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June 12, 2019

Interested Party Testimony on Sub. SB 3

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee:

My name is Beth Cappelli and I am the judge at Fairborn Municipal Court. As a little background to our court, it is a single judge court with one full-time magistrate covering the western half of Greene County adjacent to the City of Dayton. We also have a drug court. The court's funding authority is the City of Fairborn.

In 2018, our caseload was 21,081 cases which makes me the second busiest judge in Ohio by caseload. The average caseload per municipal court judge in Ohio in 2018 was 9,439. The number of criminal and traffic cases in which the defendant pled not guilty in 2018 in our court was 2,877 cases. I mention this number because these are the cases which require the most time from a judge and court staff. Based on numbers from 2018, the number of F4 and F5 Possession of Drug charges filed in Greene County Common Pleas Court which were alleged to have occurred in our court's jurisdiction was 278. Should these cases be reclassified as unclassified misdemeanors which would be filed in our court, the increase in caseload should be compared to the 2,877 figure in which the defendant pled not guilty, which would result in a 10% increase. It would also result in more people in our drug court. As a judge, the cases which require the most time and attention are drug court cases. Drug court requires at least four hours per month from the judge alone. It requires many more hours per month from our probation officer assigned to the drug court. This time, attention, and frequent contact is integral to the success of a drug court.

Should the law change as currently proposed, our court would need increased staffing. I would project needing another judge, 1 administrative assistant/assignment commissioner, 2 bailiffs/security officers, and 2 probation officers (our 5 year average per probation officer was 134 defendants). It would also require an additional prosecutor and an additional public defender. All of these positions, other than the public defender and a portion of the judge's salary, would be paid by the City of Fairborn. Although the Greene County Common Pleas Court and the Greene County Prosecutor's Office caseload would decrease proportionately, this savings would be for Greene County which is their funding authority. That savings would not flow to the City of Fairborn to offset its increased costs. This need for increased staffing and the resulting budgeting issue would be true for most municipal courts with higher caseloads.

Another item to consider should the reclassification occur is how local jails release inmates when there is overcrowding. People charged with nonviolent misdemeanor charges are the first released. In other words, that means a person charged with drug possession as an unclassified misdemeanor would be the first released. I mention this point because as the prison population has shifted to local jails, the local jails are overwhelmingly housing felony offenders. Those who currently are in local jails for felony drug possession revocations may not be kept if reclassified as misdemeanors. It is important for those in treatment and on probation to know that real consequences, meaning jail, may occur if they are not complying with their court ordered treatment. This change may result in less compliance and ultimately less sobriety.

We are all wanting to provide those with addiction issues the best possible support to lead sober lives. I am asking you today to please consider the staffing, funding, and jail space issues which a municipal court will face should the possession of drug charges be reclassified and filed in municipal courts. Please provide us the proper tools to address these issues.

Thank you for your time and attention and your efforts to address the drug issues facing our state.