

Fairborn Municipal Court  
2020  
Annual Report



BETH W. CAPPELLI, Judge  
1148 Kauffman Avenue  
Fairborn, Ohio 45324

# **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 Probation Department is committed to enhancing community safety, holding individuals accountable and working towards rehabilitation with grace and empathy. 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**

1148Kauffman Avenue Fairborn, Ohio45324

**Beth W. Cappelli - Judge**

Amy E. Bailey – Court Administrator and Magistrate

Melissa Litteral - Clerk of Court

Wayne Furay - Chief Bailiff

Daniel Zwiesler - Chief Probation Officer

The Fairborn Municipal Court submits its annual report for the year ending 2020 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 Department, and the Fairborn Municipal Court staff. The following are noteworthy figures for the year 2020:

Total funds disbursed from all sources (traffic, criminal and civil) in 2020 were \$ 3,018,074.22 down from \$3,913,638.40 in 2019.

The total number of traffic, criminal and civil cases filed in 2020 were 13,427 (not including reactivated cases), down from 18,839 in 2019.

Total funds disbursed to the City of Fairborn's general fund in 2020 were \$971,448.56 down from \$1,306,153.59 in 2019.

The Traffic Intervention Program had a success rate of 88%, up from 72% in 2019.

The City of Fairborn, Ohio, is the funding authority for the Fairborn Municipal Court and furnishes the budget for the Court's operation. However, the City of Beavercreek also contributes to the court budget and in 2020, contributed \$98,982.16 by way of reimbursement to the City of Fairborn for its share of the operating expenses of the Court. This was an increase from \$94,813.56 in 2019. The amount contributed is based upon a formula set forth in Ohio Revised Code Section 1901.026(8), which states that a municipal corporation within the territory of the 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 monies distributed to that municipal corporation.

The Court also utilizes its Special Projects Fund, Court Clerk Computerization Fund, and Legal Research Fund to pay for many of the Court's budget items. An overview of these funds and the manner in which the funds are expended is included within this Annual Report.

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## **AUTHORITY AND TERRITORIAL JURISDICTION**

1. Date of Establishment to include the present territory: January 1, 1978
2. Authority: Ohio Revised Code, Section 1901.01
3. Territorial Jurisdiction with population of each as of the year 2010. The next census results will be published in 2021.
4. 

Fairborn City	32,352
Beavercreek City	45,193
Bath Township	6,420
Beavercreek Township	5,762
5. Territorial Area by square miles, 78.18

## COURT PERSONNEL

Judge	BETH W. CAPPELLI
Accounting Clerk	JASON WHILDING
Assignment Commissioners	APRIL STEWART
	PHYLLIS BARLOW/EMILY MOYER
Chief Bailiff	WAYNE FURAY
Court Administrator/Magistrate	AMY E. BAILEY
Clerk of Court	MELISSA LITTERAL
Deputy Bailiffs	GERALD TUTTLE
	JAMIE SPICER
	KEVIN GREBNER
Security/Bailiff	CRAIG SHOUP
	BRYAN SIMPSON
Chief Deputy Clerk	KIMBERLY HUTCHINSON
Deputy Clerks	JESSICA CUMMINS
	BETH GAMBILL
	EMILY MOYER/DYLAN GOLDSBERRY
	ASHLEY NICOLE FRIEDMAN/ SARAH CLEVER
	KRISTIN HOPWOOD
	LYNETTE JACQUES
	OLIVIA THOMAN
Deputy Clerks-Civil Division	LISA NEVILLE
	DEBBIE CARLTON
Chief of Probation	DAN ZWIESLER
Magistrate	TAMELA WOMACK
Probation Officer/Traffic Intervention Program	BRIAN MARTIN
Probation Officer	KEVIN YOUNG
Probation Officer/Drug Court	ALEXIS SCOTT/CARRIE CRON
Probation Officer/Drug Court	DEVANNE BENTLEY
Probation Officer/Coordinator	RYAN SIMPSON
Probation Officer/Intensive Supervision	ANDY STOCKTON

## STATISTICS AND FINANCIAL INFORMATION

The following represents a statistical and financial breakdown of all new criminal, traffic, and civil cases filed in the Fairborn Municipal Court in 2020, compared with calendar year 2019 and all monies received and disbursed in said years.

	<u>2019</u>	<u>2020</u>
Criminal and Traffic Cases	15,605	12,109
Civil Cases	1,909	1,216
Small Claims Cases	208	102
Total Criminal/Traffic Receipts	\$2,674,517.09	\$2,125,246.88
Total Civil, Small Claims, Tenant/Landlord Receipts	\$1,167,408.35	\$913,572.84

Comparative figures are provided for the past ten (10) and five (5) years.

	<u>2010</u>	<u>2015</u>	<u>2020</u>
Number of New Criminal & Traffic Cases	13,877	14,258	12,109
Number of New Civil Cases	1,783	1,583	1,216
Number of New Small Claims Cases	333	152	102
Total Criminal/Traffic Receipt	\$2,791,353.38	\$2,860,924.04	\$2,125,246.88
Total Civil/Small Claims Receipts	\$813,733.19	\$822,127.47	\$913,572.84

In 2020, the Court conducted 18 criminal and traffic trials, of which 0 were jury trials. The Court also conducted thousands of arraignments and sentencing hearings where the accused did not request a trial, but the Court received evidence and performed sentencing. There were 16 civil trials held and 60 small claims hearings. There were also 277 felony cases filed in the Fairborn Municipal Court, which required first appearances. In addition, numerous other hearings were held and motions ruled on in the course of administering justice in matters before the Court. In 2020, the Court also performed 16 weddings.

## CASELOAD COMPARISON

Fairborn Municipal Court had a total of 18,058 cases in 2020. The average caseload for an individual Municipal/County Judge in Ohio was 6,272. In 2019, the average Municipal/County Judge had 8,998 cases whereas in Fairborn Municipal Court there were 21,242 cases.

<b>Court</b>	<b>Judge</b>	<b>Traffic Cases</b>	<b>Civil Cases</b>	<b>Criminal Cases</b>	<b>Total Cases</b>	<b>Number of Judges</b>
<b>Ohio Municipal and County Courts (State Average per Judge)</b>		3,490	1,122	1,660	6,272	
<b>Fairborn Municipal Court</b>	<b>Cappelli</b>	<b>13,080</b>	<b>1,431</b>	<b>3,547</b>	<b>18,058</b>	<b>1</b>
<b>Xenia Municipal Court</b>	1	4,767	1,159	2,099	8,025	1
<b>Miamisburg Municipal</b>	1	5,314	1,536	2,460	9,310	1
<b>Vandalia Municipal</b>	1	9,390	2,551	3,382	15,323	1
<b>Oakwood Municipal</b>	1	1,066	80	84	1,230	1
<b>Kettering Municipal</b>	2	4,692	1,842	1,836	8,370	2
<b>Dayton Municipal</b>	5	10,310	5,465	6,105	21,880	5
<b>Montgomery Municipal</b>	2	7,844	2,712	3,500	14,056	2
<b>Clark County Municipal</b>	3	12,153	3,258	4,755	20,166	3

\*Data obtained from Dashboard on The Supreme Court of Ohio's website and includes reactivated cases.

## **CRIMINAL AND TRAFFIC DIVISION**

All criminal and traffic citations are filed with the Criminal and Traffic Division of the Court. Eight (8) full time clerks are assigned to this section.

The Court is also fortunate to be involved in intern programs with Wright State University, Cedarville University, and occasionally other area colleges. Periodically, the court has interns assisting the Court in the performance of its daily duties. The intern position is voluntary and the student receives class credit and experience in the criminal justice system as a result of intern participation.

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

The Assignment Commissioners schedule all pending cases and wedding ceremonies. They are responsible for scheduling hearings, trials, and dispositions and coordinating the calendars of legal counsel to efficiently process cases through the court system. The assignment commissioners have assumed additional responsibilities of drafting entries.

## 2020 Criminal and Traffic Division Receipts and Disbursements

### Receipts

Fairborn Parking Tickets	\$1,615.00
Bond Receipts & Overpayments	\$167,090.60
Local Court Costs	\$855,356.77
State Court Costs	\$365,860.99
Fines Collected	\$599,659.21
Fees Collected	\$124,367.81
<b>Total Receipts</b>	<b>\$2,113,950.38</b>

### Disbursements

City of Fairborn	\$1,068,636.02
City of Beavercreek	\$98,982.16
State of Ohio & State Agencies	\$514,273.21
Greene County & County Agencies	\$257,608.07
Miscellaneous Agencies & Sheriff Fees	\$7,996.82
Bond Refunds, Transfers & Overpayments	\$167,090.60
<b>Total Disbursements</b>	<b>\$2,141,586.88</b>

## DETAILED DISBURSEMENTS FROM CRIMINAL AND TRAFFIC CASES 2020

### GREENE COUNTY TREASURER:

OSP 10% Traffic	19,348.32
OSP 10% Criminal	129.30
Traffic (ORC violations)	113,266.05
Criminal (ORC violations) and Ohio Dept of Taxation (OTAX)	70,394.15
Beavercreek Township Traffic	25.00
Beavercreek Township Criminal	14,326.04
Overweights (HWY MAINT) (5577.99B)	1,150.00
Liquor (LIQ)	0.00
Dog & Kennel (DOG)	1,120.63
Witness/Jury Fees (SWJF)	6,165.24
Expungement Fees (EXPG) (Sealing of Records)	815.71
Greene County Parks (Comm) (GCPC)	3,840.00
Greene County Health (SGCH)	0.00
Housing (DH)	11,631.35
Public Defender Fees (PDF)	14,226.28

**TOTAL: \$256,438.07**

### GREENE COUNTY SHERIFF:

Drug Enforcement	\$150.00
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### GREENE COUNTY SHERIFF:

Law Enforcement	\$224.00
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### GREENE COUNTY PARKS (GCP):

Fines	775.00
Drug Enforcement	0.00
Law Enforcement	0.00

**\$775.00**

### TREASURER OF STATE:

OSP 50%	97,384.52
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Victims of Crime	89,322.74
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GRF (Thru 10-15-2009)	555.94
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OVI/Indigent Defense Support Fund (IDSF)	13,090.98
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HB 562/MOVG/50% + Formerly General Revenue/ Indigent Defense Support Fund (IDFC)	244,678.74
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Bond Surcharge Fees (BS) (Eff. 10-16-09)	9,126.00	267,451.66
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HB562/MOVG/35% (To State Eff. 7-1-2009)	
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97% Drug Law Enforcement Fund (DEFC)	30,409.67
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3% Justice Program Services Fund (JPSF)	893.90	31,303.57
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Highway Safety Fund			
Interlock/SCRAM Fees - SB 17 \$2.50 (IIFS)	112.35		
Unlimited Driving Privileges Fees			
HB 388 \$2.50 (UDSF)	0.00	112.35	
Seat Belt		11,666.55	
Liquor		1,120.60	
Child Safety Restraint Fund		95.00	
(HWY from County Report & OSP Report)		300.00	
Expungement Fees		5,870.00	
		504,626.99	
			<b>\$504,626.00</b>
<b>TREASURER OF STATE: (OSP, Xenia, OH)</b>			
Ohio State Highway Patrol Drug Enforcement			<b>\$2,389.80</b>
<b>TREASURER OF STATE:</b>			
Ohio State Highway Patrol Law Enforcement			<b>\$2,389.80</b>
<b>OHIO STATE BOARD OF PHARMACY:</b>			
Fines			<b>\$4,450.14</b>
<b>TREASURER OF STATE, BMV:</b>			
Court #2920 Warrant Block Fees (BMVW)			<b>\$15.00</b>
Court #2920 License Forfeiture Fees (BMV)			<b>\$60.00</b>
<b>TREASURER OF STATE, ODNR:</b>			
Dept. of Natural Resources (ODNR)			
Fines			<b>\$800.00</b>
<b>CITY OF BEAVERCREEK:</b>			
Fines	BPD	94,247.51	
Drug Enforcement	BPD	2,414.30	
	GM	0.00	
Law Enforcement	BPD	1,666.35	
	GM	0.00	
Expungement Fees (EXPB)		20.00	
Parking Violations (BPRK)		0.00	
			<b>\$98,348.16</b>
<b>CITY OF FAIRBORN:</b>			
OSP 40%		77,914.54	
Ordinances		36,201.03	
** Court Costs (= LC + VWIT prior to 1/2014)		635,003.94	
\$10 Clerk's Portion of ERUS Fees (REXP)		0.00	
Parking Violations (FPRK)		1,615.00	

10% Bond Fees (10%)		3,614.00	
Workers' Compensation Fees (BWC)		261.75	
City Witness/Jury Fees (CWJF)		48.64	
Convenience Fees (ED)		169.30	
Contested Drug Tests (CDT)		60.50	
Evaluation Fees (EVAL)		0.00	
Expungement Fees (EXPF)		20.00	
Immobilization Fees (IMB)		1,300.00	
	<b>*** Gross Subtotal</b>	<b>756,208.70</b>	
	<b>Criminal/Traffic To City General Fund</b>	<b>756,208.70</b>	
OVI (DI) + DUS/OVI 50% 4510.14 (DI)	4,858.50		
HB 562 MOVG 15% (To City Eff. 4/09) (IATC)	13,413.77		
SB17 \$50 Immobilization Waiver Fees (IMBW)	0.00	18,272.27	Indigent Drivers Alcohol Treatment Fund
OVI-\$50 Indigent Drivers Interlock & Alcohol Monitoring Fund			
SB 17 (To City Eff. 7/2009) (IDIF)	7,143.00		
ALCM Fees-\$2.50 Indigent Drivers Interlock & Alcohol Monitoring Fund			
SB 17 (IIFL)	112.30	7,255.30	
Drug Enforcement		1,476.78	
Law Enforcement/Fund 113		1,327.25	
Clerk's Office Computer Fund		63,425.36	
Computerized Legal Research Fund		10,358.24	
Special Projects Fund	133,155.46		
Special Projects Fund (UDLF Fees \$2.50)	0.00	133,155.46	
Probation Fees (PRB + SPRO)	64,220.02		
CRPF Fees	2,136.61		
EMHA Fees	150.00		
Money Management Class Fees (MMC)	0.00		
REST Fees	177.00		
SRC Fees	25.00		
TIP Fees	10,445.53	77,154.16	
		<b>312,424.82</b>	
			<b>\$1,068,633.52</b>
	<b>NOTE:</b>	<b>\$756,208.70</b>	<b>*** Gross Subtotal</b>
		-261.75	Workers' Comp Fees
		-1,300.00	Immobilization Fees
		<b>\$754,646.95</b>	
<b>FIVE RIVERS METRO PARKS (5RMP + MCP):</b>			
Fines		425.00	
Drug Enforcement		0.00	

Law Enforcement	0.00	\$425.00
<b>BUTLER COUNTY TREASURER:</b>		
Service of Subpoenas		\$1.00
<b>CLARK COUNTY SHERIFF (CCS):</b>		
Service of Subpoenas		\$918.13
<b>CHAMPAIGN COUNTY SHERIFF:</b>		
Service of Subpoenas		\$114.65
<b>FAYETTE COUNTY SHERIFF:</b>		
Service of Subpoenas		\$66.00
<b>FRANKLIN COUNTY SHERIFF:</b>		
Service of Subpoenas		\$414.48
<b>GREENE COUNTY SHERIFF (GREE + JAIL):</b>		
Service of Subpoenas/Jail		\$2,988.49
<b>HAMILTON COUNTY SHERIFF:</b>		
Service of Subpoenas		\$69.00
<b>HIGHLAND COUNTY SHERIFF:</b>		
Service of Subpoenas		\$25.55
<b>LICKING COUNTY SHERIFF:</b>		
Service of Subpoenas		\$47.00
<b>LORAIN COUNTY SHERIFF:</b>		
Service of Subpoenas		\$13.80
<b>MIAMI COUNTY SHERIFF:</b>		
Service of Subpoenas		\$213.58
<b>MONTGOMERY COUNTY SHERIFF:</b>		
Service of Subpoenas		\$2,446.10
<b>WARREN COUNTY SHERIFF:</b>		
Service of Subpoenas		\$301.92
<b>END OF YEAR DISTRIBUTION</b>		\$1,946,859.78
<b>Overpayments, Bond Refunds (Sundries)</b>		\$167,090.60
<b>TOTAL DISTRIBUTION FROM CRIMINAL AND TRAFFIC CASES</b>		\$2,113,950.38

## **CIVIL DIVISION AND SMALL CLAIMS**

The Civil Section of the Court accepts complaints to recover money, resolve contract disputes, and other civil actions for claims having a monetary value of Fifteen thousand dollars (\$15,000) or less. Also, the Civil Division accepts complaints for eviction for the termination of tenancies and replevin complaints seeking the return of property. Two (2) full time deputy clerks are assigned to the Civil Division. The deputy clerks process all cases from initial filing to final disposition. The deputy clerks also receive monies involved in civil cases, post the funds to the appropriate accounts and ledgers, and disperse said funds as required by law.

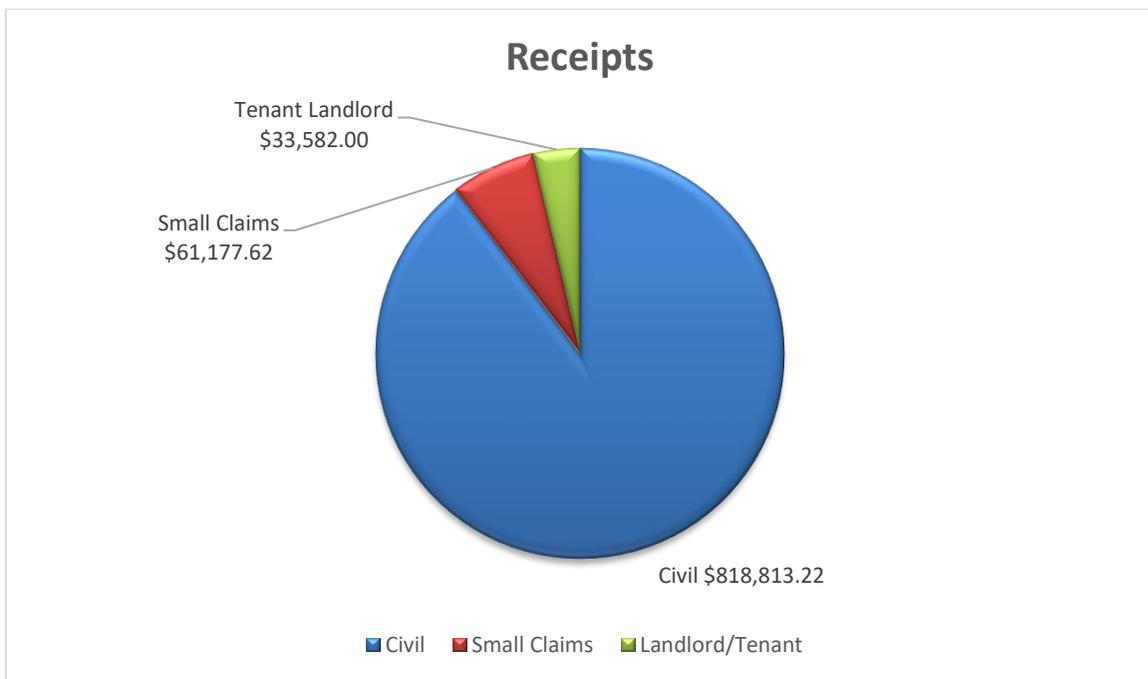
The Small Claims Division of the Court handles claims not to exceed Six Thousand Dollars (\$6,000.00). Small claims filings may be made by citizens with or without the assistance of an attorney. The deputy clerks assigned to the Civil Division also handle the complaints filed in the Small Claims Division. They schedule hearings and trials and receive, post, and disperse money as required by law.

In 2020, the Civil Division had total monetary receipts, which included Civil, Small Claims and Tenant/Landlord cases, of \$913,572.84 and disbursed the sum of \$904,120.79 at the conclusion of the cases.

**2020 Civil, Small Claims, Landlord/Tenant Receipts and Disbursements to the City of Fairborn**

**Receipts**

Civil	Small Claims	Tenant Landlord	<b>Total</b>
\$818,813.22	\$61,177.62	\$33,582.00	<b>\$913,572.84</b>



**CIVIL/SMALL CLAIMS/LANDLORD TENANT DISBURSEMENTS**

Civil	Small Claims	Tenant Landlord	<b>Total</b>
\$807,741.62	\$60,245.09	\$36,134.08	<b>\$904,128.79</b>

Includes the sum of \$215,236.86 paid into the City of Fairborn general fund.

**CIVIL, SMALL CLAIMS, AND LANDLORD/TENANT DISBURSEMENTS TO THE CITY OF FAIRBORN IN 2020**

<b>CIVIL</b>	
Local Court Costs	199,291.87
Marriage Fees	800.00
Special Project	19,471.24
Legal Research	2,472.00
Computer Improvement	7,350.00
<b>TOTAL:</b>	<b>\$229,385.11</b>
<b>SMALL CLAIMS</b>	
Local Court Costs	14,780.00
Marriage Fees	0.00
Special Project	2,038.00
Legal Research	0.00
Computer Improvement	310.00
<b>TOTAL:</b>	<b>\$17,128.00</b>
<b>LANDLORD/TENANT</b>	
Local Court Costs	364.99
Marriage Fees	0.00
Special Project	0.00
Legal Research	0.00
	0.00
<b>TOTAL:</b>	<b>\$364.99</b>
<b>TOTAL DISBURSEMENT TO THE CITY OF FAIRBORN:</b>	<b>\$246,878.10</b>

**CIVIL, SMALL CLAIMS, AND LANDLORD/TENANT DISBURSEMENTS TO THE STATE  
OF OHIO IN 2020**

CIVIL

TOTAL: \$31,826.63

SMALL CLAIMS

TOTAL: \$2,038.00

LANDLORD/TENANT

TOTAL: \$0.00

**TOTAL DISBURSEMENT TO THE STATE OF OHIO: \$33,574.63**

**TOTAL DISBURSEMENT TO CITY OF FAIRBORN AND STATE OF OHIO: \$280,452.73**

An additional:

\* \$585,169.34 for Judgments  
(garnishment money received and disbursed in collection of the  
Judgement amount);

\* \$50,220.82 in Sundries; and

\* \$2,270.05 on-deposit.

Total disbursement for Civil, Small Claims, and Landlord/Tenant to:

**\$913,572.84**

## **2020 and Ten Year Comparison-Cases and Distribution**

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

<u>Year</u>	<u>Total Cases</u>	<u># of Charges</u>	<u>Total Distributions</u>	<u>Paid to City of Fairborn General Fund</u>
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	15,188	19,154	\$3,541,967.08	\$1,008,155.73
2014	17,101	21,677	\$3,497,516.00	\$1,070,397.62
2015	15,993	20,452	\$3,656,482.78	\$1,106,465.09
2016	15,153	19,160	\$3,699,921.44	\$1,157,263.21
2017	19,923	24,933	\$4,315,357.02	\$1,472,225.11
2018	18,839	23,157	\$4,332,367.33	\$1,375,787.36
2019	17,722	22,117	\$ 3,913,638.40	\$ 1,306,153.59
<b>2020</b>	<b>13,427</b>	<b>16,915</b>	<b>\$ 3,018,074.22</b>	<b>\$971,448.56</b>

\*These numbers do not include reactivated cases

## **CASES FILED AND TERMINATED**

The Court reports monthly the number of cases filed, reactivated, and terminated to the Supreme Court of Ohio. The reporting method established by the Supreme Court is based upon the assumption that the Court has more than one judge, and the Supreme Court requires that this report method be used by all courts even if the court has only one judge. The reports that are required to be filed are called the Administrative Judge Report (AJR) and the Individual Judge Report (IJR).

All cases initially filed with a court are listed as new cases and are 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 the Judge or Magistrate, the case is transferred to the Individual Judge Report.

There were 18,058 cases filed and reactivated on the Administrative and Individual Judge Reports in 2020. This number includes all new traffic, criminal, civil and small claims cases filed in 2020, and all pending cases that were reactivated. A case is reactivated when a party who was previously unavailable becomes available to proceed with the case. A reactivated case may be from an earlier calendar year.

There were 17,100 cases on the Administrative Judge Report and 3,488 cases on the Individual Judges report that were heard, decided, and settled in 2020. There were 1,671 felony, criminal, and traffic cases and civil and small claims cases pending before the court on December 31, 2020, that had not yet been completed.

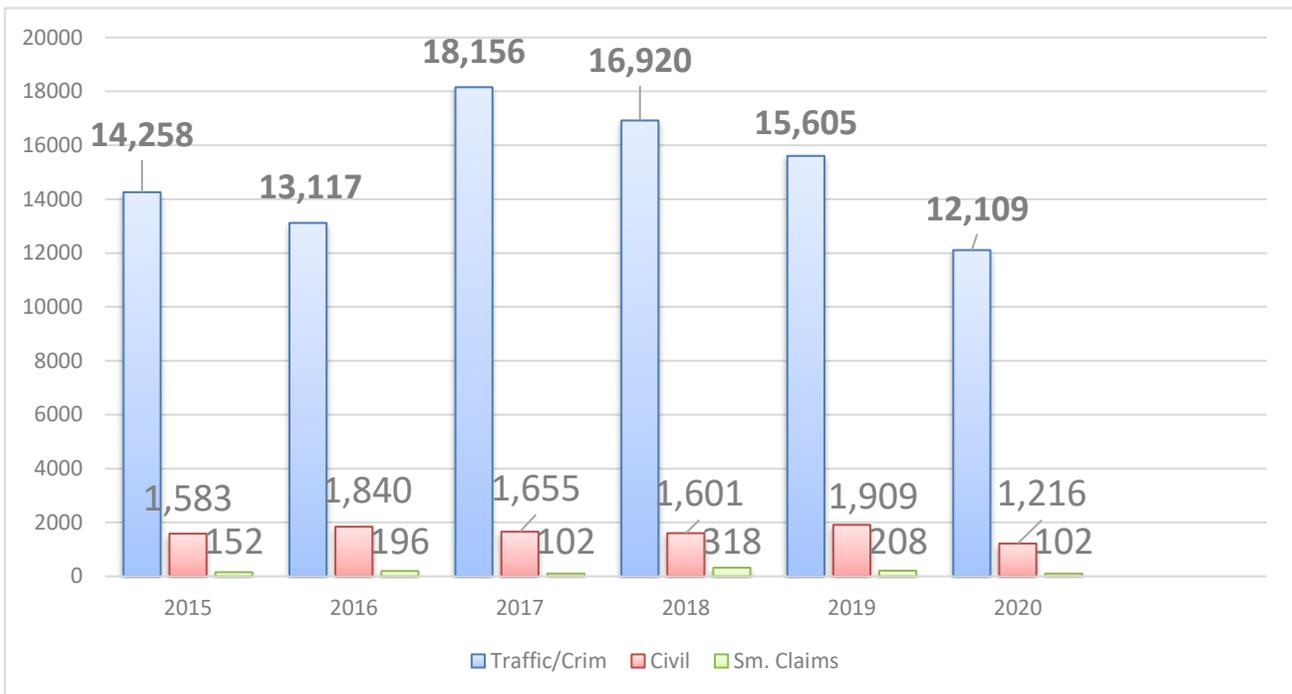
Felony cases and small claims cases are only reported on the Administrative Judge Report.

# ANNUAL CASE FILINGS

## Calendar Year 2020 Cases

Criminal and Traffic Cases	12,109
Civil Cases	1,216
Small Claims Cases	102

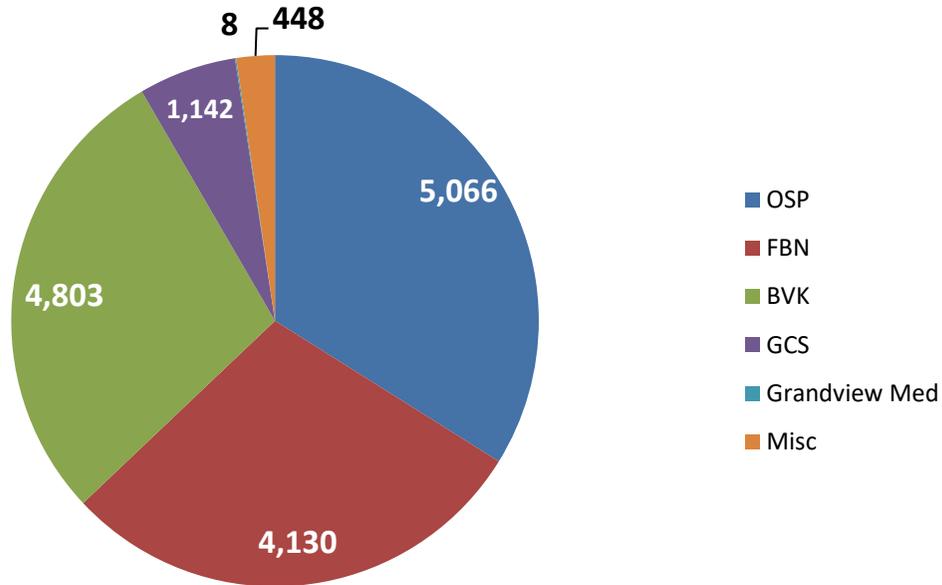
## Historical Comparison: Calendar Years 2015-2020



The chart above represents the total number of cases filed in the Fairborn Municipal Court, in all divisions, for the last five calendar years for comparison purposes.

## Charges Filed by Police Jurisdiction in 2020

Each case filed with the Court may include several individual charges arising out of a single incident. Below is a breakdown by police agency of traffic and criminal charges filed in 2020.

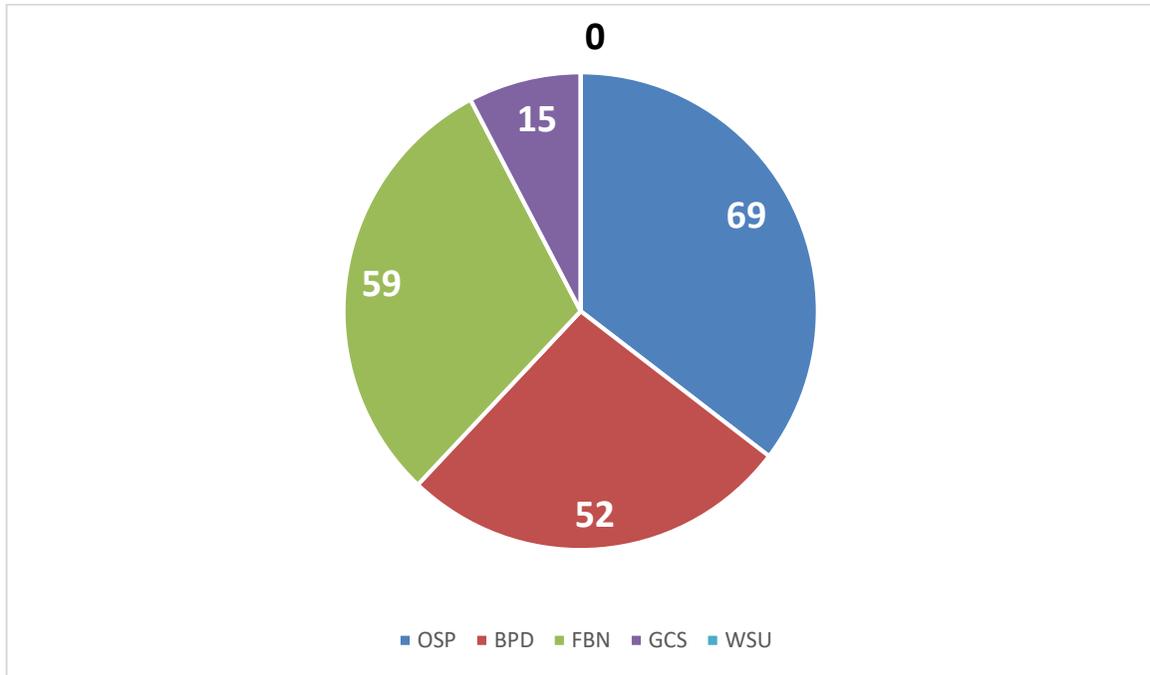


*OSP*: Ohio State Patrol; *FBN*: Fairborn Police Department; *BVK*: Beavercreek Police Department; *GCS*: Greene County Sheriff; Grandview Medical Center; and Miscellaneous filings.

## **CASE STATISTICS BY OFFENSE TYPE**

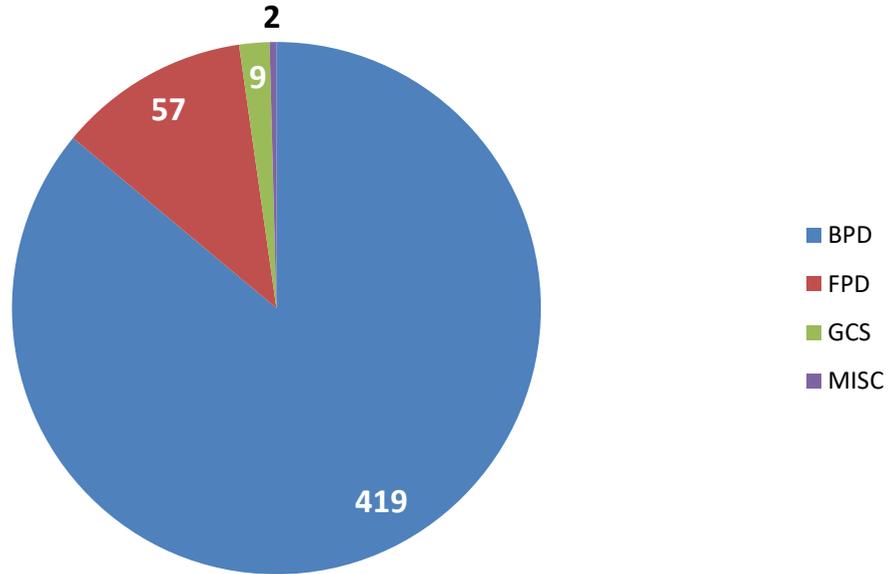
The charts and graphs set forth in the following three pages represent a breakdown by police agency of certain types of cases filed with the Court in 2020. Each case may contain several charges arising out of the same incident. These charts consider only cases filed, regardless of the number of charges associated with an individual case. The chart below represents cases involving Operating a Vehicle While under the Influence of Alcohol and/or Drugs of Abuse.

### **2020 OVI Cases filed by Jurisdiction**



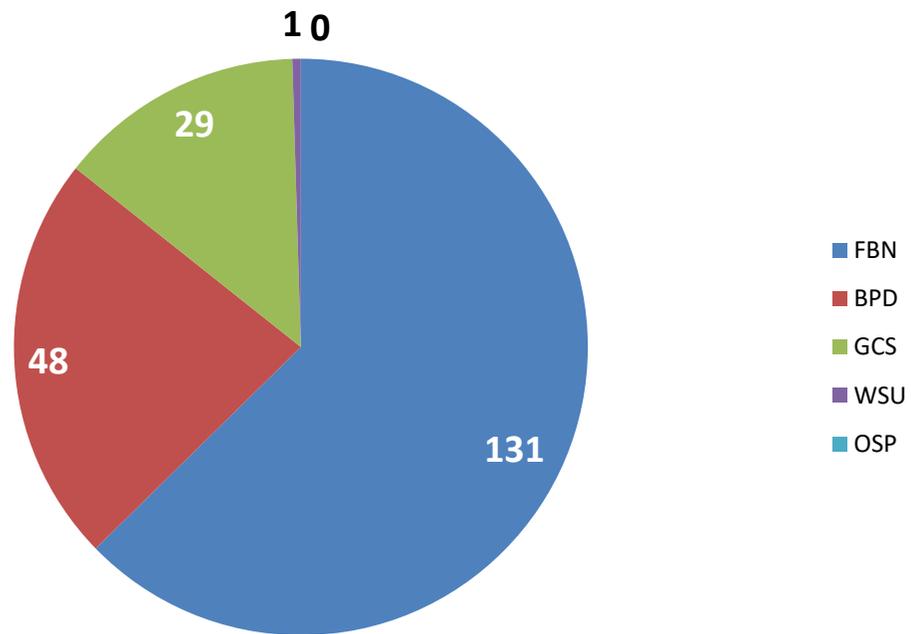
## 2020 Theft Cases Filed By Jurisdiction

The chart below represents a breakdown of all the property theft and related crimes filed in 2020.



## Domestic Violence/Protection Order Cases by Jurisdiction

The chart below represents a breakdown of Domestic Violence/Protection Order crimes filed in 2020.



## Court Fund Receipts and Expenditures

### Special Projects Fund

2020

#### Balances and Revenues

This fund is utilized for the Magistrate Salary, Court Administrator Salary, Court updates and the Court's Paperless Initiative. This fund can also be used for any structural building changes which will be necessary in the future.

Fund Balance as of 01/01/2020	\$408,873.06
Year to Date Revenue	\$158,465.90
Year to Date Expense	\$273,596.83
Outstanding Encumbrances	\$ 85,065.06

\*Not utilized & included OCJS Grant

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<u>Ending Balance 12/31/2020</u>	<u>\$ 208,677.07</u>
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## Court Clerk's Computerization Fund

### **2020** Balances and Revenues

This fund is utilized for the paperless process and conversion of files to electronic form.

Fund Balance as of 01/01/2020	\$236,670.57
Year to Date Revenue	\$72,712.36
Year to Date Expense	\$48,401.63
Outstanding Encumbrances	\$ 52,411.79
<u>Ending Balance 12/31/2020</u>	<u>\$ 208,569.51</u>

**Legal Research Fund**

**2020**

**Balances and Revenues**

Fund Balance as of 01/01/2020	\$ 62,254.23
Year to Date Revenue	\$ 13,140.24
Year to Date Expense	\$ 14,533.77
Outstanding Encumbrances	\$ 23,415.25
<u>Ending Balance 12/31/2020</u>	<u>\$ 37,425.45</u>

# **FAIRBORN PROBATION DEPARTMENT**

## **2020**

The Fairborn Municipal Court Probation Department has many responsibilities and duties in connection with the operation of the Court. The basic responsibility of the Probation Department is to supervise those persons convicted of misdemeanor offenses who have been placed on community control sanctions (probation) by the Court. The Court during the course of sentencing may impose specific conditions upon an individual, which are relevant to that individual's specific life circumstances and the offense for which the individual was convicted. For example, for someone convicted of operating a vehicle while under the influence of alcohol or drugs (OVI offense), the Court may require that a drug and alcohol assessment be completed, and that as a specific condition of community control, the person complete any recommended treatment. It is the responsibility of the assigned probation officer to ensure that these orders of the Judge are followed and also to assist the person in accomplishing any other conditions of probation supervision. Probation supervision ensures that the person receives a level of care that will enable the person to avoid repetitive criminal behavior in the future.

The Fairborn Municipal Court Probation Department was assigned 513 new clients for probation during the calendar year of 2020. The average total monthly number of probationers supervised was 537. In an effort to service these individuals, there were 426 treatment referrals made during the calendar year of 2020, with the majority of the referrals made to drug and alcohol treatment service providers.

The Probation Department has a responsibility to ensure that the Court's orders are followed, but also to provide some measure of public safety if a probationer has failed to meet the obligations of community control. When a probationer has violated the terms or conditions of community control, it is incumbent upon the probation officer to sanction appropriately and report to the Court violations as warranted. This may include issuing an arrest warrant for the probationer for violating the terms and conditions of probation. In 2020, 27 individuals had their probation revoked and their suspended sentences imposed by the Court for failure to comply with the Court's orders and community control requirements.

In April of 2019, a Pretrial Program was implemented. The pretrial program has three primary functions: collect and analyze an incarcerated defendant's information to determine risk level and needs of the defendant; address the public's safety; and supervise defendants who are released from custody during the pretrial phase if ordered by the Court. This program is essential before trial in achieving the central goal, which is to minimize unnecessary detention of defendants before trial who are likely to appear for scheduled court dates and who do not pose a safety issue to the public. The Probation Department assessed 818 incarcerated defendants in 2020. In September of 2019, the Ohio Criminal Sentencing Commission (OCSC) and Ohio Criminal Justice Services (OCJS) received a grant to study pretrial bond/bail issues in Ohio, including utilization of an evidenced based risk assessment tool and collection of data. Fairborn Municipal Court was chosen to participate in this grant. In March of 2020, the Ohio Criminal Sentencing Commission did a site visit and collected information from our current Pretrial Program for their Pretrial and Bail Data project. In 2020, the department was awarded a grant through the Ohio Sentencing Commission to enhance our data collecting capabilities within our

operating system.

Another responsibility handled by the Probation Department is the preparation of Pre-Sentence Investigation (PSI) Reports. These reports are prepared at the direction of the Court for the purpose of assisting the Court in determining the appropriate 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 an individual is referred for a PSI, he or she is interviewed by the Probation Department and certain basic social background information is obtained from the individual. The individual 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 or victim advocates. 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. There were four (4) PSI reports ordered and completed for the 2020 calendar year.

The Traffic Intervention Program (TIP) provides information and assists individuals 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 individual so they can obtain a valid driver's license within 120 days of their 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 individuals who are able to obtain a valid driver's license within 120 days. In 2020, 179 cases were referred to the program, and 158 individuals successfully completed the program, for an 88% success rate. Fewer individuals entered the program in 2020 as it was suspended a good portion of the year due to adjustments for COVID-19.

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 223 applications for sealing of record filed during the 2020 calendar year.

The Community Service Program was established in the Fairborn Municipal Court in 1978 and is administered through the Court's Probation Department. The Program is designed to give nonviolent individuals the opportunity to perform some type of labor for government agencies and nonprofit organizations in lieu of incarceration. The Court sentences an individual to a jail term and suspends the jail term on the condition the individual perform 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 staff. This process allows determination of the type of work the individual is able to perform. When possible, the defendant has a work assignment that fits his/her special talents. Release of Claims forms are signed by the individual releasing the Court, the City, and the participating agency from any and all claims. The individuals 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. During 2020, the Court assigned 30 participants to the program. A total of 642 community service hours were completed. There were no participants revoked from the program or jail time imposed.

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 an individual while also helping to alleviate the jail overcrowding situation. The individual is responsible for the cost of the EMHA, currently set at \$9.00 to \$11.00 per day, depending on the level of usage. A fund exists to pay for house arrest and alcohol monitors for those who are indigent and alcohol and/or drugs are involved in the offense. This fund is established by law and consists of reinstatement fees paid by those convicted of OVIs. EMHA consists of the individual being outfitted with a radio transmitter placed around his/her ankle or wrist which transmits a signal to a base unit in the individual's residence. The individual on EMHA can also be afforded the opportunity of a work release which allows the individual 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 86 individuals placed on EMHA during 2020. This resulted in a savings of \$250,275.00 to the Greene County Jail. Of those placed on EMHA, no individual was revoked for violation of the conditions of EMHA.

The Probation Department has also been assigned the responsibility of monitoring Court ordered restitution payments. In certain cases, as part of the sentence imposed, the Court may instruct a particular individual to make restitution for financial losses that were incurred as a result of his/her actions. The Probation staff monitors this restitution payment and, when proof of restitution has not been provided by the individual as instructed by the Court, will notify the Court of this lapse. A total of \$21,837.48 was collected and paid to victims.

The Fairborn Municipal Drug Court (FMDC) was implemented on September 15, 2015, and received final certification from The Ohio Supreme Court as a specialized docket on December 11, 2015. The Drug Court was recertified in 2017 and again in 2020. The mission of the FMDC is to provide a therapeutically oriented, court managed, treatment and monitoring program that assists participants with a drug 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. Since 2016, Fairborn Municipal Court has received a Specialized Dockets Payroll Subsidy Project grant from the Ohio Department of Mental Health and Addictions Services. This grant helps cover personnel expenses, both salary and fringe benefits, for the probation officer who supervises the Fairborn Municipal Drug Court caseload.

In 2020, the Ohio Department of Mental Health and Addiction Services renewed the application of the Addiction Treatment Program (ATP) to all eligible counties in Ohio. Fairborn Municipal Court, TCN, and the Mental Health & Recovery Board of Clark, Greene & Madison Counties were granted \$27,940.35 of ATP funds to support active drug court participants. The ATP funds addiction treatment and recovery support services to clients who have an opioid and/or alcohol addiction, and are deemed eligible for medication-assisted treatment. Time-limited recovery supports may be utilized to help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training,

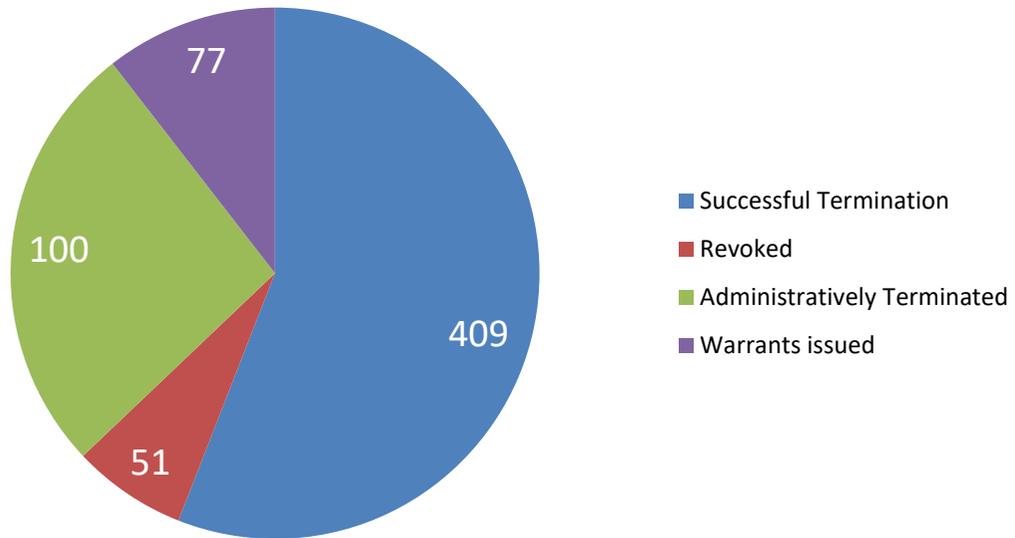
obtaining a driver's license or state identification card, or any other matter considered relevant by the provider. In 2020, there were 6 successful drug court completions, 2 unsuccessful completions. There are 6 currently active drug court participants.

Another sentencing tool used by Fairborn Municipal Court is the Greene Leaf Program. The Greene Leaf Therapeutic Community was established in 2002 by the Greene County Common Pleas Court and the Fairborn Municipal Court began participating in the program in 2008. The program is a jail-based therapeutic community which lasts either 90 days or six (6) months. The 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 individuals and addicts who have lived in chaotic, disruptive and anti-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 that they are responsible for their actions. Further, they 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 2020, there were 12 defendants in this program (3 carry over from 2019 and 9 intakes in 2020). Four (4) individuals completed the program successfully (2 in 2020). Three (3) were released due to COVID-19 when the program was temporarily disbanded, and 1 was a self-termination.

In November of 2017, the Court applied for and was awarded an 18 month grant through the Ohio Department of Rehabilitation and Corrections for an additional Probation Officer. The grant is the Justice Reinvestment and Incentive Grant. This grant provides performance-based funding to Courts of Common Pleas, Municipal Courts, County Probation Departments and Community Based Correctional Facilities to adopt evidence-based practices to reduce the number of individuals on probation supervision who violate the conditions of their supervision. This grant was renewed for an additional two years in July, 2020, and will extend through June, 2021. It has been invaluable creating and operating an Intensive Supervision section which works with moderate to high risk individuals.

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 individual can be met. Community Control can 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, Melissa A. Litteral, Clerk of Court of the Fairborn Municipal Court, and Amy E. Bailey, Court Administrator of the Fairborn Municipal Court do hereby certify that the foregoing statistical and financial statements for the calendar year of 2020 were prepared from records maintained in the office of the Clerk of Court and accurately reflect all collections and distributions of the Court as recorded in its official records.

Completed at Fairborn, Ohio, this \_\_\_\_ day of \_\_\_\_\_, 2021.

Melissa A. Litteral, Clerk of Court

Amy E. Bailey, Court Administrator