

BARBERTON MUNICIPAL COURT

2019 ANNUAL REPORT

TABLE OF CONTENTS

- Letter to Barberton City Council and Summit County Council
- Jurisdiction and Organization
- Judges of the Court
- Clerk of Court
- Court Personnel
- Clerk's Office Personnel
- Probation Department
- Specialized Dockets
- Case Filings
 - Cases by Community
 - Cases Filed 2013-2019
- Court Receipts
- Court Operating Statement
- Special Project Funds
- Monthly Disbursements
 - City of Barberton
 - Summit County
 - State of Ohio
 - City of Barberton
 - Other Entities





Barberton Municipal Court

576 West Park Avenue, Barberton, Ohio 44203

Judge David E. Fish
Lisa Whitmore, Bailiff

Judge Todd McKenney
Nancy Collin, Bailiff

Diana Stevenson, Clerk of Court

Dear Public Official:

Pursuant to Ohio Revised Code Section 1901.14(A)(4), we are pleased to submit the Barberton Municipal Court 2019 Annual Report for your consideration. The report reflects the Barberton Municipal Court's activities and financials in 2019.

One of the highlights of 2019 included the continuing expansion of our Barberton Municipal Mental Health Court Program, B.E.S.T., which received final re-certification – required every three years – from the Supreme Court of Ohio in March of this year.

We are also proud to announce that we received continuing grant funding for our Barberton Municipal Drug Court Program for Recovery Support our Drug Court participants.

Another highlight of 2019 included the expansion of our efforts to assist those needing to reinstate, or otherwise obtain, valid Ohio driving privileges. Our probation department's S.L.I.P. program offers individuals an opportunity to address drivers license suspension issues and saw a 26% increase in participation during 2019.

We look forward to continuing our progress in 2019 and thank you for your continued cooperation and support.

Respectfully,

David E. Fish
Presiding Judge

Todd McKenney
Judge

Diana Stevenson
Clerk of Court

JURISDICTION AND ORGANIZATION

The Barberton Municipal Court District includes the residents of the following seven Summit County, Ohio communities:

City of Barberton
City of Green
City of New Franklin
City of Norton
Village of Clinton
Copley Township
Coventry Township

The Barberton Municipal Court is the court of original jurisdiction for the seven communities within its territory, as established by Section 1901.02 of the Ohio Revised Code. The Court is served by two elected judges and one elected Clerk of Courts, each of whom serve terms of six years.

The jurisdiction of the Court includes traffic, criminal, and civil cases. The Court hears misdemeanor criminal and traffic cases, with felony cases initially arraigned in the court and then bound over to the Common Pleas Court. Civil cases involving contested dollar amounts not exceeding \$15,000 are heard in the Court, as are eviction cases and small claims cases up to \$6,000.



JUDGE DAVID FISH



Judge David Fish serves as the Presiding and Administrative Judge of the Barberton Municipal Court. In this capacity, Judge Fish oversees the operations of the court in addition to handling his regular docket. Judge Fish also developed and presides over the Barberton Municipal Mental Health Court, the first specialized docket of the Barberton Municipal Court. This specialized court provides for increased supervision and treatment for offenders with mental illness.

Judge David Fish was elected Judge of the Barberton Municipal Court in November 2007. He previously served 16 years as Criminal Prosecutor for Green, Copley, Barberton, Norton, Coventry, New Franklin and Clinton in the Barberton Municipal Court. Judge Fish also served 15 years as Criminal Prosecutor for Norton in Norton Mayor's Court. Judge Fish taught as an Adjunct Professor for the University of Akron, teaching "Criminal Evidence and Legal Process" from 2001-2007.

Judge Fish is honored to have been selected by his peers to serve as trustee for the Association of Municipal/County Judges of Ohio for 2017-2019.

Judge Fish was a founding member of The Summit County Domestic Violence Coalition, serving as its president from 2005-2008. He is a member and Foundation Fellow of the Akron Bar Association. Judge Fish received his Bachelor of Arts degree from Tulane University, New Orleans, Louisiana, double majoring in Political Science and Public Policy. He received his Juris Doctorate in 1984 from the University of Akron School of Law. He was admitted to the practice of law in the State of Ohio in 1984.

JUDGE TODD MCKENNEY



A life-long area resident, Judge Todd McKenney graduated from Manchester High School in 1982. He then graduated Magna Cum Laude, from Hiram College in 1986. He went on to earn his Juris Doctorate degree from the Ohio State University College of Law in 1989 and was thereafter admitted to the Ohio Bar. Judge McKenney is also licensed to practice in the Northern and Southern Districts of Ohio and the U.S. Sixth Circuit Court of Appeals.

From 1989 to 1991 and again from 2005 to 2007, Judge McKenney served as the Judicial Law Clerk to the Honorable David D. Dowd, Jr. in the United States District Court for the Northern District of Ohio. During his extensive legal career, Judge McKenney has practiced law with the firms of Black, McCuskey, Souers and Arbaugh and most recently with Leiby, Hanna, Rasnick, Towne, Evanchan, Palmisano & Hobson. He is also an ordained pastor serving at The Chapel in Akron and Green.

Judge McKenney has served the residents of the Barberton Municipal Court District in the past as a New Franklin City Council member, State Representative for the 43rd District of Ohio and Judge of the Summit County Common Pleas Court in both Probate and General Divisions and at the Barberton Municipal Court originally in 2014. Judge McKenney was appointed to the Court again in 2017 and was elected to a full 6-year term in November 2017.

Judge McKenney has been active in the community and has been the recipient of several awards recognizing his community involvement, including the 2013 Liberty Bell Award. This award from the Akron Bar Association is for promoting a better understanding of the rule of law, encouraging a greater respect for law and the courts, stimulating a sense of civic responsibility and contributing to good government in the community.

Judge McKenney serves on the Green Opiate Task Force, sits as President-elect of the Magic City Kiwanis (2018-2019), and is a member of the Barberton Rotary Club. He serves on the boards of Faithful Servants (free medical clinic) and Mission USA Disaster Relief and as a member of the Akron Bar Association. Judge McKenney is currently serving as Senior Pastor of the Akron Chinese Christian Church.

Judge McKenney formerly served on the Board of the International Institute of Akron, Youth Excellence Performing Arts Workshop (YEPAW) for African-American Teen Leadership, Akron Area YMCA Trustee, Green Family YMCA Advisory Board, Lake Anna YMCA Capital Campaign and Love Akron.

Judge McKenney is a lifelong resident of Summit County. He and his wife, Summit County Councilwoman Bethany McKenney, have two teenage children.

DIANA STEVENSON CLERK OF COURT



Diana Stevenson has been serving the communities of Barberton, Norton, Green, New Franklin, Copley, Coventry and Clinton as the Clerk of the Barberton Municipal Court since January 2012. Diana strives for her office to provide the best service to all the citizens who have business with the court. She continues to advance the court in its use of technology in order to enhance the efficiency and quality of the administration of justice.

Diana is a member of the Ohio Association of Municipal/County Court Clerks and also holds a certificate from the National Center for State Courts, Court Management Program. Additionally, she will receive her certificate as a Certified Court Executive in 2021.

Diana has a long history of public service in the Court system. After graduating from The University of Akron School of Law in 1992, Diana served various courts as a judicial attorney, including the Supreme Court of Ohio, the Summit County Probate Court and the Stark County Common Pleas Court. She also served 12 years as a Magistrate in Summit County Probate Court.

Diana is also an active member of our community. She is a member of Magic City Kiwanis as well as the Kiwanis Lieutenant Governor over 19 clubs in Summit, Medina and Wayne Counties. She serves on the Tuscora Park Health and Wellness Board and the University of Akron Economics Advisory Board. Diana is also a Fellow of the Akron Bar Association.

COURT PERSONNEL



Judge David E. Fish

Presiding/Administrative Judge
Bailiff Lisa Whitmore

Judge Todd McKenney

Bailiff Nancy Collin

Magistrate Andrew Peck

Bob Incorvati, Court Administrator

Bill Braman, Court Service Bailiff

Bob Nickol, Court Security Bailiff

Bob Davis, Court Security Bailiff

Rebecca Dilbeck, Chief Probation Officer

Paul Webb, Senior Probation Officer

Greg Bowersox, Probation Officer

Renee King, Probation Administrative Assistant

CLERK OF COURTS PERSONNEL

Diana Stevenson **Clerk of Court**

Evelyn DeVitis, Chief Deputy Clerk - Finance

Dylan Brumbaugh, Chief Deputy Clerk - Operations

Deputy Clerks

Ashley Carr

Civil Division Clerk

Erin Dean

Traffic Division Clerk

Caitlin Greene

Cashier Clerk

Jackie Hollenbach

Cashier Clerk

Kelly Kulick

Civil Division Clerk

Joyce Laney

Cashier Clerk

Daniel Lewis

Records Clerk

Megan Mitchell

Criminal Division Clerk

Debbie Wasch

Disposition Clerk



PROBATION DEPARTMENT

The primary role of the Barberton Probation Department is community control supervision of offenders and enforcement of court orders. The Department performs several other functions for the court including random drug and alcohol testing of offenders, conducting presentence investigations, preparing sealing of records recommendations, and compliance with court orders related to assessment, treatment, employment, and restitution. As alternatives to jail sentence dispositions are sought, the probation department continues to expand its role in serving the court and community.

In 2019, the Barberton Probation Department recognized the following achievements:

- Chief Probation Officer Rebecca Dilbeck oversaw the expansion of agency referral services and incarceration alternatives to better assist those with a variety of needs. Consistently meeting the challenge to find appropriate services for those served by the department.
- Chief Probation Officer Rebecca Dilbeck and Probation Officer Paul Webb expanded their responsibilities as they undertook assisting Judge McKenney with the Barberton Municipal Court Drug Court programming.

SLIP Program 271 Participants

The Barberton Municipal Court continues to provide assistance to Ohio drivers seeking to reinstate valid driving privileges and saw a marked increase in participation during 2019. SLIP participants are guided through their individual reinstatement requirements and given an opportunity to benefit in a diversion program setting.

Community Service

18 Court Referrals & Placements

Partnering Agencies:

American Red Cross

MAPS Air Museum

Goodwill Industries of Akron

Salvation Army Main Office

Keep Akron Beautiful

Ohio State Parks (ODNR)

Interval Brotherhood Home

Habitat for Humanity of Summit County

Court Sentenced House Arrest

207

Presentence Investigations Performed

261

Offenders Placed on Probation

53

Outside Agency Assessments

181

Diversion Program Placements

112

Sealing of Records/Expungements

220



SPECIALIZED DOCKETS

“BEST” Mental Health Court

In 2013 under the leadership of Judge David Fish, Barberton Municipal Court began their first Specialized Docket to help those with mental disabilities.

In 2019, under the guidance of Judge David Fish, the Supreme Court of Ohio began the process to continue certification of this important specialized docket court.

The Barberton Municipal Mental Health Court provides safe, effective treatment and supervision to eligible participants.

Mental Health Court serves to motivate individuals to connect to community-based treatment services while the court monitors their progress and ensures public safety.

The goals of the Barberton Mental Health Court are to:

1. reduce recidivism;
2. improve public safety;
3. promote fair and equitable treatment of adult offenders that suffer with a mental disability or illness;
4. reduce the costs of prosecution and incarceration to taxpayers;
5. improve defendants access to public mental health treatment services as well as other community resources;
6. enhance collaboration between criminal justice agencies and the mental health system to better serve those with mental illness, and
7. improve the quality of life of mentally ill defendants.

Barberton Municipal Drug Court

In February 2016, the Barberton Municipal Court received certification from the Ohio Supreme Court to begin a specialized docket Drug Court program. Upon assuming responsibility for handling the Drug Court docket in 2017, Judge Todd McKenney sought and received ongoing Final Certification from the Ohio Supreme Court ensuring the program would continue to assist those struggling with opioid and similar addictions.

Under Judge McKenney's guidance the Barberton Municipal Drug Court continues to grow and serve those in need of addiction services. Participation expanded in 2019 and new members continue to benefit from the expanded services provided in this specialized docket program.

Drug Court is a minimum of 18 months and a maximum of 2 years. Participants are required to maintain a year of sobriety and are subject to random alcohol and drug screens. The Drug Court Program consists of four (4) phases. These phases are used as guidelines that can be modified to meet Participant's specific needs. Participant is required to frequently report to the Drug Court Judge and other treatment team members for compliance monitoring, assistance with treatment plans, and random alcohol and drug testing.

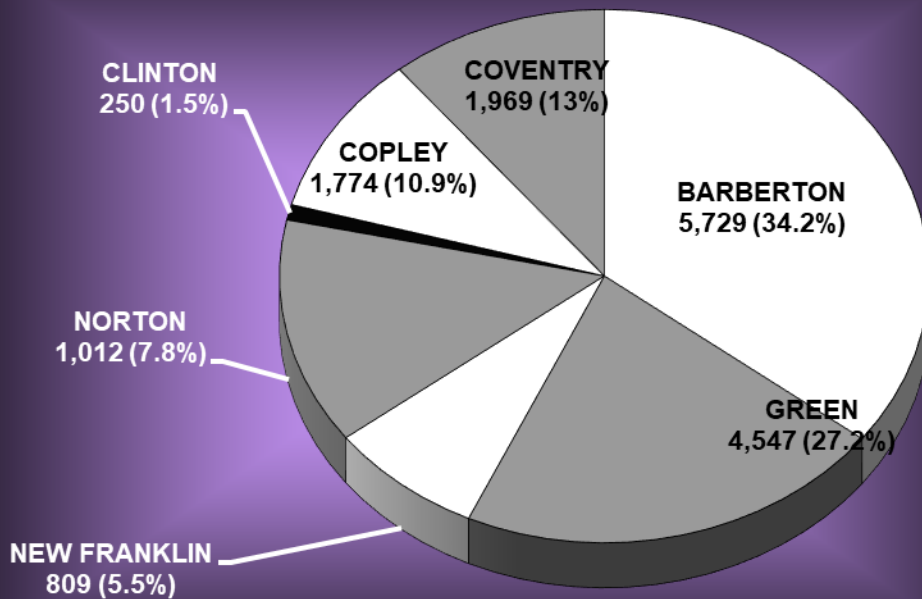
Today, there are 17 Drug Court participants with new potential participants are being screened weekly. Most importantly, the individuals that are able to participate in the Barberton Drug Court are on the road to recovery and a productive, crime free future.

2019 also saw the successful graduation of Drug Court participants. In a proud series of successful completions, several drug court participants met their goals and graduated from the Drug Court program. Congratulations to them!

2019 CASES FILED BY COMMUNITY

	TRAFFIC	CRIMINAL	CIVIL	PARKING	TOTAL	
	CASES	CASES	CASES	CASES	CASES	%
BARBERTON	1623	1284	1054	949	4910	35.4%
GREEN	2042	605	311	11	2969	21.4%
NEW FRANKLIN	543	266	268	0	1077	7.8%
NORTON	1219	418	260	7	1904	13.7%
CLINTON	39	5	87	0	131	0.9%
COPLEY	696	399	263	0	1358	9.8%
COVENTRY	807	377	323	1	1508	10.9%
TOTAL	6969	3354	2566	968	13,857	100%

2019 CASES FILED BY COMMUNITY



CASES FILED 2013 - 2019

CASE TYPE	2019	2018	2017	2016	2015	2014	2013
Criminal Division							
Felony (CRA)	824	891	876	731	601	634	623
Misdemeanor (CRB)	2,530	2,522	2,585	2,484	2,341	2,439	2,285
Criminal Total	3,354	3,413	3,461	3,215	2,942	3,073	2,908
Traffic Division							
OVI (TRC)	387	347	421	556	524	577	500
Regular (TRD)	6,582	6,577	8,300	7,514	6,742	6,618	6,497
Traffic Total	6,969	6,924	8,721	8,070	7,266	7,195	6,997
Civil Division							
Property Damage Personal Injury (CVE)	29	23	21	45	26	31	24
Contracts (CVF)	1,720	1,436	1,339	1,045	1,183	1,104	1,175
Evictions (CVG)	540	558	519	556	584	600	622
Other (CVH)	118	120	118	266	302	200	151
Small Claims (CVI)	159	173	157	174	269	300	219
Civil Total	2,566	2,310	2,154	2,086	2,364	2,235	2,191
Parking Division							
Barberton Police	949	1,045	1,458	1,223	1,475	1,833	1,443
Norton Police	7	-	-	-	-	-	-
Summit County SO	12	5	5	8	29	62	103
Parking Total	968	1,050	1,463	1,231	1,486	1,895	1,546
GRAND TOTAL	13,857	13,697	15,799	14,602	14,058	14,398	13,642

2019 COURT RECEIPTS

	CRIMINAL / TRAFFIC DIVISION		CIVIL DIVISION		TOTAL
January	\$155,394.12		\$113,030.00		\$268,424.12
February	\$200,856.41		\$103,240.07		\$304,096.48
March	\$213,384.00		\$102,216.03		\$315,600.03
April	\$208,268.89		\$122,311.58		\$330,580.47
May	\$184,607.47		\$84,252.09		\$268,859.56
June	\$177,955.25		\$85,846.98		\$263,802.23
July	\$216,256.86	#	\$112,445.47		\$328,702.33
August	\$195,328.69		\$107,625.92		\$302,954.61
September	\$190,737.87		\$97,105.17		\$287,843.04
October	\$179,902.07		\$108,027.15		\$287,929.22
November	\$166,895.23		\$82,759.24		\$249,654.47
December	\$190,842.61		\$117,095.21		\$307,937.82
TOTAL:	\$2,280,429.47		\$1,235,954.91		\$3,516,384.38

2019 OPERATING STATEMENT

General Fund Operations		
Revenue		
Charges for Services:		
101-0000-44110	Criminal/Traffic Court Costs	\$ 270,741.58
101-0000-44111	Civil Court Costs	305,635.85
101-0000-44112	10% Criminal Bond Fees	5,696.75
101-0000-44115	Court Bank/Credit Card Fees	(17,686.98)
101-0000-44119	Copy Fees/Miscellaneous	3,622.14
101-0000-44120	Court Security	20.00
101-0000-44122	Garnishment Fees	13,409.94
101-0000-44124	Jury and Witness Fees	541.61
Fines:		
101-0000-45110	Court Fines	42,820.15
101-0000-45111	45% of OSP Fines	11,633.27
101-0000-45116	OVI/Arresting Agency Costs	1,643.00
101-0000-45211	Unclaimed Funds	2,707.77
Miscellaneous:		
101-0000-48014	Restitution From Court	0.00
101-0000-48015	Court Cost Apportionment	45,217.15
101-0000-48024	Court Operating Fund Reimbursements	637,900.00
Total General Fund Revenue		\$ 1,323,902.23
EXPENDITURES		Y-T-D
101-4120	Municipal Court Judges	473,030.33
101-4121	Clerk of Municipal Courts	822,804.22
101-4235	Probation	210,111.10
Total General Fund Expenditures		1,505,945.65

SPECIAL PROJECT FUNDS 2019

208	Probation Services		
		Beginning Balance	455,001.37
		Revenue	121,876.91
		Expenditures	(253,022.27)
		Encumbrances	(8,273.99)
		Unencumbered Balance	315,582.02
209	Special Projects-Operations		
		Beginning Balance	253,209.24
		Revenue	541,914.79
		Expenditures	(607,797.66)
		Encumbrances	(3,706.80)
		Unencumbered Balance	183,619.57
210	Computer Fund		
		Beginning Balance	451,920.45
		Revenue	160,144.50
		Expenditures	(59,521.62)
		Encumbrances	(65,711.65)
		Unencumbered Balance	486,831.68
211	Special Projects-Buildings		
		Beginning Balance	2,254,443.84
		Revenue	250,187.55
		Expenditures	-
		Encumbrances	-
		Unencumbered Balance	2,504,631.39
214	Computer Legal Research		
		Beginning Balance	128,582.29
		Revenue	31,736.10
		Expenditures	(60,418.07)
		Encumbrances	(9,176.26)
		Unencumbered Balance	90,724.06

DISBURSEMENTS TO CITY OF BARBERTON

	TOTAL
<i>Criminal / Traffic Division</i>	
Criminal/ Traffic Court Costs	273,736.84
City Fines	44,283.20
Drug Fines	1,565.60
45% of OSP Fines	22,400.42
OVI Arresting Agency Costs	1,673.00
OVI Indigent Costs	9,405.65
10% Bond Fee	5,684.25
Jury and Witness Fees	951.61
Copy Fees / Misc.	586.43
Court Security Fund	34.55
Special Project Fund-Computer	84,705.05
Computer Legal Research	24,763.40
Special Project Fund-Operations	522,364.74
Credit Card Fees	144.00
Special Project Fund-Building	172,416.66
Indigent Alcohol Treatment Fund	7,892.00
Indigent Interlock Fund	13,808.50
Immobilization Fees	5,200.00
Probation Services Fund	90,787.00
Expungement Fees	352.80
Criminal / Traffic Subtotal	1,282,755.70
Credit Card Fees Back-Out	16,648.46
Misc. Adjustment Back-Out	1,673.00
CRIMINAL / TRAFFIC TOTAL	1,264,434.24
<i>Civil Division</i>	
Civil Court Costs	311,654.92
Special Project Fund-General	25,425.00
1% Legal Aid	616.13
Marriage Fees	3,480.00
Special Project Fund-Computer	24,664.00
Computer Legal Research	7,395.00
Copy Fees / Misc. and Jury	122.92
Special Project Fund-Building	49,344.83
2% Garnishment Fees	13,432.82
Civil Subtotal	436,135.62
Credit Card Fees Back-Out	1,554.31
Misc. Adjustment Back-Out	0.00
CIVIL TOTAL	434,581.31
CITY OF BARBERTON TOTAL	1,699,015.55

DISBURSEMENTS TO SUMMIT COUNTY

Disbursements to Summit County Fiscal Officer	
Witness Fees Collected	134.38
County Regular Fines	150,912.89
County Uniform Fines	107,352.20
OVI Housing	21,715.51
Sheriff Drug Fines	1,206.10
10% of OSP Fines	5,594.05
50% of Liquor Fines	711.24
Sheriff OVI Arresting Agency Fines	3,225.00
Jury Fees	0.00
Lakes Fines	662.30
Expungement Fees	2,680.00
SUMMIT COUNTY FISCAL OFFICER TOTAL	294,193.67
Other County Disbursements	
Crimestopper Fees Collected	1,345.60
Public Defender Fees Collected	9,476.10
OTHER COUNTY TOTAL	10,821.70

DISBURSEMENTS TO STATE OF OHIO

Disbursements to Ohio Treasurer	
Victims of Crime Costs	60,901.55
General Revenue Costs	6,019.20
Expungement Costs	27,946.23
45% of OSP Fines	711.24
50% of Liquor Fines	9,538.30
Seat Belt Fines	421.00
Highway Safety Fund	3,375.15
Ind Def Support Fund Fine (IDSF)	25,688.15
Ind Def Support Fund Cost (IDFC)	162,478.22
Drug Enforcement Fund (DEFC)	3,579.20
Justice Program Sevice Fund (JPSF)	175.00
Ignition Interlock Fund (IIFS)	17,819.00
Ind Def Support Fund (FBB)	522.40
Criminal / Traffic Subtotal	319,174.64
99% Legal Aid (from Civil Division)	60,996.87
OHIO TREASURER TOTAL	380,171.51
Other State Disbursements	
OSP Drug Fines	759.00
OSP OVI Arresting Agency Fines	1,240.00
Board of Pharmacy Fines	3,979.00
BMV Fees	1,654.75
OTHER STATE OF OHIO TOTAL	7,632.75

DISBURSEMENTS TO OTHER ENTITIES

Disbursements to Other Entities	
City of Green Ordinance Fines	28,766.60
Copley Police OVI Fines	1,062.00
Copley Police Drug Fines	1,124.00
Copley Police Subtotal	2,186.00
MetroParks	0.00
New Franklin Police OVI Fines	1,311.10
New Franklin Police Drug Fines	380.00
New Franklin Police Subtotal	1,691.10
City of Norton Ordinance Fines	11,048.80
Norton Police OVI Fines	1,062.00
Norton Police Drug Fines	1,326.00
Norton Local Court Transfer Fee	15.00
Norton Subtotal	13,451.80
State Wildlife	331.00
State Watercraft	194.00
State Parks	2,258.25
ODNR Subtotal	5,041.50
Humane Society	0.00
Collection Agency	139,380.35
Ohio Department of Taxation	182.00
Sheriff Fees	4,352.98
Criminal / Traffic Division Subtotal	192,794.08
Akron Legal News (Civil)	28,700.00
OTHER ENTITY TOTAL	220,954.54