

**2021 ANNUAL REPORT
HIGHLAND COUNTY COMMON PLEAS COURT
GENERAL AND DOMESTIC RELATIONS DIVISIONS**

This is the fourteenth annual report prepared by Judge Rocky A. Coss for the purpose of informing the public of the operations of the Court during the past year as well as comparing the case filings and activities of the Court to past years. As was the case in 2020, the operation of the court continued to be impacted by the Covid 19 pandemic and safety measures implemented.

While the Court conducted in person hearings during the entire year, it also utilized the Zoom videoconferencing platform to conduct hearings throughout the year. Due to the increase in Covid 19 cases in the fall, the Court conducted approximately 85% of its hearings remotely through February of 2022. The Court at this time is conducting hearings by Zoom or video conferencing in approximately 50% of hearings. It is clear that remote hearings will continue to be a utilized as a means of providing economic, prompt, efficient and transparent operation of the court.

ANNUAL CASE FILINGS

Overall case filings decreased for the second year in a row. The total number of cases filed or reopened in both divisions in 2021 was 684 compared to 748 in 2020, which is a 9.1% reduction. This follows a 9.3 % decline in filings from 2019 to 2020. This decrease was due to a large reduction in criminal and domestic relations cases, although there was an increase in civil case filings from the prior year.

As of December 31, 2021, there were 152 total cases pending in the General Division, compared to 145 pending as of December 31, 2020. In the Domestic Relations Division, there were 83 cases pending at the end of 2021 compared to 59 at the end of 2020.

CRIMINAL CASES

There were 179 new and reopened criminal cases filed in the General Division in 2020 compared to 247 filed in 2020, which was a decrease of 28%. There were 218 criminal cases filed in 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 2021 with the Clerk but have not yet been served on the defendant. Also, it does not include cases bound over to the grand jury in which indictments were not returned. Therefore, there will be 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 and for safety concerns for the public, court staff, attorneys and the public. 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 although case completion times have increased.

FORECLOSURE CASES

Foreclosure filings were at a record low since 2003. There were only 24 new and 5 reopened cases filed in 2021. This is due in part to the moratorium placed on federally guaranteed mortgages and the CDC moratorium on evictions in certain situations but those have recently been lifted. It was predicted that foreclosure filings would increase nationwide in 2021 but that was not the case in Highland County.

OTHER CIVIL CASES

Other civil case filings increased by 20% compared to 2020. There were 176 new and reopened civil cases filed in 2021 compared to 147 filed in 2020. This compares to a 35% decrease in 2020 from 2019.

JURY TRIALS

The Court conducted 4 jury trials in 2021 compared to only 1 in 2020. Prior to the Covid 19 pandemic, the Court had been averaging approximately 8 jury trials per year since 2009.

DOMESTIC RELATIONS CASES

There were 187 new cases and 87 reopened cases filed in 2021 for a total of 274 which represents a 12% decrease from 2020. There were 196 new and 115 reopened cases filed in 2020

for a total of 311. The average number of annual case filings over the past five years is 316. 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.

DRUG COURT DOCKET

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 participants were accepted into the drug court docket in July of 2019 and the first drug court session was held in August of that year. In March, the Court has received notice of its interim approval for an additional three year certification subject to final approval by the Ohio Supreme Court's Commission on Specialized Dockets.

There are currently 33 active participants in the drug court docket. Since July of 2019, 63 offenders have been accepted in the docket. There have been 12 unsuccessful terminations since then and there are 4 participants who are currently non-compliant. The Drug Court had its first graduates during 2021 with 7 participants graduating in June and another 7 in November.

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

Several changes were made to the drug court program during the recertification preparation. The docket now consists of four phases but still requires a minimum participation period of 18 months to graduate. Participants are randomly drug tested frequently with those in the first and second phases 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 drug Court docket has an annual Specialized Docket state subsidy of \$75,000, an annual Addiction Treatment Program grant of \$75,000 and a Justice Reinvestment Incentive Grant of \$242,928 for the 2022/2023 biennium state budget. All of these funds are used for drug court staff and treatment programs for the participants.

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. Out of county providers utilized include the STAR community-based corrections facility in Franklin Furnace and residential treatment facilities in Pike, Ross, Scioto and Adams 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.

REMOTE HEARINGS AND AUDIO-VIDEO TECHNOLOGY UPGRADES

Due to the Covid 19 pandemic, the utilization of video remote hearings greatly increased in 2020. The same was true for 2021. 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 2021, the Court conducted 189 video hearings through its courtroom teleconferencing system. In January of 2021, the Court was able to install a new audio-video recording system which included a hub to allow use of other video teleconferencing platforms to conduct hearings. The Court implemented the use of Zoom technology in that system and conducted 466 hearings during 2021 on that platform in addition to the 189 hearings using the other system for a total of 655. Many of these hearings involved multiple defendants.

During the first and last quarters of 2021, the Court conducted most hearings by Zoom due to the surges in the number of Covid 19 cases in the county. The Court relaxed that policy during the second and third quarters. However, the use of Zoom to conduct hearings has been embraced by many attorneys and parties not only in this county but throughout Ohio and the nation. The Court continues to use Zoom to conduct remote hearings that generally do not involve extensive live testimony and are relatively brief.

Recognizing that the use of Zoom saves time, personnel cost and improves security in criminal cases, in 2021 the Sheriff's Department purchased a laptop so that Zoom hearings could be conducted for prisoners. From 2009 when the Court first implemented the video arraignment video conferencing until 2020, there were approximately 34 remote hearings per month. In 2021, that increased to 55 per month.

The Court's new audio-video recording system also allowed the Court to live-stream the proceedings in the general division on You-Tube. This was necessary to meet the constitutional requirement that court proceedings be open to the public during the Covid 19 pandemic safety measures that were adopted by the Court which limited the number of persons who could be in the courtroom during proceedings. The proceedings are recorded and are generally accessible for viewing online. Domestic Relations cases are not livestreamed.

Livestreaming proceedings has also increased the public's access to court hearings. The Court's You-Tube channel currently has 409 subscribers. The most viewed live-streamed hearings are usually jury trials which have had 80 or more viewers of a single trial. During jury trials, the recordings are not accessible to ensure that witnesses and others cannot view them in violation of the separation of witnesses rule. After the trial is completed, the recordings are made public once the trial is completed and can be viewed by the public.

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.

For the 2022/2023 biennium, the department has state grants totaling over \$949,000 to provide for supervision and treatment services for felony and misdemeanor adult offenders in the county.

TECHNOLOGY UPGRADES

Thanks to the efforts of Clerk of Courts Ike Hodson, the County Commissioners have approved funding of upgrades in the Court's case management system and servers that will allow the implementation of a voluntary e-filing system. It is anticipated that installation will be completed soon and that e-filing will begin to be accepted later this summer. The Court already utilizes email to notify attorneys and self-represented parties of hearings and will run a trial of sending text reminders later this year.

FISCAL MANAGEMENT

The Court's 2021 general fund budget was \$237,472. The actual general fund expenditures for the year were \$218,225.98 which was 9.2% under budget. 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 an historical comparison, the Court's 1998 general fund budget was \$218,296.88.