

Exhibit 13

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CLEVELAND MUNICIPAL COURT
JUDICIAL DIVISION
Inter-Office Correspondence

TO: Larry A. Jones, Presiding & Administrative Judge and
Chairperson, Probation/Treatment Services
Associate Judges
Michael E. Flanagan, Court Administrator
Ken Thomas, Chief Probation Officer

FROM: Judge Angela R. Stokes, Co-Chairperson, Probation/Treatment Services

RE: Formal Request For A Review Of Various Policies And Current Practices Of The
Cleveland Municipal Court

DATE: February 14, 2002

Attached you will find a report of issues and recommendations for review of some of the various policies and practices currently implemented in the Cleveland Municipal Court. The majority of the issues considered herein affect every Department of the Court, but primarily the Probation Department. It is my fervent hope that the information contained herein will be a catalyst for change and improvement in establishing new policies and procedures.

It is my recommendation that the Judges, representatives from the Probation Department, Administrative Staff, and other appropriate personnel including, but not limited to, Alden Coleman immediately convene to review these important issues. May I suggest that this special forum be referred to as a "Summit For Transformation And Reformation".

There have been occasions when frustrations, disagreements and philosophical differences have yielded improper behavior and hurtful comments of employees toward one another regarding the issues and problems stated herein. However, one of the goals of the Summit is to convene so that we come together as a team, putting aside any wrongs visited upon each other, in order to accomplish the important work that we must collectively complete.

In order to accomplish the goals of rehabilitation and accountability, let us come together and use our collective intellect and talents to build this Court and its Probation Department as a model for this community and the nation. In preparing this document, I remembered Pastor Joey Johnson's admonition at the May 2001 Advance entitled "Mission, Vision And Values" that: "... one day [God] the Judge of all the earth will judge us judges". May each one of us have the wisdom, courage and strength to pay heed to each issue and make this Court what it ought to be.

Please review and make any comments that you feel would be helpful to this process. Together we will await Judge Jones' guidance and direction on the issues raised in this document.

ARS:dr
Enclosure

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INTRODUCTION

In a continuing effort to improve the administration of justice in the Cleveland Municipal Court, it is worthwhile to pause to examine and reevaluate policies and procedures. Just as our Local Rules are revised and updated biannually, each department within the court system should be vigilant in ensuring that practices and procedures are consistent with goals, and in fact meeting the needs of criminal parties and civil litigants. The purpose of this correspondence then is not to criticize or to complain about the Probation Department or to lodge personal attacks against any employees, but rather to offer observations and positive suggestions to establish and/or reform various policies and practices with respect to:

- (1) the training and/or accountability of all employees (including supervisors, deputy chiefs, and the chief);
- (2) expediting and ensuring compliance, by probationers and employees, with each judge's order immediately after imposition of sentencing and proper monitoring thereafter;
- (3) the establishment of practical methods to consistently gather and analyze statistical data that will be considered in a routine overview regarding: (a) the effectiveness of all probationary programs, (b) the rate of recidivism, (c) the number of alcohol and/or substance abuse offenders, and (d) the availability of treatment and counseling resources. This would have to take into account actual and projected national and state trends as they impact the Cleveland Municipal Court on a local level¹;
- (4) the necessity for hiring a grant writer to research and apply for all available private and public funding on a local (city and county), state, and federal level;

¹ For example, there has been a noticeable increase in the use of PCP, heroin, OxyContin, and methamphetamine in cities in Northeast, Ohio (including Cleveland), per recent articles in the Plain Dealer.

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- (5) the necessity to train and empower certain employees to function as Community Outreach Specialists to research the availability of all bonafide and effective community resources. This should include, but not be limited to, faith-based programs, contact with all hospitals in the city of Cleveland, and businesses that are willing to provide resources for all categories of probationers. For example, the Cleveland Clinic Foundation, Dress for Success, AGAPE, and Project Safe are working with the Court's Project HOPE Program for the rehabilitation of convicted prostitutes to become productive, law-abiding members of the community;
- (6) the establishment of an incentives program for employees who pursue master's degrees or specialized training by providing tuition assistance;
- (7) the establishment of a training officer position for pre-sentencing probation officers, supervision officers, and supervisors. Also, a specialized training program to groom potential supervisors and those aiming for higher positions;
- (8) the establishment of a policy and protocol to assist the homeless offender;
- (9) the development of a cross-training program so that all probation officers become skilled and qualified to provide supervision over all types of offenders (the mentally disordered and retarded, prostitutes, alcohol and substance abusers, those prone to domestic violence or menacing by stalking, DUI (first and multiple offenders), etc., because many of the rehabilitative issues have a tendency to overlap.
- (10) the establishment of safeguards to ensure that department heads are not implementing policies and practices that have not been reviewed and approved by the judges of the Court;
- (11) the establishment of an annual performance appraisal procedure for each of the following Department Heads: Court Administrator, Chief Probation Officer, Bailiff,

Central Scheduling Director, Chief Court Reporter, Jury Commissioner, Chief Information Officer, Chief Magistrate, and Psychiatric Court Director.

- (12) scheduling specific meeting times (Probation Committee meetings) and a retreat or summit to review various policies and practices that need to be eliminated, modified or enacted with input from the judges, employees of the Probation Department, and the Administrative Staff.

We, as judges, have an obligation to the community, the offenders, and the victims to make sure that the goal of the administration of justice not only takes place in the courtroom, but continues throughout the Probation Department experience until a probationer has timely and successfully completed all conditions ordered. This necessitates prompt notification to a judge so that judicial intervention can timely occur when there is non-compliance. Indeed, these ideals and goals are set forth in the Probation Department's mission statement, which is attached as Exhibit A, p.1. It states, "The mission of the Cleveland Municipal Court Probation Department is to provide protection to the community and enhance the quality of life for those we serve by professionally enforcing the orders of the court and holding offenders accountable for violations of the law and conditions of probation".

These ideals and goals are also reflected in the Court's mission statement, a copy of which is attached as Exhibit A, p. 2. It states that "Our mission [is] to help create a safer community by ensuring that the citizenry of Cleveland experience fair and equitable justice".

It must be noted that many of the issues addressed in this document were set forth in the questionnaire (Exhibit B) prepared by Judge Stokes for discussion at the first Judges' Retreat ("Advance") held in January 1998. Subsequently, over the past several years, efforts by Judge Gallagher, Judge Stokes, Judge Zone, and other judges to bring reform through the Probation Committee have been frustrated and often not appropriately and directly addressed due to the

sincere belief of Judge Larry Jones, some other judges, and Chief Probation Officer Ken Thomas that all will change with the advent of the new computer system.

While acknowledging the benefits that the new computer system will bring, it has been and continues to be Judge Stokes' position, and that of several other judges, that many of these issues are not "computer" problems and are so critical to the administration of justice that this document could wait no longer. Also, some of these reforms are needed for inclusion in the computer programming, otherwise we will adopt the same old problems into a new computer system.

Due to these philosophical differences, many of the following issues were continually tabled or "held in abeyance" where they could not be addressed in the Probation Committee meetings. As a result, Judge Gallagher and Judge Stokes communicated either directly with Ken Thomas and/or Deputy Chief Probation Officer Regina Daniel for their assistance. To their credit, Mr. Thomas and Mrs. Daniel have made sincere efforts to initiate some changes. However, some of these problems are systemic and reoccurring. There are some issues for which the judges need to try to reach a consensus to facilitate consistent standards to aid the Probation Department employees.

Each of the following issues will now be presented for serious consideration of reforms that must be made in order to establish standards of excellence by which the Probation Department, guided by its above-stated mission, can fully accomplish the goals of the Court. This can only be realized through the collaborative efforts of all of the judges and the Probation Department staff.

I am reminded of the saying "If nothing changes, NOTHING CHANGES!" Let this not be our testimony and legacy. This Court has the potential to be the best and we should aim for nothing less.

Issue No. 1 There is an unreasonable delay in the immediate assignment of a supervision probation officer and/or a delay in scheduling the initial appointment with the supervision probation officer from the date of sentencing. As a result, the conditions of probation are often not timely commenced or complied with in accordance with the judge's journal entry.

A term of probation, when ordered by a judge, should begin on the date of sentencing in accordance with a judge's journal entry. Thus, there should not be a delay in the assignment of a probation officer. The probationer's initial meeting with the probation officer should be timely, and all conditions of probation should be timely commenced. Although this should be the established practice and policy of the Cleveland Municipal Court and its Probation Department, it is not.

For approximately twenty-eight (28) years, the established practice and policy of the Probation Department, as implemented by Mr. Thomas, routinely allowed for the assignment and initial scheduling with a probation officer to take place well in excess of thirty days from the date of sentencing. Exhibit C is the Rules Of Probation form letter that was handed to or forwarded to probationers advising them to contact the Probation Department in thirty (30) days, if initial contact had not been made by the Probation Department.

This policy was never established or approved by the judges of this Court. In fact, several of the current judges, including Judge Jones, were not aware of this policy until notified by either Judge Gallagher or Judge Stokes. Some of the judges will first learn of this policy as they read this document. Judge Stokes gained knowledge of this policy and practice from probationers who claimed that they kept calling the Probation Department over a 30 day period to be assigned to a probation officer, sometimes without avail, and by other probationers who claimed that they had not timely initiated any conditions of probation because of this 30 day policy.

Thus, as a matter of course, the defendant stands before the Court, sentence is imposed, terms and conditions of probation explored, explained, expectations discussed, only to have the defendant walk out of the Justice Center with no assigned probation officer for in excess of 30 days from the date of sentencing. "Justice delayed is justice denied" is no joke. All of the positive impact made by the sentencing judge becomes laughable as a defendant exits with no return date and no concrete information in hand to commence compliance with the terms of probation. The exigency of the circumstance is diminished by the lapse in time.

It is clear that this policy, which was never approved by the judges, in and of itself, often violated judges' journal entries of sentencing and was not supportive of the goals of rehabilitation and accountability. Thus, Judge Sean Gallagher and Judge Angela Stokes voiced their professional concerns regarding these issues and determined that use of the 30-day letter was not acceptable due to:

- (1) the lapse in time (30 days) for the assignment of a probation officer;
- (2) an additional lapse in time of at least fourteen (14) days for the initial appointment with the supervision probation officer, and
- (3) the requisite additional time needed to schedule any referral appointments ordered by the sentencing judge. As a result of these delays, appointments often took place up to and beyond ninety (90) days after sentencing. These referrals include, but are not limited to, the Batterers Intervention Program (BIP) and other domestic violence counseling courses, formal alcohol and substance abuse assessments, DUI Alternative to Jail Alcohol Education Courses, community work service, carrying concealed weapons (CCW) classes, parenting skills classes, and mental health assessments and corresponding treatment. Moreover, there have also been delays

with respect to other terms and conditions of probation, such as monitoring compliance with urinalysis testing and monitoring attendance at AA/NA meetings.

The 30-day letter and policy are not acceptable as it is critical to begin rehabilitative measures immediately especially with respect to mentally disordered, mentally retarded, and violent and/or substance abusing offenders. It is also important for accountability purposes with respect to the offenders, the victims, the community, and the Cleveland Municipal Court (the judges and the Probation Department staff).

In response to the above-stated concerns voiced by Judge Gallagher and Judge Stokes, Mr. Thomas, to his credit, responded with a sincere effort to try to remedy the time-lapse problem by issuing a revised Rules Of Probation letter (Exhibit D). This letter was either handed to, or forwarded to probationers advising them to contact the Probation Department in fourteen (14) days if initial contact had not first been made by the Probation Department. This letter and policy were not acceptable for the same reasons. It is the belief of this author that Exhibits C and D were never submitted to the judges for review or approval.

In an attempt to try to avoid these delays and ensure prompt compliance with a judge's orders by the probationer and the Probation Department staff, Judge Gallagher had a stamp made which he uses on his journal entries ordering the immediate assignment of a probation officer on the date of sentencing, and that the initial meeting with the probation officer take place within 72 hours of sentencing. Judge Stokes includes on all her journal entries that there should be the immediate assignment of a probation officer, or at least within 72 hours of sentencing, and for all referrals to be made that day or as soon as possible.

In a continuing effort to assist with these problems, Mr. Thomas created a new position entitled Supervision Case Assignment Officer that was posted on January 9, 2001 (Exhibit E). The job description informed applicants that they would be required to "(1) immediately assign

new supervision cases based upon an offender's address and needs, ... and (3) make immediate referrals of new probationers to programs and services prior to the first face-to-face contact with the assigned supervision officer. This would include CWS, MADD, ATJ, BIP orientation, urinalysis, etc." (See Exhibit E).

On February 14, 2001, Deputy Chief Probation Officer Regina Daniel issued a memorandum entitled "Case Assignment Process" to advise supervision officers and supervisors of the new process to assign supervision cases and make initial referrals (Exhibit F). Specifically, Ann Marie Nasr was given the responsibility to: (1) assign a supervision probation officer; (2) make referrals as ordered by the judge; and (3) inform probationers that, *inter alia*, a supervision probation officer would contact them in fourteen (14) days to schedule the initial appointment. The 14-day time lapse in this policy was not agreed upon by the judges; however, it was a sincere attempt to try to rectify the problems noted.

It is important to note that the directives set forth in this Memorandum (Exhibit F) have not yet been fully complied with or properly monitored by the Probation Department. In addition, there are judges' orders that are simply ignored. All of this works to the detriment of the probationers and impugns the integrity of the judicial system.

Two recent examples were documented the week of November 19, 2001, as follows:

Example No. 1: City of Cleveland vs. David Vincell
Case No. 2001CRB017666
Menacing

Judge Stokes sentenced Mr. Vincell on October 18, 2001. Mr. Vincell was given credit for time served (13 days) with 17 days resuspended and a fine. He was placed on active probation for one year with the following conditions: formal alcohol and substance abuse assessment (SAA) and counseling due to marijuana usage, anger management classes, no contact with the victim, and monthly random urinalysis testing. A post-sentencing investigative report

(PoSI) was ordered for November 20, 2001. The PoSI was completed by October 31, 2001, and typed on November 6, 2001. Miss Nasr made the SAA referral.

Mr. Vincell appeared in court on November 20, 2001, and reported that he had been assigned to a supervision probation officer whom he had called several times over the past thirty (30) days to schedule his initial appointment without any success. Mr. Vincell stated that the supervision probation officer continually claimed that she could not schedule his appointment until she received his probation record, which was not submitted to Judge Stokes until November 19, 2001, for the November 20, 2001, court date. Thus, none of the other referrals had been made because the probation officer would not give Mr. Vincell an appointment date.

**Example No. 2: City of Cleveland vs. Leo Merryman
Case No. 2001CRB027364
Assault**

Mr. Merryman was sentenced by Judge Stokes on October 23, 2001, with the benefit of a pre-sentencing investigative report (PSI). Mr. Merryman was placed on active probation with conditions of anger management classes, SAA, and weekly urinalysis testing due to a positive test result of opiates. Mr. Merryman claimed that his positive test result was attributed to a prescribed medication. Mr. Merryman was ordered to report to Court on November 20, 2001, to submit written verification from his physician regarding the opiates and for a review of the conditions ordered for any modifications, if appropriate.

On November 20, 2001, Judge Stokes requested Mrs. Daniel to investigate why none of the requested information was attached to the probation record as ordered on October 23, 2001. The supervision probation officer assigned to this case represented that she did not receive the probation record from the record room until November 13, 2001. Accordingly, she stated that she scheduled Mr. Merryman's initial appointment for November 27, 2001, and represented that she

was within the "two-week" policy set forth by the Probation Department. The "two-week" policy has never been approved by the judges of this Court. It should be noted that the initial appointment date was actually scheduled to be held thirty-four (34) days after sentencing. Also during this time period, Mr. Merryman was not required by any Probation Department employee to comply with any of the conditions ordered by Judge Stokes.

Upon notification of these two cases, Mrs. Daniel responded immediately. Firstly, Mrs. Daniel contacted the respective probation officers to explain the inappropriateness of their conduct. In the Merryman case, Judge Stokes and Mrs. Daniel had to point out that even if the supervision probation officer's first awareness of this case was on November 13, 2001, the probation officer had a responsibility to inform Mr. Merryman to report immediately to comply with the weekly urinalysis testing, to remember to submit his physician's letter by November 20, 2001, and to commence any other conditions ordered. The probation officer could not provide any plausible rationale for not doing so.

An important issue that must be addressed with respect to both of these cases is why the supervision probation officers or any other appropriate personnel did not have a copy of the respective journal entries to timely commence and monitor the supervision process, with or without the probation records.² Another major issue that must be addressed is that there is not a computer generated journal entry of sentencing that is signed by the judge. The information or data imputed by the Clerk's journalizers is not reviewed or approved by the judges. Thus, anyone who reviews or relies on said data, including probation officers, is not reviewing, or relying on the official, legal journal entry. This also creates problems with respect to the Probation

² The problem of judges not receiving probation records will be further addressed in Issue No. 10. Additionally, what triggers or initiates the supervision process in cases where a person is placed on active or inactive probation when the judge does not order either a pre- or post-sentencing investigative report and/or the journal entry has not been received by the Probation Department?

Department's employees having the correct knowledge of and following the judges' specific orders.³

Mr. Thomas and Mrs. Daniel are convinced that the case files are not being delivered to the Probation Department by the deputy bailiffs. The Bailiffs' Department is not willing to accept the blame. There must be some solution to guarantee delivery of the case files from the courtrooms to the Probation Department and back to the Clerk's Office. There has to be accountability for the delivery process until the entire process has been converted to the "paperless" computer system, which has been estimated to take approximately three (3) years!

Secondly, Mrs. Daniel, with Mr. Thomas' approval, issued a memorandum dated November 21, 2001, (Exhibit G, p.1) which now permits Ann Nasr to provide a probationer with a first appointment date with his or her supervision probation officer within seven (7) days of the date of sentencing. A major improvement is that the first appointment date is now required on the Rules of Probation letter (Exhibit G, p.2.). However, the 7-day time-lapse policy was never approved by the judges of this Court. These delays impede the goals of timely rehabilitation and accountability of the probationer. These delays actually violate a judge's orders set forth on a signed journal entry without any accountability of the Probation Department staff for doing so.

Thirdly, Judge Stokes has implemented a practice whereby a copy of the journal entry of each case referred to the Probation Department is hand-delivered daily to the Probation Department. Judge Stokes and Mrs. Daniel agreed upon this practice the week of November 21, 2001. It is, hopefully, a way to alleviate the cited problems. However, it should be noted that this is a time-consuming task for Judge Stokes' personal bailiff and/or the deputy bailiffs, but if successfully implemented, it should be a worthwhile commitment. As of December 21, 2001,

³ On several occasions since 1998, Judge Sean C. Gallagher has raised this critical issue that "the Court's computer generated record is not a valid Court journal as outlined by the Eighth District Court Of Appeals". See Exhibit BB. This issue will be more thoroughly addressed in Issue No. 2.

Mrs. Daniel and Judge Stokes realized that some of the journal entry copies are still not being received in the Probation Department, thereby resulting in the same problems.

This same problem occurs when referrals are made to receive an updated probation record to rule on motions for occupational driving privileges, termination of probation and expungement. The probationers and their attorneys are informed by the judge to appear in Court on a certain date for a ruling on the motion. However, they appear in Court only to have the case(s) continued because the probation officers claim they never received the Court's journal entry or the case file is not in Court because it cannot be located in the Clerk's Office.

There are times when the attorneys and/or probationers assert that they would be so inconvenienced by having to come back on another court date that they prefer to wait to determine if the Probation Officer can provide an oral updated report on the record and/or while the file is being located in the Clerk's Office. Some choose to wait, for example, while the Probation Department prepares a handwritten recommendation regarding a motion to seal the record. Attorneys and/or probationers (former and current) have waited at least one hour and often longer for the probation officer or supervisor to complete assistance with the particular issue, and/or for the Clerk's Office to locate the file(s). The Clerk's Office often cannot locate the case file(s). These situations are unwarranted and hinder the orderly disposition of motions on any judge's docket, resulting in undue inconvenience to everyone. A perfect example follows:

Example No. 3: City of Cleveland vs. Jackie Barkley
Case No. 1993CRB025685
Domestic Violence

On October 31, 2001, Judge Stokes referred this case to the Probation Department for an updated report to include a record check to rule on the pro se motion for expungement on

November 27, 2001. The journal entry also instructed the Clerk's Office to summons the Defendant to appear at the November 27, 2001, motion hearing. Miss Barkley took off from work to appear in Court, only to be informed that the Probation Department never received Judge Stokes' journal entry of October 31, 2001. Judge Stokes was apprised of this matter by her personal bailiff the morning of November 27, 2001 when he could not locate a probation record as ordered on October 31, 2001.

Miss Barkley insisted that she could not return to court, and would wait as long as necessary for the Probation Department to provide Judge Stokes with the proper documentation to rule on the motion. Deputy Chief Thomas Washington was notified and had Morris Jones meet with Miss Barkley in the Probation Department so that he could prepare the necessary information. Mr. Jones was very gracious in assisting with this matter, and submitted a handwritten report. However, the entire process was a long inconvenient wait for Miss Barkley directly caused by someone not doing his or her job, resulting in a negative reflection on this Court.

RECOMMENDATIONS/ISSUES FOR REVIEW:

- (1) It is evident that while progress is in the making, the judges and employees of the Probation Department need to meet to set forth effective policies and standards that ensure that the judges' orders are immediately and fully complied with to commence rehabilitation and accountability of the offenders as early as possible.
- (2) In addition, a judge should not be placed in the position of not being able to preside over timely scheduled motion hearings because the Probation Department claims not to have received the journal entry. There needs to be a procedure that guarantees timely, daily delivery of the judges' journal entries to the proper personnel in the Probation Department.

- (3) These new policies and standards should include a procedure that monitors the accountability of the Probation Department employees, including their supervisors.
- (4) The goals of rehabilitation and accountability dictate that the assignment of a probation officer should take place immediately after the sentence has been imposed. Thus, the judges need to examine whether scheduling the first appointment date within seven (7) days of sentencing is the best that can be accomplished in view of the previously stated goals, the number of offenders placed on probation, their rehabilitative needs, and the number of supervision probation officers and their responsibilities. Some judges are of the opinion that probationers should meet their respective probation officer on the same date as sentencing, if at all possible. There are some probation officers who are in agreement and have requested that Ann Nasr schedule them to meet their newly assigned probationers on the same date to immediately commence the supervision process.
- (5) In addition, we need to review this entire process with respect to offenders who are ordered to serve a term of incarceration and who are placed on probation. There should be a protocol for these incarcerated individuals to timely meet with their probation officers at the Cleveland House of Corrections so that referrals and appointment dates can be scheduled as warranted. While awaiting the pre-sentencing report or after the imposition of sentence, many prisoners sit in the Cleveland House of Corrections without any action being timely taken to comply with a judge's orders because of the lack of receipt of the journal entry and/or probation record.

When someone is incarcerated awaiting the pre-sentencing report, which usually takes two (2) weeks, none of the rehabilitation programs can commence until after

sentencing. One of the purposes of sentencing a prisoner without a pre-sentencing report is so that rehabilitative measures can be put into effect as soon as possible and verified in a post-sentencing report. Ideally, it is more expedient, in some cases, to proceed in this fashion. However, this process is often further delayed when a post-sentencing report is requested. This is perplexing because the pre- and post-sentencing reports usually contain the same information. The report should simply be called a "sentencing report".

- (6) The computer system should be programmed to allow for a sentencing report whether it is requested before or after sentencing.
- (7) There should be an internal review of the operation of the Records Room and the probation records process. Appropriate reforms should be implemented.
- (8) There needs to be a review of all policies and procedures set forth by the Probation Department to ensure first that they are approved by the judges, and in accordance with the goals of rehabilitation and accountability of the probationers and the Probation Department Staff.

Issue No. 2 "The Court's computer generated information record is not a valid Court journal as outlined by the Eighth District Court Of Appeals". Employees of the Clerk's Office and the Court often rely on this "invalid" record, which is not reviewed or approved by the judge. In addition, this record is often inaccurate.

The above-stated quote is by Judge Sean C. Gallagher who addressed this issue in his June 25, 2001 correspondence to the National Center For State Courts regarding the information systems problems and the Cleveland Municipal Court. It must be noted that Judge Gallagher has duly notified the judges of this Court of this critical problem several times since 1988, and the judges have yet to properly address this issue. Specifically, Judge Gallagher summarized that:

“The Eighth District Court of Appeals has rejected the Cleveland Municipal Court’s computer generated case history records as an official Court journal. In a number of opinions, attempts to offer certified copies of the computer case history were rejected by the Court of Appeals. The Court has stated that because the judge does not sign the journals they are invalid. The Court will only look at the original “check the box” hand created entry since this is the only entry actually signed by the Judge. Cleveland v. Cuebas (1994) WL 652845, City of Parma v. Dobromilsky (1995) WL 643768 and City of Berea v. Wuensch (2000) 8th District C.O.A. #77291, decided September 28, 2000.”

The major issue that must be addressed is that there is not a computer generated journal entry of sentencing that is signed by the judge. The information or data inputted by the Clerk’s journalizers is not reviewed or approved by the judges. Thus, anyone who reviews or relies on said data, including probation officers, is not reviewing, or relying on the official, legal journal entry. This also creates problems with respect to the Probation Department’s employees not having the correct knowledge of and following the judges’ specific orders as set forth on the signed handwritten journal entry as opposed to information typed by the journalizers that may or may not be accurate.

For example, the week of January 13, 2002, a defendant’s fiancé called the Probation Department to find out the name of the defendant’s probation officer. The probation supervisor informed the fiancé that Judge Stokes had not placed the defendant on probation, and that she had to wait until the defendant, who was incarcerated at the CHC, returned to Court to see what Judge Stokes would do. The fiancé appeared in Court that same week, and informed Judge Stokes of this information.

The probation supervisor appeared in Court, and stated that he relied on the computer information that had been entered by the journalizer. That information was wrong and was never reviewed or approved by Judge Stokes. The probation supervisor never obtained the case file to look at the signed journal entry. The journal entry signed by Judge Stokes clearly documented

that Judge Stokes had placed the defendant on active probation with conditions. A post-sentencing report had also been ordered. None of this information is on the computer record. In addition, the Probation Department claimed it never received Judge Stokes' journal entry. Therefore, absolutely nothing was done by the Probation Department staff for ten (10) days while the probationer waited in jail

In addition, the computer generated information record typed by the journalizers is not recognized by the Eighth District Court of Appeals. Why are the judges of this Court permitting the Clerk to proceed with this process?

RECOMMENDATIONS:

The judges need to adopt the legally acceptable computer generated journal entries like those signed by the judges, and used in the Cuyahoga County Court of Common Pleas, and countless other courts. These journal entries would be reviewed and signed by the judges of this Court. The exact information would also be reflected in the computer. This official journal entry would readily be made available to the Probation Department employees. The accurate information, as set forth by the judge, would be available on the computer for all who need to access it.

Issue No. 3 The failure of a probation officer to timely notify a judge regarding an offender's non-compliance with the terms and conditions of probation such as:

- a. missed probation appointments
- b. positive urinalysis test results
- c. failure to attend assessments for alcohol and substance abuse/dependency
- d. failure to comply with treatment/counseling for alcohol and substance abuse/dependency
- e. failure to attend ATJ programs

- f. failure to attend other programs (CCW, CWS, BIP, ATJ, parenting skills, anger management, etc.).

This issue is not an isolated problem. The attached documents (Exhibits H through N) are a representative sampling of similarly situated offenders that were too numerous to include:

Exhibit H: City of Cleveland vs. Richard Word
Case No. 2000TRC86475
DUI

Mr. Word was sentenced on 12/21/00 with conditions of SAT, SAA/C, and monthly urinalysis testing. Shortly after September 27, 2001, Judge Stokes was notified that Mr. Word last reported to his probation officer on April 2, 2001, which was five (5) months later.

Exhibit I: City of Cleveland vs. James Glover
Case No. 2001 CRB 10089
CCW

Mr. Glover was sentenced on 4-11-01 with the conditions of CCW Class, SAT, and SAA/C. After 9/19/01, Judge Stokes was notified that Mr. Glover did not go to the lab for urinalysis testing on 6/8/01, and that he had not reported to the probation officer or fulfilled (any of the ordered conditions since 6/8/01. This notification to Judge Stokes was (3) months after the non-compliance.

Exhibit J: City of Cleveland vs. Walter Glenn
Case No. 99CRB0242000 – Open Container
Case No. 2001CRB018116 – Domestic Violence

Conditions ordered: TASC, SAT, SAA/C, AA Meetings 3-4 times per week, DV, A/C.

Judge Stokes was notified after September 20, 2001, of positive test results for cocaine on June 20, 2001 and September 6, 2001, emphasis added.

Exhibit K: City of Cleveland vs. Henry Greene
Case No. 2000CRB4530
Aggravated Disorderly Conduct

Mr. Greene tested positive for PCP and amphetamines on March 28, 2001, and positive for PCP on April 25, 2001. Notification was not submitted to Judge Stokes until after May 7, 2001.

Exhibit L: City of Cleveland vs. Eric Ransom
Case No. 2000TRC092370
DUI

Mr. Ransom was sentenced on February 28, 2001. On November 15, 2001, Judge Stokes was notified that Mr. Ransom failed to comply with the following conditions: ATJ, 3 MADD sessions, SAA/C, monthly urinalysis testing, in addition to missing probation appointments on 9/12/01, 10/11/01, and 11/15/01. Thus, notification to Judge Stokes was eight (8) months after sentencing with respect to some of the conditions ordered.

Exhibit M: City of Cleveland vs. Rachel Warren
Case No. 2000TRD043859
NDL

Miss Warren was placed on active probation on July 5, 2000. Judge Stokes ordered close supervision due to Miss Warren's mental illness. Miss Warren was not placed in the MDO program per Dr. Robert Schweid's advice based upon her stability.

Judge Stokes was not notified until April 2001 that Miss Warren failed to report to Probation Officer "A" on 9/25/2000, 10/25/2000, 11/6/2000, 12/7/2000, and 1/31/2001. This case was transferred to Probation Officer B in February 2001 and Miss Warren also failed to properly report to Probation Officer "B". The attached Probation Status Report (Exhibit M) noted that on 8/8/2000 a probation capias was issued on another of Miss Warren's cases that was assigned to Judge Perk.

Upon receipt of the probation record, the probation violation hearing scheduled for May 16, 2001 was not held before Judge Stokes because it was determined that the case assigned to

Judge Stokes had to be reassigned to Judge Perk due to the Single Judge Case Assignment rule. Prior to this incident, neither Judge was aware of each other's case.

On May 16, 2001, Judge Stokes questioned Probation Officer "B" as to why she failed to submit notification of Miss Warren's five (5) previously missed appointments upon receipt of the case transfer in February 2001. Probation Officer "B" stated that it is the formal policy of the Probation Department to allow for two (2) missed appointments with her before a judge would be notified even though there were previously five (5) missed appointments with Probation Officer "A". Judge Stokes questioned a policy that would allow for nine (9) months of missed appointments. Probation Officer "B" stated on the record that her supervisor, who signed the Probationer Status Report form (Exhibit M), was aware of the five (5) missed appointments with Probation Officer "A" and informed Probation Officer "B" to allow for two (2) additional missed appointments with her before notification to Judge Stokes. A copy of the transcript of this exchange was ordered.

Although this matter was brought to the attention of Mr. Thomas, no explanation has ever been provided to Judge Stokes regarding whether the supervisor condoned the actions of Probation Officers "A" and "B". If she did not, what, if any, steps did she take? Was there any accountability of the supervisor and the probation officers?

Exhibit M-1: City of Cleveland vs. Victor Grimes
Case No. 2000TRC092445
DUI

On December 27, 2001, a probation officer brought the above-captioned case file and a copy of the Probationer Status Report form (Exhibit M-1) to Judge Stokes on the basis that the active probation period of one year is due to expire on January 4, 2002, and Mr. Grimes had not completed conditions ordered on January 4, 2001. This form noted that Mr. Grimes had not completed the ATJ program, 5 MADD sessions, or SA/AC. Mr. Grimes last reported on

November 21, 2001, and did not pay restitution. In addition, the form listed the following two (2) new arrests:

Cleveland Municipal Court
Case No. 2001CRB041418
Open Container (9/24/01)
\$50 & costs (10/4/01)
TTP Capias (11/29/01)

Cleveland Municipal Court
Case No. 2001CRB052379
Public Intoxication (12/4/01)
Capias (12/6/01)

Judge Stokes was not informed of any of this information until December 27, 2001! In addition, the probation officer did not document that the fine of \$200.00 was never paid, or that urinalysis tests were only conducted in March and November 2001. Also, a TTP capias was never issued by the Clerk's Office. Clearly, the probation officer had a duty to properly supervise this case and to timely notify Judge Stokes of any non-compliance, as written on the January 4, 2001 journal entry.

The probation officer also failed to timely check for any new offenses. How is it that Mr. Grimes was reporting monthly and the probation officer did not ascertain that there was an October 4, 2001 conviction for an open container charge? Also, why did the probation officer allow almost one year to elapse before notifying Judge Stokes of the other issues of non-compliance? Is there any auditing or scheduled supervisory review of a probation officer's handling of these cases?

The negligence of this probation officer precluded any intervention by Judge Stokes to address Mr. Grimes' non-compliance with his obvious alcohol problems and to hold him accountable with respect to every condition ordered as a DUI offender. The improper supervision of this case breached the judge's order, and the duties owed to both the offender and the community. On December 27, 2001, Judge Stokes issued a capias with no bond to be set until Mr. Grimes appears before her. Realistically, this is the only action that Judge Stokes could take

five (5) days before probation was due to expire. Judge Stokes has requested a formal investigation of this matter by Mr. Thomas.

**Exhibit M-2: City of Cleveland vs. Alonza Harden
Case No. 1999TRC066378
DUI**

In September 2001, the same probation officer submitted a Probationer Status Report form to notify Judge Stokes that Mr. Harden last reported on June 6, 2001 and failed to complete any conditions ordered. In addition, the Probationer Status form listed the following two (2) new arrests:

Cleveland Municipal Court
Case No. 2001CRB0212302
Open Container (6/3/01)
Capias (7/3/01)

Cleveland Municipal Court
Case No. 2001CRB021963
Assault (6/7/01)
Capias (7/3/01)

RECOMMENDATIONS/ISSUES FOR REVIEW:

- (1) One of the issues for review is why did it take three (3) months to elapse before the probation officer notified Judge Stokes of the new offenses?
- (2) Why is there not a policy in place that calls for timely record checks?
- (3) Ideally, the new computer system that is expected in three (3) years should consolidate all of a person's cases and notify the judges and the Probation Department of new offenses at the time of arraignment. Incredibly, the fact of the matter is that the Probation Department's new computer system does not communicate with the Court's current computer case management system. Obviously, this does not solve the aforementioned problems. Until these computer problems can be resolved, which is estimated to take three (3) years, there must be an interim plan to properly address, and eliminate these problems.

**Exhibit N: City of Cleveland vs. Henry Jackson
Case No. 2001CRB002540
Aggravated Disorderly Conduct**

Timely notification of probation violations is especially needed for Selective Intervention Program (SIP) placements because the average probationary period is ninety (90) days.

On March 27, 2001, Mr. Jackson was placed in the SIP until June 27, 2001. Judge Stokes was not notified that Mr. Jackson had not complied with a SAA referral and had missed four (4) appointments (4/30/2001, 5/14/2001, 5/31/2001, and 6/14/2001), until the June 27, 2001, court date.

ADDITIONAL RECOMMENDATIONS/ISSUES FOR REVIEW:

Based on the foregoing, we need to review the policy and specific criteria used by the probation officers and their supervisors to notify a judge of probation violations. The following questions must be addressed:

- (1) What is the present policy, and is it in accordance with the goals of rehabilitation and accountability of the probationers? Is it not imperative that the type of abuse or addiction (heroin, PCP, crack cocaine, etc.) be considered in establishing the best notification policy?
- (2) Does the present policy allow for such untimely delays? If the policy itself does not allow for these delays, but was violated by the probation officers, why did the supervisors sign the Probationer Status Report forms and not make any notations to the judge about the apparent negligence or misconduct of their employees? Have any supervisors taken any action with respect to the probation officers? Have any superiors taken any action with respect to the supervisors? What procedures are in place to review the supervisors who are permitting this to take place? Is there any accountability of the probation officers and their supervisors by the deputy chief and/or chief?

These examples clearly document inappropriate delays and glaring inconsistencies, many of which are inexcusable and have been permitted to continue by some of the supervisors. It

appears that some supervisors have not timely signed their approval with respect to the Probationer Status Reports, thus adding to the delay. As a result, it appears that there has been limited, if any, accountability with respect to some probation officers, supervisors, and on occasion some of their superiors.

Upon notification by Judge Stokes of these matters, Mrs. Daniel recently started personally reviewing some of these forms to address these issues. However, Judge Stokes has not been informed that there will be or has been any investigation into any of these matters. Mrs. Daniel was notified when Mr. Thomas was recently on vacation. Mr. Thomas had been previously notified of these types of issues and always graciously acknowledged the errors and pledged they would be corrected. However, the problems appear to be systemic and warrant a formal investigation of the established business practice for needed reforms.

We need to find sure methods to stop these delays. The judges may be able to come to some accord to suggest minimum standards to provide assistance and guidance to the Probation Department. Hopefully, performance will rise to the outlined expectations.

Issue No. 4 "MAIL-IN" POLICY

The practice and policy of the Probation Department allowing probationers to report by "Mail-In" status needs to be reviewed. From this author's perspective and knowledge, this is a practice and policy that has never been approved by the judges. In fact, several judges are not aware of this policy and practice, and many certainly have not sanctioned it as a part of the judgment entry of sentencing or as a way to successfully complete an active probationary term.⁴

⁴ The Rules Of Probation forms (Exhibits C, D, and G, p.2) state that a probationer must "maintain contact with your probation officer, face-to-face, or by telephone, or mail, as instructed by your probation officer" (emphasis added). The judges have not approved this form, nor have the judges given authority to any employee of the Probation Department to determine whether the probationer should report other than face-to-face, especially without prior notification and approval by the respective judge(s). See Recommendations/Issues For Review.

See Exhibit O, pp. 1-3. City of Cleveland v. Daniel Dailey
Case No. 2000CRB014310
Domestic Violence

Judge Stokes first gained knowledge of the "Mail-In" status policy when a probation officer submitted a Probationer Status Report and orally requested the issuance of a probation capias. The specific violation noted was "failure to report in July and August 2001". Per the probation officer, Mr. Dailey was placed on "Mail-In" status after he completed all the conditions of probation. However, the probation record reflects that Mr. Dailey did not submit AA verification after 4/1/01 or submit to urinalysis testing in June 2001. In addition, Mr. Dailey had previously violated probation when he failed to report on 7/13, 8/2, 8/29, and 9/12/00; failed to verify AA meetings; failed to complete DV counseling and SAA.

Mr. Dailey was placed on "Mail-In" status without Judge Stokes' permission or knowledge. The record clearly reflects he was not in compliance with all of the conditions ordered when placed on this status. In addition, the information on the Probationer Status Report form is not accurate and is misleading. Mrs. Daniel pointed out to Judge Stokes that the Probationer Status Report was never reviewed by, or signed by a supervisor as required before it was submitted to Judge Stokes. See Exhibit O, p.1.

As a result of these concerns, Judge Stokes expressed to Mr. Thomas that use of the "Mail-In" status was to cease on her cases until there could be a review of said policy. Mr. Thomas recommended that status reports be submitted in order for Judge Stokes to review her cases that had already been placed on this status by probation officers. Judge Stokes agreed. See Exhibit P. To date, Judge Stokes has not received any status reports.

RECOMMENDATIONS/ISSUES FOR REVIEW:

This policy needs to be reviewed for the above-stated and the following reasons, especially because it permits the Probation Department employees to "change" judges' orders without their approval or knowledge.

- (1) Who established this policy and practice without the approval of the judges? Should not there be a formal protocol in place for review and approval of such practices before they are permitted to take place in the Probation Department at the Cleveland Municipal Court? What factors justify the implementation of this policy and practice? Is it and should it be used for all types of offenses?
- (2) Should there not be prior notification to and approval by a judge, especially since the judges did not establish or approve this policy? In fact, some judges are just now learning of this policy as they read this document.
- (3) What criteria are used to change face-to-face reporting to reporting by "Mail-In" or telephone?
- (4) What are the pros and cons of this policy?
- (5) If a probationer has satisfactorily complied with the conditions of probation, should there be a request to terminate probation or make it inactive, rather than use a "Mail-In" reporting status?
- (6) Are supervisors and their superiors properly monitoring this practice?

- Issue No. 5** **A. The practice of a judge placing a convicted person on inactive probation, at the time of sentencing or later during the probationary period, needs to be reviewed for its pros and cons. Is this appropriate with respect to offenses such as DUI, Domestic Violence, and other offenses?**

- B. Why are probation officers submitting to judges requests for inactive status when the probation records and/or case files document that conditions of probation have not been satisfied, including the non-payment of fines?
- C. Is it appropriate for a probation officer to place a person on inactive status without a judge's approval?

RECOMMENDATIONS/ISSUES FOR REVIEW:

In view of the supervision problems previously noted throughout this document and the acknowledged goals of the Court, we need to closely examine the following:

- (1) Is the practice of inactive probation a policy that should remain in effect?
- (2) How many and what types of cases are placed on inactive probation status and by whom (judge or probation officer)?
- (3) What criteria must a probation officer consider before submitting a request for inactive status to a judge? Are supervisors, the deputy chief and/or chief properly monitoring this process?
- (4) What criteria must a probation officer follow to change the status from active to inactive? Are supervisors, the deputy chief and/or chief properly monitoring this process?
- (5) Is there any monitoring of "inactive" probationers, and are their cases assigned to probation officers or anyone for any type of periodic review?
- (6) Are inactive probationers assessed probation fees, and if so, why and how much as compared to active probationers?

The following two (2) examples document that requests for inactive status need to be more carefully screened by supervisors and the probation officers:

Example No. 1

**Exhibit Q: City of Cleveland vs. Renee Lamb
Case No. 2000TRC092371
Physical Control**

On May 29, 2001, a probation officer submitted a request for the probationer in the above-captioned case to be granted inactive probation status. The request specifically states, "her urines have been negative". A review of the probation record reflected that on March 14, 2001, Miss Lamb left the Probation Department Laboratory without submitting a urinalysis sample. Also, on April 18, 2001, Miss Lamb's urinalysis test result was unacceptable as it was too diluted. The request for inactive probation status was misleading and inappropriate, because it never mentions the incidents dated March 14, 2001, and April 18, 2001.

It is clear that Judge Stokes should have been immediately notified of said incidents so that this case could have been promptly set for a Probation Violation Hearing.

Example No. 2

**Exhibit R: City of Cleveland vs. Christopher Moore
Case No. 2000CRB023626
Domestic Violence**

In July 2001, Judge Stokes received a request for inactive probation status on the basis that Mr. Moore, since a 3/31/01 probation violation hearing, had completed all conditions of probation. Judge Stokes requested the probation record for review. Upon submission of the probation record to Judge Stokes, the probation officer requested that the case remain on active probation status because the July 6, 2001, urinalysis test result was positive for Marijuana and AA/NA Meetings had not been properly attended!

It is clear that the probation officers' respective requests for inactive probation were unwarranted and improper. Why was there no review of these requests by the supervisors who signed the Probation Status forms sent to Judge Stokes? Who monitors the supervisors?

Issue No. 6 Inadequate pre-sentencing reports with respect to some cases involving: (A) victims (Failure to Stop; Accident on the Street, Vehicular Homicide, License Required to Operate) based upon the failure to interview the victim or next of kin, if the victim is deceased; and (B) DUI/DUS offenses.

Exhibit S: City of Cleveland v. Patricia Brown
Case No. 2001TRD064213
NDL

A pre-sentencing report (PSI) was ordered on this case because an accident was involved. The PSI states "According to the attached accident report, she struck a bicyclist head-on." This officer contacted the operator of the bicycle that was involved in the accident. Michael Pritchett was instructed to come to court on November 27, 2001. Although Mr. Pritchett is 22 years old, he stated that he will "let my mom know." The PSI officer recommended inactive probation on this case without interviewing the victim about his version or his injuries and while noting that the defendant had positive test results for marijuana usage. Miss Brown also has prior convictions for DUI, DUS and NDL.

The PSI does not contain a Victim's Impact Statement form, nor is there any information from the victim, Mr. Pritchett, regarding this case.

At the sentencing on November 27, 2001, Mr. Pritchett (who was very shy) and his sister appeared. They informed Judge Stokes that Mr. Pritchett suffered several broken upper teeth, which he opened his mouth to demonstrate, and a broken leg with pins in his leg and ankle. He testified regarding his lengthy hospital stay and suffering in general.

Clearly this information should have been addressed in the PSI. The Legal Aid attorney also voiced his concerns about this PSI on the record.

In these instances, Judge Stokes has to re-refer the case to the Probation Department for the PSI to be properly prepared and or supplemented. It is important to have the summaries of the defendant and the victim, and any documentation if restitution issues arise. Victim impact is an

integral part of the criminal justice process. Victims cannot be overlooked. A re-referral also necessitates the undeniable inconvenience of having the parties return to court. These re-referrals have sometimes been requested by either the city prosecutor, the defense attorney, and Judge Stokes, or all three. Judge Stokes has made re-referrals on each type of case mentioned in Issue 5 by personally contacting Mr. Thomas. Mr. Thomas has always made certain that the specific PSI report was corrected.

RECOMMENDATIONS/ISSUES FOR REVIEW:

- (1) The concern is whether these issues continue to occur due to a lack of training, oversight, willful disregard, or some other reason.
- (2) These issues also raise the question of whether there is any auditing or review of the PSI reports by supervisors.
- (3) Another problem that needs to be addressed is when the PSI officers fail to attach the red Immobilization And Plate Impoundment Orders on DUI and DUS cases (Exhibit T) and the PSI officer fails to address verification of the titled owner and/or the location of the subject vehicle.

Issue No. 7 The policy of **capias requests made by probation officers should be reviewed to ensure that, if permitted to continue, proper guidelines are followed. Secondly, there should be an established procedure to ensure that the resultant warrants are timely registered.**

On or about July 26, 2001, Mr. Thomas brought the following case files and probation records to Judge Stokes requesting that capiases be issued as soon as possible. Mr. Thomas' concern was that probation officers had completed capias request forms; however, the files were found in a box in the Clerk's Office and the warrants had not been registered. Obviously, Judge Stokes shared Mr. Thomas' concern. However, upon a review of the case files and the probation

records, Judge Stokes was also concerned about the inappropriate length of time the probation officers allowed to elapse before requesting the capias. Please review the following examples:

Exhibit U, pp 1-2 **City of Cleveland vs. Daniel McCarthy**
Case No. 99TRC058763 (DUI)
Date Last Reported: 10-11-00
Date Warrant Requested: 6-2-2001
Request Approved: 7-17-2001

Capias and Bond Set by Judge Stokes: 7-26-2001

Exhibit V, pp 1-2 **City of Cleveland vs. David Gipson**
Case No. 1999TRD106667 (DUI)
Date Last Reported: 4-18-01
Date Warrant Requested: 7-9-2001
Request Approved: 7-9-01

Capias and Bond set by Judge Stokes: 7-24-2001

Exhibit W **City of Cleveland vs. Lonnie white**
Case No. 2000TRD101295 (DUS/Fleeing/Eluding)
Date Last Reported: 1-19-01
Date Warrant Requested: 5-14-01
Request Approved: 5-16-01

Capias and Bond set by Judge Stokes: 7-25-2001

Exhibit X, pp 1-2 **City of Cleveland vs. Ernest Bolden**
Case No. 2000CRB034245 (Falsification)
Date Last Reported: 1-18-01
Date Warrant Requested: 6-28-01
Request Approved: 6-29-01

Capias and Bond set by Judge Stokes: 7-26-01

Exhibit Y, pp 1-2 **City of Cleveland vs. Darrin McGuire**
Case No. 99TRC061990 (DUI)
Caseload was transferred on December 21, 2000
Probationer never reported from 1-9-2001
Date Warrant Requested: 6-28-01
Request Approved: 6-29-01

Capias and Bond set by Judge Stokes: 7-27-01

As evidenced by the above-cited examples, the length of time between the last report date and the date that the warrant was requested by the probation officers ranged from three, four, five, seven, and as long as eight months. Then, the respective files sat in the Clerk's Office for a minimum of 9 days, and as long as 70 days without the warrants being registered by the Clerk's Office. Subsequently, Judge Stokes set capiases and bonds in July 2001, upon notification by Mr. Thomas.

RECOMMENDATIONS/ISSUES FOR REVIEW:

Based upon the foregoing, recommended issues for review are:

- (1) What criteria are used for a probation officer to request capiases? What safeguards have been instituted or can be established to ensure capias requests by probation officers are timely made?
- (2) Are probation officers permitted to issue capiases solely upon the number of missed probation appointments, and if so, what is that number and how was it established? Is there any review by supervisors regarding compliance with the established guidelines? Is there any monitoring of the supervisors who allow this to occur?
- (3) What, if any, procedures have been established to prevent these problems from reoccurring?
- (4) Are probation officers permitted to issue capiases with respect to all offenses, including Domestic Violence, Menacing by Stalking, DUI, Assault, Hit Skip, Criminal Damaging, etc.?

- (5) When probation officers issue capiases, why is there no notification to the sentencing judge? Should not there be communication with the judge to determine if a bond needs to be set? Also, there should be a procedure in place whereby the probation officers receive timely notice when the judge issues a capias. As set forth in the 1997 "Advance" questionnaire, should not there be notification to the victim any time the offender is released from jail or when a capias has been issued by probation officers or the judges? These issues were raised again at the December 14, 2001 retreat regarding the Court's Strategic Plan.
- (6) What safeguards are in place or can be established to ensure probation capiases are timely registered by the Clerk's Office rather than left sitting in a box unattended? If no safeguards are in place, how can this situation be remedied?

Issue No. 8 A policy needs to be established as to whether only the sentencing judge should set the bond with respect to capiases issued by the probation officer.

Misdemeanant probationers who appear on the jail docket in the felony arraignment room and traffic court, as a result of capiases issued by probation officers, are routinely given personal bonds even though the sentencing judge did not issue the capias and has no knowledge that one was issued by a probation officer. These individuals who failed to report to their probation officer, in violation of a judge's order, are released on personal bonds. It is not surprising or to be unexpected that many of them fail to appear on the sentencing judge's personal docket for the next court date. At that time, the sentencing judge first learns that the probation officer had issued a capias, the reasons therefore, and that a personal bond was given in the arraignment room.

This current practice creates a shameful revolving door cycle prohibiting or impeding timely and effective rehabilitation and accountability of convicted probationers. This cycle can

only be stopped when the sentencing judge issues a capias and sets a bond that he or she deems appropriate. The offender needs to look the sentencing judge in the eye. If the sentencing judge had been initially informed of the probationer's non-reporting and non-compliance with the conditions of probation, there is a strong probability that the sentencing judge would have set a bond if he or she had issued the capias.

RECOMMENDATIONS/ISSUES FOR REVIEW:

Based upon the foregoing, the following issues should be reviewed:

- (1) Should probation officers be given authority to issue probation capiases without the knowledge and approval of the sentencing judge who may deem it appropriate to set a bond based upon the circumstances?
- (2) Should there be a policy whereby personal bonds are not permitted with respect to capiases issued by the probation officer? I believe that this was the policy of the Court many years ago prior to 1995.
- (3) Should this Court review and consider adopting the policy presently followed by the Cuyahoga County Common Pleas Court whereby only the sentencing judge can set the bond subsequent to an individual being held on a capias issued by the Probation Department?
- (4) There should be proper training of the deputy bailiffs who call these cases to clearly articulate who issued the probation capias so that the arraignment judge or magistrate can appropriately address the bond issue in accordance with policies to be set. Also, the judges and magistrates could and should take the time to briefly look at the case files for the same reasons.

Issue No. 9 DUI Cases (First Time and Multiple Offenders)

On September 5, 2000, the Probation Department issued a "Policy On Management Of First-Time DUI Cases"(Exhibit Z, p.1), which needs to be reviewed in terms of the goals of accountability and rehabilitation of the offender. The policy and practices with respect to multiple DUI offenders also warrant review.

RECOMMENDATIONS/ISSUES FOR REVIEW:

- (1) This policy does not require the probationer to report in person to a probation officer after the initial meeting date. In fact, this policy informs the probationers that they are required to "mail in" monthly reports over the next 90 days, each of which actually constitutes a probation appointment. The probationers' failure to "mail in" a monthly report "is equivalent to a missed appointment and a capias will be issued." (Exhibit Z, p.1. A copy of a Monthly Report Mail-In form is attached as Exhibit Z, p.4. This policy purposely precludes any face-to-face encounters after the initial appointment. This policy needs to be reviewed by the judges to determine whether it is in accordance with the goals of accountability and rehabilitation.
- (2) In addition to the foregoing, this policy is silent with respect to whether there will be any urinalysis and/or breathalyzer testing during the probationary period.
 - It is appropriate to bring to your attention that screening for alcohol by urinalysis testing was stopped by Mr. Thomas on the basis that it was too costly. To my knowledge, there was no notification to the judges that this screening process was stopped or that it was under review for its effectiveness and cost analysis. This is the type of information that should be shared with the judges not only for their input with respect to the need for alternate screening methods as warranted, but also so they can be cognizant of and sensitive to cost factors.

- (3) This policy allows for only two (2) record checks during the initial 90 days. This is an obvious problem since many probationers obtain new cases that are disposed of in the arraignment room without timely notification, if any, to the judge who placed the individual on probation.
- (4) This policy allows probationers from 90 to 120 days to attend an ATJ program before the judge is notified that said condition has not been completed. In addition, since the alcohol/substance abuse/dependency assessments are conducted as part of the ATJ program, this allows for a delay of at least 90 days before DUI offenders are assessed to determine whether formal treatment and/or counseling will be professionally recommended. How can these long delays be conducive to those who are in need of treatment and early intervention? It must be noted that technically it is improper for Defendants to attend ATJ programs after sentencing. The ATJ programs should be attended prior to sentencing.
- (5) Is there any statistical data being gathered and analyzed to determine the rate of success and/or the rate of recidivism regarding first time DUI offenders and the repercussions of this policy approach? How many, if any, of these probationers have become multiple DUI offenders?⁵
- (6) Is data being collected to determine the reliability of the cursory assessments provided by the ATJ programs as compared to the reliability of the formal alcohol and substance assessment provided by agencies such as Center Point, TASC (Treatment Alternatives To Street Crimes), etc.?

⁵ On January 9, 2002, The Plain Dealer reported that, in 2000, there were 5,737 DUI arrests in Cuyahoga County, of which 2300 were repeat offenders! Does this Court/ Probation Department have in place the most effective policies and procedures with respect to the supervision of DUI probationers including, but not limited to, formal assessments, appropriate referrals for treatment/counseling, and monitoring thereof to help lower the rate of recidivism? If not, are the judges and the appropriate Probation Department employees willing to make a commitment to do so?

- (7) What factors were considered to justify a DUI offender reporting by mail instead of in person? Is the "mail-in" report policy one that has been tested and/or proven to be effective by any reliable source(s) prior to or subsequent to its implementation?
- (8) Is data collected and analyzed to determine the rate of success and/or the rate of recidivism with respect to first and repeat:
- a. DUI offenders sentenced to a term of inactive probation?
 - b. DUI offenders sentenced to a term of active probation with rehabilitative conditions (in or outpatient treatment/counseling)?
 - c. DUI offenders sentenced to a term of active probation with educational classes only such as the ATJ programs and MADD sessions?
- (9) Are the proper conditions and levels of supervision being placed on first-time DUI offenders to prevent or reduce, if possible, the number of repeat or multiple DUI offenders? Moreover, how many of these offenders are being arrested and convicted of other alcohol/substance abuse related offenses, such as Disorderly Conduct Intoxication, Open Container, Drug Abuse Marijuana, etc. in this Court's arraignment rooms without the judge's knowledge?
- (10) Judge Stokes was notified in at least five (5) probation reports in one week that probation officers could not administer breathalyzer tests because there were no batteries, and that the only person who could supply the batteries was Mr. Thomas. Judge Stokes informed Mr. Thomas of this problem. He assured Judge Stokes that the problem would be quickly remedied. There should be some procedure in place to anticipate these kinds of problems, and to avoid reoccurrence. This is also applicable when the Probation Department runs out of RTA bus tickets for indigent probationers.

Issue No. 10 The Clerk's Office and the Probation Department must be held accountable for the inexcusable delays caused by missing probation records and/or missing case files needed for probation violation hearings, sentencings, and motion hearings. The Clerk's Office, the Probation Department, Central Scheduling, and the Administrative Staff must establish a protocol to eliminate these issues until there is implementation of the new case management computer system.

Subsequent to a judge scheduling a probation violation hearing date on the blue Probationer Status Report form, the probation records are usually timely submitted for the hearing date; however, there are many occasions when the corresponding case files fail to appear in court and on the judge's personal docket sheet. The judge and/or personal bailiff are alerted that the case file is missing based on the presence of either the probation record and/or the presence of the probationer who was notified to appear by the probation officer. There are also occasions when the probationer appears for the probation violation hearing, but there is no probation record and no case file in court.

When these problems occur, it is a great inconvenience for attorneys, probationers, probation officers, witnesses, and the judges to have to wait while the Probation Department tries to locate the probation records and/or the Clerk's Office tries to locate the case files. Personal bailiffs, deputy bailiffs, employees of the Probation Department and the Clerk's office expend a great deal of time trying to assist with this problem also. These situations impede the timely, orderly, and efficient operation of a judge's docket. Frankly, it makes the Court look bad.

Judge Stokes has attempted to provide a representative sample by documenting some of the innumerable times she has had to request missing probation records and/or case files for scheduled probation violation and motion hearings attached as Exhibit AA. Clearly, these are not isolated incidents, but demonstrate a systemic problem that needs to be addressed and corrected.

RECOMMENDATION/ISSUES FOR REVIEW:

Based upon the foregoing, there must be an investigation of these problems to determine why and how they continue to occur. It is not clear if these problems are a result of errors by the employees of the Probation Department or the Clerk's Office, or a combination of both. It would be beneficial to have the new computer system provide in advance a list by date of all cases set for probation violation hearings to the judges, Probation Department (probation officers and records room personnel), and the Clerk's Office so that probation records and case files will be in Court on the assigned date and time.

Issue No. 11 "The [current case management computer] system cannot perform automated consolidation of cases at the initial filing. When new case information arrives and a new case is created, this is the optimum time to find all other unresolved cases (probation, capias, unpaid fines, others pending) in the system. Currently, this does not take place. Some reports about capiases are generated, but they are burdensome and require many employee hours to be useful. Often, many cases are missed or ignored. People enter the court at arraignment and leave with active warrants on them from unfound files. Fines go unpaid. Probation officers are unaware of when probationers are arrested and appear on new cases."⁶

As a result of the foregoing statement, a defendant or probationer has his or her cases assigned to different judges. A judge often discovers the individual's "other" cases by information provided by the assistant city prosecutor, defense attorney, the defendant/probationer or from the probation record. Consequently, the time consuming task ensues of trying to determine to which judge the case belongs and trying to locate the files while the defendant waits in court. In addition, calls are made to the Central Scheduling office to obtain a court date for another judge's docket if the case(s) need to be reassigned. On occasion, the files are not properly reassigned even though the information is noted on the journal entry. There are

⁶ This is Judge Sean C. Gallagher's quote taken from his June 25, 2001 correspondence to the National Center for State Courts Re: Information System Problems and the Cleveland Municipal Court. See Exhibit BB.

numerous occasions when a defendant has been sentenced with respect to specific cases, only to find out weeks later that he or she has several other cases that should have been on a judge's personal docket with the first group of cases. The timely knowledge of the "other" cases would have definitely affected the plea negotiations and sentencing.

To assist with this problem, the Probation Department has a form letter that apprises Mame Koster, Director of Central Scheduling, of an individual's various case assignments so they can be properly consolidated. This is a good plan but it does not always accomplish its goals, because firstly, the Probation Department employees sometimes fail to submit the form to Central Scheduling although the information is clearly noted on the Prior Arrest Record (Pink Sheet) in the Probation Record. Central Scheduling also has a form it uses to consolidate and/or reassign cases. Secondly, copies of these forms should be, but are not, forwarded to the respective judges. Hopefully, the new computer system will alert the judges, and all necessary departments when consolidations and reassignments take place.

Another, major problem is that the probation officers who prepare the pre or post-sentence report often write that they discovered outstanding active warrants after the person leaves the Probation Department. Why can't they complete the record check while the person is in the Probation Department? Is this due to the number of individuals referred to the Probation Department, the lack of personnel qualified to operate the two CRIS computers, or do we need additional CRIS equipment? Ideally, all case files and active warrants should be discovered prior to the arraignment.

When the Clerk's Office, Central Scheduling and/or the Probation Department fail in gathering these cases, many of which had active warrants, all of this has to be resolved on a

judge's personal docket. These problems are not isolated and occur several times every day. It is very time consuming to try to resolve these matters during a personal docket, especially when all the cases should have been located prior to commencement of a judge's personal docket.

Clearly, the Clerk's Office, the Probation Department staff, and the employees of the Central Scheduling Department should be held accountable to correct these problems. It is critical to develop an interim parallel plan to professionally and properly deal with these issues while awaiting the new computer system to avoid the inconvenience of delays, unnecessary additional court appearances, and the potential for the miscarriage of justice with respect to accepting pleas, sentencing, etc., all because an individual's files were not timely accounted for. In addition, we need to get to the root of what causes these problems to avoid having these problems incorporated into the new computer system.

There should be regular record checks not just twice in 90 days, as is the current policy for first time DUI cases. Often the sentencing judges are apprised of a new arrest many months after that new case was resolved in the arraignment room. This is particularly disturbing with respect to all offenders, including DUI probationers who were in one of the Court's arraignment rooms on a new case, such as disorderly conduct intoxication, open container, etc., and mentally disordered offenders whose new cases are also resolved in the arraignment rooms without knowledge of or notification to the sentencing judge.

There simply are too many unreasonable and unwarranted breaches in this entire process. These matters cannot wait another three (3) years until the new computer system gets up and running. "Glitches" must be anticipated, and avoided.

Issue No. 12 The Process for Hiring a Grant Writer Should Begin as
Directed By The Judges in May 2001

At the May 2001 Judicial Advance "Mission, Vision and Values," former Court Administrator Linda DeLillo was directed to obtain names of grant writers who could be interviewed and hired for either a staff position or as a consultant who have experience in writing criminal justice and/or mental health/substance abuse oriented grants. Miss DeLillo submitted a May 22, 2001 memorandum to Judge Jones verifying that she had obtained the names of eight (8) grant writers who work on a fee for service basis for different agencies, information regarding the prevailing rate, and a sample contract for grant consulting services from the Cuyahoga County Court of Common Pleas. Miss DeLillo concluded the memo by writing "I am requesting judicial instruction as how to proceed on this matter." A copy of this memo was distributed to the judges on May 24, 2001. See Exhibit CC. At the judges' meeting held on May 24, 2001, one of the items on the agenda was for an update on grant writers, which was presented by Miss DeLillo. See Exhibit DD. Judge Stokes inquired as to how we were going to proceed with the interviews and the hiring process as reflected in the May 29, 2001 Minutes. Judge Jones instructed that this matter had to be referred to the Probation Committee to proceed. To my knowledge, the grant writer issue was not placed on the Probation Committee's agenda for the remainder of 2001. Subsequent to Miss DeLillo's preliminary work, there has not been any action taken to hire a grant writer even though the judges agreed upon the necessity of the Court hiring a grant writer, the process of which was to commence following the May 2001 Advance.

RECOMMENDATION:

Based upon the foregoing, let it be recommended that we need to immediately commence the process to hire a grant writer as agreed upon by the Judges seven months ago. Mr. Thomas has to be commended for the grants he has written that have been awarded to the Court on behalf of Project Hope and other programs. However, this is a time consuming task along with all of Mr. Thomas' other responsibilities as Chief Probation Officer. Mr. Thomas just does not have

enough time to research all of the available funding for grants. Thus, there are so many opportunities for grants that this Court has missed simply because we have failed to hire a grant writer to research all possibilities. This subject was originally recommended for review in 1997 and again in May 2001! The time to act is now.

Issue No. 13 There should be a protocol for, at least, an annual written review/summary of all programs based upon grants. There should be a protocol for timely written notification to each judge and all other appropriate personnel with respect to all grant applications, new and renewals, so that each has an opportunity to timely provide meaningful input prior to the submission of the application.

RECOMMENDATIONS/ISSUES FOR REVIEW:

Each program that is in effect based upon a grant should be reviewed no less than annually to determine its effectiveness in terms of the goals of rehabilitation and accountability, and the impact upon the Court with respect to personnel and the budget. There must also be a way to consistently gather the appropriate statistical data for grants that are in place, for those that need to renewed, and for any new programs for which the Court may decide to apply. The annual written review/summary should also include documentation about any matching funds provided by the Court, and other pertinent information to be determined. There should be a process for the judges to address the issue of whether the Court will provide any matching funds for existing or new programs.

The written summary of the programs that are in place should be compiled and submitted to each judge, the Court Administrator, respective Department Heads, and all other appropriate personnel at least annually, with periodic reports, as deemed necessary. This would be applicable to the following programs: such as Project HOPE, Drug Court, the Domestic Violence "Pilots" (2nd and 4th Districts), Traffic Intervention Program (TIP), etc. Each judge and all other

appropriate personnel should receive timely written notification of the renewal application process so that each is afforded an opportunity to provide his or her input.

Also, there should be timely written notification to each judge and all other appropriate personnel whenever there is a plan to submit a new grant application on behalf of the Court so that each shall be afforded an opportunity to provide his or her input. If any grant applications are presently being prepared or pending, proper notification should be made to the judges and others immediately, as noted above.

Issue No. 14 Training Issues For Supervision Probation Officers And Their Supervisors Pertaining to the Mentally Disordered Offenders (MDO) And Offenders With Mental Retardation (OMR) Unit

ISSUES FOR REVIEW:

Please review the following case scenarios that are examples of sensitive and problematic issues that have continued to occur with respect to the supervision of some of the MDO/OMR probationers:

**Example No. 1
Exhibit EE, pp.1-3**

**City of Cleveland v. Kim Rogers
Case No. 2000CRB041284
Soliciting
Diagnoses: Schizophrenia, bipolar disorder,
borderline personality, post-traumatic stress
disorder, and cocaine dependence.**

The updated probation report submitted for the Project HOPE compliance docket held on June 25, 2001 set forth that Miss Rogers had one (1) excused absence and three (3) unexcused absences from Recovery Resources' Substance Abuse Mentally Ill Intensive Outpatient Program (SAMI-IOP). The probation officer failed to document the specific dates of the absences, and could not verbally provide this information at the compliance docket. The probation record also

noted that Miss Rogers had been attending 2 to 3 AA meetings on one day instead of spreading them during the week as ordered. In the Recommendation section of the updated report, the probation officer's only concern was that Miss Rogers' 50 hours of CWS "be ordered to begin soon", and for continued involvement in Project HOPE.

Clearly, the unexcused absences at the SAMI-IOP and the numerous AA meetings on one day were red flags that Miss Rogers needed timely intervention, and that Judge Stokes should have been immediately notified to address these problems. A probation violation hearing was scheduled for June 27, 2001, to allow the probation officer to supplement the probation record with the specific absence dates as requested by Judge Stokes and the Legal Aid attorney.

The supplemented probation record identified that the unexcused absences from the SAMI-IOP were on May 29, 2001, June 8, 2001, and June 13, 2001. If the probation officer had timely notified Judge Stokes, then these issues could have been properly addressed well in advance of the compliance docket or at least at the compliance docket.

Judge Stokes had ordered close supervision (weekly reporting and urinalysis testing) on this case because of Miss Rogers' diagnoses, prior failure to comply with ordered conditions, and her continued attempts to use deceptive measures by trying to supply her girlfriend's urine instead of her own. Specifically, the former probation officer who was assigned to this case before it was transferred to the MDO unit ascertained that Miss Rogers had hidden a small glue bottle in her vagina that contained her girlfriend's urine. Miss Rogers did this to avoid submitting her own which did test positive for cocaine. Also, Miss Rogers' mother called the probation officer later on June 25, 2001 to report that Kim Rogers had used cocaine the weekend of June 23, 2001.

The above example clearly demonstrates that it was vitally important for the probation officer to have documented the specific SAMI-IOP dates of absences, to have timely notified Judge Stokes of the absences, and to have timely communicated with Miss Rogers' case manager

information as to the non-compliance. Intervention at the earliest possible point is critical with respect to all probationers. In this case, it was critically important for one who is mentally ill, chemically dependent, and non-compliant.

Example No. 2

City of Cleveland vs. Danny Malone
Case No. 1999TRC08406
DUI

On May 17, 2000, Mr. Malone was sentenced and placed on two years of active probation assigned to the OMR program. Judge Stokes ordered a formal alcohol/substance abuse assessment and treatment/counseling as recommended, random monthly urinalysis testing, and other conditions. The TASC assessment dated September 2000 recommended 12 step meetings, abstinence from mood-altering substance use, including alcohol, and random urinalysis testing.

On May 2, 2001, the former probation officer brought the case file without the probation record to Judge Stokes and orally informed Judge Stokes that she had an emergency situation with Mr. Malone. Specifically, the probation officer requested that Judge Stokes issue a capias on the basis that Mr. Malone had lost control mentally, and had received new charges of DUI and domestic violence in the City of Bedford.

Upon a review of the case file, Judge Stokes questioned why Mr. Malone had not appeared on the MDO/OMR compliance dockets especially since Judge Stokes had not excused him from attending. The probation officer responded that on her own initiative she decided that Mr. Malone had been doing well, and that he did not need to appear on the compliance docket. Judge Stokes informed the probation officer that she was wrong and that her actions were in direct contravention of Judge Stokes' order and ability to decide who appears on her docket. Judge Stokes issued the probation capias and set the bond.

Mr. Malone was eventually held on the capias and appeared before Judge Stokes for a probation violation hearing. At that time, Judge Stokes was provided with the probation record that included the customary updated report following a probation capias. The updated report prepared by a pre/post-sentencing probation officer incorrectly stated that Judge Stokes issued the capias because Mr. Malone missed a court date on May 2, 2001. It was also incorrect because it reported that Mr. Malone had not incurred any new charges. There was no mention of the pending DUI and domestic violence charges, or of his mental health crisis. It did not appear that Mr. Malone was interviewed or that the supervision probation officer was consulted for preparation of the updated report.

At the probation violation hearing, Mr. Malone's attorney disclosed that in April 2001, Mr. Malone had relapsed with alcohol usage and was suffering from a mental illness that requires treatment by a psychiatrist who prescribed medications. The probation record reflected that from the date of sentencing, May 17, 2000, only one urinalysis test was done which was dated October 4, 2000. In addition, although the probation officer claimed that she conducted monthly breathalyzer testing, she could not provide any documentation of said tests.

This case has been cited as an example because the probation officer failed to comply with the judge's orders regarding Mr. Malone's conditions of probation, and interfered with the judge's ability to monitor his status via the compliance dockets that Mr. Malone obviously needed to attend. Also, the updated report was not accurate. The inaccuracies could have been avoided if the post-sentencing officer and the supervision probation officer had conferred. A properly updated report is necessary, and ultimately beneficial to the judge and all concerned.⁷

⁷ It is very disturbing and tragic that Mr. Malone committed suicide approximately two weeks ago. Several other MDO probationers, who are presently on Judge Stokes' docket, have either attempted suicide, threatened, or are threatening to do so. Clearly, it is so vitally important that timely assistance and intervention take place as much as is humanly possible.

Example No. 3

**City of Cleveland vs. Maria Rivero
Case No. 2001 CRB16590
Aggravated Disorderly Conduct
Diagnosis: Paranoid Schizophrenia**

At the August 15, 2001 MDO/OMR compliance docket, Probationers Maria Rivero and Charles Bright were required to be present along with several others. Miss Rivero, who is bilingual, was present during the review of Mr. Bright's progress, and when it was completed he left the courtroom. During the review of Miss Rivero's status, the extent of her probation officer's oral and written report was that Miss Rivero was in compliance with all aspects of the conditions of probation.

Upon Judge Stokes questioning Miss Rivero as to whether she had any concerns or problems, Miss Rivero started crying and asked if she could speak to Judge Stokes privately. Judge Stokes permitted Miss Rivero to speak at sidebar. Miss Rivero claimed that she was frightened and upset that she had to be in the courtroom with Mr. Bright who she claimed had been harassing and following her in the community and the Probation Department. Miss Rivero also claimed that she had notified her probation officer of Mr. Bright's actions, and that because he had failed to inform Judge Stokes she suffered having to wait in court when Mr. Bright had been present. Miss Rivero also informed Judge Stokes that she had not been taking her medications as prescribed.

The probation officer did not deny knowledge of Miss Rivero's allegations regarding Mr. Bright or himself. The probation officer tried to justify his actions claiming that there was no need to inform Judge Stokes because Miss Rivero's claims about Mr. Bright were just a manifestation of her paranoid schizophrenia. Judge Stokes explained to the probation officer the gross inappropriateness of deciding not to notify the judge of these allegations when he first

learned of them, and then to keep silent during the compliance docket! Also, the probation officer did not think it was necessary to inform Miss Rivero's case manager of her allegations.

Mr. Thomas and Dr. Schweid were notified immediately of this situation. They agreed that the probation officer's conduct was not acceptable or appropriate, possibly stemming from his lack of training.

Judge Stokes immediately put in effect that Miss Rivero and Mr. Bright were not to appear on the same compliance dockets, or have probation appointments on the same dates. In addition, Judge Stokes made a re-referral to the Court's Psychiatric Clinic requesting that Miss Rivero's psychiatrist be informed of her admission that she was not compliant with her medications, and her belief that she was being followed by Mr. Bright and others. Mr. Thomas requested Judge Stokes to meet privately with the probation officer. In a meeting with the probation officer, Judge Stokes explained the necessity of notifying the judge and the case manager so that appropriate action could be taken to determine if Miss Rivero needed to be referred to the City Prosecutor's Office to file a complaint, and/ or if she needed to be re-evaluated by her psychiatrist if the allegations were psychotic thoughts resulting from her mental illness. The probation officer maintained his position, and refused to acknowledge that he should have immediately notified Judge Stokes and the case manager of this matter. Also, the probation officer could not explain why he did not have any knowledge that Miss Rivero had not been medication compliant. Judge Stokes maintained her position.

Dr. Schweid met with the probation officer for training purposes, i.e., instructing him to contact Dr. Durban, the psychiatrist, and the case manager as requested by Judge Stokes. Mr. Thomas and Judge Stokes agreed that it was in the best interest of Miss Rivero to have her case transferred to another probation officer with more experience and who also speaks Spanish.

The following examples are from the November 28, 2001, and December 19, 2001

MDO/OMR compliance dockets:

Example No. 4

**City of Cleveland vs. Gwen Johnson
Case No. 2000CRB038727**

During the November 28, 2001 compliance docket, Judge Stokes noticed that Miss Johnson was slumped over on her side continually stretching her hand and arm from her mouth out to the air in front of her. When Miss Johnson's case was called, her probation officer reported that she was in full compliance with taking her medications and all other conditions of probation.

Judge Stokes questioned her about the arm movements and why she had been slumped over in her seat. Miss Johnson started crying and revealed that while in court she was seeing stars, shapes, and people who were calling her vulgar names and telling her that she was "no good". Also, Miss Johnson revealed that she was having a hard time remembering to take her medications, some of which had undesirable side effects. She stated that she was suffering from sleep deprivation, depression, and recently had suicidal thoughts. Judge Stokes, Dr. Schweid, the probation officer, and Miss Johnson held a conference to determine an immediate plan of action to assist Miss Johnson. The interesting point is that the probation officer was not aware of any of these issues until Judge Stokes asked the questions.

Example No. 5

**City of Cleveland vs. John Decker
DUI**

During the same compliance docket, Defendant John Decker, upon questioning by Judge Stokes, stated that he had been having adverse side effects from his psychiatric medication. In

response to other questions by Judge Stokes, Mr. Decker's answers clearly demonstrated that he was very paranoid, agitated and angry about alleged activities of his landlord, and possibly on the verge of requiring immediate medical intervention. Mr. Decker's probation officer was not aware of these problems before Judge Stokes posed the questions. The probation officer agreed to contact the case manager to arrange for Mr. Decker to receive immediate psychiatric help. The probation officer reported that Mr. Decker voluntarily checked himself into a hospital's psychiatric ward shortly after the compliance docket.

Example No. 6
City of Cleveland vs. Jermaine Reid

Also, at the November 28, 2001 compliance docket, another MDO probationer, Jermaine Reid, revealed the following information that was not discovered until Judge Stokes asked questions. Mr. Reid revealed to Judge Stokes that he had been recently confined to a hospital's psychiatric ward for approximately two weeks because of an irresistible urge for violence and the side effects of his medications. Mr. Reid also discussed his refusal to take newly prescribed medications while confined at the Cleveland House of Correction asserting his First Amendment right to fast from all food and medications during Ramadan. Mr. Reid appeared in court following a probation capias. The updated probation report did not contain any of this information because the supervision probation officer did not ask the questions when Mr. Reid was interviewed for the compliance docket.

Example No. 7
City of Cleveland vs. Renaldo Dillard
Case No. 2001CRB010121
Domestic Violence

The probation officer submitted an updated report for the December 19, 2001 compliance docket that stated Mr. Dillard was in total compliance with probation. The probation officer and the probationer failed to appear at the compliance docket. A few days later, Supervisor Kim

Moore reviewed the cases assigned to the probation officer, and discovered from the probationer that he had also missed the December 10, 2001 appointment with his probationer officer. Kim Moore immediately notified Judge Stokes that the probation officer had not submitted an accurate report, and that Mr. Dillard was not in compliance.

Judge Stokes advised Deputy Chief Regina Daniel and Supervisor Kim Moore of the necessity for the supervision probation officers and the pre-sentence officers to ask appropriate and pertinent questions of the probationers. Mrs. Daniel and Mrs. Moore quickly grasped the nature of the problems, and were eager to assist with viable solutions. Judge Stokes orally provided a list of questions that she routinely asks the probationers, and suggested that the MDO team review and consider using them.

Mrs. Moore graciously agreed to prepare a written list of these questions (MDO Interview Checklist) that was submitted to Judge Stokes that same week. See Exhibit FF. On December 17, 2001, Judge Stokes, Mrs. Daniel and the MDO team (Kim Moore, James McHugh, Brian Siggers, Dave Barker, Michael Negray, and Dr. Schweid) met to review and discuss the MDO Interview Checklist, and other issues such as developing a protocol to follow when the probationers experience any of the aforementioned problems.

This meeting was very beneficial, and all in attendance participated enthusiastically. The MDO Interview Checklist was revised to include additional questions. See Exhibit GG. The MDO team is also drafting a list of these questions so that the probationers can keep a record of any problems they are experiencing between visits with their case managers, psychiatrists, and probation officers.

RECOMMENDATIONS:

It appears that many of the aforementioned case examples can be easily remedied by:

1. The proper training of the MDO/OMR Probation Department staff;
2. The proper supervision and active involvement by the MDO/OMR Unit Supervisor;
3. Holding periodic meetings with the MDO/OMR Probation Team and the respective judges who preside over MDO/OMR compliance dockets to review not only the probationer's status prior to the compliance docket, but also to allow for an open dialogue with respect to any issues of concern, including those that can impede and/or help to facilitate the goals of rehabilitation and accountability, and to allow for compliance dockets to proceed in a meaningful, productive and orderly fashion;
4. The establishment of a protocol to timely notify the judge, and the case manager who should effectively communicate with the treating psychiatrist and/or other health care professional when a MDO probationer has decompensated or is in the process of decompensating (i.e. exhibiting symptoms of sleep deprivation, auditory and/or visual hallucinations, and other psychotic symptoms) due to the following reasons which include but are not limited to:
 - a. the probationer's failure to remember to take prescribed anti-psychotic medications;
 - b. the probationer's willful failure to take prescribed medications due to the side effects;
 - c. the probationer's failure to take prescribed medications asserting the First Amendment right of freedom of religion to fast from all food and medications during Ramadan;
 - d. various manifestations of a specific diagnosis, such as schizophrenia.

5. Proper training and measures of accountability to ensure that a probation officer understands the gross inappropriateness of deciding not to notify a judge before or during a compliance docket that a terrified female MDO probationer believed that she was being stalked by another male MDO probationer, who was also present in the courtroom, because the probation officer deemed the female's concerns as just part of her paranoid schizophrenia. The female probationer notified Judge Stokes at the conclusion of the docket at side bar because the probation officer refused to do so. This details of this case will be set forth as one of the examples;
6. The establishment of checklists for probation officers and probationers to use in monitoring a probationer's progress, concerns, and compliance with conditions of probation which should be used to document these matters for presentation at the compliance dockets;
7. The immediate assignment of a probation officer and the earliest meeting date with the probation officer to schedule a psychiatric intake appointment for the establishment of a treatment plan with respect to needed medications, linkage to a case manager, an alcohol/drug abuse assessment for those who are dually diagnosed, and housing options for the homeless. Time is especially of the essence for those who are either incarcerated and/or homeless;
8. The establishment of a policy that requires the pre/post-sentencing probation officer to confer with the supervision probation officer when preparing the updated probation report for a probationer's case that is in Court following an arrest pursuant to a capias. There should be a checklist of questions to be asked of MDO probationers to assist with their medical needs as soon as possible.

**Issue No. 15 Additional Training Issues For Supervision Probation Officers
And Their Supervisors**

RECOMMENDATIONS/ISSUES FOR REVIEW:

Example No. 1

When a probation officer is alerted to the fact that a probationer is taking Prozac, the probationer should make a proper inquiry, and notify the judge of the findings. A determination can be made whether there should be a referral to the Court Psychiatric Clinic. Probation officers assigned to all caseloads should be trained with respect to medications, behavior, and/or symptoms that may possibly raise a "red flag" that a psychiatric referral might be appropriate, and notify the judge.

Example No. 2

Probation officers should be careful to specifically note the various substances that should be screened when a referral for urinalysis testing is made. For example, Judge Stokes ordered urinalysis testing for PCP because of the probationer's addiction to that drug. In a recent updated report, the probation officer notified Judge Stokes that the probationer was tested for cocaine, opiates, and marijuana, but not PCP. See Exhibit HH, pp.1-3.

Example No. 3

City of Cleveland vs. G. Mela

DUI

Judge Stokes requested an updated probation record to rule on Mr. Mela's motion to terminate his license suspension or, in the alternative, motion for occupational driving privileges. Probation Officer "A" submitted a probation report that stated she had issued a capias because Mr. Mela had failed to report. Mr. Mela and his attorney insisted this was not true. Judge Stokes contacted Russell Brown to assist because Probation Officer "A" was not available, and all of the probation supervisors were in a meeting. Due to the large docket, Judge Stokes and her personal bailiff could not stop to investigate this matter.

Mr. Brown discovered that Mr. Mela's case had been assigned to two probation officers. Probation Officer "B" was requested to come to the courtroom to give an oral updated report. Probation Officer "B" reported that Mr. Mela was a model probationer, and in full compliance with all conditions. The entire process took two hours for Mr. Russell to contact both probation officers and sort out this problem. Judge Stokes recalled the *capias*, and ruled on the motion. Attorney Shirley Asale and Mr. Mela waited for two hours because they did not want another court date.

Mr. Brown's assistance was greatly appreciated. Mr. Brown's summary of this incident is attached as Exhibit II. It is entitled "Probation Officer Assignment Mishap". This matter was a great inconvenience for everyone, and there must be measures in place to avoid future occurrences. It would have been horrible if Mr. Mela had been arrested on the improperly issued *capias*.

Example No. 4

There should be a policy and practice in place that a probationer will be seen by a probation officer or a supervisor, and not turned away when the assigned probation officer is not available due to illness, vacation, or for some other reason. If such a policy and practice exist, they are often not followed. There are too many probationers who report for their probation appointments, and are turned away without complying with conditions ordered because of the assigned probation officer's absence. When this occurs, the harsh reality is that a judge's orders are ignored by the Probation Department staff, which results in non-compliance by probationers who reported as required, but to no avail.

Example No. 5

There should be a policy and practice in place whereby the probation officers are required to conduct frequent record checks regarding any new cases, and timely notification should be

made to the respective judges. In addition, the pink Prior Arrest Record should be updated accordingly.

Issue No. 16 There needs to be a thorough review of the Court's Psychiatric Clinic with respect to the length of time it takes for defendants and probationers to receive psychiatric evaluations from the date of referral while they are incarcerated and those who are on bail. This should include a review of the length of time it takes for the dictation tapes to be submitted to be typed, and the length of time it takes for the typed reports to be submitted to the judges for review.

RECOMMENDATIONS/ISSUES FOR REVIEW:

In order to ensure that defendants and probationers receive timely psychiatric evaluations from the date of referral, it is imperative that there should be a review of the length of time between the referral date, the date of the evaluation, the date the dictation tape was submitted to be typed, and the date the written evaluation is submitted to the judge. It is an alarming fact that Dr. Otto Kausch has been permitted to submit his dictation tapes to the Court's Psychiatric Clinic for typing seven (7) days after the date of the psychiatric evaluation while the probationer or defendant waits in the Cleveland House of Corrections. Judge Stokes has complained of this practice to Dr. Robert Schweid for at least two years, and there has not been any change with respect to this unacceptable practice.

Over the past years, Dr. Schweid has stated that the delay of seven days was reasonable. Recently, Dr. Schweid agreed that Dr. Kausch's dictation tapes should be submitted for typing as soon as possible. The problem is that Dr. Kausch needs a way to physically get the tapes from the Cleveland House of Corrections to the Court's Psychiatric Clinic. Dr. Schweid has suggested that the Court's bailiffs assist by transporting the tapes. However, Dr. Schweid stated that Judge Jones will not permit the bailiffs to assist with this matter unless there is an emergency. There has never been a plausible explanation as to why it takes seven (7) days for the tapes to be received for typing.

Two weeks ago, Judge Stokes made a referral for an evaluation for emergency hospitalization regarding a MDO probationer (Arlethea Harp) incarcerated at the Cleveland House of Corrections. Dr. Kausch determined that the probationer needed to be immediately transported to St. Vincent Charity Hospital's Psychiatric Emergency Room. Dr. Schweid promptly orally notified Judge Stokes of Dr. Kausch's findings. Also, Dr. Schweid informed Judge Stokes that Dr. Kausch's dictation tape was with Dr. Kausch at the VA Hospital, his place of employment. Dr. Schweid stated that Judge Stokes would have to get permission from Judge Jones to write an order for the bailiffs to retrieve the dictation tape. Judge Jones was not available. Thus, it was agreed that Dr. Kausch would fax a brief summary of his findings and recommendation so that Judge Stokes could issue an order for the Cleveland House of Corrections staff to transport the probationer to the hospital. The Bailiff's Department eventually agreed to retrieve the dictation tape.

It is imperative that we review these issues and establish an acceptable time table for individuals who are in jail or on bail as follows: the date of the evaluation from the date of referral, submission of the dictation tapes to be typed from the date of the evaluation, and the time it takes for the submission of the typed evaluation to the judge. This will have to include a review of the number of full-time and part-time psychiatrists and/or psychologists who conduct these evaluations, and a past and present review of the number of their evaluations, and the time issues previously discussed. This is important for fiscal reasons as well.

In mid-2001, these issues were on the agenda at one of the Court's Psychiatric Committee meetings. It was agreed that the former Court Administrator, Linda DeLillo, would arrange for Court personnel to review the judges' referrals and prepare a comparison chart with respect to the time issues. To this author's knowledge, the data was never collected. Also, Shameka Jones

prepared a document regarding some of the staff issues (salaries, number of part-timers, etc.) that needs to be updated and placed on the agenda again.

All of these issues need to be revisited and addressed thoroughly until resolved.

Issue No. 17 Innovative Ideas for Consideration

RECOMMENDATIONS/ISSUES FOR REVIEW:

Idea No. 1

There are some defendants who have been convicted of offenses such as Domestic Violence, Assault, Menacing and/or Menacing By Stalking who pose such a high risk for further violence to the victim(s) that there should be a rehabilitative intervention program available at the Cleveland House Of Correction that a judge can order as part of the sentence. Many of these defendants also have a diagnosis of alcohol and/or substance abuse/dependency, which either complicates or exacerbates the risk for further violence. Center Point, an alcohol and substance abuse counseling program, is available for incarcerated individuals at the Cleveland House Of Corrections. It would be appropriate and in accordance with the Court's goals of rehabilitation and accountability to have an intervention counseling program to assist these violent offenders while incarcerated. This would also provide additional protection for the victim(s)

Pursuant to Judge Stokes' request, Deputy Chief Regina Daniel researched and reported that she was unable to locate any agency, such as the Batterers Intervention Program, that will conduct counseling for an incarcerated violent offender. In addition, Judge Stokes' request for the Probation Department to research grant opportunities for instituting such a counseling program has not yet been honored. Clearly, the judges of this Court have an obligation to the victims, defendants, and the community to do all we can to begin this type of counseling program. Accordingly, a grant application should be submitted on behalf of the Court, and other avenues should be explored to assist with the establishment of this type of counseling program.

and successfully completed probation. A postcard could be submitted to the probationers as positive reinforcement for a job well done.

Issue No. 18 "Mixed Signals"

The issue of "mixed signals" has been included for review, pursuant to the request of Mr. Thomas. The term "mixed signals" is used in reference to probationers' cases when the judges' actions or failures to act contradict and thwart the fulfillment of the Mission Statements of both the Court and the Probation Department, and the goals of rehabilitation and accountability of the probationers. Mr. Thomas and some of the Probation Department employees are of the opinion that various actions or failures to act of different judges periodically cause confusion and some difficulties with respect to the duties of the probation officers. This would include, but not be limited to, notification of probation violations, and/or the failure to specify any conditions of probation with respect to serious offenses, such as Domestic Violence and DUI.

Although each of the following examples can be documented by case names, numbers and exhibits, they will not be because there is no need to reveal the identities of the judges and the probation officers. Also, some of those who expressed their concerns did so on the condition of anonymity, which must be honored.

ISSUES FOR REVIEW:

Example No. 1

A probation officer timely notified the sentencing judge of a probationer's five (5) positive test results for marijuana and cocaine, and that the probationer failed to report to take three (3) additional urinalysis tests. The judge's response was that no action was to be taken. There are similar examples where a judge refuses to take any action with respect to a probationer's illegal

use of drugs, and specifically informs the probation officer to only notify the judge if the probationer obtains a new case.

Example No. 2

A probation officer timely and continually notified a judge that a probationer tested positive for marijuana for twelve (12) months. The judge's response was that no action was to be taken. The probationer was transferred to the MDO unit, and continued to test positive for marijuana. The judge was notified. The judge's response remained the same: "no action to be taken".

Example No. 3

A. On 2nd DUI cases, some judges do not order any conditions of probation, but write on the journal entry that any referrals shall be left to the discretion of the probation officer. The probation officer makes the referrals, and the probationer's protest asserting that the judge did not order any specific conditions. Some probation officers assert that this creates a difficult supervision task for them especially when they notify the respective judges of the probationer's refusal to comply with conditions set by the probation officer, and on occasion, the particular judges take no action, or vacate the referrals made by the probation officer. Additionally, it is asserted that a considerable amount of time is expended trying to iron out these issues, thereby delaying any referrals and treatment possibly needed by the probationer/offender.

In many of these situations, the probation officer, on his or her own initiative, makes a referral for a formal alcohol and/or substance abuse assessment because the probationers are continuing to use illegal drugs. There are some probationers who refuse to attend the assessment and/or treatment. This information is also reported to the sentencing judge, who once again refuses to take any action.

The probation officers and their supervisors claim that, under these circumstances, they are powerless to hold the probationers accountable for their continued illegal drug usage and overall non-compliance. As a result, some of the probation officers are subjected to different types of disrespect by the probationers who have free reign to do as they please. A mockery is made of the justice system because the probationers know that they are not permitted to use alcohol or illegal drugs, as noted on the Rules Of Probation form each is required to sign, and that the judge will not take any action with respect to the non-compliance.

B. Similar problems occur when judges do not impose any conditions of probation with respect to probationers convicted of Domestic Violence. The Probation Department's protocol is for these probationers to be referred for an assessment for domestic violence counseling, and to participate in domestic violence counseling, if warranted per the assessment recommendation. Thus, probationers protest the referrals made by the probation officer, and refuse to comply because the judge did not order the referral. Upon notification to the respective judges, the probation officers claim that they are rebuked by those judges, and instructed not to make any referrals. The probation officers feel as though they are in a "catch-22" position, caught between honoring the judges' directive, not following the above-stated protocol, possibly overlooking the needs of the probationers, and the concerns of the victim.

Example No. 4

On occasion, a probation officer makes referrals for probationers to be evaluated in the Court Psychiatric Clinic based on their behavior or admission of psychiatric problems. However, some of the probationers refuse to go to the Psychiatric Clinic unless ordered by the sentencing judge who, when notified of the situation, decides to take no action. The probation officers note their frustration and difficulty in supervising someone who possibly should be supervised by the MDO probation officers. Also, some probation officers would like some of the judges to be more

sensitive to this type of request when made by a probation officer, and not refuse to take any action simply because the judge "did not make a psychiatric referral at the time of sentencing".

Example No. 5

This example is when a "mixed signal" is given to the probationer, the police officer, and everyone present in the courtroom. A defendant appeared in the courtroom of Judge "A" for a trial on a Disorderly Conduct Intoxication charge. The defendant was found guilty. During the sentencing phase, the defendant admitted that he has a problem with alcohol and that he is on inactive probation to Judge "B" on a DUI case. Judge "A" informed the defendant that, due to the single judge case assignment rule, his new case should have been before Judge "B", and that Judge "A" would vacate the guilty finding, and allow the case to be heard by Judge "B".

Due to the time factor with respect to the minor misdemeanor charge, Judge "A" contacted Judge "B" to determine if Judge "B" had a criminal docket that day, and if Judge "B" wanted the defendant and the police officer to go directly to Judge "B's" courtroom. Also, Judge "A" informed Judge "B" of the DUI in the event, Judge "B" wanted both case files. Judge "B" stated that Judge "A" should keep the new case and dispose of it as Judge "A" deemed appropriate. Also, Judge "B" stated that if there was a guilty finding, Judge "B" was not going to hold a probation violation hearing or review the matter to determine if the inactive status of the DUI case should be changed to active probation. Judge "A" informed the defendant and the police officer of Judge "B's" decision.

The police officer noted his concern of the defendant's continued alcohol problem in the community, which the defendant did not deny, but stated that he believed that he could stop drinking if only he had a job. Since the defendant was unemployed, he agreed to verify attendance at AA meetings over a period of thirty (30) days, in lieu of paying the fine. A probation supervisor was willing to assist the defendant by providing him with a booklet listing

AA meeting locations, and the phone number and address to Cleveland Works. It is documented that the defendant verified attendance of the AA meetings. In fact, it is reported that the defendant's appearance had greatly improved when he proudly submitted verification of the AA meetings to Judge "A" 30 days later. However, there cannot be any proper monitoring of this convicted DUI offender's alcohol problems on inactive probation. Hopefully, he will continue going to AA meetings on his own, seek more help as needed, and not become a repeat DUI offender or have any additional alcohol related offenses and/or convictions.

RECOMMENDATIONS:

Obviously, these are sensitive issues to address especially because judges have philosophical differences and discretion with respect to the judgments and decisions they make on the cases assigned to them, the facts and circumstances of which are peculiarly in the knowledge of that judge. Notwithstanding the aforementioned truths, each judge should keep in mind the goals of rehabilitation and accountability, and fulfilling the aforementioned Mission Statements. Based upon the foregoing, may it be suggested that each judge take time privately to carefully consider if any of us are sending "mixed signals" of any type to defendants, victims, probationers, defense attorneys, assistant city prosecutors, police officers, witnesses, Court employees (probation officers, bailiffs, etc.), and the community at large, including treatment professionals. If so, each judge should privately take the appropriate steps to rectify any of these types of problems.

Issue No. 19 The establishment of an annual performance appraisal procedure for each of the Court's Department Heads including: Court Administrator, Chief Probation Officer, Bailiff, Central Scheduling Director, Chief Court Reporter, Chief Information Officer, Jury Commissioner, and Chief Magistrate, and Psychiatric Clinic Director.⁸

⁸ There should be an annual performance evaluation for the Assistant Deputy Court Administrators, Psychiatric Court Director, Deputy Chief Probation Officers, and each Department's employees.

RECOMMENDATIONS/ISSUES FOR REVIEW:

- (1) It is important for each of the Court's Department Heads to have specific responsibilities as outlined in a job description. The respective job descriptions should be reviewed and updated, as necessary. The department heads should have goals and objectives to meet within a specific time frame for the improvement of the respective departments and to enable the Court to consistently fulfill its Mission Statement. Some of the goals may require periodic review during the year due to their importance and impact on the Court.
- (2) Each Department Head should be held accountable with respect to the operation of that department and its impact on the Court in terms of his or her specific job responsibilities, goal and objectives. Thus, there should be an annual performance appraisal procedure for each Department Head by which to measure his or her: (1) management of that department (fiscal issues and accountability with respect to all of its employees); (2) success in meeting the established goals and objectives; and (3) any other achievements.
- (3) The Judges, Human Resource Manager, and the Court Administrator, with input from the Department Heads should establish the proper procedures and instrument for these appraisals. May it be recommended that this appraisal process should be inclusive of all the judges, and not limited to the Court Administrator and the Administrative and Presiding Judge to "handle" the appraisals.

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Issue No. 20 The Human Resource Manager, Judges and/or any other appropriate personnel should be charged with the responsibility of establishing a protocol to follow when any employee decides to lodge a complaint against another employee, including Judges. All employees, especially Judges and Department Heads, should understand the impropriety of not submitting a copy of the written complaint to the accused. The accused should be given an opportunity to timely respond to the allegations, in accordance with the fundamental rights of due process. There should be measures of accountability if the protocol is violated.

This issue is self-explanatory. A protocol is needed because of the abuses that have occurred, and because it is proper for any business to have such a policy and protocol. It is important for complaints or grievances to be professionally addressed and resolved.

CONCLUSION:

I recommend that the Judges, representatives from the Probation Department, Administrative Staff, and other appropriate personnel including, but not limited to, Alden Coleman convene as soon as possible to review these important issues. May I suggest that this meeting be referred to as a "Summit For Transformation And Reformation" of the policies and practices described herein which need to be rooted out, and eliminated; and others that we should work to build and to cultivate to accomplish the goals of accountability and rehabilitation.

At the May 2001 Advance entitled "Mission, Vision and Values", Sadie P. Winlock gave an excellent presentation on "Steps To Decision Making" and "Team Building", both of which were extremely beneficial and well received by the Judges. A facilitator will be needed to help with our decision making process at the Summit For Transformation And Reformation. I recommend that Sadie P. Winlock serve as the facilitator because she is well respected, and has the qualifications and expertise to assist us.

Each of us has a professional, moral and ethical obligation to bring about necessary changes. We should not close our eyes or turn deaf ears to any of the issues and problems

before us. If we do, we will not be able to close our eyes or turn deaf ears to the resulting consequences.

We must understand that now is the time to seize the opportunity to bring about reform.

We must understand that it is wrong to turn convicted defendants and probationers back to society without appropriate intervention, especially when some of them could have been rehabilitated to become productive, law abiding citizens of our community.

We must understand that where we can assist to break the cycle of crime in any of their lives we should so.

We must understand that our individual and collective failures to act, or to act inappropriately, are a disservice to the city of Cleveland, its citizenry, including victims and defendants, and this Court.

We must understand that, where we, as a Court, can make a difference but are not willing to do so, we must face the harsh reality that we are contributing to the problem of crime in this community.

There are and have been occasions when frustrations, disagreements and philosophical differences have yielded improper behavior and hurtful comments of employees toward one another regarding the issues and problems stated herein. However, one of the goals of the Summit For Transformation And Reformation is to convene so that we come together as a team, putting aside any wrongs visited upon each other, in order to accomplish the important work that we must collectively complete.

Each judge and employee has been blessed with specific, individual talents, skills and abilities. Let us come together and use our collective intellect and talents to build this Court and its Probation Department as a model for this community and the nation. Let's set our hands, hearts and minds to accomplish the goals of rehabilitation and accountability.

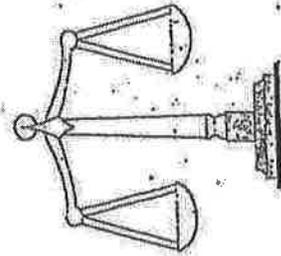
In order to accomplish the transformation of the Court and its Departments, we must repair the breaches, many of which are great, unconscionable, pervasive, extensive, morally and legally wrong. We must establish and/or reform policies and procedures to meet our goals of rehabilitation and accountability for the sake of humanity. **THIS CAN ONLY BE DONE IF WE ARE WILLING TO COME TOGETHER IN THE SPIRIT OF FORGIVENESS, REPENTANCE, TEAMWORK, EXCELLENCE, AND UNITY.**

At the May 2001 Advance entitled, "Mission, Vision And Values", Pastor Joey Johnson gave a very enlightened and informative motivational presentation to the judges. Pastor Joey Johnson stated his hope that the judges "will stop periodically, and reenergize [ourselves] with the motivation of representing God, the vision of helping people through teamwork, and the values that are based on realizing the worth of humanity". A copy of Pastor Joey Johnson's remarks is attached as Exhibit JJ. In preparing this document, I remembered the following admonition aptly stated by Pastor Joey Johnson:

"BUT I NEED TO GENTLY AND GRACEFULLY REMIND YOU AND MYSELF TONIGHT OF THE ULTIMATE REALITY, IF YOU BELIEVE IN GOD. THIS ULTIMATE REALITY IS FOUND IN ECCLESIASTES 12:14, 'FOR GOD WILL BRING EVERY ACT TO JUDGMENT, EVERYTHING WHICH IS HIDDEN, WHETHER IT IS GOOD OR EVIL'. ONE DAY [GOD] THE JUDGE OF ALL THE EARTH WILL JUDGE US JUDGES."

See Exhibit JJ. Each judge took an oath unto God when sworn in his or her position with this Court. May each one of us have the wisdom, courage and strength to pay heed and make this Court what it ought to be.

The mission of The Cleveland Municipal Court Probation Department is to provide protection to the community and enhance the quality of life for those we serve by professionally enforcing the orders of the court and holding offenders accountable for violations of the law and conditions of probation.





Our Mission

*To help create a safer
community by
ensuring that the
citizenry of
Cleveland
experience fair and
equitable justice*

12/14/2001

QUESTIONNAIRE: VISIONARY PLAN FOR THE CLEVELAND MUNICIPAL COURT

1. Do you believe that the judges of the Cleveland Municipal Court need to develop a visionary plan to address the challenging and unique demands facing this court as we approach the twenty-first century?

Yes _____

No _____

Please expand on your response and include ideas that you think should be considered part of the vision for this court.

2. Would you be willing to participate in a weekend retreat hereinafter referred to as an "Advance" to develop the vision for the Cleveland Municipal Court?

Yes _____

No _____

3. In view of the ever-growing and prevalent problem of alcohol and drug abuse, should the court consider implementing mandatory alcohol and drug abuse screenings, assessments, and urinalysis testing in all misdemeanor cases of the first, second, third, and fourth degree?

Yes _____

No _____

4. Should the urinalysis testing always include testing for cocaine, opiates, marijuana, amphetamines, and phencyclidine?

Yes _____

No _____

5. The appropriateness and effectiveness of methadone treatment programs has been called into question. Do you think the court should convene professionals from the medical and chemical dependency fields to discuss with us

the advantages and disadvantages of methadone treatment versus drug-free detoxification programs so that the court may consider establishing a policy regarding the treatment of choice for our referrals?

Yes _____ No _____

6. In view of public health and safety concerns for the community-at-large and for defendants/probationers, should the court consider establishing a protocol for Solicitation and Loitering for Prostitution cases?

Yes _____ No _____

If your answer is yes, should the court consider any of the following as part of the protocol for Solicitation and Loitering for Prostitution cases?

- a. Mandatory alcohol and substance abuse screenings, assessments, and urinalysis testing.

Yes _____ No _____

- b. If recommended, the completion of the first phase of a mandatory alcohol and substance abuse counseling and treatment program in a sober, secured environment such as a residential program or the Center Point Program at the Cleveland House of Corrections.

Yes _____ No _____

- c. Establishment of appropriate criteria for requiring mental health assessments and counseling when deemed necessary

Yes _____ No _____

- d. Mandatory testing for venereal (sexually transmitted) diseases and HIV and notification to appropriate persons and proper authorities. Mandatory referrals for medical treatment upon positive test results.

Yes _____ No _____

- e. Setting appropriate bonds in the Misdemeanor Arraignment Room to reasonably assure the defendants' subsequent court appearances. For example, the Probation Department staff could provide to the judges information as to the defendants' prior convictions for the same or similar offenses and outstanding capiases (checking all aliases).

Yes _____ No _____

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f. Establishment of a protocol to follow with respect to the provision of transitional housing for homeless defendants and probationers.

Yes _____ No _____

g. Establishment of a holistic intervention program for individuals convicted of Solicitation and/or Loitering for Prostitution to improve their mental, physical, emotional, and spiritual health, and to reduce recidivism. This program could include, but not be limited to, the following:

- (i) Education Component Re: sexually transmitted diseases, substance abuse, solicitation, the history of solicitation and prostitution as a social and health problem.
- (ii) Counseling Component
- (iii) Vocational and life skills training
- (iv) Medical Component
- (v) Mandatory GED enrollment
- (vi) Mentoring Component (joint coalition of local businesses, churches, educational institutions and various community agencies)

Yes _____ No _____

7. Based upon the issues addressed in Question #6, should the court consider establishing the most responsible and effective measures to assist defendants convicted of Use of Highway for Solicitation?

Yes _____ No _____

8. Establishment of a protocol to follow with respect to those individuals who are pregnant and have been determined to be alcohol and/or substance abusers.

Yes _____ No _____

9. In view of the overcrowding at the Cleveland House of Corrections and the extremely long waiting lists to be formally assessed by Center Point personnel, should the court consider contracting with various agencies in order to have beds available at residential alcohol and substance abuse programs for defendants/probationers who need intensive inpatient counseling and treatment?

Yes _____ No _____

CONFIDENTIAL

10. Should the court consider implementing an innovative and effective program to more appropriately sentence individuals convicted of Disorderly Conduct Intoxication, Open Container, and/or Drug Abuse Marijuana when the individual admits to alcohol and/or substance abuse and is willing to seek counseling and treatment?

Yes _____ No _____

11. Should the court consider the establishment of a mentoring program for young men and women ages 18-22 for guidance and counsel involving local churches, businesses, social service agencies, and educational institutions?

Yes _____ No _____

12. Should the court consider the establishment of a mentally ill offenders program?

Yes _____ No _____

13. With respect to all cases of violence, such as domestic violence, menacing by stalking, and assault, should the court consider the implementation of a procedure whereby all victims or complainants are notified in advance of the defendant's release date from the Cleveland House of Corrections or the North Coast Behavioral Unit?

Yes _____ No _____

14. Should the court consider implementing a policy that requires the review and accountability of all external agencies serving court referrals by the Probation Department? For example, the compilation of statistical data for each probationer and/or program pertaining, but not limited to, the following:

- a. The content and cost of each program.
- b. The rate of satisfactory completion.
- c. The rate of program failure and the reasons.
- d. The number of probationers determined to be alcohol and/or substance abusers.
- e. The amount of time elapsing from the date of sentencing, date of referral for assessments, and the receipt of assessment results.
- f. Timely (a concrete number of days) notification to the judges regarding a probationer's failure to comply with conditions of probation.

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15. Should the Probation Department be provided with computer software which will support a requirement to track and report the aforementioned statistics with respect to the accountability and content of all programs and the probationers?

Yes _____ No _____

16. Should the court consider making arrangements for the judges to tour treatment facilities and observe the programs to which probationers are referred?

Yes _____ No _____

17. Should the court consider the establishment of treatment programs at the Cleveland House of Corrections for defendants convicted of violent crimes such as domestic violence, assault, and/or menacing by stalking, especially when lengthy sentences have been and will be imposed?

Yes _____ No _____

18. Should the court consider establishing a policy whereby the Probation Department staff members are trained to make proper recommendations and referrals for transitional housing for homeless individuals?

Yes _____ No _____

19. Should the court consider establishing a policy and program whereby the judges notify the probationers, for example via postcards, upon the successful completion of the probationary period?

Yes _____ No _____

20. Should the court consider having the Probation Department compile a listing of spiritually-based treatment programs for probationers who are interested in such programs?

Yes _____ No _____

21. Should the court consider having key department heads attend a segment of the Advance?

Yes _____ No _____

22. Should the court consider the training needed by Probation Department employees to implement the vision as it impacts upon the Probation Department?

Yes _____ No _____

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23. Please list weekends that you will be available to attend an Advance in the following months:

August 1997 _____
September 1997 _____
October 1997 _____
November 1997 _____
December 1997 _____

24. Would you be interested in having your spouse or significant other attend selected events of the "Advance" weekend?

Yes _____ No _____

25. Do you think that getting to know each other better in a relaxed, informal setting, such as the Advance, would benefit the judges in establishing the vision for this court?

Yes _____ No _____

26. Would you be willing to serve on a committee to plan the Advance?

Yes _____ No _____

27. Should the court immediately consider working on any of these issues listed herein due to the urgency of the problems indicated?

Yes _____ No _____

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**CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT**

JUSTICE CENTER • 1200 ONTARIO STREET
MAILING ADDRESS • P.O. BOX 94894 • CLEVELAND, OHIO 44101-4894
(216) 664-4930 • FAX (216) 664-4267

KENNETH THOMAS
CHIEF PROBATION OFFICER

REGINA DANIEL
THOMAS WASHINGTON
DEPUTY CHIEF PROBATION OFFICERS

RULES OF PROBATION

1. YOU SHALL OBEY ALL LOCAL, STATE AND FEDERAL LAWS. YOU WILL CONTACT YOUR PROBATION OFFICER IMMEDIATELY IF QUESTIONED, TICKETED OR ARRESTED.
2. YOU SHALL REMAIN IN THE STATE OF OHIO UNLESS PERMISSION TO LEAVE IS GRANTED BY YOUR PROBATION OFFICER.
3. YOU SHALL ASSOCIATE ONLY WITH LAW-ABIDING PERSONS.
4. YOU SHALL MAINTAIN A REGULAR RESIDENCE AND IMMEDIATELY INFORM YOUR PROBATION OFFICER OF ANY CHANGE IN YOUR ADDRESS OR TELEPHONE NUMBER.
5. YOU SHALL LAWFULLY SUPPORT YOURSELF AND ANY DEPENDENTS. IF EMPLOYABLE YOU SHALL SEEK EMPLOYMENT. IF YOU REQUIRE ADDITIONAL TRAINING TO BECOME EMPLOYABLE, IT IS YOUR RESPONSIBILITY TO OBTAIN IT. IF THERE IS CHANGE IN YOUR EMPLOYMENT STATUS YOU WILL REPORT IT TO YOUR PROBATION OFFICER IMMEDIATELY.
6. YOU SHALL MAINTAIN CONTACT WITH YOUR PROBATION OFFICER, FACE-TO-FACE, OR BY TELEPHONE OR MAIL, AS INSTRUCTED BY YOUR PROBATION OFFICER.
7. YOU SHALL NOT CONSUME ALCOHOL OR ANY UNPRESCRIBED DRUGS. YOU MAY BE REQUIRED TO SUBMIT TO BREATH, URINE, BLOOD OR HAIR SAMPLE TESTING TO DETECT THE PRESENCE OF ALCOHOL OR DRUGS IN YOUR BODY. SHOULD SUCH TESTING INDICATE THAT YOU HAVE USED ALCOHOL OR DRUGS, YOUR PROBATION MAY BE SUBJECT TO REVOCATION.
8. YOU SHALL NOT PURCHASE, OWN, POSSESS, USE OR HAVE UNDER YOUR CONTROL A DEADLY WEAPON OR FIREARM AS DEFINED BY O.R.C. 2923.11; UNLESS SUCH PERMISSION IS JOURNALIZED BY THE SENTENCING JUDGE.
- 9.

I UNDERSTAND THE RULES OF PROBATION AND REALIZE THAT FAILURE TO OBEY THEM OR ANY OTHER COURT IMPOSED CONDITION MAY CAUSE MY ARREST. IF I AM NOT CONTACTED WITHIN 30 DAYS TO ESTABLISH MY FIRST OFFICE APPOINTMENT, I UNDERSTAND IT IS THEN MY RESPONSIBILITY TO CONTACT THE UNDERSIGNED OFFICER OR SUPERVISOR TO ESTABLISH THE INITIAL APPOINTMENT.

PROBATIONER'S
SIGNATURE: _____

DATE 12/05/00

PROBATIONER'S
ADDRESS: _____

PHONE # _____

PROBATION
OFFICER: _____

PHONE #
216/664- _____

SUPERVISOR: _____

PHONE #
216/664- _____

IF NOT NOTIFIED WITHIN 30 DAYS, CONTACT THE PROBATION OFFICER OR SUPERVISOR ABOVE.

TJRULES

EXHIBIT C

CONFIDENTIAL

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5. YOU SHALL LAWFULLY SUPPORT YOURSELF AND ANY DEPENDENTS. IF EMPLOYABLE YOU SHALL SEEK EMPLOYMENT. IF YOU REQUIRE ADDITIONAL TRAINING TO BECOME EMPLOYABLE, IT IS YOUR RESPONSIBILITY TO OBTAIN IT. IF THERE IS CHANGE IN YOUR EMPLOYMENT STATUS YOU WILL REPORT IT TO YOUR PROBATION OFFICER IMMEDIATELY.
6. YOU SHALL MAINTAIN CONTACT WITH YOUR PROBATION OFFICER, FACE-TO-FACE, OR BY TELEPHONE OR MAIL, AS INSTRUCTED BY YOUR PROBATION OFFICER.
7. YOU SHALL NOT CONSUME ALCOHOL OR ANY UNPRESCRIBED DRUGS. YOU MAY BE REQUIRED TO SUBMIT TO BREATH, URINE, BLOOD OR HAIR SAMPLE TESTING TO DETECT THE PRESENCE OF ALCOHOL OR DRUGS IN YOUR BODY. SHOULD SUCH TESTING INDICATE THAT YOU HAVE USED ALCOHOL OR DRUGS, YOUR PROBATION MAY BE SUBJECT TO REVOCATION.
8. YOU SHALL NOT PURCHASE, OWN, POSSESS, USE OR HAVE UNDER YOUR CONTROL A DEADLY WEAPON OR FIREARM AS DEFINED BY O.R.C. 2923.11; UNLESS SUCH PERMISSION IS JOURNALIZED BY THE SENTENCING JUDGE.
- 9.

I UNDERSTAND THE RULES OF PROBATION AND REALIZE THAT FAILURE TO OBEY THEM OR ANY OTHER COURT IMPOSED CONDITION MAY CAUSE MY ARREST. IF I AM NOT CONTACTED WITHIN 14 DAYS TO ESTABLISH MY FIRST OFFICE APPOINTMENT, I UNDERSTAND IT IS THEN MY RESPONSIBILITY TO CONTACT THE UNDERSIGNED OFFICER OR SUPERVISOR TO ESTABLISH THE INITIAL APPOINTMENT.

PROBATIONER'S
SIGNATURE: _____

DATE _____

PROBATIONER'S
ADDRESS: _____

PHONE # _____

PROBATION
OFFICER: _____

PHONE #
216/664- _____

SUPERVISOR: _____

PHONE #
216/664- _____

IF NOT NOTIFIED WITHIN 14 DAYS, CONTACT THE PROBATION OFFICER OR SUPERVISOR ABOVE.

EXHIBIT D

CONFIDENTIAL

TRULES

CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT

JUSTICE CENTER • 1200 ONTARIO STREET
MAILING ADDRESS • P.O. BOX 94894 • CLEVELAND, OHIO 44101-4894
(216) 664-4930 • FAX (216) 664-4267

KENNETH THOMAS
CHIEF PROBATION OFFICER

REGINA DANIEL
THOMAS WASHINGTON
DEPUTY CHIEF PROBATION OFFICERS

TO: ALL PROBATION OFFICERS

FROM: KENNETH THOMAS, CHIEF PROBATION OFFICER

RE: POSTING/NEW POSITION SUPERVISION CASE ASSIGNMENT OFFICER *

DATE: JANUARY 9, 2001

1. Immediately assign new supervision cases based upon offenders' address and needs.
2. Explain probation rules and conditions to offenders placed on probation.
3. Make immediate referrals of new probationers to programs and services prior to the first face to face contact with the assigned supervision officer. This would include CWS, MADD, ATJ, BIP orientation, urinalysis etc.
4. Input related information into the computer system.
5. Complete related statistics.
6. All other related assignments as ordered by the immediate Supervisor, Deputy Chief Probation Officers or the Chief Probation Officer.

If you are interested in this new position please forward a brief letter to the Chief Probation officer by Friday, January 12, 2001.

* Please note - This position will report directly to a designated Supervision Supervisor.

Regina G. Daniel
Deputy Chief Probation Officer
CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT
664-4774
FAX: 664-4267

To: Supervision Officers and Supervisors

Re: Case Assignment Process

Date: February 14, 2001

Effective immediately, Ann Marie Nasr, the Supervision Case Assignment Officer, will immediately assign new supervision cases to Probation Officers as soon as those cases leave court. Her responsibilities are:

1. To provide the offender with the rules of probation and make sure that they have read and understand them. She will provide them with a copy of the rules of probation and the name and telephone number of the assigned Probation Officer and Supervisor.
2. She will explain their conditions of probation and complete referral forms on court ordered conditions. Referrals will be made to Court Community Service, MADD, ATJ Programs, Batterer Intervention Program/Orientation, Urinalysis Testing and others.
3. Offenders are informed that they will be contacted by a Probation Officer in 14 days. (This will reduce the number of calls received by the record room)
4. If the probation record has not been returned to us for processing, she will place copies of the face sheet, journal entry, signed probation rules and any referrals that were made in the probation officers' mailbox. This will let you know that that case has been assigned to you. In the event that the offender calls before you have received the record, you should provide him with an initial appointment date, talk with him and begin supervision. If after several weeks, you still have not received the record, check with the record room.

This is a new position and a new process. Please be patient as we work through the minor details. It should prove to be extremely helpful to the Probation Officer as referrals are being made for you. If you have any concerns or questions, please see Ann, Jerry or Glenda. Thanks for your cooperation.



EXHIBIT F

CONFIDENTIAL

Regina G. Daniel
Deputy Chief Probation Officer
CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT
664-4774
FAX: 664-4267

To: All Probation Officers and Supervisors

Re: First Office Appointments

Date: November 21, 2001

Effective immediately, when Ann Nasr assigns a probation officer to a new supervision case, she will also provide the probationer with a first appointment. The probationer will be given a date and time to report to you during the next 7 days. The appointment will always be scheduled between 9:00am-10:00 am. If the probationer is employed, he/she may be given the opportunity to report in the afternoon. Please, do not tell the probationer that you are "booked" and unable to see them. Do not give them another appointment to come back another day. You must see them on the appointment date provided. Please phase this scheduling process into your appointments over the next several weeks by reserving 9:00am to 10:00am daily for first appointments. The appointment will be written on the rules of probation and a copy placed in your mailbox.

You should also receive a copy of the Journal entry so that you can begin supervision. You may not have the record immediately but that should not prevent you from making referrals and discussing the status of referrals that have been already made for you.

Cc: Approved, K. Thomas, CPO

EXHIBIT G

CONFIDENTIAL

CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT

JUSTICE CENTER • 1200 ONTARIO STREET
MAILING ADDRESS • P.O. BOX 94894 • CLEVELAND, OHIO 44101-4894
(216) 664-4930 • FAX (216) 664-4267

KENNETH THOMAS
CHIEF PROBATION OFFICER

REGINA DANIEL
THOMAS WASHINGTON
DEPUTY CHIEF PROBATION OFFICERS

RULES OF PROBATION

1. YOU SHALL OBEY ALL LOCAL, STATE AND FEDERAL LAWS. YOU WILL CONTACT YOUR PROBATION OFFICER IMMEDIATELY IF QUESTIONED, TICKETED OR ARRESTED.
2. YOU SHALL REMAIN IN THE STATE OF OHIO UNLESS PERMISSION TO LEAVE IS GRANTED BY YOUR PROBATION OFFICER.
3. YOU SHALL ASSOCIATE ONLY WITH LAW-ABIDING PERSONS.
4. YOU SHALL MAINTAIN A REGULAR RESIDENCE AND IMMEDIATELY INFORM YOUR PROBATION OFFICER OF ANY CHANGE IN YOUR ADDRESS OR TELEPHONE NUMBER.
5. YOU SHALL LAWFULLY SUPPORT YOURSELF AND ANY DEPENDENTS. IF EMPLOYABLE YOU SHALL SEEK EMPLOYMENT. IF YOU REQUIRE ADDITIONAL TRAINING TO BECOME EMPLOYABLE, IT IS YOUR RESPONSIBILITY TO OBTAIN IT. IF THERE IS CHANGE IN YOUR EMPLOYMENT STATUS YOU WILL REPORT IT TO YOUR PROBATION OFFICER IMMEDIATELY.
6. YOU SHALL MAINTAIN CONTACT WITH YOUR PROBATION OFFICER, FACE-TO-FACE, OR BY TELEPHONE OR MAIL, AS INSTRUCTED BY YOUR PROBATION OFFICER.
7. YOU SHALL NOT CONSUME ALCOHOL OR ANY UNPRESCRIBED DRUGS. YOU MAY BE REQUIRED TO SUBMIT TO BREATH, URINE, BLOOD OR HAIR SAMPLE TESTING TO DETECT THE PRESENCE OF ALCOHOL OR DRUGS IN YOUR BODY. SHOULD SUCH TESTING INDICATE THAT YOU HAVE USED ALCOHOL OR DRUGS, YOUR PROBATION MAY BE SUBJECT TO REVOCATION.
8. YOU SHALL NOT PURCHASE, OWN, POSSESS, USE OR HAVE UNDER YOUR CONTROL A DEADLY WEAPON OR FIREARM AS DEFINED BY O.R.C. 2923.11; UNLESS SUCH PERMISSION IS JOURNALIZED BY THE SENTENCING JUDGE.

9.

I UNDERSTAND THE RULES OF PROBATION AND REALIZE THAT FAILURE TO OBEY THEM OR ANY OTHER COURT IMPOSED CONDITION MAY CAUSE MY ARREST.

PROBATIONER'S
SIGNATURE: _____

DATE _____

PROBATIONER'S
ADDRESS: _____

PHONE # _____

PROBATION
OFFICER: _____

PHONE #
216/664- _____

SUPERVISOR: _____

PHONE #
216/664- _____

My first Appointment with your Probation Officer is: _____

THOMAS

2000 TRC 86475A

CLERK FILE NUMBER(S)

266233

PROBATION NUMBER

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT *Fast Side*
NEW OFFENSE/PROBATIONER STATUS REPORT *Satellite Office*

TO JUDGE: Stokes

FROM: Risel Maldonado X6/82

Richard Ward

PROBATIONER OFFICER / TELEPHONE NUMBER

APPEARED BEFORE YOU ON 12-21-00

DATE OF SENTENCE(S)

FOR DUI

OFFENSE(S)

AND WAS SENTENCED TO

one YEAR(S) PROBATION WITH THE FOLLOWING CONDITION(S) SAT. SAAC
chr. Pt.

CONDITIONS

OVER

NEW ARREST(S) DATE(S):

COURT(S):

OFFENSE(S):

FILE NUMBER(S):

DISPOSITION(S):

FAILED TO REPORT DATE(S): 5-7, 7-23, 8-20-01

NEW COMPLAINT(S) *SEE COMMENTS BELOW*

FAILED TO COMPLY (CHECK ALL WHICH APPLY):

- 3 DAY A.T.J.
- MADD
- [] A.A. [] N.A. [] C.A.
- DRUG TESTING
- C.W.S.
- PETTY THEFT SCHOOL
- C.C.W. PROGRAM
- SUBSTANCE ABUSE [] ASSESSMENT [] COUNSELING
- [] G.E.D. - EDUCATION [] EMPLOYMENT
- MENTAL HEALTH [] ASSESSMENT [] COUNSELING
- D.V. [] ORIENTATION [] ASSESSMENT [] COUNSELING
- OBTAIN DRIVERS LICENSE
- [] J.L.P. [] PROJECT SECOND CHANCE
- [] RESTITUTION [] DONATION

OTHER *SEE COMMENTS BELOW*

COMMENTS: The probationer failed to return after his 4-2-01 appt. He has not responded to appt. notices and phone calls to report.

PROBATIONER'S RESPONSE TO SUPERVISION: FAVORABLE MARGINAL UNFAVORABLE

THE PROBATION OFFICER IS REQUESTING:

- * COMMENT REQUIRED, SEE ABOVE
- * AUTHORIZATION / COURT APPROVAL
- * CLARIFICATION / VERIFICATION

A PROBATION VIOLATION HEARING
 A CONFERENCE

APPROVED: [Signature]

PROBATIONER LAST REPORTED

SUPERVISOR / TELEPHONE NUMBER

JUDGE'S RESPONSE: PLEASE INDICATE YOUR DECISION(S) BELOW AND RETURN TO THE PROBATION DEPARTMENT.

NO ACTION PROBATION VIOLATION HEARING TO BE SET FOR October 18, 2001 9AM

COMMENTS: Update needed. Why was I not notified before 5 months elapsed?

JUDGE'S SIGNATURE [Signature] DATE 10/3/2001

DISPOSITION(S): P.V.H. OHAD OWAIVED OPROB. TERM. OPROB. CONT. TO: JOURNALIZED

BLUK1 - REVISED 6/13/97

CONFIDENTIAL

2001 CRB10089A

CLERK FILE NUMBER(S)

286086

PROBATION NUMBER

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT East Side
NEW OFFENSE/PROBATIONER STATUS REPORT Satellite Office

TO JUDGE:

Stokes

FROM:

Rosal Maldonado X6182

PROBATIONER OFFICER / TELEPHONE NUMBER

James Glover

PROBATIONER

APPEARED BEFORE YOU ON

9-19

4-11-01

DATE OF SENTENCE(S)

FOR

CCW

OFFENSE(S)

AND WAS SENTENCED TO

ONE YEAR PROBATION WITH THE FOLLOWING CONDITION(S)

CCW class +

SAT, SA A/C

CONDITIONS

OVER

NEW ARREST(S) DATE(S):

COURT(S):

OFFENSE(S):

FILE NUMBER(S):

DISPOSITION(S):

FAILED TO REPORT DATE(S): 7-25-88, 9-4-01

NEW COMPLAINT(S) SEE COMMENTS BELOW

FAILED TO COMPLY (CHECK ALL WHICH APPLY):

- 3 DAY A.T.J.
- MADD
- [] A.A. [] N.A. [] C.A.
- DRUG TESTING
- C.W.S.
- PETTY THEFT SCHOOL
- C.C.W. PROGRAM
- SUBSTANCE ABUSE ASSESSMENT COUNSELING
- [] G.E.D. - EDUCATION [] EMPLOYMENT
- MENTAL HEALTH [] ASSESSMENT [] COUNSELING
- D.V. [] ORIENTATION [] ASSESSMENT [] COUNSELING
- OBTAIN DRIVERS LICENSE
- [] J.I.P. [] PROJECT SECOND CHANCE
- [] RESTITUTION [] DONATION

OTHER SEE COMMENTS BELOW

COMMENTS: The probationer has not returned for office appts since 6-8-01. He did not go to lab on 6-8 as required and has not begun SA A/C.

OVER

PROBATIONER'S RESPONSE TO SUPERVISION: FAVORABLE MARGINAL UNFAVORABLE

THE PROBATION OFFICER IS REQUESTING:

- A PROBATION VIOLATION HEARING
- A CONFERENCE

* COMMENT REQUIRED, SEE ABOVE

- * AUTHORIZATION / COURT APPROVAL
- * CLARIFICATION / VERIFICATION

PROBATIONER LAST REPORTED

6-8-01

APPROVED

SUPERVISOR TELEPHONE NUMBER

Rosal Maldonado 9/19/01

JUDGE'S RESPONSE: PLEASE INDICATE YOUR DECISION(S) BELOW AND RETURN TO THE PROBATION DEPARTMENT.

- NO ACTION
- PROBATION VIOLATION HEARING TO BE SET FOR
- CONFERENCE WITH JUDGE

October 18, 2001 9AM

COMMENTS: Update Needed. Rosal Maldonado to be present

DGE'S SIGNATURE

Cynthia R. Stokes

DATE

9-26-2001

DISPOSITION(S): P.V.H. OWAIVED OPROB. TERM. OPROB. CONT. TO:

OCAPIAS OFOUND ONOT FOUND IN VIOLATION OF PROBATION OJOURNALIZED

DATE REQUIRED

CONFIDENTIAL BLUEI-REVISED 6/2/97

01009018116A

214668

CLERK FILE NUMBER(S)

PROBATION NUMBER

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT
NEW OFFENSE/PROBATIONER STATUS REPORT

20 Sept 01

TO JUDGE: Stokes FROM: Wanda Hester 4773
PROBATIONER OFFICER / TELEPHONE NUMBER

APPEARED BEFORE YOU ON Walter Glenn DATE OF SENTENCE(S)
FOR Open Container / Domestic Violence AND WAS SENTENCED TO

2 YEAR(S) PROBATION WITH THE FOLLOWING CONDITION(S) PASC 8BT
SABC AA meeting 3-4x per wk / DVAC
CONDITIONS

NEW ARREST(S) DATE(S):
COURT(S):
OFFENSE(S):
FILE NUMBER(S):
DISPOSITION(S):

- FAILED TO REPORT DATE(S):
- NEW COMPLAINT(S) SEE COMMENTS BELOW
- FAILED TO COMPLY (CHECK ALL WHICH APPLY):
 - 3DAYA.T.J.
 - MADD
 - [] A.A. [] N.A. [] C.A.
 - DRUG TESTING
 - C.W.S.
 - PETTY THEFT SCHOOL
 - C.C.W. PROGRAM
 - SUBSTANCE ABUSE [] ASSESSMENT [] COUNSELING
 - [] G.E.D. - EDUCATION [] EMPLOYMENT
 - MENTAL HEALTH [] ASSESSMENT [] COUNSELING
 - D.V. [] ORIENTATION [] ASSESSMENT [] COUNSELING
 - OBTAIN DRIVERS LICENSE
 - [] J.I.P. [] PROJECT SECOND CHANCE
 - [] RESTITUTION [] DONATION
- OTHER SEE COMMENTS BELOW

COMMENTS: Has been discharged from Huron Rd. DOP (Substance Abuse Program) and has tested Positive Cocaine on 6/20/01 and 9/12/01. There is also a P.P. Capias on the Domestic Violence case

PROBATIONER'S RESPONSE TO SUPERVISION: FAVORABLE MARGINAL UNFAVORABLE

THE PROBATION OFFICER IS REQUESTING
 A PROBATION VIOLATION HEARING
 A CONFERENCE
6 Sept 01 APPROVED Karen Moore 4733
PROBATIONER LAST REPORTED SUPERVISOR / TELEPHONE NUMBER

JUDGE'S RESPONSE PLEASE INDICATE YOUR DECISION(S) BELOW AND RETURN TO THE PROBATION DEPARTMENT.

NO ACTION PROBATION VIOLATION HEARING TO BE SET FOR October 16, 01 1:30pm
DATE/TIME

COMMENTS: Update needed. Include urinalysis test results. Linda Loster shall be present

JUDGE'S SIGNATURE: Angela R. Stokes DATE September 26, 2001

DISPOSITION(S):	P.V.H. <input type="checkbox"/> HAD	<input type="checkbox"/> WAIVED	<input type="checkbox"/> PROB. TERM.	<input type="checkbox"/> PROB. CONT. TO: _____
	<input type="checkbox"/> CAPIAS	<input type="checkbox"/> FOUND	<input type="checkbox"/> NOT FOUND IN VIOLATION OF PROBATION	<input type="checkbox"/> JOURNALIZED

20004BSA3DA / 2000TRD/976/S
CLERK FILE NUMBER(S)

276882
PROBATION NUMBER

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT
NEW OFFENSE/PROBATIONER STATUS REPORT

TO JUDGE: Stokes FROM: Mignon Cook-6244
PROBATIONER OFFICER / TELEPHONE NUMBER

Henry GREENE APPEARED BEFORE YOU ON 10-25-00
PROBATIONER DATE OF SENTENCE(S)

FOR Agg. D.C., NDL AND WAS SENTENCED TO
OFFENSE(S)

1 YEAR(S) PROBATION WITH THE FOLLOWING CONDITION(S) SAA/SAC, SAT

CONDITIONS OVER

NEW ARREST(S) DATE(S): _____

COURT(S): _____

OFFENSE(S): _____

FILE NUMBER(S): _____

DISPOSITION(S): _____

FAILED TO REPORT DATE(S): _____

NEW COMPLAINT(S) SEE COMMENTS BELOW

FAILED TO COMPLY (CHECK ALL WHICH APPLY):

- 3 DAY A.T.J.
- MADD
- [] A.A. [] N.A. [] C.A.
- DRUG TESTING
- C.W.S.
- PETTY THEFT SCHOOL
- C.C.W. PROGRAM
- SUBSTANCE ABUSE [] ASSESSMENT [] COUNSELING
- [] G.E.D. - EDUCATION [] EMPLOYMENT
- MENTAL HEALTH [] ASSESSMENT [] COUNSELING
- D.V. [] ORIENTATION [] ASSESSMENT [] COUNSELING
- OBTAIN DRIVERS LICENSE
- [] J.I.P. [] PROJECT SECOND CHANCE
- [] RESTITUTION [] DONATION

OTHER SEE COMMENTS BELOW

COMMENTS: Probatione r tested for PCP on March 28, 01 and Amphetamine.
He also tested positive for PCP on April 25, 2001 as well.

Probatione r completed A-TABC Assessment on 1-22-2001. Treatment was

PROBATIONER'S RESPONSE TO SUPERVISION: FAVORABLE MARGINAL UNFAVORABLE

THE PROBATION OFFICER IS REQUESTING: * COMMENT REQUIRED, SEE ABOVE

- A PROBATION VIOLATION HEARING
- A CONFERENCE
- * AUTHORIZATION / COURT APPROVAL
- * CLARIFICATION / VERIFICATION

April 25, 2001 APPROVED [Signature] 695 9770
PROBATIONER LAST REPORTED SUPERVISOR - TELEPHONE NUMBER

JUDGE'S RESPONSE: PLEASE INDICATE YOUR DECISION(S) BELOW AND RETURN TO THE PROBATION DEPARTMENT.

NO ACTION PROBATION VIOLATION HEARING TO BE SET FOR 5-30-01 9AM
DATE/TIME

COMMENTS: Update Needed. Include urinalysis test results which shall now be filed.

JUDGE'S SIGNATURE Angela R. Stokes DATE May 17, 2001

DISPOSITION(S):	P.V.H. <input type="checkbox"/>	OHAD <input type="checkbox"/>	OWAIVED <input type="checkbox"/>	OPROB. TERM. <input type="checkbox"/>	OPROB. CONT. TO: <input type="checkbox"/>
	<input type="checkbox"/> CAPIAS	<input type="checkbox"/> FOUND	<input type="checkbox"/> NOT FOUND	IN VIOLATION OF PROBATION	
					DATE REQUIRED
					JOURNALIZED

CONFIDENTIAL
BUZ1 - REVISED 6/13/97

2000 TRC 092370 DJ

285820

CLERK FILE NUMBER(S)

PROBATION NUMBER

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT
NEW OFFENSE/PROBATIONER STATUS REPORT

TO JUDGE: A. STOKES 13A FROM: M SCHULTZ X4738

ERIC RANSOM APPEARED BEFORE YOU ON 2-28-01

FOR DUI (433.01A2) / FAIL CONTR (431.34A) AND WAS SENTENCED TO

1 YEAR(S) PROBATION WITH THE FOLLOWING CONDITION(S) RTS, 3 MADD, SAALC

SAT mthly

NEW ARREST(S) DATE(S): _____

COURT(S): _____

OFFENSE(S): _____

FILE NUMBER(S): _____

DISPOSITION: _____

TO REPORT DATE(S): 9-12-01, 10-11-01, 11-15-01 → (notice Ret'd)

W. COMPLAINT(S) SEE COMMENTS BELOW

FAILED TO COMPLY (CHECK ALL WHICH APPLY):

- 3 DAY A.T.J.
- MADD 3
- [] A.A. [] N.A. [] C.A.
- DRUG TESTING
- C.W.S.
- PETTY THEFT SCHOOL
- C.C.W. PROGRAM
- OTHER SEE COMMENTS BELOW
- SUBSTANCE ABUSE [] ASSESSMENT [] COUNSELING
- [] G.E.D. - EDUCATION [] EMPLOYMENT
- MENTAL HEALTH [] ASSESSMENT [] COUNSELING
- D.V. [] ORIENTATION [] ASSESSMENT [] COUNSELING
- OBTAIN DRIVERS LICENSE
- [] J.I.P. [] PROJECT SECOND CHANCE
- [] RESTITUTION [] DONATION

COMMENTS: OFFICE APPTS. MISSED. NO CONTACT/RESPONSE FROM
ERIC RANSOM. LAST APPT NOTICE RETURNED UNDELIVERED
ED NOT KNOWN. NO PROOF OF COMPLETION OF CONDITIONS PROVIDED.

PROBATIONER'S RESPONSE TO SUPERVISION: FAVORABLE MARGINAL UNFAVORABLE

THE PROBATION OFFICER IS REQUESTING A PROBATION VIOLATION HEARING

A CONFERENCE

8-9-01 APPROVED Gail Y. Hillmon 4775 (11-14-01)

PROBATIONER LAST REPORTED SUPERVISOR / TELEPHONE NUMBER 292-74-5041 5279

JUDGE'S RESPONSE: PLEASE INDICATE YOUR DECISION(S) BELOW AND RETURN TO THE PROBATION DEPARTMENT.

NO ACTION PROBATION VIOLATION HEARING TO BE SET FOR _____

CONFERENCE WITH JUDGE

COMMENTS: Copies. No Bond To Be Set Until
Defendant Appears Before Judge.

JUDGE'S SIGNATURE: Angela R. Stokes DATE: November 13, 2001

DISPOSITION(S): P.V.H. HAD WAIVED PROB. TERM. PROB. CONT. TO: _____

CAPIAS FOUND NOT FOUND IN VIOLATION OF PROBATION JOURNALIZED

CONFIDENTIAL

2000TR0043859

CLERK FILE NUMBER(S)

281083

PROBATION NUMBER

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT
NEW OFFENSE/PROBATIONER STATUS REPORT

TO JUDGE: Stokes

FROM: Ann Marie Esposito/6180
PROBATIONER OFFICER TELEPHONE NUMBER

Rachel Warner
PROBATIONER

APPEARED BEFORE YOU ON 7-5-00
DATE OF SENTENCE(S)

FOR NOL; FOLLOWING TO CLOSELY
OFFENSE(S)

AND WAS SENTENCED TO

1 YEAR(S) PROBATION WITH THE FOLLOWING CONDITION(S) Close supervision
due to mental illness.
CONDITIONS

OVER

NEW ARREST(S) DATE(S):

COURT(S):

OFFENSE(S):

FILE NUMBER(S):

DISPOSITION(S):

FAILED TO REPORT DATE(S): 9-25-00, 10-25-00, 11-16-00, 12-7-00, 1-31-01

NEW COMPLAINT(S) SEE COMMENTS BELOW

FAILED TO COMPLY (CHECK ALL WHICH APPLY): 4-2-01

3 DAY A.T.J.

MADD

[] A.A. [] N.A. [] C.A.

DRUG TESTING

C.W.S.

PETTY THEFT SCHOOL

C.C.W. PROGRAM

SUBSTANCE ABUSE [] ASSESSMENT [] COUNSELING

[] G.E.D. - EDUCATION [] EMPLOYMENT

MENTAL HEALTH [] ASSESSMENT [] COUNSELING

D.V. [] ORIENTATION [] ASSESSMENT [] COUNSELING

OBTAIN DRIVERS LICENSE

[] J.I.P. [] PROJECT SECOND CHANCE

[] RESTITUTION [] DONATION

OTHER SEE COMMENTS BELOW

COMMENTS: This case was being supervised by Probation Officer Mark Sullivan. Case was then transferred to Ann Marie Esposito on 2-01. There is an ^{Outstanding} capias on Ms. Warner from 8-18-00 from Judge Peck

PROBATIONER'S RESPONSE TO SUPERVISION: FAVORABLE MARGINAL UNFAVORABLE (OVER)

THE PROBATION OFFICER IS REQUESTING:

A PROBATION VIOLATION HEARING

A CONFERENCE

* COMMENT REQUIRED, SEE ABOVE

* AUTHORIZATION / COURT APPROVAL

* CLARIFICATION / VERIFICATION

PROBATIONER LAST REPORTED 4-5-01

APPROVED

[Signature]
SUPERVISOR TELEPHONE NUMBER

JUDGE'S RESPONSE: PLEASE INDICATE YOUR DECISION(S) BELOW AND RETURN TO THE PROBATION DEPARTMENT.

NO ACTION

PROBATION VIOLATION HEARING TO BE SET FOR

5-16-01 9AM
DATE/TIME

CONFERENCE WITH JUDGE

COMMENTS:

JUDGE'S SIGNATURE Angela R. Stokes

DATE 4-19-2001

DISPOSITION(S): P.V.H. AD WAIVED PROB. TERM. PROB. CONT. TO:

CAPIAS FOUND NOT FOUND IN VIOLATION OF PROBATION JOURNALIZED

DATE REQUIRED

BLUK1 - REVISED 6/13/97

CONFIDENTIAL

1999 KC 066378A

236815

CLERK FILE NUMBER(S)

PROBATION NUMBER

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT
NEW OFFENSE/PROBATIONER STATUS REPORT

TO JUDGE: STOKES FROM: ALFORRES - 4739
ALONZA HARDEY APPEARED BEFORE YOU ON 5/23/01 4.4.01
PROBATIONER OFFICER / TELEPHONE NUMBER
FOR DUE AND WAS SENTENCED TO

1 YEAR(S) PROBATION WITH THE FOLLOWING CONDITION(S)

MADDOX / SATISAAC / AAX 2-3 WEEKLY

NEW ARREST(S) DATE(S): 6/3 OVER 6-7-01
COURT(S): (FEIGHAN) CMC CMC (FEIGHAN)
OFFENSE(S): OPEN CONTAINER ASSAULT
FILE NUMBER(S): 2001 CR6 021302 01CR6021963
DISPOSITION(S): 2/3 CAPIAS (7-3-01) CAPIAS

FAILED TO REPORT DATE(S): 7/11 + 8/8
 NEW COMPLAINT(S) SEE COMMENTS BELOW

- FAILED TO COMPLY (CHECK ALL WHICH APPLY):
- 3 DAY A.T.J.
 - MADD
 - M.A.A. N.A. C.A.
 - DRUG TESTING
 - C.W.S.
 - PETTY THEFT SCHOOL
 - C.C.W. PROGRAM
 - SUBSTANCE ABUSE [X] ASSESSMENT [X] COUNSELING
 - [] G.E.D. - EDUCATION [] EMPLOYMENT
 - MENTAL HEALTH [] ASSESSMENT [] COUNSELING
 - D.V. [] ORIENTATION [] ASSESSMENT [] COUNSELING
 - OBTAIN DRIVERS LICENSE
 - [] J.I.P. [] PROJECT SECOND CHANCE
 - [] RESTITUTION [] DONATION
- OTHER SEE COMMENTS BELOW

COMMENTS: MR. HARDEY MISSED CONSECUTIVE OFFICE VISITS WITHOUT ANY EXPLANATION. ON 6/3, HE WAS ARRESTED FOR OPEN CONTAINER BUT FAILED TO APPEAR ON 7/3. A CAPIAS WAS ISSUED. COURT CONDITIONS REMAINED UNFULFILL AT THIS TIME.

PROBATIONER'S RESPONSE TO SUPERVISION: FAVORABLE MARGINAL UNFAVORABLE

THE PROBATION OFFICER IS REQUESTING A PROBATION VIOLATION HEARING A CONFERENCE
*COMMENT REQUIRED, SEE ABOVE
 *AUTHORIZATION / COURT APPROVAL
 *CLARIFICATION / VERIFICATION
6/6 APPROVED Gail Y. Hillmon - 4775 (8:30-01)
PROBATIONER LAST REPORTED SUPERVISOR / TELEPHONE NUMBER

JUDGE'S RESPONSE PLEASE INDICATE YOUR DECISION(S) BELOW AND RETURN TO THE PROBATION DEPARTMENT.

NO ACTION PROBATION VIOLATION HEARING TO BE SET FOR 9-17-01 1:30pm
DATE/TIME

CONFERENCE WITH JUDGE
COMMENTS: Update needed. Include urinalysis test results

JUDGE'S SIGNATURE: Angela R. Stokes DATE 8-31-2001

DISPOSITION(S): P.V.H. HAD WAIVED PROB. TERM. PROB. CONT. TO: _____
 CAPIAS FOUND NOT FOUND IN VIOLATION OF PROBATION JOURNALIZED
DATE REQUIRED

CLEVELAND MUNICIPAL PROBATION DEPARTMENT
SELECTIVE INTERVENTION PROGRAM REPORT

DATE OF HEARING 6-27-01

CONTACTS:

4-16-01, 5-22-01; missed appointments: 4-30, 5-14, 5-31, and 6-14

OFFICE VISITS, DEFENDANT

TELEPHONE CALL(S)

MAIL IN REPORT FORM(S)

MAIL IN FORM(S) NOT MAILED

RECORD CHECK

6-11-01

NEW ARREST(S)?: NO YES: CHARGE: DATE

COURT * DISPOSITION

DEFENDANT'S RESPONSE: UNFAVORABLE

FEE FEES: NOT PAID

RECOMMENDATION: NOLLE

OTHER: (CHECK ALL WHICH APPLY)

Fee not paid

Did not attend Petty Theft Class

Failed to keep appointments

Additional supervision time requested

New arrest (s)

COMMENTS:

Mr. Jackson has missed several office appointments on April 30, May 14, May 31, and June 14, 2001. On April 16, Mr. Jackson was referred to Centerpoint for a substance abuse assessment. As of his last office appointment that he reported to on May 22, 2001 he had not obtained a substance abuse assessment. Also he has not paid the SIP fee. Urinalysis tests on April 16 and May 22 were negative.

Mr. Jackson does not appear to realize that the SIP program is a privilege. Based upon his actions, he was unsuccessful at completing the SIP conditions. Therefore, this officer does not recommend a nolle.

Bobbie Watkins
Probation Officer

664-4711 *BW*

6/20/01 BW
6/20/01 elan

EXHIBIT N

CONFIDENTIAL

2000CR3014310

9/26/01

203144

CLERK FILE NUMBER(S)

PROBATION NUMBER

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT

NEW OFFENSE/PROBATIONER STATUS REPORT

TO JUDGE:

Stokes

FROM:

Gordon, Yx 2742

PROBATIONER OFFICER / TELEPHONE NUMBER

Daniel Dailey

APPEARED BEFORE YOU ON

06-05-2000

PROBATIONER

DATE OF SENTENCE(S)

FOR

Domestic Violence - Threats

AND WAS SENTENCED TO

2yrs

YEAR(S) PROBATION WITH THE FOLLOWING CONDITION(S)

250 F4C-30D-150F

27DS-Prob. cond. BIP, DVA, SAT, SAAIC, AA 3WK, AA 30min
WIN 3 days OF TS, FIOS TIP 8-15-00.

COURT(S):

OFFENSE(S):

FILE NUMBER(S):

DISPOSITION(S):

FAILED TO REPORT DATE(S):

8/2/01, 8/29/01

NEW COMPLAINT(S)

SEE COMMENTS BELOW

FAILED TO COMPLY (CHECK ALL WHICH APPLY):

- 3DAYA.T.J.
- MADD
- [] A.A. [] N.A. [] C.A.
- DRUG TESTING
- C.W.S.
- PETTY THEFT SCHOOL
- C.C.W. PROGRAM
- OTHER SEE COMMENTS BELOW
- SUBSTANCE ABUSE [] ASSESSMENT [] COUNSELING
- [] G.E.D. - EDUCATION [] EMPLOYMENT
- MENTAL HEALTH [] ASSESSMENT [] COUNSELING
- D.V. [] ORIENTATION [] ASSESSMENT [] COUNSELING
- OBTAIN DRIVERS LICENSE
- [] J.I.P. [] PROJECT SECOND CHANCE
- [] RESTITUTION [] DONATION

COMMENTS:

Mr. Dailey has failed to keep schedule notes with this Prob. The deft has completed his Domestic Violence counseling and his substance abuse treatment. The deft has also obtained a sponsor and was attending AA regularly before he stopped reporting.

PROBATIONER'S RESPONSE TO SUPERVISION:

FAVORABLE MARGINAL UNFAVORABLE

THE PROBATION OFFICER IS REQUESTING

A PROBATION VIOLATION HEARING

A CONFERENCE

*COMMENT REQUIRED, SEE ABOVE

*AUTHORIZATION / COURT APPROVAL

*CLARIFICATION / VERIFICATION

June 28, 2001

PROBATIONER LAST REPORTED

APPROVED

SUPERVISOR / TELEPHONE NUMBER

JUDGE'S RESPONSE

PLEASE INDICATE YOUR DECISION(S) BELOW AND RETURN TO THE PROBATION DEPARTMENT.

NO ACTION

PROBATION VIOLATION HEARING TO BE SET FOR

CONFERENCE WITH JUDGE

COMMENTS:

Her PO, Dept. was placed on "mail-in" status without permission or knowledge of judge Stokes. Update needed. Preclude urinalysis test results.

JUDGE'S SIGNATURE:

Carola R. Miles

DATE

October 11, 2001

DISPOSITION(S):

P.V.H. HAD WAIVED PROB. TERM.

PROB. CONT. TO:

CAPIAS

FOUND

NOT FOUND IN VIOLATION OF PROBATION

CONFIDENTIAL
 JOURNALIZED

PROBATIONER: DAILEY, DANIEL RECORD NO.: 203144 PAGE:36

TO JUDGE: STOKES

FILE NO.: 2000CRB014310

CLEVELAND MUNICIPAL COURT
PROBATION HEARING REPORT

DATE OF HEARING 10-30-01

OFFICE VISITS: 12/00; 1-01 - 6-01 DATE (S)

PROBATIONER'S RESPONSE: FAVORABLE MARGINAL UNFAVORABLE

REASON(S) FOR HEARING:

NEW ARREST (S) DATE (S):
COURT (S):*
OFFENSE (S):
FILE NUMBER (S):
DISPOSITION (S):

NEW ARREST (S) DATE (S):
COURT (S):*
OFFENSE (S):
FILE NUMBER (S):
DISPOSITION (S):

FAILED TO REPORT DATE (S): July (mail-in report), 8-2-01, 8-29-01
 NEW COMPLAINT(S) SEE COMMENTS
 FAILED TO PAY RESTITUTION
 OTHER

FAILED TO ATTEND (CHECK ALL WHICH APPLY):

COMMUNITY WORK SERVICE ALTERNATIVE TO JAIL PROGRAM
 DOMESTIC VIOLENCE COUNSELING ALCOHOL TREATMENT
 DRUG TREATMENT ALCOHOLICS ANONYMOUS
 MADD MENTAL HEALTH COUNSELING
 EMPLOYMENT/EDUCATION OTHER PROGRAMS

COMMENTS:

Mr. Dailey was placed on mail-in status after he completed all the conditions of his probation. The defendant had not yet reached the halfway point of his two-year probation period, however, all of his conditions for the court had been met. The defendant was placed on mail-in status for two months July and August, 2001. When this P.O. did not receive the defendant's status report in July and August, an appointment was set. When he failed to make that appointment, a final notice was sent to the defendant. When he failed to respond to that notice, this P.O. notified the judge.

Yolanda Gordon 664-2742 KM.
Probation Officer

7/23/01 YG
10/24/01 klb

Y.Y.G.

CONFIDENTIAL

#35

CAPIAS REQUEST

**Cleveland Municipal Court
PROBATION DEPARTMENT**

EXPIRATION DATE (s) 6-5-02

PROBATIONER: Dailey, Daniel P.

RECORD NO. 203144

	OFFENSE	FILE NUMBER	JUDGE	TERM OF PROBATION
1.	Domestic Violence-Threats	2000CRB014310A	Stokes	Two years
2.				
3.				
4.				

SEE ATTACHMENTS: J.E. CHANGE OF STATUS

NEW ARRESTS/COMPLAINTS: YES NO OUTSTANDING WARRANTS

RECORD CHECK / DATE _____

EXPLAIN _____

FAILED TO COMPLY: (CHECK ALL THAT APPLY)

- 3 DAY ATJ
- MADD
- AA NA CA
- CWS
- CCW
- JIP
- OTHER _____
- DOMESTIC VIOLENCE A C
- SUBSTANCE ABUSE A C T
- GED / EMPLOYMENT
- RESTITUTION / DONATIONS
- OBTAIN VODL
- PETTY THEFT
- FAILED TO REPORT 7-13, 8-2, 8-29, 9-12-00
DATES

LAST KNOWN ADDRESS: 1500 West 38th Street, Cleveland, Ohio, 44113

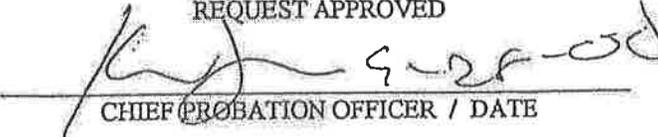
TELEPHONE NO. (216) 631-5177 DATE LAST REPORTED 9-13-00

SUMMARY: A Capias was walked through on the defendant following new complaints from the victim - Warrant#78718.

DATE PREPARED: 9-18-00

 PROBATION OFFICER / DATE

 SUPERVISOR / DATE

REQUEST APPROVED

 CHIEF PROBATION OFFICER / DATE

CAPIAS1.DOC

DATE TYPED: 9-22-00 BY: J. E. Parker

CONFIDENTIAL

FROM THE DESK OF:

KENNETH THOMAS
CHIEF PROBATION OFFICER
CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT
684-4770

TO: ALL SUPERVISION OFFICERS AND SUPERVISORS

FROM: KENNETH THOMAS, CHIEF PROBATION OFFICER

RE: LOW LEVEL MAIL-IN SUPERVISION CASES/JUDGE STOKES

DATE: 10-5-01

Judge Stokes has ordered our Department to send status report forms for all of her cases currently on low level mail-in status. The status forms shall indicate "why" the individual was placed on mail-in status along with a brief statement of probation adjustment.

In addition Judge Stokes has made it clear to me that no supervision case shall be placed on mail-in status without her prior approval.

Thank you.

cc: Judge Larry A. Jones
Judge Angela Stokes
Judge Joseph Zone
Regina Daniel, DCPO
Thomas Washington, DCPO
File

EXHIBIT P

CONFIDENTIAL

2000 TRC 092371 ✓

284611

CLERK FILE NUMBER(S)

PROBATION NUMBER

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT
NEW OFFENSE/PROBATIONER STATUS REPORT

5/29/01

TO JUDGE: A. Stokes FROM: M. Schultz X4738

RENEE LAMB APPEARED BEFORE YOU ON 10-23-00

FOR Physical Control (433.01) AND WAS SENTENCED TO

1 YEAR(S) PROBATION WITH THE FOLLOWING CONDITION(S) ATS, SAAIC, SAT

CONDITIONS OVER
 NEW ARREST(S) DATE(S):
COURT(S):
OFFENSE(S):
FILE NUMBER(S):
DISPOSITION(S):

FAILED TO REPORT DATE(S):
 NEW COMPLAINT(S) SEE COMMENTS BELOW
 FAILED TO COMPLY (CHECK ALL WHICH APPLY):

- 3DAY A.T.J.
- MADD
- [] A.A. [] N.A. [] C.A.
- DRUG TESTING
- C.W.S.
- PETTY THEFT SCHOOL
- C.C.W. PROGRAM
- SUBSTANCE ABUSE [] ASSESSMENT [] COUNSELING
- [] G.E.D. - EDUCATION [] EMPLOYMENT
- MENTAL HEALTH [] ASSESSMENT [] COUNSELING
- D.V. [] ORIENTATION [] ASSESSMENT [] COUNSELING
- OBTAIN DRIVERS LICENSE
- [] J.I.P. [] PROJECT SECOND CHANCE
- [] RESTITUTION [] DONATION

OTHER SEE COMMENTS BELOW
Per your request, Probation Record is attached. No prior history of substance abuse is present for Ms. Lamb. COMMENTS: Ms. Lamb has been exceptionally cooperative. Her Dip + base answers stated no need for further sub. abuse counseling. She is full-time employed w. positive evals from her employer. Her Urines have been negative (enclosed) since JAD 2001 (earlier 10/2000 test). Inactive status is requested. ^{OVER}

PROBATIONER'S RESPONSE TO SUPERVISION: FAVORABLE MARGINAL UNFAVORABLE
ALL conditions have been met SF + care paid.

THE PROBATION OFFICER IS REQUESTING
 A PROBATION VIOLATION HEARING
 A CONFERENCE
 AUTHORIZATION / COURT APPROVAL
 *CLARIFICATION / VERIFICATION
5-29-01 APPROVED Gail Y. Hillmon - 4775 (5-29-01)
PROBATIONER LAST REPORTED SUPERVISOR / TELEPHONE NUMBER

JUDGE'S RESPONSE PLEASE INDICATE YOUR DECISION(S) BELOW AND RETURN TO THE PROBATION DEPARTMENT.

NO ACTION PROBATION VIOLATION HEARING TO BE SET FOR 7-23-01 1:30pm.

COMMENTS: *Active Probation continues because of the unavailability of specimens dated 7-19-2001 and 7-3-2001. Please inform did not report to.*
JUDGE'S SIGNATURE: [Signature] DATE July 7, 2001

DISPOSITION(S): P.V.H. HAD WAIVED PROB. TERM. PROB. CONT. TO 1 A 1
 CAPIAS FOUND NOT FOUND IN VIOLATION OF PROBATION JOURNALIZED

151 X 111

Cuyahoga County
Court of Common Pleas
Probation Department Laboratory
1276 W. 3rd Room 102
Cleveland, Ohio 44113-1512

Schultz
301

Name: LAMB, RENEE Accession: 576179
Subject Number: 8284611
Birth: 1/25/1974 Age: 27 years Sex: F Collected/Drawn: 3/14/2001
Agency: CLEVELAND MUNICIPAL
Report Destination: SCHULTZ

Test Name	Result	Units	Flag	Reference Range
-----------	--------	-------	------	-----------------

NO TEST RESULTS

Run By: AS on 3/15/2001 at 9:20AM

LEFT WITHOUT SUBMITTING SAMPLE

--- End Of Report ---

Reviewed By:

M. Hughes

Date:

3/15/01

*unable to vacate -
re-referred 3-21-01*

2000CR3023624

7/11/01

281371

CLERK FILE NUMBER(S)

PROBATION NUMBER

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT
NEW OFFENSE/PROBATIONER STATUS REPORT

TO JUDGE: STOKES

FROM: MS. B. DEI 604-475

MOORE, CHRISTOPHER

APPEARED BEFORE YOU ON

PROBATIONER OFFICER / TELEPHONE NUMBER

6-20-00

DATE OF SENTENCE(S)

PROBATIONER

FOR DoV

AND WAS SENTENCED TO

2 YEAR(S) PROBATION WITH THE FOLLOWING CONDITION(S) DVC, SAT, SAAC,

2-13-01 P.H. P.V. SEE 2D CONT DRUG TEST CONT PROB 7-6-02

CONDITIONS

OVER

(coming for 20 months)

NEW ARREST(S) DATE(S):

COURT(S):

OFFENSE(S):

FILE NUMBER(S):

DISPOSITION(S):

FAILED TO REPORT DATE(S):

NEW COMPLAINT(S) SEE COMMENTS BELOW

FAILED TO COMPLY (CHECK ALL WHICH APPLY):

- 3DAYA.T.J.
- MADD
- [] A.A. [] N.A. [] C.A.
- DRUG TESTING
- C.W.S.
- PETTY THEFT SCHOOL
- C.C.W. PROGRAM
- SUBSTANCE ABUSE [] ASSESSMENT [] COUNSELING
- [] G.E.D. - EDUCATION [] EMPLOYMENT
- MENTAL HEALTH [] ASSESSMENT [] COUNSELING
- D.V. [] ORIENTATION [] ASSESSMENT [] COUNSELING
- OBTAIN DRIVERS LICENSE
- [] J.I.P. [] PROJECT SECOND CHANCE
- [] RESTITUTION [] DONATION

OTHER SEE COMMENTS BELOW

COMMENTS: MR. MOORE HAS REPORTED FOR HALF OF HIS TERM OF PROBATION. SINCE THE RI ON 5-13-01 ALL OF MR. MOORE'S URINE SCREENS HAVE BEEN NEGATIVE, HE HAS COMPLETED ALL TERMS OF PROBATION. THE OFFICER IS REQUESTING TO MAKE THE DEFENDANT IN-CARE.

PROBATIONER'S RESPONSE TO SUPERVISION: FAVORABLE MARGINAL UNFAVORABLE

THE PROBATION OFFICER IS REQUESTING

*COMMENT REQUIRED, SEE ABOVE

- A PROBATION VIOLATION HEARING
- A CONFERENCE
- *AUTHORIZATION / COURT APPROVAL
- *CLARIFICATION / VERIFICATION

PROBATIONER LAST REPORTED

APPROVED

Kimberly Moore 4733

SUPERVISOR / TELEPHONE NUMBER

JUDGE'S RESPONSE: PLEASE INDICATE YOUR DECISION(S) BELOW AND RETURN TO THE PROBATION DEPARTMENT.

NO ACTION PROBATION VIOLATION HEARING TO BE SET FOR 8/13/01 8:45 AM. DATE/TIME

CONFERENCE WITH JUDGE

COMMENTS: Submit the police Probation Record for my review please

JUDGE'S SIGNATURE: Angela P. Stokes DATE: July 25, 2001

DISPOSITION(S): P.V.H. HAD WAIVED PROB. TERM. PROB. CONT. TO: **CONFIDENTIAL** DATE REQUIRED

CAPIAS FOUND NOT FOUND IN VIOLATION OF PROBATION JOURNALIZED

EXHIBIT R

CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT
UPDATE

UPDATE for Judge STOKES on case # 2000CRB023626, set for 8-13-01:

Since this request to make the defendant inactive, there has been new information that would lead this Probation Officer to believe probation should remain active. On July 6, 2001, the defendant tested positive for marijuana. Subsequent to this test all of Mr. Moore's urine screens have been negative. Mr. Moore was assessed by TASC in July of 2000, however he was found ineligible due to lack of diagnoses. Mr. Moore also has not been attending his mandatory three AA meetings a week. He claims that his lack of attendance is because of his employment at Josphen Paper Packaging.

Due to this new information, this officer no longer believes inactive probation is a good idea.

Beth Dei 664-4715 KM
Probation Officer

8-01 BD
8-8-01 elan

CONFIDENTIAL

MAILING ADDRESS:

PAGE: # 1

CLEVELAND MUNICIPAL COURT
PROBATION No. 288917
PRE-SENTENCE REPORT

NAME BROWN, PATRICIA
ADDRESS 9308 PARMALEE
CLEVELAND, OHIO 44108
TELEPHONE 216-761-0768
DOB 9/1/71 RACE BLACK SEX FEMALE
SOCIAL SECURITY # 415-15-7999
ATTORNEY: PUBLIC DEFENDER
TELEPHONE # 216-621-5980

JUDGE STOKES
FILE # 2000TRD 064213
OFFENSE (S) LICENSE REQUIRED TO OPERATE
(435.01 A)
PLEA NGwdNC FINDING FG DATE 11/5/01
CONTINUED TO 11/27/01
DATE OF REFERRAL 11/5/01

COMPLAINANT'S NAME OFFICER # 1313
ADDRESS CLEVELAND POLICE DEPARTMENT
ALCOHOL TEST N/A INSURANCE COMPANY N/A

DRIVER'S LICENSE #: RK 881691 STATE OH EXPIRATION 9/1/97

DRIVER'S LICENSE STATUS:

FRA Suspension from November 21, 2000 to November 21, 2005-license expired.

IMMOBILIZATION SITE:

N/A

OFFENSE SUMMARY:

On June 29, 2001, the defendant operated a 1993 Ford Escort westbound on Jefferson at E. 42nd. According to the attached accident report, she struck a bicyclist head-on.

EXHIBIT S

CONFIDENTIAL

COMPLAINANT'S STATEMENT:

N/A

DEFENDANT'S STATEMENT:

The subject stated that a bicycle was coming down the street towards her so she moved over and the bicyclist hit her.

CURRENT LEGAL STATUS:

N/A

CONFIDENTIAL

SOCIAL HISTORY:

HEALTH:

EDUCATION:

MILITARY SERVICE:

EMPLOYMENT:

ASSETS/DEBTS:

ADDITIONAL INFORMATION:

The subject submitted to the Michigan Alcoholism Screening Test/Drug Abuse Screening Test. She scored a "2" on the MAST and a "0" on the DAST.

The defendant tested positive for marijuana on November 5, 2001.

This officer contacted the operator of the bicycle that was involved in the accident. Michael Pritchett was instructed to come to Court on November 27, 2001. Although Mr. Pritchett is 22 years old, he stated that he will "let my mom know."

CONFIDENTIAL

RECOMMENDATION:

Inactive probation.

Jennifer Adkins 664-4713
Probation Officer *JA*

11/9/01 J.A.
11/15/01 *[Signature]*

CONFIDENTIAL

CLEVELAND MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

STATE OF OHIO/CITY OF CLEVELAND)

CASE NO: _____

vs.)

IMMOBILIZATION AND PLATE
IMPOUNDMENT ORDER (4503.233)

DEFENDANT)

GREETINGS: To the Bailiff of the Cleveland Municipal Court

On _____, 19____, this Court entered a finding of guilty against Defendant under _____ (Code/Ord.). The Court finds that the vehicle described below was involved in the commission of the offense of which the Defendant was convicted:

Make, Model, Color, Year _____
Vin/Plate No. _____
Defendant is/is not the owner of the above-described vehicle.
This vehicle was/was not seized prior to Defendant's conviction.

You are ordered to search for, locate, immobilize and seize the plates of the above-described vehicle which is currently located at _____

The prescribed period of immobilization is 30 / 60 / 90 or 180 days. Credit for pretrial seizure time is _____. The remaining immobilization time is _____.

The period of immobilization shall begin on ____/____/____ and end on ____/____/____. The immobilization shall be carried out at (1) _____ or (2) _____.

You shall file a return with the Clerk of this Court within three (3) days after execution of this order. The return shall specify the date of immobilization, the method of immobilization, and the name and badge number of the executing officer.

Date: _____

Judge, Cleveland Municipal Court

Owner's Home: _____

Home Address City State Zip Home Phone

Owner's Work: _____

Work Address City State Zip Work Phone

WARNING: Failure to comply with this order will result in Contempt of Court Proceedings. A vehicle found operated in violation of this order shall be ordered forfeited.

-----Return-----

The above-described vehicle was immobilized pursuant to this Court's order on _____ using _____

CONFIDENTIAL
(Method of Immobilization)

by _____

(executing officer)

CAPIAS REQUEST

Cleveland Municipal Court
PROBATION DEPARTMENT

EXPIRATION DATE (S)

5-23-01

Page #8

PROBATIONER: McCARTHY, DANIEL

RECORD NO. 271882

	OFFENSE	FILE NUMBER	JUDGE	TERM OF PROBATION
1.	DUI	99TRC058763	Stokes	2 years
2.				
3.				
4.				

SEE ATTACHMENTS: J.E. CHANGE OF STATUS

NEW ARRESTS/COMPLAINTS: YES NO OUTSTANDING WARRANTS

RECORD CHECK / DATE 6-19-01: CJIS & County, 6-11-01, CRIS

EXPLAIN New Arrest: 12-25-00, Open Container Prohibited/DCI, 2000CRB055584AB, 12-26-00 NC.FG. \$25F/C (2), DFICS, Sent. Satisfied

FAILED TO COMPLY: (CHECK ALL THAT APPLY)

- 3 DAY ATJ
- MADD
- AA NA CA
- CWS
- CCW
- JIP
- OTHER

- DOMESTIC VIOLENCE A C
- SUBSTANCE ABUSE A C T
- GED / EMPLOYMENT
- RESTITUTION / DONATIONS
- OBTAIN VODL
- PETTY THEFT
- FAILED TO REPORT 3-8, 4-19, 5-16-01
DATES

LAST KNOWN ADDRESS: 2541 Kenilworth Road, Cleveland Hts., OH 44106

TELEPHONE NO. (216) 932-7962

DATE LAST REPORTED 10-11-00

SUMMARY: This probation officer has not had any contact with the probationer. This probation officer spoke with his sister at the telephone number listed above. The last known address is hers. She has seen him recently. He visits her from time to time, but she does not know how to reach him.

DATE PREPARED: June 25, 2001 M.V.S.
(6-28-01 Cordero)

REQUEST APPROVED

M. V. S. Cordero 7/9/01
PROBATION OFFICER / DATE

[Signature] 7/10/01
SUPERVISOR / DATE

[Signature] 7-17-01
CHIEF PROBATION OFFICER / DATE

CONFIDENTIAL EXHIBIT U

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT
WARRANT REGISTRATION FORM
KENNETH THOMAS, CHIEF PROBATION OFFICER

CAUTION INDICATOR ? N REASON DRUG ABUSER

NAME M^CCARTHY, DANIEL DOB 3-3-64

LAST KNOWN ADDRESS 2541 KENILWORTH RD.

CITY CLEVELAND HTS STATE OH ZIP 44106

HGT 5'11" WGT 180 HAIR BRO EYES H2L SEX M RACE W

POB OH SCARS / MARKS (TATTOOS) L+R SHOULDERS, L ARM, CHEST, R ARM,

SOC # 244-83-7210 FBI # 809673X3

BCI # B307577

FINGER PRINT CLASSIFICATION 24 12 12 PM 02/17 11 09 11 01

CLERK'S FILE # 99 TRC 058763

OFFENSE CODE(S) 433.01A

OFFENSE(S) DUI

OP LIC. # (STATE ID #) RR970688 STATE OH EXP DATE 3-3-04

ALIASES M^CCARTHERY, DAN / M^CCARTHY, DANIEL JOSEPH

DATE WARRANT REQUESTED 6-21-01 PROB RECORD # 271882

PROB OFFICER MORTON V. SMITH PHONE # 664-4930

A CAUTION INDICATOR should be used if, for example, the probationer has a history of assaultive or weapons related offenses, is a drug addict, an escape risk, is suicidal, or carries or suffers from a communicable or disabling disease. If there are multiple reasons for placing a CAUTION INDICATOR on a warrant you should still only give ONE reason, and be as brief as possible, preferably one word, such as violent or armed.

The CRIS printout must be attached to this form when it is turned in for processing.

TREG#1 1/25/96



CONFIDENTIAL

CAPIAS REQUEST

Cleveland Municipal Court
PROBATION DEPARTMENT

EXPIRATION DATE (S) 4-26-02

PROBATIONER: Daniel Gipson

RECORD NO. 282024

	OFFENSE	FILE NUMBER	JUDGE	TERM OF PROBATION
1.	DUI	1999TRD/106667	Stokes	1 year
2.				

SEE ATTACHMENTS: J.E. CHANGE OF STATUS

NEW ARRESTS/COMPLAINTS: YES NO OUTSTANDING WARRANTS

RECORD CHECK / DATE 7-3-01

EXPLAIN

FAILED TO COMPLY: (CHECK ALL THAT APPLY)

- 3 DAY ATJ
- MADD
- AA NA CA
- CWS
- CCW
- JIP
- OTHER

- DOMESTIC VIOLENCE A C
- SUBSTANCE ABUSE A C T
- GED / EMPLOYMENT
- RESTITUTION / DONATIONS
- OBTAIN VODL
- PETTY THEFT
- FAILED TO REPORT 5-2-01, 5-23-01
DATES

LAST KNOWN ADDRESS: 1382 W. 59th Street, Cleveland, Ohio 44102

TELEPHONE NO. (216) 631-2831

DATE LAST REPORTED 4-18-01

SUMMARY: Mr. Gipson has failed to report to this officer since 4-18-01, has not responded to an appointment notice (5-23-01) and has not complied with any of his conditions of probation.

DATE PREPARED: 7-3-01

Brdg

 PROBATION OFFICER / DATE 7/9/01
Shirley A. Zentgraf

 SUPERVISOR / DATE 7/9/01

REQUEST APPROVED

[Signature]

 CHIEF PROBATION OFFICER / DATE 7-9-01

CAPIAS1.DOC

DATE TYPED: 7-5-01

BY: F. D. Little

EXHIBIT V

CONFIDENTIAL

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT
Warrant Registration Form
Kenneth Thomas, Chief Probation Officer

CAUTION INDICATOR? Y N REASON _____
NAME David Lipson DOB 1-8-58
LAST KNOWN ADDRESS 1382 W. 59th St
CITY Cleveland STATE OH ZIP 44102
HGT 5'8" WGT 132 HAIR Brown EYES blue SEX M RACE W
POB _____ SCARS / MARKS / TATTOOS _____
SOC # 270 - 60 - 2579 FBI # none
BCI # None
FINGER PRINT CLASSIFICATION None
CLERK'S FILE # 1999TRC106667
OFFENSE CODE(S) 433, 431 / 431, 34A
OFFENSE(S) DUI / Fail to Control
OP LIC # / STATED ID # RF670505 STATE _____ EXP DATE 1-5-03
ALIASES DAVID A Lipson
DATE WARRANT REQUESTED July 2001 PROB RECORD # 282024
PROB OFFICER B.E. Sig PHONE # 664-4705

A CAUTION INDICATOR should be used if, for example, the probationer has a history of assaultive or weapons related offenses, is a drug addict, an escape risk, is suicidal, or carries or suffers from a communicable or disabling disease. If there are multiple reasons for placing a CAUTION INDICATOR on a warrant you should still only give ONE reason, and be as brief as possible, preferably one word, such as violent or armed.

The CRIS printout must be attached to this form when it is turned in for processing.

CAPIAS REQUEST

**Cleveland Municipal Court
PROBATION DEPARTMENT**

EXPIRATION DATE (s) 12-5-01

PROBATIONER: Lonnie White

RECORD NO. 278842

	OFFENSE	FILE NUMBER	JUDGE	TERM OF PROBATION
1.	Resisting Arrest	2000CRB047564A	Stokes	1 year
2.	DUS	2000TRD101295A	Stokes	1 year
3.	Fleeing and Eluding	2000TRD101295C	Stokes	1 year

SEE ATTACHMENTS: J.E. CHANGE OF STATUS

NEW ARRESTS/COMPLAINTS: YES NO OUTSTANDING WARRANTS

RECORD CHECK / DATE 5-9-01

EXPLAIN Warrant: CR352838 (Possession of Drugs) 3-7-01 Capias, Cuyahoga County.

FAILED TO COMPLY: (CHECK ALL THAT APPLY)

- 3 DAY ATJ
- MADD
- AA NA CA
- CWS
- CCW
- JIP
- OTHER

- DOMESTIC VIOLENCE A C
- SUBSTANCE ABUSE A C T
- GED / EMPLOYMENT
- RESTITUTION / DONATIONS
- OBTAIN VODL
- PETTY THEFT
- FAILED TO REPORT 2-9-01, 3-22-01
DATES

LAST KNOWN ADDRESS: 17821 Ingleside, Cleveland, Ohio 44119

TELEPHONE NO. () disconnected DATE LAST REPORTED 1-19-01

SUMMARY: Mr. Lonnie White has failed to report for scheduled appointments. This officer saw Mr. White out in public and asked him "what was going on." This officer was not aware of his outstanding drug charge. This officer requests a capias for Mr. Lonnie White for failure to report.

DATE PREPARED: 5-10-01

REQUEST APPROVED

Anthony D. Ridman 5-14-01
PROBATION OFFICER / DATE

[Signature] 5-16-01
CHIEF PROBATION OFFICER / DATE

SUPERVISOR / DATE

CAPIAS1.DOC

DATE TYPED: 5-15-01 BY: F. D. Little

CONFIDENTIAL EXHIBIT W

2000CRB047564 PROB. TERMINATED: 12/18/00

CAPIAS REQUEST

Cleveland Municipal Court
PROBATION DEPARTMENT

EXPIRATION DATE (s)

9-20-01

Page #1

PROBATIONER: BOLDEN, ERNEST (PHILLIPS)

RECORD NO. 284430

	OFFENSE	FILE NUMBER	JUDGE	TERM OF PROBATION
1.	Falsification	2000CRB034245	Stokes	1 year
2.				
3.				
4.				

SEE ATTACHMENTS: I.E. CHANGE OF STATUS

NEW ARRESTS/COMPLAINTS: YES NO OUTSTANDING WARRANTS

RECORD CHECK / DATE June 21, 2001

EXPLAIN

FAILED TO COMPLY: (CHECK ALL THAT APPLY)

- | | |
|---|---|
| <input type="checkbox"/> 3 DAY ATJ | <input type="checkbox"/> DOMESTIC VIOLENCE A <input type="checkbox"/> C <input type="checkbox"/> |
| <input type="checkbox"/> MADD | <input checked="" type="checkbox"/> SUBSTANCE ABUSE A <input checked="" type="checkbox"/> C <input checked="" type="checkbox"/> T <input checked="" type="checkbox"/> |
| <input type="checkbox"/> AA <input type="checkbox"/> NA <input type="checkbox"/> CA | <input type="checkbox"/> GED / <input type="checkbox"/> EMPLOYMENT |
| <input type="checkbox"/> CWS | <input type="checkbox"/> RESTITUTION / <input type="checkbox"/> DONATIONS |
| <input type="checkbox"/> CCW | <input type="checkbox"/> OBTAIN VODL |
| <input type="checkbox"/> JIP | <input type="checkbox"/> PETTY THEFT |
| <input type="checkbox"/> OTHER _____ | <input checked="" type="checkbox"/> FAILED TO REPORT <u>2-15, 3-19, 4-3-01</u>
DATES |

LAST KNOWN ADDRESS: 2500 East 61st Street, Cleveland, Ohio 44115

TELEPHONE NO. (216) 341-3478

DATE LAST REPORTED 1-18-01

SUMMARY: The probationer was referred for a TASC assessment on 11-14-00 and he failed to comply. Probationer entered into the Salvation Army Alcohol program on December 13, 2000 which was a 6 to 12 month program. He was to report once a month which he failed to do.

DATE PREPARED: June 26, 2001 M. Cook
(6-28-01 Cordero)

REQUEST APPROVED

M. Cook 6-28-01
PROBATION OFFICER / DATE

[Signature]
CHIEF PROBATION OFFICER / DATE

[Signature] 6/29/01
SUPERVISOR / DATE

CAPIAS1.DOC

EXHIBIT X

CONFIDENTIAL

Proc. CAP. ORDERED: 7/26/01 8-1500

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT
WARRANT REGISTRATION FORM
KENNETH THOMAS, CHIEF PROBATION OFFICER

CAUTION INDICATOR ? Y N REASON _____

NAME Ernest Bolden (Phillips) / DOB _____

LAST KNOWN ADDRESS 2000 East 60th #1630

CITY Cleveland, Ohio STATE Ohio ZIP 44115

HGT 5'9 WGT 185 HAIR Blk EYES Brown SEX M RACE Blk

POB MS SCARS / MARKS / TATTOOS SC Neck, SC knee, SC toe, SC chck, SC chck

SOC # 294584385 FBI # 907181RB

BCI # A867387

FINGER PRINT CLASSIFICATION 12 17 PM 20 14
12 PM PM CI 14

CLERK'S FILE # 250000034240

OFFENSE CODE(S) 615.02

OFFENSE(S) Falsification

OP LIC. # / STATE ID # None STATE _____ EXP DATE _____

ALIASES Ernest Ford, Ernest Fords, Ernest Smith, John Connery, Bruce Finner, Carl Smith

DATE WARRANT REQUESTED 6/27/01 PROB RECORD # 284430

PROB OFFICER [Signature] PHONE # 664-4930

A CAUTION INDICATOR should be used if, for example, the probationer has a history of assaultive or weapons related offenses, is a drug addict, an escape risk, is suicidal, or carries or suffers from a communicable or disabling disease. If there are multiple reasons for placing a CAUTION INDICATOR on a warrant you should still only give ONE reason, and be as brief as possible, preferably one word, such as violent or armed.

The CRIS printout must be attached to this form when it is turned in for processing.
WTREG #1 1/25/96

CONFIDENTIAL

CAPIAS REQUEST

Cleveland Municipal Court
PROBATION DEPARTMENT

EXPIRATION DATE (s) 9-12-2001

Page #9

PROBATIONER: McGuire, Darrin

RECORD NO. 244201

	OFFENSE	FILE NUMBER	JUDGE	TERM OF PROBATION
1.	DUI	1999TRC061990	Stokes	1 year
2.				
3.				
4.				

SEE ATTACHMENTS: J.E. CHANGE OF STATUS

NEW ARRESTS/COMPLAINTS: YES NO OUTSTANDING WARRANTS

RECORD CHECK / DATE June 21, 2001

EXPLAIN

FAILED TO COMPLY: (CHECK ALL THAT APPLY)

- | | |
|--|--|
| <input checked="" type="checkbox"/> 3 DAY ATJ | <input type="checkbox"/> DOMESTIC VIOLENCE A <input type="checkbox"/> C <input type="checkbox"/> |
| <input checked="" type="checkbox"/> MADD | <input checked="" type="checkbox"/> SUBSTANCE ABUSE A <input checked="" type="checkbox"/> C <input checked="" type="checkbox"/> T <input type="checkbox"/> |
| <input checked="" type="checkbox"/> AA <input type="checkbox"/> NA <input type="checkbox"/> CA | <input type="checkbox"/> GED / <input type="checkbox"/> EMPLOYMENT |
| <input type="checkbox"/> CWS | <input type="checkbox"/> RESTITUTION / <input type="checkbox"/> DONATIONS |
| <input type="checkbox"/> CCW | <input type="checkbox"/> OBTAIN VODL |
| <input type="checkbox"/> JIP | <input type="checkbox"/> PETTY THEFT |
| <input type="checkbox"/> OTHER _____ | <input checked="" type="checkbox"/> FAILED TO REPORT <u>1-9; 2-26; 3-19-01</u>
DATES |

LAST KNOWN ADDRESS: 5505 Grassmere, Maple Heights, OH 44137

TELEPHONE NO. (216) 475-4238

DATE LAST REPORTED Never reported.

SUMMARY: The probationer was transferred to this probation officer's case load in December 21, 2000. A telephone call was placed to the above telephone number. This is his father's home telephone number and he was quite angry about his son using his number. A message was left and the probationer called and stated that he would report the next day but he failed to comply.

DATE PREPARED: June 26, 2001 MC
(6-28-01 Cordero)

REQUEST APPROVED

Miguel Cordero 6-28-01
PROBATION OFFICER / DATE
[Signature] 6/29/01
SUPERVISOR / DATE

[Signature]
CHIEF PROBATION OFFICER / DATE

EXHIBIT Y

CONFIDENTIAL

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT
WARRANT REGISTRATION FORM
KENNETH THOMAS, CHIEF PROBATION OFFICER

CAUTION INDICATOR ? Y N REASON _____

NAME Dannin McGuire DOB 1-2-61

LAST KNOWN ADDRESS 5505 Grassmere

CITY Maple Hts STATE Ohio ZIP 44137

HGT 6' WGT 200 HAIR Blk EYES Brown SEX M RACE Blk

POB OH SCARS / MARKS / TATTOOS SCAR

SOC # 283-70-8518 FBI # 69381446

BCI # A974921

FINGER PRINT CLASSIFICATION 16 CO 14 PM 16
11 CO 01 PM 16

CLERK'S FILE # 99TRC1061990C

OFFENSE CODE(S) 431.01A1

OFFENSE(S) DWI

OP LIC. # / STATE ID # Suspended STATE _____ EXP DATE _____

ALIASES Dannin McGuire

DATE WARRANT REQUESTED 6/27/84 PROB RECORD # 244201

PROB OFFICER Megan Cook PHONE # 664-4930

A CAUTION INDICATOR should be used if, for example, the probationer has a history of assaultive or weapons related offenses, is a drug addict, an escape risk, is suicidal, or carries or suffers from a communicable or disabling disease. If there are multiple reasons for placing a CAUTION INDICATOR on a warrant you should still only give ONE reason, and be as brief as possible, preferably one word, such as violent or armed.

The CRIS printout must be attached to this form when it is turned in for processing.

WTREG#1 1/25/96

CONFIDENTIAL

POLICY ON MANAGEMENT OF FIRST-TIME DUI CASES

1. Upon assignment, the officer should review the record to determine if any errors were made that would require the case be re-assigned.
2. At the initial office visit, the offender will be given an information packet and letter explaining what will be required to successfully complete the probation term. The letter provides the offender with the name of the sentencing judge, length of probation, court ordered conditions, a time frame to complete conditions, the name and telephone no. of the supervising probation officer, the supervisor and a next scheduled office visit.

The offender is given a packet containing a list of certified 72 hour Alternative to Jail Programs, M.A.D.D. meetings listed by location and date and a completed referral form to MADD.
3. The offender is asked to select an ATJ program and make arrangements to attend and complete the program within 90 days of their next office visit. They are also asked to select a MADD meeting location and attend the required number of meetings within 90 days.
4. During the 90 days, the offender is also required to "mail-in" monthly reports to the probation officer. Failure to comply is equivalent to a missed appointment and a probation capias will be requested. The probation officer is required to complete 2 record checks during the 90 days.
5. If the offender fails to complete all conditions within 90 days, the judge is notified and they are taken back to court as a probation violator. Failure to comply will also require the offender to report twice monthly until all conditions are met.
6. Once conditions are met, a thorough record check must be conducted by the supervising officer. If there are no new arrests, the case can be made inactive with the exception of Judges' Adrine and Stokes who must first be notified by blue form.
7. All DUI, TTP capiases are automatically transferred from criminal to the civil division by the clerk of courts. It remains there as an open civil judgment with a "hit" on the offenders credit report. A copy of the journal entry must be obtained from the clerks office and attached to the record before making the case inactive. The journal entry should read "Transferred for a civil judgment".

Approved : Ken Thomas, CPO
9/5/2000

**CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT**

JUSTICE CENTER • 1200 ONTARIO STREET
MAILING ADDRESS • P.O. BOX 94894 • CLEVELAND, OHIO 44101-4894
(216) 664-4930 • FAX (216) 664-4267

KENNETH THOMAS
CHIEF PROBATION OFFICER

REGINA DANIEL
THOMAS WASHINGTON
DEPUTY CHIEF PROBATION OFFICERS

GUIDELINES ON MANAGEMENT OF FIRST -TIME DUI CASES

Objective: To efficiently guide the first-time D.U.I. offender through completing the required court ordered conditions in a timely manner while providing the necessary treatment in order to reduce recidivism.

Criteria for assigning cases to the First-Time DUI unit:

- The DUI cases assigned to this unit should have limited conditions such as ATJ (Alternative to Jail) , CWS (Community Work Service) and MADD (Mothers Against Drunk Driving).
2. Cases with court ordered restitution should not be assigned.
 3. Assigned cases should have no additional DUI or Physical Control arrests/convictions over the past 10 years.
 4. At the time of assignment, no other major misdemeanor charges should be pending. (example: domestic violence, assault, probation violation capiases etc.).
 5. A companion case may be supervised with the first-time DUI case only if it does not carry any conditions.
 6. If a first-time DUI offender is found guilty of a new offense and placed on probation with conditions, the original sentencing judge should be notified and a probation violation hearing requested. After the offender has been cited as a probation violator he/she is no longer eligible for this caseload and should be transferred and supervised by an officer with a regular caseload.
 7. When the offender completes an ATJ program and further follow-up treatment or aftercare is recommended, this case should be transferred immediately to be supervised by an officer with a regular caseload.
- Cases with a court ordered Ignition Interlock System should be transferred if the length of installation extend beyond 6 months.

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CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT

KENNETH THOMAS
CHIEF PROBATION OFFICER

COURT TOWER, JUSTICE CENTER
1200 ONTARIO STREET, SIXTH FLOOR
CLEVELAND, OHIO 44113

REGINA DANIEL
THOMAS WASHINGTON
DEPUTY CHIEF PROBATION OFFICERS

216 / 664-4930
FAX 216 / 664-4267

TO: _____ DATE _____

On _____ Judge _____ placed you on _____ months/years of active probation concerning a DWI/Physical Control charge. You are required to complete the following conditions as indicated below. Enclosed you will find all the necessary forms to successfully complete all court ordered conditions. All conditions are to be completed within 90 days of your first appointment.

- _____ 3 day ATJ
- _____ M.A.D.D. meeting (1) (2) (3) (4)
- _____ A.A./ N.A./C.A. meetings per week
- _____ Substance Abuse Assessment/counseling
- _____ Obtain Valid Driver's License
- _____ Drug Testing
- _____ Community Work Service- _____ hrs.
- _____ Restitution/Donation-\$ _____
- _____ Fine/Costs-\$ _____
- _____ Other _____

An Appointment has been scheduled for you on _____ @ _____ with Probation Officer _____

You must keep this appointment as scheduled. If for any reason you cannot do so you must call your probation officer listed above. Should you have any questions you may contact me Monday - Friday between 8:30 a.m. and 4:00 p.m.

Probation Officer

GAIL Y. HILLMON
Supervisor

664-4775

cc: Probation Record No. _____

216 / 664- _____

CONFIDENTIAL

CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT

P.O. BOX 94894
CLEVELAND, OHIO 44101-4894

KENNETH THOMAS
CHIEF PROBATION OFFICER
REGINA DANIEL
DEPUTY CHIEF PROBATION OFFICER
THOMAS WASHINGTON
DEPUTY CHIEF PROBATION OFFICER

MONTHLY REPORT

AREA CODE 216
664-4930
FAX: 664-4267

Your Name _____ Telephone # _____

Your Address _____

Probation Officer's Name _____

COMPLETED DEC 17 2001
Date

Have you been arrested or received a ticket since your last appointment? _____ yes _____ no

Do you report to any other Probation or Parole Officer? _____ yes _____ no

Are you working? _____ yes _____ no. If working: Employer _____

Work Address _____ Work Phone number _____

What time are you at work? _____ Off days _____ How much do you earn? _____

If you are not working, what is your source of income? (check all that apply):

_____ Welfare _____ Disability _____ Other, please indicate what: _____

Since your last appointment, have you attended any of the following? (check all that apply)

_____ Alcoholics Anonymous (AA) _____ Domestic Violence Counseling

_____ Mothers Against Drunk Driving (MADD) _____ Mental Health Counseling

_____ Community Work Service _____ Alcohol Treatment

_____ Drug Treatment _____ Other, please specify _____

Have you paid your fine/costs? _____ yes _____ no. Do you owe restitution? _____ yes _____ no

(Attach copies of any receipts of payments you have brought)

Are you having any problems with which you desire help? _____ yes _____ no

Falsification of information could result in violation of your probation as stated in ORC 2301.30.

(your signature)

CLEVELAND MUNICIPAL COURT
JUDGMENT ENTRY

STOKES, A. JUL 23 2001

19

State of Ohio
City of Cleveland
VS

Renee Lamb

NO. 2001TRC 092371

IN THE ABOVE CAPTIONED CASE:

Capias Recalled / Original Bond Reinstated / Bond Forfeiture Vacated

Case Advanced from _____
DATE

Continued for (Pretrial) (Bench Trial) (Jury Trial) (Motion Hearing)
(P.V. Hearing)

at (Pros.R.) (Deft.R.) (Court's R.)

until _____ at _____ m. RSW / SPW / JDA / JDW
DATE TIME

Added to docket as of

[Signature]
JUDGE

Case set for PV

Hearing on 7-8-2001 for 7/22/01 + filed

is not in Court

Exhibit AA

CONFIDENTIAL

To: Representatives: National Center for State Courts

From: Judge Sean C. Gallagher

Re: Information system problems and the Cleveland Municipal Court

Date: June 25, 2001

The following is a synopsis of shortcomings and deficiencies in the current Court information system.

1. The Court does not have an intake department to screen information.

Information, good, bad and indifferent, flows into the Court's database with no effective system to control inaccurate or missing information. Misspelled names, incorrect dates of birth, missing or wrong ss#'s and incomplete charging information all create havoc in the Court's information system. There is no "soundex" system. There is no method to identify common or similar names or dates of birth or ss#'s. There is no unique identifier. Due in part to volume, the problems are just passed on through the system and are often never discovered or solved. When they are discovered they are managed through a form of never ending, last second, crisis management. The Cleveland Police Department enters much of the data used by the Court and electronically transfers the data to the Court.

2. There is no direct judicial review of data entered and stored in Court's database.

Judges fill out a "check the box" style journal entry. This entry is then reviewed by a Clerk who enters the information in the Court's computer system primarily through the use of "service codes". The computer entries however, are not printed and are not signed by the Judge. The original "fill in the box" handwritten entry is the only "journal" actually signed by the judge. The entries entered by the Clerk remain in the information system, but are not reviewed by the Judge. Even with the new "in court journalization" system, the Judge still does not review what is entered by the Clerk.

3. The Courts computer generated information record is not a valid Court journal as outlined by the Eight District Court of Appeals.

The Eight District Court of Appeals has rejected the Cleveland Municipal Court's computer generated case history records as an official Court journal. In a number of opinions, attempts to offer certified copies of the computer case history were rejected by the Court of Appeals. The Court has stated that because the journals are not signed by the judge they are invalid. The Court will only look at the original "check the box" hand created entry since this is the only entry actually signed by the Judge. Cleveland v. Cuebas (1994) WL 652845, City of Parma v. Dobromilsky (1995) WL 643768 and City of Berea v. Wuensch (2000) 8th District C.O.A. #77291, decided September 28, 2000.

4. The computer system is an electronic "storage box" not a modern information processor.

A great deal of data is entered into the Court's computer system where it simply sits. Virtually none of the data is processed into usable programs or information. The current system generates a number of reports, but these require an inordinate number of employee hours to be usable. The computer system really doesn't "process" anything.

5. There is no "case status designation code" for cases in the database.

There is no simple code to identify the status of a case. If a case is in probation, involves an unpaid fine, has a capias, is pending on the personal docket of a particular Judge or is a new filing the computer doesn't tell you which status the case is in. You have to "scroll the screens" into the case to really determine it's status. This creates a very burdensome system, where even the most mundane information, like "What is the person's bond?" or "What other cases are unresolved?", can only be answered by lengthy repetitive inquiries.

6. The system cannot perform automated consolidation of cases at the initial filing.

When new case information arrives and a new case is created, this is the optimum time to find all other unresolved cases (probation, capias, unpaid fine, other pending) in the system. Currently, this does not take place. Some reports about capias are generated, but they are burdensome and require many employee hours to be useful. Often, many cases are missed or ignored. People enter the court at arraignment and leave with active warrants on them from unfound files. Fines go unpaid. Probation officers are unaware of when probationers are arrested and appear on new cases.

7. The system has no "user friendly" information screens.

Most employees accessing the system do so to check on routine information. "Is there a capias?", "What is the bond?", "Who is the Judge?" "What's the next court date?" "How much does the defendant owe?", "Who is the lawyer?". There is no simple information screen where these questions can be quickly displayed. The lack of these information screens bogs down the employee tasks.

CLEVELAND MUNICIPAL COURT
Inter-Office Correspondence

TO: Larry A. Jones, Presiding & Administrative Judge
FROM: Linda M. DeLillo, Court Administrator *LMD*
RE: Grant Writer
DATE: May 22, 2001

As directed at the 2001 Judicial Advance, I have obtained the names of eight (8) grant writers who were recommended by various county and private agencies. All of these grant writers are experienced in writing criminal justice and/or mental health/substance abuse oriented grants (see attached list).

Grant writing seems to be seasonal from January to May. I believe we also have to have available grants researched and grant administration.

These individuals work on a fee for service basis for different agencies and not as an employee. The prevailing rate for a grant writer is \$50.00 to \$150.00 per hour with the average fee closer to the lower end of the scale (\$60.00-\$75.00 per hour).

I have also obtained a sample contract for grant consulting services from the Cuyahoga County Common Pleas Court.

I am requesting judicial instruction as how to proceed on this matter.

LMD:dr
w/encl

Exhibit CC

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POTENTIAL GRANT WRITERS

1. Ann Marie Donegan
 2. Lucy Duvall
 3. Beth Embrescia
 4. Melinda Holsapple
 5. Lana Musser
 6. Joe Narkin
 7. Isabelle Sanchez
 8. Cheryl Wickas
-
-

CONFIDENTIAL

Cleveland Municipal Court

JUSTICE CENTER • 1200 ONTARIO STREET
MAILING ADDRESS • P.O. BOX 94894 • CLEVELAND, OHIO 44101-4894

LARRY A. JONES
PRESIDING AND
ADMINISTRATIVE JUDGE

(216) 664-4996

Meeting of the Judges of Cleveland Municipal Court to be held on Thursday, May 24, 2001
at noon in the Jury Deliberation Room of Courtroom 13-C.

AGENDA

(All Committee Reports are requested to be limited to seven (7) minutes)

Report of the Personnel Committee

Report of the Ad Hoc Traffic Intervention Program/DUI Committee

Report of the Rules Committee

Review Utilization of Magistrates

Administrative Judge Report

- Eighth Judicial Conference (Oct. 18, 19, 20, 2001) Delegate Nominations due by June 1, 2001.
- Update on Third Floor Initiative
- Review of 2nd/4th District Domestic Violence Pilot Project Summary and Grant Application
- Update on Town Hall Meetings
- Update on Grant Writer
- New Elevator Passes/Identification Cards
- Dates of June Personnel and Judges' Meeting

Exhibit DD

CONFIDENTIAL

**CLEVELAND MUNICIPAL SUPERVISION UPDATE
Prostitution Offenders Intervention Program**

DATE OF HEARING 6-25-01

PROBATIONER: Rogers, Kim

RECORD #284421

TO JUDGE: STOKES

FILE # 2000CRB041284

REPORTING STATUS: Reports weekly.

AGENCY INVOLVEMENT: Ms. Rogers has three unexcused and one excused absence from Recovery Resources' SAMI TOP. She has been given a verbal warning. She also attends individual sessions with Orlando Howard at Recovery Resources and has a new case manager there.

SUBSTANCE TESTING SUMMARY: All drug screens have been negative.

EMPLOYMENT/VOCATIONAL TRAINING: Trains therapy dogs.

MEDICAL/MENTAL HEALTH STATUS: She has kept appointments with the psychiatrist and is medication compliant.

SOCIAL/FAMILY STATUS: Lives with her mother.

OTHER: Ms. Rogers attends AA meetings, but often two or three in one day. She has been advised to stretch four weekly meetings out over the course of the week.

RECOMMENDATION: The P. O. recommends continuation of Project Hope involvement and that the original fifty hours of Community Work Service be ordered to begin soon.

Mary Hyland 664- 4935
Probation Officer

T3 6/22

6-21-01 MH
6-22-01 elan

2000CRB041284

CLERK FILE NUMBER(S)

284421

PROBATION NUMBER

CLEVELAND MUNICIPAL COURT PROBATION DEPARTMENT
NEW OFFENSE/PROBATIONER STATUS REPORT

6/25/01

TO JUDGE: Stokes FROM: Magni Hyland x4935
PROBATIONER OFFICER / TELEPHONE NUMBER

PROBATIONER: Kim Rogers APPEARED BEFORE YOU ON 10-30-00
DATE OF SENTENCE(S)

FOR Soliciting AND WAS SENTENCED TO Project Hope, 50 hrs.
1 YEAR(S) PROBATION WITH THE FOLLOWING CONDITION(S)
CWS, MDD

CONDITIONS OVER
 NEW ARREST(S) DATE(S):
COURT(S):
OFFENSE(S):
FILE NUMBER(S):
DISPOSITION(S):

- FAILED TO REPORT DATE(S):
- NEW COMPLAINT(S) SEE COMMENTS BELOW
- FAILED TO COMPLY (CHECK ALL WHICH APPLY):
 - 3DAYA.T.J.
 - MADD
 - [] A.A. [] N.A. [] C.A.
 - DRUG TESTING
 - C.W.S.
 - PETTY THEFT SCHOOL
 - C.C.W. PROGRAM
 - OTHER SEE COMMENTS BELOW
- SUBSTANCE ABUSE [] ASSESSMENT [] COUNSELING
- [] G.E.D. - EDUCATION [] EMPLOYMENT
- MENTAL HEALTH [] ASSESSMENT [] COUNSELING
- D.V. [] ORIENTATION [] ASSESSMENT [] COUNSELING
- OBTAIN DRIVERS LICENSE
- [] J.I.P. [] PROJECT SECOND CHANCE
- [] RESTITUTION [] DONATION

COMMENTS: The PO received a phone call from Kim Rogers' mother today indicating that Kim used drugs over the weekend - Saturday & Sunday. She was sent for a drug test today & Orlean Howard her counselor/case worker has been alerted. The mother has once again asked that we do not let Kim know she has made this phone call. The PO will do a surprise home visit with urine test.

THE PROBATION OFFICER IS REQUESTING
 A PROBATION VIOLATION HEARING
 A CONFERENCE
6-25-01 APPROVED Rentout 4737 6/25
PROBATIONER LAST REPORTED SUPERVISOR / TELEPHONE NUMBER

JUDGE'S RESPONSE PLEASE INDICATE YOUR DECISION(S) BELOW AND RETURN TO THE PROBATION DEPARTMENT.

NO ACTION PROBATION VIOLATION HEARING TO BE SET FOR 6-27-2001 DATE/TIME

COMMENTS: As notified in Court on 6-25-2001, Supplement Record regarding STATE-10P missed date

JUDGE'S SIGNATURE: Angela R. Stokes DATE June 28 2001

DISPOSITION(S): P.V.H. HAD WAIVED PROB. TERM. PROB. CONT. TO JOURNALIZED
 CAPIAS FOUND NOT FOUND IN VIOLATION OF PROBATION

CONFIDENTIAL
C of C 15-2014 PV Hearing Held on 6-27-01. SOE - det & not with system cleared & discharged

PROBATIONER: Kim Rogers RECORD NO.: 284421 PAGE: #14

COURT JUDGE: STOKES FILE NO.: 200CRB041284

CLEVELAND MUNICIPAL COURT
PROBATION HEARING REPORT

DATE OF HEARING 6-27-01

OFFICE VISITS: 3-8, 4-16, 4-17, 4-30, 5-8, 5-15, 5-21, 5-30, 6-5, 6-12, 6-19-01 DATE (S)

PROBATIONER'S RESPONSE: FAVORABLE MARGINAL UNFAVORABLE

REASON(S) FOR HEARING:

NEW ARREST (S) DATE (S):
COURT (S):*
OFFENSE (S):
FILE NUMBER (S):
DISPOSITION (S):

FAILED TO REPORT DATE (S):
 NEW COMPLAINT(S) SEE COMMENTS
 FAILED TO PAY RESTITUTION
 OTHER

FAILED TO ATTEND (CHECK ALL WHICH APPLY):

COMMUNITY WORK SERVICE ALTERNATIVE TO JAIL PROGRAM
 DOMESTIC VIOLENCE COUNSELING ALCOHOL TREATMENT
 DRUG TREATMENT ALCOHOLICS ANONYMOUS
 MADD MENTAL HEALTH COUNSELING
 EMPLOYMENT/EDUCATION OTHER PROGRAMS

COMMENTS:

Ms. Rogers has been reporting weekly to the P.O. and all urine screens have been negative. However, she has one excused absence from Recovery Resources' SA/MI Intensive Outpatient Program and three unexcused absences. The dates of the unexcused absences are May 29, June 8 and June 13, 2001. She began the program on May 3, 2001.

Ms. Rogers has kept her appointment with her psychiatrist, counselor and case manager and is medication compliant.

Mary Hyland 664-4935
Probation Officer

Py 6/26

6/25/01 MH
6/25/01 fdl

MH

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CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT

JUSTICE CENTER • 1200 ONTARIO STREET
MAILING ADDRESS • P.O. BOX 94894 • CLEVELAND, OHIO 44101-4894
(216) 664-4930 • FAX (216) 664-4267

KENNETH THOMAS
CHIEF PROBATION OFFICER

REGINA DANIEL
THOMAS WASHINGTON
DEPUTY CHIEF PROBATION OFFICERS

To: Judge Angela Stokes

From: Kim Moore, MDO Supervisor *km*

Please find below the list of questions you requested for Probation Officers to ask MDO clients.
If you wish to make any additions, please let me know.

MDO INTERVIEW CHECKLIST

1. Have you been hospitalized since your last court appearance?
2. Are you taking medication daily?
3. Have you stopped taking your medication? If so, why?
4. Are you having side effects from the medication?
5. Are you having visual/auditory hallucinations?
6. Do you feel that you may harm yourself or someone else?

cc: R.Daniel, DCPO

EXHIBIT FF

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KENNETH THOMAS
CHIEF PROBATION OFFICER

REGINA DANIEL
THOMAS WASHINGTON
DEPUTY CHIEF PROBATION OFFICERS

January 7, 2002

To: Judge Angela Stokes

From: Kim Moore, MDO Supervisor

Please find below the list of questions you requested for Probation Officers to ask MDO clients. This list will be distributed to Pre-sentence Officers to be utilized during interviews as well.

MDO INTERVIEW CHECKLIST

1. Have you been hospitalized since your last court appearance?
2. Are you taking medication daily?
3. Have you stopped taking your medication? If so, why?
4. Are you having side effects from the medication?
5. Are you having visual/auditory hallucinations or any other psychiatric symptoms such as sleeplessness or depression?
6. Do you feel that you may harm yourself or someone else?
7. How well are you working with your case manager?
8. Are you keeping your appointments with your psychiatrist?

cc: R.Daniel, DCPO

EXHIBIT GG

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**CLEVELAND MUNICIPAL COURT
PROBATION DEPARTMENT
UPDATE**

UPDATE for Judge Stokes set for 12-10-01:

As of December 7, 2001, the probationer has not contacted Centerpoint for an assessment. On December 3, 2001 the probationer was referred to the probation department at the Justice Center for a drug test. He was not tested for PCP; he tested negative for cocaine, opiates and marijuana.


Alice Cox-Wynn, Probation Officer
664-6238

December 7, 2001 (12-7-01 Cordero)

Cuyahoga County
Court of Common Pleas
Probation Department Laboratory
1276 W. 3rd Room 102
Cleveland, Ohio 44113-1512

Name: **BEDARD, HATARI** Accession: 662402
Subject Number: 8284991
Birth: 7/14/1975 Age: 26 years Sex: M Collected/Drawn: 12/4/2001
Agency: CLEVELAND MUNICIPAL
Report Destination: WYNN

Test Name	Result	Units	Flag	Reference Range
3 SCREEN-COC/OP/THC Run By: AS on 12/5/2001 at 9:40AM				
H-COCAINE.	Negative			
H-OPIATES	Negative			
H-MARIJUANA :	Negative			

--- End Of Report ---

Reviewed By: _____

Date: _____

CLEVELAND MUNICIPAL COURT
Judicial Division
Inter-Office Memorandum

TO: Judge Angela R. Stokes
FROM: Russell R. Brown III, Dep. Ct. Admr. ^{REB}
DATE: November 14, 2001
RE: Probation Officer Assignment Mishap

In the Spring of this year I was called to your courtroom to review a situation where a probation violation hearing was scheduled by one probation officer when, in fact, a different probation officer showed that this same probationer was in full compliance with all of his conditions of probation and was actually a model probationer. It turns out that the Probation Department had inadvertently assigned the defendant in the same case to two probation officers with one tracking his full compliance over a period of several months and the other violating him due to his non-compliance and failing to report.

This matter took a couple of hours to resolve due to the fact that the probation officer to whom the probationer claimed he was reporting to could not be reached. We first confirmed that the probationer was assigned to a second probation officer. It then took additional time attempting to reach that probation officer to confirm the probationers reporting and compliance information so the probation capias could be lifted. Defense counsel was present and I was eventually able to make telephone contact with the probation officer to confirm the probationer's compliance with his conditions.

Please contact me at #3765 if you have any additional questions.

cc: Kenneth D. Thomas

Judges

Ladies and Gentlemen, I want to thank you for this opportunity to speak to such a distinguished group, as you are. Seldom have I been more honored than by this tremendous opportunity.

I must confess that the task does seem somewhat daunting. As I looked at the title of this summit, "Mission, Vision, and Values," I felt right at home. These are topics that I have talked about many times and in many venues. But, when I began to contemplate the uniqueness and stature of this group, I was thrown back into a halting stance.

One of the reasons that this task is different from most of my speaking engagements is that I don't know the theological belief systems or leanings of the people in this group. I am a pastor, preacher, public speaker, motivator, etc., but all this usually takes place within a religious or church context. This leaves me with somewhat of a dilemma, because my encouragement to you will come from the Bible. Not only because that is the normal sphere in which I operate, but also because I believe the Bible contains the germ of some real encouragement for you.

After considerable deliberation, I believe that the encouragement and motivation that is contained in the Bible is worth addressing, whether you believe in God, a higher power, or random chance.

I came to this conclusion, because I tried to put myself into your shoes. I am not a judge, but in a small way I am. I pastor a church with an average attendance of 2,000. Our church ministry is very compassionate and involved in counseling. So, I have to judge a relatively large number of people, i.e. judge from the perspective of adjudicate disputes, and give advice and counseling. From this perspective I thought,

- "What motivates me in the face of the tremendous job before me?"
- What motivates me, when I am continuously looking at a fair number of tragic situations?
- What motivates me, when I have to deal with the injustices of life and I am still expected to render a just and impartial adjudication?"

Well, one of the things that motivate me is that I represent God, who calls Himself, in the Bible, the **Judge of all the earth**. The Bible says in

Genesis 18:25, "Far be it from Thee to do such a thing, to slay the righteous with the wicked, so that the righteous and the wicked are treated alike. Far be it from Thee! Shall not the **Judge of all the earth deal justly?**"

I represent the Judge of all the earth, and if I must do justly because of His character, can you do any less?

Pastor Joey Johnson
House of the Lord
1650 Diagonal Road
Akron, Ohio 44320

EXHIBIT JJ

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The more I thought about this, the more it dawned upon me that you; even more than I, represent the Judge of all the earth. Where does the concept of justice come from? It either comes from evolution or from the Creator. It either comes from oblivion or from a living Being. If you believe it comes from evolution, then what makes justice a higher concept than any other? If you believe in the Creator, then you can find motivation and encouragement in appropriately representing the Judge of all the earth. If we had time, this line of reasoning would lead us into a discussion of ethics and morality. Without some higher power, ethics and morality begin to lose their bite and this is evidenced by the fact that we have a moral, ethical, values crisis in America. I maintain that we don't have a drug problem or crime problem or a problem with violence, in America; we have a moral/ethical problem that centers on people. It's people who have no morality, ethics, or values for human work, honesty; communication, integrity, or human life itself!!!

So, one source of motivation should be that no matter how tough things are or how tough they get, we represent the Judge of all the earth and I believe that we want to represent him well—because we never know who we are going to impact for the good of Humanity.

As I thought about this more deeply, it dawned upon me that we certainly don't want to have justice without mercy! God is a just God, but He is also a merciful God. I believe that these two attributes of God must be seen in dynamic tension. Jesus, the unique Son of God, was a very just man, but He was also one of the most merciful men that ever lived. He treated the Mosaic Law with respect, but He also knew when to set aside the law for the cause of mercy!

Therefore, it is incumbent upon you, as it is upon me, to represent the Judge of all the earth as a just, but also merciful and compassionate Judge. The psalmist Asaph puts the two together in

Psalm 82:1-4, "A Psalm of Asaph. God takes His stand in His own congregation; He judges in the midst of the rulers. How long will you judge unjustly, and show partiality to the wicked? Vindicate the weak and fatherless; do justice to the afflicted and destitute. Rescue the weak and needy; deliver them out of the hand of the wicked."

With such a weighty task upon me, I pray a prayer that Solomon, King of Israel prayed. Keep in mind that it also Solomon's job to judge and lead the people of the nation of Israel. Solomon prayed in

1 Kings 3:9, "So give Thy servant an understanding heart to judge Thy people to discern between good and evil. For who is able to judge this great people of Thine?"

If you believe in a Creator/God, then you likely believe that everyone that He created has value, and as such, adjudication must be approached even more responsibly.

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Might I suggest that you pray to whatever power you believe in to help you justly and mercifully adjudicate the cases on your docket. Of course this is much more helpful, if you are praying to a God who created humanity and cares for every human being—no matter his/her station in life.

As a matter of fact, although I am **not** historian with respect to the history of the development of legal systems, I believe that the Ten Commandments was one of the earliest codifications of moral behaviors and beliefs. And the Ten Commandments, although God gave them, were received, taught by, administrated, and adjudicated by Moses. **So, we can learn something about and be perhaps be motivated by the action and attitude of Judge Moses!!!**
The Bible says in

Exodus 18:13-23, "And it came about the next day that Moses sat to judge the people, and the people stood about Moses from the morning until the evening. Now when Moses' father-in-law saw all that he was doing for the people, he said, 'What is this thing that you are doing for the people? Why do you alone sit as judge and all the people stand about you from morning until evening?' And Moses said to his father-in-law, 'Because the people come to me to inquire of God. When they have a dispute, it comes to me, and I judge between a man and his neighbor, and make known the statutes of God and His laws.' And Moses' father-in-law said to him, 'The thing that you are doing is not good. You will surely wear out, both yourself and these people who are with you, for the task is too heavy for you; you cannot do it alone. Now listen to me: I shall give you counsel, and God be with you. You be the people's representative before God, and you bring the disputes to God, then teach them the statutes and the laws, and make known to them the way in which they are to walk, and the work they are to do. Furthermore, you shall select out of all the people able men who fear God, men of truth, those who hate dishonest gain; and you shall place these over them, as leaders of thousands, of hundreds, of fifties and of tens. And let them judge the people at all times; and let it be that every major dispute they will bring to you, but every minor dispute they themselves will judge. So it will be easier for you, and they will bear the burden with you. If you do this thing and God so commands you, then you will be able to endure, and all these people also will go to their place in peace.'"

I see several things in this story that can give us motivation, vision, and values for our judicature. By the way, "vision" is a clear mental image of a preferable future and "values" according to the International Social Sciences Council; are "The standards or principles, in terms of which choices are made among alternate courses of action."

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In the story, I see a model of passion, love, mercy, compassion, and advice for handling such an overwhelming job.

- Moses had a passion for the people.
- Moses adjudicated disputes between the people.
- Moses also taught God's statutes and law, or prescriptions and directions.
- Because of Moses passion, Moses was working himself to death.
- Because of that passion, Moses' judicatory system was also wearing out the people.

- We should have a passion for the people.
- We should adjudicate disputes between the people.
- We should also teach people moral prescriptions and directions.
- Passion for people should drive our work, but it can wear us out.
- Unwise yielding to that passion will also wear people out.

Now, Moses' father-in-law, Jethro, on the basis of his observation, had some poignant advice that he wanted Moses to pray about. His advice was to do more teaching of the statutes and laws, divide up the work, and attack the problem through teamwork.

Could I be so bold as to suggest that the way you may be adjudicating the humongous caseload that you have, may be wearing some of you out?

- First, let me suggest some sleep and a vacation.
You cannot do your best work nor be creative, if you are worn out, and it takes approximately nine hours of sleep a night to rest your cerebral cortex, which is the stress center of the brain.
- Second, let me suggest that you divide up the work equitably among you.
Now although you are judges and likely the cream of Humanity, may I be so blunt as to remind you that you are still human beings. You still have your foibles, idiosyncrasies, blind spots, and even sins. Add to this list of human traits status and ambition, and I imagine that it may not be easy to get a group this large to equitably divide up the caseload.
- Thirdly, let me suggest that you work as a team.
Once again, this will not be easy, but envision the possible future. When the pressure of the caseload is spread out over the entire bench, I believe everyone is going to benefit—including the people—who should be one of our highest priorities.

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Without specifically naming each element of this talk, I have really given some things that can motivate you, a vision that can possibly energize you, and values that can steer you. But, I need to gently and gracefully remind you and myself tonight of the ultimate reality, if you believe in God. This ultimate reality is found in

Ecclesiastes 12:14, "For God will bring every act to judgment, everything which is hidden, whether it is good or evil."

One day the Judge of all the earth will judge us judges!

I want to encourage you to keep fighting the good fight that you are fighting. There will be days, when it doesn't seem worth it, but I pray that you have the large and distinct blessing of periodically seeing people that you have helped and let that energize you for the long haul.

I also hope that you will stop, periodically, and reenergize yourself with the motivation of representing God, the vision of helping people through teamwork, and the values that are based on realizing the worth of humanity.

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