THE MARIETTA MUNICIPAL COURT

MARIETTA, WASHINGTON COUNTY, OHIO

ANNUAL REPORT

For the period January 1, 2004 through December 31, 2004

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Chapter 1901 of the Ohio Revised Code governs the conduct of Municipal Courts including the Marietta Municipal Court. Section 1901.14 (A)(4) provides as follows:

"On or before the last day of March of each year, the Court shall render a complete report of its operation during the preceding year to the Legislative Authority and to the Board of County Commissioners of each county within its territory, The report shall show the work preformed by the Court, a statement of receipts and expenditures of the civil and criminal branches, respectively, the number of cases heard, decided, settled and such other data as The Supreme Court, The Secretary of State, The Legislative Authority, and the Board of County Commissioners requires."

MARIETTA MUNICIPAL COURT PERSONNEL

| Hon. W. M. Nuzum, III | Judge | | | |
|--------------------------------|--------------------------------|--|--|--|
| Rosanne M. Buell | | | | |
| Joseph N. Perry | Chief Probation Officer | | | |
| Gary M. Turner | Bailiff | | | |
| Annette M. Zide | Project Director for CCA Grant | | | |
| Carol L. McKitrick | Chief Deputy Clerk | | | |
| Sharon L. Smith | Deputy Clerk | | | |
| Jennifer D. Zoller Schultheisz | Deputy Clerk | | | |
| Judith A. McCoy | Deputy Clerk | | | |
| Rebecca A. Lightfritz | Deputy Clerk | | | |
| Judy L. McLeish | Deputy Clerk | | | |
| Elizabeth R. Tebay | Deputy Clerk | | | |
| Brenda S. Knight | Deputy Clerk | | | |
| Betty M. Harris | Deputy Clerk | | | |
| Howard C. Dailey | Deputy Clerk | | | |
| Brian D. Ketelsen | Probation Officer | | | |
| Gary B. Bosworth | Probation Officer | | | |
| Melanie S. Ferrell | Probation Officer | | | |
| Jason L. Hamilton | Probation Officer | | | |
| Aimee V. Meadows | Drug Court Administrator | | | |
| Joseph C. Matthewson | Drug Court Case Manager | | | |
| | | | | |
| PARTTIME PERSONNEL | | | | |
| Juliana C. Dotsenko | 9 | | | |
| Nancy E. Brum | Acting Judge | | | |
| Dennis L. Sipe | Acting Judge | | | |
| Michael D. Buell | Acting Judge | | | |
| John M. Halliday | Acting Judge | | | |
| Ashley Hysell | Filing Clerk | | | |

JUDGE'S COMMENTS

It is my privilege to submit this annual report of the activities of the Marietta Municipal Court for 2004. Much of the report reflects statistical information about case activities. There were many significant achievements not reflected in this statistical information. Consider the following:

- ❖ Technology Marietta Municipal court has led the nation in using technology to improve our public service. We were the first court in the nation to establish a website with information useful to the public.
- The website (mariettacourt.com) was improved considerably in 2004 when we enabled public access to case information. This feature is useful to many people seeking public record information. Many prospective employers and landlords are using it to access information necessary to making important decisions. It is no longer necessary to drive to Marietta to gather routine information.
- Another major addition was "online payment" of traffic tickets. The online traffic ticket payment will enable us to increase the traffic ticket collection rate. It is a major convenience and a precursor to electronic filing of traffic tickets.

- The court initiated an electronic document scanning project This project is yet another precursor to electronic filing of documents that we plan to implement. The immediate impact is that we will eliminate a major problem of storing paper documents. The Supreme Court of Ohio increased the record retention period on certain cases from seven years to fifty years. The cost of warehousing such a massive volume of documents is prohibitive. This enables our court to comply with the law, eliminate the storage problem and increase the public access to necessary information.
- * Grant Funding We were successful in applying for renewal of two very important grants. The CCA grant was renewed to continue funding probation activities of this court. The Byrne Memorial grant was renewed to continue funding our drug court program. These grants bring money to our community to address significant problems. The CCA grant awards have brought \$1,263,742.00 since its inception. Likewise the Byrne grant has brought \$381,090.00 to our community to help us deal with the drug problem that has plagued us.
- Audit Each of the municipal court audits of our operations showed full compliance with our obligations. Both grant audits revealed full

- compliance as did the state audit of the clerk's office.
- Caseload There were trends in our caseload that were both typical and unprecedented and unexpected.
- Civil The case activity of the civil department was typical of prior years reflecting an active civil docket with many cases being resolved.
- Criminal Although the court saw a small increase in felony cases, there was a slightly larger but corresponding decrease in misdemeanor cases from the prior year. In my opinion, the overall trend reflects effective use of our probation community control and drug court programs that reduce recidivism.
- * Traffic In the history of this court there has never been such an unprecedented decrease in the number of traffic cases filed in the court from any previous year. Most of the decrease is a result of fewer traffic tickets issued by the Ohio State Highway Patrol. This had a significant impact on disbursements from the court as fewer tickets generated less than anticipated revenue from the court costs and fines that one would expect to be generated by a more typical caseload. One can conclude that our streets and highways are safer as a result of fewer violators on the highways. The aggressive probation and community

- control policies of the court to deal with serious traffic offenses have had a positive impact. This court has a policy of assuring that those who need counseling for drug and alcohol problems receive it. The trend of the OVI offenses continues downward.
- Unpaid Fines We continue to aggressively pursue those who owe fines to the court. Probation officers monitor those who are placed on probation to assure they pay their fines. We schedule each individual who owes a fine to appear monthly in court. Failure to appear results in a warrant being issued for the arrest of that individual. Those who cannot pay are given an opportunity to do community service in lieu of payment. Those who are able but refuse to pay are sent to jail in lieu of payment as the last resort. In 2004, we entered into a contract with a collection agency to pursue these payments as well. This service is free to the court. Costs of collection are borne by the offender. The report reflects that these efforts are successful. This will be a continuing emphasis of the court.
- Probation Our probation department continues to monitor a significant number of probationers. They assure that those who have probation obligations actually fulfill those obligations. They include

- that those who need counseling receive it; those who owe restitution to a victim pay it; and, those who must do community service actually perform it.
- Drug Court This has been the most significant program instituted in the court during my tenure as judge. We have established a team to deal with non-violent drug offenders. Most have significant drug problems and have been in the court on numerous occasions for petty offenses, most related to their underlying drug or alcohol problem. Not one graduate has re-offended. Without this program, we would have expected many re-offenses from this group. We have graduates of the program who were in grave danger of dying from serious addictions. We have graduates who would have dropped out of high school but instead have completed high school and are now in college. We have graduates who are being good parents to children who would have been victimized by the addiction of their parent. This program is definitely making a positive impact on our community.
- ❖ Community Benefits Court programs have a positive financial impact on the community but are not reflected in the deposits to our accounts.
 For example, Mr. Perry's probation report during the last 5 years

reflects the following:

\$430,819.00 of community service hours were contributed by offenders in lieu of payment of fines and court costs \$154,541.20 of community service hours were contributed by offenders in lieu of going to jail (3008 hours @ \$5.15/hr.) \$309,265.00 of jail bed days were saved by probation (5623 days @ \$55/day)

\$894,625.20 total value of probation 2000 - 2004.

These programs do not reflect in the general fund but the total value of \$894,625.20 is a significant contribution to the community during this time frame. This does not reflect the value of community benefit that we realize from people receiving treatment for addictions and the resultant decrease in the drain of our resources, particularly for health care for these individuals.

Conclusion – The court had to make some difficult decisions during 2004. As a result of the decrease in cases filed, we had to eliminate one full time and one part time staff position. These were loyal employees, but the difficult decision had to be made. Health care benefit costs continue to skyrocket. The cost of operations is a concern that we dealt with in consultation with Councilman Fordham. We continue to monitor this,

but we are an essential government service and our workload is significant. We continue to provide the best service possible to our community. It is a privilege to do so.

Respectfully,

Milt Nazum

W.M. Nuzum, III, Judge

II. CIVIL BRANCH

A. CIVIL CASE LOAD

During the Calendar year 2004, there were 1311 new cases filed in the Civil Division of the Marietta Municipal Court. Of these cases, 497 were filed in the Small Claims Division and 814 case were filed in the Civil Division. By comparison, in the year 2003, there were 1379 cases filed in the Civil Division, of which 489 were filed in the Small Claims Division. (The figures for 2002 show that 1246 cases were filed in the Civil Division, of which 317 cases were in the Small Claims Division.)

In 2004, the Marietta Municipal Court conducted 194 Court hearings in the Civil Division. An additional 374 hearings were conducted in the Small Claims Division by the Court's Magistrate during 2004. For comparison purposes, in the year 2003, the Marietta Municipal Court conducted 371 hearings in the Civil Division and 328 hearings were conducted by the Referee in the Small Claims Division. (The figures for 2002 would reveal 461 hearings in the Civil Division and 187 hearings in the Small Claims Division.)

B. RECEIPTS AND EXPENDITURES OF THE CIVIL DIVISION

In the calendar year 2004, the Civil Division of the Marietta Municipal Court receipted \$84,769.34 from Court Costs plus \$60.63 in interest and \$10,577.00 for Computer Costs which was distributed to the City of Marietta from the Court's civil bank account.

In 2004, the Court also receipted and disbursed to the State of Ohio the sum of \$15,718.00. The 2003 figure was \$16,651.00. This money is used by the State for their Legal Aid Society funding pursuant to ORC 1901.26, 1907.24 and 2303.201. The Court deposited \$11,338.00 into its Capital Improvement Fund.

Total open items as of December 31, 2004 were \$13,055.36.

III. CRIMINAL TRAFFIC BRANCH

A. CRIMINAL CASE LOAD

In 2004, there were 230 felony cases initiated in the Marietta Municipal Court. This is an increase from 214 in 2003. (There were 259 felonies initiated 2002 and 214 in 2001.) In 2004, there was an increase of approximately 6 percent in felony cases filed in the Marietta Municipal Court from the year 2003. In 2004, 2130 misdemeanor charges were filed. This is a decrease of approximately 9 percent from the year 2003 when 2206 misdemeanor cases were filed. (In 2002 there were 2579 misdemeanor cases filed.)

In 2004, there were 414 OMVI cases filed in the Marietta Municipal Court. This is a decrease from the 438 OMVI charges filed in 2003. (In 2002, the Court handled 414 OMVI cases and in 2001, 378.)

Traffic citations decreased approximately 37 percent in 2004 from the year 2003. There were 5,491 traffic citations filed in the Marietta Municipal Court in 2004. There were 8,721 traffic citations filed in 2003 and 10,243 in 2002.

It should be noted that these numbers do not include cases where an individual is charged with multiple offenses or if they are later charged with a Probation Violation.

The Court conducted 51 preliminary hearings on felony cases, and 122 court trials on contested traffic and criminal cases. The court also held 20 jury trials.

B. RECEIPTS AND EXPENDITURES OF THE CRIMINAL AND TRAFFIC DIVISION

In 2004 the Marietta Municipal Court disbursed \$1,195,155.78 in its Criminal and Traffic Division. The Criminal and Traffic bank accounts earned \$208.00 in interest. There is a total of \$5,760.00 in open items. Additionally the Court added \$3,500.00 to the City of Marietta's General Fund from fees for immobilizations that the bailiff handled. In 2003, the Court disbursed \$1,477,480.00 in its Criminal and Traffic Division. (The 2002 figure was \$1,588,571.00). Interest earned during the calendar year 2003 was \$540.00. This was a decrease in monies received by the Marietta Municipal Court of approximately 19 percent from the calendar year 2003. In 2002, 2003 and 2004 the Marietta Municipal Court made the following disbursements to the following local and governmental agencies:

| Year | 2002 | 2003 | 2004 |
|-----------------------------|------------|------------|------------|
| City of Marietta | 602,871.00 | 551,823.00 | 367,198.60 |
| Capital Improvement Fund | 155,668.00 | 136,357.00 | 104,948.09 |
| Court Computer Fund | | | 59,486.72 |
| Indigent Alcohol Fund | | | 8,485.19 |
| TOTAL | | | 540,118.60 |
| County of Washington | 215,384.00 | 224,116.00 | 174,876.72 |
| House Arrest & Detention | | | 28,222.00 |
| Probation Fee | 39,654.00 | 41,254.00 | 38,927.92 |
| TOTAL | | | 242,026.64 |
| Wash. County Law Library | 5,500.00 | 5,500.00 | 5,500.00 |

| Wash. County Sheriff | 9,816.00 | 9,886.00 | 10,436.10 |
|--|----------------|------------|--------------|
| State of Ohio (Includes but not limited to OSP/CRA/PD/Seatbelt/Chil Retraint/Board of Pharm/Lie Control/Wildlife/Watercraft, | q. | 501,858.00 | 385,662.59 |
| Clerk, Common Pleas | 4,172.00 | 3,786.00 | 4,478.11 |
| Clerk, City of Belpre | 2,261.00 | 1,957.00 | 1,899.00 |
| Clerk, Court of Appeals | 0.00 | 0.00 | 0.00 |
| Clerk, Village of Beverly | 50.00 | 50.00 | 185.00 |
| Clerk, Village of New Mat. | 434.00 | 158.00 | 35.00 |
| Clerk, Village of Lowell | 940.00 | 735.00 | 240.00 |
| Marietta College Law Enf. | 25.00 | 0.00 | 25.00 |
| Capital Recovery | | | 4,549.74 |
| TOTAL PAYOUTS | | | 1,195,155.78 |
| Washington County Law Library (Through the Office of the City Auditor) | e 77,734.75 | 80,027.97 | 52,854.57 |

IV. UNPAID FINES

The Marietta Municipal Court is still in the process of collecting unpaid fines from prior years. The Court also credited \$92,365.00 for community service performed and credited. As of December 31, 2004, there was a total of \$592,150.06 owed in unpaid fines. This figure is now computer generated and also includes fines owed from minor traffic offense where the license was ordered cancelled as final disposition and the money is not actively being collected. This figure now also includes \$59,303.00 in fees owed to Capital Recovery upon collection of the unpaid fines that were turned over to them for collection. This would bring the figure being owed to the court to \$532,847.06. These figures date back to January 1, 2001. There are uncollected fines from prior years that the court deems uncollectible but are subject to being reopened if the Defendant can be located and appears in court for any reason.

V. COST OF OPERATION

In 2004, the actual total of monies expended on Court operations by the City of Marietta, was \$932,634.06. This was an increase from the year 2003 when the cost of operating the Municipal Court was \$844,371.06.

In 2004 the Court expended \$19,052.71 from it's Indigent Alcohol fund, \$85,604.55 from it's Computer Fund and \$378,202.65 from it's Capital Improvement Fund.

The budget for 2004 was \$873,344.00. The Court added to this budget by paying the required matching Drug Court Grant money of \$42,000.00 and an additional \$27,000.00 to supplement probation salaries out of the Courts Probation and House Arrest and Detention Accounts making the total budget amount \$942,344.00.

Monies expended from the Indigent Alcohol Account, the Computer Fund and the Capital Improvement Fund are generated by the Court by charging the offenders additional costs.

VI. COMMUNITY CORRECTIONS GRANT

The Community Corrections Act Grant program has allowed our county to develop a Probation Department in the Marietta Municipal Court that never existed before. We have completed our eighth year on this grant. Currently, with the help of the CCA program, we are able to provide intensive supervision to all defendants. A Probation Department for the Municipal Court became necessary as a result of Senate Bill 2, which allows for felons to be housed in the local jail in lieu of prison. Our local board found it more practical to divert misdemeanor offenders out of jail while keeping the felons in jail, however, since there are serious offenses that are misdemeanors such as Domestic Violence, Assault, and OVI, it became imperative that we develop a program to monitor these people after a diversion.

This year there were 538 diversions, 382 drug tests, 1896 house checks, 54 individuals on electronically monitored house arrest, 8223 people received some type of counseling, 6,501.25 hours of community service performed and \$93,884.50 fines collected through community service. The average cost per diversion for each offender was \$269.30, which is far below the state average which is \$600 per offender.

The grant award for 2004 was for \$144,885. The court utilized all funds awarded this year. The program also received a 100% compliance rate with all terms established by the State during our winter audit.

Submitted by Annette Zide

Project Director

VII. PROBATION REPORT

We serve the people of Washington County in an attempt to reduce the number of persons placed in custody for committing crimes that we find socially unacceptable. Community control (probation) allows low-level offenders to stay in the community as workers, parents and consumers. Without community control officers, this wouldn't be possible.

The Marietta Municipal Court's probation department has several programs that are helpful in monitoring and rehabilitating an offender. Some of those are:

Pretrial release/bond – Allows an offender to be released from jail while the case still remains active on the docket. By reporting daily, weekly, or being placed on home monitoring, this allows to offender to continue to work and reduces jail overcrowding.

Diversion program – Allows an offender to complete court sanctions with an incentive. If they successfully complete all the requirements of the court, the case is usually dismissed.

Pre-sentence investigation – Officers conduct background checks on individuals to determine what past history the offender has and if they qualify and would benefit from community control.

Basic supervision – The general supervision of an offender. An officer is assigned to an offender and ensures through motivation and guidance

the client completes the required tasks.

Intensive supervision - A more stringent form of supervision.

Offenders are monitored more closely than those on basic supervision.

Using drug screening and breath alcohol testing machines may be used to monitor the offender's illegal substance use. Home monitoring is also an option that allows the officer to track the offender location.

An offender would receive such services as drug and alcohol, anger management, and educational or social behavior counseling.

Our involvement in the community allows us to provide excellent resources so that offenders may be productive citizens in Washington county.

5 YEAR STATISTICAL REPORT

| Year | Year | Year | Year | Year |
|-----------|--------------|------------|-----------|-------|
| 2000 | 2001 | 2002 | 2003 | 2004 |
| House Cl | ıecks | | | |
| 3,192 | 3,431 | 2,377 | 2,328 | 1,465 |
| Drug Scr | eens | | | |
| 393 | 639 | 590 | 286 | 513 |
| "Dirty" U | rine Results | | | |
| 117 | 164 | 134 | 58 | 118 |
| House Ar | rest | | | |
| 39 | 36 | 55 | 60 | 40 |
| New Prol | oationers | | | |
| 1,100 | 1,017 | 1,016 | 995 | 876 |

| Year 2000 | Year 2001 | Year 2002 | Year 2003 | Year 2004 | |
|---------------------------------------|---------------|---------------|--------------|--------------|--|
| Community : | Service Hours | Worked | | | |
| 18,065 | 16,016 | 19,113 | 25,873 | 21,937 | |
| Fines Credito | ed for Commu | ınity Service | | | |
| \$72,309 | \$65,113 | \$89,060 | \$111,972 | \$92,365 | |
| Court Order | ed Community | y Service Hou | rs | | |
| 6,030 | 5,119 | 4,072 | 7,455 | 7,332 | |
| Jail Beds Sav | ved by having | Probation De | partment | | |
| 755 | 1,089 | 907 | 1,210 | 1,662 | |
| Reason Placed on Probation | | | | | |
| Year/Offense 2003 | | | 2003 | 2004 | |
| OVI | | | 345 | 302 | |
| Property crimes 123 | | | | 184 | |
| Traffic offenses 149 | | | | 139 | |
| Domestic violence 37 | | | | 28 | |
| Alcohol related offenses (not OVI) 59 | | | | 45 | |
| Violent crimes against persons 181 | | | | 110 | |
| Drug offenses 37 | | | | 28 | |
| Sex offenses 1 | | | | 2 | |
| Contempt/Breach of Recog. | | | | 23 | |
| Weapon offer | nses | | 7 | | |

Submitted by Joseph N. Perry, Chief Probation Officer of the Marietta Municipal Court.

VIII. DRUG COURT REPORT



This month marks the 2nd anniversary of the Marietta Municipal LifeLink Drug Court. Since its inception, the drug court has assessed 36 people and accepted 31 people into the program. The drug court is made possible through the Byrne Memorial grant, which is distributed through OCJS. We are currently in our 3rd grant year. Last grant year (2004) the court was awarded 126,030.00 in grant money for the continuation of the LifeLink Drug Court.

The drug court is a three-phase program, which gradually steps down treatment intervention over a 12-24 month period. Participants typically spend five hours per week with drug court personnel or contract agencies in the first phase, gradually spending less time as treatment progresses. The drug court contracts with Southern Ohio Solutions, which is part of Southeastern Ohio Treatment Alternatives to Street Crime (TASC), for drug and alcohol treatment services. The drug court also employs a coordinator and a court case manager.

As a result of the drug court, the county saves money by not having to house and feed clients who otherwise would have spent time incarcerated; in addition, the county

also saves court operating expenses resulting from repeat offending. In addition, the drug court saves money in the following ways: reduction in clients on public assistance, reduction in amount of clients receiving services through Children's Services, reduction in client's indigent use of the medical services to sustain a drug problem and inpatient treatment services money.

Participants within the drug court program generally have had a long history of court involvement prior to entering the program. Over the last year, 96.5% of participants have not re-offended while in the program which is an increase over last year's rate of 90%. Additionally, we have had 5 unsuccessful terminations and two neutral terminations while 11 people have successfully graduated from the program this year.

Data collected over the second year of the project indicates a 0% recidivism rate working with adult offenders (0% of participants have re-offended after graduation) and an 82.75% overall completion rate. Of the adults currently in the program 1 adult has received a GED and 1 person has received a high school diploma while in the program; 3 adults are currently working on their GED; 5 are registered as full time college students; 7 are employed full time and 2 part time. All participants are required to either attend school or work fulltime or attend school part time while working part time. All participants are in compliance with this policy.

The drug court has admitted 25 men and 6 women. The clients self-report as: 86.2% Caucasian, 3.4% Native American, 3.4% Indian and 6.8% Biracial ethnicity. The average client is under 24 years of age.

The primary drug of choice of the participants is reflective of community concerns of a significant heroin problem. The following table highlights the drugs that are primarily used by participants in the drug court:

Primary Drug of Choice (rounded to nearest tenth)

| Heroin | 17.2% |
|----------------|-------|
| Marijuana | 27.6% |
| Alcohol | 10.3% |
| Cocaine | 3.4% |
| Polysubstance* | 41.4% |

^{*} NOTE: 75% of all Polysubstance users in this group primarily abuse heroin. The term polysubstance is indicative of a person who abuses multiple drugs and/or drugs and alcohol.

VIIII. COMPUTER GENERATED STATISTICAL ANALYSIS

The following is a list of various cases of interest from the criminal and traffic division in 2002,2003 and 2004.

| <u>Type of Case</u> <u>Number of C</u> | | <u>ber of Cases Fi</u> | <u>led</u> |
|---|-------------|------------------------|-------------|
| | <u>2002</u> | <u>2003</u> | <u>2004</u> |
| OMVI | 393 | 407 | 409 |
| Underage OMVI | 21 | 18 | 5 |
| Suspension (No O.L., Expired O.L., etc) | 583 | 669 | 496 |
| Disorderly Conduct (minor misdemeanor | | | |
| and fourth degree misdemeanor) | 254 | 405 | 243 |
| Domestic Violence | 189 | 151 | 147 |
| Violate Restraining Order | 81 | 77 | 50 |
| Assault | 107 | 101 | 126 |
| Theft (Shoplifting and Bad Checks Include | ed) 297 | 262 | 329 |
| Criminal Damaging | 68 | 42 | 49 |
| Criminal Trespass | 46 | 45 | 40 |
| Littering | 35 | 16 | 17 |
| Underage Alcohol Offenses | 94 | 57 | 52 |
| Possession of Drug Paraphernalia | 162 | 126 | 102 |
| Possession of Marijuana | 136 | 109 | 117 |
| Stalking | 3 | 6 | 1 |
| Child Endangering | 12 | 8 | 18 |
| Contempt | 95 | 281 | 118 |
| Contempt on Fines | 387 | 209 | 194 |
| Income Tax Violations (City of Marietta) | 26 | 50 | 39 |

Respectfully submitted,

W. M. Nuzum, III, Judge

Rosanne M. Buell, Clerk