

MARIETTA MUNICIPAL COURT

WASHINGTON COUNTY, OHIO

ANNUAL REPORT

For the Period:

January 1, 2006 through December 31, 2006

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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 requires.”

JUDGE'S COMMENTS

The 2006 Annual Report highlights statistical information about the caseload and the receipts and expenditures of the Municipal Court.

The total fines, costs and other assessments collected by the Marietta Municipal Court increased from calendar year 2005 to 2006 by twenty five percent. The total receipts in that period increased from \$1,318,800.45 to \$1,652,781.05.

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 2005, Municipal Court used \$891,189.63 from the City General Fund but it deposited into that same fund \$440,622.15. The shortfall totaled \$450,567.48.

In 2006, the Court decreased that shortfall dramatically. The Court spent \$690,994.02 from the City General Fund, a decrease of \$200,195.61. The receipts from Court operations paid to the City General Fund, as opposed to all recipients, increased from \$440,662.15 in 2005 to \$473,676.06 in 2006. The shortfall in 2006 totaled \$217,317.96, a decrease of \$233,249.52 from 2005.

Funds collected through the Court capital improvement account increased from \$148,986.62 in 2005 to \$169,643.84 in 2006. Likewise, the Court computer fund showed an increase from \$72,687.12 in 2005 to \$79,253.69 in 2006.

Respectfully submitted,

Janet Dyar Welch, Judge

CIVIL DIVISION

A. New Filings – Comparative Table

Type	2006	2005	2004	2003	2002
Civil	759	874	814	890	929
Small Claims	591	549	497	489	317

B. Hearings – Comparative Table

Held By:	2006	2005	2004	2003	2002
Judge	64	116	194	371	461
Magistrate Small Claims	391	357	374	328	187

C. Receipts and Expenditures

Payee	2006	2005
City – General	78,861.27	92,534.15
Court – Computer	10,728.00	11,448.00
Court – Capital Imp.	15,339.00	16,993.00
Ohio – Legal Aid	25,641.00	19,722.98
Total Disbursements:	130,569.27	140,698.13

CRIMINAL/TRAFFIC DIVISION

A. New Filings – Five Year Comparative Table

Type Offense	2006	2005	2004	2003	2002
Felonies	336	286	230	214	259
Misdemeanors	2,076	2,183	2,130	2,206	2,579
OVI	593	523	414	438	414
Other Traffic	6,268	5,417	5,491	8,721	10,243
Total:	9,273	8,409	8,265	11,579	13,495

B. Trials

The Court conducted 62 preliminary hearings on felony cases, 69 court trials on contested traffic and criminal cases and 11 jury trials. These totals do not include motion hearings, probation violations, or contempts.

C. Receipts and Expenditures – Comparative Table

Payee	2006	2005	2004	2003	2002
City of Marietta					
General Fund	394,814.79	348,088.00	367,198.60	551,823.00	602,871.00
Capital Improvement Fund	154,304.84	131,993.63	104,948.09	136,357.00	155,668.00
Court Computer	68,525.69	61,239.12	59,486.72		
Indigent Alcohol Fund	14,100.51	10,141.30	8,485.19		
City Subtotal:	631,745.83	551,462.05	540,118.60	688,180.00	758,539.00

Payee	2006	2005	2004	2003	2002
County - Auditor					
General Fund	279,244.48	205,553.64	174,876.72	224,116.00	215,384.00
House Arrest & Detention	45,566.00	24,931.00	28,222.00		
Probation Fees	106,392.20	52,067.90	38,927.92	41,254.00	39,654.00
County Subtotal:	431,202.68	257,621.54	242,026.64	265,370.00	255,038.00
Law Library	5,500.00	5,500.00	5,500.00	5,500.00	5,500.00
Sheriff	14,674.69	11,093.19	10,436.10	9,886.00	9,816.00
State of Ohio *	408,403.61	343,526.73	385,662.59	501,858.00	551,796.00
Beverly	135.00	300.00	185.00	50.00	50.00
New Matamoras	50.00	0.00	35.00	158.00	434.00
Lowell	145.00	0.00	240.00	735.00	940.00
Macksburg	335.00	1,130.00	0.00	0.00	0.00
Capital Recovery	28,382.07	23,818.79	4,549.74	0.00	0.00
Total Disbursements:	1,531,189.29	1,200,697.14	1,195,155.78	1,477,480.00	1,588,546.00

* 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 \$219,133.53 for unpaid fines and costs imposed in 2006. Collection efforts continue on accumulated fines and costs for years prior to that. Uncollected fines imposed prior to January 1, 2002 are deemed uncollectible but are subject to being reopened if the Defendants appear in court for any other reason.

V. COST OF OPERATION

In 2006, the actual total of funds expended on Court operations from the City of Marietta General Fund was \$690,994.02. By contrast, in 2005 that sum was \$891,189.63. The cost of operating the Municipal Court from the General Fund in 2004 was \$932,634.06.

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. In 2005, the Court expended \$10,819.07 from its Indigent Alcohol fund, \$67,130.86 from its Computer Fund and \$430,043.20 from its Capital Improvement Fund.

The City Court budget for 2006 was \$891,189.63. The budget for 2005 was \$951,186.00.

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

GRANT FUNDS

Community Corrections Act Grant: The grant award for 2006 was \$146,696. The grant award for 2005 was \$146,696. This grant funded part of the salaries of the Chief Probation Officer and three Probation Officers as well as expenses associated with the house arrest, ignition interlock and the Sobriotor remote alcohol monitoring device.

Bryne Memorial Grant: This grant was distributed through the office of Criminal Justice Services and provided primary funding for the Drug Court Program. The 2006 grant provided \$80,000.00 with a match from the Court's Probation Fund of \$40,000.

2006 PROBATION REPORT

Marietta Municipal Court Probation is an alternative to incarceration at the Washington County Jail that permits offenders to live and work in the community, support their families, receive rehabilitative services and make restitution to the victims of their crimes.

Probation is the single most utilized criminal sanction in Washington County. Probation is a judicial function governed by the sentencing court. When carefully administered and applied to those who can safely be monitored in the community, it facilitates rehabilitation and reintegration of the offender into society, ultimately helping to reduce crime.

The unprecedented growth in the Washington County's jail population has placed a heavy economic burden on the public in terms of the cost to build, maintain and operate the county jail. According to the United States Justice Department over two million Americans are behind bars. This represents nearly six times as many inmates that were incarcerated 1970.

Serious and violent offenders who endanger the community are incarcerated. For nonviolent offenders, however, probation is a cost effective alternative that holds them accountable for their crimes.

In prior years the Court has ordered electronically monitored house arrest (EMHA). In 2006, the Court employed new technology and required the use of the Sobrietor in connection with EMHA ordered in offenses where the Defendant was at risk for alcohol abuse. The Sobrietor is an electronic alcohol monitoring tool connected to the home telephone that requires the person monitored to provide a breath sample periodically or on demand of the probation officer. A "same time" alert is provided to the probation officer for any positive test. Nineteen offenders used the Sobrietor in 2006. We have been pleased with this tool and plan to continue and expand its use in 2007.

Similarly, the Ignition Interlock is a Breathalyzer linked to a car's ignition system which reduced the risk of repeat offenders driving while under the influence. Twenty offenders utilized the Ignition Interlock during 2006, more than double the number used in the previous year.

The supervised community service program for fines and jail benefits everyone who participates. The City of Marietta, the City of Belpre, the various villages, the Washington County Jail, community programs within Washington County, volunteer Fire Departments and township trustees are a few of the entities who have benefited from hours of community service worked by offenders from Marietta Municipal Court. Municipal Court offenders worked approximately 2,040 hours of community service for the City of Marietta Street and Cemetery Departments. Seventy-Four inmates sentenced through Municipal Court worked 8,444 hours of supervised community service for the Sheriff's office. This community service satisfied \$48,036.00 in court fines in 2006.

The Drug Court since becoming operational on April 3, 2006, has admitted 16 non-violent, substance abuse related offenders into the program. The project is utilizing the Stages of Change model and Motivational Interviewing concepts with all participants in both individual and group settings.

2006 Breakdown of Persons Sentenced to Probation

974 persons placed on probation. Probation Violations filed and terminated: 103

Gender		Age		Race	
Male	692	18-21	229	White	944
Female	282	22-25	156	Black	22
		26-35	274	Hispanic	6
		36-45	166	Other	2
		46-55	114		
		56+	33		

Conviction	Total:
DUI	409
Property	131
Traffic	148
Domestic Violence	40
Other	121
Alcohol	52
Violent/Crimes against Persons	41
Drug	30
Sex	2

4 Year Statistical Report

	Year	Year	Year	Year	From
	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>Last</u>
					<u>Year</u>
Urine Test Performed	286	513	433	335	-22%
Positive Urine Test	58	118	109	107	-1%
Electronically Monitored House Arrest	60	40	47	74	57%
Driver Intervention Program Enrollment	201	245	295	374	27%
Ignition Interlock Program Enrollment	N/A	N/A	7	20	186%
Total New Probationers (All Levels)	995	876	837	974	16%
Community Service Hours Worked	25,873	21,937	19,522	26,589	36%
Fines Credited for Community Service	\$111,972	\$92,365	\$81,952	\$133,499	63%
Court Ordered Community Service	7,455	7,332	5,584	5,464	-2%
Jail Beds Saved	1,210	1,662	1,260	3,071	144%

Submitted by Dale J. Willson, Chief Probation Officer

