

# GARFIELD HEIGHTS MUNICIPAL COURT

## 2017 ANNUAL REPORT

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**March 31, 2018**

To the Cuyahoga County Fiscal Officer, Mayors, Council Members, Finance Directors, Clerk/Treasurers, and all interested persons:

Pursuant to Ohio Revised Code §1901.14, I am submitting the 2017 Annual Report of the Garfield Heights Municipal Court.

After several years of declining caseloads and revenues, both increased significantly in 2017. The caseload increased from 16,660 new cases in 2016 to 19,600 in 2017. Revenues increased from \$4,883,954.00 in 2016 to \$5,128,790.00 in 2018.

Although operational expenses increased by \$67,545.66 from the prior year, the additional costs were offset by additional revenue. As a result, the municipalities served by the Court will not be assessed for any apportionment pursuant to Ohio Revised Code §1901.26 for 2017.

Two major operational issues continued to challenge the Court in 2017, i.e. collection of unpaid fines, costs and victim restitution and compelling court attendance by traffic and criminal offenders.

Historically, Ohio lawmakers have adopted monetary fines as the sanction for traffic and minor criminal offenses. Concerns about disproportional impact of fines on indigent offenders caused the Ohio Supreme Court to issue a [directive](#)<sup>1</sup> to all Ohio judges delineating the manner in which fines may be imposed and enforced. The result seen by all Ohio courts is the sharp decline in collection of fines, costs and victim restitution. To address the recommended protocols, the Court, in October 2017, created an in-house Collections Division to review the offenders' ability to pay and to monitor payment plans or community service performed in lieu of payment of monetary sanctions.

Failure of offenders to appear for traffic or criminal court proceedings cause delays and unreasonably consumes the Clerk's time and monetary resources in mailing notices, warnings and arrest warrants. The Clerk spends an average of \$60,000.00 per year for postage. Although the Ohio Criminal and Traffic Rules require that all notices be delivered by mail or in person, we have found that the U.S. Post Office's reliability in delivering court mail is low. Many offenders lack stable mailing addresses and even more tend to dispose of mail received without reading the contents. Thus, mail is the least effective way to communicate the consequences of failing to appear for court proceedings.

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<sup>1</sup> <https://www.supremecourt.ohio.gov/publications/jcs/finescourtcosts.pdf>

Experimenting with communication methods, we have found that most court users have cell phones and receive and respond to text messages. The Court applied for and received a grant from the Ohio Supreme Court to develop an automatic texting system that will notify and remind court users of all hearing dates, probation meetings, and deadlines for payment of monetary obligations. This system will be in addition to and not in lieu of the mailed notices required by the Ohio Rules of Procedures. The new texting program should be operation in the Fall of 2018.

Deputy Clerk Cynthia Sanuk retired in 2017. Ms. Sanuk first served in the Civil Division and then was the bookkeeper for the Court. During her tenure as bookkeeper, the Court had only positive audit results from the Ohio State Auditor. Her honesty, tenacity, insight, work ethic, depth of knowledge and genuine commitment to public service is greatly appreciated and she will be missed by the Judges, the Clerk and staff of the Garfield Heights Municipal Court.

Respectfully Submitted,

Judge Deborah J. Nicastro  
Presiding Judge 2017

**2017 Total Receipts**

	Receipts
Criminal/Traffic Caseload	\$3,577,015.00
Civil Caseload	\$1,581,775.00
<b>Total</b>	<b>\$5,158,790.00</b>

**2017 Civil Caseload Receipts and Disbursements**

	Receipts
Carried from 2016	\$18,422
Garnishments & Judgments	\$1,041,741
Court Costs	\$184,106
Deposits Received	\$34,125
Legal Aid Fund	\$83,103
Capital Improvement Fund	\$37,410
Computer Legal Research Fund	\$11,226
Special Projects Fund	\$111,831
Rent Escrow Deposits	\$27,019
Wedding Fees	\$810
Sundries	\$31,982
Cost Refunds	
<b>Total</b>	<b>\$1,581,775</b>

**2017 Criminal/Traffic Receipts**

Category	Amount
Fines & Forfeitures	\$806,840
Cash Bail Bonds	\$731,223
Court Costs	\$876,313
State Special Funds	\$413,405
Probation Fund	\$155,943
Capital Improvement Fund	\$84,274
Computer Legal Research Fund	\$25,327
Immobilization Fees	\$900
Special Projects Fund	\$256,780
Indigent Driver Alcohol Treatment Fund	\$5702
I.D.I.F.-Indigent Interlock/Monitor Fund	\$8,802
I.A.T.C.-Indigent Alcohol Treatment Fund	\$64,998
Victim Restitution	\$74,512
Ohio Board of Pharmacy	\$3,975
Carried from 2016	\$68,021
<b>Total</b>	<b>\$3,577,015</b>

**2017 Criminal/Traffic Disbursements to Municipalities**

Municipalities	Fines	Police Fund	Jail Cost	Total
Brecksville	\$12,057	\$395		\$12,452
Cuyahoga Hts.	\$9,076	\$100		\$9,176
Garfield Heights	\$477,318	\$1739		\$479,057
Independence	\$15,335	\$628	\$900	\$16,863
Maple Heights	\$41,402	\$1,694		\$43,096
Metro Parks	\$8,553	\$25		\$8,578
Newburgh Hts.	\$9,138	\$205		\$9,343
Valley View	\$4,298	\$258		\$4,556
Walton Hills	\$3,821	\$350		\$4,171
<b>Total</b>	<b>\$580,998</b>	<b>\$5,394</b>	<b>\$900</b>	<b>\$587,292</b>

**2017 Criminal/Traffic Disbursement to Cuyahoga County**

Cuyahoga County	
UTT Fines & Forfeitures	\$62,941
Fines & Forfeitures	\$50,428
PS Housing	\$10,793
Liquor Fines	\$413
Jury Fees	\$0
Expungement Fees	\$1,890
OSP	\$10,106
Public Defender	\$6,359
CRIS Fund	\$25,879
Crime Stopper Fee	\$929
Highway Maintenance	\$0
<b>Total</b>	<b>\$169,738</b>

**2017 Criminal/Traffic Disbursement to the State of Ohio**

State of Ohio	
State Revenue Fund	\$304
Victim of Crimes Fund	\$74,512
Seat Belts	\$46,646
Ohio Board of Pharmacy	\$3,975
OSP Fines	\$50,768
Liquor Fines	\$413
Expungement Fees	\$1,260
ODNR	\$50
OSP Police Fund	\$317
OSP Drug Fine	\$1,290
Child Restraints	\$160
I.D.S.F.-Indigent Defense Support Fund	\$17,208
I.D.F.C.-Indigent Defense Support Fund	\$203,392
D.E.F.C.-Drug Enforcement Fund	\$16,464
J.B.S.F. - Justice Program Service Fund	\$481
License Forfeitures & Warrant Block Fees	\$90
<b>Total</b>	<b>\$417,330</b>

**2017 Criminal/Traffic Disbursements to Municipal Court Funds**

<b>Court Funds</b>	
General Fund Court Costs	\$876,313
General Fund Immobilization Fees	\$900
Cash Bail Bonds	\$694,380
Probation Fund	\$155,943
Capital Improvement Fund	\$84,274
Computer Legal Research Fund	\$25,327
Special Projects Fund	\$256,780
Victim Restitution	\$74,512
Indigent Driver Alcohol Treatment Fund	\$5,702
I.D.I.F.-Indigent Interlock/Monitor Fund	\$8,802
I.A.T.C.-Indigent Alcohol Treatment Fund	\$64,998
Carried to 2018	\$104,863
<b>Total</b>	<b>\$2,952,794</b>

## 2017 General Fund Revenues & Expenditures

As Compiled by the City of Garfield Heights for ORC §1901.26 Apportionment

Description	Total
<b>Court Receipts:</b>	
Civil/Small Claims	413,218.12
Criminal	914,771.76
Poundage	155.92
DUI - Immobile Fees	900.00
<b>Total Receipts:</b>	<b>\$1,329,045.80</b>
<b>Expenditures:</b>	
Salaries & Wages	741,198.67
Overtime	7,630.00
Jury/Witness Fees	354.00
Pension - PERS	101,014.35
Hospitalization	260,991.64
Uniform Allowance	0.00
Worker's Compensation	18,111.60
Unemployment Compensation	0.00
Medicare	10,556.50
Life Insurance	1,656.73
Training & Education	0.00
Dues & Subscriptions	0.00
Special Services	28,326.19
Advertising & Printing	0.00
Telephone	4,797.31
Employee Bonds	0.00
Office Supplies	5,223.39
Operating Supplies	59,035.68
City Equipment Rental	10,344.00
Equipment Capital Outlay	30,344.69
Building Maint. Supplies	8,272.94
Insurance - Property	5,421.48
Payroll Preparation	9,237.53
<b>Total Operating Expenses</b>	<b>\$1,302,516.70</b>
<b>Receipts over Costs</b>	<b>\$26,529.10</b>



**2017 Municipal Court Funds- Revenues and Expenditures**

As Compiled by the City of Garfield Heights as Fiscal Officer for the Court

	Probation	Special Project	Computer	Indigent Driver Alcohol Treatment
Beginning Balance	19,745.93	106,635.54	27,556.50	332,228.94
Revenues	160,722.42	349,455.98	16,0322.64	63,605.10
Expenditures	171,386.72	334,640.41	16,3746.18	32,150.50
Encumbrances	0	17,842.11	3,735.22	21,965.24
<b>Ending Balance</b>	<b>\$9,081.63</b>	<b>\$103,609.00</b>	<b>\$20,397.74</b>	<b>\$341,718.30</b>

### 2017 Civil Caseload

	Civil	Small Claims	Rent Escrow	Trustee-ship	Total
<b>Cases Pending From 2016</b>	640	200	73	0	913
New Cases Filed In 2017	3,160	950	6	1	4,117 <sup>2</sup>
Cases Reactivated In 2017	68	13	0	0	81
Cases Terminated In 2017	3,062	1,005	0	0	4,067
Cases Carried To 2018	806	158	79	1	1,044

### 2017 New Civil Cases by Municipalities

Municipality	Civil	Small Claims	Rent Escrow	Total
Garfield Heights	1,307	157	9	1473
Brecksville	79	146	0	225
Cuyahoga Heights	8	39	0	47
Independence	136	138	0	274
Maple Heights	1,276	387	0	1,663
Newburgh Heights	63	52	0	115
Valley View	12	12	0	24
Walton Hills	8	5	0	13
Other <sup>3</sup>	21	12	0	33
<b>Total</b>	<b>2,910</b>	<b>948</b>	<b>9</b>	<b>3867</b>

<sup>2</sup> Includes 253 cases that were assigned to individual judges' dockets from the administrative judge's docket as required by the Rules of Superintendence.

<sup>3</sup> "Other" indicates that the Defendant is not a resident of the Court district but the transaction or occurrence took place within the Court district.

### 2017 Civil Case Dispositions

Type of Disposition	Small Claims	Civil
Trial By Judge	46	273
Trial By Magistrate	657	305
Trial By Jury	0	1
Transfer to Judge or Other Courts	0	263
Dismissal for Lack of Prosecution	24	435
Other Dismissals Including Agreed Judgment Entries	269	625
Stayed by Reason of Bankruptcy	6	43
Other Terminations	3	1,115
Rent Escrow		9
<b>Total</b>	<b>1005</b>	<b>3069</b>

### 2017 Civil Executions of Judgments

Category	Totals
Bank Account Attachments	424
Wage Garnishments	989
Debtor Exams	25
Judgment Liens & Transfers	706
Writs of Restitution in Evictions	717
Garnishment Payments Received	5,522
<b>Total</b>	<b>\$8,383</b>

**2017 Criminal/Traffic Caseload**

	Felony	Misdemeanor	OVI	Traffic	Total
Cases Pending From 2016	1	217	56	196	470
New Cases Filed In 2017	384	3,954	776	10,309	15,423 <sup>4</sup>
Cases Reactivated In 2017	3	711	85	2,197	2,996
Cases Terminated In 2017	387	4,480	825	12,273	17,965
Cases Carried to 2018	1	402	92	429	924

**2017 Criminal/Traffic Caseload by Municipality**

Municipality	Felony	Misdemeanor	DUI	Traffic	Total
Garfield Heights	147	1,263	125	5,432	6,967
Parking				2,867	2,867
Brecksville	27	105	11	89	232
Cuyahoga Heights	8	19	8	228	263
Independence	23	149	33	164	369
Maple Heights	132	746	131	344	1,353
Metro Parks	2	43	0	205	250
Newburgh Heights	18	60	37	111	226
Ohio Highway Patrol	2	41	37	2,122	2,202
Valley View	9	41	15	20	85
Walton Hills	15	50	16	32	113
Cuyahoga County Sheriff	0	5	2	92	99
ODNR	1	0	0	0	1
RTA	0	0	0	0	0
<b>Total</b>	<b>384</b>	<b>2522</b>	<b>415</b>	<b>11,706</b>	<b>15,027</b>

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<sup>4</sup> Includes 3,261 cases that were assigned to individual judges' dockets from the administrative judge's docket as required by the Rules of Superintendence.

**2017 Criminal/Traffic Case Dispositions**

Type of Disposition	Amount
Trial By Judge	788
Trial By Magistrate	2,342
Transfer to Individual Judges or Another Court	3,772
Dismissal for Lack of Prosecution	0
Other Dismissals	841
Violations Bureau	4,474
Unavailability of Accused	3,354
Other Terminations	22
Guilty/No Contest Plea to Original Charge	1,370
Guilty/No Contest Plea to Reduced Charge	1,002
Jury Trial	0
<b>Total</b>	<b>17,965</b>

**2017 Criminal/Traffic Charges<sup>5</sup> by Municipality**

Municipality	Felony	Misdemeanor		OVI	Traffic	Total
		DV	Other			
Garfield Heights	170	100	1,696	174	10,599	12,739
Parking Tickets					2,867	2,867
Brecksville	57	1	206	18	142	424
Cuyahoga Heights	16	0	34	12	370	432
Independence	34	5	224	43	350	656
Maple Heights	168	81	1,036	185	636	2,106
Metro Parks	0	0	50	0	260	310
Newburgh Heights	22	6	92	55	257	432
Ohio Highway Patrol	0	0	50	49	2,709	2,808
ODNR	0	0	1	0	0	1
RTA	1	0	0	0	0	1
Sheriff	0	0	6	3	124	133
Valley View	19	2	77	19	41	158
Walton Hills	25	3	128	27	85	268
<b>Total</b>	<b>512</b>	<b>198</b>	<b>3,600</b>	<b>585</b>	<b>18,440</b>	<b>23,335</b>

<sup>5</sup> CHARGE” is defined as the number of offenses, which the arresting agency files against a single defendant, i.e. a single defendant may be charged with DUI and red light violations. This system of measurement is not consistent with the Rules of Superintendence of the Ohio Supreme Court but was the system used by the Garfield Heights Municipal Court prior to 2000. Under this system, parking tickets are measured. The number of “Charges” will always exceed the number of “Cases.”

**2017 Probation Department Caseload by Number of Cases**

<b>Arresting Agencies</b>	<b>Judge Nicastro</b>	<b>Judge Weiler</b>	<b>TOTAL</b>
<b>Brecksville</b>	20	33	53
<b>Cuyahoga Heights</b>	8	9	17
<b>Garfield Heights</b>	246	249	495
<b>Maple Heights</b>	251	204	455
<b>Metro Parks</b>	8	6	14
<b>Newburgh Heights</b>	22	38	60
<b>O.S.P.</b>	27	14	41
<b>Valley View</b>	19	9	28
<b>Walton Hills</b>	13	17	30
<b>Independence</b>	47	53	100
<b>Total</b>	<b>661</b>	<b>632</b>	<b>1293</b>

**2017 Probation Department Caseload by Number of Offenders**

<b>Type</b>	<b>Judge Nicastro</b>	<b>Judge Weiler</b>	<b>TOTAL</b>
2016 Carry Over	434	421	855
New Active	434	481	915
New Inactive	179	145	324
Active Non-Report	55	7	62
Terminated	647	603	1250
<b>Carry Over to 2017</b>	<b>455</b>	<b>451</b>	<b>906</b>

**2017 Judge Nicastro Referrals to Greater Cleveland Specialized Dockets**

<b>Action</b>	<b>Drug</b>	<b>Mental Health</b>	<b>Veterans</b>	<b>Human Trafficking</b>	<b>Totals</b>
<b>Referrals</b>	11	3	7	1	21
<b>Graduates</b>	9	1	0	0	10
<b>Terminations</b>	4	1	3	0	8
<b>Referred Back</b>	0	0	2	0	2
<b>Arrest Warrant</b>	3	0	1	0	4
<b>2016 Carry Over</b>	8	3	4	0	14

## 2017 Victim Advocate Caseload

Caseload does not include domestic violence cases as advocacy in those matters are provided by the Domestic Violence and Child Advocacy Center

Case Type		Municipality		Victim Type	
Criminal	296	Garfield Heights	207	Females	242
Traffic	241	Maple Heights	237	Males	168
		Brecksville	12	Business or Property Loss	171
		Cuyahoga Heights	9	Unknown-No report	14
		Independence	35		
		Metro Parks	3		
		Newburgh Heights	9		
		Ohio State Patrol	8		
		Valley View	5		
		Walton Hills	11		
		Ohio BMV	1		
<b>Total</b>	<b>537</b>	<b>Total</b>	<b>537</b>	<b>Total</b>	<b>595</b>
Represents 25.5% increase in cases from 427 cases in 2016			Represents a 25.8 % increase in victims from 473 victims in 2016		