



TOLEDO MUNICIPAL COURT

ANNUAL REPORT 2005

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COURT ADMINISTRATOR'S OFFICE

Pamela Roberts
Court Administrator

The Court Administrator's Office was established in 1972 to relieve the judges of day-to-day administrative duties and to provide technical assistance for the planning, development, and presentation 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 and liaison with vendors; 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, the Citizens Dispute Settlement Program, and the Small Claims Assistant program. The Court Administrator also serves as staff for the monthly Judges Meetings and acts as the division Equal Opportunity/Affirmative Action Officer.

Judge Gene A. Zmuda was elected Presiding and Administrative Judge for a second one-year term beginning January 1, 2005. Judge Denise Dartt and Judge Thomas Osowik were both elected to the Lucas Common Pleas Court effective January 1, 2005. Judge Timothy Kuhlman was appointed to replace Judge Dartt and Judge Lynn Schaefer was appointed to replace Judge Osowik. Both were successful in the election to their seats in November, 2005. Also re-elected to full six-year terms were Judges Francis Gorman and C. Allen McConnell. Judge Robert Christiansen was elected to the seat vacated by the retirement of Judge Mary Trimboli.

Projects undertaken by the Court Administrator's Office in 2005 encompassed the full range of functions and responsibilities mentioned above.

In April, 2005, the Judges conducted the Court's first Judges' retreat to discuss a study by the Poggemeyer Design Group regarding the need to renovate the current Courthouse or to build a new Courthouse.

A major update to the Toledo Municipal Code Section 2134 Court policies and procedures was completed in 2005. The code now more-closely reflects other City Departments' policies and procedures.

The Court began to use video arraignment equipment provided to the Court by the Corrections Center of Northwest Ohio. While very limited use was accomplished in 2005, 2006 promises to be an important year for the use of this new technology. The use of this equipment will save the Court time and money spent on transporting prisoners to court. It will also make the Courthouse more secure due to the fact the prisoners arraigned by this method never have to enter the Courthouse.

A video rights speech was completed for use in both judges' and magistrates' courtrooms. It will be closed-captioned and an audio-only Spanish version will be ready early in 2006. The rights speech will make the advisement of rights more uniform across all of the Courtrooms and will allow defendants to hear their rights prior to the judges or magistrates entering the Courtroom.

New ergonomic workstations were installed for the Judges' Secretaries and provide an improved appearance to the public. New workstations were also provided to the Deputy Court Administrator, the Human Resource Officer, the Business Officer, the Administrative Secretary in the Probation Department, and Probation Officer Kerry Konzen. All of these workstations will serve as prototypes for future ergonomic workstation needs.

Legal Aid of Northwest Ohio began offering services to defendants in civil cases through the Civil Legal Assistance Services (CLAS) program. This program allows indigent defendants to have legal representation in civil cases and is similar to programs offered by the Public Defender's office in criminal matters.

Several policies were updated in 2005 including a new Political Activity Policy. The policy may be used as an example for other courts in Ohio.

Education was also an important focus in 2005. The Judges' Magistrate Committee created the Courts' first Magistrate Manual. In addition, all Magistrates were assigned mentor judges. Four new Magistrates were hired by the Court during the year.

Computers were updated for the Court Administrator, the Deputy Court Administrator, the Human Resource Officer, and all of the Court Reporters. A new computer was also installed on the bench in Courtroom 10. The City of Toledo underwent some major changes to their network which included the removal of the Toledo Police Department from the Northwest Ohio Regional Information System (NORIS) network.

The Court Administrator's Office continued in 2005 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 was also appointed to the Regional Community Corrections Boards consisting of those counties participating in the Corrections Center of Northwest Ohio (CCNO).

Chief Probation Officer Floyd Simon and Assistant Chief Probation Officer Peggy Coleman both retired in early 2005. Also retiring were Deputy Bailiff Supervisor Loretta Fillman and long-time Magistrate Susan Muska. Law Clerks leaving the Court in 2005 included Adia Boston, Joseph Heller, Yvonne Wojtas, and Nicholas Smith. Others leaving service to the Court in 2005 included Court Reporter Mary Hill, Probation Secretary Cindy Hoff, Judges' Secretary Patricia North, and Small Claims Assistant Erik Zoll. Sadly, Chief Civil Bailiff Jerry Gray passed away suddenly in September.

There were several new hires in 2005. Diana Dauterman was hired as a Court Reporter, Donald Colby as the Deputy Court Administrator, Kim Oats as the Chief Probation Officer, and Tammy Harris as the Assistant Chief Probation Officer. Also joining the Court in 2005 were Magistrates John Blaufuss and Alan Michalak; Standby Magistrates Nichole Fech and Rebecca Ligibel; Judges' Secretary Brooke Lauber; and Probation Secretary Idell Daniels. Law Clerks Carrie Foulk, Troy Hawkins, and Patricia Wardrop also joined the Court.

Goals for 2006 include the following:

- Increased use of video arraignments
- Real-time data entry in Courtrooms 3 and 4
- Expanded use of video rights speech with audio version in Spanish
- Compilation of HR policies and procedures
- Hiring of Information Technology Officer to better use existing technology and to identify new technology areas to make the Court more effective and efficient

The Court Administrator's Office Staff is comprised of Court Administrator Pamela Roberts, Deputy Court Administrator Donald Colby, Human Resource Officer Lisa Falgiano, Business Officer Barbara Hunter, and Judges' Secretaries Judy Heslet, Diana Jensen, Brooke Lauber, and Connie Sapp. The Information Technology Officer position is currently vacant and is anticipated to be filled in early 2006.

CLERK OF COURT

Vallie Bowman-English
Clerk of Court

The total revenue collected for the year 2005 in the Toledo Municipal Court, Clerk's Office totaled \$15,053,115.90. In the year 2004 the receipts totaled \$13,754,129.05, for an increase of \$1,298,986.85.

The City of Toledo General Fund received the sum of \$1,477,118.99 from the Civil Division of the Clerk's Office; the sum of \$2,783,152.08 from the Criminal/Traffic Division of the Clerk's Office, for a total of \$4,260,271.07 and for an increase of \$645,896.19. The total in 2004 was \$3,614,374.88.

Of the fiduciary accounts, the Clerk has disbursed \$7,673,857.82 for a balance forward to 2006 of \$316,099.22.

The total filings for the Clerk's Office for the year 2005 was 118,536 compared to 118,286 in 2004, for an increase of 250 filings.

A complete and detailed report on the operation for the year 2005 of the Criminal/Traffic and Civil Divisions of the Toledo Municipal Court, Clerk's Office follows.

In 2005, gains were made to improve operations in the Toledo Municipal Clerk of Court's office.

In the Criminal/Traffic Division, the Clerk began entering case data in real time during afternoon traffic court. This allows the Clerk's staff to enter court proceedings into the Clerk's computer system as the Magistrate verbalizes them, not hours to days after the fact. This benefits the community in two ways. First, the public spends less time in court waiting for their paperwork to be processed. Second, before the defendant leaves the courtroom, he/she receives a sheet with the date of his or her next court appearance and the amount of money owed to the court.

Second, the Clerk put a livescan fingerprint/mugshot machine into operation. The livescan machine allows the Court to capture fingerprints and mugshots in the Courthouse. This improves successful prosecution by capturing more positive defendant identification. From November 1-- December 31, 2005, 107 defendants were fingerprinted and had mugshots taken at Toledo Municipal Court. Of these, approximately 45% involved violent offenses that would have otherwise gone undocumented.

Third, the Clerk collected over \$500,000 in delinquent accounts owed to Toledo Municipal Court through a court collection program. Implemented in August 2005, unpaid court fines and costs are sent to Capital Recovery Systems (CRS) for collection services. This is done at no cost to the taxpayers. CRS adds a thirty percent collection fee to the amount the defendant owes Toledo Municipal Court and only receives it after the Court is paid in full.

In the Civil division, the Clerk worked to make the files more organized and durable by changing the type of case jacket used. In the past, filings on a case were placed loose in the jacket. Under that system, there was the possibility that filings could fall out of the file or be left on a desk. Filings are now organized and attached within the jacket.

Finally, the Clerk's office was one of three organizations to receive an Outstanding Labor-Management Cooperation award at the 17th Annual Awards for Labor Management Cooperation in January of 2005. The management of the Clerk's office and AFSCME Local 3411 received this award from the Toledo Labor Management Citizens Committee for exemplary labor-management relations. Both management and the AFSCME bargaining unit were honored for tackling work related problems as a cooperative venture in monthly labor-management meetings. This resulted in a decrease in the number of grievances filed in the office and it increased trust and confidence between both parties.

TOLEDO MUNICIPAL COURT
TRUSTEESHIP DIVISION

	2005	2004
<u>TRUSTEESHIP ACCOUNTS FILED:</u>	147	163
<u>ACCOUNTS DISBURSED</u>		
Paid in Full	14	26
Paid on Active Accounts	221	261
Canceled	127	134
Bankruptcy	16	7
Reinstated	3	3
Reactivated	18	10
Other terminations	12	12
Voluntary cancellations	1	0
TOTAL	559	616
Payments made by debtors into Trusteeship accounts	\$232,705.72	\$243,851.03
Disbursements of debtors' funds to creditors	\$225,257.80	\$254,972.04
Checks issued	1,257	1,391
Motions filed for additions to Trusteeship	75	65
Open and Active Accounts as of 12-31-05	177	179

TOLEDO MUNICIPAL COURT
CIVIL DIVISION

	2005	2004
CIVIL BRANCH FILINGS:		
New Cases	20,382	21,207
Certified Cases	1,116	1,386
Small Claims	2,791	3,030
Trusteeship	147	163
TOTAL	24,436	25,786
REVENUE COLLECTED:		
Fiduciary Accounts	7,659,492.32	7,411,410.58
Civil Costs Collected	2,494,458.04	1,677,417.65
TOTAL	\$10,153,950.36	\$9,088,828.23
REVENUE DISBURSED:		
General Fund	1,477,118.99	904,894.02
Other City Accounts	412,637.71	198,509.20
State Treasurer-Legal Aid	361,269.20	319,913.51
Toledo Legal News	243,432.14	254,100.92
Fiduciary Accounts expenditures	7,673,857.82	7,443,320.26
TOTAL	\$10,168,315.86	\$9,120,737.91
CIVIL BRANCH ACTIVITIES:		
Transcripts	99	90
Certificates of Judgment	3,336	3,614
Revocations	102	136
Executions	555	260
Garnishees	13,179	13,676
Motions	2,956	2,940
Restitutions	3,985	3,378
Revivors	121	307
TOTAL	24,333	24,401

TOLEDO MUNICIPAL COURT
CRIMINAL/TRAFFIC DIVISION

NEW CASES/CHARGES	2005		2004	
	Charges	Cases	Charges	Cases
Traffic	58,187	32,358	56,878	33,638
Criminal	35,913	25,166	35,622	25,700
TOTAL	94,100	57,524	92,500	59,338

REVENUE COLLECTED:

Fines	1,889,886.80	1,736,390.26
Costs and Fees	2,928,323.40	2,869,719.99
H.I.T.T.	12,033.42	12,024.45
Bond Forfeitures	13,683.00	12,918.00
Concentration Account	-0-	77.38
Over Payments	55,238.92	34,170.74
TOTAL	\$4,899,165.54	\$4,665,300.82

REVENUE DISBURSED:

General Fund	2,783,152.08	2,709,480.86
Other City Accounts	743,101.39	623,149.21
Lucas County Treasurer	204,511.06	163,934.40
Treasurer of State	859,445.83	876,728.05
Ottawa Hills	30,966.80	36,043.00
Ottawa Hills-LEEF/Drug Fund	4,862.00	2,711.00
Lucas County Law Library	11,219.31	10,624.66
Department of Natural Resources	3,880.00	2,615.00
State Pharmacy Board	5,595.50	4,412.00
Over Payments	55,238.92	34,170.74
Humane Society and MCO LEEF	350.00	374.00
Lucas County Law Enf. Drug Fund	22,288.21	18,741.90
Lucas County Sheriff LEEF/Drug Fund	570.00	915.00
OSP LEEF/Drug Fund	2,397.80	1,913.00
University of Toledo LEEF/Drug Fund	725.00	863.00
Washington Township LEEF/Drug Fund	4,180.09	1,093.00

Liquor Board Drug Fund	55.00	-0-
BMV Fee	63,749.10	4,877.00
TMC Change Bank	100.00	-0-
Capital Recovery Systems	102,777.45	-0-
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TOTAL	\$4,899,165.54	\$4,665,300.82

ASSIGNMENT OFFICE

Karen E. Wood
Assignment Commissioner

The primary responsibility of the Assignment Commissioner’s Office is the assignment of a judge to 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 hearing and all filed motions in Legal News, and the processing of judgment and dismissal entries.

In 2005, the staff worked on a variety of projects improving the computerization of information.

The figures for 2005, with comparison figures for 2004, are as follows:

Category	2005	2004
A. Cases Assigned		
Criminal/Traffic Assignments	25,002	24,782
Civil Assignments (including Housing)	2,126	2,195
B. Cases set for Trial		
Criminal/Traffic Trials	8,940	9,182
Civil Trials	2,260	2,346
Criminal/Traffic Trial Resets	8,789	8,876
C. Cases set for Pretrial		
Pretrial – Criminal/Traffic	14,055	13,892
Pretrial Resets	1,405	887
Mandatory Jury Pretrials (MJPT)	233	176
D. Preliminary Hearing/Felony Arraignment Docket	14,584	14,339
E. Jury Trials Set (Crim/Traff/Civil)	362	310
F. Bureau of Motor Vehicle Hearings	19	46

Category	2005	2004
G. Evictions	6,847	6,520
H. Housing		
Criminal Housing Arraignment Docket	3,161	5,195
Criminal Housing Trials	249	259
Civil Housing (Not a Draw) New Assignments	731	678
Rent Escrow	99	108
I. ALS/Innocent Owner Hearings	19	49

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 2005 and 2004 per individual Judge:

2005	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Mc	73	47	72	65	86	79	52	65	52	59	54	27	731
K	20	18	23	22	20	23	14	26	15	18	15	13	227
T	20	10	22	23	16	18	23	25	23	20	12	10	222
B	16	16	32	26	18	19	24	27	19	17	12	16	242
S	17	13	14	25	25	23	27	20	21	18	15	19	237
Z	26	16	23	24	23	13	28	21	18	14	13	12	231
G	22	21	24	14	23	22	27	22	20	13	15	13	236
Total	194	141	210	199	211	197	195	206	168	159	136	110	2,126

2004	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Mc	44	55	73	58	35	57	60	57	37	55	59	88	678
D	20	26	25	20	17	22	16	18	27	14	20	22	247
T	30	19	27	22	18	22	19	17	20	13	15	29	251
B	14	22	20	20	21	24	17	16	15	21	25	26	241
O	29	26	24	22	21	19	21	12	31	14	19	22	260
Z	22	23	22	27	22	22	24	21	28	15	15	17	258
G	23	24	29	27	18	21	17	18	22	19	19	23	260
Total	182	195	220	196	152	187	174	159	180	151	172	227	2,195

Civil Cases Set for Trial:

Month	2005	2004
January	189	167
February	158	264
March	230	232
April	203	181
May	227	167
June	204	230
Month	2005	2004
July	178	150

August	244	199
September	188	153
October	159	175
November	169	192
December	111	236
TOTAL	2,260	2,346

Civil Motions:

A civil motion is a preliminary pleading related to procedure and point of law. In 2005, 2,513 civil motions were processed and were set for 92 Oral Motion Hearing. In 2004, 2,651 civil motions were processed and 120 were set for Oral Motion Hearing.

Civil Pretrials:	Civil Juries Set:	Mandatory Jury Pretrials:
2005 1,282	2005 76	2005 34
2004 1,288	2004 100	2004 108

Evictions:

2005 Evictions	Set	Reset	Judgments	Dismissals	On Desk/Continuances
January	490	47	231	191	21
February	503	52	195	242	14
March	542	42	229	265	6
April	519	56	264	195	4
May	521	60	304	156	1
June	539	47	286	198	8
July	499	52	261	180	6
August	614	90	299	215	10
September	747	81	386	271	9
October	661	70	361	209	21
November	604	54	328	207	15
December	608	90	319	182	17
Totals:	6,847	741	3,463	2,511	132

2004 Evictions	Set	Reset	Judgments	Dismissals	On Desk/Continuances
January	468	55	245	156	12
February	506	58	221	223	4
March	477	49	216	199	13
April	431	48	201	168	14
May	489	33	241	194	21
June	529	52	267	194	16
July	673	55	363	230	25
August	641	47	327	253	14

	Set	Reset	Judgments	Dismissals	On Desk/Continuances
September	629	39	316	257	17
October	625	66	318	223	18
November	514	39	269	195	11
December	538	70	257	193	18
Total:	6,520	(reset 602)	3,241	2,485	183

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
2005	11	4	10	9	10	6	4	7	7	10	11	10	99
2004	13	6	12	5	8	8	9	14	10	5	8	10	108

Bureau of Motor Vehicle Hearings (Civil):

A Magistrate schedules BMV cases for Hearing.

2005 – 19 cases were set for Hearing.

2004 – 46 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:

Judge	2005	2004
McConnell	2,553+508	2,585+259
Kuhlman	3,709	3,634
Trimboli	3,591	3,669
Berling	3,652	3,621
Schaefer	3,664	3,651
Zmuda	3,663	3,669
Gorman	3,662	3,694
	25,002	24,782

Reactivated Cases (Sealing of Record):

2005	80
2004	124

Criminal/Traffic Reset Cases

2005	Jan	Feb	Mar	Apr.	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
McConnell	153	96	101	80	68	77	77	106	83	81	87	70	1079
Kuhlman	139	78	154	52	85	88	44	89	84	98	141	78	1130
Trimboli	115	107	188	120	108	121	128	147	104	57	78	84	1357
Berling	90	89	125	101	110	97	102	144	117	128	96	96	1295
Schaefer	62	99	78	84	128	83	120	129	134	172	70	121	1280
Zmuda	168	177	75	94	57	73	72	91	89	141	75	96	1208
Gorman	126	111	143	133	98	171	135	117	195	63	83	65	1440
Total:	853	757	864	664	654	710	678	823	806	740	630	610	8789

2004	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
McConnell	64	69	101	97	94	105	81	116	99	165	102	130	1223
Dartt	95	106	100	70	74	81	84	74	128	85	89	94	1080
Trimboli	100	100	100	81	88	92	104	91	93	95	103	101	1148
Berling	75	92	96	128	82	148	128	120	149	129	82	79	1308
Oso wik	72	61	97	95	73	88	58	94	103	121	161	130	1153
Zmuda	168	115	155	100	92	117	89	124	133	124	118	59	1394
Gorman	94	80	128	105	135	156	119	171	199	127	149	107	1570
Total:	668	623	777	676	638	787	663	790	904	846	804	700	8876

2005 Jury Trials (Criminal/Traffic/Civil):

Month	Crim/Traff	Civil	Ordered	Used	No Jurors
Jan.	36	6	0	0	0
Feb.	22	15	0	0	0
March	30	6	0	0	0
April	26	2	0	0	0
May	20	8	0	0	0
June	37	6	1	1	0
July	17	2	0	0	0
Aug.	20	10	3	2	0
Sept.	17	11	0	0	0
Oct.	22	6	0	0	0
Nov.	8	1	0	0	0
Dec.	31	3	0	0	0
Total:	286	76	4	3	0

2004 Jury Trials (Criminal/Traffic/Civil):

Month	Crim/Traff	Civil	Ordered	Used	No Jurors
January	14	2	0	0	0
February	7	7	2	1	0
March	15	6	2	1	0
April	15	15	2	1	0
May	19	5	1	0	0
June	23	7	1	1	0
July	10	7	0	0	0
August	25	10	0	0	0
September	21	12	3	2	0
October	21	12	0	0	0
November	23	10	0	0	0
December	17	7	0	0	0
Total:	210	100	11	6	0

2005 Criminal/Traffic Trials 8,940

2004 Criminal /Traffic Trials: 9,182

2005Criminal/Traffic Pretrials:

McConnell	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Set	130	149	177	155	155	149	154	165	145	125	148	117	1769
Reset	8	3	10	18	9	25	6	28	28	22	19	14	190
*MJPT	3	3	4	4	1	7	1	3	3	3	4	5	41
Kuhlman													
Set	154	143	204	158	175	168	174	194	171	180	157	148	2026
Reset	16	13	12	15	17	22	12	35	31	23	18	22	236
MJPT	2	3	2	3	2	4	2	4	2	8	1	1	34
Trimboli													
Set	165	181	204	171	171	179	182	164	174	163	165	183	2102
Reset	9	8	8	44	28	15	4	13	3	35	5	9	181
MJPT	7	4	3	5	1	3	4	3	3	3	2	10	48
Berling													
Set	160	185	199	196	170	162	170	197	169	153	163	188	2112
Reset	20	12	16	17	30	11	11	33	14	25	13	29	231
MJPT	7	2	0	2	3	1	0	3	3	2	0	0	23
Schaefer													
Set	159	160	150	210	166	181	179	198	169	176	160	183	2091
Reset	2	12	9	36	33	16	18	24	17	18	9	10	204
MJPT	7	7	8	2	2	2	4	2	4	2	2	6	48

Zmuda													
Set	144	164	184	160	182	186	154	202	149	182	178	144	2029
Reset	6	8	7	9	8	8	12	22	6	16	12	11	125
MJPT	3	6	1	4	5	3	2	6	3	1	2	3	39
Gorman													
Set	156	151	217	150	172	150	161	174	160	155	147	133	1926
Reset	20	19	15	31	20	34	6	11	36	21	19	6	238
MJPT	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Set													14,055
Total Reset													1,405
Total MJPT													233

*Mandatory Jury Pretrials

2004 Criminal/Traffic Pretrials

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
McConnell	142	145	167	161	146	164	141	168	167	167	140	125	1833
Set	142	145	167	161	146	164	141	168	167	167	140	125	1833
Reset	12	13	5	6	10	4	6	14	11	14	14	16	125
*MJPT	2	0	1	4	3	1	1	3	3	4	1	4	27
Dartt													
Set	154	156	201	178	149	196	155	178	193	179	178	168	2085
Reset	3	3	12	5	10	10	11	13	12	11	12	14	116
MJPT	4	3	3	1	5	5	2	4	2	2	2	2	35
Trimboli													
Set	156	168	181	185	166	187	159	183	171	170	194	170	2090
Reset	17	5	7	5	9	7	8	11	1	12	22	7	111
MJPT	1	1	4	3	4	1	6	2	2	8	2	3	37
Berling													
Set	141	111	158	157	124	133	115	144	140	131	117	159	1630
Reset	13	23	13	14	11	10	18	18	29	14	25	11	199
MJPT	1	3	2	2	0	3	1	2	4	2	0	0	20
Osowik													
Set	150	152	194	194	152	199	179	187	207	188	192	155	2149
Reset	11	5	17	8	11	13	6	11	2	5	9	6	104
MJPT	2	0	2	1	0	0	1	1	0	5	2	4	18
Zmuda													
Set	161	156	185	191	158	202	138	173	198	191	169	164	2086
Reset	12	4	7	5	8	9	3	7	12	5	5	6	83
MJPT	1	3	0	2	8	1	4	4	5	2	5	1	36

Gorman													
Set	179	124	180	173	169	186	165	178	172	178	162	153	2019
Reset	6	3	11	8	9	9	6	17	31	21	18	10	149
MJPT	0	0	0	0	2	1	0	0	0	0	0	0	3
Total Set													13892
Total Reset													887
Total MJPT													176

2005Criminal/Traffic Pretrials:

2004 Criminal/Traffic Pretrials:

2005 Total Pretrials Set: 14,055
 Total Pretrials Reset: 1,405
 Total Jury Pretrials: 233

2004 Total Pretrials Set 13,892
 Total Pretrials Reset: 887
 Total Jury Pretrials: 176

2005 Totals of Traffic/Criminal sets, resets, pretrials, Pretrial resets, Jury trials and jury pretrials: **33,632**

2004 Totals of Traffic/Criminal sets, resets, pretrials, Pretrial resets, Jury trials and jury pretrials: **33,223**

Goals and Objectives:

In 2006, the office plans to begin notifying Legal News, police officers and the Bureau of Motor Vehicles of events by electronic means. We plan to work with the Clerk’s Office on mutually beneficial projects, such as merging information systems, the sharing of information between computer systems and improving reports. Finally, the employees plan to partake of any continuing education opportunities offered during the year.

The current staff consists of:

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

CIVIL BAILIFF

Michael Kessler
Assistant Chief Civil 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 Clerk of Court's Civil Branch.

The Civil Bailiff Department provides valuable assistance to citizens who have obtained judgments. This is accomplished by assisting them in enforcing their judgments through such means as wage garnishments, bank accounts attachments, and other personal property attachments allowed under Civil Law. Court ordered evictions are also personally supervised by the Civil Bailiffs, whose duties include recovering personal property unlawfully held and conducting sales of judgment debtor's property to provide funds to satisfy monetary awards. Statutory authority governs the duties of the Bailiffs, and innovations are possible only through legislative change.

The Civil Bailiff Department experienced a great loss in 2005. Chief Civil Bailiff, Jerry Gray, passed away suddenly in early September. His presence in the Department has been missed. Due to the two retirements at the end of 2004 and the passing of the Chief, we are currently operating at 80 percent of the authorized strength. Working short-handed has been challenging, although the Bailiff's Department has risen to the task and has handled the increased workload in a professional manner.

The Civil Bailiffs are once again able to list the most efficient, professional service possible as a major accomplishment. The Department has provided exemplary service to the Court and community by handling public relations, telephone calls, and media contacts in a business-like manner. One way the Department's success can be measured is by comparing the number of Court orders successfully served against the total number of Court orders issued. The Department takes great pride that the service level exceeded 85 percent in 2005. The Civil Bailiff Department served 35,241 Court orders, compared with 36,580 in 2004. Although the Department experienced a slight decrease in the total number of cases worked during the year, it has noticed an increase in both Writs of Execution and Proceeding in Aid. This is significant because both of these types of cases require a greater amount of time on the part of the Bailiffs working the case. A complete breakdown of Department statistics is on the following pages.

The Civil Bailiff Department has a number of goals for the upcoming year:

- Returning the staff to authorized strength
- Implementing modern technologies to enhance Department efficiency
 - Interoffice e-mail
 - Computerized mapping services
 - Internet access for research purposes

- Training
 - Pepper spray training
 - LEADS certification for more staff
 - Updated self-defense techniques

- Policy Development
 - Evictions of mobile homes
 - Handling of prescription drugs found during evictions
 - Updating the Department manual with all new and revised policies of the Court

We look forward to meeting the needs of the Court and our community in 2006.

The Civil Bailiff Department consists of the following staff:

Michael Kessler, Assistant Chief Bailiff

Marion Cary, Deputy Bailiff

Diana Irish, Deputy Bailiff

Mary Johnson, Deputy Bailiff

Butch Ritter, Deputy Bailiff

Kevin Smith, Deputy Bailiff

Yvonne Harper, Deputy Bailiff

Michael Isenberg, Deputy Bailiff

Ann Mauder, Deputy Bailiff

James Roman, Deputy Bailiff

Ralph Williams, Deputy Bailiff

CIVIL BAILIFF DEPARTMENT STATISTICS

	<u>2005</u>	<u>2004</u>
Summons – Received -----	3,223	3,681
Summons – No Service -----	153	136
Proceeding in Aid – Received -----	1,822	1,487
Proceeding in Aid – No Service -----	778	600
Subpoenas – Received -----	693	700
Subpoenas – No Service -----	93	108
Bench Warrants – Received -----	174	146
Bench Warrants – Returned want of assistance -----	60	74
Bench Warrants – Outstanding -----	27	21
Garnishees – Respondents Served -----	7,556	8,234
Garnishees – Defendants Served -----	4,140	5,100
Garnishees – Mail Service ----- (To notify Defendants on bank account attachments in accordance with federal law)	2,207	2,428
Garnishees – Foreign Service ----- (Mail to Respondents outside of Lucas County)	684	681
Garnishees – No Service -----	525	265
Landlord Complaints -----	7,719	7,800
Landlord Complaints – No Service -----	179	152
Writ of Restitution Served -----	3,395	3,081
Returned for want of assistance -----	2,102	1,939
Returned for request of plaintiff -----	519	326
Cause to vacate -----	248	273
Evicted -----	526	543
Writ of Restitution – Mailed – 5 Day Notice -----	3,395	3,081

	<u>2005</u>	<u>2004</u>
Execution – Worked -----	213	158
Replevin – Worked -----	20	3
Bailiff Sales Held -----	0	0
Total Legal Documents Processed -----	35,241	36,580

	<u>2005</u>	<u>2004</u>
Money caused to be collected on Execution	\$277,553.91	\$182,939.11
Money caused to be collected on Bench Warrants	<u>\$ 40,139.12</u>	<u>\$ 66,389.35</u>
Total:	\$317,693.03	\$249,328.46

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, sentencing, 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 for 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 cases would then 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.

There were four juries seated in 2005 and six jury trials in 2004. The following is a breakdown of the jury trials presided over by each respective Judge.

2005

Judge Amy J. Berling – None
Judge Lynn H. Schaefer – June
Judge Francis X. Gorman – None
Judge C. Allen McConnell – None
Judge Timothy C. Kuhlman – Aug.
Judge Mary G. Trimboli – Aug.
Judge Gene A. Zmuda – April

2004

Judge Amy J. Berling – Feb., April
Judge Denise A. Dartt – Sept.
Judge Francis X. Gorman – None
Judge C. Allen McConnell – Mar.
Judge Thomas Osowik – None
Judge Mary G. Trimboli – Sept.
Judge Gene A. Zmuda – Feb.

Our goal as Court Reporters in 2006 is to continue to comply with the expectations of the legal and juridical community by capturing and integrating the spoken word into a comprehensive and accurate transcript for its intended use and by being fair and impartial to all parties, thereby continuing to perpetuate our professionalism.

There are seven Court Reporters at Toledo Municipal Court each assigned a 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; Barbara A. Johnson, assigned to Judge Mary G. Trimboli; Patricia Lindsey-Schmidlin, assigned to Timothy C. Kuhlman; Kenneth P. Gallaher, assigned to Judge Gene A. Zmuda; Mary Hill, assigned to Judge Francis X. Gorman through September when Mary Hill resigned due to health reasons, and Diana A. Dauterman, assigned to Judge Lynn H. Schaefer.

LAW CLERK/BAILIFF

Corey Tomlinson
Chief Courtroom Bailiff

Description

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.

Services Provided

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.

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, civil, 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.

Routine Statistics

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 2005, in accordance with the Ohio Supreme Court's directives, the Law Clerks conducted the fourth 'rolling inventory' of assigned pending cases. The 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 inventory involved much less man power, requiring only the Judge's Law Clerk, a scribe, and various department supervisors to inventory the cases in an efficient manner. 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 for each Judge.

Summarization of Staff

In 2005, the Law Clerk/Bailiff Department welcomed three new Law Clerks into the department: Carrie Foulk with Judge Gorman, Patti Wardrop with Judge Zmuda, and Troy Hawkins with Judge Berling.

Goals & Objectives

In 2006, the Law Clerks strive for continuous improvement to ensure efficiency and organization in the handling of courtroom dockets. The Law Clerks look forward to working together in the upcoming year to provide invaluable assistance to all seven Municipal Court Judges.

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 techniques, 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. 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. Check Resolution Service has a sub-component that assists businesses in collecting bad debt that is not in check form. The procedure follows the same method used in Check Resolution, but does not require registration notification or a fee.

In 2005, 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 2005, Senior Counselor James Petas was appointed Co-Chairman of the Toledo Bar Association's Alternative Dispute Resolution Committee. Additionally, in 2005 CDSP has....

- Participated in continuing education with the Supreme Court of Ohio. Seminar topics included: advanced mediation training, landlord tenant mediation training and mediation round table discussions.
- Created a referral link between the Toledo City Council and Citizens Dispute Settlement Program.

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 2005, with statistics from 2004 for comparison, are provided below.

<u>Type Of Case</u>	<u>2004</u>	<u>2005</u>
	Success Rate	
Civil cases:	71%	78%
Adjudicated:	72%	75%
Pre-Adjudicated:	93%	90%
Housing:	78%	75%
Small Claims:	60%	61%

<u>Dispute Resolution- Case Types Referred</u>	<u>2004</u>	<u>2005</u>
Assault	69	80
Menacing	127	132
Criminal Damage	51	52
Theft	27	36
Harassment	22	11
Neighborhood Dispute	26	21
Telephone Harassment	39	30
Criminal Trespassing	14	7
Landlord/Tenant	25	18
Stalking	5	2
Other	346	90

<u>Civil Case Mediation Results</u>	<u>2004</u>	<u>2005</u>
Total Referred	125	144
Mediation: Agreement	76	84
No Agreement	30	21
CDSP involvement/No mediation	13	23
Pending	6	16
Mediation Agreement %	71%	78%

<u>Adjudicated Case Mediation Results</u>	<u>2004</u>	<u>2005</u>
Total Referred	39	59
Mediation: Agreement	18	24
No agreement	7	8
FTA to Notice	6	9
CDSP involvement/No mediation	7	12
Pending	1	6
Mediation Agreement %	72%	75%
<u>Pre-Adjudicated Mediations</u>	<u>2004</u>	<u>2005</u>
Total referred	706	419
Mediation: Agreement	255	171
No agreement	17	17
FTA to notice	318	121
CDSP involvement/No mediation	93	74
Make File Only	17	26
Pending	6	10
Mediation Agreement %	93%	90%
<u>Housing Mediations</u>	<u>2004</u>	<u>2005</u>
Total referred	81	87
Mediation: Agreement	35	40
No agreement	10	13
FTA to notice	4	6
CDSP involvement/No mediation	29	9
Pending	3	0
Mediation Agreement %	78%	75%
<u>Small Claims/Same Day Mediation</u>	<u>2004</u>	<u>2005</u>
Total referred	112	124
Mediation: Agreement	68	78
No agreement	44	46
Mediation Agreement %	60%	61%
<u>Check Resolution Mediations (CRS)</u>	<u>2004</u>	<u>2005</u>
Total referred	1,818	1,896
Funds generated	21,816	22,752
Collection Mediations	287	445
Total number of cases referred (Minus CRS)	1,147	833

Through additional mediation education, Citizen's 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. Citizen's Dispute is also working with the Toledo Bar Association in offering an advanced mediation seminar for veteran program mediators. This training will focus on polishing skills for veteran program mediators and will likely be offered in spring of 2006. Of the hundreds of post mediation evaluations collected, 89% 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.

PROBATION DEPARTMENT

Kim E. Oats
Chief Probation Officer

DEPARTMENT DESCRIPTION

Probation is a court-imposed sanction that “releases a convicted offender into the community under a conditional suspended sentence.” The Toledo Municipal Probation Department exists under the authority of the Toledo Municipal Court Judges. The mission of the Probation Department “is to serve, in a professional manner, the Court, the community and defendants in the areas of investigation, rehabilitation and behavior monitoring.”

Unlike other divisions of the court, Probation provides services beyond the jurisdiction of our court. The Alternatives Program and our Intensive Supervision Program are available to any resident of the general area that needs to complete such a program under court order. We have had referrals to these programs from other courts in Ohio.

With the retirement of Chief Probation Officer Floyd Simon and Assistant Chief Probation Officer Peggy Coleman in early 2005, the Probation Department was in a state of transition for most of the year. In July, Kim E. Oats replaced Floyd Simon and Tammy M. Harris replaced Peggy Coleman as Assistant Chief Probation Officer in October.

The Probation Department is organized into three (3) units with supervisors over each unit. Each unit consists of the Unit Supervisor and five (5) Probation Officers. Other staff include an Administrative Secretary, six (6) secretaries, the Responsible Educated Driver Program (RED)/Immobilization Officer and an Intake Clerk.

The overall management of the department rests with the Chief Probation Officer Kim E. Oats. Daily operation and coordination of the Units falls to the Assistant Chief Probation Officer Tammy M. Harris. 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 pre-sentence report that includes background information on a defendant and information about his/her offense. The Court uses this information in determining appropriate sentencing. Probation becomes involved in requests for restitution, drug testing, competency evaluations, electronic monitoring, intensive supervision, community service, alternative programs, remedial driving education, 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.

Probation Officers are organized into three units. 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. Supervision Units contain five Probation Officers and a Unit Supervisor. The units are also responsible for one or more special programs within the department. Each Unit Supervisor oversees a special program designed to meet the needs of the defendant and the court by offering non-traditional sentencing options. Special programs include the Alternatives Program, the Community Service Probation Program (CSPP) and the Intensive Supervision Program (ISP).

Unit Supervisor Joe Moran monitors the Alternatives Program. The Alternatives Program provides a diversion option to criminal first offenders through an educational program. Probation Officers Lori Donovan, Jennifer Friddell, Sean O'Connor, and Markus Whitehead handle referrals for the Alternatives Program and facilitate the group sessions. Mr. Moran also supervises Officer Jodi Packard.

The second unit is led by Eddie Norrils. Unit Supervisor Norrils monitors the Intensive Supervision Program (ISP) along with Probation Officer Kerry Konzen. The Intensive Supervision Program Officer is a specialized assignment that is funded by a grant from the State of Ohio, Bureau of Community Sanctions. ISP is intended to divert offenders who are serving long sentences at CCNO. The program must meet standards set by the Community Corrections Act and is audited yearly by the state regarding compliance. Fiscal Year 2005 was audited on January 10-11, 2005 and received a compliance score of 97%. Mr. Norrils also supervises Officers Gary Colton, Cathy Freeh, Mark Klapper, and Charles Pfeifer.

Randolph Nelson supervises the third unit. Mr. Nelson monitors the Community Service Probation Program (CSPP) as well as Electronic Monitoring. The CSPP program addresses the needs of the court, the community, and the defendant by providing defendants an opportunity to do community service work in lieu of fines or jail time. Probation Officer Kenneth Roberts supervises defendants assigned to Community Service. Other Officers supervised by Mr. Nelson include Laura Berling, Anthony Bouyer, Susan Russell and Megan Stevens.

The Chief Probation Officer supervises RED/Immobilization Officer Maggie Burmeister and the Assistant Chief Probation Officer supervises the Intake Clerk, Shirley Goodar.

All probation supervision units conduct pre-sentence investigations as well as coordinate referrals for restitution, drug testing, competency evaluations, and Work Release. Probation Officers are also responsible for overseeing probation supervision ordered by the court.

The Support Services Unit provides secretarial and clerical support for the department. Barbara Cameron supervises this unit. The secretaries now within the department are Mary Baker, Janet Hegedus, Darlene Jimenez, Chris Sheppard, and Valerie Waggoner. Idell Daniels joined the clerical team in October of 2005.

ACCOMPLISHMENTS

The Probation Department continues to utilize and update the ProLaw computer application, which is the case management system used to complete forms and track clients. The software is under continuous development and NORIS has added data from Responsible Educated Driver Program (RED)/ Immobilization into the database. With the completion of Phases I & II, updates in Phase III have begun. Current projects underway include Managerial Statistics and updating the Restitution Tab.

As of December 2005, Probation Officers are assigned to complete a Court Custody Day. This was initiated due to the time it took for the clerk's office and the probation department to process and assign a custody case that needed to be interviewed by a probation officer. Once deputies notify the probation officer that the defendant is in the bullpen and needs to be seen by the Probation Department, the officer interviews the defendant in the bullpen and completes any paperwork required at that time. This process eliminates the immediate assignment of a case to an officer, thus initiating the interview process immediately after the call is received. Additionally, it prevents defendants from waiting in the bullpen for extensive periods of time waiting on paperwork to be processed. Presently the project is still in the pilot stage and the success of which will be determined in 2006.

The department has utilized probation fees to send officers to various trainings and conferences. During the past year, the probation staff has accumulated 394.75 training hours. The staff has also accumulated in house training hours which included such topics as Pro-Law, Pre-sentence Investigations, and the Risk Assessment. Probation fees were also used to hire temporary clerical staff while the department experienced a staff shortage this year.

STATISTICAL REPORT

INTAKE SERVICES:	<u>2004</u>	<u>2005</u>
Traffic	1,111	6436
Criminal	<u>2,392</u>	<u>4984</u>
Total	3,553	11,420
Placed on Probation	3,497	4,021
Carried over from previous year	<u>6,325</u>	<u>2,578</u>
Total Probation	9,822	6,599
Released/Terminated	3,317	2,610
Violations Pending	<u>761</u>	<u>1,411</u>
Current Probations end of year	5,744	4,021
Pre-sentence Referrals Requested		*4,100
Active Probation	3,495	4238
Inactive Probation	<u>2,249</u>	<u>2044</u>
Total Probation	5,744	6282
SPECIAL SERVICES:		
CSPP PROGRAM		
Total CSPP Referrals	**180	1051
Insurance Fees Collected on CSPP Cases	\$8,785	\$10,201
Total CSPP Hours Ordered		*42,730
Total CSPP Hours Completed		* (28%) 11,288
* New information collected		
**2004 information did not include an entire year in ProLaw		
ALTERNATIVES PROGRAM:	<u>2004</u>	<u>2005</u>

Carried over from prior year	270	24
Cases Referred	<u>542</u>	<u>577</u>
Total cases processed	812	601
Unsuccessful	47	18
Sealed	479	482
Carried into next year	285	111

INTENSIVE SUPERVISION PROGRAM (ISP):

Placements	173	145
Successful Terminations	57	55

RED/IMMOBILIZATION PROGRAM:

Immobilizations	239	212
Releases	252	195
RED Referrals	1,983	1,010
Valid Licenses Obtained	188	249

DISTRICT COURT SERVICES PROGRAM:

Referrals To Alternative Program

Sylvania	15	16
Maumee	29	16
Oregon	0	0
Perrysburg	<u>21</u>	<u>23</u>
Total	65	55

FINANICAL INFORMATION 2004 2005

Restitution	\$77,378.51	\$87,508.09
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GOALS FOR 2006

Goal #1: To revise the Alternative Programs group and individual sessions.

Currently a committee consisting of Officers, Supervisors and the Chief Probation Officer has been reviewing the current program curriculum and materials.

The committee has been working diligently to develop a new curriculum with updated materials. Committee members have reviewed several videos that they believe will assist in educating the Alternatives population in the areas of crime and punishment, substance use, and shoplifting. Once the curriculum has been revised it will be presented to the Probation Committee for review.

Past evaluations from program participants indicate that although the program has been helpful the materials are outdated and current programming does not always target their specific behavior. The committee has decided to target two specific groups of defendants that represent the majority of referrals: 1) the underage drinking defendant, and 2) defendants charged with shoplifting. These two groups comprise the largest number of defendants seen in a given year. The remaining defendants will be placed in an individualized program.

Goal #2: To review current policies and procedures.

There are various policies and procedures that are outdated due to the use of ProLaw, revisions that have been made to TMC 2134, and procedural changes to how custody cases are processed. Policy and procedures will be divided into two categories: 1) those that effect employees in the department, and 2) those that effect the investigations and supervision of defendants. The purpose of reviewing current policies and procedures is to develop some uniformity for staff as well as supervision of defendants.

Goal #3: To review the current fee structure for Probation Fees, Restitution, and the Alternatives Program to determine if the current fees are sustaining the programs. Additionally the Probation Department needs to determine the costs for tracking Driving Intervention Program (DIP) defendants.

The court imposed the current probation fees July 2003 at a rate of \$40 for active probation cases, and \$20 for inactive probation cases. The department will be reassessing the current fees to determine the rate of payment by defendants, the utilization of fees, and if an adjustment to the fees is warranted.

The Probation Department also dedicates staff to collect restitution, as well as track DIP defendants and report their status to the court. Restitution requires the collection of cash or money orders from the defendants, entering the data into ProLaw, tracking the payment history, writing checks to disperse monies received from defendants to victims of crime, reconciling the account on a regular basis, and taking all monies received to the City Treasurers Department daily. Thus, the Probation Department will be reviewing the cost to probation for the collection

and processing of restitution in accordance with Ohio Revised Code 2929.28 Financial Sanction, court cost; which states:

“(A) If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered to the entity responsible for collecting and processing restitution payments.”

The fees for the Alternative program currently stand at \$125 plus \$79 for court cost. Presently funding from the Alternatives Program supplements the salaries of one clerical and one-half of the salary a probation officer. The program fees must be evaluated to support the increased program costs. Current updates to the Alternatives program will require the defendant to purchase program materials and will also require the court to purchase some materials, the cost of which will need to be passed to the defendant.

DIP referrals from the court are tracked by a probation clerical staff from the time the referral arrives from the court until the defendant completes the DIP program as ordered. Once the defendant has completed programming, the clerical staff must ensure that the Clerk of Court has received the completion certificate. Additionally, the probation department tracks cases that are pending or bench warrant. This past year the probation department tracked over 300 cases. When the court provided a formal DIP education program, the fees generated were enough to sustain the program, in addition to funding one clerical and one-half probation officer salaries. Presently all DIP programming is now completed by outside agencies, with the exception of the tracking program compliance. Since the court no longer receive fees for the program, the department must consider adopting a fee to supplement the work that is dedicated to tracking those defendants.

SUMMARIZATION OF STAFF

As of December 31, 2005, there are 29 staff members in the Probation Department, consisting of the Chief Probation Officer, Assistant Chief Probation Officer, 3 Unit Supervisors, 15 Probation Officers, a RED/Immobilization Officer, a Scheduling/Intake Clerk, an Administrative Secretary, and 6 Secretaries. The department was at a full staffing level at the end of the year.

ENVIRONMENTAL 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 one Court covered on the docket of one Judge.

On January 6, 2000, Judge C. Allen McConnell was sworn-in as the Housing and Environmental Court Judge to fill the vacancy created by the retirement of Judge Roger R. Weiher. Judge McConnell was sworn-in for his second term commencing January 1, 2006.

In addition to the Housing Court docket, the Housing Court Judge also handles his proportionate share of regular criminal and traffic docket. He and the six other Judges rotate, 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 matter unassigned such as, defendants who turn themselves in because a bench warrant had been issued for them; people who want to marry; issuing search warrants, etc.

The Environmental Court has both civil and criminal dockets. The civil docket includes matters involving landlord-tenant disputes known as Forcible Entry and Detainer actions (FEDs), 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 motions for stays of eviction or temporary restraining orders.

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. The property owner may be 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 2005, the Judges voted to authorize the Civil Legal Assistance Services provided by Legal Aid of Western Ohio, Inc. The primary focus of the CLAS Program is eviction defense and consumer law. Two fulltime attorneys and one paralegal staff the office. The CLAS Office is located in the Toledo Municipal Court, 2nd floor, Room 202.

In 2005, 6,847 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, smoking violations, fishing violations, watercraft violations and manufactured homes pursuant to new legislation codes (Ohio Revised Code 1923.02).

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 and afternoons due to increasing caseloads. 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 Thursdays.

In 2005, 7,295 criminal cases were brought before the Housing Court for arraignment—249 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 community control 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 maybe 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 2005:

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)
2003	6,371	3,254	(315 trials, 365 civil)
2004	6,520	5,195	(259 trials, 678 civil)
2005	6,847	7,295	(249 trials, 731 civil)

The Housing Court entered into its fifth successful year administrating the Code Violation Abatement Program (CVAP). The CVAP received an increase in its Community Development Block Grant (CDBG) funding, assisting a greater number of homeowners in abating nuisances and improving their living conditions. CVAP partnered funds with other community assistance organizations whenever possible, seeking to make the greatest impact achievable.

On September 10, 2005, Judge C. Allen McConnell and the Housing Court Staff held their third annual Neighborhood Beautification Day. The Mayores Senior Center and the Aurora Gonzalez Building were hosts to this year's event. Beautification items such as mulch, plants, grass seed, garbage bags, rakes and gloves were given away to the residents of District 3 as well as refreshments for everyone.

On May 17, 2005, the Housing Court again participated in the 28th Annual Senior Citizens' Day Program at the Lucas County Recreation Center. As an exhibitor, the Housing Court distributed garden supplies, seeds, cleanup supplies, pens, and a host of helpful information on hiring a contractor, as well as "how to" brochures for minor home repairs. Over 5,000 senior citizens attended this event.

Effective January 1, 2004, courts are authorized to impose sentences to include community control sanctions or a combination of sanctions as an alternative sentence under Ohio Revised Code §§ 2929.26, 2929.27 or 2929.28. If an offender violates any of the conditions of the sanctions, the court may review and amend sentencing to include a longer time period under the same sanction, or a combination of sanctions, including a jail term.

Community control sanctions replace monitored probation for Housing Court defendants. The cost to defendants to participate in this alternative program is Forty Dollars (\$40.00). Housing Court Defendants have the opportunity to utilize this program and correct housing violations in cooperation with housing court personnel. Alternative sentencing programs work through mutual cooperation, and participants must be mindful that the Court can impose the original sentence if the participant fails to meet his or her obligations as directed.

MISSION STATEMENT

The mission of the Toledo Municipal Housing & Environmental Court is to hear and decide cases within the Court's jurisdictional limits, render a fair and just decision for every party that appears before the Court and to assist Toledo homeowners in finding resources to restore their homes when they have a lack of resources.

VISION STATEMENT

Our vision is to develop a Housing Court that is accessible and innovative in assisting citizens who are experiencing problems in maintaining their property, pursue every available resource in the Toledo community to help restore our neighborhoods and to establish partnerships with community organizations and governmental entities to assist in accomplishing this vision.

In 2006, the Housing and Environmental Court will continue to improve the quality of life for residents in the Court's jurisdiction. This effort will assist in the preservation and restoration of our neighborhoods.

The 2005 Housing Court staff consists of Judge C. Allen McConnell; Magistrate Susan Hartman Muska (retired in March 2005); Magistrate Alan J. Michalak; Standby Magistrates James E. Morgan, Rebecca K. Ligibel, and Nicole Y. Fech; Senior Housing Specialist Gwen J. Wyse; Housing Specialists Barbara Falls and Richard S. Cutcher; Law Clerk Corey Tomlinson; Court Reporter Lori Hauenstein; Deputy Ralph Green; and Judges' Secretary Judy Heslet.

Finally, my predecessor, Judge Roger R. Weiher, passed in 2005, and he will be greatly missed by all. He was a faithful and consistent advocate for quality housing in Toledo. He implemented many of the procedures adopted by Housing Court, and he continued to offer his help and ideas until his death. May he rest in peace.