

The 2020 Annual Report of the Garfield Heights Municipal Court

Introduction

This is the 2020 Annual Report of the Garfield Heights Municipal Court required to be published each year pursuant to Ohio Revised Code §1901.14(A)(4). This report explains court operations and the work performed by the Court; is a statement of receipts and expenditures of the civil and criminal divisions, respectively, and the number of cases heard, decided and settled.

Highlights of 2020

The 2020 Coronavirus State of Emergency

On March 9, 2020, the Ohio Governor declared the Coronavirus State of Emergency which resulted in various state and federal mandates which set the course for 2020 and beyond. The Garfield Heights Municipal Court responded to the State of Emergency in several phases as new procedures were implemented and new resources became available.

Phase One - Immediate Protection of Court Users and Employees

To protect the health and safety of court users and staff, all civil matters were postponed and only pending criminal and traffic cases were heard in the immediate weeks following declaration of the State of Emergency. New criminal cases proceeded but new traffic cases were postponed. Where possible, hearings were held telephonically. Masks and gloves were required and social distancing implemented immediately. Furloughs of non-essential employees began. The court never closed, however, operations were reduced until safety measures could be fully implemented. Because the Court was digital in all respects other than courtroom hearings, only reduction in operations was in-person hearings.

Phase Two - Planning for a Short-Term Pandemic

With federal CARES Act funds received from the City of Garfield Heights and an Ohio Supreme Court technology grant, the court implemented remote hearings held via Zoom and made physical changes to the courthouse. Plexiglass was installed in both courtrooms to protect jurors, judges and all other trial participants. A secure entrance was created for screening persons entering the courthouse. Temperature taking devices were installed and tracking protocols developed. Alternative communication protocols were adopted which included email submissions by court users and surrender of fugitives by email contact with the Court. The Court resumed all operations within a month except for eviction cases. At the direction of Ohio Supreme Court Chief Justice Maureen O'Connor, evictions were stayed because of the "shelter in place" orders of the Governor. Shelters and other housing alternatives were closed. Eventually, federal authorities issued an eviction moratorium which continued into 2021.

The Ohio Supreme Court also suspended the time limitations and speedy trial rules so that courts which could not adapt quickly would still be able to complete cases after the State of Emergency was over.

During the initial months of the Pandemic, law firms and collection agencies shut down while planning for working remotely. Treatment programs and remedial driving classes essential to rehabilitation of criminal and traffic offenders shut down. The County and local jails shut down while they implemented health and safety protocols. Police departments stopped routine traffic enforcement to avoid exposure of officers to Covid19 and to preserve their health so they could continue emergency response operations. The lack of traffic on the roads by reason of the vast unemployment reduced the need for traffic enforcement anyway.

During this phase, the State of Emergency was expected to last only a few months so the Court planned to return to normal operations by fall. Nothing in our lives returned to normal, so the staff pushed on to the third phase.

Phase Three - Planning Long Term Changes

Judge Deborah Nicastro was appointed by Chief Justice Maureen O'Connor to the ICourt Task Force because of her experience with the digital court. The purpose of the Task Force was to make recommendations for permanent remote operations. The first job of the Task Force was to identify the changes in Ohio law and court rules which would be necessary to continue remote operations after the Pandemic. The second job was to survey judges, attorneys, probation departments and other court users about their willingness to continue remote operations and the judges' ability to deliver justice in this new environment. Those decisions will be made in 2021.

Having devised a safe courthouse environment and implemented remote operations through Zoom and the Court website, Judge Nicastro concluded that permanent remote operations will be the long-term plan for our Court for the following reasons.

- The physical courthouse needs serious and expensive repairs, including new roofing, plumbing, heating and air conditioning, plus expanded parking if we revert to in-person operations only. If the City of Garfield Heights builds a new justice center, the Court footprint will be much smaller. If the Court has to move to newer and smaller rental premises, the cost would be far less than the repairs.
- With hybrid operations, some appearing in-person but most remotely, we would require more security. In the first phase of the Pandemic, the Court terminated its contract for security guards and saved about \$50,000.00 per year.
- Fewer arrest warrants were issued for failure of criminal/traffic offenders to appear as they did not have to leave their jobs or look for childcare to come to the courthouse in person. They could appear via Zoom from home or place of employment.
- Court users, especially attorneys, prefer the remote appearance alternative. The judges have adapted to remote hearings and still have the option to order litigants to appear in person for those cases that are not amenable to remote technology. Court users who do not have a computer or smart phone to appear remotely, still have the option to appear in person or through a Zoom Room at the Cuyahoga County Public Library Branches.

Phase Four - Unknown at the Close of 2020

The Pandemic still dominates the justice system as well as all areas of life world-wide. The Court will use the experiences of 2020 to adapt to whatever comes in 2021 to continue delivering justice as fairly and as expeditiously as possible.

Racial Equity and the Court

As Americans nationwide and locally turned our attention to issues surrounding racial equity and diversity, Judge Deborah Nicastro, in collaboration with other elected officials and citizens, began to discuss a review of the Court in a racial equity framework. This discussion will continue in order to develop a permanent plan for seeking, achieving and maintaining racial equity.

Financial Review

Foreseeing the financial impact of a months-long Pandemic, Judge Nicastro met with Garfield Heights City Council in April 2020 to explain that it would be unlikely for the Court to bring in enough revenue to cover the cost of operations even with the reduction of staff and other operating expenses. Without payment of court costs by litigants, the Court cannot be self-sustaining. The reduced caseload by reason of fewer traffic tickets; the moratorium on evictions and fewer civil filings; and the widespread unemployment of court users would reduce the Court caseload and revenues to historical lows. Those numbers are set forth with specificity in the financial report contained herein.

Traffic Camera Tickets

In June 2020, the Ohio Supreme Court affirmed the constitutionality of Ohio Revised Code Section 4511.092-4511.0911 which gives municipal courts exclusive jurisdiction over traffic camera cases. Mayor's Courts may no longer hear those cases. The Villages of Newburgh Heights and Walton Hills are the only municipalities in the Court District with traffic cameras. 451 new cases were filed with the Court since June 2020. Much of the statute is still being appealed by the Village of Newburgh Heights so those numbers may increase or decrease in the future. Until all litigation is completed, the Ohio Supreme Court has not added these types of cases to the required monthly statistical reporting. They will be considered for purposes of reapportionment of operating expenses.

Recognition of Court Staff

The judges would like to thank the Staff of the Garfield Heights Municipal Court for their perseverance during the greatest period of adversity most of us have known in our lifetime. Clerk of Court Je'Nine Nickerson worked tirelessly to push the Court through all the challenges and helped invent many of the processes which have kept us in operation. The deputy clerks, probation officers, and security bailiffs never waived from their mission to deliver quality and timely service in the pursuit of justice.

The judges would especially like to thank City of Garfield Heights Finance Director Barbara Biro for her direct service to the Court in maintaining the financial operations of the Court when our staff was reduced by retirements and furloughs.

We would all like to thank deputy Clerk Kathy Rinella who retired in 2020 for 20 years of outstanding service to the Court.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Deborah J. Nicastro", written over a horizontal line.

Judge Deborah J. Nicastro
Presiding Judge

THE SUPREME COURT OF OHIO
ADMINISTRATIVE JUDGE REPORT
MUNICIPAL COURT

GARFIELD HEIGHTS MUNICIPAL COURT, Judge Deborah J. Nicastro
Report for the month of Annual Report 2020

	A	B	C	D	E	F	G	H	I	T		
	CRA	CRB	TRC	TRD	CVE	CVF	CVG	CVH	CVI	TOTAL		
Pending beginning of period	1	4	57	3	180	3	669	179	7	105	1207	1
New cases filed	2	304	1325	268	2912	2	1647	682	168	413	7721	2
Case transferred in reactivated or redesignated	3	11	224	37	1078	0	60	61	1	56	1528	3
TOTAL (Add lines 1-3)	4	319	1606	308	4170	5	2376	922	176	574	10456	4
TERMINATIONS BY:	A	B	C	D	E	F	G	H	I	T		
Trial/Hearing by judge	5	0	67	6	248	0	5	73	2	37	438	5
Hearing by Magistrate	6	X	165	0	897	0	0	152	0	181	1395	6
Transfer	7	252	999	249	667	0	181	3	69	0	2420	7
Dismissal for lack of speedy trial or want of prosecution	8	0	0	0	0	0	144	51	0	11	206	8
Other dismissals	9	55	65	5	56	1	344	321	2	154	1003	9
Violations Bureau	10	X	15	X	1356	X	X	X	X	X	1371	10
Unavailability of accused	11	7	262	45	854	0	44	62	0	60	1334	11
Bankruptcy stay or appeal	12	0	0	0	0	0	23	1	0	3	27	12
Other terminations	13	0	5	1	43	2	1065	74	89	5	1284	13
TOTAL (Add lines 5-13)	14	314	1578	306	4121	3	1806	737	162	451	9478	14
Pending end of period	15	5	28	2	49	2	570	185	14	123	978	15
Time Guideline (Months)	1	6	6	6	24	12	12	12	12	6	X	
Case pending beyond time	16	0	0	0	0	0	0	0	0	0	0	16
Number of months oldest case is beyond time guideline	17	0	0	0	0	0	0	0	0	0	X	17
	A	B	C	D	E	F	G	H	I	T		

Administrative Judge _____

Date _____

Henschen and Associates, Inc.
Written July 1991

Preparer and Telephone Number _____

Date _____

THE SUPREME COURT OF OHIO
INDIVIDUAL JUDGE REPORT
MUNICIPAL COURT

Date of most recent
physical case inventory
8/20/2021

GARFIELD HEIGHTS MUNICIPAL COURT, Judge Deborah J. Nicastro
Report for the month of Individual Judges 2020

	B	C	D	E	F	G	H	T	V		
	CRB	TRC	TRD	CVE	CVF	CVG	CVH	TOTAL	VISIT		
Pending beginning of period	1	144	36	73	1	30	0	4	288	0	1
New cases assigned	2	474	119	318	0	91	2	34	1038	0	2
Case transferred in reactivated or redesignated	3	136	28	103	0	4	0	1	272	0	3
TOTAL (Add lines 1-3)	4	754	183	494	1	125	2	39	1598	0	4

TERMINATIONS BY:

	B	C	D	E	F	G	H	T	V		
Jury trial	5	0	0	0	0	0	0	0	0	0	5
Court trial	6	4	0	3	0	0	0	0	7	0	6
Default	7	X	X	X	0	0	0	0	0	0	7
Guilty or no contest to original charge	8	184	76	150	X	X	X	X	410	0	8
Guilty or no contest to reduced charge	9	189	47	168	X	X	X	X	404	0	9
Dismissal for lack of speedy trial or want of prosecution	10	0	0	0	1	11	0	4	16	0	10
Other dismissal	11	147	6	54	0	35	1	3	246	0	11
Transfer to another judge or court	12	10	2	1	0	1	0	0	14	0	12
Referral to private judge	13	X	X	X	0	0	0	1	1	0	13
Unavailability of accused	14	157	28	76	0	6	0	0	267	0	14
Bankruptcy stay or appeal	15	0	0	0	0	1	0	0	1	0	15
Other termination	16	5	2	14	0	52	0	31	104	0	16
TOTAL (Add lines 5-16)	17	696	161	466	1	106	1	39	1470	0	17
Pending end of period	18	58	22	28	0	19	1	0	128	0	18
Time Guideline (Months)		6	6	6	24	12	12	12	X	X	
Cases pending beyond time	19	0	0	0	0	0	0	0	0	0	19
Number of months oldest case	20	0	0	0	0	0	0	0	X	0	20
Cases submitted awaiting sentencing or judgment beyond time guideline	21	0	0	0	0	0	0	0	0	0	21

Henschen and Associates, Inc.
Written July 1991

Judge Date

Prepare and Telephone Number Date

Administrative Judge Date

THE SUPREME COURT OF OHIO
INDIVIDUAL JUDGE REPORT
MUNICIPAL COURT

Date of most recent
physical case inventory
8/20/2021

GARFIELD HEIGHTS MUNICIPAL COURT, Judge Jennifer P. Weiler
Report for the month of Individual Judges 2020

	B	C	D	E	F	G	H	T	V		
	CRB	TRC	TRD	CVE	CVF	CVG	CVH	TOTAL	VISIT		
Pending beginning of period	1	93	38	65	1	29	0	4	230	0	1
New cases assigned	2	475	121	321	0	90	0	34	1041	0	2
Case transferred in reactivated or redesignated	3	157	29	108	0	4	0	1	299	0	3
TOTAL (Add lines 1-3)	4	725	188	494	1	123	0	39	1570	0	4

TERMINATIONS BY:

	B	C	D	E	F	G	H	T	V		
Jury trial	5	0	0	0	0	0	0	0	0	0	5
Court trial	6	4	0	5	0	0	0	0	9	0	6
Default	7	X	X	X	0	1	0	0	1	0	7
Guilty or no contest to original charge	8	180	106	196	X	X	X	X	482	0	8
Guilty or no contest to reduced charge	9	139	30	107	X	X	X	X	276	0	9
Dismissal for lack of speedy trial or want of prosecution	10	0	0	1	0	12	0	0	13	0	10
Other dismissal	11	169	8	37	0	29	0	4	247	0	11
Transfer to another judge or court	12	7	0	3	0	2	0	0	12	0	12
Referral to private judge	13	X	X	X	0	0	0	0	0	0	13
Unavailability of accused	14	155	24	110	0	2	0	0	291	0	14
Bankruptcy stay or appeal	15	0	0	0	0	4	0	0	4	0	15
Other termination	16	3	2	7	1	47	0	28	88	0	16
TOTAL (Add lines 5-16)	17	657	170	466	1	97	0	32	1423	0	17
Pending end of period	18	68	18	28	0	26	0	7	147	0	18
Time Guideline (Months)		6	6	6	24	12	12	12	X	X	
Cases pending beyond time	19	0	0	0	0	0	0	0	0	0	19
Number of months oldest case	20	0	0	0	0	0	0	0	X	0	20
Cases submitted awaiting sentencing or judgment beyond time guideline	21	0	0	0	0	0	0	0	0	0	21

Henschen and Associates, Inc.
Written July 1991

Judge Date

Prepare and Telephone Number Date

Administrative Judge Date

Court Caseload

The Court caseload consists of all the traffic, criminal and civil cases heard by the Court. A municipal court's caseload is evaluated in two ways. The Ohio Supreme Court requires each Ohio court to file a monthly report with regard to the number of cases filed and terminated and the manner of termination. The number of cases from each municipality served by the Court and the Metro Parks is tracked yearly for purposes of apportionment of operating costs as specified in ORC §1901.026. In 2020, 451 new traffic camera cases were added to this total.

Ohio Supreme Court Statistical Reporting

The Supreme Court measures the types of cases heard and the manner in which each case is terminated. The report is very important in ensuring that all cases are heard in a timely manner. The required monthly report is three pages and includes sections for both Judge Nicastro's and Judge Weiler's personal dockets and a section for the Administrative Judge's docket, which are cases that have not been assigned to a particular judge. The Administrative Judge's docket is commonly heard by a magistrate and then reviewed by Judge Nicastro or Judge Weiler on an alternating two-week schedule.

The types of cases and their three-letter case identifier designated by the Supreme Court are CRA-Felonies; CRB-Misdemeanors; TRD-Traffic; TRC-Operating a Vehicle under Influence of Alcohol/Drug; CVE- Personal Injury; CVF- Contracts; CVG-Forcible Entry and Detainer (Evictions); CVH- Other Civil; and CVI- Small Claims. Reprinted on the following pages are the three parts of the Supreme Court report for the entire year of 2020 in the format submitted monthly to the Supreme Court with the EXCEPTION of traffic camera cases which are not tracked until the appeals are concluded.

Caseload by Municipality

The Court tracks all cases filed by each municipality and other government entities which the Court serves. The Court performs much more work than is depicted in the case count and Supreme Court statistical reports and is described in **Other Work of The Court** below.

The purpose of the case count by municipality is to calculate the apportioning of operating expenses. ORC §1901.026 requires apportionment of any deficiencies in operating costs to each municipality within the Court's jurisdiction.

ORC §1901.026 provides that the current operating costs of any municipal court shall be apportioned among all of the municipalities within the territory of the court. Each municipality shall be assigned a proportionate share of the current operating costs that is equal to the percentage of the total criminal and civil caseload of the court that arose in that municipality. Each municipality shall then be liable for its assigned proportionate share of the current operating costs of the Court, except that it is not required to pay that part of its proportionate share of the current operating costs that exceeds the total amount of fines or other monies collected by the Court.

The chart below summarizes the caseload by the number of cases originating in each municipality in the Court's jurisdiction. In traffic and criminal cases, the case may be generated by a law enforcement agency other than the local police as can be seen from the number of cases generated by the Ohio Highway Patrol and the Cuyahoga County Sheriff's Office.

NOTE: The following chart does not contain the 451 traffic camera tickets processed by the Court in 2020 but those cases will be included in the apportionment calculations.

Other Work of the Court

The Court performs other substantial functions which are not measured by the Ohio Supreme Court and which are not reflected in the Court caseload for apportionment of current operating costs.

Not considered in these measurements for 2020 are

- 12 weddings;
- 1364 new parking tickets filed by the Garfield Heights Police Department;
- 451 traffic camera tickets;
- Collection of \$1,145,261.53 in civil judgments; and
- Action to collect civil judgments as illustrated in the chart below.

2020 Civil Executions of Judgments

Category	Totals
Bank Account Attachments	229
Wage Garnishments	994
Debtor Exams	8
Judgment Liens	724
Levies on Personal Property	1
Writs of Restitution in Evictions	425
Garnishment Payments Received	5145

The work of the Probation and Victim Advocacy Divisions of the Court are not considered in the Supreme Court statistical reporting.

Probation

Supervision of criminal and traffic offenders sentenced to community control sanctions is performed by the Probation Department. Community control sanctions include, but are not limited to, drug and alcohol treatment, electronic monitoring, domestic violence counseling, community service, psychiatric treatment, and parenting programs.

2020 Probation Department Caseload by Number of Offenders

Type	Judge Nicastro	Judge Weiler	TOTAL
CARRIED OVER	471	360	831
NEW ACTIVE	383	344	727
NEW INACTIVE	71	116	187
NEW ACTIVE NON-REPORT	65	1	44
SELECTIVE INTERVENTION PROGRAM	18	25	43
TERMINATED	(509)	(500)	(1009)
CURRENT PENDING	499	348	847

Victim Advocacy

Victims are represented in all court proceedings by the Court's Victim Advocate Glenn Dugas. The Journey Center, which was formerly the Domestic Violence Center, provides a specially trained victim advocate for all domestic violence cases at no cost to the Court. Those cases are not included in the chart below. In 2020, the Court collected \$37,065.00 in restitution for victims.

2020 Victim Advocate Caseload

Case Type		Municipality	Criminal	Traffic	Total	Victim Type	Total
Criminal	253	Garfield Heights	119	67	186	Female	187
Traffic	135	Maple Heights	81	46	127	Male	123
		Brecksville	13	5	18	Business/Property	108
		Cuyahoga Heights	0	1	1	Unknown -No Report	4
		Independence	20	8	28		
		Metro Parks	3	0	3		
		Newburgh Heights	7	1	8		
		Ohio State Patrol	0	4	4		
		Valley View	5	1	6		
		Walton Hills	5	2	7		
Total	388	Total	253	135	388	Total	422

Financial Report

The monies collected by the Court fall into four categories:

- Costs collected for operations and chemical dependency treatment of indigent offenders
- Fines and fees collected on behalf of other municipalities and government agencies
- Restitution for victims of crime
- Judgments for the prevailing party in civil lawsuits.

The following chart sets forth the revenue and expenditures in the Court’s operating funds. Court costs are deposited into these funds and are used exclusively for court operations. Any deficiency in the General Fund at the end of each year is assessed against the municipalities within the Court district in accordance with their share of the caseload pursuant to ORC §1901.026. In 2020, there was a deficiency of \$269,518.75 which the City of Garfield Heights may apportion among the guest municipalities.

2020 Revenues and Expenditures by Court Operating Funds

FUND	BEGINNING BALANCE	REVENUES FROM COURT COSTS ONLY	EXPENDITURES FOR COURT OPERATIONS	ENCUMBRANCES	ENDING BALANCE
General Fund	0	\$936,857.23	\$1,206,375.98		(\$269,518.75)
Special Project Fund	\$163,523.75	\$299,275.48	\$339,004.66	\$250.00	\$123,544.57
Probation Fund	\$17,448.14	\$145,265.63	\$113,192.10	\$1,993.70	\$47,527.89
Computer/Technology Fund	\$5,410.42	\$176,950.35	\$176,104.13	\$1,781.00	\$4,475.56
Indigent Driver Alcohol Treatment Fund	\$436,851.95	\$43,961.04	\$53,888.34	\$34,606.89	\$392,317.76

only the following expenditures from the General Fund may be considered in calculating the apportionment of operating expenses pursuant to ORC §1901.026

2020 General Fund Expenditures

Expenditures	Amount
Salaries & Wages	693,409.43
Jury/Witness Fees	150.00
Pension - PERS	99,925.87
Hospitalization	271,211.72
Worker's Compensation	12,231.97
Unemployment Compensation	354.41
Medicare	9,774.61
Life Insurance	1,880.90
Special Services	21,748.74
Training & Education	1,550.00
Telephone	6,212.22
Employee Bonds	100.00
Office Supplies	7,943.28
Operating Supplies	46,921.56
City Equipment Rental	10,775.00
Building Maintenance Supplies	5,820.08
Insurance - Property	6,487.19
Payroll Preparation	9,879.00
Total Expenditures	\$1,206,375.98
Expenditures over Receipts	(\$269,518.75)

The Court assesses fines as penalties in criminal and traffic cases and is charged by the State of Ohio and Cuyahoga County to assess fees for various state and local programs. The monies collected are remitted monthly to each municipality, the County and the State. The apportionment of the 2020 deficiency in operating costs among the municipalities served by the Court is limited to the amount of fines collected by the Court in 2020. The following chart summarizes the monies distributed to these government agencies.

2020 Disbursements of Fines & Special Fees

Agencies	Fines & Fees
Brecksville	\$3,993.40
Cuyahoga Hts.	\$3,830.00
Garfield Heights	\$199,081.91
Independence	\$4,659.00
Maple Heights	\$11,332.00
Metro Parks	\$5,437.00
Newburgh Hts.	\$2,948.50
Valley View	\$1,140.00
Walton Hills	\$2,930.10
Cuyahoga County	\$137,554.77
State of Ohio	\$194,607.42

CONCLUSION

Due to the Pandemic in 2020, the Court caseload and revenues decreased. We make no predictions for the future.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Deborah J. Nicastro", is written over a horizontal line.

Judge Deborah J. Nicastro
Presiding Judge

