

MARIETTA MUNICIPAL COURT
WASHINGTON COUNTY, OHIO

ANNUAL REPORT

-2009-



For the Period:
January 1, 2009 – December 31, 2009

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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

Facility issues related to Municipal Court dominated 2009. The Court purchased the former OBES property at 217 Third Street as a future home for the Court. We also hired a court project manager and an architect. The project is involved, cumbersome to manage and more expensive than desired. We took, and paid for, required first steps including a complete survey and soil borings. We applied for and were rejected for grants, ARRA stimulus funds, and capital appropriations. We have fallen about four months behind schedule due to various operating concerns and design issues, all of which were significant and required further investigation.

The project should go out to bid in 2010 but work will not be complete until 2011.

Probation officers, the Clerk and certain deputy clerks attending education classes related to various job responsibilities including, among others, problem solving, customer service, self defense, court technology and update on Rules of Superintendence

The Court officiated at eighty-nine weddings in 2009.

Respectfully submitted,

Janet Dyar Welch, Judge

CIVIL DIVISION

A. New Filings – Comparative Table

Type	2009	2008	2007	2006	2005
Civil	1,111	1,296	1,200	759	874
Small Claims	319	433	461	591	549

B. Hearings – Comparative Table

Held By:	2009	2008	2007	2006	2005
Judge	98	163	162	64	116
Magistrate Small Claims	207	274	258	391	357

C. Receipts and Expenditures

Payee	2009	2008	2007	2006
City – General	103,491.51	106,405.93	106,467.80	78,861.27
Court – Computer	11,144.00	12,559.00	13,263.00	10,728.00
Court – Capital Imp.	18,407.00	22,314.68	21,095.00	15,339.00
Ohio – Legal Aid	31,460.32	37,523.28	35,671.68	25,641.00
Total Disbursements:	164,502.83	178,802.89	176,497.48	130,569.27

CRIMINAL/TRAFFIC DIVISION

A. New Filings – Five Year Comparative Table

Type Offense	2009	2008	2007	2006	2005
Felonies	330	382	373	336	286
Misdemeanors	1,858	2,091	2,258	2,076	2,183
OVI	339	365	518	593	523
Other Traffic	6,331	7,031	6,828	6,268	5,417
Total:	8,858	9,869	9,977	9,273	8,409

B. Trials

The Court conducted 43 preliminary hearings on felony cases, 84 court trials on contested traffic and criminal cases and 10 jury trials. These totals do not include motion hearings, probation violations, or contempts.

C. Criminal/Traffic Receipts and Expenditures – Comparative Table

Payee	2009	2008	2007	2006	2005
City of Marietta					
General Fund	388,903.03	420,396.34	431,186.78	394,814.79	348,088.00
Capital Improvement Fund	176,364.15	174,630.55	168,049.40	154,304.84	131,993.63
Court Computer	78,499.00	79,375.19	71,940.17	68,525.69	61,239.12
Indigent Alcohol Fund	16,836.46	9,354.40	12,608.35	14,100.51	10,141.30
City Subtotal:	660,602.64	683,756.48	683,784.70	631,745.83	551,462.05
County Auditor					
General Fund	226,940.91	267,682.01	300,596.42	279,244.48	205,553.64
House Arrest	12,941.90	24,594.10	49,682.00	45,566.00	24,931.00
Probation Fees	137,833.74	129,984.76	86,027.80	106,392.20	52,067.90
County Subtotal:	377,716.55	422,260.87	436,306.22	431,202.68	257,621.54
Law Library	5,500.00	5,500.00	5,500.00	5,500.00	5,500.00
Sheriff	12,154.93	15,766.10	14,134.73	14,674.69	11,093.19
State of Ohio*	444,796.35	448,725.79	445,518.34	408,403.61	343,526.73
Beverly	345.00	320.00	250.00	135.00	300.00
New Matamoras	1,592.50	1,677.00	600.00	50.00	0.00
Lowell	1,779.00	300.00	418.00	145.00	0.00
Macksburg	150.00	50.00	50.00	335.00	1,130.00
Capital Recovery	35,139.11	42,865.81	41,754.73	28,382.07	23,818.79
Belpre	1,044.00	987.00	2,762.00		
Belpre Police Sub	0.00	25.00	70.00		
College Law Enf.	575.00	200.00	150.00		
Common Pleas Court	16,000.19	9,900.43	7,589.53		
Subtotal:	519,076.08	526,317.13	518,797.33	457,625.37	385,368.71
Total Disbursements	1,557,395.27	1,632,334.48	1,638,888.25	1,531,189.29	1,200,697.14

* 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 \$333,022.18 for unpaid fines and costs imposed in calendar year 2009. 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, 2005 are deemed uncollectible but are subject to being reopened if the offender appears in court for another reason.

COST OF OPERATION

In 2009, the actual total of funds expended on Court operations from the City of Marietta General Fund was \$776,010.01. In 2008 the funds expended on Court operations was \$725,861.57. This expense in 2009 is partially offset by the payment of \$492,394.54 to the General Fund from court costs and fines.

The City Court budget for 2009 was \$799,159.00. In 2008 the budget was \$741,624.10.

In 2009 the Court expended \$35,937.46 from its Indigent Alcohol Fund, \$54,349.22 from its Computer Fund and \$653,507.88 from its Capital Improvement Fund. The primary expenditure from that fund was the \$500,000 purchase of the former OBES building to serve as a future site for a court facility. The Indigent Alcohol Account, the Computer Fund and the Capital Improvement Fund are separately generated through the Court by charging offenders additional costs.

2009 PROBATION REPORT

In 2009 Marietta Municipal Court launched an improved website and Probation launched a Law Enforcement only search engine for persons on active probation. The site is password protected for exclusive use for law enforcement. This technology allows Law Enforcement to search our database. The database is automatically updated after a Probation Officer enters and/or removes an active probationer into the Probation case management software. This allows Law Enforcement to see obtain the most current necessary information and a photo to identify a probationer. Probation officers receive instant alerts thru text messaging on probationers who are on electronic home monitoring arrest (EMHA) and Secure Continuous Remote Alcohol Monitor (SCRAM). Probation continues to use electronic house arrest (EMHA) along with the Sobriotor (a device to obtain random breath alcohol content). The Secure Continuous Remote Alcohol Monitor (SCRAM) is being utilized more than the Sobriotor for alcohol monitoring.

The Ignition Interlock remains an effective tool with 23 Offenders using the system. Ignition Interlock, a device attached to the Offender's vehicle, and requires the Offender to pass a breath alcohol test before the vehicle will start and periodically during operation. 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-nine Offenders used SCRAM either as a pre-trial condition of bond or as part of sentence following convictions. 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 2009 thirty-nine offenders utilized Electronic Monitoring House Arrest in lieu of jail, totaling 2,774 jail beds saved at a savings of \$166,440 to taxpayers. Probation officers received 1,473 emails/text notices involving the thirty-nine offenders during the year. The fees charged for all of the electronic monitoring systems (EMHA, Sobriator, Interlock, and SCRAM) utilized by the Court are paid by the offender.

Interns from Marietta College and Ohio State University assist Probation in monitoring the Community Control files. The student interns compile data for statistics, probation lists, supervised community service, tracking sanctions and drafting commitments and generally assisting the probation officers with office duties. The Intern Program allows students to receive required credit hours toward graduation. Five students, three from Marietta College and two from Ohio State worked a total 2,075 hours in 2009.

Probation Officers physically checked 534 Probationers at their residences in 2009.

2009 Breakdown of Persons Sentenced to Probation

951 persons placed on probation. Probation Violations filed and terminated: 123

Gender		Age		Race	
Male	703	18-21	218	White	903
Female	248	22-25	152	Black	19
		26-35	266	Hispanic	10
		36-45	142	Other	19
		46-55	119		
		56+	54		

Probationers by Officer		Conviction	Total:
Ferrell	106	DUI	250
Hamilton	140	Property	119
Brockmeier	120	Traffic	140
Community Control	585	Domestic Violence	49
		Other	261
Total:	951	Alcohol	56
		Violent/Crimes against Persons	35
		Drug	32
		Sex	9

4 Year Statistical Report

	<u>Year 2006</u>	<u>Year 2007</u>	<u>Year 2008</u>	<u>Year 2009</u>
Urine Test Performed	335	266	680	835
Positive Urine Test	107	53	160	232
Electronically Monitored House Arrest	74	87	54	39
Sobriotor		31	14	4
SCRAM		17	46	49
Driver Intervention Program Enrollment	374	235	216	135
Ignition Interlock Program Enrollment	20	23	48	23
Total New Probationers (All Levels)	974	1011	934	951



Dale J. Willson, Chief Probation Officer