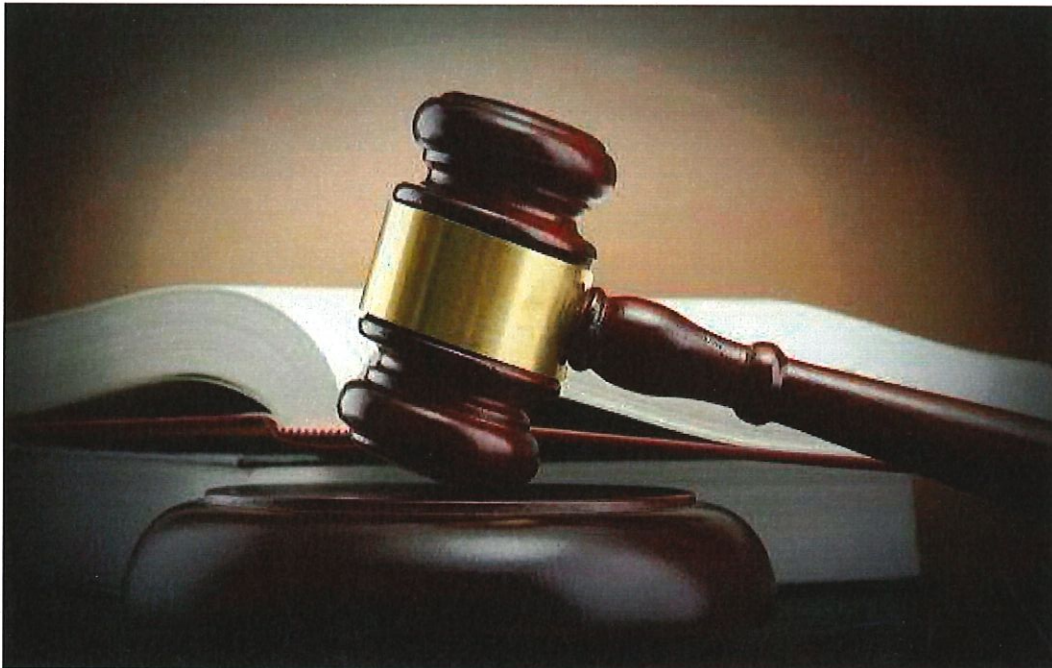


LAKEWOOD MUNICIPAL COURT

Judge
Patrick Carroll

Clerk of Court
Christina McCallum

ANNUAL REPORT FOR 2019



12650 Detroit Avenue
Lakewood, Ohio 44107

216-529-6700

www.lakewoodcourtoh.com

LAKWOOD MUNICIPAL COURT

12650 DETROIT AVENUE

LAKWOOD, OHIO 44107

PATRICK CARROLL
Judge

PHONE: (216) 529-6700
FAX: (216) 529-7687

CHRISTINA McCALLUM
Clerk of Court

March 30, 2020

LAKWOOD MUNICIPAL COURT 2019 ANNUAL REPORT

As with all courts today, the Lakewood Municipal Court faced and addressed both new and ongoing challenges in 2019. These challenges include the continued widespread increase of cases involving substance abuse and mental health of defendants in criminal cases. In doing so, the Court underspent its allocated budget, while providing an efficient, open and accessible forum for the Lakewood Community. The court provided services to the community, including:

- Treatment for persons with substance abuse and/or mental illness,
- A forum for persons to seek redress in civil cases, particularly for small claims and landlord/tenant issues, and
- Continued supervision to monitor offenders to reduce repeat and violent offenses.

This report is a summary of the operation of the Lakewood Municipal Court for 2019. 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 2019 was 8,110 cases. This includes the total number of cases filed with the court as well as reactivated cases.¹ The total number of cases in the Lakewood Municipal Court in 2019 decreased from the previous year by 1,352 cases. Both traffic and

¹ Reactivated cases include cases that were transferred from other courts as well as previously filed cases that have been stayed by execution of arrest warrant in traffic and criminal cases and discharge in bankruptcy in civil cases.



criminal cases decreased with 1,259 fewer cases from the previous year. Civil case filings decreased in 2019 by 93 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 a case, multiple hearings may be required. The increase of substance abuse related issues have also increased the court's workload with random drug screens, treatment placement, and post conviction hearings for treatment compliance.

Changes by both legislative enactment and judicial decisions also increase the amount of work per case. As an example, when a Lakewood ordinance or state statute is amended from a minor to a higher degree misdemeanor with a potential jail sentence, the person charged is entitled to a trial by jury and if indigent, appointment of counsel regardless of the penalty imposed.

There are two significant pieces of legislation before the Ohio General Assembly regarding the ongoing substance abuse problems in Ohio, which if passed, will substantially impact the court's workload. While both bills favor treatment over incarceration and expand a court's ability to seal a prior record of conviction, one of the bills would reclassify low end felony offenses to misdemeanor offenses. This would greatly expand the case load in municipal courts, creating increased staff and funding requirements. Substance abuse offenses are very time consuming, for treatment and recovery are a long process with often setbacks due to relapse.

House Bill 463 is also currently pending in the Ohio General Assembly that would increase the court's monetary jurisdiction in civil cases from \$15,000 to \$30,000.

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, including deportation and other citizenship consequences. While these efforts add to both the workload of a case and the costs of operation, they are essential to the administration of justice and ultimately, to the safety of our community.

BAIL BOND REFORM

In April, 2019, the Lakewood Court revised its bond schedule, eliminating a cash bond schedule based solely upon the level of the offense charged. Cash bonds are now only required for felony and specific misdemeanor offenses listed in the schedule, unless the police and/or prosecutor request a bond for any other charges. As an example, a bond might be issued for a non-specified offense with mental health, substance abuse, or other issues that would pose a risk of harm to the person or others, or a risk of not appearing in court.

Considerations for setting bail are limited to:

- 1) Securing the defendant's appearance in court, and
- 2) Risk of harm to the defendant, victim, or the community.

The advantages of the revised bond schedule include reducing jail population and pretrial detention for low risk, non-violent misdemeanor charges for people who would be held in jail solely because of financial inability to post bond. Instead of a straight cash bond, release from jail may include other conditions, including a GPS monitor, alcohol detection monitor, drug screens, or other conditions to fit the specific situation.

The court also recognizes the negative impact a fixed bond schedule on both the individual and the community. A bond scheduled based solely on the level of offense may require a person to spend a night in jail not because of any risk, but solely due to inability to pay. This consequence also has a direct impact on the taxpayers' burden to support the operation of the jail.

The amended bond schedule shifts the initial responsibility to the police or prosecutor to bring to the court's attention when a person arrested for a criminal offense, regardless of level of offense, is a risk of harm to themselves, the community or a flight risk. As the initial responders with available information about the facts of the case, the defendant's background and other pertinent information, the police and prosecutor are in the best position to determine when a bond should be requested from the court.

The Lakewood Court's amended bond schedule follows a developing national trend to avoid pretrial detention based solely on financial status of the defendant. The Lakewood Court's bond schedule received statewide recognition and has been adopted by other courts in Ohio.

FINGERPRINT PROCEDURES.

The annual external audit report in June, 2019, revealed flaws in the criminal conviction reporting procedure. Not all criminal offenses were being fingerprinted as required to report criminal convictions to the Ohio Bureau of Criminal Investigation (B.C.I.).

The gap in the fingerprinting policy is more than an administrative omission. The B.C.I. maintains a computerized criminal history (C.C.H.). The information contained in a defendant's CCH is critical, as it is relied on by:

- Police when stopping or arresting a person,
- Prosecutors to determine if the defendant has a prior criminal record that may enhance an offense, and
- Courts when setting bonds and determining sentences.

The accuracy of the record is only as good as the information entered into the system.

As a result, effective September 1, 2019, the Lakewood Court took over supervision of the reporting process from the police department. The court implemented new policies and procedures in September to safeguard the integrity of the reporting process. The court also reviewed the complicated statutory reporting procedures. The court is now in the process of determining the extent of past noncompliance which has and will continue to cause a strain on

court resources due to lack of records from when a defendant was arrested or cited with an offense.

The past reporting omissions have raised questions about the accuracy of a defendant's criminal record. It is a statewide issue, not limited to Lakewood, and will require extensive remedial measures, going back many years. During the past year I have met with representatives of the Supreme Court of Ohio, Governor and Attorney General's Offices to address these issues in order to develop a method to correct the reporting deficiencies.

COURT SECURITY

The Lakewood Municipal Court continued to maintain security for the Lakewood City Hall, providing a safe environment for city and court employees, litigants, witnesses, and everyone else who comes into this public building. Persons are subject to a walk thru magnetometer and x-ray machine for packages during court hours. As the security system has become known and accepted, there has been a decrease in weapons, drug paraphernalia, and other contraband discovered from persons coming into the Lakewood Municipal Building. Moreover, litigants and jurors have expressed favorable comments about the new security measures.

The risk of harm is not limited to a judge or court employee, but anyone else in the Lakewood City Hall. The security procedures cause minimal intrusion while keeping the Lakewood Municipal Court open and accessible.

LEGAL AND COMMUNITY INVOLVEMENT

It is important for the court to be involved in programs outside of the court to promote the legal system. In 2019, I continued my service as chair of the Editorial Board of the Ohio Jury Instruction Committee of the Ohio Judicial Conference. I continued my service as the education chair of the statewide municipal judges association as well as numerous committees and task force assignments with the Supreme Court of Ohio.

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, in areas of civil and criminal procedure and court administration. There was also an article on excessive fines that was published by the National Center for State Courts. My participation in these judicial activities reduced court expenditures for mandatory continuing legal education and publications. 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 and helps me be a better judge for our community.

Nineteen (19) marriages were performed in the Lakewood Municipal Court in 2019. The Lakewood Court offers this service to all persons who seek to get married and recognize their union under the law.

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 Judges Larry Allen and Ronald Adrine, as well as attorneys John McCaffrey, Katherine Murray, and David Stadler, who served the Lakewood Court as acting judges during the past year.

2019 also saw the transition of the City's administration with the election of Meghan George as mayor. A new administration brings fresh ideas to deal with the issue confronting our community. I look forward to working with Mayor George and her administration.

CONCLUSION

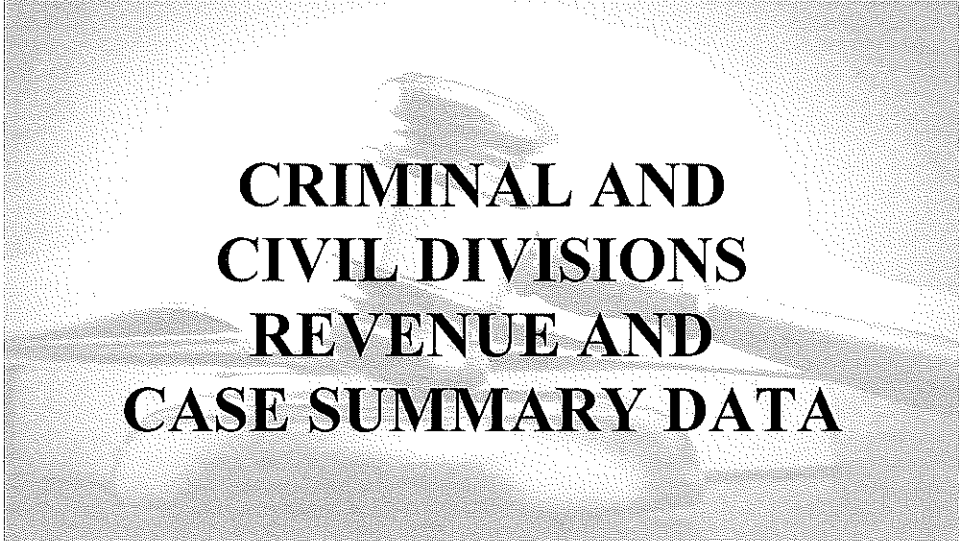
This report marks the completion of my thirtieth year as Judge of the Lakewood Court. I have seen changes in the community over time which create new challenges to both the court and our community. It is an ongoing process. I have attempted to implement procedures for the efficient administration of 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 over the years. When a court focuses on raising revenue instead of addressing public safety, it casts doubt on the impartiality of the tribunal and erodes the public trust.

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 is to correct inappropriate behavior and to maintain a standard of conduct, not generate revenue. As the lowest sanction available to a court, it is the primary sanction for a traffic infraction or minor misdemeanor offense. 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, is not only counterproductive to rehabilitation, but in reality, uncollectable.

While both civil and criminal cases include court costs, fines are limited to traffic and criminal cases and may only be imposed if 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 \$107,623.80 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 2019 increased from the previous year despite the continued decrease 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 increase was due in part to the increase in basic court costs in 2019. The court's revenue in 2019

exceeded the court's operating expenses, resulting in a surplus of funds of \$319,943 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 a large portion of court costs do not go 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 earmarked court costs over the years have shifted the amount of revenue sent 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. In December, 2019 the court raised its basic court costs in traffic and criminal cases to \$125.00. The Lakewood court costs remain the lowest of all courts in Cuyahoga County, recognizing that the vast majority of cases in the municipal court are minor traffic cases and substantial court costs, in addition to a fine, may result in a heavy financial burden for relatively minor infractions.

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.

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 \$48,377.00 in 2019 with a balance at the end of the year of \$15,560.98.

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 \$58,750.00 in 2019 with a balance at the end of the year of \$422,199.05. 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 the court will not need to go to City Council for additional funding to complete this upgrade.

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

The probation fund supports programs and resources for the Probation Department which were not funded by the court's operating budget. This fund was used in 2019 to pay for drug screening tests, professional psychiatric evaluations and other expenses to operate the mental health court program. In 2019 the fund accrued \$21,973.20 with an ending balance of \$ 122,523.00.

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 2019 the fund accrued \$ 8,446.19 with an ending balance of \$139,040.74. \$10,073.00 was paid from this fund in 2019 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.

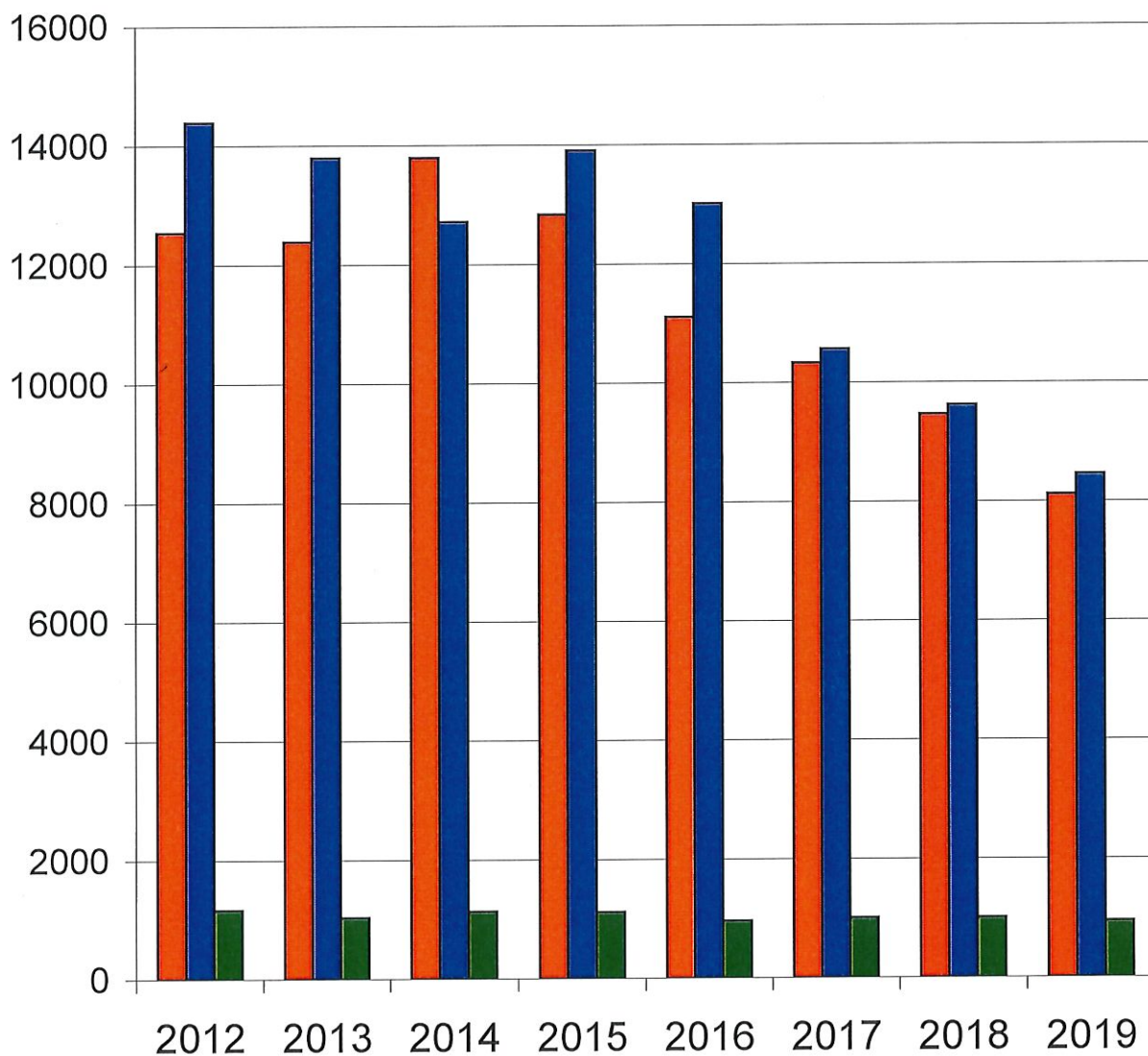
Indigent Drivers Interlock and Alcohol Monitoring Fund (IDAM) was created by the amendment to Ohio Revised Code Section 4511.191 in 2008. Like the IDAT Fund, the fund is mandated by state law. A portion of fines collected for OVI convictions are required by state law to be paid into this fund. The fund, which collected \$11,345.78 in 2019, is restricted in use to pay for ignition interlock and other alcohol monitoring

2019, 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.

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

Chart 1

Annual Summary of All Cases



■ All Cases Filed and Reactivated*

■ Cases Adjudicated

■ Cases Pending

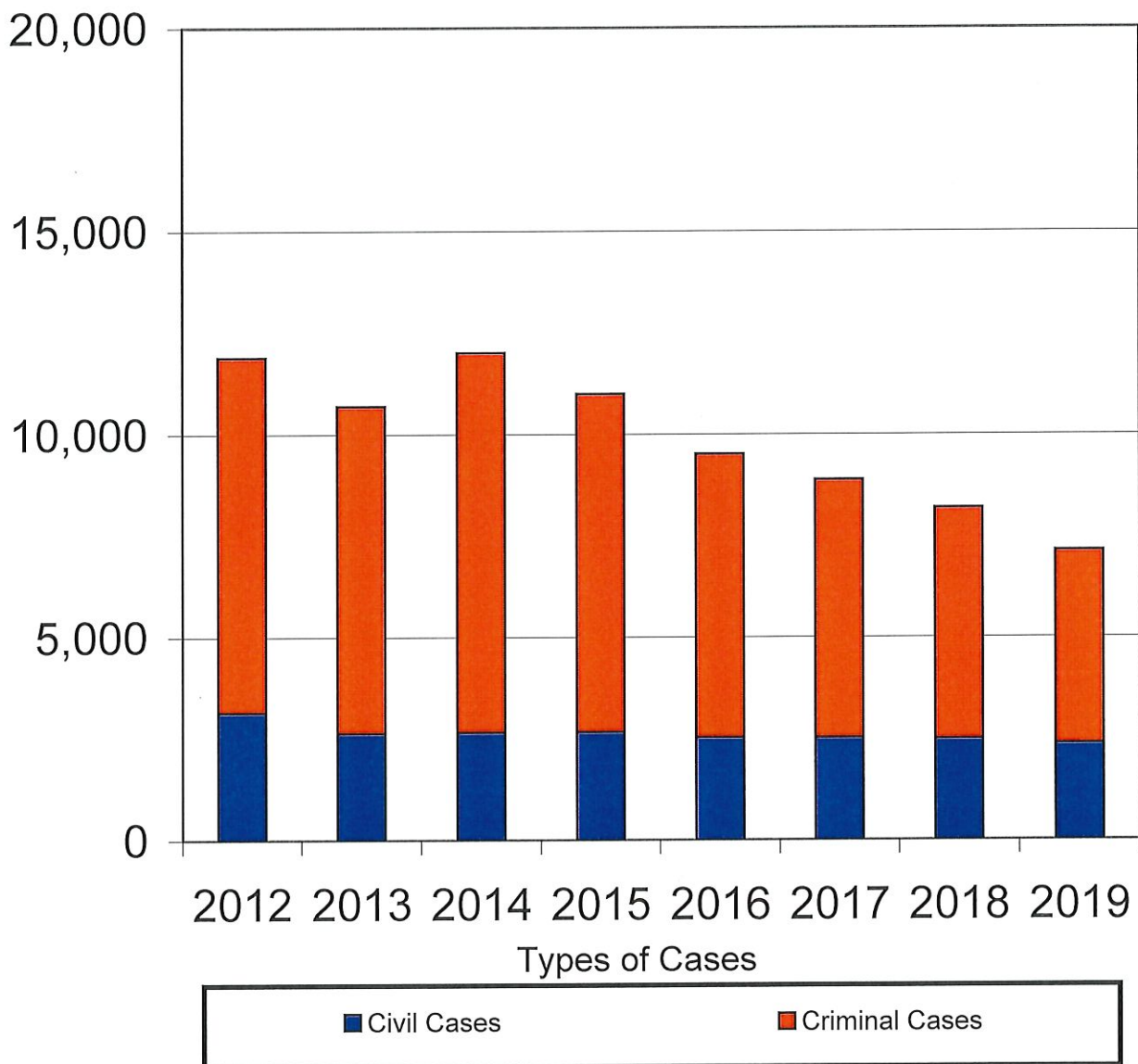
Source: Annual Superintendence Records to the Supreme Court of Ohio

*Note: Includes new case filings and cases reactivated from prior years.

Chart 2

Summary of Distribution of Cases Filed

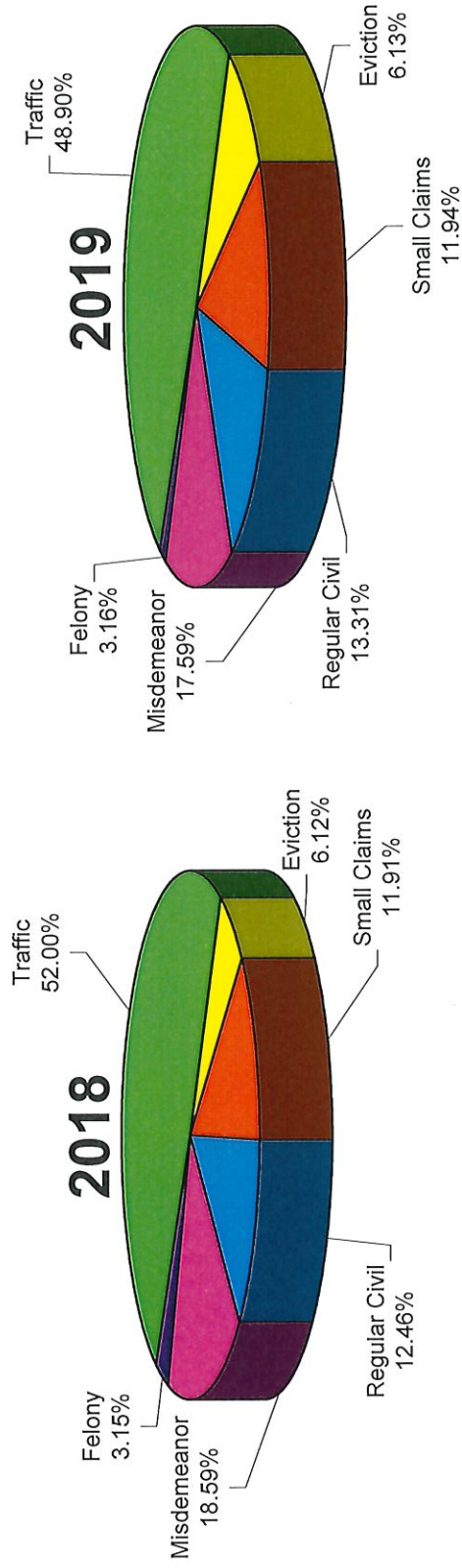
Total Number of Cases Filed per Annum



Source: Annual Superintendence Reports to the Supreme Court of Ohio

Summary of All Case Filings

Chart 3



Total Cases by Division

100.0%
35.32%
64.68%

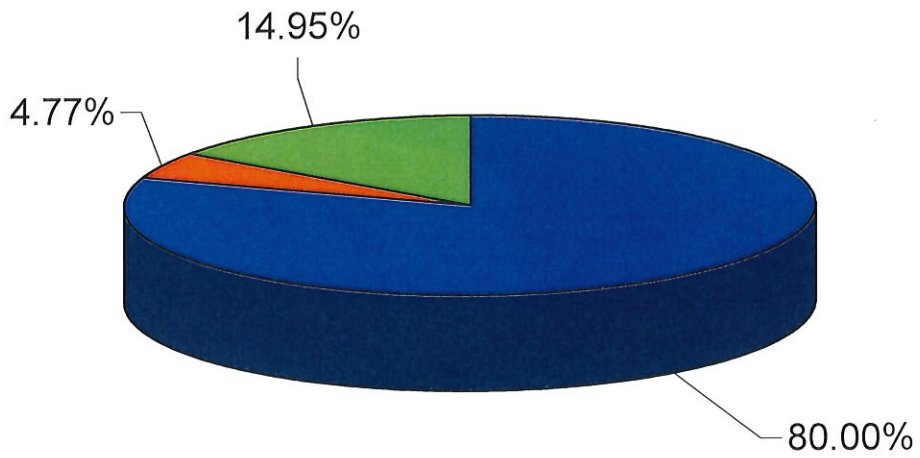
100.0%
30.56%
69.44%

Civil
Traffic & Criminal

Source: Annual Superintendence Reports to the Supreme Court of Ohio

Chart 4

SUMMARY OF DISTRIBUTION OF REVENUE



■ City of Lakewood

■ Cuyahoga County

■ State of Ohio

(Includes Restricted Funds)

CRIMINAL AND CIVIL MONTHLY SUMMARY OF REVENUE TO CITY

Page 1 of 2

PAID TO CITY

ACCOUNT NUMBER	101-0000-361.10-00	101-0000-361.35-00	101-0000-361.20-00	101-0000-361.30-00	101-0000-361.50-00	232-0000-361.50-00	230-0000-361.50-00	231-0000-361.50-00	235-0000-361.50-00	234-0000-361.50-00	237-0000-361.50-00
	CRIMINAL	CRIMINAL	CRIMINAL	CRIMINAL	CRIMINAL	CRIMINAL	CRIMINAL	CRIMINAL	R.C.	R.C.	R.C.
	CRIMINAL*	WITNESS	JUROR	INTEREST	P.S.I.	L.D.A.T.	L.E.A.	S.P.F.	C.M.F.		
January	\$64,757.10	\$108.00	\$0.00	\$183.63	\$0.00	\$250.00	\$260.50	\$239.00	\$6,825.00	\$1,856.00	
February	68,072.05	126.00	0.00	150.11	6.00	150.00	250.50	151.00	5,328.00	3,531.00	
March	79,100.03	114.00	0.00	162.30	50.00	325.00	321.00	325.00	5,009.00	4,046.00	
April	72,218.70	166.00	0.00	162.03	0.00	225.00	225.00	236.00	4,992.00	4,091.00	
May	63,413.35	96.00	0.00	164.93	0.00	175.00	289.50	175.00	4,435.00	4,153.00	
June	60,657.61	150.00	0.00	162.66	0.00	100.00	306.00	100.00	4,659.00	4,365.00	
July	64,811.90	114.00	0.00	145.16	0.00	225.00	304.50	205.00	4,274.00	4,368.00	
August	63,264.10	221.00	0.00	165.41	0.00	100.00	286.50	104.00	4,422.00	4,419.00	
September	63,113.00	0.00	152.00	149.78	50.00	200.00	268.50	200.00	4,062.00	3,905.00	
October	44,605.05	324.00	575.00	157.16	0.00	250.00	316.50	230.00	5,030.00	4,831.00	
November	64,164.75	100.00	100.00	155.27	100.00	300.00	286.50	320.00	4,424.00	3,989.00	
December	<u>64,373.25</u>	<u>68.00</u>	<u>68.00</u>	<u>135.56</u>	<u>27.00</u>	<u>275.00</u>	<u>246.00</u>	<u>373.00</u>	<u>5,290.00</u>	<u>4,823.00</u>	
'19 Totals	\$772,550.89	\$1,587.00	\$895.00	\$1,894.00	\$233.00	\$2,575.00	\$3,361.00	\$2,658.00	\$58,750.00	\$48,377.00	
'18 Totals	\$878,898.82	\$1,561.00	\$2,191.00	\$1,744.00	\$561.00	\$3,100.00	\$3,871.50	\$3,100.00	\$93,203.00	\$23,517.00	

REFERENCE:

P.S.I. - Political Subdivision Involved. Authority R.C. 4511.99
 L.D.A.T. - Indigent Drivers Alcohol Treatment Authority R.C. 4511.99
 L.E.A. - Law Enforcement Agency. Authority R.C. 4511.99
 I.D.A.M. - Indigent Drivers Interlock and Alcohol Monitoring Fund R.C. 4511.19(1)
 S.P.F. - Special Projects Fund Authority 1901.26(B)
 C.M.F. - Computer Maintenance Fund. Authority 1901.261(B)
 *Includes Criminal and Traffic

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

Page 1 of 2

2019	<u>REDSS</u> (1)	<u>Indigent</u> (2)	<u>State- Vic of Crime</u> (3)	<u>State- IDSF</u> (4)	<u>State- Sealing Fee</u> (5)	<u>State- SB 209</u> (6)	<u>State- IDSF</u> (7)	<u>State- OCJS</u> (8)	<u>State- Seatbelt</u>
January	\$1,214.00	\$314.00	\$2,700.00	\$6,531.00	\$90.00	\$781.00	\$8,872.00	\$607.00	\$910.00
February	1,305.00	275.00	2,985.00	6,805.50	90.00	498.00	835.50	588.00	900.00
March	1,474.00	255.00	3,105.00	7,294.00	180.00	978.00	1,070.00	752.50	1,405.00
April	1,280.00	414.00	2,982.00	6,995.00	210.00	799.10	845.50	598.50	1,000.00
May	1,310.00	175.00	2,916.00	6,672.00	150.00	504.00	961.50	668.50	890.00
June	1,425.00	250.00	3,051.00	6,670.00	120.00	369.90	1,030.00	721.00	680.00
July	1,346.00	211.00	3,065.00	6,659.00	90.00	430.00	1,015.00	710.50	625.00
August	1,324.00	349.00	3,051.00	6,784.00	90.00	343.00	958.00	672.00	610.00
September	1,270.00	301.00	2,822.00	6,584.50	60.00	593.00	919.00	619.50	560.00
October	1,556.00	161.00	3,465.00	7,809.00	240.00	630.00	1,071.00	745.50	530.00
November	1,380.00	411.00	3,069.00	6,778.40	60.00	986.00	975.00	668.50	585.00
December	<u>1,345.00</u>	<u>189.00</u>	<u>2,983.00</u>	<u>6,668.00</u>	<u>150.00</u>	<u>584.00</u>	<u>880.00</u>	<u>574.00</u>	<u>0.00</u>
'19 Totals	\$16,229.00	\$3,305.00	\$36,194.00	\$82,250.40	\$1,530.00	\$7,496.00	\$19,432.50	\$7,925.50	\$8,695.00
'18 Totals	\$17,870.00	\$4,238.00	\$40,876.00	\$92,753.00	\$1,800.00	\$9,226.00	\$12,995.00	\$9,068.50	\$12,225.00

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

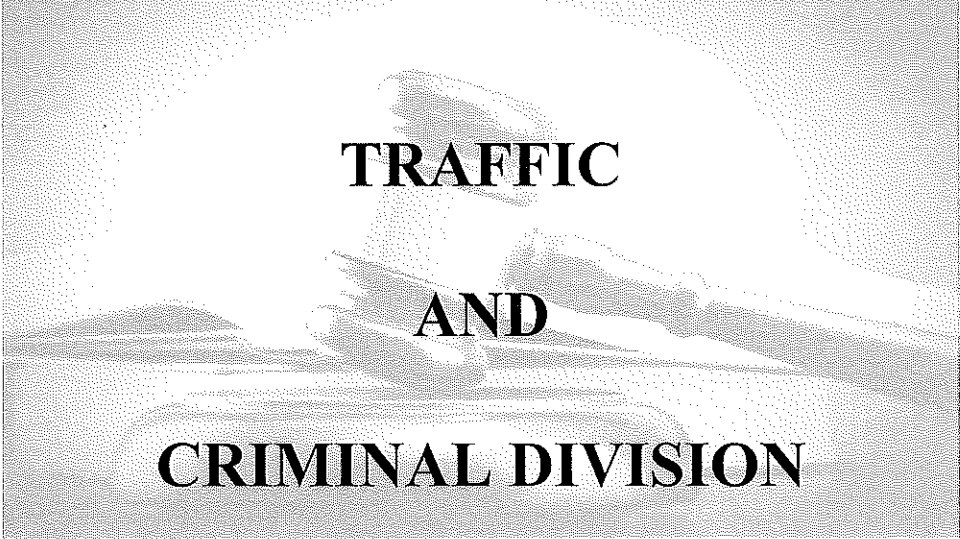
2019	State- Nat'l. Res.	State- Met Park	State- Liquor	State- Child Rest.	County Criminal	County- Traffic	County- Crime Stoppers (9)	County - Law Library (10)	Totals
January	\$0.00	\$0.00	\$0.00	\$140.00	\$1,891.25	\$867.50	\$52.00	\$641.52	\$3,592.27
February	0.00	310.00	0.00	35.00	3,939.75	478.50	70.00	0.00	4,833.25
March	0.00	0.00	45.00	210.00	2,047.50	1,746.50	74.00	0.00	4,123.00
April	0.00	0.00	0.00	75.00	1,652.50	1,302.50	65.00	0.00	3,095.00
May	0.00	0.00	0.00	240.00	2,580.00	2,781.00	53.00	0.00	5,654.00
June	0.00	0.00	0.00	35.00	1,365.00	3,935.00	44.00	0.00	5,375.00
July	0.00	0.00	0.00	0.00	1,010.00	815.00	62.00	0.00	1,887.00
August	0.00	0.00	0.00	0.00	3,861.00	915.00	71.00	0.00	4,847.00
September	25.00	0.00	0.00	0.00	1,783.00	862.00	65.00	0.00	2,735.00
October	0.00	125.00	0.00	105.00	1,226.00	1,895.00	66.00	0.00	3,417.00
November	0.00	0.00	0.00	35.00	1,338.00	956.00	54.00	0.00	2,383.00
December	<u>0.00</u>	<u>50.00</u>	<u>0.00</u>	<u>0.00</u>	<u>3,082.00</u>	<u>530.00</u>	<u>57.00</u>	<u>0.00</u>	<u>3,719.00</u>
19 Totals	\$25.00	\$485.00	\$45.00	\$875.00	\$25,776.00	\$17,084.00	\$733.00	\$641.52	\$45,664.52
18 Totals	\$80.00	\$1,050.00	\$375.00	\$910.00	\$24,648.93	\$9,533.50	\$888.00	\$690.18	\$38,175.61

REFERENCE:

(9) County Crime Stoppers

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

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



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 online 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. When a victim is involved, with either personal injury or property damage, the case is referred to the probation department for a victim impact statement and a determination of restitution. 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 sixth consecutive year in 2019 by 547 cases, from 4,538 new and reactivated cases in 2018 to 3,991 cases last year. One specific type of traffic case, operating a vehicle under the influence of alcohol (O.V.I.) decreased from 185 cases in 2018 to 165 in 2019. This includes both misdemeanor and felony O.V.I. cases.

Criminal misdemeanor cases also decreased for the sixth consecutive year in 2019 by 436 cases. There were 1,925 criminal misdemeanor new and reactivated cases in 2018, compared with 1,489 in 2019. 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 2019, 546 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. The number of executed warrants decreased in 2019 from 996 in 2018.

There were 95 felony charges filed in the Lakewood Municipal Court in 2019, which was a substantial decrease from 258 cases filed in 2018. The number of felony cases refers 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 dismissed at the municipal court level to permit the Lakewood Court to retain jurisdiction as a related misdemeanor charge instead of transferring the felony charge to the Common Pleas Court. This procedure may be due to subsequently discovered evidence, unavailability of witnesses, agreement for victim restitution, ability to obtain immediate drug treatment, and other reasons. In 2019 24 of the 95 felony charges were dismissed so that related misdemeanor charges could be filed in the Lakewood Court, retaining jurisdiction over or 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 Indigent Driver's Alcohol Treatment (IDAT) funds were used in 2019 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, forty one (41) defendants were provided drug treatment through the Cuyahoga County Probation Department's jail reduction program.

MENTAL HEALTH COURT

Numerous criminal cases involve mental illness and/or substance abuse. In 2019, there were twelve (12) mental health referrals for competency to stand trial, sanity, and risk assessments. Although the number of referrals decreased from 2018, the decrease is in direct relation to the decrease in the number of criminal charges filed with the Lakewood Court in 2019. Unlike the common pleas court which can make a direct referral to North Coast Behavioral Health Care Facility, a municipal court must go through a two step process of first referring a defendant for a mental evaluation for either competency or sanity, and if found incompetent or insane, transferred to North Coast or other appropriate mental health care facility until the defendant is restored or determined not to be restorable to competency.

Although few in number, these cases require extensive time and involvement of court staff. 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 charges 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 addition to these direct referrals, there were other cases involving mental health referrals from the Common Pleas or other municipal courts that were supervised by the

Lakewood Court due to overlapping jurisdiction. The cost of the mental evaluations is paid out of the court's probation supervision fund.

Sometimes mental illness is combined with substance 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.

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. In 2019 the court supported the continuation of a grant with Recovery Resources through the Three Arches Foundation. The grant was renewed with Recovery Resources to pay for a direct liaison with the Lakewood Court for substance abuse and/or mental health assessments and referrals.

HOUSING COURT CASES

Criminal cases

Building and health code violations are also included in the criminal category. The number of building code violations decreased from 91 cases in 2018 to 49 cases in 2019. Many of the cases filed by the Law Department in 2019 were in August or later, with service by certified mail, it is not practical for the court to obtain compliance with any outdoor violation due to seasonal weather restrictions. Compliance hearings are conducted on a regular basis during warm weather months with the Lakewood Building Inspectors providing the court with progress reports.

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 in fixing their homes and achieving 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. The program allows a Lakewood homeowner to avoid a criminal conviction for housing infractions and the opportunity to devote funds to repairing the code violations instead of paying fines.

In 2019, 16 of the 49 building code cases were added to the diversion program with others carried over from previous years because of inability to correct all of the housing code violations. The staff at LakewoodAlive also participated in the diversion program, assisting the participants with low interest loan eligibility and applications, coordinating community groups to assist with painting and other projects, and other direct involvement with the homeowner.

Record sealing procedures.

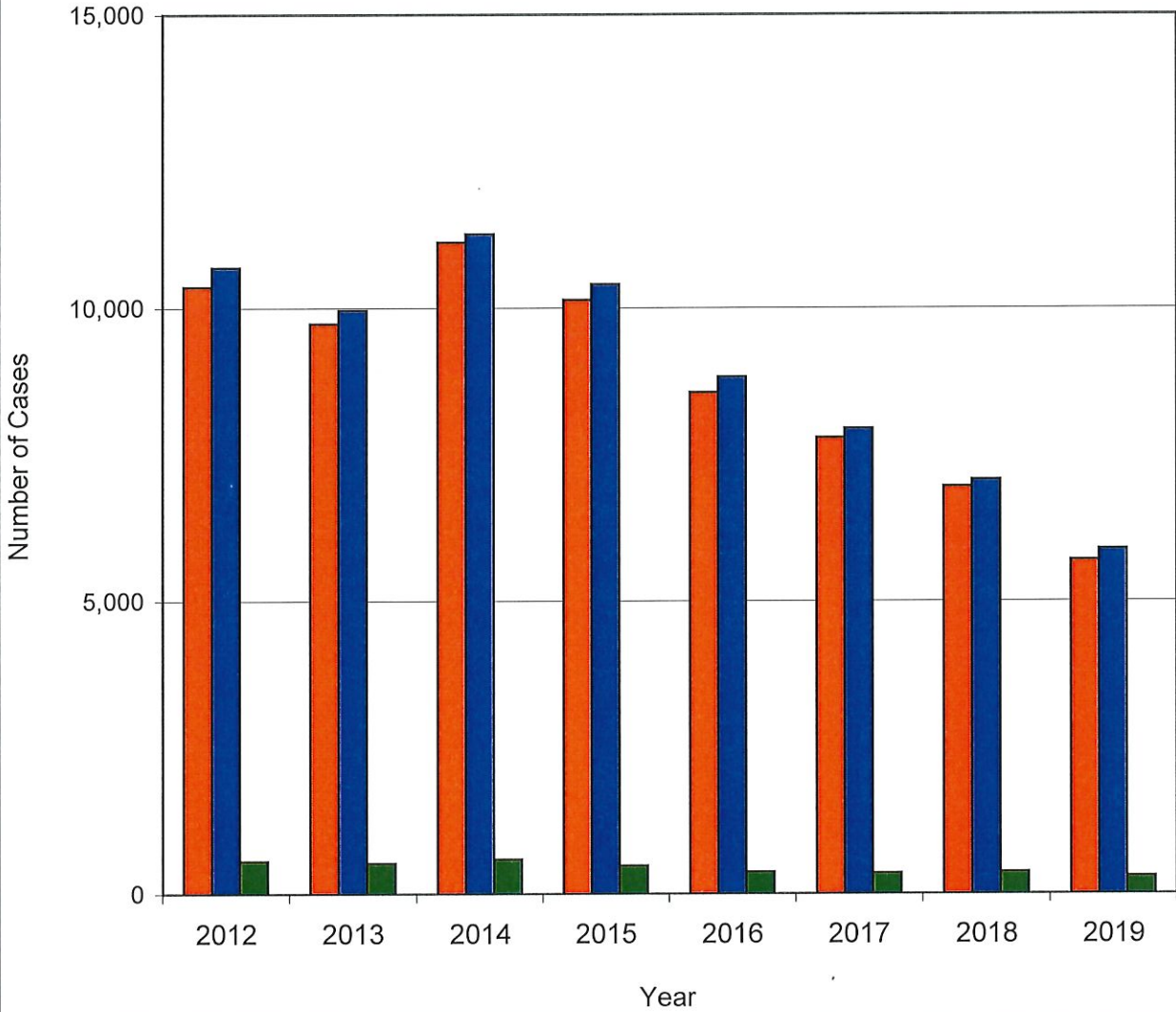
The Ohio Revised Code sets out a procedure for certain criminal convictions, as well as all dismissed criminal charges, that may be sealed. For misdemeanor convictions, there is a waiting period of one (1) year after the conviction or probation period. Felony convictions have a longer waiting period. Sealing allows a person who made mistakes in the past, resulting in criminal convictions, to avoid future obstacles in moving forward in life. A shoplifting conviction by an eighteen year old could prevent that person at age forty from getting a custodial job with a bank or other employer that requires a bond. Before a conviction is sealed, a hearing is conducted with the opportunity for the prosecutor to raise any objections.

In October, 2018, the sealing law was amended to remove the limitation of the number of misdemeanor convictions that could be sealed. Prior to October 29, 2018, only two (2) misdemeanor convictions could be sealed. Not all misdemeanor offenses may be sealed. In 2019 there were 121 applications filed to seal records of convictions. Working with the Supreme Court of Ohio, a bench card was developed to explain the qualifications and procedures for sealing a conviction record. The bench card is available to the public at the Supreme Court's website.¹

¹ Under "Reports and Publications" at the bottom of the Supreme Court website, and then to "Judicial Services." The bench card is entitled "Court-Ordered Sealing of Criminal Record with Consideration of Indigency."

Chart 5

Summary of Traffic & Criminal Cases



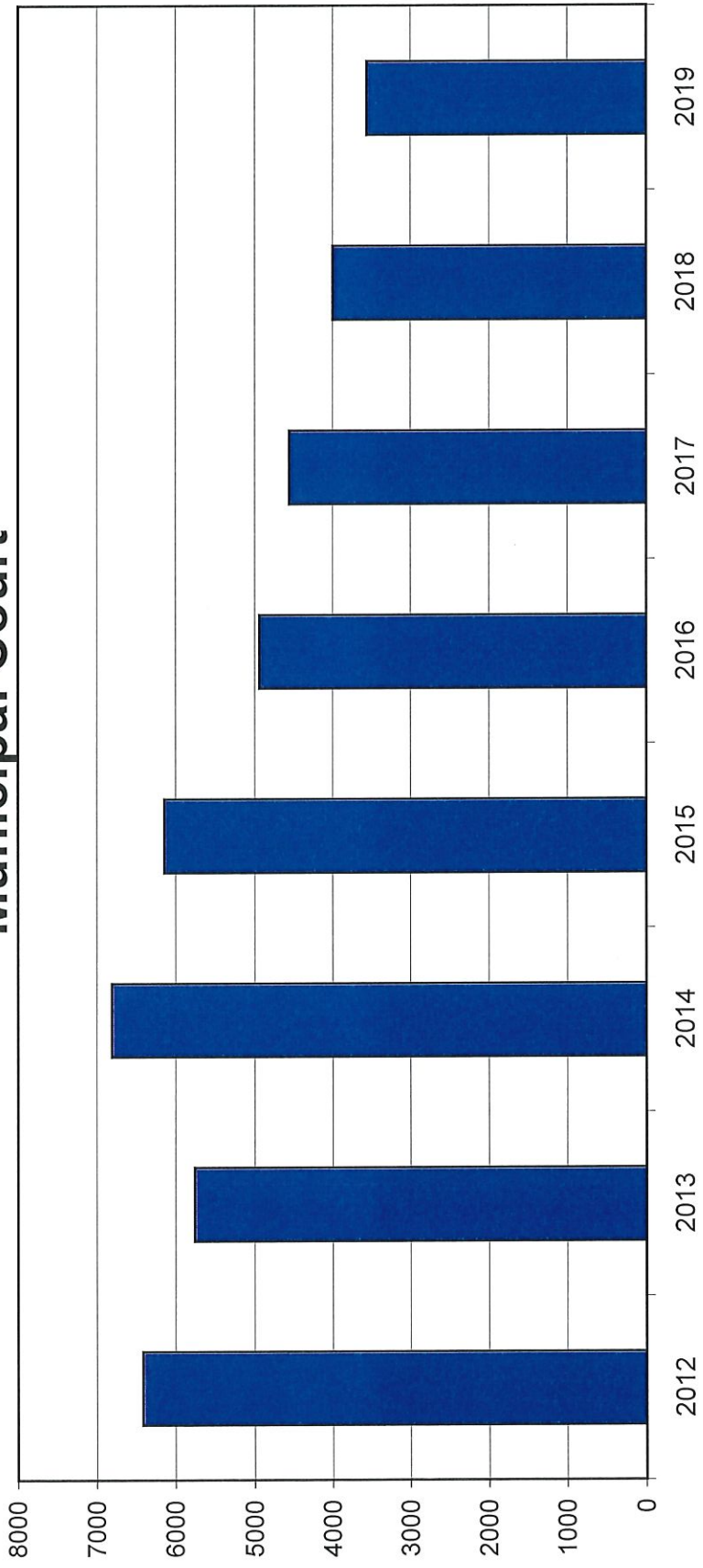
■ Cases Filed and Reactivated* ■ Cases Adjudicated ■ Pending Criminal Cases

Source: Annual Superintendence Report to the Supreme Court of Ohio

*Note: Includes new case filings and cases reactivated from prior years.

Chart 6

Traffic Citations filed per annum in Lakewood Municipal Court*

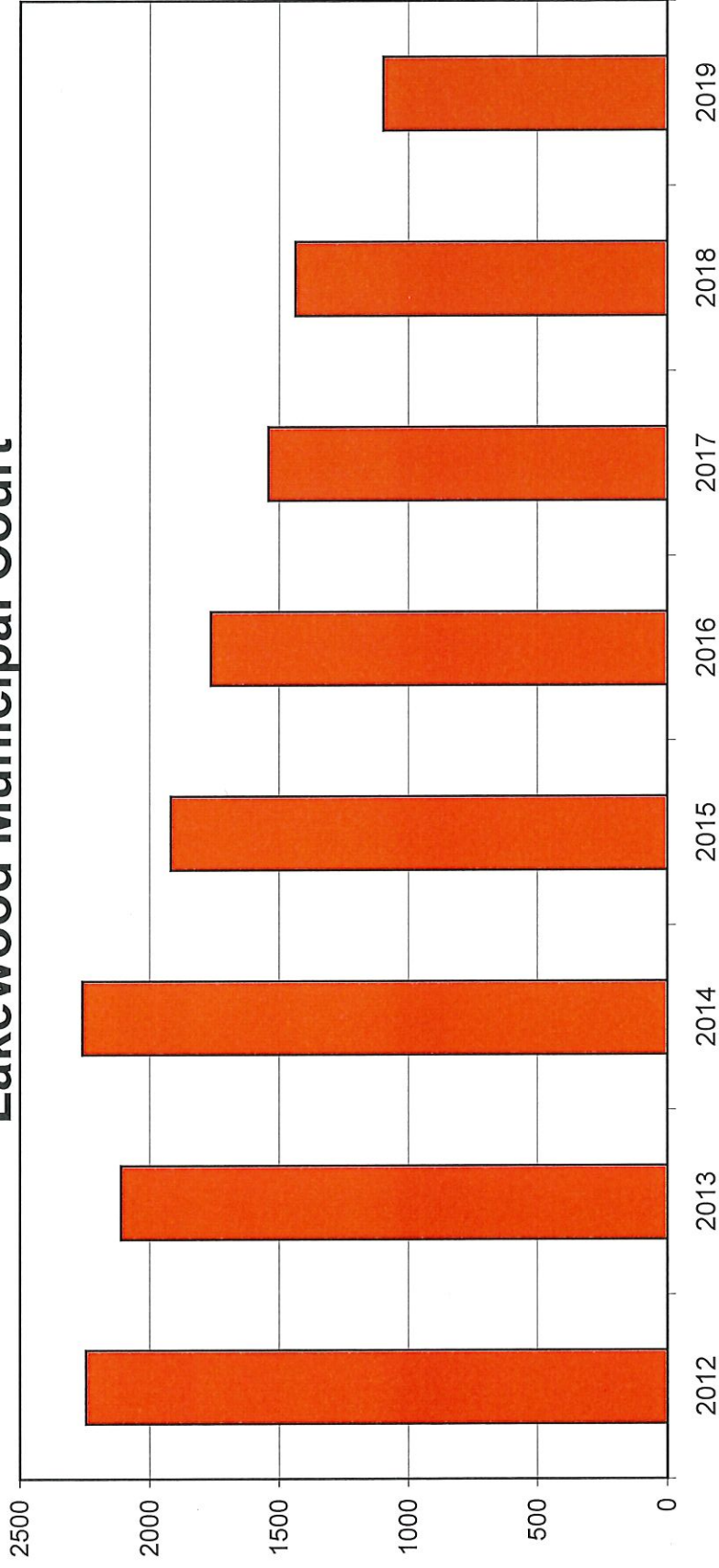


* Excludes OVI charges.

Source: Annual Superintendence Reports to the Supreme Court of Ohio

Chart 7

**Misdemeanor Charges filed per annum in
Lakewood Municipal Court**

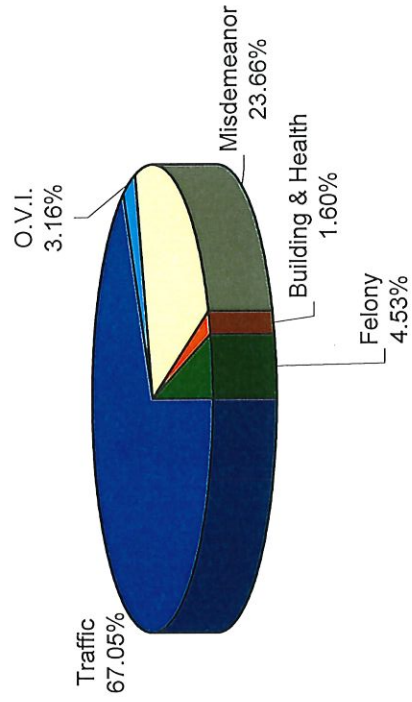


Source: Annual Superintendence Reports to the Supreme Court of Ohio

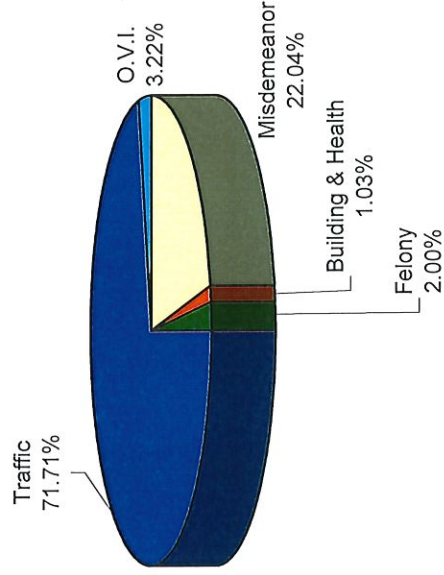
Chart 8

Summary of Traffic & Criminal Cases

2018



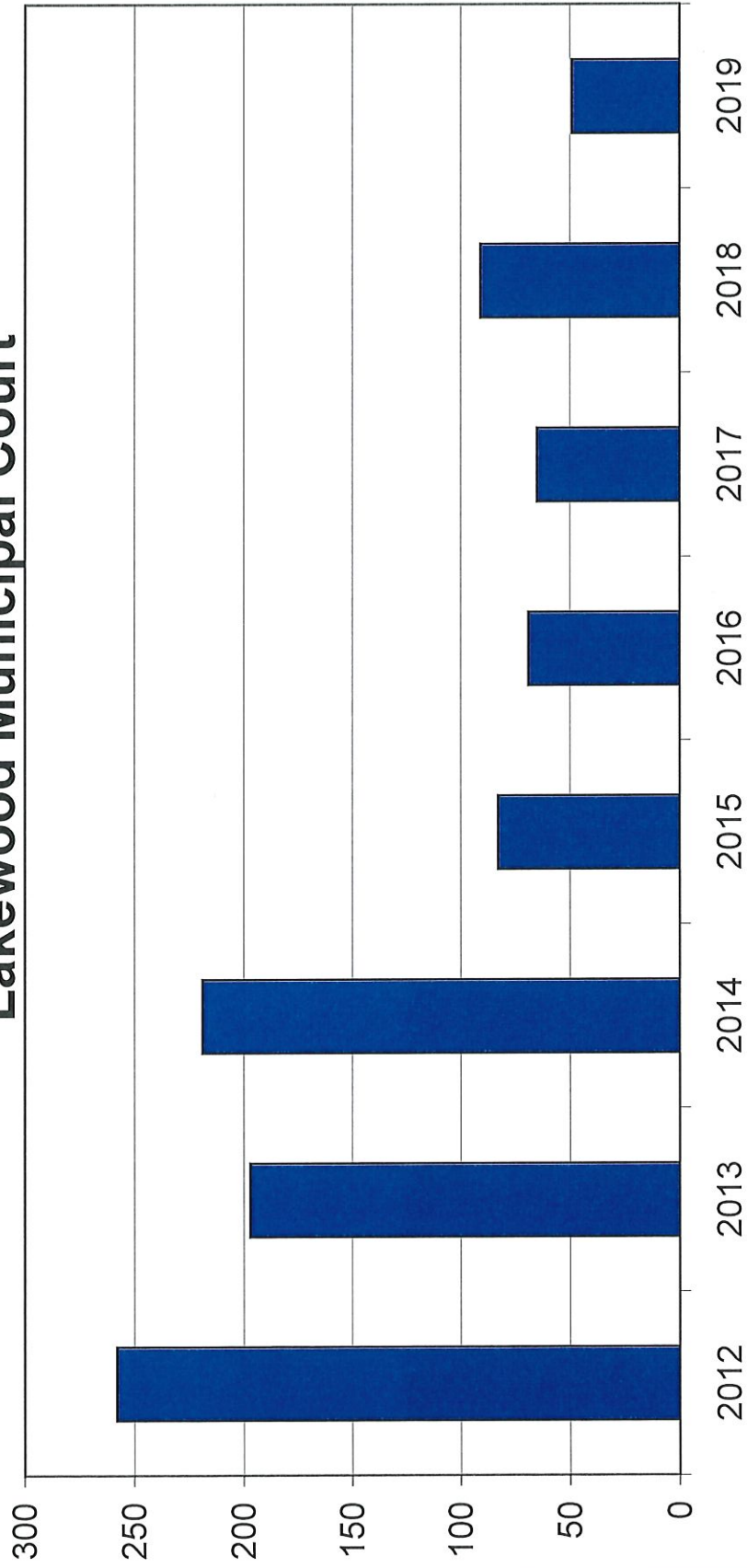
2019



Source: Annual Superintendence Reports to the Supreme Court of Ohio

Chart 9

Building Code Violation Cases filed per annum in Lakewood Municipal Court



Source: Annual filings with the Clerk of Lakewood Municipal Court

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

<u>2019 Receipts</u>	<u>Total Deposits & Bond Receipts</u>	<u>Total City Receipts (all city fines, costs & interest)</u>	<u>Totals</u>
January	\$14,679.80	\$93,960.51	\$108,640.31
February	12,914.00	90,959.04	103,873.04
March	13,083.00	109,116.95	122,199.95
April	18,264.00	95,702.04	113,966.04
May	12,928.00	86,059.38	98,987.38
June	10,596.00	86,349.99	96,945.99
July	10,101.00	87,862.24	97,963.24
August	12,366.00	86,763.00	99,129.00
September	12,549.00	82,911.33	95,460.33
October	7,585.00	97,747.95	105,332.95
November	15,158.00	81,319.01	96,477.01
December	<u>7,175.00</u>	<u>89,685.58</u>	<u>96,860.58</u>
Subtotal Amount	\$147,398.80	\$1,088,437.02	\$1,235,835.82
*Carried Over from December 2018	\$63,493.94		
Total	\$210,892.74	\$1,088,437.02	\$1,299,329.76

<u>2019 Expenditures</u>	<u>Total Bonds Refunded and Transferred</u>	<u>Total Receipts Summary Disbursed to City-Fines and Costs</u>	
January	\$20,438.00	Traffic	371,689.10
February	11,630.00	Criminal	70,835.70
March	13,506.00	10% Bond Costs	16,250.08
April	21,275.00	Court Costs, Exp, LETF	347,083.04
May	33,440.00	Diversion	3,660.00
June	12,837.00	Witness	1,686.00
July	10,503.00	Jury	927.00
August	12,788.00	Interest on Deposits	1,896.99
September	9,932.00	Criminal unclaimed monies (R.C. 1901.31g)	0.00
October	7,949.00	O.V.I. Funds (R.C. 4511.99)	16,811.78
November	17,642.00	Probation Fund	21,972.70
December	<u>7,603.00</u>	*Special Projects Fund	56,650.00
Subtotal Amount	\$179,543.00	*Computer Maintenance Fund	<u>48,832.00</u>
Carried over to 2020	\$31,349.74	Total	958,294.39
Total	\$210,892.74	*Includes assessed fees in all cases	

CRIMINAL DIVISION - STATISTICAL DATA

	<u>2019</u>	<u>2018</u>
<u>Individual Charge Filings</u>		
Traffic Citations	3561	3933
Traffic Summons	0	1
Traffic Warrants	0	1
Criminal Citations	1486	1029
Criminal Summons	62	102
Criminal Warrants - Felonies	94	257
Criminal Warrants - Misdemeanors	136	210
Total Individual Case Filings	5339	5533
 <u>Case Adjudications*</u> (Processed Through Open Court or Violations Bureau)		
Traffic and Criminal Cases Adjudicated	5746	6924
 <u>Arrest Warrants on Complaints Issued and Executed</u>		
Traffic and Criminal Warrants Issued	230	433
Traffic and Criminal Warrants Executed	211	383
 <u>Contempt of Court Arrest Warrants Issued and Executed</u>		
Contempt of Court -- Non-appearance Warrants Issued	676	669
Contempt of Court -- Non-appearance Warrants Executed	335	613

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

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

<u>Traffic Offense Description</u>	<u>Individual Offense Filings</u>	
	<u>2019</u>	<u>2018</u>
Aggravated Vehicular Assault	1	1
Aggravated Vehicular Homicide		1
Backing Without Vigilance	53	46
Bicycle/ Bicycle Helmet Violations	27	20
Certain Acts Prohibited	1	4
Driving on Sidewalk or Curb	1	2
Driving Under Suspension or Revocation	178	353
Earphone Use While Driving	4	1
Emergency Vehicle Violation	10	3
Excessive Noise, Loud Exhaust, Horn Blowing	41	88
Failure to Control Motor Vehicle/Accident/Full Time & Attention While Driving/ Failure to Yield Right of Way/Assured Cleared Distance	190	282
False Info Provided	6	4
Financial Responsibility	165	2
Following too Closely	41	53
Improper Change of Course, Lane Usage, Weaving, Right Side of Roadway	136	123
Improper or Unsafe Lights & Equipment, Obstructed View	403	293
Improper Passing	26	26
Improper Turns	33	109
Improper Vehicle Ident, Illegal Use of Plates, Exp. Plates, Fictitious Plates	897	996
Leaving Scene of Accident/ Hit Skip/ Stopping After Accident	42	44
Left of Center	18	18
Litter from Motor Vehicle	7	11
Motorcycle/ Moped Violations		10
No Operator's License; License Restrictions, Exp.Operator's License, Unlicensed to Drive	202	154
One Way Streets	15	14
Open Door in Traffic	2	3
Operating a Vehicle Impaired (L.C.O.)	102	124
Operating a Vehicle Impaired(R.C.)	26	44
OVI/BAC Refusal	19	36
Pedestrian Related; Right of Way	26	27
Physical Control (L.C.O.)	8	6
Physical Control (R.C.)	7	4
Railroad Crossing Violations	1	1
Reckless Operation of Vehicle	17	7
Report Change of address		0
Restricted Street, Excessive Weight or Load, Closed Street, Commercial	30	53
Seatbelt / Child Restr. Law / Booster	406	586
Speeding	308	426
Temporary Operator's Permit Violation	22	24
Texting while driving	1	0
Tire Peeling/Street racing	3	9
Toys in Street	8	16
Traffic Control Devices; Traffic Lights & Signs	853	994
Unattended Motor Vehicle	12	22
Unsafe Motor Vehicle	1	15
Willful and Wanton Disregard, Failure to Comply	38	48
Wrongful Entrust, Permitting	7	13

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

CITY ORDINANCE OFFENSES - MISDEMEANORS

<u>Criminal Offense Description</u>	<u>Individual Offense Filings</u>		<u>Criminal Offense Description</u>	<u>Individual Offense Filings</u>	
	<u>2019</u>	<u>2018</u>		<u>2019</u>	<u>2018</u>
Aggravated Menacing	1	6	Misuse of 911/ Misconduct of Emergency		1
Animal Code Violation	43	86	Noise Violations	17	10
Assault	14	12	Obstruction Justice	2	30
Building/Fire/ Zoning Code Violations	55	0	Obstruction Official Business	19	0
Carry Concealed Weapon/ Improper Handling of a Firearm	1	4	Occupying a Drug Premises	3	0
Comply Lawful Order		4	Open Container/ Public Consumption	49	53
Criminal Damaging	21	24	Passing Bad Checks/ NSF Checks	1	2
Criminal Mischief	11	3	Possession of Dangerous Toys		1
Criminal/ Agg Trespassing	30	53	Possession of Drug Instruments/ Paraphernalia	61	168
Curfew/ Park	3	10	Possession/ Discharge Fireworks	2	1
			Public Indecency/Procuring/Prostitution/ Soliciting	2	1
Defraud Livery		1	Receiving Stolen Property	1	1
Discharging Firearms / Imp Hand	4	3	Resisting Arrest/ Willful Fleeing	16	2
Disorderly Conduct/ Persist/ Intox	504	509	Rumaging in Refuse	1	0
Drug Abuse / Poss of Halluc/Intoxicant			Sales to Minor/ Minor Purchasing & Poss of Alcohol/Legal Consump in MV	10	8
Marijuana/Permitting	130	179	Soliciting License/Bill Posting		2
Endangering Children	4	1	Telephone Harassment	2	1
False Alarms	1	4	Theft/ Petty Theft	17	28
Falsification/ False Info to Officer	16	31	Unauthorized Use Motor Vehicle	1	0
Illegal Knives	4	4	Unlawful Transaction use in Weapons/ Transport/Use while intoxicated	3	4
Inducing Panic		1			
Littering/Spitting	3	6			
Menacing	2	0			

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

STATE STATUTE OFFENSES - MISDEMEANORS

<u>Criminal Offense Description</u>	<u>Individual Offense Filings</u>		<u>Criminal Offense Description</u>	<u>Individual Offense Filings</u>	
	<u>2019</u>	<u>2018</u>		<u>2019</u>	<u>2018</u>
Aggravated Vehicular Homicide		1	Passing Bad Checks/ Misuse CC	7	6
Aggravated Menacing	10	5	Possession of Criminal Tools	11	11
Arson	1	0	Public Gambling/Operating Gambling House		4
Assault	26	50	Public Indecency/ Sexual Imp/ Voyer/Prostitution	1	3
Breaking & Entering		3	Receiving Stolen Property	6	11
Contempt of Court		6	Resisting Arrest	2	4
Criminal Damaging/ Mischief	7	7	Riot/ Inciting to Violence/ Inducing Panic		5
Criminal Simulation / Complicity		2	Sales to Minor/ Poss/	1	4
Criminal Trespassing/ Agg Tress	2	10	Telephone Harassment	4	8
DCI/ Persisting	4	2	Theft	96	156
Domestic Violence	18	20	Trafficking	2	6
Drug Paraphernalia/ Cultivating	5	91	Unauthorized Use of Motor vehicle/Property	2	0
Drugs of Abuse/ Permitting/Possession	60	87	Underage Drinking		1
Endangering Children/ Patient		17	Unlawful Restraint	1	
Falsification/ Taking Identity Failure to disclose personal info.	14	13	Use/ Discharge Firearms/ Poss/ Imp Handling/Deface	3	5
False Alarm		2	Violation of TPO		23
Fishing Without a License/ Illegal Acquisition of Wild Animals	1	3	Willful Flee & Elude/ Failure to Comply/ Escape	4	1
Forgery/ Illegal food stamps		2			
Menacing/ Stalking		10			
Misconduct on Public Transportation		0			
Obstruction Justice, Official Bus.	4	9			

OTHER GOVERNMENTAL AGENCIES

	<u>2019</u>	<u>2018</u>
Cleveland Clinic	0	0
Department of Natural Resources Division of Wildlife/ Watercraft	1	3
Metropolitan Park-Including Traffic	9	11
Ohio State Patrol	96	71
Public Safety/ Liquor Control	1	7
RTA	0	1
Web	0	0

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

STATE STATUTE OFFENSES - FELONIES

<u>Criminal Offense Description</u>	<u>Individual Offense Filings</u>		<u>Criminal Offense Description</u>	<u>Individual Offense Filings</u>	
	<u>2019</u>	<u>2018</u>		<u>2019</u>	<u>2018</u>
Aggravated/ Felonious Assault	13	16	Forgery/ Taking an Identity	3	5
Aggravated Burglary	2	3	Fraud/ Misuse of CC/ Passing bad checks		5
Aggravated Riot		4	Grand Theft/ Theft/ Grand Theft of MV	7	22
Aggravated Robbery	5	11	Illegal Processing of Drug/Conveyance Documents/ Ordnance chemicals	0	3
Aggravated Trespass/ Menacing/ Criminal Trespassing	1	2	Intimidation, Retaliation		2
Aggravated Vehicular Assault	1		Kidnapping/ Unlawful Restraint	1	2
Arson		2	Murder	1	
Breaking and Entering	1	8	Obstructing Justice		1
Burglary	4	16	Rape/ Sexual Battery	1	2
Carrying a Concealed Weapon/ Improper Handling/Crim Tool			Receiving Stolen Property	10	18
Weapons under Disability	7	14	Robbery	4	4
Complicity/ Conspiracy/ Corrupt		2	Telephone Harassment	1	
Corruption of a Minor/ Child			Tampering with Evidence		3
Endangering/ Obscenity/ Unlawful Sex	2	2	Trafficking in Drugs	13	41
Domestic Violence/ Violation of TPO	5	14	Unauthorized Use of Motor Vehicle		0
Drugs Of Abuse		45	Willful Eluding/ Fleeing/ Failure to Comply		6



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 2019 decreased by 93 cases from the prior year. General civil cases, involving claims of property damage, personal injury and breach of contract, decreased slightly from the previous year by approximately three and one half percent (3.50%), (1,038 cases in 2018 and 1,002 cases in 2019). Many of these cases involve consumer credit issues.

Small claims cases

One aspect of civil cases, small claims cases, decreased by 62 cases, from 965 cases 2018 to 903 in 2019. Small claims cases are limited to civil cases involving up to \$6,000. Of all the small claims cases that were filed last year, 82.6% were filed by the City of Lakewood for collection of municipal income taxes. The remaining 17.40% were filed by private parties.

While the number of small claims cases filed by the city for income tax decreased in 2019 by 11.5%, the number of small claims cases by private parties increased by almost thirty percent (30.0%). The increase in private party cases is significant as recognition of the Lakewood Court as an open, expedient, and fair method to resolve minor disputes. The vast majority of the small claims cases are handled by the court's magistrates, David Briggs, Jerry Dowling, and Regis McGann. While the cases involve a relatively small monetary amount, they often raise complex legal issues. Both the Lakewood Court and the community are fortunate to have three respected trial lawyers serving as part-time magistrates with the court.

Landlord/tenant cases

Also part of the civil division, eviction cases in 2019 increased by 5 cases, with 505 cases in 2018 to 510 cases in 2019. 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 11 rent deposit cases filed in 2019, compared to 22 cases in 2018.

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.

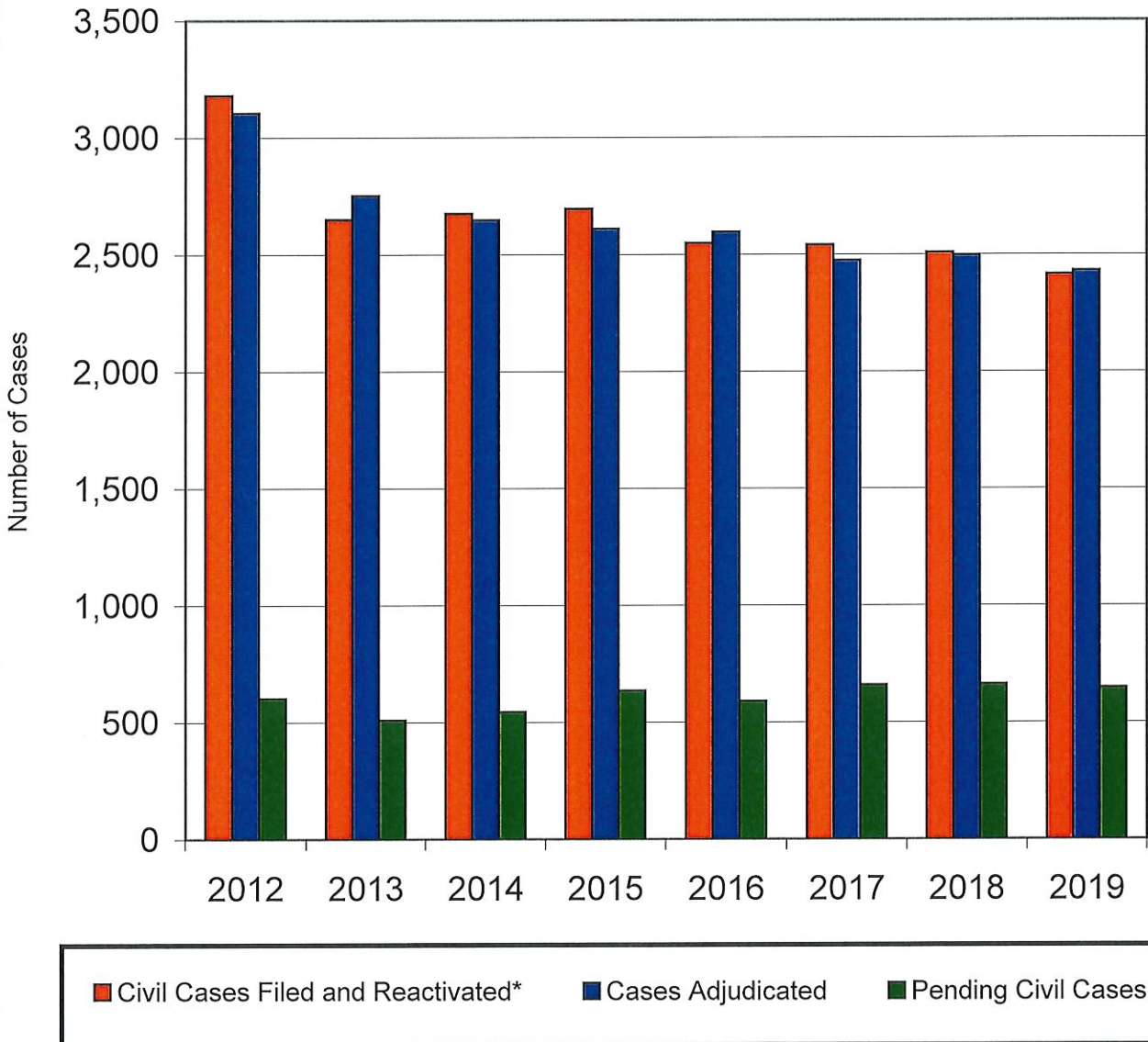
Trusteeship

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 known remedy to assist a person faced with civil judgments, it is a safe and inexpensive method of debt consolidation and consumer relief.

The defendant pays a specified amount per month to the court which is distributed to the defendant's creditors. The monthly amount is determined based upon statutory percent of wages and exemptions. Compliance with the terms and conditions of the trusteeship prevents execution of judgment against the defendant. There were six (6) active trustee cases during the year, which includes one termination and two (2) additional cases filed in 2019. Although this is a useful program to prevent garnishment and bank attachment procedures, it is largely unused in Ohio.

Chart 10

Summary of Civil & Small Claims Cases



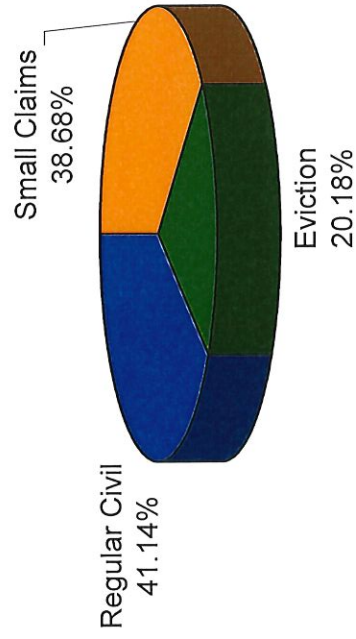
Source: Annual Superintendence Report to the Supreme Court of Ohio

*Note: Includes new case filings and cases reactivated from prior years.

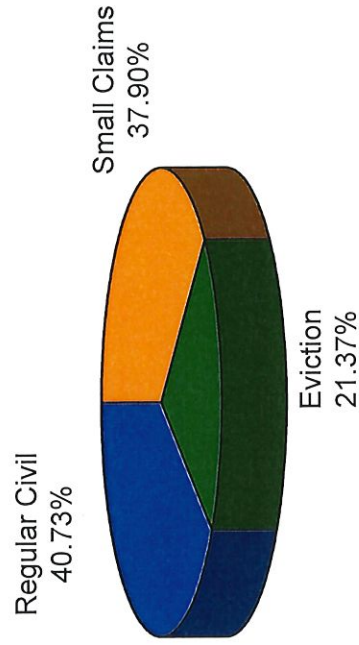
Chart 11

Summary of Civil Case Filings

2018



2019



Source: Annual Superintendence Reports to the Supreme Court of Ohio

**CIVIL DIVISION - Landlord/Tenant
ANNUAL STATISTICAL SUMMARY**

	<u>2019</u>	<u>2018</u>
Cases Pending at Beginning of Year	75	92
Cases Filed & Reactivated	510	510
Cases Adjudicated	<u>(515)</u>	<u>(527)</u>
Cases Pending Year-end	73	75

<u>Case Adjudication Summary</u>	<u>2019</u>	<u>2018</u>
Trial Hearing by Judge	5	4
Hearing by Magistrate	178	174
Transfer to Civil Docket/Other	3	6
Dismissal for Want of Prosecution	1	1
Other Dismissals	323	335
Bankruptcy Stay	1	3
Other Terminations	<u>4</u>	<u>4</u>
Total	515	527

Objections filed from Magistrate's Reports to Court:	4	6
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Rent Deposits filed with the Court	11	22
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2019 Mileage expense: \$4,074.27

**CIVIL DIVISION - SMALL CLAIMS
ANNUAL STATISTICAL SUMMARY**

	<u>2019</u>	<u>2018</u>
Cases Pending at Beginning of Year	240	273
Cases Filed & Reactivated	903	965
Cases Adjudicated	<u>(885)</u>	<u>(998)</u>
Cases Pending Year-end	258	240

<u>Case Adjudication Summary</u>	<u>2019</u>	<u>2018</u>
Trial Hearing by Magistrate	432	555
Trial Hearing by Judge	4	8
Transfer to Civil Docket	9	0
Dismissal for Want of Prosecution	1	2
Other Dismissals	435	417
Bankruptcy Stay	2	1
Other Terminations	<u>2</u>	<u>15</u>
Total	885	998

Objections filed from Magistrate's Reports to Court:	13	21
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<u>2018 Small Claims Cases Filed by Type</u>	<u>Percent</u>	
Regular Civil	17%	15%
Municipal Tax Cases	<u>83%</u>	<u>85%</u>
Total	100%	100%

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

<u>2019 Receipts</u>	<u>Total Receipts</u>
Carried over from December 2018	\$906.00
January	\$415.00
February	\$330.00
March	\$540.00
April	\$450.00
May	\$375.00
June	\$325.00
July	\$500.00
August	\$450.00
September	\$400.00
October	\$75.00
November	\$25.00
December	<u>\$50.00</u>
2019 Totals	\$3,935.00
2018 Carryover & 2019 Receipts	\$4,841.00
Costs disbursed to City	(\$83.10)
Disbursed to Creditors	(\$3,923.90)
Refunded to Trustee	<u>\$0.00</u>
Undisbursed & Carried over - January 2020	\$834.00

Explanatory Note:

Total receipts and expenditures include:

 Court Costs paid to City

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

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



**PROBATION
DEPARTMENT**

2019 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 205 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 2019 the Probation Department collected \$62,572.75 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 183. This is an increase of twenty three people from last year. Probationers are required to strictly comply with a variety of conditions imposed by the court in order to maintain their freedom in the community and 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. Eight (8) 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 2019 232 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 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 2019 thirty (41) people were referred to this program.

This past year brought an additional source of support to the Probation Department. Through a grant made available by The Three Arches, we have an individual who is a licensed social worker and a certified chemical dependency counselor assigned exclusively to us and the City of Lakewood at Recovery Resources. When we encounter an individual needing a mental health assessment and/or a chemical dependency assessment the person can be referred to Recovery Resources for an evaluation at no cost to the individual or Court. This direct link to services is a tremendous assistance to Lakewood Municipal Court. As a result of this project mentally ill offenders have decreased the amounts of 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 their housing or other entitlements as well as being linked with the community mental health system. This program has also helped to address the needs of the drug addicted and those with dual diagnosis. In 2019 forty five (45) people were referred to this agency for services. We anticipate this number to grow in 2020.

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 Referrals	Presentence Investigation Completed PSI	Active Prob. Mo. Vol.	Restitution Collected	Probation Violation Hearings	House Arrest Assign.	INACTIVE Probation w/PSI	ACTIVE Probation w/PSI	ACTIVE Probation No PSI	ACTIVE Probation Term.
January	6	12	25	15	\$21,793.41	22	0	0	6	9	31
February	5	14	17	14	1,852.16	18	1	2	7	7	23
March	13	8	12	13	6,828.70	18	1	0	8	5	31
April	5	9	22	22	4,823.88	27	0	0	11	11	22
May	10	14	17	16	4,112.10	12	0	0	8	8	37
June	0	11	21	17	4,186.13	25	1	2	7	10	26
July	7	16	17	18	4,556.11	23	0	0	8	10	21
August	8	12	15	15	873.66	14	0	1	5	10	18
September	3	6	22	16	4,577.21	19	1	2	8	8	22
October	2	13	19	12	4,279.60	17	2	3	5	7	19
November	8	10	4	16	2,139.92	25	2	1	6	10	26
December	6	7	14	9	2,549.87	12	0	1	6	3	16
'19 Totals	73	132	205	183	\$62,572.75	232	8	12	85	98	292
'18 Totals	129	129	195	160 (Mo. Avg.)	\$38,942.49	255	16	25	97	181	1187

Total New Active Probation Referrals 2019

183

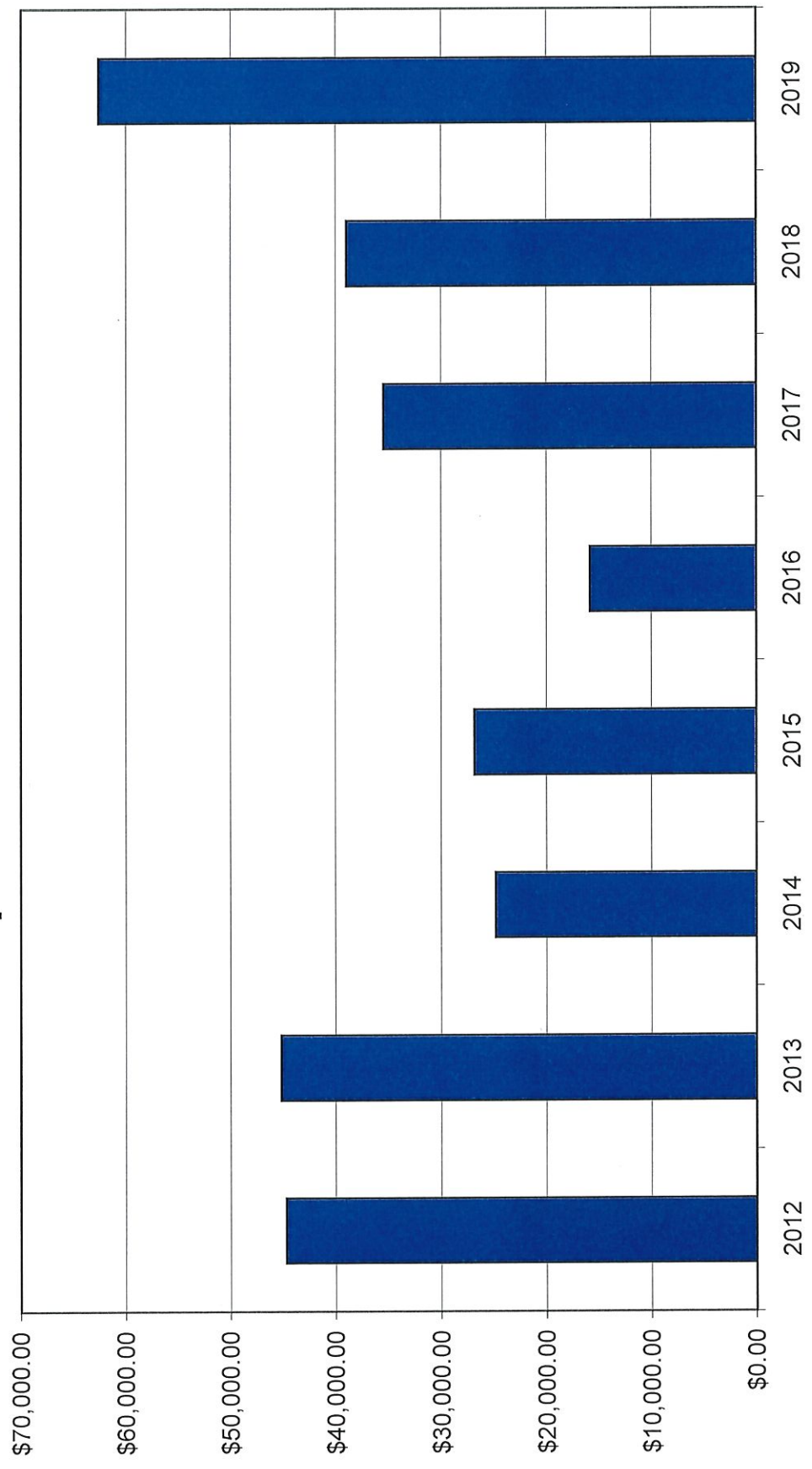
PROBATION DEPARTMENT - STATISTICAL ARREST DATA

Following are the quantities and types of convictions referred for active probation supervision in 2019

	<u>2019</u>	<u>2018</u>
Abandoning Animals		1
Aggravated Menacing/Menacing/Aggravated Trespassing	3	6
Aggravated Vehicular Manslaughter		1
Arson		
Assault	28	27
Attempted Drug Abuse	1	0
Attempted Possession of Drugs	5	14
Attempted Trafficking		3
Carrying a Concealed Weapon/Discharge firearm	2	1
Certain Acts Prohibited		
Child Endangering	1	5
Contempt of Court	5	7
Criminal Damaging	10	5
Criminal Mischief	1	1
Criminal Trespassing/Aggravated Trespassing	1	
Dangerous Animals/Dog at large		
Discharge Firearms		1
Disorderly Conduct/Intox	5	11
Domestic Violence	12	9
Driving While Under Suspension	7	9
Drug Abuse	2	8
Failure to Comply	1	
Failure to Control	2	2
False Alarms		1
False Information/Failure to Identify/Fraud	1	5
Hit Skip	1	6
Illegal Processin of Drug Documents		
Inducing Panic		1
Intimidation		
Misuse of credit card		
Negligent Assault		1
No Operators License		2
Obstruction of Official Business	6	6
Occupying a drug premises		2
Open container		
Operating a Vehicle Impaired	50	79
Persisting		
Petty Theft	12	21
Physical Control	3	9
Pocket knives		
Possession of Criminal Tools		
Possession of Drug Paraphernalia	10	13
Possession of Drugs		0
Possession of Drug abuse instrument	12	15
Possession of Harmful Intox		1
Probation Violation		1
Public Indecency	2	1
Receiving Stolen Property		2
Reckless Operation	3	3
Resisting Arrest	7	7
Riot	1	1
Sales to Minors		1
Telephone Harassment		4
Theft/Attempted breaking and entering	14	34
Traffic	1	1
Unauthorized use of Motor Vehicle/Wrongful entrustment		1
Underage Possession		1
Unlawful Transportation of Weapon		
Use of illegal license plates		
Using Weapons While Intox	1	2
Violation of a Temporary Protection Order	8	7
Totals	218	338

Chart 12

Summary of Restitution Collected by Probation Department For Victims of Crime



COMMUNITY WORK SERVICE

The following listing is a breakdown of quantity and type
of convictions referred for Community Work Service in 2019

PAGE 1 OF 2

	<u>2019</u>	<u>2018</u>
Aggravated Menacing/Menacing		1
Aggravated Vehicular Homicide		1
Animal Violation	8	0
Assault	3	4
Attempted Forgery		1
Attempted Trafficking/Possession/Trafficking	1	2
Carrying a Concealed Weapon/Possession of Stun Gun	2	0
Damage	5	10
Criminal Mischief/Body Piercing/Attempted Criminal Mischief		1
Criminal Simulation/Complicity		
Criminal Trespassing/Aggravated Trespassing		4
Discharging Fireworks/Possession of Fireworks	2	
Disorderly Conduct/Intoxication/Persist/Noise/Park Curfew	14	9
Dogs at Large (5 Diversion)	9	
Domestic Violence	2	
Driving While Under Suspension	20	33
Drug Abuse/Permitting	4	4
Endangerment Child/Interfere with Custody		
Failure to Comply	2	1
Failure to Control	2	3
Failure to ID	2	
Failure to Yield	1	1
False Information	1	3
Forgery		1
Full Time and Attention		
Hit-Skip	6	5
Improper Handling of a Firearm/Unlawful/while Intoxicated/Transaction of Weapons	3	2
Improper Identification		
Inducing Panic		1
Making False Alarms	1	5

COMMUNITY WORK SERVICE

The following listing is a breakdown of quantity and type
of convictions referred for Community Work Service in 2019

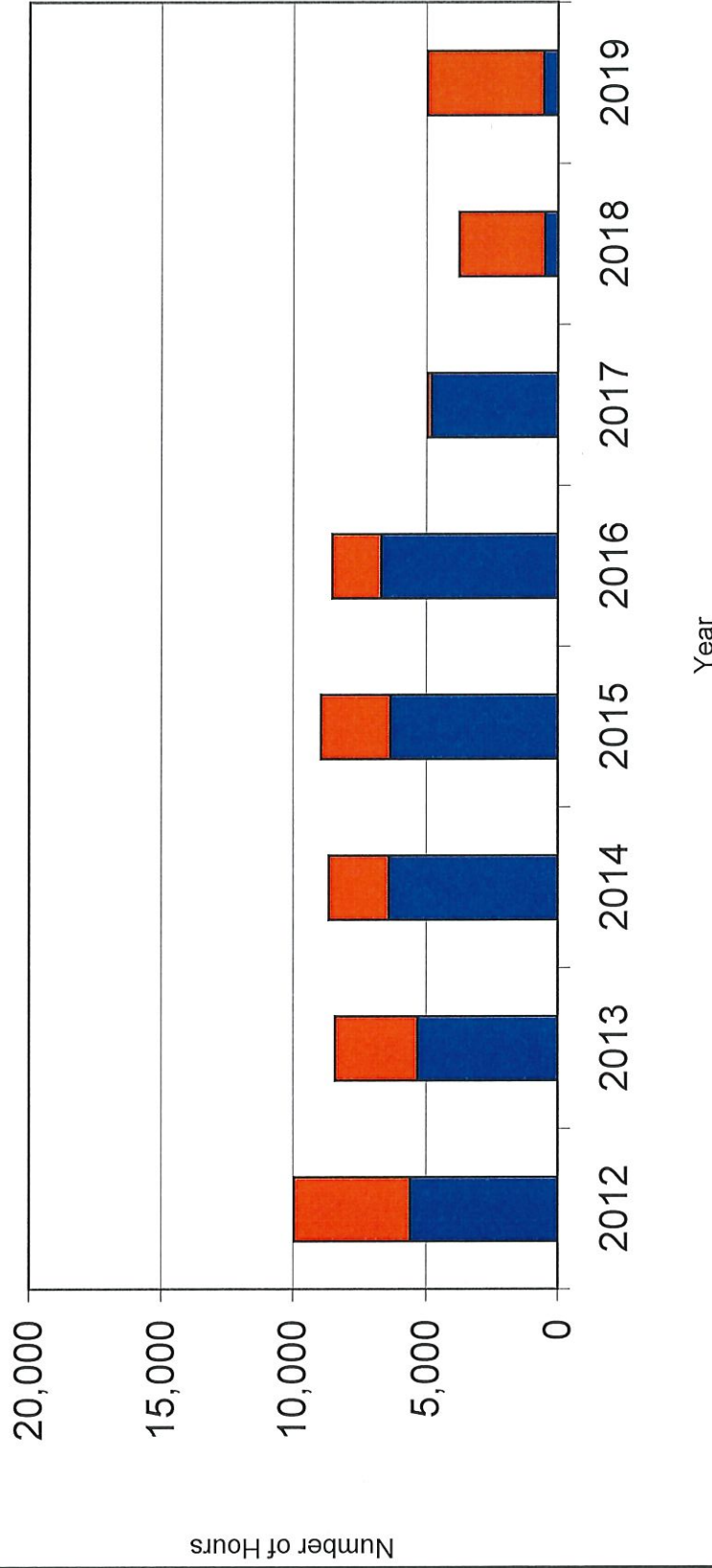
PAGE 2 OF 2

	<u>2019</u>	<u>2018</u>
Misuse of Credit Cards	1	
No Operator's License		
Obstruction of Official Business	3	4
Open Container of Alcohol in Public		
Operating a Vehicle Impaired	81	89
Passing of Bad Checks		
Petty Theft/Attempt/Identity/Defraud Livery	5	8
Physical Control of Vehicle Under the Influence	2	3
Possession of Criminal Tools		1
Possession of Drug Paraphernalia	1	4
Possession of Hallucinogens/Marijuana		1
Probation Violation/Contempt of Court	92	100
Receiving Stolen Property	1	4
Reckless Operation of a Vehicle/Willful Wanton	2	1
Resisting Arrest	3	2
Riot		2
Sale of Alcohol to Minor/Underage Possession/Failure to ID/Certain Acts	6	7
Seat Belt/Child Restraint		
Telephone Harassment		1
Theft/Attempted Theft/Att Breaking and Entering/Tampering with Utilities	14	24
Traffic Control Device/Misc. Traffic/Littering/Assured Clear Distance	2	3
Unauthorized Use of a Motor Vehicle/Wrongful Entrustment/Permit Unlicensed Driver		
Violation of Temporary Protection Order	3	<u>3</u>
Total	308	384

- **NOTE:**
- 137 defendants were assigned CWS in 2019. There were 18 defendants who had two offenses and 4 defendants who had three offenses.
 - Of the 47 Sales of Alcohol to Minor/Underage Possession, 4 were offered the Diversion Program.
 - 40 Defendants were assigned restitution in 2019.
 - 1 Defendant was assigned GED in 2019.

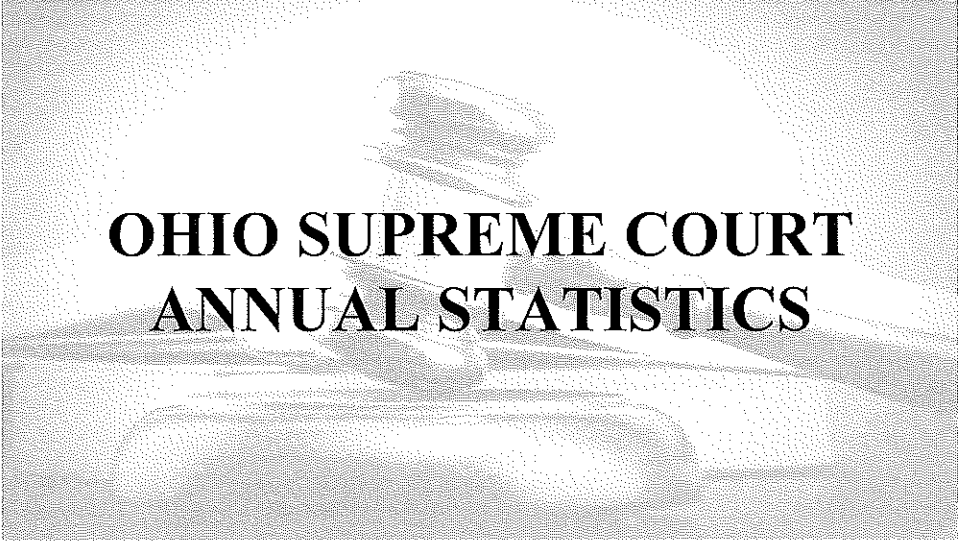
Chart 13

SUMMARY OF COMMUNITY WORK SERVICE



■ Services to City ■ Other Organizations

Source: Lakewood Municipal Court Probation Department



**OHIO SUPREME COURT
ANNUAL STATISTICS**

The Supreme Court of Ohio Form AJ - Administrative Judge Report

Judge's Attorney Registration Number

Judge's name

Notification email

Court

Date of most recent inventory

Report month (MM)

Report year (YYYY) **ANNUAL REPORT**

	A	B	C	D	E	F	G	H	I	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	6	103	7	89	4	306	74	9	240	838
New cases filed	95	1097	153	3410	10	892	508	66	901	7132
Cases transferred in, reactivated, or redesignated	120	392	12	416	0	34	2	0	2	978
TOTAL (Add lines 1-3)	221	1592	172	3915	14	1232	584	75	1143	8948

TERMINATIONS BY:

	A	B	C	D	E	F	G	H	I	T
Trial/Hearing by Judge (include bindover by preliminary hearing, guilty or no contest pleas and defaults)	11	492	15	807	4	481	5	15	4	1834
Hearing by Magistrate (include guilty or no contest pleas and defaults)	X	0	0	0	0	2	178	27	432	639
Transfer (include waivers of preliminary hearing and individual judge assignments)	50	287	136	408	7	221	3	0	9	1121
Dismissal for lack of speedy trial (criminal) or want of prosecution (civil)	0	1	0	0	0	0	1	0	1	3
Other Dismissals (include dismissals at preliminary hearing)	64	55	0	201	0	242	323	16	435	1336
Violations Bureau	X	189	X	2008	X	X	X	X	X	2197
Unavailability of party for trial or sentencing	94	448	18	421	0	0	0	0	0	981
Bankruptcy stay or interlocutory appeal	0	0	0	0	0	12	1	0	2	15
Other terminations	1	37	0	3	0	3	0	12	2	58
TOTAL (Add lines 5-13)	220	1509	169	3848	11	961	511	70	885	8184
Pending end of period (Subtract line 14 from line 4)	1	83	3	67	3	271	73	5	258	764
Time Guideline (months)	1	6	6	6	24	12	12	12	6	X
Cases pending beyond time guideline	0	0	0	0	0	0	0	0	0	0
Number of months oldest case is beyond time guideline	0	0	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**

Notification email: lakewoodcourt@lakewoodoh.net

Court: **Lakewood Municipal Court**

Date of most recent inventory: **10/30/19**

Report month (MM): Report year (YYYY): **2019** **ANNUAL REPORT**

	B	C	D	E	F	G	H	T	V
	Misdemeanors	O.V.I.	Other Traffic	Personal Injury & Property Damage	Contracts	F.E.D.	Other Civil	Total	Visiting Judge
Pending beginning of period	78	31	56	3	25	1	0	194	0
New cases filed	287	136	408	7	221	3	0	1062	0
Cases transferred in, reactivated, or redesignated	59	2	54	0	9	0	0	124	0
TOTAL (Add lines 1-3)	424	169	518	10	255	4	0	1380	0
TERMINATIONS BY:									
Jury trial	1	0	0	0	0	0	0	1	0
Court trial	58	7	126	0	0	0	0	191	30
Default	X	X	X	0	44	0	0	44	0
Guilty or no contest plea to original charge	153	113	112	X	X	X	X	378	55
Guilty or no contest plea to reduced charge	22	10	119	X	X	X	X	151	19
Dismissal for lack of speedy trial (criminal) or want of prosecution (civil)	0	0	0	0	6	0	0	6	0
Other Dismissals	56	0	45	3	69	0	0	173	15
Transfer to another judge or court	2	2	0	0	0	0	0	4	0
Referral to private judge	X	X	X	0	0	0	0	0	0
Unavailability of party for trial or sentencing	43	3	47	0	0	0	0	93	0
Bankruptcy stay or interlocutory appeal	0	0	0	0	9	0	0	9	0
Other terminations	35	1	13	6	91	4	0	150	20
TOTAL (Add lines 5-16)	370	136	462	9	219	4	0	1200	139
Pending end of period (Subtract line 17 from line 4)	54	33	56	1	36	0	0	180	0
Time Guideline (months)	6	6	6	24	12	12	12	X	X
Cases pending beyond time guideline	0	0	0	0	0	0	0	0	0
Number of months oldest case is beyond time guideline	0	0	0	0	0	0	0	X	0
Cases submitted awaiting sentencing or judgment beyond time guideline	0	0	0	0	0	0	0	0	0
	B	C	D	E	F	G	H	T	V