

The 2022 Annual Report of the Garfield Heights Municipal Court

Introduction

This is the 2022 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 is intended to explain the court operations and show the work performed by the Court, a statement of receipts and expenditures of all divisions and the number of cases heard, decided, and settled.

Highlights of 2022

Traffic Camera Tickets

Traffic camera tickets dominated court operations in 2022. The Villages of Newburgh Heights and Walton Hills deploy traffic cameras for traffic control. In 2019, the state legislature granted exclusive jurisdiction over traffic camera tickets to municipal courts. These cases were formerly litigated in mayor's courts and only came to the municipal court on appeal. The Village of Newburgh Heights sought to enjoin enforcement of the new law and the operation thereof was stayed until May 19, 2022 when the Ohio Supreme Court ruled against the Village of Newburgh Heights on all challenges. The Court had to immediately develop a case management system which would receive a high volume of cases digitally and process fine payments on-line and through the Court's 24 hour per day call center in addition to process payments made by check or with cash. The new system was in operation in September. From September through December, the Court processed 38,351 tickets and collected fines therefrom totaling \$841,658.00.

Chief Deputy Clerk John Walton volunteered to lead the new Traffic Camera Division. He and IT Administrator David Soros developed the operating system in place now. Both judges are grateful to both Mr. Walton and Mr. Soros for their persistence, resilience, and inventiveness in instituting a system which can handle up to 80,000 new cases each year and process millions of dollars in 90 days. The Traffic Division is comprised of Mr. Walton, one full time deputy clerk and one part time deputy clerk. Other staff members assist with the telephone calls which have increased substantially.

Due to traffic camera tickets, the Court's overall caseload increased from 11,102 cases in 2021 to 49,983 cases in 2022. The consequence of this caseload increase is that the Village of Newburgh Heights is the highest volume filer in the Court district at 68.77% of the cases and the host City of Garfield Heights is the second highest volume filer at 14.79%. Prior to 2022, the City of Garfield Heights was the highest volume filer with approximately 60% of the caseload.

In 2022, the Court's operating costs exceeded receipts by \$311,151.22. This means that the Village of Newburgh Heights will be responsible for 68.77% of receipts over operational expenses.

Evictions

Evictions dominated the Civil Division with 1157 new cases being filed. Still suffering the consequences of the Pandemic, landlords in most cases were willing to accept rent assistance from federal funds but required the Court's intervention to accomplish this goal. Upon the filing of a new eviction case, the Court notified the Cleveland Legal Aid Society which provided legal representation for the tenants and helped the tenants procure rent and utility assistance where possible.

Sanctions in Criminal and Traffic Cases

Domestic violence, gun law violations and operating a vehicle while under the influence of alcohol or drugs dominated the Criminal/Traffic Division. The number of defendants with serious mental health and chemical dependency issues continued to increase, overburdening the probation department and its ability to provide intensive supervision.

The County jail remained closed for misdemeanants and the Court was directed to have defendants report to Geauga County Jail which was frequently closed due to COVID or large numbers of inmates from other courts. Persons who refused to comply with court ordered rehabilitation programs, failed to appear for rehabilitation programs or supervision are still at large on unexecuted arrest warrants because the Court has insufficient jail space to detain them.

The costs of mental health services continued to increase as they did during the Pandemic. If a defendant is suspected of being incompetent to stand trial, the cost to the Court to have the defendant evaluated by a forensic psychiatrist is \$1,000.00. If the person is deemed incompetent, Northcoast Behavioral Healthcare, the only residential mental treatment facility for criminally charged persons operated by the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County, was not accepting misdemeanants for restoration to competency. The result is that these individuals are at large also.

Court Structure and Operations

Understanding the structure of the Court will aid in understanding court operations. The Court is comprised of separate divisions, each with a special function. The five divisions are the Judiciary, Office of the Clerk of Court, Probation, Security, and Victim Advocacy.

Judiciary

The judicial functions of the Court are performed by Presiding and Administrative Judge Deborah J. Nicastro and Judge Sergio I. DiGeronimo. Aiding them in performance of their judicial duties are full time Magistrate Jeffrey R. Short and part-time Magistrates Mary Hanna and Christina Londrico. Magistrates have the authority to make decisions pursuant to Ohio Criminal Rule 19, Ohio Traffic Rule 14 and Ohio Civil Rule 53 but all decisions must be reviewed and adopted as a final judgment by Judge Nicastro or Judge DiGeronimo.

Office of the Clerk of Court

The record keeping and administrative functions of the Court are performed by the Office of the Clerk of Court. The appointed Clerk also serves as the Court Administrator. The Office of the Clerk of Court is comprised of deputy clerks and bailiffs in the following Divisions:

- IT Division
- Civil Division
- Criminal/Traffic Division
- Traffic Camera Division
- Fiscal Management Division
- Bailiff Division for service of official documents and evictions

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. The Court partners with Cleveland Municipal Court for specialized services through its drug court, veterans, mental health and human trafficking courts.

Victim Advocacy

Victims are represented in all court proceedings by the Court's Victim Advocate Glenn Dugas. In 2022, the Court collected \$40,818.00 in restitution for victims. Cases requiring the involvement of the victim advocate increased by 66% and the number of victims increased by 69% from 2021.

The Journey Center, formerly known as the Domestic Violence & Child Advocacy Center, provides a specially trained victim advocate for all domestic violence cases at no cost to the Court.

Both victim advocates support victims and protects their rights pursuant to the Ohio Constitution, Article I, Section 10a:

- To be treated with fairness and respect for the victim's safety, dignity and privacy;
- Upon request, to reasonable and timely notice of all public proceedings involving the criminal offense or delinquent act against the victim, and to be present at all such proceedings;
- To be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in any public proceeding in which a right of the victim is implicated;
- To reasonable protection from the accused or any person acting on behalf of the accused;
- Upon request, to reasonable notice of any release or escape of the accused;
- Except as authorized by section 10 of Article I of this constitution, to refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused;
- To full and timely restitution from the person who committed the criminal offense or delinquent act against the victim;
- To proceedings free from unreasonable delay and a prompt conclusion of the case;
- Upon request, to confer with the attorney for the government; and
- To be informed, in writing, of all rights enumerated in this section.

Security

Security for the judges, all employees, all court users and the court premises are the responsibility of the Security Bailiffs. Bailiffs screen persons entering the courthouse, are stationed in each courtroom and in the Clerk's cashier office.

Court Caseload

The Court caseload consists of all the cases filed with the Court in these categories: general traffic, parking tickets, criminal, general civil, small claims, evictions, and civil traffic camera tickets. 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. 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 in 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 then shall 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 received from the Court. The chart below describes the caseload and the percentage of the caseload by municipality.

Independently of the apportionment analysis under ORC §1901.026, the Ohio Supreme Court requires each municipal court to file a monthly report with regard to the number of cases filed but does not include traffic camera tickets or parking tickets in that case count. These statistical reports are compiled and published on its [website](#).

Neither the apportionment nor the Supreme Court analyses measure post judgment proceedings such as probation in criminal and traffic cases or collection of civil judgments or marriages, all which create a substantial workload for the Court. The following chart depicts the caseload by municipality.

From 01/01/2022 To 12/31/2022

MUNICIPALITY	Felony	Misdem	OVI	Traffic	Parking	Civil	SmClaim	Camera	Total
Garf Hgts	188	612	97	2716	1939	1423	257		7232
OSP		4	15	109					128
SHF				24					24
Other (civ)									0
SUBTOTAL	188	616	112	2849	1939	1423	257	0	7384
Brecksville	9	47	18	27		87	46		234
OSP				54					54
SHF				153					153
SUBTOTAL	9	47	18	234	0	87	46	0	441
Cuyahoga Hgts	15	20	4	104		6	9		158
OSP			2	7					9
SHF				4					4
SUBTOTAL	15	20	6	115	0	6	9	0	171
Independence	49	207	41	199		54	30		580
OSP		1	7	29					37
SHF				20					20
SUBTOTAL	49	208	48	248	0	54	30	0	637
Maple Heights	138	434	44	274		1155	409		2454
OSP			1	10					11
SHF									0
SUBTOTAL	138	434	45	284	0	1155	409	0	2465
Metroparks		20	5	93					118
SUBTOTAL		20	5	93					118
Newburgh Hgts	14	53	25	79		54	45	34056	34326
OSP		1	1	1					3
SHF									0
SUBTOTAL	14	54	26	80	0	54	45	34056	34329
Valley View	10	10	6	11		15	6		58
OSP		1	2	5					8
SHF									0
SUBTOTAL	10	11	8	16		15	6		66
Walton Hills	2	24	13	11		16	11	4295	4372
OSP									0
SHF									0
SUBTOTAL	2	24	13	11	0	16	11	4295	4372
RTA									0
OSP									0
SUBTOTAL	0	0	0	0	0	0	0	0	0
Other									0
OSP									0
SHF									0
SUBTOTAL	0	0	0	0	0	0	0	0	0
GRAND TOTALS	425	1434	281	3930	1939	2810	813	38351	49983

Percentage of All Cases

Garfield Heights	14.79 %
Brecksville	.88 %
Cuyahoga Heights	.34 %
Independence	1.28 %
Maple Heights	4.94 %
Metroparks	.24 %
Newburgh Heights	68.77 %
Valley View	.13 %
Walton Hills	8.76 %
RTA	.00 %
Other	.00 %

Victim Advocate Caseload

Arresting Agencies	Criminal	Traffic	Total	Victim Information	
Garfield Heights	102	54	156	Females	200
Maple Heights	83	28	111	Males	126
Brecksville	9	4	13	Business or Property Loss	59
Cuyahoga Heights	3	4	7	Unknown-No report	1
Independence	32	6	38		
Metro Parks	1	0	1		
Newburgh Heights	10	2	12		
Ohio State Patrol	0	1	1		
Valley View	2	0	2		
Walton Hills	3	0	3		
Total	245	99	344	Total	386

Probation Caseload

By Number of Cases

2022	Judge Nicastro	Judge DiGeronimo	TOTAL
CARRIED OVER	435	278	713
NEW ACTIVE	396	360	754
NEW INACTIVE	39	75	114
NEW ACTIVE NON-REPORT	18	22	40
TERMINATED/CLOSED	562	460	1022
CURRENT PENDING	326	275	601

PROBATION CASELOAD continued

By Arresting Agency (includes New Active, Inactive, and Active Non-Reporting from Chart Above)

ARRESTING AGENCIES	Judge Nicastro	Judge DiGeronimo	TOTAL
BRECKSVILLE	19	16	35
CUYAHOGA HTS	13	10	23
GARFIELD HTS	206	197	403
INDEPENDENCE	62	64	126
MAPLE HTS	99	99	198
METRO PARKS	3	2	5
NEWBURGH HTS	15	31	46
O.S.P.	16	19	35
VALLEY VIEW	6	7	13
WALTON HILLS	12	12	24
TOTAL			908

DIVERSION PROGRAM CASELOAD

DIVERSION PROGRAMS	Judge Nicastro	Judge DiGeronimo	TOTAL
CARRIED OVER	26	6	32
NEW CASES	27	27	54
COMPLETED IN 2022	46	25	71
FAILED TO COMPLETE	1	0	1
CURRENT PENDING	6	8	14

Financial Report

The financial operations of the Court consist of receipts from the assessment, collection and distribution of court costs, fines, restitution and civil judgments and expenditures for court operations. Monies received by the Court fall into four categories:

- Court costs assessed by Order of the Court and by state law and either retained for court operations or distributed to other agencies designated by the state.
- Fines assessed in general criminal and traffic cases and civil traffic camera tickets which are distributed to the municipalities and other government agencies.
- Restitution for victims of crime. The Court collected \$40,187.00 in restitution for victims of crime in 2022.
- Judgments for the prevailing party in civil lawsuits.

2022 Receipts from Court Costs

The Court assess local court costs which are intended to defray the expense of operating the Court. These are deposited in the different funds in the chart below depending on their purpose and provisions of the Ohio Revised Code. Any shortage in the General Fund is apportioned among the municipalities served by the Court.

FUND	BEGINNING BALANCE	RECEIPTS	OPERATING EXPENSES	ENDING BALANCE
General Fund	0	\$1,146,307.72	\$1,457,458.94	(\$311,151.22)
Special Project Fund	\$197,912.75	\$280,602.67	\$212,464.53	\$266,050.89
Probation Fund	\$2,160.00	\$120,785.53	\$72,178.71	\$48,579.29
Computer/Technology Fund	\$2,346.21	\$171,594.42	\$171,913.92	\$1,176.56
Indigent Driver Alcohol Treatment Fund	\$428,032.59	\$43,193.81	\$57,352.28	\$390,416.65
Traffic Camera Fund	0	\$306,163.00	\$306,163.00	0

2022 Civil Disbursements

In the Civil Division, the Court collects civil judgments for litigants through wage and bank garnishments.

In 2022, the Court collected and disbursed directly to litigants the sum of \$1,470,989.55. As part of court costs assessed in civil matters, the Court is required by state law to assess fees for the State of Ohio Legal Aid Fund.

In 2022, the Court collected and disbursed to the State of Ohio the sum of \$489,138.21 for said Fund. This number includes \$11.00 the Court is required to collect for the Legal Aid Fund for every civil traffic camera ticket filed in the Court.

2022 Traffic, Civil Traffic Camera and Criminal Fines Disbursements

The Court assesses fines and special fees in traffic, civil traffic camera and criminal cases. The Court is also required by the State of Ohio and Cuyahoga County to assess fees for various purposes for state and county programs. These monies are remitted monthly to each municipality, the County and the State.

Agencies	Fines & Fees
Brecksville	\$6,120.00
Cuyahoga Hts.	\$2,708.00
Garfield Heights	\$247,602.17
Independence	\$10,017.00
Maple Heights	\$14,338.31
Metro Parks	\$7,651.00
Newburgh Hts.	\$772,009.00
Valley View	\$1,166.00
Walton Hills	\$80,704.00
Cuyahoga County	\$154,135.85
State of Ohio	\$204,115.53

Operating Expenses 2022 General Fund Expenditures

The Court incurred the following operating expenses in 2022 in the General Fund. These expenses are the only operating expenses considered in calculating the apportionment amount the municipalities must contribute for Court operations, pursuant to ORC §1901.026.

Expenditures	Amount
Salaries & Wages	835,363.23
Overtime	4,380.09
Jury/Witness Fees	523.00
Pension - PERS	110,906.83
Hospitalization	322,916.42
Worker's Compensation	21,139.79
Medicare	11,876.21
Life Insurance	2,082.63
Special Services	30,763.23
Telephone	3,904.10
Employee Bonds	100.00
Office Supplies	10,408.28
Operating Supplies/Postage	67,348.58
City Equipment Rental	15,000.00
Building Main. Supplies	6,000.00
Insurance - Property	6,373.45
Payroll Preparation	8,373.10
Total Expenditures	1,457,458.94

CONCLUSION

This Annual Report is a snapshot of court operations. To understand the magnitude and variety of the services provided by the Court, the reader is invited to review our website at www.ghmc.org.

Respectfully Submitted,

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

Judge Deborah J. Nicastro
Presiding Judge