

October, 2002  
Issue 2

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**MARIETTA MUNICIPAL  
COURT**

**Community Corrections Newsletter**

**Editor Rosanne Buell**

## *The View From the Bench*

Jail crowding is becoming and ever increasing problem. Fortunately, the use of probation in the Marietta Municipal Court has made it possible to minimize what would otherwise be an intolerable problem. Crowding in the jail is not the only crowding problem we are contending with in this court. As you know, our court facility simply provides inadequate space for us to do our jobs. I have had to declare two mistrials in the last few months because our jurors were receiving information on the cases being tried while mingling with witnesses in the hallway waiting in line for the restroom.

I have a deep concern about our ability to serve handicapped people. Getting them to the courtroom is a problem. However, not all the news is bad in this regard. If we can get that handicapped person into the courtroom and if that person is ultimately convicted of a crime, probation services have alleviated much of the problem of dealing with him/her in our jail. We can fashion

sanctions for those with special problems using probation in lieu of incarceration. The flexibility that probation services provide is invaluable.

We have taken a proactive approach to solving our facility problems by commissioning local architect Steve Gegner to assess possible sites for a justice center. By the time this is published, Mr. Gegner's study should be released and options for solving our problems will be submitted for public discussion. I hope that the community will support at least one of the possible solutions offered.

There is an interesting article in this publication that should inform you about our efforts to improve the administration of justice in our community. Our grant applications for a drug court offer some exciting possibilities to deal with a crisis we are facing. I hope you will support us in that effort.

I appreciate the time and support that each member of the Community Corrections Board has contributed to helping us do a better job in serving the

public. I am confident that our collective efforts will enable us to solve these difficult problems.

*We've got the Plan. We've got the Money. Let's get Started!*

Local architect Steve Gegner has issued a feasibility study for a new Justice Center to house the Marietta Municipal Court and the office of the City Law Director. Mr. Gegner studied virtually all available existing buildings in the downtown Marietta area as well as some vacant sites. He concluded that none of the existing buildings that are available would be suitable for our needs. He concluded that it made the most sense from an economic perspective to build a new structure. In that regard he proposed two options.

One option would place the court, law director and Marietta Police department in a new facility on the Parking Partners lot located on Second Street. It would entail building a parking garage for displaced parking. He estimated total cost for such a project to exceed \$7 million.

His second proposal was to build a new facility on the parking lot north of the existing city hall and fire station on Third Street. You may recall that this is the location where the proposed new city hall was going to be built. Since the court would be located on the same site as the Marietta Police Department, he was able to pare back the scale of the building and included only space for the court and the law director. The city would still have to acquire some off site space for displaced parking. Mr. Gegner's cost estimate for this option was slightly under \$3 million. His estimate included the acquisition and renovation of the off site locations for parking.

The court is assessing court costs and setting money aside to address the needs of the court. We currently have in excess of \$500,000 set aside and add approximately \$17,000 per month to that figure. Assistant City Service Director, Bill McFarland rendered an opinion that the cash flow into this fund would enable the court/city to issue bonds for an additional \$2.2 million to fund the facility. This

amount added to funds currently on hand will enable the court to build a new facility to address its needs without impacting on the taxpayers or general fund of the city. Notwithstanding, Mayor Matthews has proposed setting aside \$800,000 from the general fund for the project. His decision to do so is welcome since the law director will be housed in the new facility. Some monies from the city will be needed. The court can only spend money from its fund for court needs. Additionally, some extra funds will be needed in the event of unexpected cost overruns. Moreover, it goes without saying that the city has a legal obligation to provide the court with adequate facilities, even if the court was not generating funds for this project. While there is no reluctance to expend the court's special project funds for the building, the community should realize that this is a voluntary effort undertaken by the court to relieve the taxpayers of that burden that the community would shoulder.

There is a solution to a pressing need for new space. Our problems are well documented. We are not handicapped

accessible, our probation staff has no space to conduct interviews, our jurors have no accommodations and our facility cannot be made safe. A new facility will solve these problems and many others. In addition, we can plan to build in space for our drug and mental health courts. We can put space in the building for the defense bar to be able to do their work. There is a critical need for this facility. We hope you will lend your support and do so in a very vocal manner. This facility is needed.

The study was a result of work accomplished when Washington County Bar Association President Mark Kerenyi appointed a committee to study the facility needs of this court. He appointed Attorneys Robin Bozian, Ray Smith and Paul Bertram, III. They worked with Judge Nuzum, Law Director Roland W. Riggs, III, Chief Brett McKitrick and Detective Greg Nohe. We appreciate the time and effort they have put into this project and commend Mr. Gegner for his comprehensive work in providing some options to solve this difficult problem.

**Judge W. M. Nuzum, III**

*News From Our Project Director*

The Community Corrections Grant has begun its sixth year. Even with budget cuts throughout the state, the Municipal Court's probation program continues to thrive. The number of diversions continues to surpass the set goal, and the jail beds saved by the program are imperative.

We are currently waiting to hear if we will be awarded the Byrne Memorial Grant. This grant will enable the Municipal Court to start a Drug Court Program, and will allow some funding for detoxification and counseling for substance abuse.

The Community Corrections Board will once again have to pull together for the good of the community. The drug problem has become apparent and with the lack of

resources in our county, we need as much help as we can get. Judge Nuzum, along with Ron Rees and several others, are putting together another grant proposal through SAMSA. This grant award, if received, would provide treatment for a great number of people. Everyone keep your fingers crossed.

On a different note, I would also like to say that this newsletter is for everyone in the community. If you have anything you would like to add, express, or announce, or even something mildly entertaining to say, we want to hear about it. Please feel free to write a short paragraph and we (meaning Rosanne) would be happy to include it.

Annette M. Zide

*News From the Probation  
Department*

It is my responsibility, as Chief Probation Officer of the Marietta Municipal Court, to ensure that probationers who violate sanctions of their probation are handled in such a way that the community still feels safe. The reality being that not every individual on probation can, or should, be removed from the community at the first sign of a problem. It is important to know which of those problem probationers can safely continue in the community with some response other than incarceration. If we simply fill the jail with non-compliant offenders, there will be no room for dangerous offenders.

It is significant to inform those that work closely with the probation department that we take a slightly different approach at responding to violations, particularly technical violations, that do not involve

new criminal behavior. After attending the American Probation and Parole Associations annual meeting in August of this year, I have created a policy regarding probation violations. This policy will serve as a guide in officer decision making when a violation of probation occurs. One of our many goals is to create parity among officers in the Marietta Municipal Court.

On a statistical note, the third quarter of 2002 indicated that 4,343 hours of community service was performed. From those hours, 1,002 completed hours saved the county 172 days of jail that was imposed and later suspended.

Numbers from October 1<sup>st</sup>, 2002, show that a total of 873 people are currently on probation through the Municipal Court. 403 persons are regular reporting probationers under strict supervision. During the third quarter, 282 new persons were placed on probation, this being the highest quarter increase this year.

Joseph N. Perry, Chief Probation Officer