

# Fairborn Municipal Court

## 2015

# Annual Report



1148 Kauffman Avenue

Fairborn, Ohio 45324

Beth W. Root, Judge

# **THE FAIRBORN MUNICIPAL COURT**

## **MISSION STATEMENT**

The mission of the Fairborn Municipal Court is to ensure accessibility and fairness in the administration of justice and to serve all individuals in a courteous and professional manner. To accomplish this mission, the judge and magistrate shall in a fair, ethical, impartial, and efficient manner resolve disputes consistent with the Constitutions of the United States of America and the State of Ohio. The Fairborn Municipal Court Clerk of Court's Office shall accurately maintain and store all court documents as well as collect and disburse all monies as directed by law. The employees of the Fairborn Municipal Court will treat all individuals fairly and respectfully and provide a safe, secure environment while implementing the policies and procedures established by the Judiciary and Legislature.



## **Fairborn Municipal Court**

1148 Kauffman Avenue  
Fairborn, Ohio 45324

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Beth W. Root- Judge  
Tamela Womack- Magistrate  
Susan K. Anderson- Clerk of Court  
Wayne Furay- Chief Bailiff  
David Boutwell- Chief Probation Officer

The Fairborn Municipal Court herewith submits its annual report for the year ending 2015 in compliance with Ohio Revised Code Section 1901.14.

The contents of this report are based upon data assembled by the Clerk of Court, the Probation Office, and the Fairborn Municipal Court staff. The following are noteworthy figures for the year 2015:

- Total funds disbursed from all sources in 2015 amounted to \$3,656,482.78
- The total number of criminal, traffic, and civil cases filed in 2015 were 15,993 (not including reactivated cases). The total number of charges filed in 2015 was 20,452.
- Funds disbursed to the City of Fairborn's general fund in 2015 were \$1,106,465.09.
- The Traffic Intervention Program had a 74% success rate.

The City of Fairborn furnishes the budget for the Court's operation; however the City of Beavercreek also contributed \$79,187.49 by way of reimbursement to the City of Fairborn as its share for 2015. This share is based upon Ohio Revised Code Section 1901.026(B) which states that a municipal corporation within the territory of a municipal court is not required to pay that part of its proportionate share of operating costs of the court that exceeds the total amount of costs, fees, fines, bail, or other moneys distributed to that municipality. The Court also utilizes its Special Projects Fund, Court Clerk Computerization Fund, and Legal Research Fund to pay for many budget items. An overview of these funds is attached.

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## Court Personnel

Judge	Beth W. Root
Magistrate	Tamela Womack
Judge's Secretary	Amy Gravel
Accounting Clerk	Linda Turner
Assignment Commissioner	Phyllis Barlow
Assignment Commissioner	Sarah Lynch
Chief Bailiff	Wayne Furay
Deputy Bailiff	Gerald Tuttle
Deputy Bailiff	Jamie Spicer
Deputy Bailiff	Dan Zwiesler
Security/Bailiff	Bob Sampson
Security/Bailiff	Craig Shoup
Clerk of Court	Susan Anderson
Chief Deputy Clerk of Court	Kathryne Hutchinson
Deputy Clerk	Kimberly Hutchinson
Deputy Clerk	Beth Gambill
Deputy Clerk	Brittany Barhorst
Deputy Clerk	Jessica Cummins
Deputy Clerk	Becky Rowley
Deputy Clerk	Sarah Clever
Deputy Clerk-civil	Lisa Neville
Deputy Clerk-civil	Debbie Carlton
Electronic Records Manager	Regina Urban
Chief Probation Officer	David Boutwell
Probation Officer	Kevin Young
Probation Officer/T.I.P. Officer	Pam Lynch
Probation Officer	Lynzy Campbell
Probation Administrative Aide	Zach Meyers/Devanne Bentley



## Statistics and Financial

The following represents a statistical and financial breakdown of all criminal, traffic, and civil cases filed with the Court in 2015. Comparative figures are provided for the past ten (10) and five (5) years.

	<u>2005</u>	<u>2010</u>	<u>2015</u>
Number of Criminal & Traffic Cases	16,072	13,877	14,258
Number of Civil Cases	1,440	1,783	1,583
Number of Small Claims Cases	543	333	152
Total Criminal/Traffic Receipts	\$2,623,587.38	\$2,791,353.38	\$2,800,924.04
Total Civil/Small Claims Receipts	\$578,327.36	\$873,733.19	\$822,127.47

In 2015, the Court conducted 47 criminal and traffic trials, of which 2 were jury trials. The Court also conducted thousands of arraignments and sentencing hearings wherein the defendants did not require trials, but the Court received evidence and performed sentencing. There were 10 civil trials held and 105 small claims hearings held. There were also 62 felony first appearances scheduled. In addition, numerous other hearings were held and motions ruled on in the course of administering justice in matters before the Court.

In 2015 the Court performed 56 weddings.

## **Criminal and Traffic Division**

All criminal and traffic citations are filed with the Criminal and Traffic Division of the Court. Six full time clerks are assigned to this division. One clerk in this division was laid off due to budget at the end of 2010. The Court is also fortunate to be involved in an intern program through Cedarville University and Wright State University. Periodically the court has interns assisting in the court. The intern position is voluntary and the student receives class credit and experience in the criminal justice system as a result.

The duties of the personnel in this division include processing all cases from initial filings to final dispositions; receiving, posting, and disbursing all fines and court costs; answering questions from the public; and maintaining all court documents. They are also responsible for answering the telephones; filing cases; and issuing notices, subpoenas, and warrants. They also perform record searches, complete reports and forms required to be transmitted to the Bureau of Motor Vehicles and the Bureau of Criminal Identification and Investigation, provide for inspection and copying of public record, enter decisions and dispositions into case dockets, and maintain the statistical records that are reported monthly to the Supreme Court of Ohio.

All scheduling for pending cases is performed by the Assignment Commissioners. They are responsible for scheduling hearings, trials, and dispositions and coordinating with the defense attorney and prosecuting attorney to efficiently schedule each case.



## **Civil and Small Claims Division**

The Civil Division of the Court accepts actions up to fifteen thousand dollars (\$15,000) and evictions. Two full time clerks are assigned to this division. They process all cases from filing to disposition. The clerks also receive monies involved in civil cases, post the funds, and disperse them.

The Small Claims Division of the Court handles filings for money not to exceed three thousand dollars (\$3000.00). Small claims filings may be made by citizens with or without the aid of an attorney. The clerks assigned to the Civil Division also handle the Small Claims Division. They schedule hearings and trials and receive, post, and disperse money.

## **Cases Filed & Terminated**

The Court reports monthly the number of cases filed, reactivated, and terminated to the Supreme Court of Ohio. The reporting method set by the Supreme Court is on a multi-judge court and must be used by all courts even if the court has only one judge. The reports are called the Administrative Judge Report and the Individual Judge Report.

All cases initially filed with a court are listed as new cases filed on the Administrative Judge Report. If a defendant in a criminal or traffic case pleads not guilty to a charge, the case is transferred to the Individual Judge Report and all activity of the case is thereafter reported on the Individual Judge Report. In civil cases, if a defendant answers a complaint or if a motion is filed that would require a ruling by a judge, the case is transferred to the Individual Judge Report. During 2015, 3,485 traffic and criminal cases and 74 civil cases were transferred to the Individual Judge Reports from the Administrative Judge Reports.

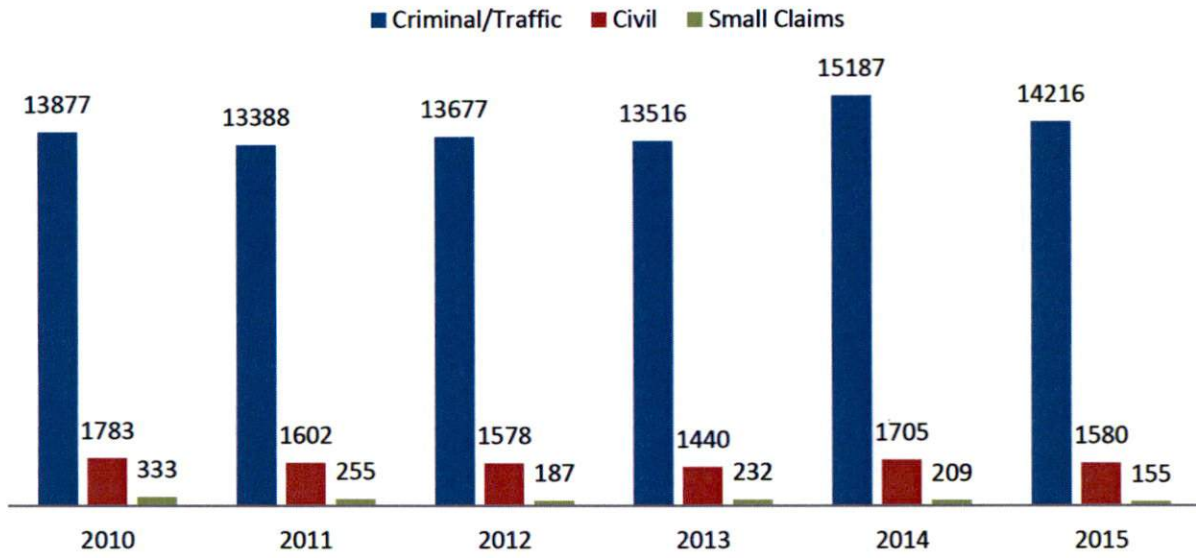
There were 18,170 new cases filed and reactivated on the Administrative and Individual Judge Report. This includes small claims and civil cases. A case is reactivated when a party who was previously unavailable then becomes available to continue the case. When a party becomes unavailable the time on that case stops for Supreme Court time guideline purposes. It begins again when the case is reactivated. A case's status can become unavailable due to a party's mental status, incarceration on other charges, or flight from prosecution or custody. In civil cases, a case's status is unavailable if there is a bankruptcy stay or interlocutory appeal.

There were 12,133 cases on the Administrative Judge Report and 3,488 cases on the Individual Judge Report that were heard, decided, and settled in 2015.

The pending caseload as of December 31<sup>st</sup>, 2015, was 1,466 felony, criminal, and traffic cases and 664 civil and small claims cases.

Felony cases and small claims cases are only reported on the Administrative Judge Report.

# ANNUAL CASE FILINGS





# TERMINATIONS

## Supreme Court Time Guidelines

- Time guidelines exist by which every case must be finished or terminated.
- Monthly reports are submitted to the Ohio Supreme Court, which show filings and terminations

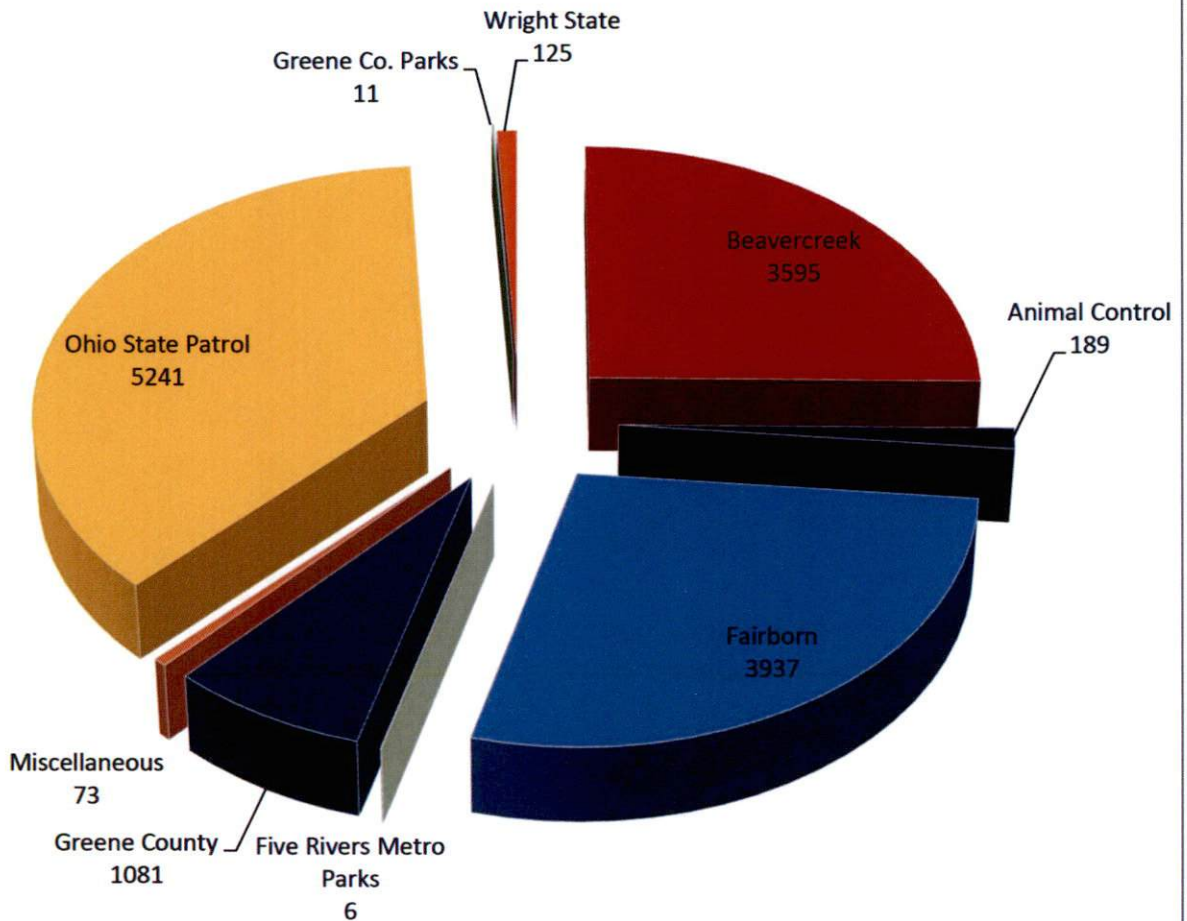
	Case Type	Months to finish
CRA	Criminal – Felony	1
CRB	Criminal	6
TRC	Traffic	6
TRD	Traffic	6
CVE	Civil – Damages	24
CVF	Civil – Contract/Money	12
CVG	Civil – Evictions	12
CVH	Civil – Other	12
CVI	Small Claims	6

## Case Terminations

- 17,938 cases were terminated in 2015
- 18,170 new cases filed and reactivated in 2015
- Resulting in an 98.7% Clearance Rate

## Charges Filed by Police Jurisdiction in 2015

Each case filed with the Court may include several individual charges arising out of one incident. Below is a breakdown by police agency of traffic and criminal charges filed in 2015.



## 2015 Receipts and Disbursements

### Criminal and Traffic Division

#### Receipts

Fairborn Parking Tickets	\$9,757.00
Bond Receipts & Overpayments	\$341,570.37
Local Court Costs	\$1,008,836.16
State Court Costs	\$411,895.98
Fines Collected	\$793,398.10
Fees Collected	\$235,466.43
<b>Total Receipts</b>	<b>\$2,800,924.04</b>

#### Disbursements

City of Fairborn	\$1,384,257.02
City of Beavercreek	\$79,926.05
State of Ohio & State Agencies	\$608,144.25
Greene County & County Agencies	\$373,954.58
Miscellaneous Agencies & Sheriff Fees	\$13,071.77
Bond Refunds, Transfers & Overpayments	\$377,317.07
<b>Total Disbursements</b>	<b>\$2,836,670.74</b>



## **2015 Receipts and Disbursements**

### **Civil and Small Claims Division**

#### **Receipts**

Civil	Small Claims	Tenant Landlord	Total
\$783,727.76	\$27,654.88	\$10,744.83	\$822,127.47

#### **Disbursements**

Civil	Small Claims	Tenant Landlord	Total
\$783,319.94	\$30,834.42	\$5,657.68	\$819,812.04*

\*Includes \$206,280.88 paid to the City of Fairborn

## Ten Year Comparison

### Cases and Distribution

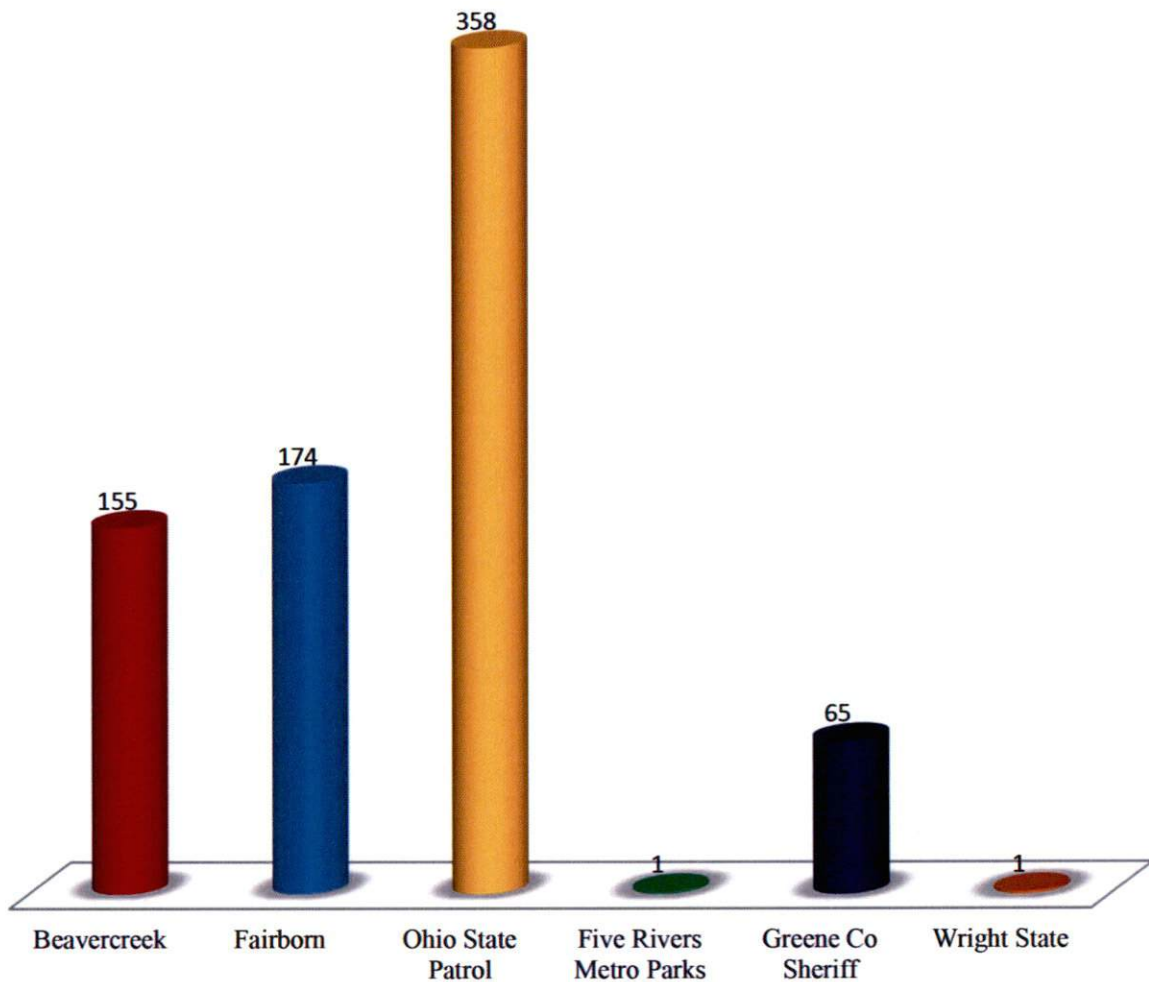
Criminal-Traffic-Civil-Small Claims-Tenant/Landlord-Miscellaneous Cases

Year	Total Cases*	# of Charges	Total Distributions	Paid To City Of Fairborn General Fund
2006	19,926	24,525	\$3,175,303.10	\$1,178,313.25
2007	21,780	25,710	\$3,729,731.05	\$1,185,027.90
2008	21,937	26,018	\$4,073,998.15	\$1,301,590.81
2009	19,188	22,237	\$3,835,738.34	\$1,174,994.28
2010	17,885	19,740	\$3,738,091.72	\$1,143,415.78
2011	16,747	18,772	\$3,709,783.04	\$1,105,398.58
2012	16,948	19,436	\$3,476,880.00	\$1,038,468.42
2013	17,037	19,154	\$3,541,967.08	\$1,008,155.73
2014	19,030	21,677	\$3,497,516.00	\$1,070,397.62
2015	18,170	20,452	\$3,656,482.78	\$1,106,465.09

\*Total case number includes reactivated cases.

## 2015 OVI Cases Filed

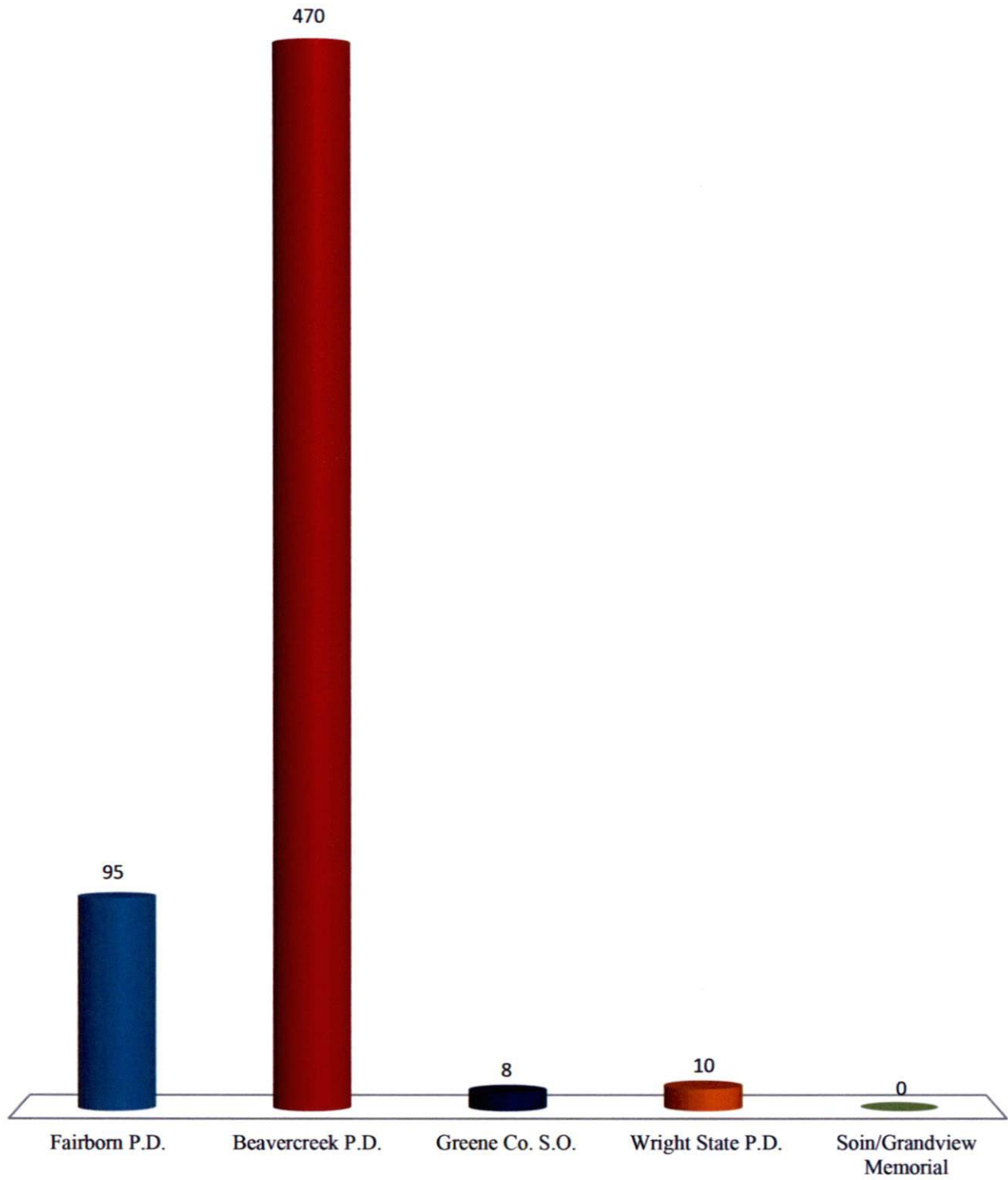
The following charts represent a breakdown by police agency of certain types of cases filed with the Court in 2015. Each case may contain several charges arising out of the same incident. These charts consider only cases filed, regardless of the number of charges associated with an incident.





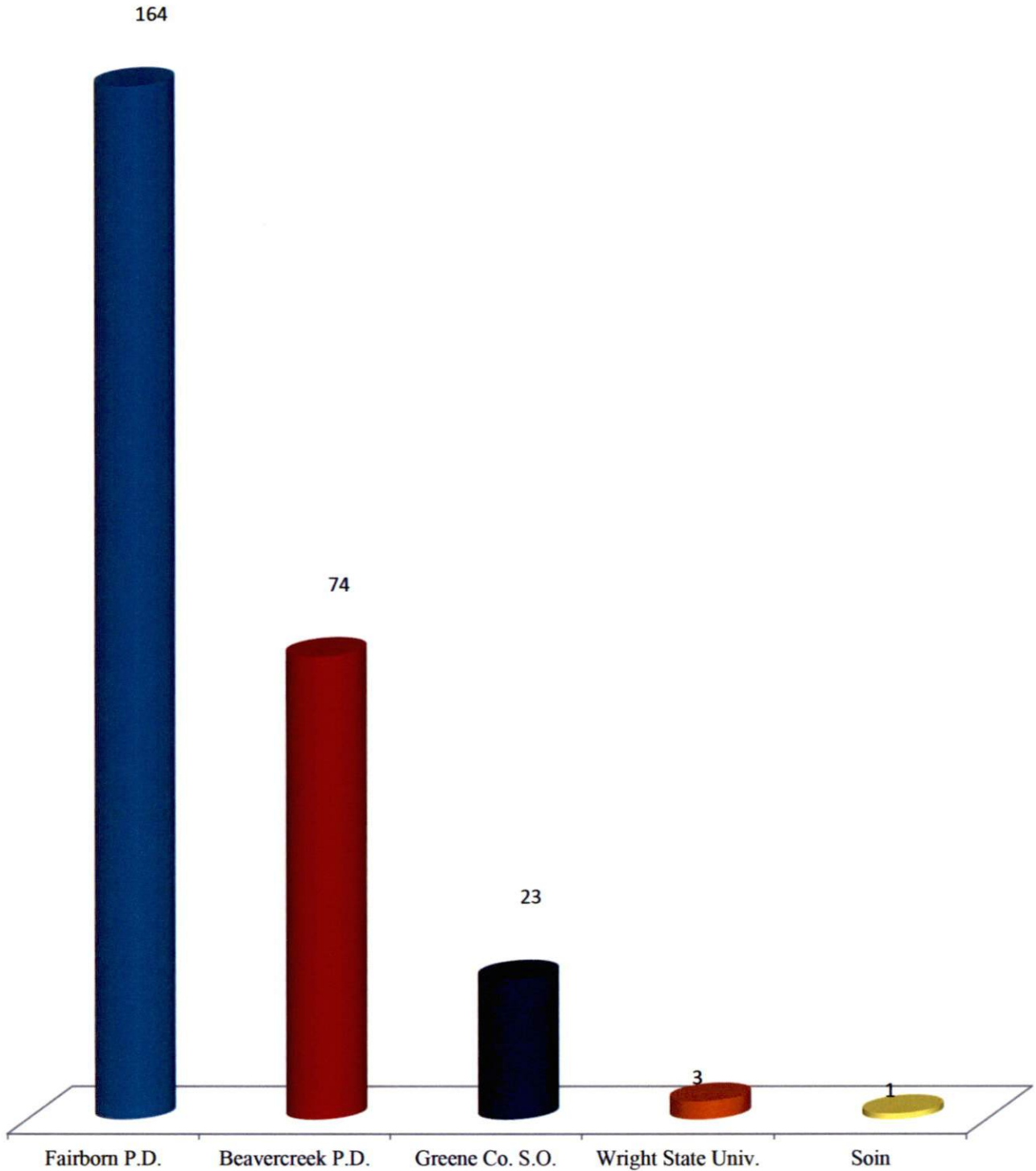
## 2015 Theft Cases Filed

■ Fairborn P.D. ■ Beavercreek P.D. ■ Greene Co. S.O. ■ Wright State P.D. ■ Soin/Grandview Memorial



# 2015 Domestic Violence/Protection Order Violation Charges Filed

■ Fairborn P.D. ■ Beavercreek P.D. ■ Greene Co. S.O. ■ Wright State Univ. ■ Soim



**Court Funds**  
**Projected Budgets for 2016**

**Special Project Fund**

Fund Balance as of 12/31/15	\$188,929.99
Projected Revenue	<u>\$169,730.00</u>
Total	\$358,659.99

Projected Expenditures

Personnel Services- Magistrate and 50% of Electronic Records Manager Salary and Benefits	\$86,538.00
Training and Travel	\$3,500.00
Other Operating Supplies	\$12,500.00
Plant and Operating Equipment	\$34,150.00
Contingency Fund for paperless and building upgrades	<u>\$221,971.99</u>
Total	\$358,659.99



## Court Clerk's Computerization Fund

Fund Balance as of 12/31/15	\$312,345.26
Projected Revenue	<u>\$114,798.00</u>
Total	\$427,143.26

### Projected Expenditures

Personnel Services-5% of ITS & 50% of Electronics	
Records Manager	\$37,842.00
Training and Travel includes \$15,000 training for e-filing and \$8,500 for e-notices	\$25,000.00
Repair Service and Maintenance Contracts	\$19,464.00
Operating Supplies	\$3,100.00
Hardware/Software/Misc. Equipment- e-notice module, paperless module, e-subpoena module, e-filing	\$60,000.00
Contingency Fund- future cost of converting to a paperless court	<u>\$281,737.26</u>
Total	\$427,143.26

### Legal Research Fund

Fund Balance as of 12/31/15	\$71,616.82
Projected Revenue	<u>\$16,849.00</u>
Total	\$88,465.82

### Projected Budget

Professional Services- programming towards paperless court and tech support	\$7,000.00
Operating Equipment	\$5,000.00
Computer Software/Hardware- 2 I-pads	\$10,000.00
Contingency Fund- balance of paperless court	<u>\$66,465.82</u>
Total	\$88,465.82

PROBATION DEPARTMENT  
&  
COMMUNITY RESTITUTION PROGRAM

2015

The Fairborn Municipal Court Probation Department has many responsibilities to the Court. The basic responsibility would be to supervise those persons convicted of a misdemeanor who have been placed on community control by the Court. The Court during its course of sentencing imposes specific conditions upon the individual which are relevant to that individual. For example, for someone convicted of an OVI offense, the Court may require that a drug and alcohol assessment be completed and that as a specific condition of community control, the defendant complete any recommendation for treatment that may be made from that assessment. It would be the duty of the probation officers to ensure that these orders are followed by the defendant and also to assist the defendant in accomplishing this task. The supervision ensures that the defendant receives counseling relative to his specific problem in an effort to curtail repetitive behaviors.

The Fairborn Municipal Court Probation Department was assigned 748 new clients for probation, or community control as it is now called, during the calendar year of 2015. The average total monthly number of probationers supervised was 776. In an effort to service these individuals, there was a total of 771 treatment referrals made during the calendar year of 2015, with the majority of the referrals made to a drug and alcohol treatment service.

The Probation Department also has a responsibility to ensure that the Court's orders are followed as well as to provide some measure of public safety if the defendant has failed to meet his obligations of community control. Whenever a probationer has violated the terms of the Court's orders, it is incumbent upon the probation officer to provide a written report to the Court outlining those violations which have occurred and issuing a warrant for the defendant's arrest when necessary. There were a total of 103 warrants issued during the calendar year of 2015 for the arrest of probationers who had not complied with the Court's orders. There were a total of 110 individuals who had their probation revoked and their suspended sentences reimposed by the Court for failure to comply with the Court's orders and community control requirements.

Another responsibility handled by the Probation Department is the preparation of Pre-Sentence Investigations (PSI) and Reports. These reports are prepared at the direction of the Court for the purpose of assisting the Court in determining a sentence for a particular individual. The Court refers a case to the Probation Department after a guilty plea or finding of guilt has been entered on the record for a particular individual.



After a defendant is referred for a PSI, he or she is interviewed by the Probation Department and certain basic social background information is obtained from the defendant. The defendant is also provided the opportunity to provide a written statement to the Court as to the circumstances of the offense of which he or she has been found guilty. The follow-up investigation would consist of reviewing all police reports and victim impact statements which may be submitted, as well as interviewing the victims if deemed necessary. Restitution figures are determined during the course of the PSI as well as a determination made as to any special needs of this particular defendant relating to treatment or counseling. This information is compiled into a report and provided to the Judge, along with a recommendation as to sentencing for this particular individual. The Court then uses this report as its basis for determining sentencing in a specific case. There was a total of 7 PSI's that were ordered for the 2015 calendar year.

There are a number of other tasks which have fallen upon the Probation Department to assist the Court in achieving its goals. One such responsibility is the referral of those individuals who may have been ordered to a specific treatment program, but not placed on community control. This may include such referrals as attendance at the Driver's Intervention Program (DIP) for those persons convicted of OVI or attendance and completion of a parenting class for those persons who have been convicted of Child Endangering. While the Court may feel that community control supervision may not be necessary in these individual cases, there is still a requirement for the defendant to complete the program as instructed and it is the responsibility of the Probation Department to see to it that the Court's orders have been followed.

The Probation Department has also been responsible for the processing of applications for sealing the records by those people who have been convicted of criminal offenses and are requesting that their records of conviction be sealed. This process includes verification of their eligibility as well as determining the appropriate timeliness of the application. There were a total of 155 applications for sealing of record filed during the 2015 calendar year.

In October of 1997, an additional position of Administrative Aide was added to the Probation Department. This position was made possible through funding from grant money available from the Community Corrections Act to implement jail diversion programs. Due to the increasing numbers of individuals sentenced to incarceration and the limited jail space available, state funding became available so that Courts could explore other avenues or alternatives to incarceration. This



position is currently funded through the calendar year June, 2015. The Administrative Aide of the Fairborn Municipal Court Probation Department is responsible for the Community Service Program, as well as the Social Responsibility Clinic, Restitution, and Electronic Monitored House Arrest and other programs and alternatives that the Court might use in lieu of incarceration.

The Community Service Program was established in the Fairborn Municipal Court in 1978 and is administered through the Court's Probation Department Administrative Aide position. The Program is designed to give nonviolent offenders the opportunity to perform some type of labor for government agencies and nonprofit organizations. The Court sentences an individual to a jail term and suspends the jail time on the condition the defendant performs work in the Community Service Program. Community Service allows the Court to assign community service hours in lieu of jail thus avoiding jail costs. All Community Service referrals are interviewed by the Court's Probation Department. This process allows determination of the type of work the defendant is able to perform. An attempt is made not to interfere with the defendant's employment. When possible, the defendant has a work assignment that fits his/her special talents. Release of Claims forms are signed by the defendant releasing the Court, City, and the participating agency from claims. The offenders are provided a date to return to Court at the time of the initial interview. This procedure is to ensure compliance with the planned hours. The Administrative Aide from the Probation department closely monitors the case until the assignment is completed. During 2015, the Court assigned a total of 188 participants to the program for a total of 2,767 community service hours completed.

For any individual not completing the ordered work assignment a warrant is issued for his/her arrest for violation of the Court Order. There were 18 warrants issued in 2015 for failure to complete community service as ordered. There were 17 participants revoked for not completing their community service and jail reimposed.

The Court may use the option of Electronic Monitored House Arrest (EMHA) in lieu of jail or in conjunction with a jail sentence providing the Court with more flexibility in sentencing a defendant while also helping to alleviate the jail overcrowding situation. The defendant is responsible for the cost of the EMHA, currently set at \$9.00 to \$22.50 per day, depending on the level of usage. EMHA consists of the defendant being outfitted with a radio transmitter, placed around his/her ankle or wrist, which transmits a signal to a base unit in the



defendant's residence. The individual on EMHA can also be afforded the opportunity of a work release which would allow the defendant to continue with his employment while on house arrest. The Court also has the option of requiring that an alcohol monitoring system be installed in conjunction with EMHA, so that the Court can ensure that an individual cannot consume alcoholic beverages while on house arrest. There is an additional fee per day for this service. There were 163 individuals were assigned for hook up on EMHA during 2015. This was a savings of \$349,830.00 to the Greene County Jail. Of those placed on EMHA, 5 individuals were revoked for violation of conditions.

The Administrative Aide has also been assigned the responsibility of monitoring Court ordered restitution payments. In certain cases, as part of the sentencing the Court may instruct a particular defendant to make restitution for financial losses that were incurred as a result of his/her actions. The Administrative Aide monitors this restitution payment and, when proof of restitution has not been provided by the defendant as instructed by the Court, will prepare a warrant for the defendant's arrest. The total number of restitution cases supervised for the year 2015 was 46.

The TIP program (Traffic Intervention Program) was implemented in August, 2008. This program provides information and assists offenders who have been issued citations for Driving under Suspension or Failure to Reinstate. The goals of the program are to divert cases from the court's docket, to determine what is needed to obtain a valid driver's license, and to provide this information to the offender so they can obtain a valid driver's license within 120 days of the arraignment date. The defendant is also required to obtain insurance, thereby increasing the number of valid licensed drivers in our community. The success of the program is determined by the number of violators who are able to obtain a valid driver's license within 120 days. In 2015, 427 cases were referred to the program of which 316 individuals successfully completed the program, for a 74% success rate.

The Fairborn Municipal Vivitrol Drug Court (FMVDC) was implemented on September 15, 2015, and received final certification from The Ohio Supreme Court, as a specialized docket on December 11, 2015. The mission of the FMVDC is to provide a therapeutically oriented court managed, medically assisted drug intervention treatment and monitoring program, that assists participants with an opioid dependency diagnosis in developing a sober life style through evidence



based intervention and the appropriate alcohol/drug/mental health treatment in a non-adversarial approach, as an alternative to traditional case processing. In 2015, there were 4 individuals who entered into the specialized docket all of which are still participating.

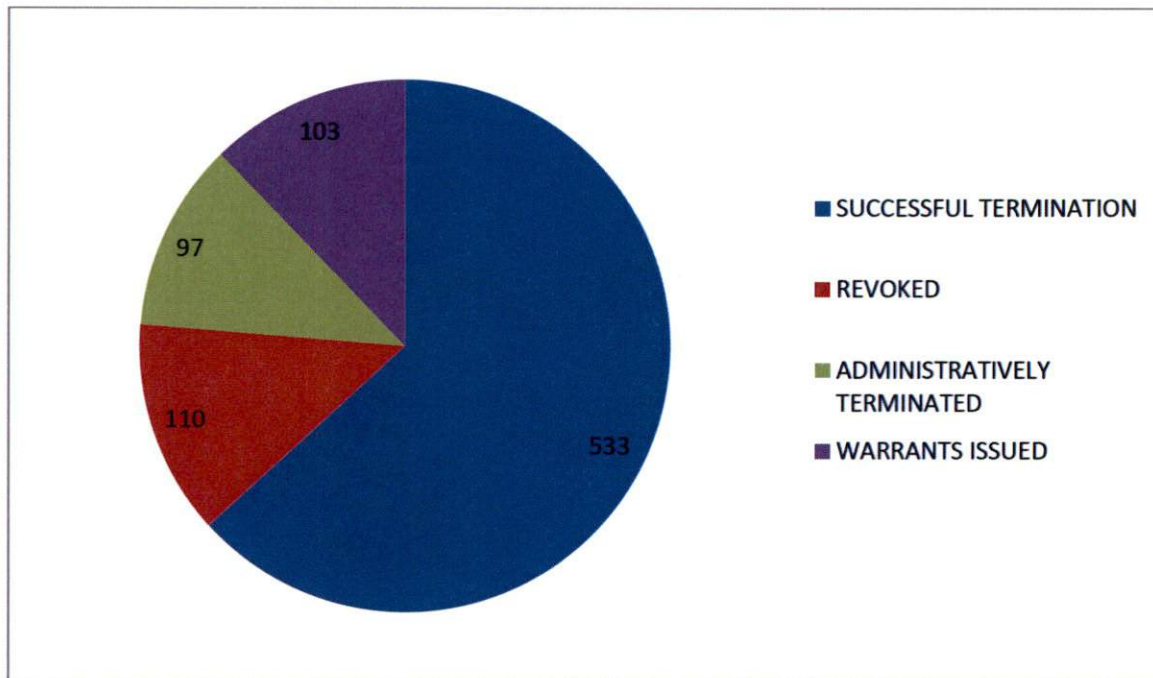
Another sentencing tool used by Fairborn Municipal Court is the Greene Leaf Program. Greene Leaf was established in 2002 by the Greene County Common Pleas Court and the Fairborn Municipal Court began participating in the program in 2008. This is a jail based therapeutic community which lasts either 90 days or six months. Therapeutic community is a specific treatment modality used widely throughout the United States. This modality uses a “community of peers” to change thinking and reshape behavior, thereby promoting pro-social living. A therapeutic community is a highly structured, disciplined, yet positive environment in which people who have similar treatment issues learn to live and work together to better their lives. The adherence to a disciplined, orderly environment fosters treatment for offenders and addicts who have lived in chaotic, disruptive and non-pro-social settings. This treatment modality holds people immediately accountable for aberrant thinking and behavior, and then challenges them to make positive changes, and to achieve satisfaction through personal and group accomplishment. “Community Members” earn privileges and rewards as they progress through a program that has high expectations of each participant and for the “community”. In this way, participants learn they are responsible for their actions, learn how to take charge of their lives in a pro-social manner, and learn how to be role models for others. Although the individual is in the Greene County jail for this program, the individual is learning positive skills to utilize upon his/ her release. In 2015, there were 20 defendants referred to this program and so far 16 have completed successfully, 3 were administratively discharged, and 3 are still in the program.

In conclusion, it is incumbent upon the Court and its Probation Department to work in close cooperation so that the responsibility for protection of society as well as the rehabilitation of the offender can be met. Community Control can only be effective as long as it remains flexible in meeting the needs of the Court as well as meeting the needs of the clients it serves.



# Fairborn Municipal Court

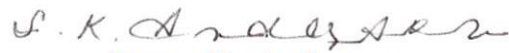
## Probation Department Terminations



## Certificate

I, Susan K. Anderson, Clerk of Court of the Fairborn Municipal Court, do hereby certify that the foregoing statistical and financial statements for the calendar year of 2015 were prepared from records maintained in the office of the Clerk of Court and reflect collections and distributions of the Court as recorded therein.

Completed at Fairborn, Ohio, this 8th day of March, 2016.

  
Susan K. Anderson  
Clerk of Court