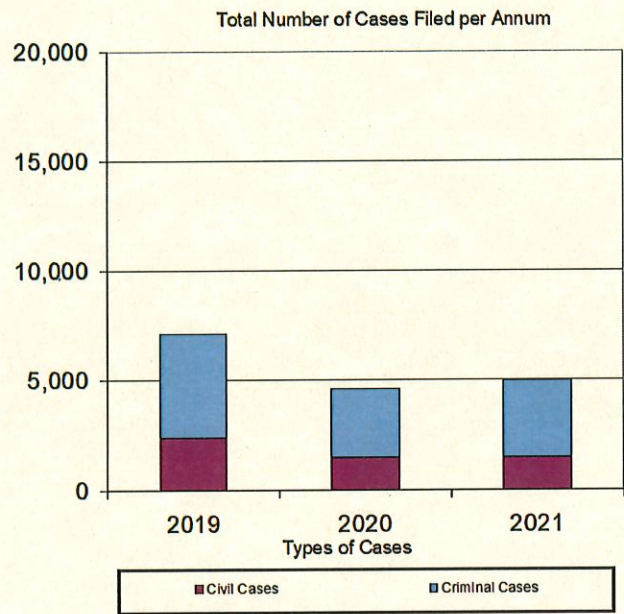
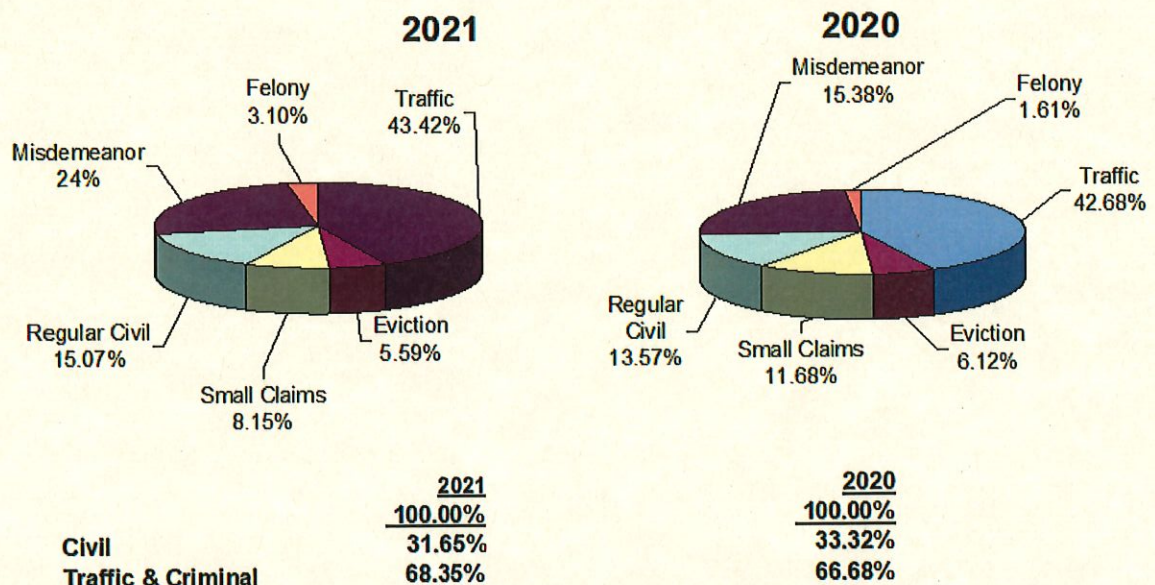


Chart 3

Summary of All Case Filings



TRAFFIC AND CRIMINAL DIVISION

Traffic and criminal misdemeanor cases include 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, allowing a fine to be paid without a court appearance. When a traffic or criminal charge involves a potential jail sentence, a court appearance is required. Lakewood Municipal Court allows the initial court appearance by written letter, which may be filed with the Court by fax with an electronic signature, or by email to lakewoodcourt@lakewoodoh.net.

Traffic cases increased in 2021 to 2,735 cases, from 2,319 new and reactivated cases in 2020. Operating a vehicle under the influence of alcohol (O.V.I.) cases (misdemeanor and felony level) increased to 182 in 2021 from 155 cases in 2020.

Criminal misdemeanor cases decreased in 2021 to 1,070. In 2020, 1,105 cases of theft, assault, domestic violence, and drug offenses among others were filed.

In addition to the traffic and criminal cases in 2021, 1,687 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.

Warrants also were issued for post trial proceedings such as community control supervision/probation violation hearings. The number of executed warrants increased in 2021 from 1,384 in 2020.

Thirty-four (34) building code violation cases were filed in 2021, while none (0) were filed in 2020 due to the pandemic. Ten (10) building code cases were diverted from further criminal action through the diversion program, which allows the homeowner to focus using available funds to correct housing violations instead of paying fines.

There were 101 felony charges filed in the Lakewood Municipal Court in 2021, with another 96 reactivated felony cases for a total of 196 cases with felony charges. In 2020 there were 74 new felony cases with an additional 71 reactivated or pending cases for a total of 145 cases with felony charges. The number of felony cases reflects charges filed in the Lakewood Municipal Court. It does not include felony charges filed directly in the Common Pleas Court; these do not pass through Lakewood Municipal Court.

The court continued to provide treatment for defendants charged with drug and alcohol related crimes, balancing both treatment and accountability to those with drug and alcohol addiction. Strict supervision accompanies treatment. Defendants who have insurance were able to obtain private treatment with court supervision, while those deemed indigent

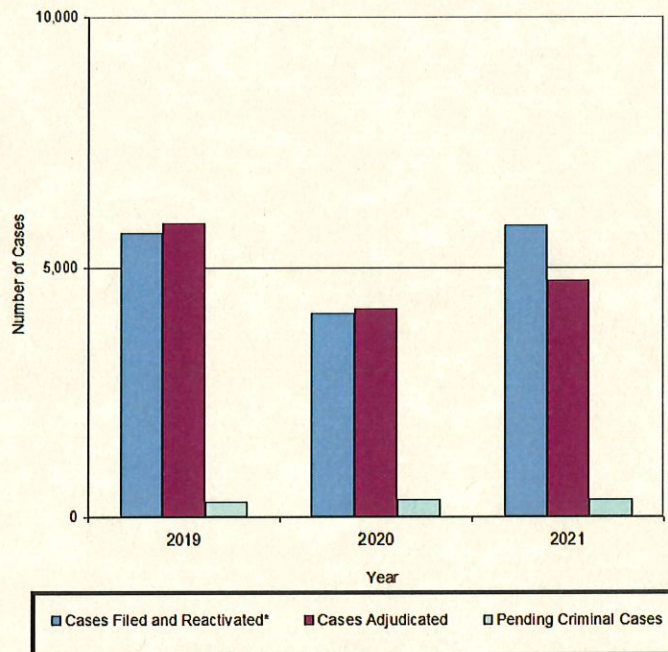
benefitted from the court's Indigent Driver's Alcohol Treatment (IDAT) fund. Thirteen defendants received drug treatment through the Cuyahoga County Probation Department's jail reduction program.

Many criminal cases involve mental illness and/or substance abuse. Nine (9) referrals were made regarding defendants' competency to stand trial, sanity, and risk assessment. This number decreased during 2021 by six (6). Evaluation fees are paid out of the probation fund. These cases require extensive time and involvement of court staff. In addition to the nine direct referrals, other mental health referral cases from Common Pleas or other municipal courts were supervised by Lakewood Court due to overlapping jurisdiction.

Mental illness sometimes is combined with substance abuse or addiction. While the conditions and symptoms overlap, they require different treatments. Lakewood Court has strong relationships with treatment providers and sober living homes, allowing people identified as having mental health issues quick referrals for commitment, medication, or other treatment. This reduces risk to the City by moving the defendant out of the Lakewood jail, and provides the medication and other treatment to the defendant under evaluation.

Chart 4

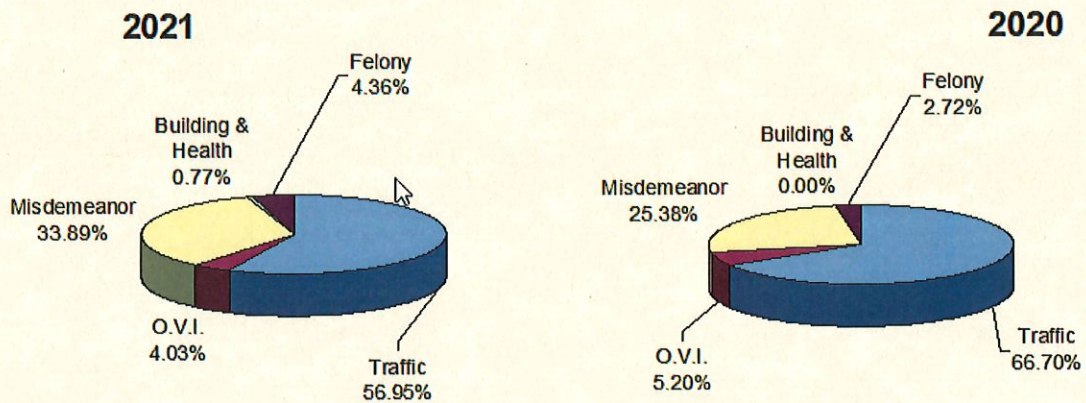
Summary of Traffic & Criminal Cases



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

Chart 5

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



Source: Annual Superintendence Reports to the Supreme Court of Ohio

**CRIMINAL DIVISION
SUMMARY OF CITY RECEIPTS AND EXPENDITURES**

2021 Deposits and Receipts

2020 Bond Carry Over	\$ 29,100.74
2021 Bond Receipts	<u>\$ 82,234.00</u>
Total Bond Receipts	\$ 111,334.74

**TOTAL CITY RECEIPTS, ALL CITY FINES, COSTS AND INTEREST
FINES AND COSTS DISBURSED TO CITY**

Traffic	\$ 316,013.00
Criminal	\$ 73,977.55
10% Bond Costs	\$ 9,346.06
Court Costs, Exp, LETF	\$ 390,468.43
Diversion	\$ 2,400.00
Witness	\$ 1,046.00
Jury	\$ 0.00
Interest on Deposits	\$ 1,504.37
Unclaimed Criminal monies (RC 1901.31(g))	\$ 5,726.85
O.V.I. Funds (RC 4511.99)	\$ 17,726.56
Probation Fund	\$ 23,450.40
Special Projects Fund*	\$ 46,779.50
Computer Maintenance Fund*	<u>\$ 39,734.80</u>
Total City Disbursements	<u>\$ 38,173.52</u>
Grand Total	\$ 1,049,508.26

*Includes fees assessed in all cases.

**2021 EXPENDITURES
TOTAL BONDS REFUNDED AND TRANSFERRED**

Total Bond Receipts	\$ 111,334.74
Bonds Refunded and Transferred	<u>\$ (138,274.84)</u>
2022 Carry Over	\$ (26,940.10)

CRIMINAL DIVISION - STATISTICAL DATA

<u>Individual Charge Filings</u>	<u>2021</u>	<u>2020</u>
Traffic Citations	2400	1960
Traffic Summons	2	1
Traffic Warrants	39	402
Criminal Citations	1133	1174
Criminal Summons	226	168
Criminal Warrants - Felonies	106	74
Criminal Warrants - Misdemeanors	1176	1065
Total Individual Case Filings	5482	4844

Case Adjudications*

(Processed Through Open Court or Violations Bureau)

Traffic and Criminal Cases Adjudicated	5558	5301
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Arrest Warrants on Complaints

Traffic and Criminal Warrants Issued	1726	1541
Traffic and Criminal Warrants Executed	904	836

Contempt of Court Arrest Warrants

Contempt of Court -- Non-appearance Warrants Issued	1387	1283
Contempt of Court -- Non-appearance Warrants Executed	783	548

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

CRIMINAL DIVISION - STATISTICAL DATA
TRAFFIC OFFENSE DESCRIPTION
INDIVIDUAL FILINGS

<u>Traffic Offense Description</u>	<u>2021</u>	<u>2020</u>
Backing Without Vigilance	53	35
Bicycle/Bicycle Helmet Violations	9	15
Certain Acts Prohibited	1	13
Driving on Sidewalk or Curb	7	2
Driving Under Suspension or Revocation	121	118
Distracted Driving/Earphone Use While Driving/Texting While Driving	7	5
Emergency Vehicle Violation	0	5
Excessive Noise/Loud Exhaust/Horn Blowing	23	32
Failure to Control Motor Vehicle/Accident/Full Time & Attention While Driving/ Failure to Yield Right of Way/Assured Cleared Distance/Open Door	429	314
False Info Provided	0	2
Financial Responsibility	155	100
Following too Closely	25	24
Improper Change of Course/Lane Use/Left of Center/Right Side of Roadway/Weaving	105	100
Improper or Unsafe Lights & Equipment/Obstructed View	199	180
Improper Passing	17	15
Improper Turns	159	169
Improper Vehicle Identity/Illegal Use of Plates/Exp. Plates/Fictitious Plates	649	347
Leaving Scene of Accident/Hit Skip/Stopping After Accident	47	51
Litter from Motor Vehicle	6	6
Motorcycle/Moped Violations	4	5
No Operator License/License Restriction/Expired Operator's License/ Report Change of Address/Unlicensed to Drive	212	133
One Way Streets	3	2
Operating a Vehicle Impaired (LCO)	98	92
Operating a Vehicle Impaired (RC)	40	32
OVI/BAC Refusal	37	19
Pedestrian Related, Right of Way	22	28
Physical Control (LCO)	5	13
Physical Control (RC)	12	2
Reckless Operation of Vehicle/Tire Peeling/Street Racing	14	14
Restricted Street/Excessive Weight or Load/Closed Street/Commercial	14	0
Seatbelt/Child Restraint Law/Booster Seat	222	205
Speeding	147	39
Temporary Operator's Permit Violation	20	28
Toys in Street	9	25
Traffic Control Devices/Traffic Lights & Signs	420	385
Unattended Motor Vehicle	12	10
Unsafe Motor Vehicle/Excess Idling/Spillage of Fuel	10	10
Willful and Wanton Disregard/Failure to Comply	51	44

CRIMINAL DIVISION - STATISTICAL DATA
CRIMINAL OFFENSE DESCRIPTIONS
CITY ORDINANCE OFFENSES – MISDEMEANOR INDIVIDUAL OFFENSE FILINGS

<u>Criminal Offense Description</u>	<u>2021</u>	<u>2020</u>	<u>Criminal Offense Description</u>	<u>2021</u>	<u>2020</u>
Aggravated Menacing	1	0	Littering/Spitting	3	5
Animal Code Violation	25	25	Misuse of Credit Card	1	0
Assault	15	0	Noise Violations	14	23
Building/Fire/Zoning Code Violations	35	0	Obstruction Official Business	30	27
Carry Concealed Weapon/Improper Handling Firearm	0	7	Occupying a Drug Premises	1	9
Comply Lawful Order	6	4	Open Container/Public Consumption	67	69
Criminal Damaging	22	28	Passing Bad Checks/NSF Checks	0	2
Criminal Mischief	2	4	Possession of Dangerous Toys	0	2
Criminal/Aggravated Trespassing	60	98	Possession of Drug Instruments/Paraphernalia	73	89
Closing Hours/Curfew/Park/Misuse Walking Trails	15	6	Possession/Discharge Fireworks	0	1
Discharging Firearms/Imp Hand	5	2	Receiving Stolen Property	2	2
Disorderly Conduct/Persist/Intox	515	544	Resisting Arrest/Willful Fleeing	21	12
Drug Abuse/Poss of Hallucin/Intoxicant/Marijuana/Permitting	3	11	Rummaging in Refuse	1	0
False Alarms	1	1	Sales to Minor/Minor Purchasing & Poss of Alcohol Legal Consump. In Motor Vehicle	3	9
Falsification/False Info to Officer	24	26	Soliciting License/Bill Posting	1	0
Fishing License Required	0	1	Theft/Petty Theft	5	17
Illegal Knives	1	4	Unauthorized Use Motor Vehicle	1	4
Inducing Panic	1	1	Unlawful Transaction use in Weapons/Transport/Use While Intoxicated	3	8

CRIMINAL DIVISION - STATISTICAL DATA
CRIMINAL OFFENSE DESCRIPTIONS
STATE STATUTE OFFENSES—MISDEMEANOR INDIVIDUAL FILINGS

<u>Criminal Offense Description</u>	<u>2021</u>	<u>2020</u>	<u>Criminal Offense Description</u>	<u>2021</u>	<u>2020</u>
Aggravated Menacing	11	12	Obstruction Justice/Official Business	7	4
Arson	0	0	Passing Bad Checks/Misuse CC	5	7
Assault	11	20	Possession of Criminal Tools	15	19
Breaking & Entering	1	0	Public Gambling/Operating Gambling House	4	0
Carry Concealed Weapons	9	0	Public Indecency/Sexual Imp/Voyeurisms/Prostitution	2	1
Criminal Damaging/Mischief	10	5	Receiving Stolen Property	11	3
Criminal Trespassing/Agg Tress	9	12	Resisting Arrest	0	3
DCI/Persisting	0	3	Theft	97	165
Domestic Violence	24	26	Trafficking	2	2
Drug Paraphernalia/Cultivating/Possession of Drug Abuse Instruments	46	40	Unauthorized Use of Motor Vehicle/Property	0	3
Drugs of Abuse/Permitting/Possession	71	54	Use/Discharge Firearms/Poss/Imp Handling/Deface	5	14
Endangering Children/Patient	0	0	Vehicular Homicide	1	0
Falsification/Taking Identity/Failure to Disclose Personal Info	15	12	Violation of TPO	10	0
Forgery/Illegal Food Stamps	0	1	Willful Flee & Elude/Failure to Comply/Escape	3	6
Harassing an Inmate	2	1			
Illegal Distribution of Tobacco Prod.	2	0			
Liquor Consump in Motor Vehicle	2	0			
Menacing/Stalking	1	3			

OTHER GOVERNMENTAL AGENCIES

	<u>2021</u>	<u>2020</u>
Cuyahoga County Sheriff	3	0
Dog Warden	19	18
Cleve. Metroparks-Includes Traffic	7	5
Ohio State Patrol	31	3
Public Safety/Liquor Control	5	0
RTA	3	0

CRIMINAL DIVISION - STATISTICAL DATA
CRIMINAL OFFENSE DESCRIPTIONS
STATE STATUTE OFFENSES – FELONY INDIVIDUAL FILINGS

<u>Criminal Offense Description</u>	<u>2021</u>	<u>2020</u>	<u>Criminal Offense Description</u>	<u>2021</u>	<u>2020</u>
Abduction	0	1	Forgery/Taking an Identity/ Fraud/Misuse of Credit Card/ Passing Bad Checks	1	1
Aggravated/Felonious Assault	7	10	Grand Theft/Theft/Grand Theft of Motor Vehicle	4	4
Aggravated Burglary	2	1	Harassing by an Inmate	2	0
Aggravated Murder	2	0	Illegal Processing of Drug/ Chemical/Conveyance/ Documents/Ordinance Chemicals	3	0
Aggravated Robbery	6	2	Intimidation/Retaliation	0	0
Aggravated Trespass/ Menacing/Criminal Trespassing	1	0	Kidnapping/Unlawful Restraint	1	1
Aggravated Vehicular Assault	3	0	Murder	2	1
Arson	0	0	Obstructing Justice	0	6
Breaking and Entering	2	2	Possession/Use of a Hoax Weapon	1	0
Burglary	7	8	Rape/Sexual Battery	4	3
Carrying a Concealed Weapon/ Improper Handling/Criminal Tools/ Weapons Under Disability	14	9	Receiving Stolen Property	6	2
Complicity/Conspiracy/Corruption of a Minor/Child Endangering/ Obscenity/Unlawful Sex	1	1	Robbery	7	2
Domestic Violence/Violation of TPO	13	4	Telephone Harassment	4	0
Drugs Of Abuse	1	4	Trafficking in Drugs	11	16

CIVIL DIVISION

Civil cases arise between private parties, unlike traffic or criminal charges, which originate with the government. Civil cases are usually filed to recoup monetary damages, return property, or restore rental premises in eviction proceedings. The financial maximum for Civil cases filed in Lakewood Municipal Court is \$15,000. Cases with higher financial damages claims must be filed in 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 2021 increased by 93 cases from 2020, to 1,568 from 1475.

The majority of the small claims and evictions cases were handled by the court's magistrates, David Briggs, Jerry Dowling, and Regis McGann. Both the Lakewood Court and the community are fortunate to have three respected trial lawyers serving as part-time magistrates with the court.

After hearings conclude, the magistrate files a written report and recommendation. Both parties have fourteen (14) days to file written objections to the judge for review. If objections are filed, the court determines if an additional hearing is warranted before final judgment. The magistrate's recommendation may be upheld, modified, or set for an additional hearing with the judge.

Small Claims Cases

Small claims cases, decreased by 152 cases, from 543 cases in 2020 to 441 in 2021. Small claims cases are limited to civil cases involving up to \$6,000. 83.44% were filed by the City of Lakewood for collection of municipal income taxes. The remaining 16.56% were filed by private parties.

Landlord/Tenant Cases

Eviction cases in 2021 increased by 83 cases, to 376 cases in 2021 from 283 cases in 2020. The cases included a landlord's claims for possession of rental property, damages to the premises, and unpaid rent. Tenants seeking the return of security deposits or depositing rent into escrow with the Clerk of Court do not fall under Eviction proceedings. These cases are filed as small claims cases or rent in escrow cases.

While many eviction proceedings stopped between March 25, 2020 until September 1, 2020 under the Coronavirus Aid Relief and Economic Security (CARES) act, more evictions were halted when the Center for Disease Control (CDC) issued an order in September 2020. The timeline of the CDC order was extended from December 31, 2020 to March 31, 2021, again affecting the number of evictions filed.

Tenants in Ohio may obtain compliance with building code violations against landlords without the City's involvement by depositing rent with the court. Tenants current with rent

who gave the landlord reasonable notice of the lease or code violations may deposit the rent if the landlord does not remedy the violation. The court retains possession of the rent until compliance is made. The court may also order rent reduction for the tenant during the time of the violation. There were 13 rent deposit cases filed in 2021, compared to 17 cases in 2020.

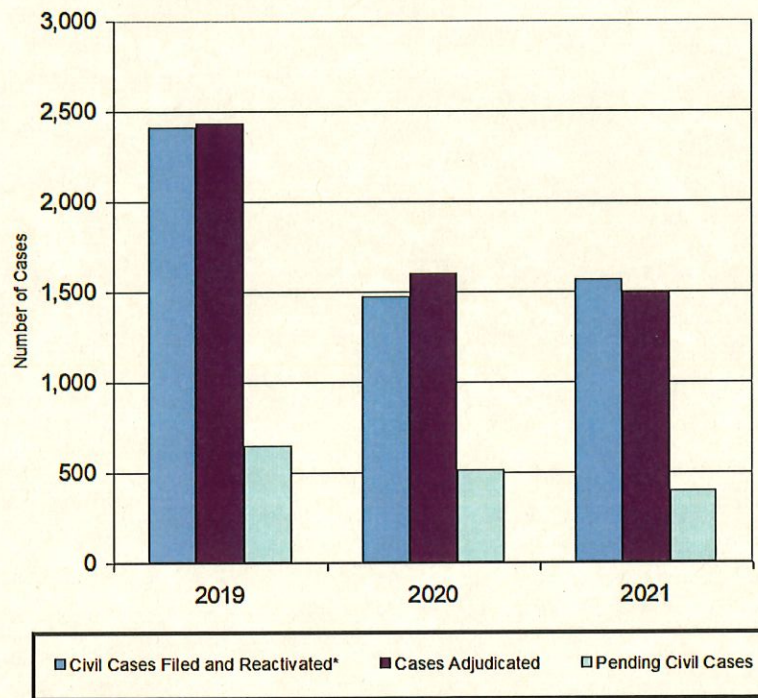
Trusteeship Cases

Ohio Revised Code authorizes municipal courts to create a trusteeship, a court supervised procedure for a person to avoid garnishment of wages after judgment. Trusteeship is a safe and inexpensive method of debt consolidation and consumer relief.

Under trusteeship, the defendant pays a specified amount per month to the court, to be distributed to the defendant's creditors. The monthly amount is determined by a statutory percent of wages and exemptions. Compliance with trusteeship prevents execution of judgment against the defendant. There were two (2) active trustee cases in 2021: no cases were filed in 2021, two (2) continued from 2020 with one (1) terminated in 2021. The program, though useful to defendants, is largely unused in Ohio.

Chart 6

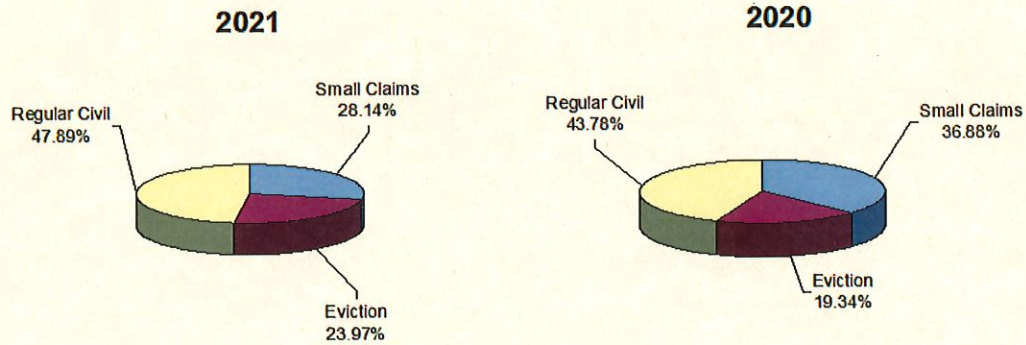
Summary of Civil & Small Claims Cases



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

Chart 7

Summary of Civil Case Filings



Source: Annual Superintendence Reports to the Supreme Court of Ohio

**CIVIL DIVISION - LANDLORD TENANT
ANNUAL STATISTICAL SUMMARY**

	<u>2021</u>	<u>2020</u>
Cases Pending at Beginning of Year	62	73
Cases Filed & Reactivated	378	290
Cases Adjudicated	<u>(357)</u>	<u>(301)</u>
Cases Pending Year-end	83	62

<u>Case Adjudication Summary</u>	<u>2021</u>	<u>2020</u>
Trial Hearing by Judge	8	4
Hearing by Magistrate	103	96
Transfer to Civil Docket/Other	2	8
Dismissal for Want of Prosecution	1	0
Other Dismissals	242	190
Bankruptcy Stay	0	0
Other Terminations	<u>1</u>	<u>3</u>
Total	357	301

Objections Filed from Magistrate's Reports to Court	3	7
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Rent Deposits Filed with the Court	13	17
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2021 Mileage expense	\$2,870.62
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**CIVIL DIVISION - SMALL CLAIMS
ANNUAL STATISTICAL SUMMARY**

	<u>2021</u>	<u>2020</u>
Cases Pending at Beginning of Year	168	258
Cases Filed & Reactivated	441	543
Cases Adjudicated	<u>(524)</u>	<u>(633)</u>
Cases Pending Year-end	85	168

<u>Case Adjudication Summary</u>	<u>2021</u>	<u>2020</u>
Trial Hearing by Magistrate	249	287
Trial Hearing by Judge	12	8
Transfer to Civil Docket	0	0
Dismissal for Want of Prosecution	1	0
Other Dismissals	261	337
Bankruptcy Stay	0	1
Other Terminations	<u>1</u>	<u>0</u>
Total	524	633

Objections Filed from Magistrate's Reports to Court	9	4
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<u>Small Claims Cases Filed by Type - Percent</u>	<u>2021</u>	<u>2020</u>
Regular Civil	17%	16%
Municipal Tax Cases	<u>83%</u>	<u>84%</u>
Total	100%	100%

**CIVIL DIVISION - TRUSTEESHIP
MONTHLY SUMMARY OF RECEIPTS**

<u>2021 Receipts</u>	<u>Total Receipts</u>
Carried Over from December 2020	\$49.00
2021 Totals	\$750.00
 <u>2020 Carry Over & 2021 Receipts</u>	 \$799.00
Costs Disbursed to City	(\$10.50)
Disbursed to Creditors	(\$563.50)
Refunded to Trustee	<u>\$0.00</u>
Undisbursed & Carried Over - January 2022	\$225.00

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 DIVISION

The Probation Department is responsible for two primary functions within the court system: presentence investigations and probation supervision.

A presentence investigation (PSI) is conducted after the defendant has been convicted through a plea of guilt or a finding of guilt. The defendant is interviewed by a probation officer to provide the court with more background information about the offense and the offender prior to final disposition. The resulting presentence report may include collateral information from family members, the arresting officer and the victim. The Probation Department wrote 122 presentence reports in 2021.

When an offense causes property damage or personal injury, the victim is contacted to provide information regarding the offense and is encouraged to express an opinion regarding sentencing. The Probation Department consults with the victim to verify the amount of loss or personal injury and forwards that information to the court so the court may order payment of restitution. In 2021 the Probation Department collected \$39,209.90 in restitution. This was distributed to the crime victims.

The Probation Department oversees offenders placed on community control supervision. The average number of probationers supervised each month is 168, an increase of 16 people from 2020. Probationers must comply with a variety of court imposed conditions to maintain their freedom in the community and avoid the original jail sentence. Terms of community control supervision often contain a strong rehabilitation component to address what initially brought the offender to court. The rehabilitation may include 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.

The Probation Department uses electronic monitored house arrest and global tracking as an alternative to jail when appropriate. Ohio law requires offenders sentenced to electronic monitoring to serve three times as many days under house arrest to equal actual jail time as designated by statute for the offense. Twenty-one (21) offenders were assigned house arrest in 2021. Only those with non-violent offense convictions and who lack significant prior criminal histories are eligible for house arrest. Offenders under house arrest must pay for their service fees to the house arrest provider.

The Probation Department makes 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 attached to the ignition. The car will not start if the device tests positive for alcohol.

Probation officers spend a significant amount of time devoted to case management and preparation for probation violation hearings. In 2021, 120 probationers were required to appear in court on charges of a probation violation. The probation officer informs the

offender of the charges and prepares testimony for the court detailing the violation. The court may choose to impose the original sentence or require further probation conditions.

Offenders referred to the Probation Department often suffer from a variety of personal problems including alcohol and/or drug addiction, family problems, financial, mental health and medical issues. Probation officers use a variety of community resources to offer offenders assistance in the areas of need. The goal is for the offender to successfully return to the community when the probation term expires.

Recent years have seen an increase in the number of individuals addicted to drugs, particularly heroin. Lakewood Municipal Court uses a jail reduction program in conjunction with the Cuyahoga County Probation Department and the Cuyahoga County Jail. This program takes individuals who have received a jail sentence and places them in a treatment program, followed by a period of probation supervision. In 2021 thirteen (13) people were referred to this program.

Through a grant made available by The Three Arches, a licensed social worker is assigned to Lakewood Municipal Court and the City of Lakewood from Recovery Resources. When an individual is in need of a mental health and/or a chemical dependency assessment(s), the person can be referred to Recovery Resources at no cost to the individual or Court. As a result, mentally ill offenders have decreased time spent in jail and have been diverted to more appropriate services, such as crisis stabilization units or home. Mentally ill offenders have benefited by not losing housing or other entitlements and by being linked with the mental health system. This program has also helped those with drug addictions or those with dual diagnosis. In 2021, thirty-four (34) people were referred to for this services. This program is a tremendous asset to Lakewood Municipal Court.

PROBATION DIVISION ACTIVITY SUMMARY
REFERRAL INFORMATION

	<u>2021</u>	<u>2020</u>
Restitution Collected	\$39,209.90	\$34,682.53
PSI ¹ Carried to Next Month ²	33	43
PSI Monthly Referrals	87	80
PSI Completed	122	132
PSI People Interviewed	125	129
Active Probation Violations ³	152	152
Probation Violation Hearings	120	131
House Arrest Assignments	21	8
Inactive Probation with PSI	4	23
Inactive Probation without PSI	65	64
Active Probation with PSI	66	64
Active Probation without PSI	150	74
Active Probation Terminated	196	196
Total New Active Probation Referrals	216	152

Reference:

¹PSI – Presentence Investigation

²Total carried over in 2021

³ Monthly Average

PROBATION DIVISION TATISTICAL ARREST DATA

TYPES AND NUMBER OF CONVICTIONS REFERRED FOR ACTIVE PROBATION SUPERVISION

	<u>2021</u>	<u>2020</u>
Aggravated Menacing/Menacing/Aggravated Trespassing	9	3
Assault	13	13
Attempted Possession of Drugs	22	1
Attempted Trafficking	2	0
Carrying a Concealed Weapon/Discharge Firearm	5	1
Child Endangering	1	2
Contempt of Court	2	8
Criminal Damaging	12	5
Criminal Trespassing Aggravated Trespassing	0	6
Discharge Firearms	1	1
Disorderly Conduct/Intox	11	10
Domestic Violence	16	11
Driving While Under Suspension	7	7
Drug Abuse	3	3
Failure to Comply	2	0
Failure to Control	4	1
False Information/Failure to Identify/Fraud	4	3
Hit Skip	8	1
Misuse of Credit Card	3	2
Obstruction of Official Business	6	2
Occupying a Drug Premises	1	2
Operating a Vehicle Impaired	63	40
Persisting	0	1
Petty Theft	2	5
Physical Control	6	3
Pocket Knives	1	0
Possession of Criminal Tools	5	0
Possession of Drug Paraphernalia	13	8
Possession of Drug Abuse Instrument	25	14
Public Indecency	1	0
Receiving Stolen Property	5	0
Reckless Operation	5	0
Resisting Arrest	3	3
Riot	1	0
Sales to Minors	1	1
Telephone Harassment	3	2
Theft/Attempted Breaking and Entering	19	17
Unauthorized Use of Motor Vehicle/Wrongful Entrustment	0	1
Using Weapons While Intoxicated	8	2
Violation of a Temporary Protection Order	<u>6</u>	<u>1</u>
Totals	299	180

COMMUNITY WORK SERVICE
TYPE AND NUMBER OF CONVICTIONS REFERRED FOR COMMUNITY WORK SERVICE

	<u>2021</u>	<u>2020</u>
Aggravated Menacing/Menacing	2	0
Animal Violation	5	4
Assault	3	5
Attempted Trafficking/Possession/Trafficking	2	1
Carrying a Concealed Weapon/Possession of Stun Gun	2	1
Criminal Damaging/Attempted Criminal Damage	5	4
Criminal Mischief/Body Piercing/Attempted Criminal Mischief	1	4
Criminal Trespassing/Aggravated Trespassing	3	3
Disorderly Conduct/Intoxication/Persist/Noise/Park Curfew	9	5
Domestic Violence	0	1
Driving While Under Suspension	15	13
Endangerment Child/Interfere with Custody	0	2
Failure to Control	2	6
False Information	1	3
Hit-Skip	9	10
Improper Handling of a Firearm/Unlawful/While Intoxicated/ Transaction of Weapons	4	1
Misuse of Credit Cards	2	2
Obstruction of Official Business	3	4
Operating a Vehicle Impaired	90	62
Petty Theft/Attempt/Identity/Defraud Livery	2	32
Physical Control of Vehicle Under the Influence	0	3
Possession of Criminal Tools	0	2
Possession of Drug Paraphernalia	0	1
Receiving Stolen Property	1	0
Reckless Operation of a Vehicle/Willful Wanton	4	2
Resisting Arrest	1	0
Sale of Alcohol to Minor/Underage Possession/Failure to ID/Certain Acts	5	5
Telephone Harassment	1	0
Theft/Attempted Theft/Attempted Breaking and Entering/Tampering with Utilities	21	0
Traffic Control Device/Misc Traffic/Littering/Assured Clear Distance	1	0
Unauthorized Use of a Motor Vehicle/Wrongful Entrustment/ Permitting Unlicensed Driver	<u>1</u>	<u>2</u>
Total	195	115

Chart 8 **Summary of Restitution Collected by Probation Department For Victims of Crime**

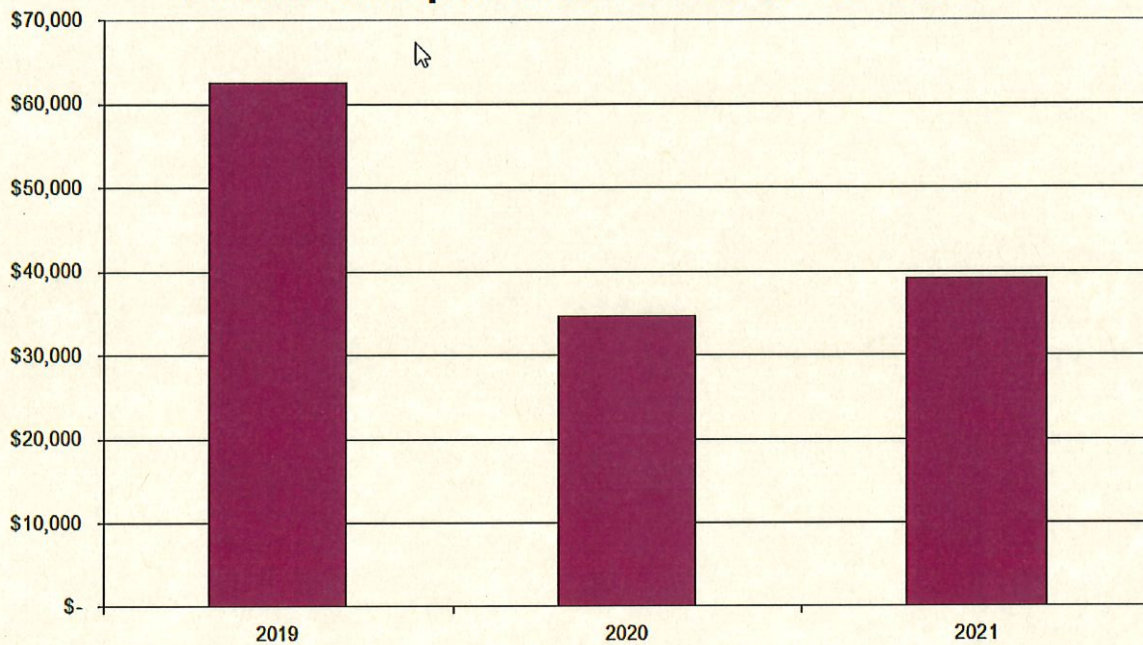
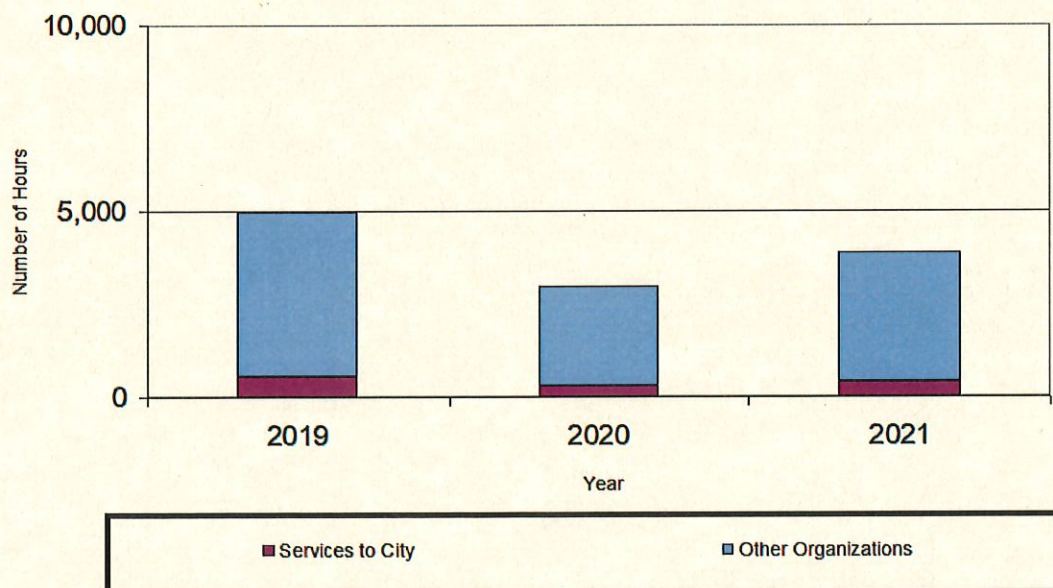


Chart 9 **Summary of Community Work Service**



Source: Lakewood Municipal Court Probation Department

