

TOLEDO MUNICIPAL COURT 2002 ANNUAL REPORT TABLE OF CONTENTS

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ANNUAL REPORT – Chapter I

COURT ADMINISTRATOR’S OFFICE

Pamela E. Roberts
Court Administrator

The Court Administrator’s Office was established in 1972 to relieve the Judges of day-to-day administrative responsibilities and to provide technical assistance for the planning, development and implementation of improved policies, procedures and programs.

The day-to-day responsibilities include the following: policy development and implementation, budget preparation and fiscal administration; personnel administration and payroll; purchasing; statistical data collection and analysis; liaison with other governmental agencies, city divisions, the practicing bar and the public.

The Court Administrator reports directly to the seven Judges and is responsible for general supervision of the Judges Division Departments in addition to the Housing Specialists, Magistrates, the Citizens Dispute Settlement Program, the Small Claims Assistant Program and the RED/Immobilization Program. The Court Administrator also serves as staff for the monthly Judges meetings and acts as the Division Equal Opportunity/Affirmative Action Officer.

Projects undertaken by the Court Administrator’s Office in 2002 encompassed the full range of functions and responsibilities mentioned above. Judge C. Allen McConnell was elected Presiding and Administrative Judge for a one-year term beginning January 1, 2002. Presiding Judge McConnell directed three standing committees be established to assist in handling specific areas within the Court: the Personnel Committee (consisting of Chairperson Judge Trimboli, Judge Gorman and Judge Berling); the Caseload Management Committee (consisting of Chairperson Judge Osowik and Judge Dartt) and the Probation Committee (consisting of Chairperson Judge Singer and Judge Dartt). Presiding Judge McConnell also serves as a member of each committee.

Effective April 30, 2002, the Court discontinued offering the Driver’s Intervention Program (DIP). The DIP, which was established more than 19 years ago, provided a sentencing alternative to the Judges of a three-day treatment program for defendants convicted of DUI or DWI. At that time, such treatment was not available to offenders. Since then, several local agencies have filled this gap in service and now offer such treatment options. The Toledo Municipal Court Probation Department will continue to monitor Judges’ referrals to outside driver intervention programs.

The Judges enhanced case management procedures by working with the Clerk of Court to separately maintain the files of all pending cases assigned to each Judge. The Court designated the former law library space located on the fourth floor to house these files. After suitable renovations involving shelving, computers, security and wiring modifications, all assigned pending case files

were moved to this location. This new filing system permitted the Judges to conduct a rolling annual inventory in much less time, and with nominal personnel, in September 2002.

Pursuant to one of the recommendations of the 2000 Citizens for Effective Government (CEG) Study, the Court issued a request for proposals entitled for a building utilization study. As the year closed, the Court was completing an extensive screening process of the competing vendors. Under a continuing effort to maximize the available space within the Court's Building, space on the fifth floor of the building was secured in order to provide a file storage area for the Court Administrator's Office, the Probation Department and the Citizen Dispute Settlement Program. This measure will free file space in these departments for more pressing needs.

The Judges continue to embrace technical advances to maximize the efficiency of the Court. The Court contracted with the Northwest Ohio Regional Information Systems (NORIS) to develop case management software for the Probation Department and the Housing Court and Housing Specialists. These new applications will utilize data existing in CLIP in order to build case management functioning for each department. The Housing Specialists are using digital cameras in order to present to the Housing Court the most detailed evidence available. One of the most exciting features being developed in the Housing Specialists software is a mapping feature which will permit a user to view a violation address superimposed over a detailed map of the city.

In 2002, the Court coordinated the development of an on-line credit for time served report. This report allows the Corrections Center of Northwest Ohio to calculate credit for time served by inmates at the Lucas County Correction Center. The Court has continued to update its computer hardware as required, and this year, the Judges, Judges' Secretaries, Magistrates, Small Claims Assistants and Law Clerks received new or updated computer hardware. Additionally, the Court upgraded its software to MS Office 2000. Finally, the Court purchased a projector that permits Power Point presentations to enhance the Courts' internal communications capabilities.

Job analyses and job descriptions were completed and approved for the Probation Department. Job analyses and job descriptions were also completed for the positions of Assignment Clerk and Senior Assignment Clerk. The Senior Assignment Clerk position replaces the Assistant Assignment Commissioner.

Training for Toledo Municipal Court staff was conducted throughout the year. Training available to staff in 2002 included LEADS training for all Law Clerks, effective communication, human resource management and supervisory skills. The staff also participated in a number of off-site trainings and conferences. Additionally, software training for Microsoft Windows, Word, Excel and NORIS applications were provided.

Resignations in 2002 included Law Clerks Jane Roman and Doug Taylor. Assistant Assignment Commissioner Kathy Large retired.

Judge McConnell's Law Clerk Gina Lewis was promoted to Chief Law Clerk. Housing Specialist Gwen Wyse was promoted to Senior Housing Specialist. Rick Cutcher was hired as a Housing Specialist. Mary Johnson, James Roman and Kevin Smith were hired as Civil Bailiffs. Susan Padilla was hired as Intake Secretary for the Citizens Dispute Settlement Program. Nick

Smith was appointed as Judge Berling's Law Clerk. Beth Bales was appointed as Judge Gorman's Law Clerk. Sherry Herrick was hired as an Assignment Clerk. Nancy Jennings and Darla Stahl were hired as Small Claims Assistants.

The Court Administrator's Office continued in 2002 to serve as a facilitator for Magistrate and Court staff videoconferences sponsored by the Ohio Judicial College and The Supreme Court of Ohio. In addition, the office continued to work with the Toledo Bar Association Auxiliary to provide tours for high school students. The Court hosted The Toledo Bar Association's High School Mock Trial Competition. As an appointed member of the Lucas County Community Corrections Board, the Court Administrator serves as Chairperson of the Ad Hoc Electronic Monitoring Committee. The Court Administrator is also an appointed member of the Regional Community Corrections Boards consisting of those counties participating in CCNO.

The Court Administrator's staff is comprised of Deputy Court Administrator Lisa Falgiano, Business Officer Barbara Hunter, and Judges Secretaries Connie Sapp, Patricia North, Diana Jensen and Judy Heslet. The position of Chief of Management Information Systems and Research is currently vacant.

This annual report, as well as other information about the Court, is available at the Court's website www.toledomunicipalcourt.org.

ANNUAL REPORT – Chapter II

CLERK OF COURT

Theresa M. Gabriel
Clerk of Court

GENERAL REPORT

Prepared By
THERESA M. GABRIEL, CLERK

The total revenue collected for the year 2002 in the Toledo Municipal Court, Clerk's Office totaled \$4,784,050.46. In the year 2001 the receipts totaled \$5,174,048.92, for a decrease of \$389,998.46.

The City of Toledo General Fund received the sum of \$941,633.18 from the Civil Division of the Clerk's Office; the sum of \$2,170,468.12 from the Criminal/Traffic Division of the Clerk's Office and the sum of \$10,940.74 from interest on Certificates of Deposit and Concentration Accounts from both the Civil and Criminal/Traffic Divisions for a total of \$3,123,042.04 - for a decrease of \$306,250.18. The total in 2001 was \$3,429,292.22.

The total case load for the Clerk's Office for year 2002 was 103,987 compared to 96,794 in 2001, for an increase of 7,193.

A complete and detailed report on the operation for the year 2002 of the Criminal/Traffic and Civil Divisions of the Toledo Municipal Court, Clerk's Office follows.

TOLEDO MUNICIPAL COURT

TRUSTEESHIP DIVISION

	2002	2001
<u>TRUSTEESHIP ACCOUNTS FILED:</u>	136	136
<u>ACCOUNTS DISBURSED:</u>		
Paid in Full	22	21
Paid on Active Accounts	220	188
Canceled	158	60
Bankruptcy	4	1
Reinstated	1	0
Reactivated	12	7
Other terminations	9	14
Voluntary Cancellations	3	5
TOTAL	565	432

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Payments made by debtors into Trusteeship Accounts	\$ 236,051.41	\$ 226,300.47
Disbursements of debtors' Funds to Creditors	\$ 228,530.31	\$ 230,247.83
Checks issued	1,336	1,052
Motions filed for Additions to Trusteeship	52	58
Open and Active Accounts at Present	206	206

TOLEDO MUNICIPAL COURT

CIVIL DIVISION

CIVIL BRANCH FILINGS:

	2002	2001
New Cases	20,562	14,280
Certified Cases	665	541
Small Claims	3,263	2,739
Trusteeship	136	136

TOTAL	24,626	17,696
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REVENUE COLLECTED:

Civil Costs Collected	718,646.97	669,805.51
CLIP new, misc. and trusteeship poundage	10,698.44	6,276.42
Certified Mail	147,559.43	129,993.42
Repurchase interest	3,783.93	11,766.95
Legal Research	20,535.00	19,834.00
Clerk Computer Fees	102,687.60	126,687.66
State Legal Aid	316,626.70	306,745.58
Legal News	248,477.00	239,682.39
Judges Computer Fees	68,534.00	67,242.13
Overpayment of Costs	8,672.00	-----

TOTAL	\$ 1,646,221.07	\$ 1,578,034.06
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REVENUE DISBURSED:

General Fund	941,633.18	873,317.48
Interest, CLIP, misc. overpayment	18,648.17	11,766.95
Computer/Legal Research Fund	123,066.60	146,521.66
State Treasurer-Legal Aid	314,696.12	306,745.58
Toledo Legal News	248,177.00	239,682.39

TOTAL	\$1,646,221.07	\$1,578,034.06
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CIVIL BRANCH ACTIVITIES:

Transcripts	109	85
Certificates of Judgment	3,659	3,165
Revocations	113	166
Executions	362	311
Garnishees	14,887	13,953
Motions	2,840	2,514
Restitutions	3,413	5,279
Revivors	174	187

TOTAL	25,557	25,660
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TOLEDO MUNICIPAL COURT

CRIMINAL/TRAFFIC DIVISION

NEW CASES:	2002	2001
Traffic	49,925	51,002
Criminal	29,436	28,096

TOTAL	79,361	79,098
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REVENUE COLLECTED:

Traffic	\$ 1,153,861.36	\$ 1,391,393.33
Liquor	9,381.00	4,847.00
Criminal	234,338.67	242,496.81
Drugs	50,704.00	81,246.45
Costs	1,521,326.36	1,689,093.09
Miscellaneous	22,572.34	28,009.58
Bond forfeitures	24,526.00	13,942.50
Concentration Account	7,156.81	18,590.21
Over payments	25,286.28	26,077.89
Judges Computer Fees	88,286.57	100,318.00
State Expungements	390.00	-----

TOTAL	\$ 3,137,829.39	\$ 3,596,014.86
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REVENUE DISBURSED:

General Fund	\$ 2,170,468.12	\$ 2,525,616.98
Lucas County Treasurer	102,625.70	92,841.65
Treas. of State (50% Liquor)	4,690.50	2,423.50
Treas. of State (45% Traffic)	6,152.40	3,383.55
Treas. of State (State Gen. Fund)	328,882.00	371,998.00
Treas. of State (Victim of Crimes)	269,525.00	304,603.22
Ottawa Hills	40,679.00	31,381.00
Ottawa Hills- LEEF/Drug Fund	2,439.00	1,702.50
Lucas County Law Library	10,168.71	9,372.75
Department of Natural Resources (Watercraft Division)	1,969.00	1,680.00
(Wildlife Division)	229.00	779.00
State Pharmacy Board	1,486.00	1,014.00
Interest on Securities	7,156.81	18,590.21
Over Payments	25,286.28	26,077.89
Treas. of State- Seat Belts	49,747.00	57,868.75
Humane Society and MCO LEEF	125.00	225.00
Lucas County Law Enf. Drug Fund	6,441.30	14,507.36
Lucas County Sheriff LEEF/Drug Fund	635.00	3,774.50
OSP LEEF/Drug Fund	1,020.00	435.00
University of Toledo LEEF/Drug Fund	595.00	695.00
Washington Township LEEF/Drug Fund	550.00	490.00

Child Restraint Law	210.00	70.00
Liquor Board Drug Fund	65.00	55.00
BMV Fee	18,007.00	26,067.00
Appeals	----	45.00
Judges Computer Fees	88,286.57	100,318.00
State Expungements	390.00	-----
TOTAL	<u>\$ 3,137,829.39</u>	<u>\$ 3,596,014.86</u>

Activity levels in the Clerk of Court's office continued to be at a high level with over 103,000 new filings. Criminal filings were 29,436 and Traffic filings were 49,925 for a total of 79,361. Activity in the Civil Branch increased to 24,626 filings. The combined filings represent an increase of 7,193 filings, or 7.4%.

Court receipts for 2002 reflect the decreased criminal/traffic filings. Total receipts for 2002 were down \$389,998.46 or 7.5%.

With the implementation of the new computer system, users of the court have seen a dramatic increase in the level of service provided by the Clerk's office. The system allows Deputy Clerks to immediately update all cases upon return of the case files to the office. This has allowed for all Criminal/Traffic cases to be processed and updated within 24 hours. The system has also allowed for greater and quicker access to public records. The time required to query cases, either by phone, in person, or over e-mail has been significantly reduced. Most inquiries can be handled in a matter of hours, instead of the few days it used to take.

In May 2000, the Clerk launched the office's website, www.tmc-clerk.com. Since then, the Clerk has continually updated the website to reflect new procedures, court costs, and an updated map of downtown. The Online Payment option for payment of fines and costs has become very popular. In 2001, the online payment option received 200 payments totaling \$15,472. In 2002, there were over 1,000 payments totaling \$115,537.

The Clerk of Court, her managers and her employee members of UAW Local 12 and AFSCME Local 3411 continued to work together to improve the degree of service provided by the office through increases in efficiency and innovations in procedures. The progress made in the Clerk's office in 2002, especially considering the continued large caseload and work on the migration, would never have been possible without the dedication of all deputy clerks. Their willingness to devote extra effort to their daily duties, coupled with their diligence and enthusiasm for improvement, made it possible for the Clerk's Office to handle the high level of work while complying with our statutory responsibilities. The achievements of the past year and our preparation for 2003 would not have been realized without the cooperation of all employees working together for the good of the Office and the people we serve.

ANNUAL REPORT – Chapter III

ASSIGNMENT COMMISSIONER'S OFFICE

Karen E. Wood
Assignment Commissioner

The primary responsibility of the Assignment Commissioner's Office is judge assignment of criminal, traffic and civil cases as well as the setting of pretrials, trials and other hearings. The Rules of Superintendence for Municipal Courts, promulgated by the Supreme Court of Ohio, require that cases be assigned to judges in a random manner. A computer makes random assignments when a defendant enters a "not guilty" plea in criminal and traffic cases, and upon the filing of a motion or an answer in civil cases.

After a pretrial or trial date is set, the parties are notified, arrangements are made for jurors if a jury demand is filed, or for a visiting judge if needed. The department is also responsible for the daily posting and distribution of the court schedules, publishing of civil cases set for trial and all filed motions in Legal News, and the processing of judgment and dismissal entries.

The year 2002 saw the retirement of Assistant Assignment Commissioner Kathy Large and the hiring of Assignment Clerk Sherry Herrick. Procedurally, the office began notifying victims on domestic violence and some other criminal cases of trial and pretrial events.

The figures for 2002, with comparison figures, are as follows:

Category	2002	2001
A. Cases Assigned		
Criminal/Traffic Assignments	20,280	20,358
Civil Assignments (including Housing)	1,970	1,993
B. Cases set for Trial		
Criminal/Traffic Trials	7,022	9,487
Civil Trials	1,921	1,765
Criminal/Traffic Trial Resets	6,682	7,618
C. Cases set for Pretrial		
Pretrial – Criminal/Traffic	10,801	8,184
Pretrial Resets	589	566
Mandatory Jury Pretrials (MJPT)	199	212
D. Preliminary Hearing/Felony Arraignment Docket	9,706	8,024
E. Jury Trials Set (Crim/Traff/Civil)	482	509
F. Bureau of Motor Vehicle Hearings	57	24

Category	2002	2001
G. Evictions	6,211	5,651
H. Housing		
Criminal Housing Arraignment Docket	3,978	4,516
Criminal Housing Trials	282	206
Civil Housing (Not a Draw) New Assignments	369	421
I. ALS/Innocent Owner Hearings	73	71

Civil Assignments:

Pursuant to the Rules of Superintendence, judges are assigned on civil cases upon the filing of an answer or motion. There are instances in which judges are assigned on other than the above, such as Housing, reassignment, consolidation, assessment hearings, or transfers. The following figures represent the number of civil cases assigned during 2002 and 2001 per individual Judge:

2002	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Mc	40	27	38	30	22	29	25	33	49	23	24	29	369
D	24	21	21	27	26	26	16	27	24	19	16	33	280
T	28	13	15	18	25	21	17	22	14	12	15	24	224
B	31	22	15	27	14	25	23	22	25	20	14	18	256
O	28	19	29	22	26	23	21	18	22	30	18	28	284
S	28	15	24	31	17	30	17	24	23	22	25	24	280
G	27	22	14	17	29	21	22	29	23	26	24	23	277
Total	206	139	156	172	159	175	141	175	180	152	136	179	1970

2001	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Mc	29	28	36	34	48	47	16	23	30	39	33	58	421
D	20	22	22	24	22	19	29	28	19	27	19	21	272
T	17	22	22	22	23	25	27	28	15	23	25	16	265
B	16	13	21	18	21	18	16	24	22	34	21	23	247
O	27	18	21	21	23	24	23	28	21	24	15	26	271
S	20	13	16	19	25	28	24	24	17	32	15	13	246
G	21	16	24	19	23	28	26	22	25	23	25	19	271
Total	150	132	162	157	185	189	161	177	149	202	153	176	1993

Civil Cases Set for Trial:

Month	2002	2001
January	279	155
February	147	107
March	158	187
April	142	179
May	172	179
June	122	150

Month	2002	2001
July	146	118
August	184	165
September	178	111
October	157	140
November	109	136
December	127	138
TOTAL	1,921	1,765

Civil Motions:

A civil motion is a preliminary pleading related to procedure and point of law. In 2002, 2,772 civil motions were processed and 114 were set for Oral Motion Hearing. In 2001, 2,064 civil motions were processed and 133 were set for Oral Motion Hearing.

Civil Pretrials:	Civil Juries Set:	Mandatory Jury Pretrials:
2002 960	2002 125	2002 33
2001 847	2001 170	2001 44

Evictions:

2002 Evictions	Set/Reset	Judgments	Dismissals	On Desk/Continuances
January	460	231	174	55
February	521	227	231	63
March	397	186	162	49
April	449	245	146	58
May	473	248	164	61
June	532	244	194	94
July	568	317	184	67
August	623	343	188	92
September	532	293	177	62
October	630	333	208	89
November	460	248	149	63
December	566	287	203	76
Totals:	6,211	3,202	2,180	829

2001 Evictions	Set/Reset	Judgments	Dismissals	On Desk/Cont./Other
January	380	206	119	55
February	470	198	219	53
March	497	242	189	66

April	393	211	122	60
May	427	261	108	58
June	480	262	160	58
July	475	249	159	67
August	592	310	205	77
2001 Evictions	Set/Reset	Judgments	Dismissals	On Desk/Cont./Other
September	450	235	146	69
October	487	266	166	55
November	463	241	153	69
December	537	320	150	67
Total:	5,651	3,001	1,896	754

A tenant may deposit with the Clerk of Court all money due to a landlord (if there is a defect with the property) by filing an application in accordance with Section 5321.07 of the Ohio Revised Code.

Rent Escrow:

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
2002	13	10	14	11	9	6	8	17	14	13	16	5	136
2001	12	10	7	10	5	5	11	5	4	14	7	9	99

Bureau of Motor Vehicle Hearings (Civil):

A Magistrate schedules BMV cases for Hearing.

2002 – 57 cases were set for Hearing.

2001 – 24 cases were set for Hearing.

Criminal and Traffic Assignments:

Upon entering a plea of “not guilty” before a judge, or in the Assignment Office, the Assignment Commissioner’s computer randomly assigns the case to a judge. After a judge is assigned, the Assignment Commissioner’s Office is responsible for setting all pretrials and trials within time limits set forth in Section 2945.71 R.C. As of 2000, **all** cases are set for a pretrial unless there is an issue with statutory time.

Criminal/Traffic Assignments:

<u>Judge</u>	<u>2002</u>	<u>2001</u>
McConnell	2,116+282 Housing	2,295+206 Housing
Dartt	2,981	2,946
Trimboli	3,023	3,017
Berling	2,997	2,953
Osowik	2,993	2,992

Singer	2,986	3,006
Gorman	2,902	2,943
	20,280	20,358

Reactivated Cases (Sealing of Record):

2002 168
2001 128

2002	Jan	Feb	Mar	Apr.	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
McConnell	88	55	65	61	60	45	66	95	79	110	78	75	877
Dartt	96	124	55	57	84	60	75	68	48	84	40	75	866
Trimboli	92	85	92	129	131	78	122	93	103	88	72	79	1,164
Berling	95	66	62	106	70	60	81	84	101	105	86	44	960
Osowik	77	67	94	66	64	50	65	68	84	60	78	42	815
Singer	124	61	85	80	104	60	67	82	86	73	89	54	965
Gorman	69	63	61	99	100	96	99	102	96	104	84	62	1,035
Total:	641	521	514	598	613	449	575	592	597	624	527	431	6,682

2001	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
McConnell	97	62	109	72	98	63	101	107	108	100	75	56	1,048
Dartt	78	45	67	52	79	82	71	108	88	63	109	83	925
Trimboli	112	84	95	85	109	66	82	102	96	127	98	81	1,137
Berling	124	93	90	119	115	135	117	123	102	83	82	70	1,253
Osowik	102	92	74	78	67	57	92	110	152	117	90	57	1,088
Singer	72	63	72	52	55	52	85	68	48	160	86	97	910
Gorman	150	107	111	66	59	66	95	110	154	133	133	73	1,257
Total:	735	546	618	524	582	521	643	728	748	783	673	517	7,618

2002 Jury Trials (Criminal/Traffic/Civil):

Month	Crim/Traff	Civil	Ordered	Used	No Jurors
Jan.	47	6	2	1	--
Feb.	25	18	3	2	--
March	25	18	0	0	--
April	40	5	2	1	--
May	34	12	3	3	--
June	26	11	4	2	--
July	36	6	2	2	--
Aug.	24	15	4	3	--
Sept.	21	8	1	1	--

Oct.	35	11	1	1	--
Nov.	19	12	0	0	--
Dec.	25	3	0	0	--
Total:	357	125	22	16	--

2001 Jury Trials (Criminal/Traffic/Civil):

Month	Crim/Traff	Civil	Ordered	Used	No Jurors
January	46	22	6	4	0
February	29	9	3	3	0
March	28	17	1	0	0
April	20	13	3	3	0
May	27	15	2	2	0
June	30	17	2	2	0
July	21	20	0	0	0
August	31	20	5	4	0
September	24	11	2	1	0
October	38	10	5	2	0
November	24	12	5	4	0
December	21	4	2	1	0
Total:	339	170	36	26	0

2002 Criminal /Traffic Trials: 7,022

2001 Criminal/Traffic Trials: 9,487

2002 Criminal/Traffic Pretrials:

McConnell	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Tota
Set	99	89	99	108	112	104	128	111	130	112	121	92	1305
Reset	6	4	6	7	7	9	3	6	7	6	8	7	76
*MJPT	7	3	6	4	9	3	2	3	3	4	4	1	49
Dartt													
Set	144	127	135	146	128	130	137	169	163	152	153	119	1703
Reset	3	6	6	4	2	1	4	5	3	11	9	4	58
MJPT	2	6	1	2	1	4	3	2	4	2	0	2	29
Trimboli													
Set	143	126	142	133	149	133	137	174	153	166	152	134	1742
Reset	4	2	26	21	3	2	4	6	7	7	4	2	88
MJPT	7	4	4	6	2	5	0	6	3	4	4	6	51
Berling													
Set	116	76	97	116	94	108	109	115	127	108	107	119	1292
Reset	15	7	3	18	6	5	10	11	17	10	4	2	108
MJPT	1	1	4	3	2	1	4	2	1	3	1	1	24
Osowik													
Set	143	126	120	131	136	119	130	157	150	150	155	130	1647
Reset	9	1	18	8	3	6	7	4	4	6	1	7	74

MJPT	1	4	1	0	2	4	0	2	1	3	5	1	24
Singer													
Set	158	109	127	119	117	129	139	136	157	164	151	140	1646
Reset	15	4	6	8	4	6	11	5	8	12	7	5	91
MJPT	2	3	0	2	3	0	1	4	1	0	5	1	22
Gorman													
Set	112	115	136	138	138	141	116	141	131	143	142	151	1466
Reset	3	3	11	11	11	5	16	5	3	8	12	6	94
Total Set													1080
Total Reset													589
Total MJPT													199

*Mandatory Jury Pretrials

2001 Criminal/Traffic Pretrials:

McConnell	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Tota
Set	57	58	79	50	85	69	80	71	77	63	56	64	809
Reset	6	3	5	4	6	6	14	2	11	12	3	10	82
Dartt													
Set	65	65	96	81	102	100	86	75	71	101	70	64	976
Reset	9	0	3	12	3	14	12	4	5	2	13	8	85
*MJPT	5	2	3	7	2	2	3	3	2	5	4	6	44
Trimboli													
Set	123	104	119	126	143	125	137	140	121	132	115	111	1,496
Reset	8	3	3	6	7	3	3	8	8	6	5	4	64
MJPT	5	7	5	1	8	8	6	2	2	5	0	7	56
Berling													
Set	87	129	149	146	182	113	113	108	94	115	86	80	1,402
Reset	4	8	7	13	12	8	4	10	3	4	5	3	81
MJPT	1	1	6	4	3	5	12	3	1	6	0	0	42
Oswik													
Set	93	88	82	96	87	82	79	73	78	85	77	74	994
Reset	1	1	2	0	5	2	2	1	6	1	8	5	34
MJPT	1	5	3	3	2	2	1	6	3	1	4	2	33
Singer													
Set	125	113	164	144	153	132	121	120	117	137	120	112	1,558
Reset	7	2	7	6	10	20	5	11	4	14	7	12	105
MJPT	6	1	3	6	2	10	0	5	2	1	1	0	37
Gorman													
Set	67	77	95	74	85	81	92	83	76	86	72	61	949
Reset	10	5	12	6	5	6	15	6	24	10	7	9	115
Total Set:													8,184
Total Reset:													566
Total MJPT													212

*Mandatory Jury Pretrial

2002 Total Pretrials Set: 10,801
Total Pretrials Reset: 589
Total Jury Pretrials: 199

2001 Total Pretrials Set: 7,618
Total Pretrials Reset: 566
Total Jury Pretrials: 212

2002 Totals of Traffic/Criminal sets, resets, pretrials, Pretrial resets, Jury trials and jury pretrials:
25,650

2001 Totals of Traffic/Criminal sets, resets, pretrials, Pretrial resets, Jury trials and jury pretrials:
27,097

Goals and Objectives:

In 2003, we intend to plan and implement improvements to the CATS computer system and continue to streamline office procedures so as to improve efficiency. We also plan to attend MS Word and Excel classes.

The current staff consists of:

Karen E. Wood, Assignment Commissioner
Terri Burke, Assignment Clerk
Joyce Straka, Assignment Clerk
Valerie Hobbs, Assignment Clerk
Wanda Butts, Assignment Clerk
Laura Burnham, Assignment Clerk
Sherry Herrick, Assignment Clerk

ANNUAL REPORT – Chapter IV

CIVIL BAILIFF

Jerry Gray
Chief Bailiff

The Civil Bailiff Department serves all legal documents of the Clerk of Court's Civil Branch as required by law. The Ohio Revised Code and local court rules require a party to be served personally. The Civil Bailiff also files a return or disposition with the civil branch of the Clerk's Office.

The Civil Bailiff Department provides valuable assistance to those who have obtained judgments by assisting them in enforcing their judgments through such means as wage garnishments, bank accounts, or other personal property attachments. Court ordered evictions are personally supervised by the Civil Bailiffs, whose duties also include recovering personal property unlawfully held and conducting sales of judgment debtor's property to provide funds to satisfy awards.

The Civil Bailiff Department has experienced some dramatic changes during 2002. The staff was returned to full complement with the addition of three new bailiffs. Mary Johnson, James Roman, and Kevin Smith were hired and have been valuable additions to the office. Mary Johnson is assigned to the South District, James Roman has been assigned to the West District, and Kevin Smith has been assigned to the Central District.

New staff require some intense training to ensure they gain knowledge of the Court's policies and procedures. We required our new staff members to complete courses in Defensive Driving, Handling Dogs in the Field, and Dealing with Hostile People. We took advantage of this opportunity to send some of our more seasoned staff members to the training as a refresher.

The overall performance of the Civil Bailiff Department continued to run at a high level over the past year due, in part, to the dedication of the staff, and the pride each Bailiff takes in his/her district, and a job well done.

- Over \$201,000 was collected on executions without the need of a bailiff's sale.
- Loretta Fillman continued to handle all Bench Warrants and was personally responsible for over \$108,000 to be collected.
- We saw increases in Bank Garnishments (8.7%), Forcible Entry & Detainer Actions (2.5%), Writs of Restitution (8.8%), and a substantial increase in Evictions (25.5%).

In 2002, the Civil Bailiff Department served 40,206 court orders. A complete breakdown of department statistics is on the following pages.

Goals for 2003 are as follows:

- Continue to provide training in order to improve Department efficiency.
- Utilize available technology to aid in finding Defendants who do not want to be found.
- Meet with new police classes to explain our department's function and how our two departments interact – between civil law and criminal law.
- Arrange an in-house field trip to increase awareness regarding department functions and to open lines of communication among the departments of the court.

Our department takes pride in our service to the court and community, and continues to strive to maintain positive public relations by handling telephone calls and contacts in a businesslike and courteous manner.

The Civil Bailiff Department consists of: Chief Bailiff Jerry Gray, Assistant Chief Bailiff Michael Kessler, Road Supervisor Loretta Fillman, and Deputy Bailiffs John Birmingham, Marion Cary, Yvonne Harper, Diana Irish, Mary Johnson, Richard Leason, Michael Isenberg, Charon "Butch" Ritter, James Roman, Kevin Smith and Ralph Williams.

2001 CIVIL BAILIFF DEPARTMENT STATISTICS

Summons – Received	-----	3,616
Summons – No Service	-----	132
Proceeding in Aid – Received	-----	1,938
Proceeding in Aid – No Service	-----	810
Subpoenas – Received	-----	635
Subpoenas – No Service	-----	111
Bench Warrants – Received	-----	166
Bench Warrants – Returned want of assistance	-----	100
Bench Warrants – Outstanding	-----	19
Garnishees – Respondents Served	-----	10,680
Garnishees – Defendants Served	-----	6,990
Garnishees – Mail Service	-----	2,785
(To notify Defendants on bank account attachments in accordance with federal law)		
Garnishees – Foreign Service	-----	606
(Mail to Respondents outside of Lucas County)		
Garnishees – No Service	-----	299
Landlord Complaints	-----	7,094
Landlord Complaints – No Service	-----	180
Writ of Service Served	-----	2,915
Returned for want of assistance	-----	2,123
Returned for request of plaintiff	-----	149
Cause to vacate	-----	280
Evicted	-----	363
Writ of Restitution – Mailed – 5 Day Notice	-----	2,915

Execution – Worked	-----	211
Replevin – Worked	-----	2
Bailiff Sales Held	-----	2
Total Legal Documents Processed	-----	40,555

Money caused to be collected on Execution 2001	\$327,532.76
Money caused to be collected on Bench Warrants	<u>\$ 48,849.46</u>
Total:	\$376,382.22

ANNUAL REPORT – Chapter V

COURT REPORTERS

Sandra J. Ackerman
Chief Court Reporter

The Court Reporters of the Toledo Municipal Court are responsible for the production of verbatim stenographic records of preliminary hearings and of all trials in the traffic, criminal and civil branches of the Court. We also provide records of motions, arraignments, sentencings, pleas and waivers, and cases processed by the Probation Department. It is also often necessary to retain the exhibits that may be introduced and admitted at trial until the appeal time of forty (40) days has expired. All stenographic notes, cassette tapes and exhibits are kept five years and then destroyed.

A Transcript of Proceedings is the finished product of our department. It is used either in further court proceedings, in civil lawsuits or in trials which are appealed. In cases which are appealed, the Court Reporters must follow specific rules as set forth by the Court of Appeals.

Court Reporters continue to use tape recorders in Criminal and Traffic Arraignment Court and Duties Court, both non-trial courtrooms. This method of recording is supported by the Judges and provides a substantial savings to the Court. Outside court reporting services are used when conflicts in scheduling occur.

Each Judge, when in their own courtroom, has one jury day per week and there are generally five or six jury trials scheduled on that day. Should more than one of the cases be ready to proceed to a jury trial, the case with the oldest case number would take precedence and the other case would have to be rescheduled. Jury trials are usually concluded in a day's time. Generally a trial to the Court is requested rather than a jury trial.

An increasing caseload that affected case processing time necessitated an additional F.E.D. docket, which was added on November 1, 2002. This docket is scheduled every Friday and is rotated among the Court Reporters.

There were fifteen actual jury trials in 2002 and twenty-three actual jury trials in 2001. The following is a breakdown of the jury trials presided over by each respective Judge.

	2002	2001
Dec.	Judge Amy J. Berling – June	Judge Amy J. Berling – Jan. and
Nov.	Judge Denise A. Dartt – Feb. and May	Judge Denise A. Dartt – Jan. and

Feb., Judge Francis X. Gorman – Feb., May
and July
Judge C. Allen McConnell – June
Aug.

Aug. Judge Thomas Osowik – Feb., Mar., May
and Oct.
Judge Arlene Singer – Aug. (2)
and June
Judge Mary G. Trimboli – Jan. and April
Aug.

Judge Francis X. Gorman – Jan.,
April, June, July and Nov.
Judge C. Allen McConnell – Jan.,
Oct. (2) and Nov.
Judge Thomas Osowik – April,
and Sept.
Judge Arlene Singer – April, May
Judge Mary G. Trimboli – Feb. and

In the year 2003, our goal as Court Reporters will be to continue to provide the verbatim record to assist the public, and the legal and juridical community at Toledo Municipal Court.

There are seven Court Reporters at Toledo Municipal Court each assigned to their own Judge. The following is a breakdown of the Court Reporters according to seniority and the Judge to whom they are presently assigned. Sandra J. Ackerman, assigned to Judge Amy J. Berling; Deborah R. Bowen, assigned to Judge C. Allen McConnell; Barbara A. Johnson, assigned to Judge Mary Grace Trimboli; Patricia Lindsey-Schmidlin, assigned to Judge Thomas Osowik; Kenneth P. Gallaher, assigned to Judge Arlene Singer; Mary Hill, assigned to Judge Francis X. Gorman and Lori DeVaul assigned to Judge Denise A. Dartt.

ANNUAL REPORT – Chapter VI

LAW CLERK/BAILIFFS

Gina M. Lewis
Chief Courtroom Bailiff

The Law Clerk/Bailiff Department is comprised of seven full-time employees, each assigned to an individual Judge of the Toledo Municipal Court. The Law Clerk/Bailiff works closely in and out of the courtroom with their respective Judge, and solely at that Judge's discretion.

Duties of each Law Clerk/Bailiff vary from Judge to Judge. In the courtroom, each Law Clerk/Bailiff organizes and coordinates the daily docket to ensure efficiency. This might include calling cases, reading affidavits to the Judge or to a defendant, posting entries, communicating with prosecutors, public defenders, defense attorneys, witnesses, jurors, departments within the Municipal Court, and the general public, and working with deputy sheriffs when a defendant is in custody.

Outside of the courtroom, Law Clerks/Bailiffs may research the law for their Judge, make appointments, and explain or mediate legal or procedural problems to other court personnel. Such close contact with the Judges and various attorneys is an invaluable experience for the Law Clerk/Bailiff.

Another responsibility includes the keeping of records of assigned cases as required by the Ohio Supreme Court Rules of Superintendence. These records are submitted to the Ohio Supreme Court every month. This report includes statistics of cases that are assigned to each Judge for trial. The monthly report also categorizes cases by case type (e.g., traffic, criminal, contracts, etc.) and how each case is terminated (e.g., no contest plea, dismissal, bench warrant, etc.). The Ohio Supreme Court Individual Judge monthly report does not reflect cases that are terminated prior to the setting for trial. In three weeks of a seven-week rotation, the Judges' dockets are devoted to resolving cases at the arraignment, preliminary hearing or pretrial stages. The other four weeks are used for trials.

In an average trial week, the Judges may individually resolve 55 to 95 criminal and traffic cases that are set for trial, 10 to 25 criminal and traffic cases that are set for pre-trial and 10 to 25 civil cases set for trial.

In 2002, in accordance with the Ohio Supreme Court's directives, the Law Clerks conducted the first "rolling inventory" of assigned pending cases. In past years, the Law Clerks, with the help of other court personnel, assisted with a physical inventory of all criminal, traffic, and civil cases that had been assigned to the individual Judges. The Law Clerks then took the records from the physical inventory and compared them to their individual records to establish a baseline and count of assigned cases currently pending for the seven Judges.

The new rolling inventory was conducted over a period of two weeks with each Judge's inventory taking place on a specific assigned date. This method of inventorying cases involved much less manpower, requiring only the Judge's Law Clerk, a scribe, and various department heads inventory the cases in an efficient manner. As in past years, the Law Clerk then compares the records from the physical inventory to their individual records to reconcile a precise count of the current assigned pending cases.

At the close of 2002, all seven Law Clerks became certified in LEADS (Law Enforcement Automated Data System.) LEADS is a data system that provides valuable criminal justice information including operators' license and vehicle registration information. For instance, within the operator's license file, a certified LEADS user may obtain information regarding the validity of an individual's driver's license or identification card as well as past driving convictions and any driving restrictions imposed upon that individual. The information contained in the LEADS data system is absolutely imperative to the Judges as they hear cases on the bench. Information in the LEADS data system can be retrieved within minutes enabling the Law Clerk to quickly provide the Judge with up to date information.

In 2003, the Law Clerks will continue to ensure efficiency and organization in the handling of courtroom dockets. In addition, certification in programs such as LEADS will better enable the Law Clerks to assist the Judges in and outside the courtroom. The Law Clerks look forward to working together in the upcoming year to provide continued assistance to all seven Municipal Court Judges.

ANNUAL REPORT – Chapter VII

CITIZENS DISPUTE SETTLEMENT PROGRAM

James Petas
Senior Counselor

The Citizens Dispute Settlement Program (CDSP) of the Toledo Municipal Court provides the people of Toledo an alternative means of resolving disputes. By using mediation, counseling, and conciliation, citizens are empowered to settle disputes that would otherwise be included in the traditional court system.

Mediation is an effective means for resolving disputes. With the help of a neutral third party, participants often reach mutually accepted agreements. In mediation, avenues of communication are opened which permit the participants to more clearly understand themselves, each other, and the situation. Since the participants themselves craft these agreements, there is a greater likelihood that the agreement will be successfully implemented. The mediation process is especially helpful when the participants have an ongoing relationship such as family members, friends, neighbors, or business associates.

The staff members of CDSP conduct mediations. Mediations are also conducted by volunteer attorneys from the Toledo Bar Association who have been trained as mediators. Students from the University of Toledo Law School's Alternative Dispute Resolution class also conduct small claims mediations.

Cases are referred involving misdemeanor behavior such as menacing, criminal damaging, disturbing the peace and theft. These cases can be referred at any point, including before any charges are filed, at a pre-trial conference or even at trial.

Civil cases are referred to mediation by the assigned judge or may be requested by the parties themselves or their attorneys.

Rent Escrow cases are also screened first for mediation. If the dispute is resolved through mediation, the escrowed rent is released. If the case is not resolved or if the mediation agreement is not successfully implemented, the case is continued to the Housing Court Magistrate's docket.

"Same Day" Mediation for small claims cases was initiated in October 1994. As individuals appear for their scheduled Small Claims hearing, they are presented the option of mediating their dispute that same day. If both parties agree, "Same Day" mediation is conducted rather than the parties appearing before the magistrate. If a resolution is not reached through mediation, the magistrate hears the case that day as scheduled.

The Check Resolution Service was instituted in October 1993. Individuals or businesses wishing to file a criminal charge for bad checks are referred to the Check Resolution Service before charges are filed. A \$12.00 filing fee per each endorser (check-writer) is paid by the complainant. The endorser is notified of the complaint and a mediation date is scheduled between the endorser and complainant. At the mediation the endorser has the opportunity to reimburse the complainant the amount of the check plus the \$12 filing fee. The endorser may also arrange a payment plan through the Check Resolution Service. If the Check Resolution Service is not successful in resolving the matter, the complainant is referred to the bad check squad of the Toledo Police Department.

In 2002, the Citizens Dispute Settlement Program remained committed to providing the Toledo Municipal Court and community with excellence in mediation. This goal is reached through the Court’s and CDSP’s commitment to improvement and quality. In 2002 CDSP has....

- Participated in continuing education. Bonnie Schrock attended the National Judicial College “Civil Mediation Seminar” in Reno, Nevada. Nancy Rank attended the “Negotiation Seminar” at the University of Toledo. James Petas attended the “Advanced Mediation Seminar” at the Supreme Court of Ohio.
- Provided training to our volunteer mediators through the annual Toledo Bar Association mediation seminar.
- Improved confidentiality agreements that address situations of child and elderly abuse, as well as duty to warn issues.
- Added information notices to educate the public on mediation to small claims, civil, adjudicated and Pre-adjudicated cases.
- Revised the CDSP brochure to update and clarify services.

CDSP and The University of Toledo College of Law continue to work together through the civil mediation internship program. Citizens Dispute also conducts training for graduating Toledo Police Officers and county emergency operators to educate on the dynamics of mediation and how to access our service.

Statistics for 2002, with statistics from 2001 for comparison, are provided below.

<u>Type Of Case</u>	<u>2001</u>	<u>Success Rate</u>	<u>2002</u>
Civil cases:	70%		77%
Adjudicated:	76%		76%
Pre-Adjudicated:	90%		94%
Housing:	78%		69%
Small Claims:	66%		60%
<u>Dispute Resolution- Case Types Referred</u>	<u>2001</u>		<u>2002</u>
Assault	103		104
Menacing	166		170

Criminal Damage	61	60
Theft	59	53
Harassment	30	20
Neighborhood Dispute	25	31
Telephone Harassment	27	38
Criminal Trespassing	15	11
Landlord/Tenant	7	21
Stalking	11	3
Other	88	203

<u>Civil Case Mediation Results</u>	<u>2001</u>	<u>2002</u>
Total Referred	111	123
Mediation: Agreement	60	67
No Agreement	26	20
CDSP involvement/No mediation	19	28
Pending	6	8
Mediation Agreement %	70%	77%

<u>Adjudicated Case Mediation Results</u>	<u>2001</u>	<u>2002</u>
Total Referred	73	44
Mediation: Agreement	42	29
No agreement	13	9
FTA to Notice	1	1
CDSP involvement/No mediation	12	2
Pending	5	3
Mediation Agreement %	76%	76%

<u>Pre-Adjudicated Mediations</u>	<u>2001</u>	<u>2002</u>
Total referred	526	670
Mediation: Agreement	228	259
No agreement	24	18
FTA to notice	139	237
CDSP involvement/No mediation	98	116
Make File Only	18	35
Pending	19	5
Mediation Agreement %	90%	94%

<u>Housing Mediations</u>	<u>2001</u>	<u>2002</u>
Total referred	119	95
Mediation: Agreement	59	45
No agreement	17	20

FTA to notice	4	6
CDSP involvement/No mediation	33	23
Pending	6	1
Mediation Agreement %	78%	69%

<u>Small Claims/Same Day Mediation</u>	<u>2001</u>	<u>2002</u>
Total referred	130	124
Mediation: Agreement	87	75
No agreement	43	49
Mediation Agreement %	66%	60%

<u>Check Resolution Mediations (CRS)</u>	<u>2001</u>	<u>2002</u>
Total referred ¹	630	463
Funds generated ¹	7,560	5,810
Total number of cases referred (Minus CRS)	954	1,059

Through additional mediation education, Citizens Dispute will improve and continue to provide professional mediation services. CDSP hopes to educate court users and the public on the positive impact of mediation along with seeking additional opportunities in the court process to mediate. Of the hundreds of post mediation evaluations collected, 92% were happy with the mediation process and would recommend it to others. The department remains committed to making mediation more available and user friendly to the Court and its users.

The Citizen Dispute Staff consists of Senior Counselor James Petas, Counselors Bonnie Schrock and Nancy Rank (who job share one position) and Intake Secretary Susan Padilla, who joined the staff in June 2002.

ANNUAL REPORT – Chapter VIII

PROBATION DEPARTMENT

Floyd V. Simon
Chief Probation Officer

DEPARTMENT DESCRIPTION

The Probation Department exists under the authority of the Toledo Municipal Court Judges. The mission of the Probation Department is to provide, in a fair and timely manner, services to the Judges, the community, and the defendant in the areas of investigation, rehabilitation, and behavior monitoring. Unlike other divisions of the court, Probation provides services beyond the jurisdiction of our court. Our Alternatives Program is available to any resident of our general area that needs to complete such a program under court order. We have had clients from many other courts in Ohio as well as some from other states.

The Probation Department is organized into Units with supervisors over each unit. The overall management of the department rests with the Chief Probation Officer Floyd V. Simon. Daily operation and coordination of the Units falls to the Assistant Chief Probation Officer Peggy J. Coleman. The Chief is a member of the Ohio Chief Probation Officers Association.

SERVICES PROVIDED

The Probation Department provides several services to the court in handling criminal and traffic cases. We are responsible for providing a presentence report that includes background information on a defendant and information on their offense. This information is used by the court in determining appropriate sentencing. Probation becomes involved in requests for restitution, drug testing, competency evaluations, electronic monitoring, and Work Release referrals.

The department also serves as a rehabilitative arm of the court. A major effort in this regard is made through the court imposing a term of probation as part of a sentence. When this is done a treatment plan is developed and a probation officer monitors the defendant's behavior for compliance with that plan. Plans may include treatment of alcohol or drug abuse, psychological counseling, restitution, drug testing, obtaining a driver's license, or other conditions.

At year's end the Probation Officers are organized into three units. Each unit contains a number of Officers and a Unit Supervisor. One unit is headed by Joe Moran as the supervisor with Anthony Bouyer, Cathy Freeh, Mark Klapper, Sean O'Connor, and Charles Pfeifer as Officers. The second unit is lead by Robert Waggoner and the Officers are Jennifer Kott, Eddie Norrils, Divina Pappas, Charlotte Spoon, and Markus Whitehead. The third unit is headed by Randolph Nelson and has Officers Lori Donovan, Laura Palmerton, Kenneth Roberts, and Megan Stevens.

Kerry Konzen serves in a specialized position that is funded by a grant from the State of Ohio, Bureau of Community Sanctions and operates an Intensive Supervision Program. Ms. Konzen reports directly to the Chief Probation Officer.

The Units all handle presentence referrals and referrals for restitution, drug testing, competency evaluations, and Work Release referrals. These supervisors and officers are also responsible for overseeing probation supervisions ordered by the court. Unit Supervisors oversee the special programs that meet the needs of the defendant and the court by offering non-traditional sentencing options. The special programs include the Driver Intervention Program (DIP), Alternatives Program, and the Community Service Probation Program (CSPP). The first deals with first offender DWI clients and involves them in an intervention and education program to help identify problem drinkers and refer them to treatment sources. The DIP Program was ended this year after 19 years of operation. The Court found that community providers now offer programs that serve the goals this program was designed to meet. Since other community providers are now available, the Judges determined that it was best to use the resources of the Department to concentrate on the unique services offered only by a probation department. The Alternatives Program provides a diversion option to criminal first offenders through an educational program. The CSPP program addresses the needs of the court, the community, and the defendant by providing defendant's an opportunity to do community service work in lieu of fines or jail time.

Jennifer Kott, Eddie Norrils, Divina Pappas, and Tina Spoon handle referrals for the Alternatives Program and facilitate the group sessions. Within each unit, these officers serve as backup for each other to allow for ongoing operation of all programs. In the event that coverage is not adequate, the Unit Supervisor also serves as backup to the positions within the unit.

The Support Services Unit provides secretarial and clerical support for the department. Barb Cameron supervises this unit. The secretaries now within the department are Mary Baker, Cindy Hoff, Darlene Jimenez, Chris Sheppard, Mary Ann Ramsey, and Valerie Waggoner.

ACCOMPLISHMENTS

A major accomplishment this year was awarding a contract for the development of case management software for the department. The NORIS agency was selected to develop the software and will oversee the important links to other criminal justice system applications. At years' end we are still finishing the first phase of this project that will involve three phases in total. The first phase will allow for entry of all data, case notes on probations, restitution tracking, appointment calendars and required operations reports. The process is very involved and many are contributing to the project.

With the end of the Court operated Driver Intervention Program, the department did eliminate one secretarial position. A retirement by a member of the secretarial support unit ensured that staff cuts were unnecessary. An officer position was also partially funded from that program but the shortfall in funding was made up for from other sources. The department continues to work with COMPASS both through their DIP and through the Court Addiction Diversion (CAD) Program. The department has developed a good working relationship with Behavioral Connections of Wood County, the other DIP provider in the area.

New job descriptions have been completed for all positions within the department. These will enable us to develop better questions for interviewing and to assure duties are clearly understood by all staff. Although these have been completed, we expect these to be dynamic documents that will be updated to reflect changes in our operation.

The income from probation fees paid for the job analyses. Fees have been used to pay for training, including in-house special training on writing skills for all of the probation officers. Fees were also used to pay for a temporary secretary for several weeks this year. Finally, fee money was used to cover the cost of destroying old documents.

STATISTICAL REPORT

Intake Services

TRAFFIC	CRIMINAL	TOTAL
2001-698	2001-2,625	2001-3,323
2002-1,078	2002- 2,195	2002-3,273

Supervision Services

	<u>2001</u>	<u>2002</u>
Placed on Probation in year	4,020	4,414
Carried Over from prior yr.	4,001	4,110
Total Probation	8,021	8,524
Released/Terminated in year	3,676	3,758
Violations Pending	235	281
Current Probations end of year	4,110	4,485
Active Probations	2,653	2,870
Inactive Probations	1,367	1,615

SPECIAL SERVICES

DWI PROGRAM:

Scheduled:	Toledo	Sylvania	Oregon	Other	Total
2001	374	217	30	53	674
2002	130	18	11	13	172

Completed: 2001- Males 513 in 17 cycles, Females 155 in 6 cycles
2002- Males 118 in 5 cycles, Females 48 in 2 cycles.

CSPP PROGRAM:

	New assignments	Reassignments	Total
2001	1,241	482	1,723
2002	1,310	541	1,851

INSURANCE FEES COLLECTED ON CSPP CASES: 2001 - \$6,041.00
2002 - \$6,946.00

ALTERNATIVES PROGRAM:	<u>2001</u>	<u>2002</u>
Carried over from prior yr.	331	406
Referred in year	421	338
Total cases processed	752	744

Unsuccessful		34
Sealed in year	346	336
Carried into next yr.	406	374

INTENSIVE SERVICE PROBATION PROGRAM (ISP)

	<u>2001</u>	<u>2002</u>
Placements	171	147
Successful Terminations	42	56

DISTRICT COURT SERVICES PROGRAM:

		Sylvania	Maumee	Oregon	Other	Total
Referrals to Altern Pgm.	2001	113	14	0	25	152
	2002	6	14	0	3	23
Referrals to DIP Pgm.	2001	217	0	30	53	300
	2002	15	0	7	11	33
TOTAL REFERRALS	2001	330	14	30	78	452
	2002	21	14	7	14	56

FINANCIAL DISBURSEMENTS

	DWI	RESTITUTION	TOTAL
TOTALS			
2001	\$88,350.00	\$81,731.67	\$170,081.67
2002	\$6,510.00	\$78,763.92	\$85,273.92

PROBATION FEES

	<u>2001</u>	<u>2002</u>
Collected	\$78,212.00	\$82,111.75
Carry over	+63,029.47	+126,252.98
Dispersed	-15,078.49	-7,851.29
Balance	\$126,162.98	\$200,513.44

GOALS FOR 2003

We will be shifting staff in the coming year related to the specialized positions within the department. We are developing a policy to standardize staff assignment within all specialized assignments. We are examining the processing of DIP and ISP cases and may be making changes to more efficiently process these cases.

We have begun the development of case management software for the department. This will be a significant project and will dramatically change the way we do business and the options available to us. This tool is essential for managing the high caseloads of officers and will contribute to a more efficient department. The case management software will replace our existing computer card system and will change the way we manage all our data. We will be transitioning to the new computer system and that will have an effect on our whole operation. The transfer of old data that is still important to the new system may require some added resources.

Probation fees will be used for training as we continue the effort to provide all officers the opportunity to attend statewide conferences. Other uses of fees will include improving file folders and updating our filing system. We may also use some funds to hire temporary services as we expect a secretary to retire and may need to supplement staff until a new person is hired. The results of a building utilization study are also expected in the next year and may require some expenditure to improve the department.

SUMMARIZATION OF STAFF

As of December 31, 2002, there are 27 staff people in the Probation Department. The officer staff consists of the Chief Probation Officer, Assistant Chief Probation Officer, 3 Unit Supervisors, and 15 Probation Officers. Support staff is made up of an Administrative Secretary and 6 Secretaries. This comprises a full staffing level as we end the year.

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ENVIRONMENT COURT

Judge C. Allen McConnell
Housing Court

The Toledo Municipal Housing & Environmental Court was created pursuant to legislation enacted on January 27, 1987, by the General Assembly. Toledo is one of three Housing Courts in the State of Ohio and its purpose is to consolidate all housing matters into the docket of one Judge.

On January 6, 2000, Judge C. Allen McConnell was sworn-in as the Environmental Court Judge to fill the vacancy created by the retirement of Judge Roger R. Weiher.

In addition to the Housing Court docket, the Housing Court Judge also handles his proportionate share of regular criminal and civil cases. He takes his turn, with the six other judges, by serving one week in each of the three mandatory courts: misdemeanor arraignments, felony arraignments, and duties. Duties is a catch-all court handling all prosecutor pre-trials scheduled that week; any misdemeanor matters that walk through the front door, such as, defendants who turn themselves in because a bench warrant has been issued for them; people who want to marry; issuing search warrants, etc.

The Environmental Court has both a civil docket and a criminal docket. The civil docket includes matters involving landlord-tenant disputes known as Forcible Entry and Detainer actions (FED's) and rent escrows under Chapters 1923 and 5321 of the Ohio Revised Code, any civil actions filed by the City of Toledo for a temporary restraining order to abate a nuisance, receivership appointments to abate a nuisance, and any motions for stays of eviction or temporary restraining orders. They are taken to the Housing Court Judge at any time, regardless of the courtroom he may be in.

Each day, Magistrate Susan Hartman Muska hears all first causes of action in FEDs (evictions), as well as rent escrow cases wherein tenants deposit rent into an escrow account with the Court because of a dispute with the landlord. To accommodate the increasing number of civil cases filed, Presiding Judge McConnell created an additional Friday docket effective November 1, 2002. Magistrate Alan J. Michalek hears first cause eviction actions and rent escrow cases in Courtroom #1 while Magistrate Muska maintains her docket in Courtroom #9. The Magistrates' orders are submitted to the Housing Court Judge for approval. Any objections to the orders of the Magistrates are referred to the Housing Court Judge for decision or hearing. Beginning in September 1993, in an attempt to expedite cases, the rent escrows are first referred to the Court's Citizen Dispute Settlement Program (CDSPP) for possible resolution prior to a formal hearing.

Whenever an allegation of substandard or unfit conditions is raised at a rent escrow or FED hearing, an immediate referral is made to a Housing Specialist. In eviction hearings, a Housing

Specialist may be appointed to investigate those specific conditions and other conditions constituting code violations. The property owner is ordered not to re-rent the unit until these conditions are corrected. Generally, Chapter 17 of the Toledo Municipal Code (The Health Code) is used as the basis for inspection. In rent escrow cases, one of the Court's three Housing Specialists verifies that the conditions of the rent escrow are corrected. The property owner is assisted in setting up time frames for correction of violations. Oftentimes, the Housing Specialist acts as a mediator between the property owner and the tenant to achieve a compromise for the particular problem.

In 2002, 6,211 civil cases were filed as FED actions. The Housing Specialists were responsible for monitoring those cases where code violations were cited. In some situations, the Housing Specialist called upon the expertise of other City and County inspection units to expedite compliance.

The criminal docket of the Environmental Court hears cases involving alleged violations of the Toledo Municipal Code Chapters 11, 13, 15 and 17 (Planning and Zoning, Building, Fire Prevention, and Health Codes). Defendants appear before the Court after charges have been brought by the City Health, Neighborhoods, and Inspection Departments seeking to enforce zoning, building, health, safety, and nuisance abatement codes. In addition, house stripping, fire prevention, dumping, littering, (and cases referred from the civil docket) are included in the criminal docket.

The principal objective of the Environmental Court is to achieve compliance with the Code. A defendant is expected to enter a plea at the arraignment stage of the proceeding. If the condition can be corrected in a short time, or the Inspector approves, sentencing may be reserved and the case continued for a reasonable period of time to allow the defendant to do what is necessary to comply with the Code.

Arraignments are set for Wednesday mornings. Continuances for compliance and prosecutor pretrials are set for Wednesday and Thursday afternoons. The Housing Court Judge has criminal trials scheduled on the Friday docket; civil trials are scheduled on Mondays and some Tuesdays; and jury trials are scheduled on Tuesdays and Thursdays.

The Housing Specialists are often called upon to offer assistance and guidance to the defendant seeking to remedy housing code violations. More often than not, the conditions for which the defendant was cited were caused by a lack of financial means to keep the property within City code standards. Direction of the case is determined by clarifying the intent of the defendant to repair, demolish, or market the property and determining ability to comply. Individual compliance plans with time frames are developed based on each defendant's circumstances to achieve compliance within a reasonable period of time. Networking with resources in the public and private sector is essential. Others simply require guidance and motivation. The Housing Specialist is required to personally visit each of these properties scattered throughout the City of Toledo on more than one occasion to establish repair plans and confirm progress. In addition to site visits, the Housing Specialist receives and responds to telephone calls, prepares reports corresponding to each case, and develops individual case files. A filing and tickler system is maintained within the office to track caseload. The Housing Specialist attempts to form a positive working relationship between defendants and the Court to seek resolution of these charges.

In 2002, 3,978 criminal cases were brought before the Housing Court for arraignment—282 of these cases were set for trial. Most of these cases were terminated either upon compliance having been achieved by those charged or some satisfactory result having been reached with the City Inspectors or Prosecutors. The rest were resolved after a trial.

The Housing Court Judge currently has a Senior Housing Specialist and two Housing Specialists on staff. The Senior Housing Specialist classification was established on April 15, 2002.

Mrs. Gwen J. Wyse holds this position. Mrs. Wyse began employment with the Court in 1995 as a Housing Specialist. She previously worked for a community development corporation with a background in community networking, housing rehabilitation and client rapport. Mrs. Wyse holds a Home Improvement and Remodeling Contractor-A License.

The Senior Housing Specialist supervises and manages the activities of the Housing Specialists, oversees Housing Court programs, performs public relations duties and maintains a monitored probation docket of Housing Court defendants.

Housing Specialist Barbara Falls' employment with the Housing Court began in October of 2000. Ms. Falls brings with her over four years of public housing management experience and six years of private housing management experience. She is a certified Public Housing Manager.

Housing Specialist Rick Cutcher began employment with the Housing Court on May 1, 2002. Mr. Cutcher's background includes nearly three decades of working in residential and commercial construction industries in positions varying from a carpenter to a general manager to a business owner. Mr. Cutcher also has six years of experience as a Building Inspector with the City of Toledo.

The policy of the Housing Court Judge is to impose fines and costs in all cases in which full compliance has been achieved--even if there is full compliance at first appearance for arraignment. This policy was put in place to enable the City to recover costs expended to bring the case to Court due to the defendant's failure to comply within the regulation time. Larger fines and costs are imposed if the case is delayed by the defendant. Incarceration is imposed if the defendant is stalling or abusing the process or if convicted of illegal dumping, which is mandatory, or house stripping.

The following is a breakdown of Housing Court filings from 1987 through 2002:

ANNUAL CASELOAD COMPARISON

<u>Year</u>	<u>Civil</u>	<u>Criminal</u>
1987	2,776	858 (78 trials)
1988	3,813	1,684 (109 trials)
1989	3,743	2,292 (154 trials)
1990	3,647	2,786 (148 trials; 49 civil)
1991	3,954	4,046 (167 trials; 49 civil)
1992	3,497	3,722 (186 trials; 129 civil)
1993	3,718	4,412 (137 trials; 352 civil)
1994	3,706	4,804 (192 trials; 176 civil)
1995	3,448	3,549 (148 trials; 257 civil)
1996	4,217	5,025 (172 trials; 340 civil)
1997	4,126	4,202 (101 trials; 344 civil)
1998	4,419	3,835 (96 trials; 340 civil)
1999	4,832	4,569 (203 trials; 333 civil)
2000	5,198*	4,023 (108 trials; 498 civil)
2001	5,651	4,516 (206 trials, 421 civil)
2002	6,211	3,978 (282 trials, 369 civil)

*This figure reflects a correction from last year's annual report.

The Housing Court staff has taken the following initiatives to improve and enhance the effectiveness of this Court and improve the quality of the community housing stock.

The Housing Court entered into its second successful year administrating the Code Violation Abatement Program (CVAP). This Community Development Block Grant (CDBG) funded program assisted eighteen (18) homeowners in abating nuisances and improving their living conditions. The entire community benefits from the repair and maintenance assistance CVAP has given to these homeowners by increasing curb appeal, neighborhood pride and property value. The Housing Court staff expends every effort to aid homeowners in qualifying for other assistance programs that may further improve their property and often coordinates efforts in tandem with those of CVAP.

Throughout 2002, the Housing Court worked diligently with NORIS (Northwestern Ohio Regional Information Systems) in the development and creation of an automated case management system. Currently, we are in Phase Two of implementation of the system. The case management system has proven to be a more efficient method of tracking monitored probation cases. In 2003, the pending implementation of Phase Three will allow for more effective tracking of all criminal and civil cases.

On April 27, 2002, The Toledo Municipal Court's Housing Division participated in "Raise the Roof Day" with over 400 volunteers representing the City of Toledo's Department of Neighborhoods, Neighborhoods In Partnership, trade unions, retail stores, construction crews, the United States Army Reserves, food vendors, friends and neighbors to improve twenty-two (22) houses and vacant lots in the Detroit/Central Avenue area.

On May 21, 2002, the Housing Court participated in the 25th Annual Senior Citizens' Day Program at the Lucas County Recreation Center. As an exhibitor, the Housing Court distributed cleanup supplies, paintbrushes, garbage bags and a host of helpful information on hiring a contractor. Over 5,000 seniors attended this event.

The Toledo Municipal Court's First Bench Warrant Resolution (amnesty) Week was held from June 24, 2002 to June 28, 2002. Presiding Judge C. Allen McConnell announced that any defendant with a Housing Court Bench Warrant could come in and appear before him without fear of being arrested. There are approximately 1,800 outstanding Housing Court Bench Warrants.

In the Fall of 2002, the First Offender's Program was instituted by the Housing Division of the Toledo Municipal Court. The program is designed to assist eligible and approved parties to correct the cited code violations at their property. Participants who successfully complete the program will have their cases dismissed by the Court and will avoid a criminal conviction in the matter. In determining a candidate's eligibility, a criminal history check must be made to verify their status as a first offender. Senior Housing Specialist Wyse and the Housing Specialists successfully completed Computerized Criminal History Training and became LEADS certified on October 9, 2002 in order to process the First Offender's Program applicants.

The Housing Court staff completed numerous other trainings in 2002 to increase their job performances:

- On July 29, 2002, the Housing Specialists completed Vicious Dog Training performed by Tom Skeldon, Lucas County Dog Warden.

- On July 31, 2002, the Housing Specialists completed Defensive Driving Training.
- On September 19, 2002, Senior Housing Specialist Wyse and Housing Specialist Falls attended a seminar entitled “From Treasures to Trash, Understanding the Dynamics of Hoarding” presented by the Ohio Coalition for Adult Protective Services. The program objectives include raising awareness of hoarding behaviors and identifying personal and environmental risk factors.
- On October 10, 2002, the Housing Specialists attended an Effective Writing Seminar.
- On November 4, 2002, Senior Housing Specialist Wyse attended “Developing Personal Leadership Abilities in the Justice and Service Systems” at Lourdes College.

The Year 2002 presented the Court with challenges that were very similar to 2001. The challenge regarding the number of failures to appear still looms very large. Continuing efforts are being put forth to correct and get this problem under control. It is expected that in 2003, drastic measures will be taken by the Court to address this concern. The concern of 2001 regarding not wanting to penalize individuals who appear in Housing Court on one occasion by incurring a criminal record has been solved by implementing the First Offender’s Program.

Docket management remains our work-in-progress as we are implementing new software that will aid the Court in obtaining immediate information regarding status of pending and closed cases.

The Housing Court has been reviewing and addressing the concept of utilizing receivership to aid and assist community agencies in rehabilitating dilapidated houses in their neighborhoods. It is our belief that this program will rid many communities of eyesores that have been long standing if resources can be obtained to rehabilitate these homes. The impact of the economy upon this effort cannot be dismissed and may only achieve limited results.

The goal of the Housing Court remains to eliminate housing code violations in our neighborhoods and to assist homeowners in finding resources to bring their properties into compliance if they are unable to do so.

The Housing Court will continue to work with the appropriate agencies to bring about quality and consistent results in addressing the housing problems in our city.

In 2003, the Housing and Environmental Court will continue to strive to improve the quality of life for residents in the Court’s jurisdiction. This effort will assist in the preservation, as well as, selective demolition of the housing stock that is not repairable or salvageable. All of the above contribute to the preservation of the tax base of the City.

The 2002 Housing Court staff consists of Judge C. Allen McConnell, Magistrate Susan Hartman Muska, backup Magistrates Catherine G. Hoolahan and Alan J. Michalak, Senior Housing Specialist Gwen J. Wyse, Housing Specialists Barbara Falls and Richard S. Cutcher, Law Clerk Gina Lewis, Court Reporter Deborah Bowen, Deputy Ralph Green and Judges’ Secretary Judy Heslet.

ANNUAL REPORT – Chapter X

IMMOBILIZATION OFFICE/RESPONSIBLE EDUCATED DRIVERS PROGRAM

**Maggie Burmeister
Immobilization Officer**

The primary responsibility of the Immobilization Office is to implement vehicle immobilization and forfeiture penalties ordered by the courts in accordance with the Ohio Revised Code. There are two types of driving suspensions that will result in vehicle immobilization: driving without proper auto insurance (FRA), or driving while under the influence of drugs and alcohol (DUI).

When a judge immobilizes a vehicle, a \$30.00 immobilization fee is collected from the offender. The Immobilization Office receives a daily listing of the vehicles seized the night before from the Toledo Police Department. This list is used to give preliminary instructions to offenders who need to know how to get their vehicles released.

The Responsible Educated Drivers (RED) Program operates in conjunction with the Immobilization Office. Established in January 1998 by a grant through the Ohio Department of Public Safety, the purpose of the RED Program is to educate motorists without valid licenses on how to become valid drivers. In 2001, the Ohio Department of Public Safety grant that funded the RED Program ended. The Judges approved the RED Program position as a permanent, full-time position. Program clients are defendants referred from the court. Defendants' driving records are discussed in detail using a printout of pending infractions. These infractions are explained to the defendants. Defendants are informed of what specific steps they must take to obtain a valid driver's license.

During the 2002 calendar year, 199 vehicles were ordered immobilized and 249 vehicles were ordered released pending final disposition of the case without the club. In comparison, 191 vehicles were ordered immobilized and 136 vehicles were ordered released pending final disposition of the case without the club during the 2001 calendar year.

During the calendar year 2002, 1,350 defendants were referred to the RED Program from court and Probation Department. Of those referred, 188 completed the program and obtained a valid Ohio Operator's license. In comparison, 1,806 defendants were referred to the RED Program from court and 252 completed the program and obtained a valid Ohio Operator's license during 2001.

In 2002, a written description of the RED Program was given to the State of Ohio Bureau of Motor Vehicles to be part of their on-line information. In June of 2002, a presentation of the RED Program was given to the Lifesavers Conference that was held in Orlando, Florida. These

presentations were intended to inform the public, attorneys and those agencies affiliated with the court about the services provided by this department.

The primary goal of the Immobilization Office and RED Program, during the calendar year 2003, is to implement processes and procedures to increase efficiency and maximize staff productivity.

The Immobilization Office is comprised of Maggie Burmeister, Immobilization Officer, and Shirley Goodar, RED Project Assistant.