

**2020 ANNUAL REPORT
HIGHLAND COUNTY COMMON PLEAS COURT
GENERAL AND DOMESTIC RELATIONS DIVISIONS**

This is the thirteenth annual report prepared by Judge Rocky A. Coss for the purpose of informing the public of the activities of the Court during the past year as well as comparing the case filings for the Court for the past several years. As everyone knows, 2020 was an extremely unusual year which is reflected in this year's annual report. Due to the Covid 19 pandemic, the Court severely curtailed operations from the last week of March through June 1, 2020. Court Staff and the Judge worked remotely from home several days per week. Normal operations resumed June 1st but in the fall due to the pandemic, the Court began using the Zoom videoconferencing platform to conduct hearings. Currently, almost all court proceedings in both the General and Domestic Relations Divisions are being conducted by videoconferencing.

ANNUAL CASE FILINGS

Not surprisingly, the annual overall caseload of the court decreased in 2020. The total number of cases filed or reopened in both divisions for 2020 was 748 compared to 826 in 2019 which is a 9.3% decline. The decrease was due to a large reduction in foreclosure and civil case filings. Criminal case filings actually increased by 13% from 2019 while domestic relations filings increased by 2%.

As of December 31, 2020, there were 143 total cases pending in the General Division, compared to 198 pending as of December 31, 2019. In the Domestic Relations Division, there were 59 cases pending at the end of 2020 compared to 70 at the end of 2019. It is anticipated that overall case filings will remain below past levels for a large part of 2021 but will increase later in the year.

CRIMINAL CASES

Although the grand jury did not meet in April or May, there were 247 new and reopened criminal cases filed in the General Division in 2020 compared to 218 filed in 2019. The 226 criminal cases filed in 2018 was a 16.5% over the number filed in 2017 which was the first increase in the number of criminal case filings since 2015. The 2020 total was an increase of 13% over 2019.

These statistics are based on the requirements for filing case management reports with the Ohio Supreme Court. A new case represents arraignment on an indictment and a reopened case is one which had been closed prior to adjudication such as a defendant being unavailable after arraignment. The total number of cases does not include indictments that were filed in 2019 with the Clerk but not served on the defendant. Also, it does not include cases bound over to the grand jury in which indictments were not returned. Therefore, there is a variance between the Clerk of Courts' case numbers and this report.

It should be noted that the statistics regarding criminal cases do not include any post-conviction proceedings in criminal cases such as probation violations, restitution hearings, modification of probation conditions, judicial release hearings, sealing of records, drug court sessions and other proceedings that occur in many criminal cases after they are closed for Ohio Supreme Court reporting purposes.

CASE MANAGEMENT

The Supreme Court has adopted time guidelines within which cases should be completed. For example, the time guideline for criminal cases is six months from the date of arraignment. The guideline for foreclosures to be complete is twelve months from date of filing and for most other civil cases it is twenty-four months. There have been no past pending criminal cases in the General Division of this Court since April of 2009 and no past pending civil cases since March of 2010. There have been no past pending cases in the Domestic Relations Division since March of 2010.

CASE COMPLETION TIMES

Due to Covid 19, the time guidelines for all types of cases have been suspended and courts have been postponing and staying cases due to difficulties for attorneys and parties to prepare for and prosecute their cases. A number of attorneys and parties have tested positive for Covid 19 or been in quarantine due to exposure, and many other have requested delays because of health or age that make them high risks for contracting the virus. This makes comparisons of case completion times of little value at this time. However, the Court continues to manage cases in accordance with the guidelines.

FORECLOSURE CASES

Foreclosure filings were at a record low since at least 2003. There were only 40 new and 2 reopened cases filed in 2020. This is undoubtedly due to the moratorium placed on federally guaranteed mortgages and the CDC moratorium on evictions in certain situations. It is expected that foreclosure filings will increase nationwide in the latter part of 2021 but that is dependent on whether there will be any mortgage assistance payments included in any Covid relief or stimulus legislation that may be enacted by the U.S. Congress this year.

OTHER CIVIL CASES

Other civil case filings decreased by 35% compared to 2019. There were 147 new and reopened civil cases filed in 2020 compared to 224 filed in 2018. Prosecution of civil cases was clearly affected by the Covid 19 pandemic as attorneys reported difficulty in being able to prepare cases for filing and trial once filed due to quarantines, social distancing protocols, reduction of staff hours in various industries as well as other factors,

JURY TRIALS

Due to Covid 19, the last jury trial in the Court occurred in January of 2020. Judge Coss presided over jury trials in 7 criminal cases in 2019 and 9 in 2018. According to recent studies approximately 2 per cent of civil cases and approximately 5 per cent of criminal cases are resolved by jury trials. There have been only four civil jury trials in the past ten years in the Highland County Common Pleas Court which is well below the national average. There have been approximately 96 criminal jury trials conducted in the past 12 years for an average of 8 per year representing approximately 4 percent of the total criminal cases during that period which is closer to the national average of 5 per cent.

DOMESTIC RELATIONS CASES

There were 196 new cases and 115 reopened cases filed in 2020 for a total of 311. There were 196 new and reopened cases filed in 2019 for a total of 305. The average number of annual filings over the past five years is 327. Reopened cases include motions filed after a case was originally completed such as modification of child custody/parental rights, modification of child support, motions to enforce property issues in a prior decree or motions to cite for contempt of orders in prior decrees.

VIDEO ARRAIGNMENTS AND REMOTE HEARINGS

Due to the Covid 19 pandemic, the utilization of video remote hearings greatly increased in 2020. The Court conducted a total of 410 remote hearings using the Court's video arraignment system, 28 of which were for prisoners in state correctional facilities or in other county jails. In 2019, the Court conducted 278 video hearings in 2019 of which 24 were for prisoners in state prisons or other out of county facilities which represents an increase of almost 50%.

Since 2009 when the Court first implemented the video arraignment video conferencing, it has conducted an average of approximately 34 hearings per month. The Court implemented use of the Zoom video conferencing technology late in the year and conducted 43 hearings using that platform. The Court is now conducting approximately 90% of its hearings using the video arraignment system and Zoom platforms until pandemic conditions improve. However, it is anticipated that even after the Court can safely resume in person hearings and trials that the Zoom platform will continue to be used extensively for various hearings in both divisions particularly when out of town attorneys, parties and witnesses are involved.

The recording system in the courtroom has been upgraded to a video-audio recording system and now has the capability to live-stream court proceedings for viewing by the public on the Court's You Tube channel.

DRUG COURT

The New Way to Recovery Drug Court Docket received its three year certification in December of 2019 following its initial certification in April of 2019. The first three participant

were accepted into the drug court docket in July of 2019 and the first drug court session was held in August of that year.

There are currently 27 offenders participating in the drug court docket. Since July of 2019, there have been 57 offenders screened for admission 40 of which have been accepted. There have been unsuccessful 9 terminations since then and there are 4 participants who are currently non-compliant. Currently, 18 of the participants are in Phase III, 8 in Phase II and 1 is in Phase I. There are several applications for admission into the docket pending. It is anticipated that the first participants who have successfully completed the program will graduate in June of 2021.

Due to the increased number of offenders in the drug court docket, the Court started conducting drug court docket sessions on both mornings and afternoons of the first and third Fridays of each month so that the sessions would be shorter and allow more time for review of individual participant's cases.

The drug court docket consists of three phases and requires a minimum participation period of 18 months to graduate. Participants are drug tested frequently and randomly with those in the first phase being tested at least 2-4 times per week. Participants are assigned a window of time in which they are required to call in daily including weekends to learn whether they are to be tested that day. If they are selected for a random test, they have a limited window of time to report to be tested. They also participate in intensive outpatient treatment and receive other programming and rehabilitative services through the probation department and other drug court treatment team member agencies.

The Court continues to utilize local out-patient substance abuse treatment providers and in-patient programs including the Lynn Goff House for women in Greenfield and the Massie House for men in Jackson Township, the STAR community-based corrections facility in Franklin Furnace and residential treatment facilities in other counties. To date, most of the drug court participants have begun in residential treatment and are then placed in transitional housing and reentry programs. The drug court advisory committee and treatment team continue to work with local groups to develop additional sober living houses in Highland County for participants as they complete residential treatment and return to the community to continue their rehabilitation.

TREATMENT AND PROBATION GRANTS

The Common Pleas Court Judge is the appointing authority for the County Probation Department. That department has been very successful in obtaining a number of grants for the County to provide probation supervision and treatment of offenders who are placed on community control for felony and misdemeanor offenses. The various several provide funding for probation and treatment services to adult offenders with substance abuse and mental health issues sentenced from the Common Pleas Court, the Hillsboro Municipal Court and the Madison Township County Court.

Currently, the department has four grants totaling over \$495,000 for the current biennium ending June 30, 2021 provide for treatment services for felony and misdemeanor adult offenders in the county. It has also received grants totaling over \$947,000 for the same biennium for providing probation services and programs for both felony and misdemeanor offenders for all three courts.

TECHNOLOGY GRANT

The Ohio Supreme Court awarded the Court \$11,500 from its Technology Grants program which was used to update the security surveillance system for the exterior cameras on the Courthouse including four additional cameras, replacing others and installing a new recorder which has enhanced the quality of the video recordings. The Court periodically receives requests from law enforcement to review recordings of incidents that occur on and around the Courthouse Square and nearby uptown areas covered by the security cameras.

FISCAL MANAGEMENT

The Court's original general fund budget for 2020 was \$238,045.51. The actual general fund expenditures for the year were \$223,685.09 which was 6% under budget. In each year since 2009 except for 2010 when a capital murder case required large expenditures of unbudgeted expenses, the Court has spent less than the amount appropriated for general fund expenses. For the first year since 2009, the Court's annual expenditures were more than the total actual expenditures in the Court's 1998 general fund budget which were \$218,296.88.