

MARIETTA MUNICIPAL COURT
WASHINGTON COUNTY, OHIO

ANNUAL REPORT

-2008-



For the Period:
January 1, 2008 – December 31, 2008

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INTRODUCTION

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 Court hired an architectural firm to perform structural, space and feasibility reviews of the former OBES building, located at 217 Third Street Marietta, Ohio. The result showed that the Court and Law Director's office could be relocated to that site. The Court also commissioned the same firm to review the feasibility of remodeling the existing City Hall and building an appropriate addition.

After reviewing both studies, the Court determined it was more cost effective and efficient to relocate all court functions. At the beginning of 2009, the Court decided to proceed with acquisition of the OBES facility for Court purposes. The Court is hopeful that all necessary planning will be approved, permits obtained and construction work started in 2009 so that the Court might occupy the new site in 2010.

The continued support of all those involved is necessary to complete this task of providing adequate, accessible, and safe court facilities.

The critical issues related to the deficiencies in the court facilities tend to overshadow other important matters. All members of the probation staff, the bailiff, the clerk and certain deputy clerks attended continuing education classes related to various job responsibilities including statistical reporting, fine collection and enforcement, supervision training, technology updates, courtroom safety, personnel

laws, and offender supervision. The Ohio Judicial College accepted Probation Officer Jason Hamilton to attend the Court Management Program Class of 2011. The Court congratulates Probation Officer Hamilton and anticipates the positive impact his training will have on court operations.

The Court invested in new court software and other computer upgrades this past year. Probation officers now maintain their files electronically and each officer has been provided a laptop. In addition to maintaining electronic, rather than paper files, all officers will have the capability to access all records from the field during house checks and other enforcement activities.

The Court officiated at seventy-three weddings in 2008.

Respectfully submitted,

Janet Dyar Welch, Judge

CIVIL DIVISION

A. New Filings – Comparative Table

Type	2008	2007	2006	2005	2004
Civil	1296	1200	759	874	814
Small Claims	433	461	591	549	497

B. Hearings – Comparative Table

Held By:	2008	2007	2006	2005	2004
Judge	163	162	64	116	194
Magistrate Small Claims	274	258	391	357	374

C. Receipts and Expenditures

Payee	2008	2007	2006
City – General	106,405.93	106,467.80	78,861.27
Court – Computer	12,559.00	13,263.00	10,728.00
Court – Capital Imp.	22,314.68	21,095.00	15,339.00
Ohio – Legal Aid	37,523.28	35,671.68	25,641.00
Total Disbursements:	178,802.89	176,497.48	130,569.27

CRIMINAL/TRAFFIC DIVISION

A. New Filings – Five Year Comparative Table

Type Offense	2008	2007	2006	2005	2004
Felonies	382	373	336	286	230
Misdemeanors	2,091	2,258	2,076	2,183	2,130
OVI	365	518	593	523	414
Other Traffic	7,031	6,828	6,268	5,417	5,491
Total:	9,869	9,977	9,273	8,409	8,265

B. Trials

The Court conducted 43 preliminary hearings on felony cases, 61 court trials on contested traffic and criminal cases and 13 jury trials. These totals do not include motion hearings, probation violations, or contempt's.

C. Criminal/Traffic Receipts and Expenditures – Comparative Table

Payee	2008	2007	2006	2005	2004
City of Marietta					
General Fund	420,396.34	431,186.78	394,814.79	348,088.00	367,198.60
Capital Improvement Fund	174,630.55	168,049.40	154,304.84	131,993.63	104,948.09
Court Computer	79,375.19	71,940.17	68,525.69	61,239.12	59,486.72
Indigent Alcohol Fund	9,354.40	12,608.35	14,100.51	10,141.30	8,485.19
City Subtotal:	683,756.48	683,784.70	631,745.83	551,462.05	540,118.60
County Auditor					
General Fund	267,682.01	300,596.42	279,244.48	205,553.64	174,876.72
House Arrest	24,594.10	49,682.00	45,566.00	24,931.00	28,222.00
Probation Fees	129,984.76	86,027.80	106,392.20	52,067.90	38,927.92
County Subtotal:	422,260.87	436,306.22	431,202.68	257,621.54	242,026.64
Law Library	5,500.00	5,500.00	5,500.00	5,500.00	5,500.00
Sheriff	15,766.10	14,134.73	14,674.69	11,093.19	10,436.10
State of Ohio*	448,725.79	445,518.34	408,403.61	343,526.73	385,662.59
Beverly	320.00	250.00	135.00	300.00	185.00
New Matamoras	1,677.00	600.00	50.00	0.00	35.00
Lowell	300.00	418.00	145.00	0.00	240.00
Macksburg	50.00	50.00	335.00	1,130.00	0.00
Capital Recovery	42,865.81	41,754.73	28,382.07	23,818.79	4,549.74
Belpre	987.00	2,762.00			
Belpre Police Sub	25.00	70.00			
College Law Enf.	200.00	150.00			
Common Pleas Court	9,900.43	7,589.53			
Subtotal:	526,317.13				
Total Disbursements	1,632,334.48	1,638,888.25	1,531,189.29	1,200,697.14	1,195,155.78

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

UNPAID FINES AND COSTS

The Court is owed \$366,930.07 for unpaid fines and costs imposed in calendar year 2008. Older cases are referred to the Court's collection agency, Capital Recovery, and the statutory thirty percent fee is added to the amount due. This collection fee is paid by the offender. The collection agency is not paid a portion of the fines and costs it collects. Collection efforts continue for prior years on accumulated fines and costs. Uncollected fines imposed prior to January 1, 2004 are deemed uncollectible but are subject to being reopened if the offender appears in court for another reason.

COST OF OPERATION

In 2008, the actual total of funds expended on Court operations from the City of Marietta General Fund was \$725,861.57. In 2007 the funds expended on Court operations 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.

Almost two thirds of the increase in cost of operations is due to the increased cost of personnel benefits and the purchase of a replacement copier.

The City Court budget for 2008 was \$741,624.10. In 2007 the budget was \$705,038.09. The budget for 2006 was \$788,369.00.

In 2008 the Court expended \$14,265.73 from its Indigent Alcohol Fund, \$169,447.74 from its Computer Fund and \$12,226.79 from its Capital Improvement Fund. The Indigent Alcohol Account, the Computer Fund and the Capital Improvement Fund are separately generated through the Court by charging offenders additional costs.

2008 PROBATION REPORT

Marietta Municipal Court Probation officers use evidence-based practices (EBP) principles. Evidence-based practice (EBP) involves complex and conscientious decision-making which is based not only on the available evidence but also on subject characteristics, situations, and preferences. Reducing recidivism is certainly Probation's goal for offenders with less serious criminal records.

Driving while under the influence of alcohol cases comprise thirty percent of the Probation Officer's caseload. The Court uses the Probation Department to prevent offenders from consuming alcohol while their cases are pending and/or after conviction by employing assorted electronic monitoring programs. The Sobriotor uses a combination of advanced voice recognition and alcohol content measurement to ensure that the Offender is abiding by the terms of his/her probation. In 2008, fourteen Offenders used electronic house arrest (EMHA) along with the Sobriotor. Ignition Interlock is a device attached to the Offender's vehicle and requires the Offender to pass a breath alcohol test before the vehicle will start. The Ignition Interlock remains to be an effective tool in 2008 with 48 Offenders using the system. The Secure Continuous Remote Alcohol Monitor (SCRAM) monitors alcohol levels 24 hours per day 7 days per week. An ankle bracelet is used to take an automatic sample of the alcohol level found in undetectable sweat. This information is sent

daily via a modem over a standard analog phone line. Forty-eight Offenders used SCRAM as a pretrial bond condition, in lieu of jail post conviction, or in addition to mandatory jail sentences. As electronic technology for alcohol and global position systems advances, Probation will continue to evaluate the electronic technologies to take advantage of their useful capabilities.

In 2008 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 2008: Interns from Marietta College and Ohio State University continue to be a wonderful asset to Probation in monitoring the Community Control files by compiling data for stats, probation lists, supervised community service, 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. Four students, three from Marietta College and one from Ohio State worked a total of 1707 hours. One intern, a graphic designer, designed a probation brochure given to each Offender placed on probation. The brochure explains all the

electronic monitoring devices and costs, information needed for driving privileges and what the Probationer needs to bring to his/her initial probation appointment.

The Probation Department purchased three Tasers. The Bailiff and Probation staff received training for the Tasers from Marietta Police Department. Tasers are an alternative non-lethal use of force and safer than hands-on force tactics.

Fifty offenders worked 890 hours of community service for the City of Marietta Public Facilities Department, which calculates to \$6,230.00. The Washington County Jail had 79 inmates work 7,189 hours of supervised community service totaling \$50,937.75 in court fines in 2008.

Probation Officers checked 721 Probationers at their residences in 2008.

2008 Breakdown of Persons Sentenced to Probation

934 persons placed on probation. Probation Violations filed and terminated: 76

Gender		Age		Race	
Male	698	18-21	214	White	896
Female	236	22-25	149	Black	29
		26-35	262	Hispanic	5
		36-45	159	Other	4
		46-55	103		
		56+	47		

Probationers by Officer		Conviction	Total:
Ferrell	176	DUI	280
Hamilton	220	Property	113
Brockmeier	154	Traffic	138
Community Control	382	Domestic Violence	58
		Other	171
Total:	934	Alcohol	63
		Violent/Crimes against Persons	64
		Drug	42
		Sex	5

4-Year Statistical Report

	<u>Year 2005</u>	<u>Year 2006</u>	<u>Year 2007</u>	<u>Year 2008</u>
Urine Test Performed	433	335	266	680
Positive Urine Test	109	107	53	160
Electronically Monitored House Arrest	47	74	87	54
Sobriotor			31	14
SCRAM			17	46
Driver Intervention Program Enrollment	295	374	235	216
Ignition Interlock Program Enrollment	7	20	23	48
Total New Probationers (All Levels)	837	974	1011	934
Community Service Hours Worked	19,522	26,589	15,829	16,327
Fines Credited for Community Service	\$81,952	\$133,499	\$109,296	\$114,872
Court Ordered for Community Service	5,584	5,464	4,222	4,521
Jail Beds Saved	1,260	3,071	1,643	1,388

Probation Report Submitted by: Dale J. Willson, Chief Probation Officer