

MARIETTA MUNICIPAL COURT

WASHINGTON COUNTY, OHIO

ANNUAL REPORT

-2007-

For the Period:
January 1, 2007 – December 31, 2007

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Chapter 1901 of the Ohio Revised Code governs the conduct of Municipal Courts including the Marietta Municipal Court. Section 1901.14(A)(4) provides as follows:

“On or before the last day of March of each year, the Court shall render a complete report of its operation during the preceding year to the Legislative Authority and to the Board of County Commissioners of each county within its territory. The report shall show the work performed by the Court, a statement of receipts and expenditures of the civil and criminal branches, respectively, the number of cases heard, decided, settled and such other data as the Supreme Court, the Secretary of State, the Legislative Authority, and the Board of County Commissioners required.”

JUDGE'S COMMENTS

The 2007 Annual Report highlights statistical information about the caseload and the receipts and expenditures of the Marietta Municipal Court.

The total fines, costs and other assessments collected by the Marietta Municipal Court increased from \$1,652,781.05 in 2006 to \$1,815,385.73 in 2007.

The Court does not dictate the manner in which it disburses these receipts. They are paid out in accordance with law as set forth in more detail in other parts of this report.

In 2006, the Municipal Court used \$690,994.02 from the City's General Fund but it deposited into that same fund \$473,676.06. The shortfall totaled \$217,317.96.

In 2007, the Court again reduced the shortfall. The Court spent \$684,841.14 from the City's General Fund but deposited \$537,654.91, a shortfall of \$147,186.23. It might be noted that the same shortfall to the City's General Fund in 2005 was \$450,567.48.

Funds collected through the Court Capital Improvement account increased from \$169,643.84 in 2006 to \$189,144.40. The Court's Computer's fund showed an increase from \$79,253.69 in 2006 to \$85,203.17 in 2007.

The Washington County Commissioners assisted the Court with its summer security assessment project through the loan of a walk through metal detector. The project results showed that 1,144 people per week on average entered the court area between eight o'clock a.m. and four o'clock p.m. In addition, thirty-six items of contraband were seized per week on average. People entering the Mayor's office complex or the Civil Division of the Court were not screened due to constraints of building design.

Marietta City Council approved a major capital improvement in the video and duress alarm system. This system serves all of City government not just the Court and provides for off-site monitoring of critical incidents.

Finally, the Court invested in a minor improvement in the layout of the Clerk's office intended to improve both the security of the deputy clerks and the efficiency of the work space.

Respectfully submitted,

Janet Dyar Welch, Judge

CIVIL DIVISION

A. New Filings – Comparative Table

Type	2007	2006	2005	2004	2003
Civil	1200	759	874	814	890
Small Claims	461	591	549	497	489

B. Hearings – Comparative Table

Held By:	2007	2006	2005	2004	2003
Judge	162	64	116	194	371
Magistrate Small Claims	258	391	357	374	328

C. Receipts and Expenditures

Payee	2007	2006	2005
City – General	106,467.80	78,861.27	92,534.15
Court – Computer	13,263.00	10,728.00	11,448.00
Court – Capital Imp.	21,095.00	15,339.00	16,993.00
Ohio – Legal Aid	35,671.68	25,641.00	19,722.98
Total Disbursements:	176,497.48	130,569.27	140,698.13

CRIMINAL/TRAFFIC DIVISION

A. New Filings – Five Year Comparative Table

Type Offense	2007	2006	2005	2004	2003
Felonies	373	336	286	230	214
Misdemeanors	2,258	2,076	2,183	2,130	2,206
OVI	518	593	523	414	438
Other Traffic	6,828	6,268	5,417	5,491	8,721
Total:	9,977	9,273	8,409	8,265	11,579

B. Trials

The Court conducted 76 preliminary hearings on felony cases, 66 court trials on contested traffic and criminal cases and 7 jury trials. These totals do not include motion hearings, probation violations, or contempts.

C. Receipts and Expenditures – Comparative Table

Payee	2007	2006	2005	2004	2003
City of Marietta					
General Fund	431,186.78	394,814.79	348,088.00	367,198.60	551,823.00
Capital Improvement Fund	168,049.40	154,304.84	131,993.63	104,948.09	136,357.00
Court Computer	71,940.17	68,525.69	61,239.12	59,486.72	
Indigent Alcohol Fund	12,608.35	14,100.51	10,141.30	8,485.19	
City Subtotal:	683,784.70	631,745.83	551,462.05	540,118.60	688,180.00
County Auditor					
General Fund	300,596.42	279,244.48	205,553.64	174,876.72	224,116.00
House Arrest	49,682.00	45,566.00	24,931.00	28,222.00	
Probation Fees	86,027.80	106,392.20	52,067.90	38,927.92	41,254.00
County Subtotal	436,306.22	431,202.68	257,621.54	242,026.64	265,370.00
Law Library	5,500.00	5,500.00	5,500.00	5,500.00	5,500.00
Sheriff	14,134.73	14,674.69	11,093.19	10,436.10	9,886.00
State of Ohio*	445,518.34	408,403.61	343,526.73	385,662.59	501,858.00
Beverly	250.00	135.00	300.00	185.00	50.00
New Matamoras	600.00	50.00	0.00	35.00	158.00
Lowell	418.00	145.00	0.00	240.00	735.00
Macksburg	50.00	335.00	1,130.00	0.00	0.00
Capital Recovery	41,754.73	28,382.07	23,818.79	4,549.74	0.00
Belpre	2,762.00				
Belpre Police Sub	70.00				
College Law Enf.	150.00				
Common Pleas Court	7,589.53				
Total Disbursements	1,638,888.25	1,531,189.29	1,200,697.14	1,195,155.78	1,477,480.00

* State of Ohio includes Ohio State Highway Patrol, Criminal Reparations Account, Public Defender, Child Restraint, Pharmacy Board, Liquor Control, Division of Conservation, etc.

IV. UNPAID FINES AND COSTS

The Court is owed \$376,303.91 for unpaid fines and costs imposed in 2007. Collection efforts continue on accumulated fines and costs for years prior to that. Uncollected fines imposed prior to January 1, 2003 are deemed uncollectible but are subject to being reopened if the Defendants appear in court for any other reason.

V. COST OF OPERATION

In 2007, the actual total of funds expended on Court operations from the City of Marietta General Fund was \$681,714.98. By contrast, in 2006 that sum was \$690,994.02. The cost of operating the Municipal Court from the General Fund in 2005 was 891,189.63.

In 2007 the Court expended \$24,185.23 from its Indigent Alcohol Fund, \$52,020.67 from its Computer Fund and \$11,990.77 from its Capital Improvement Fund. In 2006, the Court expended \$8,427.43 from its Indigent Alcohol Fund, \$45,456.07 from its Computer Fund and \$63,012.57 from its Capital Improvement Fund.

The City Court budget for 2007 was \$705,038.09. The Budget for 2006 was \$788,369.00.

The Indigent Alcohol Account, the Computer Fund and the Capital Improvement Fund are separately generated through the Court by charging offenders additional costs.

VI. PROBATION REPORT

2007

Marietta Municipal Court Probation officers work within a range of regular and intensive probation programs in which they refer probationers to treatment programs. Municipal Court Probation programs maintain offenders with less serious criminal records, while the more intense specialized programs have been designed to manage higher risk offenders. In the absence of specialized probation programs, these offenders would have a higher rate of recidivism. Greater contact levels, higher levels of accountability, individualized case plans and specialized treatment characterize these programs.

The work of probation includes a combination of processes and practices that are designed to protect the safety of the community identify and repair harm, and guide and shape pro-social behaviors of offenders. Probation officers use validated instruments to assess the level of risk offenders pose to the community and the types of “needs” they possess. This information provides the basis for a thoughtful supervision plan which promotes pro-social functioning. Probationers are supervised within the community according to their assessed risk level, and they are referred to appropriate community based treatment programs based upon their assessed needs. Knowing the probationer’s assessed needs allows probation officers to more effectively manage growing probation

caseloads, a number of activities designed to improve outcomes and the efficiency and effectiveness of probation. These improvement initiatives have been self-initiated and are delivering intended results. Probation is cognizant of the need to work toward increased efficiencies in its operations, but recognizes this cannot be done at the expense of public safety. In this document, we highlight some of the efforts that probation has engaged in during the past year to improve our work.

Driving while under the influence of alcohol encompasses approximately 40 % of our caseload and the Court is continuing to monitor offenders with electronic house arrest (EMHA) plus the Sobriotor (BAC) and Ignition Interlock. All of these systems are useful tools; however, the Court continues to try new and innovative tools to monitor offenders. For example, in November the Court began to use Secure Continuous Remote Alcohol Monitor (SCRAM) technology as a tool to continuously monitor offenders for alcohol consumption. Using the SCRAM, an ankle bracelet, will allow probation to separate offenders from alcohol and achieve unprecedented results. Seventeen offenders in 2007 began using the device.

In 2007 eighty-seven offenders utilized Electronic Monitoring House Arrest in lieu of jail, totaling 2,966 jail beds saved at a savings of \$161,130 to taxpayers. The fees charged for all of the electronic

monitoring systems (EMHA, Sobriator, Interlock, and SCRAM) utilized by the Court are passed on directly to the offender.

Other positive programs for Probation in 2007: Probation began using students from Marietta College and Ohio State University as Interns to assist in monitoring the Community Control files by compiling data for stats, probation lists, supervised community service in spreadsheets, tracking sanctions and typing commitments and generally assisting the probation officers with office duties. The Intern Program allows students to receive required credit hours toward graduation. Three students, two from Marietta College and one from Ohio State worked a total of 564 hours. One Intern organized and supervised probationers one day working eight hours at the Humane Society in Washington County.

In a capital program to replace vehicles in an aging probation and bailiff fleet, two vehicles were replaced with new vehicles. To increase security for the Court and Probation staff, the bailiff and probation officers for the court replaced their old assorted models of firearms with new Smith & Wesson handguns of the same caliber.

The Drug Court and Probation successfully graduated 7 substance abuse related offenders during 2007. All of the participants successfully completed the Stages of Change model and Motivational Interviewing concepts in both individual and group settings.

The City of Marietta Street and Cemetery Departments have had 29 offenders who worked 902 hours of community service which calculates to \$6,314.00 saved by both departments. The Washington County Jail had 69 inmates work 7,915 hours of supervised community service totaling \$55,405.00 in court fines in 2007.

2007 Breakdown of Persons Sentenced to Probation

1011 persons placed on probation. Probation Violations filed and terminated: 136

Gender		Age		Race	
Male	732	18-21	233	White	976
Female	279	22-25	162	Black	27
		26-35	283	Hispanic	7
		36-45	171	Other	1
		46-55	111		
		56+	51		

Probationers by Officer		Conviction	Total:
Ferrell	141	DUI	399
Hamilton	243	Property	148
Brockmeier	252	Traffic	143
Community Control	375	Domestic Violence	37
		Other	126
Total:	1011	Alcohol	69
		Violent/Crimes against Persons	54
		Drug	33
		Sex	2

4 Year Statistical Report

	<u>Year 2004</u>	<u>Year 2005</u>	<u>Year 2006</u>	<u>Year 2007</u>
Urine Test Performed	513	433	335	266
Positive Urine Test	118	109	107	53
Electronically Monitored House Arrest	40	47	74	87
Sobrieter				31
SCRAM				17
Driver Intervention Program Enrollment	245	295	374	235
Ignition Interlock Program Enrollment	N/A	7	20	23
Total New Probationers (All Levels)	876	837	974	1011
Community Service Hours Worked	21,937	19,522	26,589	15,829
Fines Credited for Community Service	\$92,365	\$81,952	\$133,499	\$109,296
Court Ordered for Community Service	7,332	5,584	5,464	4,222
Jail Beds Saved	1,662	1,260	3,071	1,643



Dale J. Willson, Chief Probation Officer