

MARIETTA MUNICIPAL COURT
WASHINGTON COUNTY, OHIO

ANNUAL REPORT

-2011-



For the Period:
January 1, 2011 – December 31, 2011

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INTRODUCTION

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 performed 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 required.”

JUDGE'S COMMENTS

Facilities:

The City signed contracts for renovation of the former OBES building in April, 2011. Construction work began in May, 2011. The renovated facility will house all Court functions and the Law Director's Office. It addresses deficiencies in the current facility related to safety, adjacencies and sufficiency of space. The completed structure will meet Supreme Court and ADA guidelines as well as all fire and safety codes. Final completion is scheduled for April, 2012, with the Court moved and fully operational by June, 2012. The 911 coordinator has assigned a new address of 259 Butler Street.

Appointments:

Clerk of Court Carol McKittrick retired in 2011 after nearly thirty years of service to the City of Marietta and the Court. We miss her and thank her for her dedication to the Court. Emily Heddleston has been appointed as the new Clerk of Court. Mrs. Heddleston is a graduate of W.S.C.C. and Ohio University. She is originally from Waterford and now resides in Barlow with her husband Tyler.

Jason Hamilton has been appointed Court Administrator. Mr. Hamilton served as a Probation Officer for ten years prior to this appointment. He is a graduate of Ohio University and a 2011 graduate of the Ohio Supreme Court, three year certified Court Management Program. He resides with his family in Marietta.

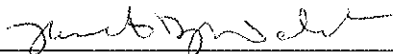
Staff Training:

Members of the Court's staff attended training classes on Legal Information vs. Legal Advice, Customer Service, and BMV training. Probation Officers attended training on Search and Seizure, Bridges Out of Poverty and Verbal Tactics. All Probation Officers are now Ohio Risk Assessment System Certified after further training.

Weddings:

The Court officiated at seventy-two weddings in 2011.

Respectfully submitted,



Janet Dyar Welch, Judge

CIVIL DIVISION

A. New Filings – Comparative Table

Type	2011	2010	2009	2008	2007
Civil	951	1,023	1,111	1,296	1,200
Small Claims	219	222	319	433	461

B. Hearings – Comparative Table

Held By:	2011	2010	2009	2008	2007
Judge	116	108	98	163	162
Magistrate Small Claims	155	149	207	274	258

C. Receipts and Expenditures

Payee	2011	2010	2009	2008	2007
City – General	92,319.33	91,878.10	103,491.51	106,405.93	106,467.80
Court – Computer	9,192.00	9,645.61	11,144.00	12,559.00	13,263.00
Court – Capital Imp.	15,491.00	16,382.00	18,407.00	22,314.68	21,095.00
Ohio – Legal Aid	26,389.44	28,042.99	31,460.32	37,523.28	35,671.68
Total Disbursements:	143,391.77	145,948.70	164,502.83	178,802.89	176,497.48

D. Civil Department Overview

There are several types of cases in the Civil Division of the Court but the most common are lawsuits on accounts under \$15,000.00, Small Claims cases, and evictions. By statute, the Court also supervises and processes collection of judgments awarded in municipal court. There were 555 new wage and bank garnishments filed in 2011. Total funds collected through the Court on judgments in calendar year 2011 totaled \$299,969.00. That money was then distributed to the creditor who held the judgment.

The Court with the assistance of Marietta College intern Ben Reese revised its small claims brochure. The goals in revising the brochure were threefold: simplify the language, decrease its length without a loss of substance and to use simple graphics to group and highlight critical information. We achieved these objectives with “legalese” slashed and the numbers of pages reduced from twenty one to twelve.

You are invited to review this brochure by visiting www.mariettacourt.com/smclaims.shtml. Your comments are welcome and may be sent to the Clerk at emilyheddlestone@mariettaoh.net.

CRIMINAL/TRAFFIC DIVISION

A. New Filings – Five Year Comparative Table

Type Offense	2011	2010	2009	2008	2007
Felonies	352	343	330	382	373
Misdemeanors	1,795	1,836	1,858	2,091	2,258
OVI	365	334	339	365	518
Other Traffic	6,343	6,441	6,331	7,031	6,828
Total:	8,855	8,954	8,858	9,869	9,977

B. Trials

The Court conducted 48 preliminary hearings on felony cases, 55 court trials on contested traffic and criminal cases and 8 jury trials. These totals do not include motion hearings, probation violations, contempts, or restitution hearings.

C. Criminal/Traffic Receipts and Expenditures – Comparative Table

Payee	2011	2010	2009	2008	2007
City of Marietta					
General Fund	400,008.22	416,120.54	388,903.03	420,396.34	431,186.78
Capital Improvement Fund	171,527.13	180,746.10	176,364.15	174,630.55	168,049.40
Court Computer	76,384.93	79,545.60	78,499.00	79,375.19	71,940.17
Indigent Alcohol Fund	16,107.75	14,561.25	16,836.46	9,354.40	12,608.35
City Subtotal:	664,028.03	690,973.49	660,602.64	683,756.48	683,784.70
County Auditor					
General Fund	197,407.38	200,231.50	226,940.91	267,682.01	300,596.42
House Arrest	41,612.00	69,124.10	12,941.90	24,594.10	49,682.00
Probation Fees	142,858.20	155,462.05	137,833.74	129,984.76	86,027.80
County Subtotal:	381,877.58	424,817.65	377,716.55	422,260.87	436,306.22
Law Library	5,500.00	5,500.00	5,500.00	5,500.00	5,500.00
Sheriff	14,880.40	16,490.20	12,154.93	15,766.10	14,134.73
State of Ohio*	527,196.55	506,770.43	444,796.35	448,725.79	445,518.34
Beverly	175.00	180.00	345.00	320.00	250.00
New Matamoras	449.00	401.00	1,592.50	1,677.00	600.00
Lowell	1,390.00	1,150.00	1,779.00	300.00	418.00
Macksburg	-0-	-0-	150.00	50.00	50.00
Capital Recovery	33,927.68	32,612.78	35,139.11	42,865.81	41,754.73
Belpre	3,676.00	2,964.50	1,044.00	987.00	2,762.00
Belpre Police Sub	-0-	-0-	0.00	25.00	70.00
College Law Enf.	300.00	150.00	575.00	200.00	150.00
Common Pleas Court	11,821.19	16,003.10	16,000.19	9,900.43	7,589.53
Subtotal:	599,315.82	582,222.01	519,076.08	526,317.13	518,797.33
Total Disbursements	1,645,221.43	1,698,013.15	1,557,395.27	1,632,334.48	1,638,888.25

* State of Ohio includes Ohio State Highway Patrol, Criminal Reparations Account, Public Defender, Child Restraint, Pharmacy Board, Liquor Control, Division of Conservation, etc.

UNPAID FINES AND COSTS

The Court is owed \$351,286.46 for unpaid fines and costs imposed in calendar year 2011. Older cases are referred to the Court's collection agency, Capital Recovery, and the statutory thirty percent fee is added to the amount due. This collection fee is paid by the offender. The collection agency is not paid a portion of the fines and costs it collects. Collection efforts continue for prior years on accumulated fines and costs. Uncollected fines imposed prior to January 1, 2006 are deemed uncollectible but are subject to being reopened if the offender appears in court for another reason.

COST OF OPERATION

In 2011, the actual total of funds expended on Court operations from the City of Marietta General Fund was \$764,576.77. In 2010 the funds expended on Court operations was \$800,385.98. This expense in 2011 is mostly offset by the payment of \$513,142.70 to the General Fund from court costs and fines and \$218,128.00 from probation funding.

The City Court budget for 2011 was \$849,798.00. In 2010 the budget was \$888,563.68.

In 2011 the Court expended \$21,338.69 from its Computer Fund and \$212,713.93 from its Capital Improvement Fund. The Computer Fund and the Capital Improvement Fund are separately generated through the Court by charging offenders additional costs.

2011 PROBATION REPORT

The Secure Continuous Remote Alcohol Monitor (SCRAM) continues to be a useful tool to help Offenders' maintain sobriety and to be used in lieu of actual jail. Forty-six offenders used SCRAM in 2011 either for pre-bond conditions or for post convictions in lieu of jail for a grand total of 4410 days monitored. Twenty-one Offenders utilized the Ignition Interlock. Ignition Interlock, a device attached to the Offender's vehicle and requires the Offender to pass a breath alcohol test before the vehicle will start. The Secure Continuous Remote Alcohol Monitor (SCRAM) monitors alcohol levels 24 hours per day 7 days per week. An ankle bracelet is used to take an automatic sample of the alcohol level found in undetectable sweat. This information is sent daily via a modem over a standard analog phone line. SCRAM now incorporates Electronic Home Monitoring along with the Secure Continuous Remote Alcohol Monitor (SCRAM).

The Internship program with Marietta College continues to be very helpful to the Court and Probation. The Interns file and retrieve files for Court; work in the courtroom during arraignments; assist the probation officers with office duties such as delivering restitution payments to victims, pulling files and assisting in data entry. The Intern Program permits students to gain valuable work experience and to receive required credit hours toward graduation. Students from Marietta

College & Ohio State worked a total of 1,320.5 hours in 2011.

In January 2011, Probation began using the Ohio Risk Assessment System (ORAS) developed by the University of Cincinnati for the Ohio Department of Corrections. ORAS identifies risk levels and points practitioners towards needed areas that must be addressed to reduce recidivism. This is a risk and need assessment tool to assist in the classification of recidivism in our offender population. The tool directs intensive probation treatment to the higher risk offenders.

Offenders worked 2,330 hours of community service in lieu of jail for numerous departments, work which is valued at \$16,310. The Washington County Jail had 36 inmates work 2,423 hours of supervised community service totaling \$16,961.00 which was credited for court fines.

Probation Officers checked 414 Probationers at their residences in 2011.

2011 Breakdown of Persons Sentenced to Probation

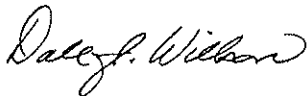
832 persons placed on probation. Probation Violations filed and
terminated: 144

Gender		Age		Race	
Male	583	18-21	195	White	796
Female	249	22-25	121	Black	32
		26-35	237	Hispanic	3
		36-45	139	Other	1
		46-55	103		
		56+	40		

Probationers by Officer		Conviction	Total:
Ferrell	131	DUI	280
E. Brockmeier	153	Property	93
P. Brockmeier	114	Traffic	55
Community Control	434	Domestic Violence	75
		Other	185
Total:	832	Alcohol	66
		Violent/Crimes against Persons	49
		Drug	29
		Sex	0

4 Year Statistical Report

	<u>Year 2008</u>	<u>Year 2009</u>	<u>Year 2010</u>	<u>Year 2011</u>
Urine Test Performed	680	835	858	1083
Positive Urine Test	160	232	224	287
Electronically Monitored House Arrest	54	39	13	21
Sobriotor	14	4	0	0
SCRAM	46	49	63	46
Driver Intervention Program Enrollment	216	135	139	194
Ignition Interlock Program Enrollment	48	23	29	20
Total New Probationers (All Levels)	934	951	863	832
Community Service Hours Worked	16,327	6,259	10,308	7,579
Fines Credited for Community Service	\$114,872	\$43,813	\$45,863	\$36,270
Court Ordered for Community Service	4,521	2,834	3,266	2,330
Jail Beds Saved	1,388	1,047	5,678	3,906



Dale J. Willson, Chief Probation Officer