



2004 ACCOMPLISHMENTS

FROM THE OFFICE OF PROSECUTING ATTORNEY
SHERRI BEVAN WALSH

The completion of my first four year term proved to be both challenging and rewarding. This milestone provided me an opportunity for reflection as well as an opportunity to look ahead. Looking back, we were able to achieve many of our goals for protecting and serving the people of Summit County with the diligent assistance of a variety of local law enforcement agencies. Looking ahead, despite our successes, I will not allow our level of commitment to diminish. The quality of our lives depends upon the safety of the community in which we live.

In our efforts to reach out to the community and educate the public about the effect of crime on neighborhoods and families, we undertook an ambitious Community Prosecution Program. This program focused on at-risk areas and sought to improve the quality of life for those living there by offering a highly responsive law enforcement and prosecution team effort. As part of this effort, the community itself and its leaders provided us with enormous assistance, input, and cooperation.

We undertook outreach efforts to give school children a better understanding of the criminal justice system through the Introduction to Criminal Justice Program. Assistant Prosecutors worked with fifth graders at many of our elementary schools to help them prepare for and participate in a mock trial. The program has been a huge success and the level of elementary school participation continues to rise. Our School Safety Calendar Program has also been a community favorite as school children invest their creativity and energy to educate each other about the problems and dangers associated with drugs, child abuse, and guns.

One of our more vulnerable populations is our elderly citizens. I spent many rewarding hours talking to senior groups throughout Summit County in an effort to provide them with useful information to protect themselves from the criminal element in our society. The response to this effort was greater than I ever anticipated and was particularly gratifying to me.

Our focus on creating, funding, and staffing our award-winning Victim Services Division has been a source of pride, since we continued to greatly expand our efforts in helping victims through every step of the criminal justice system. We are often the first step in the healing process and have made a difference in the lives of many who find themselves in the unfortunate role of crime victim.

We have created specialized crime units. The Violent Crimes Unit, Domestic Violence Unit, and Child Abuse Unit serve to focus the experience of our assistant prosecutors and their specialized talents in making criminal prosecutions more efficient without compromising their high success rates. This specialization will continue to translate into a greater degree of public safety by more effectively identifying and removing criminals from our neighborhoods.

Our goals have been ambitious. The work has been difficult, but the reward has been the acclamation of the community we serve. I am thankful for the assistance that so many have provided during the last four years and look forward to my next term as the Summit County Prosecutor.

VICTIM SERVICES DIVISION



Kristen Arapp is the Director of the Victim Services Division. The Victim Services Division assists over 5,000 victims yearly.

In 2004, four of the Victim Advocate positions were funded by grants made possible by the following: the *Violence Against Women Act*, *Victims of Crime Act* and the Edward Byrne Memorial State and Local Law Enforcement Grant Program. We were also successful in obtaining these funds for FY2005. The division applied for and successfully received funding from the Ohio Attorney General's Child and Elder Abuse Protection Fund (CAP Fund). This funding was used to pay experts to testify in several child abuse cases. We were awarded \$7,500 to pay for expert assistance on three cases in 2004.

The Victim Services Division attended numerous victim related events in the community including: The Victim Assistance Program's Candle Light Vigil and Angel Tree Ceremony, and the YWCA Rape Crisis' Take Back the Night Event. The director and two advocates served on the YWCA's Week Without Violence Committee.

The Director, along with the victims' family members, attended the clemency hearing for death row inmate Adremy Dennis. Victim Services actively opposes parole for all homicide and sexual assault offenders. At the end of 2004 there were 31 active cases in which we opposed parole. We requested Full Board Hearings on eight cases, which had scheduled release dates. Two of these petitions were denied. Inmates were given additional time in four of the six Full Board hearings.

As an evaluation piece for her grant, the BYRNE Victim Advocate, Joyce Collins, sent Client Satisfaction Surveys to all victims in her assigned courtroom at the disposition of their case. One hundred one responses were received and 96% were completely satisfied with the services they received.

Claudia Sengos, our Violence Against Women Advocate, was able to assist a victim of domestic violence to change her identity and move to another state to escape her abuser. She worked with The Victim Assistance Program and the Social Security Administration to change her Social Security Number.

Some advocates develop special relationships as a result of working with victims. CSEA Victim Advocate, Jean Workman, was able to call a victim to inform her the defendant had paid \$9,500 in past due support. Luanne Ave'Lallemant established a trusting relationship with victim Rosanna Davenport's family on the Donald Craig case. This crime occurred in 1996. The 12-year-old victim was reported missing by her father and found murdered five days later. Craig was sentenced to death. Teresa Sroka, provided continued support to victims Charles and Judy Maghes. Inmate Jack Metz injured Judy 13 years ago during an aggravated robbery. Michael Jones continued to assist victims with Victim Compensation Applications. To date he has helped victims collect a total of \$42,437.42.

COMMUNITY PROSECUTION



John Mascola

The **Community Prosecution Program** is supervised by John Mascola. Prosecutors in this unit prosecuted 105 individuals for felony offenses in the target enforcement area of Akron's Summit Lake neighborhood of which 49 were felony drug offenses. The unit assisted the Summit Lake Neighborhood Association (SLNA), a nonprofit, neighborhood organization, with hosting community meetings and events in the area of crime prevention and community development. It also provided staff assistance for the public meetings of the SLNA at OPEN M Neighborhood Center. Over 301 citizens attended these meetings throughout the year. Assistance was also provided to the SLNA and Hereford/Highland Square Area Block Watch in writing grant applications for the Neighborhood Partnership Program.

The "**Introduction to Criminal Justice**" (ICJ) program expanded to 17 elementary and middle schools in Summit County, which included a classroom lecture, mock trial, and field trip for fifth grade classes. This program, featured in local media for its positive role in educating children about the criminal justice system, obtained a grant in the amount of \$15,000 from the Akron Community Foundation to expand ICJ to 25 schools in the 2004-05 school year. A grant in the amount of \$9,725 was obtained from the Ohio State Bar Foundation to purchase a laptop and projector for the program.



The unit participated in the Restorative Justice planning for the Juvenile Court Diversion Program and victim impact panels. Thirty potential diversion cases were referred to this program in 2004 and 15 cases were successfully diverted through the program. Hundreds of juvenile offenders attended the victim impact panels as part of their sentence for D.U.I. or substance abuse charges.

We reached out to the community through charitable activities of the **Community Relations Committee**. Dress down days were held for the activities of the Community Relations Committee, raising some \$2,295.45 to pay for our annual Christmas project, six gift baskets for various

charitable auctions, and serving hot meals at OPEN M, St. Bernard and Akron Weed & Seed. The Christmas project provided two families and two senior citizens with gifts and/or food through OPEN M's Adopt a Family Program.

In February, 2004, Prosecutor Walsh established the first felony **Domestic Violence Unit** in the Prosecutor's Office. The felony Domestic Violence Unit (DVU) works in conjunction with two victim advocates in the Strategic At-risk Family Education (SAFE) program. This partnership between the Prosecutor's Office, the Battered Women's Shelter and the Victim Assistance Program allows focused prosecution on felony intimate partner domestic violence offenses. The DVU/SAFE presented 409 cases of felony domestic violence to the Summit County Grand Jury. The Grand Jury in turn indicted 373 defendants into the DVU in 2004. There were 248 guilty pleas in the program and 17 trials. Of cases disposed in 2004, some 89 percent pled guilty to a felony domestic violence offense; eight percent pled guilty to a reduced misdemeanor charge. SAFE program victim advocates served approximately 341 victims throughout the year.

Domestic violence cases often have victims who may have difficulty with prosecution because of the relationship they have maintained with the offender. Evidence-based cases are those that the Prosecutor's Office pursues without victim cooperation because it has determined that there is sufficient evidence to demonstrate the defendant's guilt. *The Plain Dealer* highlighted the work of the Domestic Violence Unit in an article published on 11/26/04 entitled, "Domestic Violence cases tried anyway."

CRIMINAL DIVISION



Mary Ann Kovach serves as Chief Counsel in the Criminal Division. In addition to overseeing the Criminal Division, she has taken on tough cases such as those involving defendant Denny Ross, who was charged with attempted murder and Michael Roper, a murder case that was tried three times previously resulting in hung trials, before she was able to obtain a conviction.

Prosecutors in the criminal division indicted 4,428 cases in 2004.

- * 4,507 Total Cases Disposed in 2004
- * 213 Not guilty or dismissed (Five percent acquittal rate)
- * 4,294 Guilty at Trial or pled Guilty (95 percent conviction rate)

Prosecutors disposed of 22 homicide cases in 2004 involving 23 defendants. Convictions were obtained for all defendants except in one case in which the jury returned a not guilty verdict. Two cases went to trial with death penalty specifications. The jury came back with a recommendation for life without parole in one case and a recommendation for the death penalty in the other.



Prosecutors pictured are shown awaiting the verdict in the murder case of Daniel Duffield. Emotions run high in trials and especially in this case, which involved the murder of a 13-month old child.

The Prosecutor's Office continued to secure additional new grants last year: We are in the second year of our Domestic Violence Unit grant for \$480,000 and are in the second year of our Project Safe Neighborhood grant, also called the Fugitive Task Force Grant. The purpose of the grant is to help law enforcement officers serve warrants. Many defendants have been brought to justice as a result of this grant. One defendant, who was listed as one of the 15 most wanted defendants in the United States, has been caught by the Task Force.

A Northern Ohio Elder Protection Training Council (NOEPTC) grant was awarded for two years, to focus on training law enforcement personnel to assist and educate our elder population to reduce the abuse, neglect, exploitation, domestic violence, and sexual assaults.

We were successful in our efforts to get habitual drunk drivers off the road when legislation sponsored by our office was signed into law this year. Our petition drive signed by 13,000 Ohio residents was a success. Law enforcement agencies and MADD endorsed the legislation that now affects D.U.I. offenders with five or more prior convictions. An offender who has five or more prior D.U.I. convictions in the last 20 years, regardless of when the prior convictions occurred, is now charged with a felony-three. This legislation also mandates one to five years of incarceration when a specification is attached to the indictment. The new law went into effect September 23, 2004.



Prosecutor Walsh and former Senator Leigh Herington at Press Conference announcing new D.U.I. law

Our Safety Kids 2005 Calendar program continued to disseminate anti-drug messages to our school children. This year's calendar again includes the 12 Rules for Staying Safe, such as: "Say No to Gangs," "Never Play with Guns," "Say No to an Unwanted Touch," "Tell a teacher or parent if you feel threatened," and "Don't use alcohol." This year's winner in the competition was Cory Gravesmill from Hyre Middle School who wrote: "Sometimes it's ok to be square. Say 'No' to gangs!" Others wrote: "Don't follow someone else, make your own tracks! Resist Peer Pressure;" "2 Little Monkeys jumping on a bed, they played with a gun... and now one's Dead;" "Stop! Don't Touch, Leave me alone you're doing too much!" and "Never let it be known that you are home alone!!!"



Winning posters have also been displayed on billboards throughout Summit County.

CHILD SUPPORT ENFORCEMENT AGENCY

The Prosecutor's Child Support Enforcement Agency (CSEA) continues to provide quality legal, case management, fiscal and support services to clientele who now comprise more than 51,000 cases. In 2004, CSEA had 7,018 individuals who visited our new reception window to appear for an appointment, make a support payment or walk-in for an interview.



CSEA is an Award Winning Agency

For the fourth consecutive year, CSEA was the recipient of an *Ohio Family Support Association Best Practice Award*. The award received for 2004 was for communicating changes in policies and procedures to staff through an "On Line Procedural Handbook."



At its second annual State Office of Child Support Symposium held in Columbus, Ohio, our CSEA was the recipient of a *Most Improved* award in the category of Support Order Establishment among Ohio's 12 largest counties. Tim Walsh was one of three CSEA *Attorney of the Year* award recipients by the joint Ohio Family Support Association and the Ohio Child Support Enforcement Director's Association.

CSEA Benefits County General Fund

During the first ten months of 2004, CSEA paid the County General Fund \$788,107.10 in federal funds for performing IV-D services.

CSEA has continued to expand its arsenal of enforcement tools in a concerted effort to collect current support and arrearages. Successful administrative collection techniques and corresponding results were achieved in Case Management as follow:

License Suspension: License Suspension is the newest enforcement technique initiated by CSEA. Review of cases and actual suspension are completed by a Child Support Specialist. The emphasis is not being placed on how many licenses CSEA can suspend, but on how this will aid collections. CSEA is seeking information on employment so that a withholding order may be initiated and regular payments on current orders and/or arrears can be collected. In 2003, CSEA staff suspended 738 licenses and collected nearly \$160,000. In 2004, CSEA staff suspended 2,104 licenses and collected over \$620,000, an increase of 289 percent over 2003 for support collected from suspending drivers' licenses.

Administrative Liens: The Administrative Lien process has been instrumental in the collection of delinquent child support. In 2004, this process reduced child support arrears by \$2.6 million.

Financial Institution Data Match: The Financial Institution Data Match (FIDM) process is an enforcement technique that involves matching a delinquent obligor with his or her bank accounts. This process has led to collections in excess of \$1.3 million.

Mother's Day Edition: In the Mother's Day edition of the *Akron Beacon Journal*, a list of delinquent obligors with outstanding arrest warrants was published. Collections on these accounts totaled over \$230,000.

Criminal Non-Support: For the calendar years 2001, 2002, 2003 and 2004, Summit County CSEA collected a total of \$2,946,410.73 as a result of Criminal Non-Support indictments.

Criminal Non-Support Summary - December 31, 2004	2001	2002	2003	2004
Total Indictments	310	330	402	325
Total CNS Collection	\$1,419,116.38	\$905,534.19	\$322,711.96	\$299,048.20

Website: In 2003, we created and implemented an addition to the web page that lists individuals wanted by CSEA for Felony Criminal Non-Support. Included in this database is the name, last known address, number of children, amount owed in child support arrears and a photograph. This database contains over 121 individuals with active warrants who collectively owe in excess of \$6.8 million dollars. Over 171 tips were called in resulting in the arrest of 87 individuals listed since the inception of this database. The database was viewed by over 49,000 people in 2003 and over 57,000 in 2004.



Robert L. Ervin
Last Known Address:
415 Hickory Street Akron , OH 44303
Owes his 1 child \$51,482.74
Age: 49

Statewide Roundup: On November 16, 2004, CSEA participated in the eighth annual Statewide Roundup with 37 other counties. As a result of this cooperative effort, a total of 366 obligors with outstanding warrants were arrested. Summit County was ranked third in the state for arresting 32 obligors.

Judicial Liens: Through the filing of judicial liens and foreclosures on properties, CSEA total collections since the program began in 2001 are \$743,229.15.

Interstate: The Interstate Unit consists of five Child Support Specialists and one Clerical Assistant. Four of the Specialists handle cases where the non-custodial parent resides outside of Ohio and the other Specialist handles cases where the custodial parent resides outside Ohio. Seven hundred and twenty new petitions sent to other states requesting

establishment of paternity, establishment of an order, or enforcement, resulted in the unit collecting \$3.7 million on approximately 2,400 cases. This is an increase of \$1 million over 2003.

Paternity and Support Establishment: CSEA staff worked diligently to establish paternity and child support orders for children born out of wedlock. CSEA's combined efforts resulted in 7,081 paternities established in 2004, an increase of 31 percent over 2003. CSEA also was successful in establishing 5,270 new child support orders through administrative and judicial processes. The number of support orders established increased seven percent over 2003. The Summit County Hospital Outreach Program continues to make a difference in the lives of children in Summit County. In 2004, the Outreach Coordinator visited 1,560 mothers at three participating birthing hospitals. In 73 percent of these visits, paternity was established on site through the affidavit process. The Hospital Outreach Program has also been an avenue for education, delivering informational presentations throughout the community.

Special Projects: In December, 2003, the State of Ohio's Office of Criminal Justice Services (OCJS) notified us that Summit County will receive \$22,500 to participate in a program which provides a limited number of non-custodial parents with financial literacy, resume writing, job seeking, and computer skills. In 2004, nearly 50 obligors have participated in this new program and have paid over \$32,000 in child support.

Phone Bank and Customer Service: The year 2004 proved to be a record setting year for both the Phone Bank and Customer Service areas. The average "answer time" improved by over 40 percent, resulting in shorter waiting periods and greater public access to the agency. The total number of phone calls answered by the 11 Phone Bank staff in 2004 was 328,545 and of that number, 27 percent involved issues that they were able to resolve at the inquiry level; moreover, 32,088 calls were resolved by the six individuals who make up the Customer Service unit. Together, these two groups were able to resolve 65 percent of all incoming calls without the immediate involvement of the assigned Case Managers.



APPELLATE DIVISION

The Appellate Division currently consists of Assistant Prosecutors Philip Bogdanoff and Rick Kasay. These prosecutors are responsible for prosecuting all criminal cases in the Ninth District Court of Appeals, representing the Children Services Board on Custody Cases in that Court, and responding to petitions for post conviction relief in the Court of Common Pleas. The Appellate Division had another busy year filing 92 merit briefs in the Ninth District Court of Appeals in criminal cases. Although the Ninth District Court of Appeals reversed 11 cases, the State was successful in appealing one of these decisions to the Ohio Supreme Court resulting in ten reversals this year. However, convictions were overturned in only two cases. In the other reversals, five cases were reversed and remanded for additional sentencing findings and three cases were reversed for additional findings or hearings on various motions.



Phil Bogdanoff



Rick Kasay

The Appellate Division filed an Amicus brief in the Ohio Supreme Court for the Ohio Prosecuting Attorney's Association that resulted in a favorable decision for the Franklin County Prosecutor on an issue involving the interpretation of the Interstate Compact on Detainers.

Most importantly, the State was extremely successful when appealing a trial court's decision to suppress evidence. In the five cases where the State asserted that the trial court committed error when suppressing evidence, the State won every case. It is very rare for the State to have a 100 percent reversal on these cases because the State has the burden of proving that the trial court committed error when interpreting the United State Constitution.

JUVENILE DELINQUENCY DIVISION



Paula Sawyers supervises the Juvenile Delinquency Division

Prosecutors in the Delinquency Division prosecuted approximately 7,000 delinquency cases and approximately 3,500 juvenile traffic cases, as well as approximately 20 adult contributing cases.

Prosecutors requested the Juvenile Court to relinquish jurisdiction of 17 juveniles for adult prosecution and approximately 11 of the requests were granted. The remaining cases resulted in favorable resolutions in Juvenile Court, including numerous commitments to the Department of Youth Services & Serious Youth Offender designations.

Blended sentencings were pursued and the designation of juvenile offenders as Serious Youth Offenders in 15 cases. Eight cases were presented to the Grand Jury in pursuit of

Serious Youth Offender. This resulted in the imposition of the first adult sentence for a Serious Youth Offender in Summit County.

Prosecutors oversaw the on-going prosecution and participation of approximately 65 juveniles in the Juvenile Court Crossroads Program. The Juvenile prosecutor assigned to Project Safe Neighborhoods actively prosecuted or assisted in the prosecution of approximately 28 gun cases in Juvenile Court.

Prosecutors participated as members of the Summit County Child Advocacy Center, in order to assist in better prosecution of juvenile sexual offenders. Juvenile prosecutors actively pursued classification of juvenile sexual offenders in appropriate cases in the Summit County Juvenile Court.

DEPENDENCY/NEGLECT DIVISION



**Chris Nastran
supervises the DV Unit**

In 2004, the Dependency/Neglect Division (DN) handled approximately 1,044 new individual cases, in addition to those which have carried over from previous years. Our staff of six attorneys has represented the Agency in a schedule which regularly presents contested issues of legal custody, permanent custody and other dispositional options. Often, prosecutors are required to handle multiple evidentiary hearings in a single day. We, along with Summit County Children Services Board, strive to achieve a result that is in the best interest of the child. Fortunately, we regularly see cases where families are able to be reunited after the original concerns of neglect or abuse have been remedied. When that progress is not demonstrated, however, we have an obligation to pursue safer alternatives for children.

CIVIL DIVISION



**John Manley supervises
the Civil Division**

The Civil Division, supervised by John Manley, provides counsel and representation to approximately 30 county agencies, as well as a variety of townships, school districts and public libraries.

The Civil Division has rendered over 180 legal opinions to a variety of Summit County Agencies, Townships and other entities in the year 2004 with an average response time of slightly more than two weeks. We publish a newsletter quarterly with summaries of significant legal opinions, legislation passed by County Council, and other topics of interest to local governments and agencies.

TAX DIVISION

Foreclosures: The Tax Division initiates and prosecutes delinquent real estate tax foreclosures on behalf of the Fiscal Office and for the benefit of tax lien certificate holders, municipalities and other governmental entities.

Tax Lien Foreclosures: In 2004, 344 parcels were referred for foreclosure. Cases closed totaled 276, resulting in collections totaling \$1,480,486.19.

Other Foreclosures: The Tax Division institutes land-reutilization foreclosure actions for the benefit of municipalities and other governmental entities. These cases involve requests by governmental entities to foreclose on selected delinquent properties. Ultimately, these cases result in the transfer of the property to the governmental entity for its use and benefit. In 2004, 113 cases were filed.

Personal Property Tax Cases: The Tax Division initiates and prosecutes actions for the Fiscal Office for the collection of delinquent personal property taxes. Accounts are referred to the Office for collection or a determination that the account should be written off as uncollectible. In 2004, 21 civil actions were filed representing claims totaling \$89,793.16.

Bankruptcy Cases: In 2004, the Tax Division received 631 personal bankruptcy notices involving real property with claims for delinquent taxes totaling \$542,242.29.

In business bankruptcies, the Tax Division received 38 new cases with claims totaling \$687,536.28 in delinquent real and personal property taxes.

Tax Appeals from Board of Revision Decisions: In 2004, 92 cases in which taxpayers appeal the Board of Revision's decision to either the Board of Tax Appeals in Columbus or the Common Pleas Court were received.

Adversary Proceedings: In 2004, seven adversary proceeding cases were received and processed.

Probate and Appropriation Cases: In 2004, 63 appropriation and probate cases were received and processed.