

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2008 - 075**

**By: Mayor Perciak and Mr. DeMio**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY JUVENILE COURT IN CONNECTION WITH A COMMUNITY DIVERSION PROGRAM TO ADDRESS JUVENILE MISDEMEANOR AND STATUS OFFENDERS IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Chapter 2151 and the Rules of Juvenile Procedure give general authority for the Cuyahoga County Juvenile Court to establish legal mechanisms to divert complaints before they are filed for formal court action, while protecting the constitutional due process rights of accused juveniles; and

WHEREAS, Ohio Revised Code Section 2151.11 permits the Cuyahoga County Juvenile Court to participate with other public agencies in programs which have as their objective the prevention and control of juvenile delinquency; and

WHEREAS, the Cuyahoga County Juvenile Court desires to promote and develop a Community Diversion Program to address juvenile misdemeanor and status offenders, in order to divert youths who are juvenile offenders involving misdemeanor and status offenses from formal court action, and to utilize community resources to ameliorate such situations; and

WHEREAS, the Cuyahoga County Juvenile Court previously agreed to develop and implement a Community Diversion Program for misdemeanor and status offense complaints against juveniles in the City of Strongsville for offenses that are committed elsewhere by Strongsville residents; and

WHEREAS, Council through Ordinance Nos. 2002-81, 2005-18, 2006-42 and 2007-23 previously authorized agreements with the Cuyahoga County Juvenile Court for such purpose and to implement such a program; and

WHEREAS, this Council desires to enter into another agreement with the Cuyahoga County Juvenile Court to assist the City in addressing juvenile misdemeanor and status offenses, and to request financial assistance thereunder;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That the Mayor be and is hereby authorized to enter into an Inter-agency Agreement with the **CUYAHOGA COUNTY JUVENILE COURT** to assist the City in addressing juvenile misdemeanor and status offenses and to request financial assistance in connection with a Community Diversion Program established by the Cuyahoga County Juvenile Court, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, which is in all respects hereby approved.

**Section 2.** That funds received from the Cuyahoga County Juvenile Court in connection with the Community Diversion Program shall be placed into the Community Diversion Program Fund; and any local funds necessary to carry out the Community Diversion Program shall be paid from such fund, known as Special Revenue Fund No. 222.

**Section 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 4.** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to continue to participate with the Cuyahoga County Juvenile Court in the Community Diversion Program to assist the City in dealing with juvenile misdemeanor and status offenses, and conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

\_\_\_\_\_  
President of Council

Approved:   
\_\_\_\_\_  
Mayor

Date Passed: April 7, 2008

Date Approved: April 8, 2008

Attest:   
\_\_\_\_\_  
Clerk of Council

ORD. No. 2008-075 Removed: \_\_\_\_\_  
1st Rdg. 4-7-08 Ref: \_\_\_\_\_  
2nd Rdg. suspended Ref: \_\_\_\_\_  
3rd Rdg. suspended Red: \_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: 4-7-08 Defeated: \_\_\_\_\_

## INTER-AGENCY AGREEMENT

This Agreement entered into this 17<sup>th</sup> day of April, 2008 by and between the Strongsville Community Diversion Program (hereinafter called the PROGRAM) and the Cuyahoga County Juvenile Court (hereinafter called the COURT).

Whereas the COURT desires to promote and develop the Community Diversion Program (hereinafter called CDP) to address juvenile misdemeanor and status offenders.

Whereas the PROGRAM, within the COURT'S Community Diversion Program system, desires to utilize community resources to address juvenile misdemeanor and status offenders within the PROGRAM.

Now therefore, the parties mutually agree as follows:

### BACKGROUND

The general purpose sections of the Ohio Revised Code (Chapter 2151.01) and Rules of Juvenile Procedure (Juv R 1(B) and Juv R 9) give general authority for the COURT to establish legal mechanisms to divert complaints before they are filed for formal court action while protecting the Constitutional due process rights of the accused juvenile. Ohio Revised Code section 2151.11 states that "a juvenile court may participate with other public or private agencies ... in programs which have as their objective the prevention and control of juvenile delinquency."

### PROGRAM OBJECTIVE

The purpose of CDP is to divert youth who are juvenile offenders of misdemeanor and status offenses from formal court action and to utilize community resources to ameliorate the situations.

### SCOPE OF SERVICES

The PROGRAM agrees to develop and implement the CDP or utilize another COURT-approved CDP to hear misdemeanor and status offense complaints that occur in Strongsville or are committed elsewhere by Strongsville residents. Attachment A identifies some

The PROGRAM will be developed and implemented according to standards developed by the COURT, which include, but are not limited to:

1. a) The CDP will have access to at least one Volunteer Magistrate.

b) A Volunteer Magistrate may be the mayor of the community, a police officer of the community, or an attorney in good standing, licensed by the State of Ohio or employed by the federal government, and approved by the COURT.

Exh. 'A'

- c) Any Volunteer Magistrate shall complete the orientation program provided by the COURT.
2. The COURT has reviewed and approved the CDP procedures to be implemented by the PROGRAM.
3. The PROGRAM has a confidential filing system.

## FUNDING

### Monthly Financial Assistance

Should the PROGRAM need financial assistance, the COURT is able to commit up to \$ 18,000.00.

The PROGRAM declines monthly financial assistance from the COURT.

The PROGRAM requests monthly financial assistance from the COURT in the amount of \$1500.00/mo. The PROGRAM agrees to submit a monthly invoice provided by the COURT by the **first (1<sup>st</sup>)** day of each month requesting the previous month's stipend.

Any funding received by the PROGRAM for the purpose of CDP is subject to verification and approval by the COURT prior to the disbursement of funds. All funds disbursed to the PROGRAM from the COURT shall be audited and monitored by the COURT. Failure to provide adequate or substantial verification of receipt and expenditure of FUNDS shall result in the COURT discontinuing funding. Should the COURT discontinue funding, the PROGRAM must reimburse all remaining funds for which substantial documentation of receipt or expenditure cannot be produced.

## REPORTING REQUIREMENTS

The PROGRAM agrees to furnish to the COURT by the **first (1<sup>st</sup>)** day of each month the monthly CDP Database Report completed in its entirety for each child diverted during the previous month. For example, all data on diversion hearings occurring in January must be reported by February 1. This data includes, but is not limited to, the type of offense committed by the child and information pertaining to the outcome (sanctions and services) of the diversion hearing. The PROGRAM will report this data to the COURT using the Access database format established by the COURT. The COURT will supply the PROGRAM with a database disk. Failure to report the data by the **first (1<sup>st</sup>)** day of each month or to follow the Access database format is grounds for discontinuing funding and jeopardizes future eligibility for funding.

Information reported in the database will be used for statistical and financial analysis only. Access to this information will be restricted by the COURT.

**PROGRAM REVIEW**

The COURT shall have access to CDP records and information for review and discussion of CDP activities with the PROGRAM staff, individual youth and/or families.

**PROGRAM**

**CONTACT PERSON:**

Name: Cindy Vanderwyst  
Title: CDP Coordinator  
Address: 16099 Foltz Parkway  
Strongsville, OH 44136  
Phone: 440-238-3370  
Federal Tax ID#: 34-6002751  
Vendor #: 000131575C

**COURT**

**CONTACT PERSON:**

Name: Heather Corcoran  
Title: CDP Program Manager  
Address: 3343 Community College  
Cleveland, OH 44115  
Phone: 216-443-8428

**TERM**

The terms and conditions of this inter-agency agreement will be in full force and effect January 1, 2008. Funding terms and conditions as set forth herein will terminate on December 31, 2008. The COURT reserves the right to change any other terms and conditions with 30 days written notice to the PROGRAM.

**TERMINATION**

This agreement may be terminated by the COURT/PROGRAM upon thirty (30) days written notice to the PROGRAM/COURT.

CITY OF STRONGSVILLE

By: Thomas P. Perciak  
Authorized Signor for the PROGRAM  
Thomas P. Perciak, Mayor

Patricia Stewart  
Witness

Kenneth Lucia  
Court Administrator for the  
Cuyahoga County Juvenile Court

Robert Age  
Witness

## Misdemeanor and Status Offenses

<u>Offense Descriptions</u>	<u>Types of Offenses</u>	<u>ORC Statute</u>
Abusing Harmful Intoxicants	M-1	2925.31
Arson (value less than \$500)	M-1	2909.03(A)(1)
Assault	M-1	2903.13(A)
Aggravated Menacing	M-1	2903.21(A)
Aggravated Trespass	M-1	2911.211
Carrying a Concealed Weapon	M-1	2923.12(A)
Cheating	M-1	2915.05(A)(2)
Coersion	M-2	2905.12
Counterfeit Controlled Substances	M-1	2925.37(A)
Criminal Damaging of Endangering	M-2, M-1(with physical harm)	2909.06(A)(1)(2)
Criminal Trespass	M-4	2911.21(A)(1)
Criminal Mischief	M-3	2909.07(A)(1)
Disorderly Conduct	MM, M-4	2917.11(A)(1)
Domestic Violence	M-1	2919.25(A)(B)
Escape	M-1	2921.34
Failure to Comply with Order	M-1	2921.331(A)
Falsification	M-1	2921(A)(3)
Gambling	M-1	2915.02(A)(2)(4)
Hazing	M-4	2903.31
Importuning	M-1	2907.07(B)
Improperly Handling Firearms in MV	M-1	2923.16(A)
Inciting to Violence	M-1	2917.01(A)(1)
Inducing Panic	M-1	2917.31(A)(1)
Intimidation of a Attorney, Victim, Witness	M-1	2921.04(A)
Making False Alarms	M-1	2917.32(A)(1)
Menacing	M-4	2903.22(A)
Menacing by Stalking (1st Offense)	M-1	2903.211(A)
Misuse of Credit Cards (Less than \$500)	M-1	2913.21(B)(2)
Negligent Assault	M-3	2903.211(A)
Obstruction of Official Business	M-2	2921.31(A)
Open Container Prohibited	MM	4301.62
Petty Theft	M-1	2913.02(A)(1)
Passing Bad Check (Less than \$500)	M-1	2913.11(A)
Possession of Criminal Tools	M-1	2923.24(A)
Possession of Drug Abuse Instruments	M-2	2925.12(A)
Possession of Drug Paraphernalia	M-4	2925.14(C)(1)
Possession of Hashish (Less than 5gms)	MM	2925.11(A)
Possession of Hashish (Not exceed 10gms)	M-4	2925.11(A)
Possession of Marijuana	MM	2925.11(A)
Poss.of Marijuana (Less than 200gms)	M-4	2925.11(A)
Prohibition/Underage Consumption	M-1	4301.69(E)(1)
Procuring	M-1	2907.23(A)(1)
Prostitution	M-3	2907.25(A)
Public Indecency (1st Offense)	M-4	2907.09(A)(1)
Public Indecency (w/prior)	M-3	2907.09
Receiving Stolen Property (Less than \$500)	M-1	2913.51(A)
Resisting Arrest	M-2	2921.33(A)
Riot	M-1	2917.21(A)(1)

Sexual Imposition	M-3	2907.06(A)(1)
Soliciting Prostitution	M-3	2907.25(A)
Tampering with Coin Machine (1st Offense)	M-1	2911.32
Telecommunications Harasment	M-1	2917.21(A)(1)
Unauthorized Use of a Motor Vehicle	M-1	2913.03(A)
Unauthorized Use of Property	M-4	2913.04(A)
Unlawful Restraint	M-3	2905.03
Using Weapons while Intoxicated	M-1	2923.15
Violation of Protection Order	M-1	2919.27(A)
Voyeurism	M-3	2907.08(A)

**Status Offenses**

Curfew Violation	Local Legislation
Incorrigible at Home and School	2151.022(A)
Truancy from Home and School	2150.022(B)
Injure or Endangering	2151.022(C)