

58th District Court 2009 Annual Report



58th District Court at
Grand Haven
414 Washington Street
Grand Haven, MI
49417
(616) 846-8280

58th District Court at
Holland
85 West 8th Street
Holland, MI 49423
(616) 392-6991

58th District Court at
Hudsonville
3100 Port Sheldon
Road
Hudsonville, MI 49426
(616) 662-3100

58th District Court

MISSION

The Mission of the 58th District Court is to interpret and apply the law with fairness, equality and integrity, and promote public accountability for improved quality of life in Ottawa County.

VISION

- Be sensitive and responsive to the needs of a diverse community.
- Develop and maintain the highest level of services to the public and legal community to effectively and efficiently use public resources.
- Utilize technology that will assist court personnel to increase citizen access and convenience to the court.
- Promote a safe community; identify areas where intervention is necessary, network with other departments and agencies to persuade behavior change.
- Recruit and maintain the highest quality staff, provide training, resources and support to meet the needs of internal and external customers.
- Insure that court procedures and structures best facilitate the expedient and economical resolution of matters before the court.
- Share important management information with staff through quality communication.
- Refine procedures and facilities that provide a secure environment for public and staff.
- Promote innovative ways of resolving problematic issues facing the courts service to the public.
- Continue to promote and investigate therapeutic and problem solving techniques for defendants and litigants.

58th District Court

GENERAL OVERVIEW

The 58th District Court is part of the judicial branch of government as provided for by the Michigan Constitution and created by enactment of the Michigan Legislature. The purpose of the District Court is to provide a system of justice for the citizens of Ottawa County. The District Court has jurisdiction over all cases in controversy in amounts of twenty five thousand dollars or less. The District Court has jurisdiction over all criminal misdemeanors charged in Ottawa County and is the court of first appearance for anyone charged with a felony in Ottawa County.

There are three District Court locations in Ottawa County: Grand Haven, Holland and Hudsonville. Small claims cases are also scheduled in Coopersville.

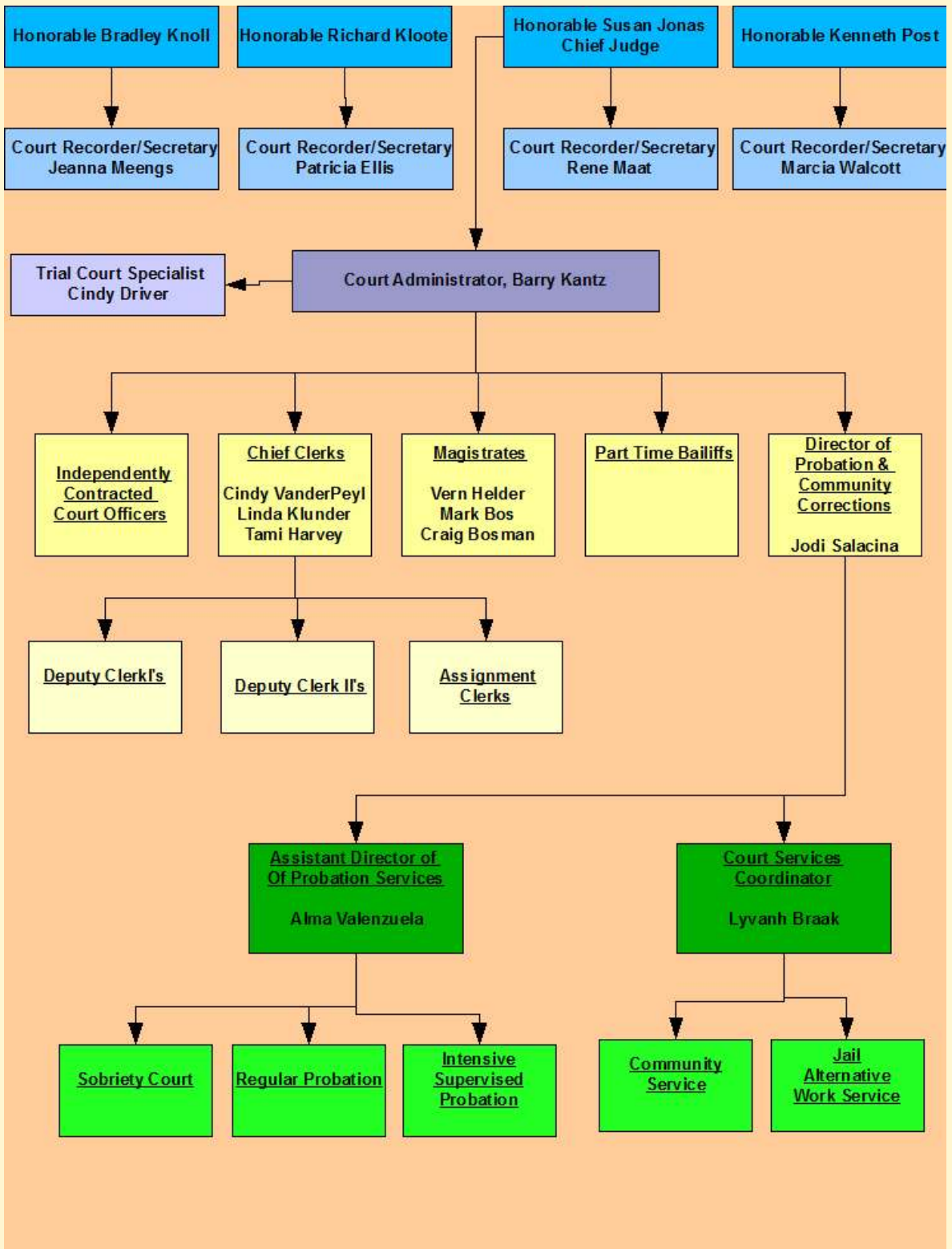
Each Court is divided into four divisions: criminal, traffic, civil and probation. The criminal division handles state and ordinance criminal cases. It is responsible for scheduling all matters, opening and closing cases, accepting payments, receiving and disbursing bonds, communicating with the jail regarding sentenced inmates and notifying the Secretary of State and Department of State Police Records Division of case dispositions.

The traffic division is responsible for entering tickets into the computer system, taking payments for tickets, scheduling hearings for disputed tickets and notifying the Secretary of State of case dispositions.

The civil division processes all civil, small claims and summary proceeding cases. It schedules civil hearings and trials, processes civil writs, receives and disburses money. This division also handles weddings that are performed by the court.

Probation officers supervise people who are placed on probation by the judges. Probation officers are responsible for monitoring the probationer as well as referring such persons to community rehabilitation and employment programs. In addition to normal caseload supervision, the probation officers perform pre-sentence investigations, bond screening, drug and alcohol testing, substance abuse assessments and participate in violation hearings.

58th District Court Organizational Chart



58th District Court

Video Hearings

Video arraignments represent a significant savings to the County. Defendants are brought before the judges and magistrates without the need to transport them from the jail to the court. This is accomplished by two-way video and audio connections between the jails and the courts. Without this system the Sheriff's Department would be required to transport the defendants to the courts and wait with them for the arraignment to take place. Transporting defendants to the courts also poses the risk of possible escape, injury to the deputy, and danger to the public. The video arraignment system has removed the security risk and saved the County tens of thousands of dollars in transportation and labor costs.

Video Hearings	2005	2006	2007	2008	2009
Grand Haven	465	679	580	467	443
Holland	1,991	2,211	2,338	2,107	2,018
Hudsonville	429	625	676	715	737

* Note – the numbers above are for the four district court judges. The magistrates' use of the video equipment has not been tracked.

Magistrate Activity

The 58th District Court employs one full-time magistrate and two part-time magistrates. One of the part-time magistrates works on an on call basis being available one week out of every six weeks to be available during weekends and after hours. The other part-time magistrate, who is an attorney, performs magistrate duties during regular business hours. The Chief Judge of the district court appoints the magistrates. Magistrates are allowed by statute to conduct informal hearings on traffic tickets, issue search warrants, issue arrest warrants, conduct arraignments, set bonds and accept pleas for misdemeanors that have a maximum penalty of 93 days in jail. Magistrates may also perform weddings. Magistrates that are attorneys may conduct small claims trials.

Magistrate Activity	2006	2007	2008	2009
Arraignments	1676	1371	1542	1281
Informal Hearings	3881	1274	2653	2598
Arrest Warrants	853	497	712	851
Search Warrants	79	98	145	236
Marriages	404	261	326	290
Small Claims Trials	539	750	1123	1041

58th District Court

Case Processing Staff

Each court location in the 58th District Court has court clerks who process cases in the criminal, traffic, and civil divisions of the court. Their tasks involve tracking every case filed in the District Court from beginning to end. This work involves understanding the differences of various case types within each division, data input, processing various forms, ensuring that various timelines of each case are complied with, closing out the case and insuring that each case is stored and retained intact for several years. In addition to the above daily tasks, the case processors spend a great amount of time answering questions posed by the parties to the case and looking up information for those that have an interest in the case.

The 58th District Court is proud of its case processing staff. They have received several compliments about their service and responsiveness from attorneys, law enforcement and the general public.

The Court Administration monitors the workload of our case processing staff to ensure that the workload is fairly distributed among the three court locations. Our case processing staff's workload is also compared to the workload of many other district courts located in the southwest quarter of Michigan. What we find is that our staff are processing more cases per case processor than other courts in our region. This means that Ottawa County employs fewer people as a result of our staff's strong work ethic and efficiency.

In 2009 we added 2.75 full time equivalent employees to our case processing staff. Two of the employees were loaned to the District Court from the Register of Deeds Office.

Ottawa County District Court disposed of 2,048 cases per case processor in 2009. This is **107%** of the median of West Michigan District Courts.

58th District Court

COLLECTION OF FINES, COSTS AND RESTITUTION

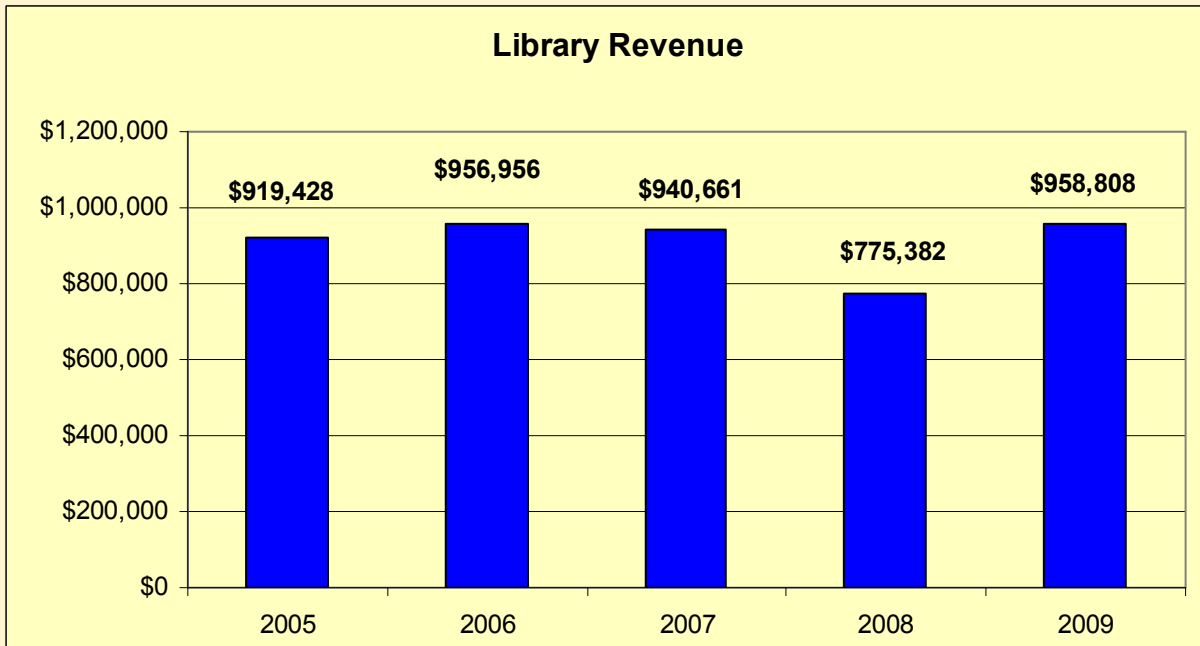
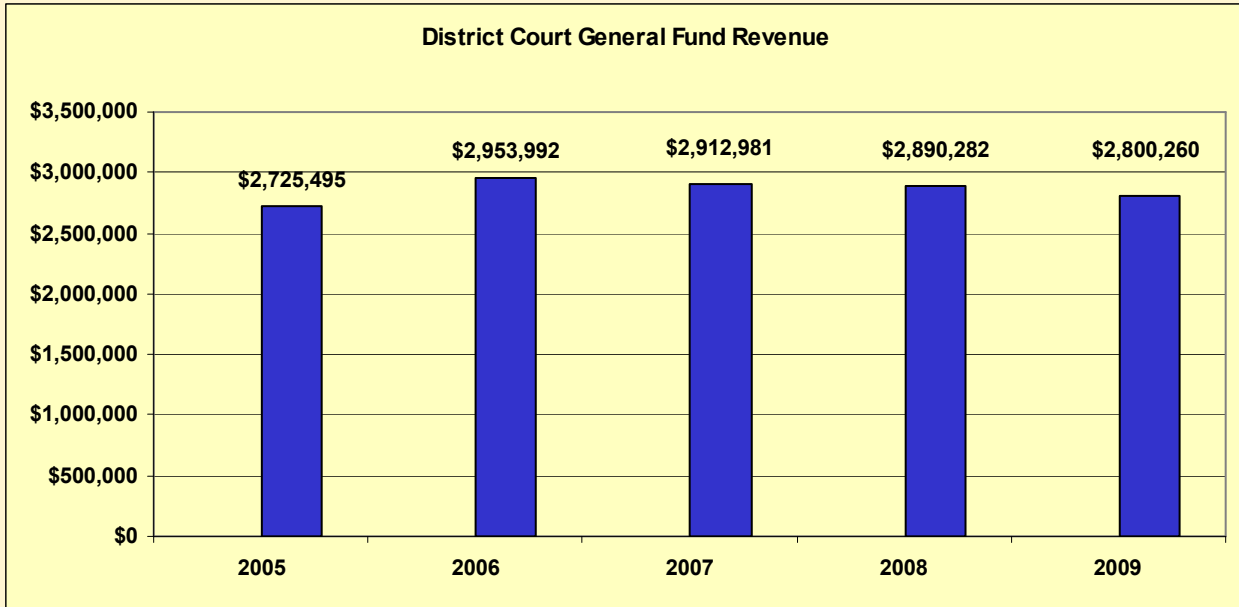
The 58th District Court takes pride in its overall efforts at collecting fines, costs and restitution. The fines and costs are sanctions imposed by the court upon people who violate traffic and criminal laws. The court's integrity and credibility are enhanced when it diligently enforces its financial sanctions through firm collection efforts.

The following table displays the percentage of sanctions collected by the court up to June 30, 2009. The percentages are broken down by the year the sanctions were imposed. For instance, sanctions imposed in 2009 will have a lower collection rate than sanctions imposed in 2007. Better collection rates in earlier years are due to several reasons; people complete their probation terms, or people are given time to pay their sanctions, or people are contacted by the court to show cause why they haven't paid their sanctions, or people who have failed to pay their sanctions are arrested, or they pay the sanctions to have the suspended status removed from their driver's license.

Sanctions Imposed by Year	Sanctions Collected up to June 30, 2009
2003	97.6%
2004	97.6%
2005	96.0%
2006	95.6%
2007	94.4%
2008	89.1%
2009	69.9%

Fines and costs are generally due at the time they are imposed or set by a probation order. The court enjoys a collection rate of over 95% within two years of imposition. Special efforts are being undertaken to increase collections pursuant to Michigan Supreme Court guidelines.

58th District Court Budget



58th District Court Sobriety/Drug Treatment Program

Mission Statement: The mission of the 58th District Court Sobriety/Drug Treatment Court is to promote community safety and reduce alcohol and drug abuse through a coordinated program involving intensive supervision, judicial interaction, treatment, incentives, sanctions and accountability.

Program Highlights

“The benefits of recovery are endless for me. Putting my recovery first is the most important decision I have made. If I don’t have recovery I don’t have anything. I am so grateful for everything and everyone in my life today. I am grateful for all the love I feel and all the pain I feel. I have been through a lot in my life but I realize now I can do and go through anything in life without picking up alcohol or drugs. I really don’t know how to show the appreciation that I have for all who were involved in changing my life for the better, except to pass on what I have learned and what was freely given to me.”

- A successful program participant-

- Six year anniversary in May of 2009
 - 60 active participants
 - 280 total participants to date
 - 165 successfully completed probation
 - 10 unsuccessful / new offense
 - 20 unsuccessful / non-compliant
 - 21 unsuccessful / absconded
 - 2 other (mental illness, deceased)
- From January 2009, through May of 2010, 1,328 hours of community service were provided by program participants.
- All program participants are required to perform a minimum of eight hours of community service prior to commencement.

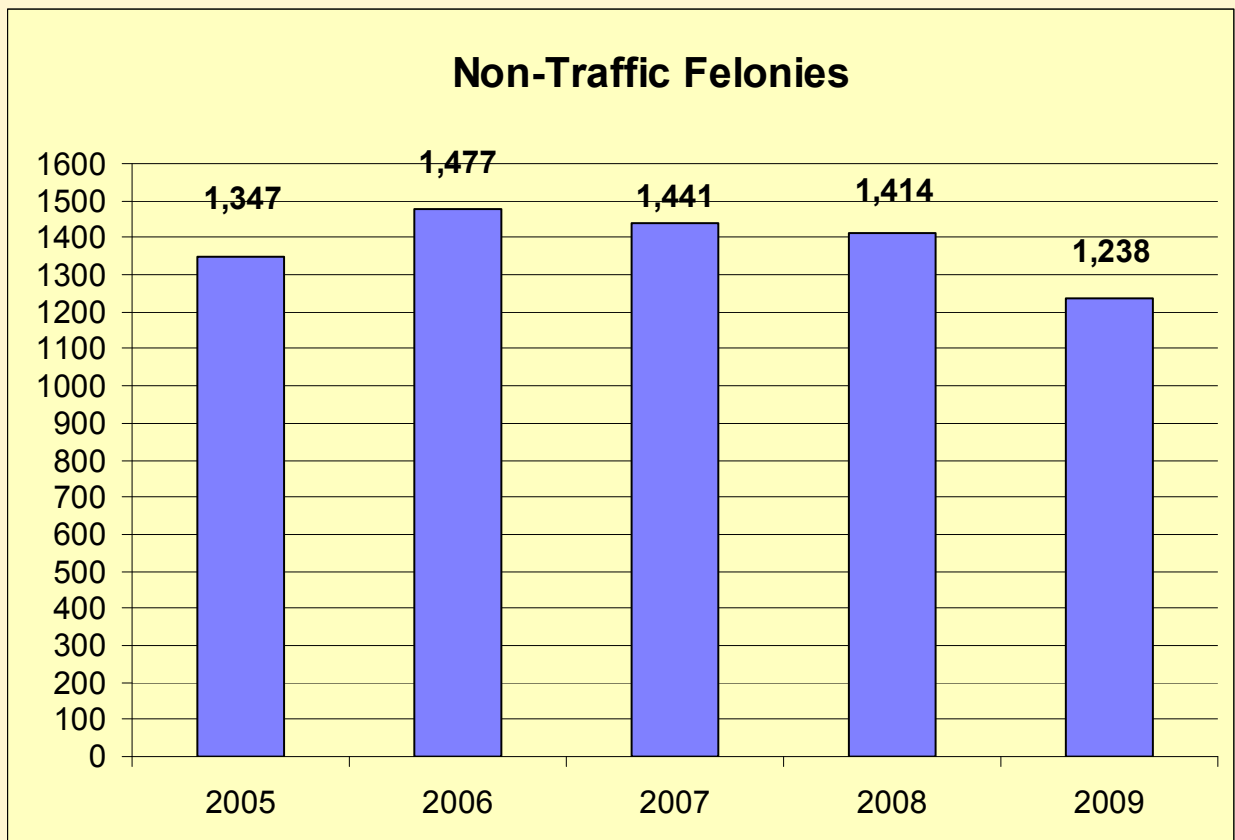
Sobriety / Drug Court Key Components

- #1:** Drug courts integrate alcohol and other drug treatment services with justice system case processing
- #2:** Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants’ due process rights
- #3:** Eligible participants are identified early and promptly placed in the drug court program
- #4:** Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services
- #5:** Abstinence is monitored by frequent alcohol and other drug testing
- #6:** A coordinated strategy governs drug court responses to participants’ compliance
- #7:** Ongoing judicial interaction with each drug court participant is essential
- #8:** Monitoring and evaluation measure the achievement of program goals and gauge effectiveness
- #9:** Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations
- #10:** Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness

58th District Court

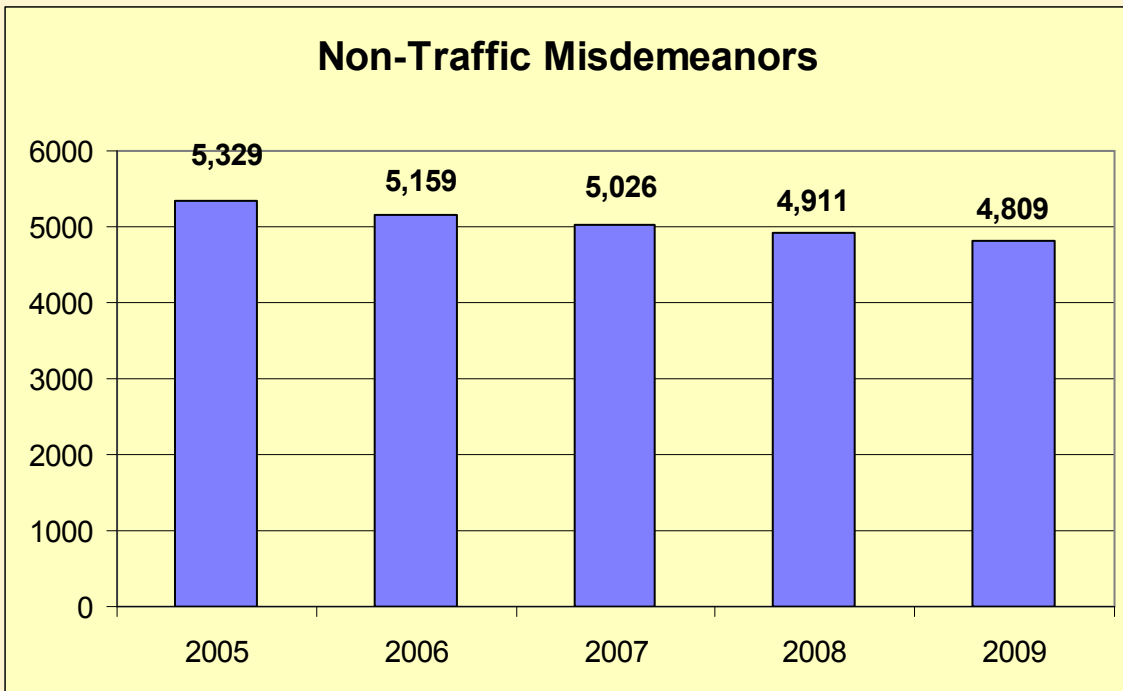
FELONIES – If a defendant is charged with a felony then he must appear in District Court. The defendant is arraigned in District Court and a bond is set by a District Court Judge. In more serious cases, before a bond is set, the District Court Probation Department investigates the defendant's background. From this investigation a recommendation is made to the judge as to the amount of bond that should be posted before the defendant is released. The Probation Department's recommendation is based upon the risk that the defendant poses to the community and the likelihood that the defendant will appear for trial. After the defendant is arraigned and a bond is set, a preliminary exam is scheduled for the defendant. The preliminary exam is conducted in the District Court and must be scheduled within 14 days after the arraignment. At the preliminary exam the prosecutor must establish that there was sufficient probable cause to believe that a crime was committed and that the defendant committed the crime charged. If probable cause is established then the defendant is bound over for further proceedings in the Circuit Court.

All the caseload numbers in the following graphs represent new cases filed in 2009.



58th District Court

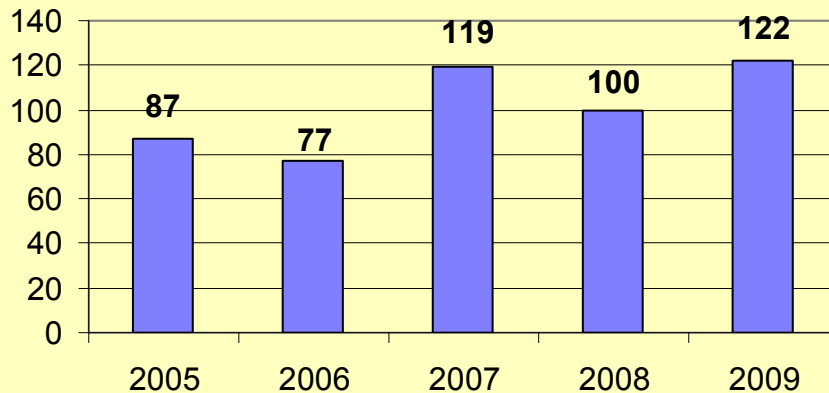
MISDEMEANORS – The District Court has jurisdiction over all crimes that are punishable by not more than one year in jail. Indigent defendants are appointed an attorney if it is possible that the defendant will be sentenced to jail if found guilty. Most cases are resolved before a trial is conducted. This resolution usually occurs during the pre-trial process. In many cases before the judge sentences the defendant, the District Court Probation Department conducts an investigation into the defendant’s background and into the circumstances of the crime. The Probation Department then makes a recommendation to the judge about the type of punitive and rehabilitative measures that may be the most appropriate for the defendant.



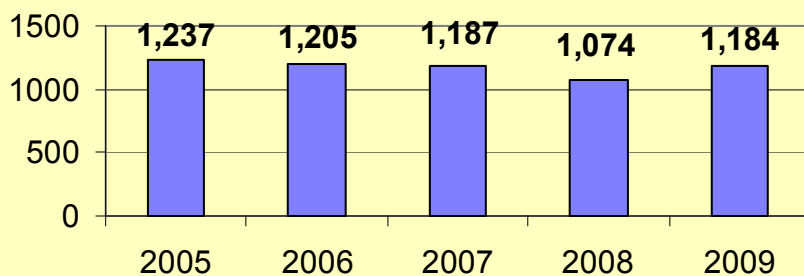
58th District Court

DRUNK DRIVING – Drunk driving is a generic term for Operating a Motor Vehicle While Intoxicated (OWI) and for Operating a Motor Vehicle While Visibly Impaired (OWVI). A person is charged with OWI if he is operating a motor vehicle while under the influence of alcohol and his blood alcohol level is .08 grams of alcohol per 100 milliliters of blood or higher. Or the driver is operating a motor vehicle with illegal controlled substances in his system. If the driver of a motor vehicle shows evidence of being visibly impaired by alcohol or drugs then the driver can be charged with Operating a Motor Vehicle While Impaired. A repeat offender who has two or more prior convictions of OWI or OWVI will be charged with felony drunk driving. Prior to 2007 the two convictions required for felony drunk driving had to occur within a ten year period. The legislature removed the ten year limitation therefore in 2007 more people were charged with felony drunk driving.

Traffic - Drunk Driving Felonies

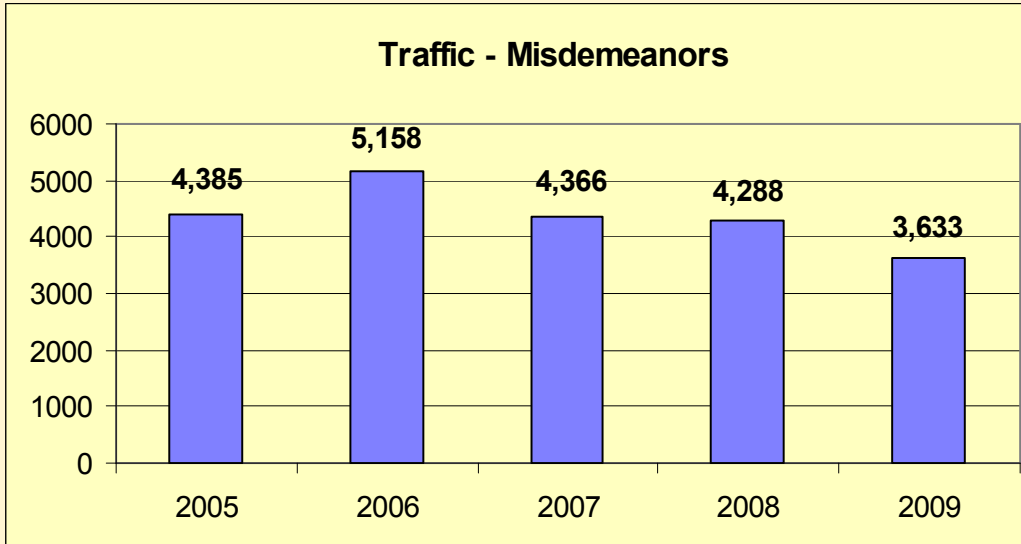


Traffic - Drunk Driving Misdemeanors

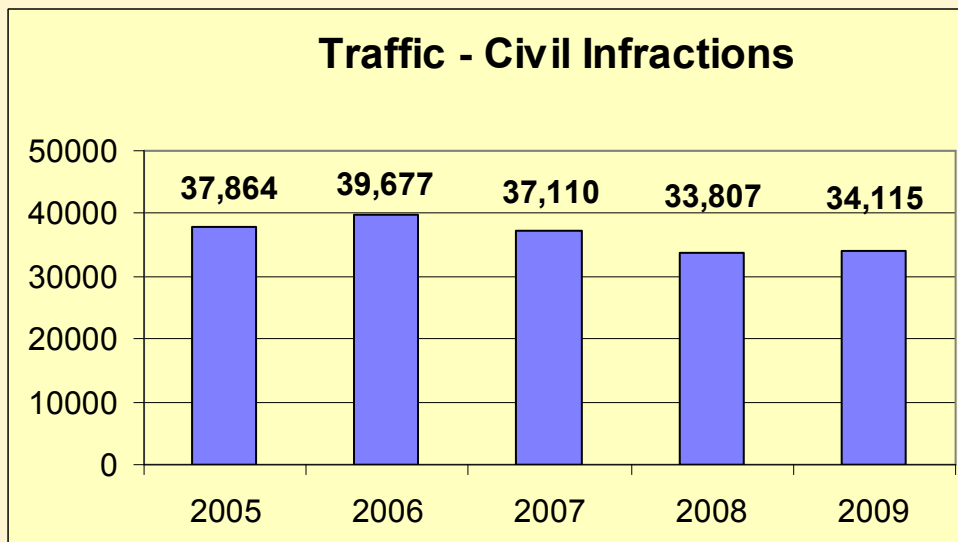


58th District Court

TRAFFIC MISDEMEANORS – Traffic Misdemeanors include such offenses as reckless driving, open intoxicants in a motor vehicle, driving while your license is suspended, no insurance, expired plates and failing to stop after you are involved in a motor vehicle accident.

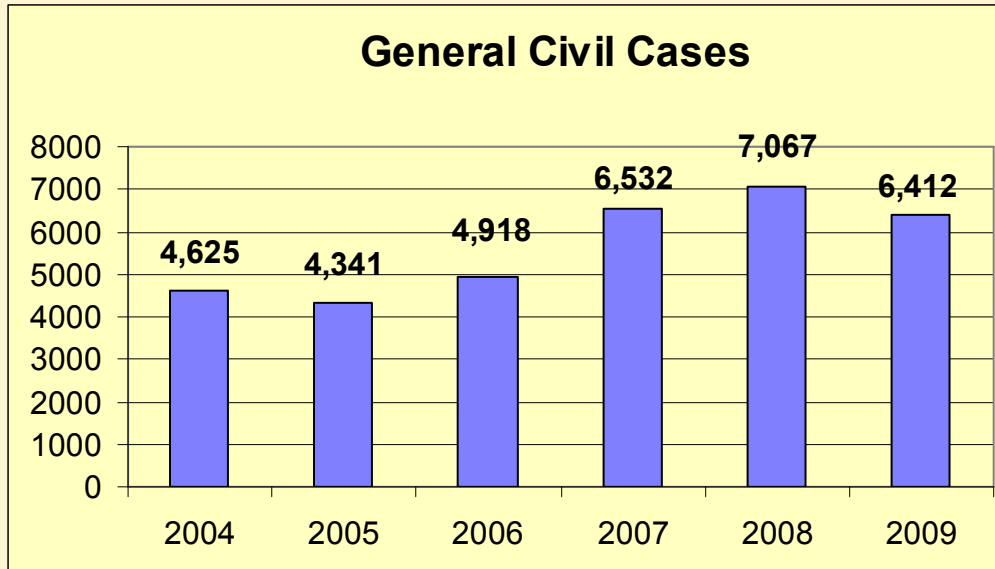


CIVIL INFRACTIONS – Most violations of the Michigan Vehicle Code are civil infractions which carry no jail penalty. Probably the most common civil infraction is the speeding ticket. A person charged with a civil infraction can admit responsibility for the infraction, pay their fine online or mail their fine to the District Court. A person may request an informal or a formal hearing if they deny responsibility for the infraction. At an informal hearing the evidence is presented to a magistrate without a prosecuting attorney present. At a formal hearing the evidence is presented by a prosecuting attorney to a district court judge. The defendant may be represented by an attorney to present the defendant's case. A defendant may appeal their case to a formal hearing if they are found responsible at an informal hearing

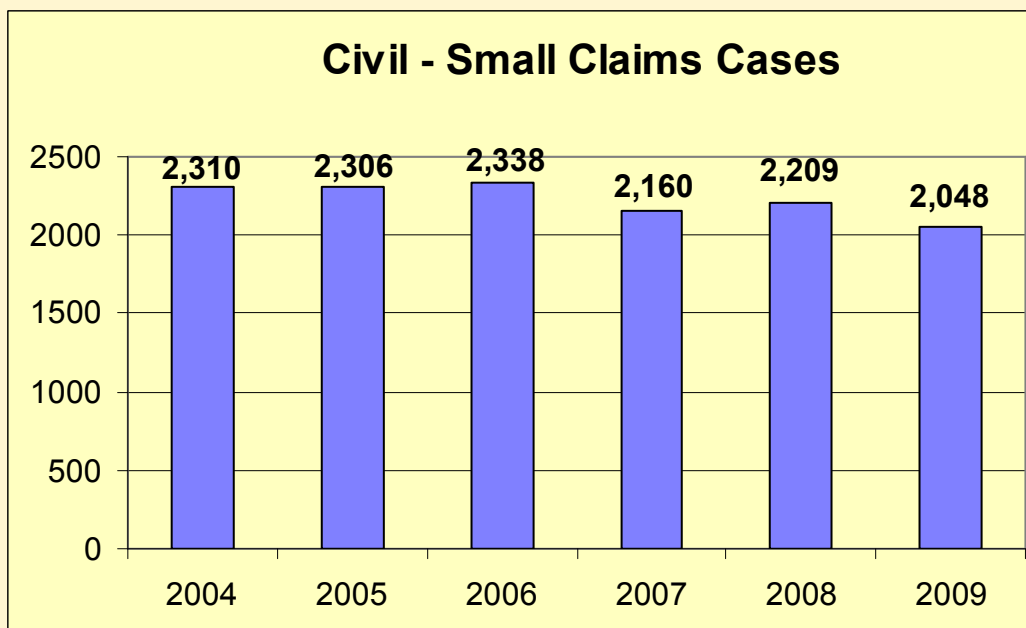


58th District Court

GENERAL CIVIL – General civil cases arise out of disputes between individuals, businesses, organizations or any combination thereof. The amount in controversy must be \$25,000 or less for the District Court to have jurisdiction.

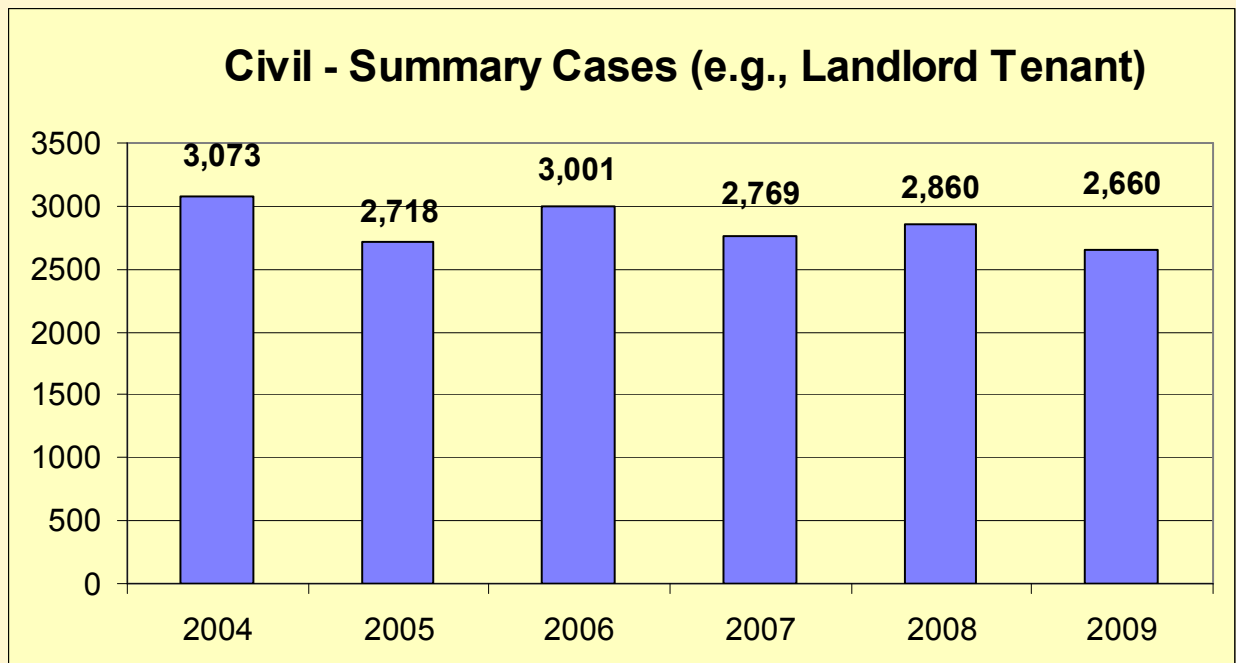


SMALL CLAIMS – The plaintiff in a case that has an amount in controversy of not more than \$3,000 can elect to file in small claims. Lawyers cannot represent either party in a small claims case and the rules of evidence used during a small claims trial are much less formal than in a general civil case trial.



58th District Court

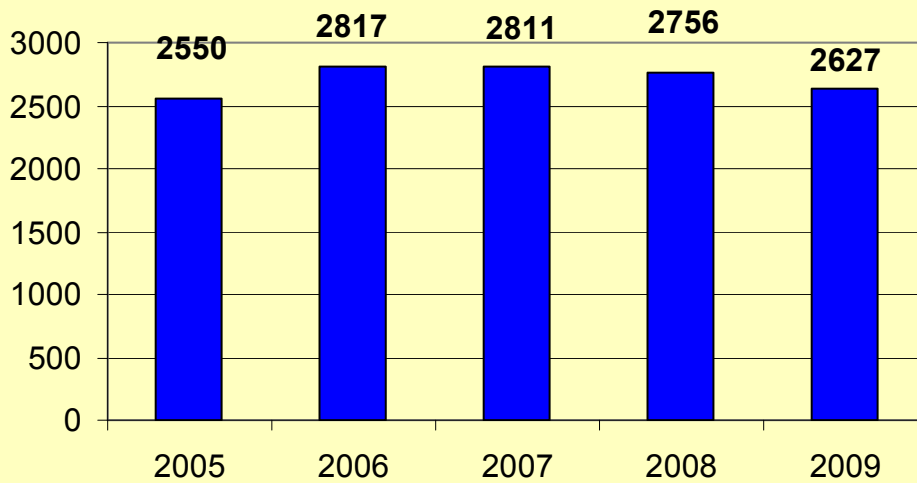
SUMMARY PROCEEDINGS – Summary proceedings were created to provide real property owners a quick method to recover their property from a tenant or land contract vendee that is not complying with the terms of the lease or contract. These cases are usually originated by apartment owners, land contract holders, mobile home park operators and even boat slip owners that lease their slips to boaters. The number of cases filed in the District Court will continue to rise as the population of Ottawa County increases. This increase in caseload will become particularly evident in areas where apartment complexes and multi-family housing are constructed.



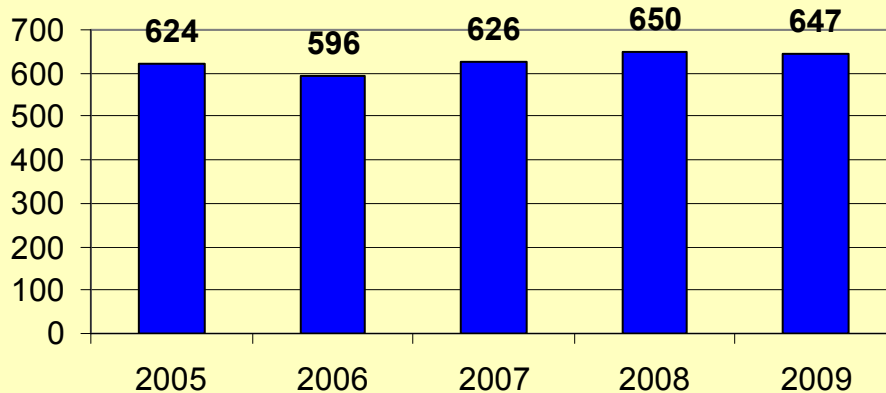
58th District Court Probation Department

The mission of the 58th District Court Probation and Community Corrections Department is to provide rehabilitative services or refer offenders to programs which divert offenders from traditional jail sentences and promote accountability, reduce criminal/delinquent behaviors and support an environment for change, while balancing the needs and insuring the safety of the people of Ottawa County.

Probation Department Total Sentenced to Probation

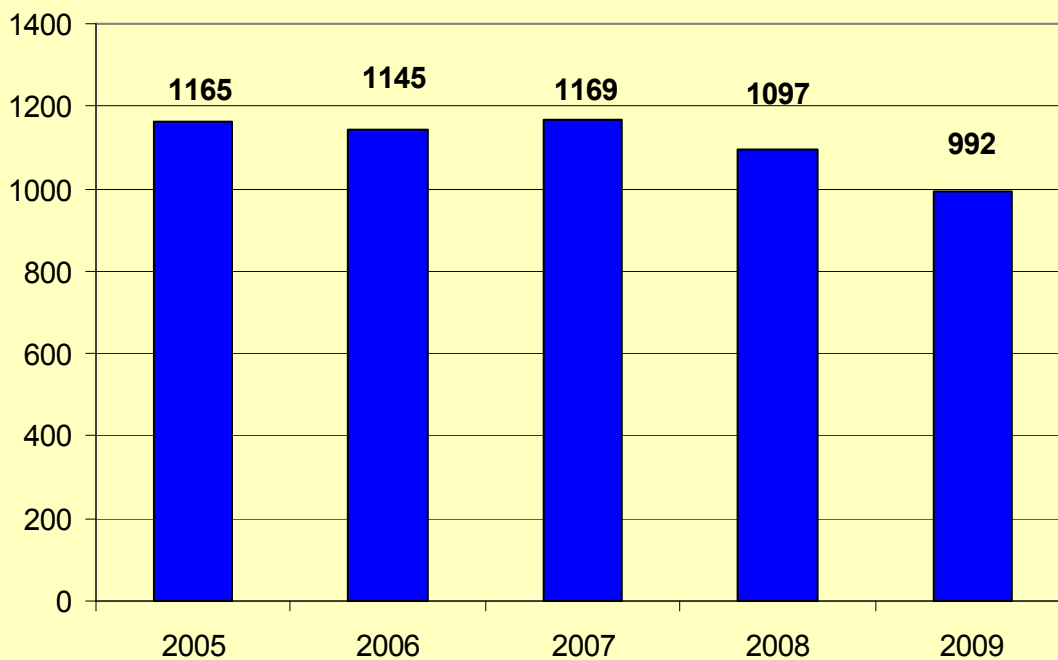


Probation Department Presentence Investigations

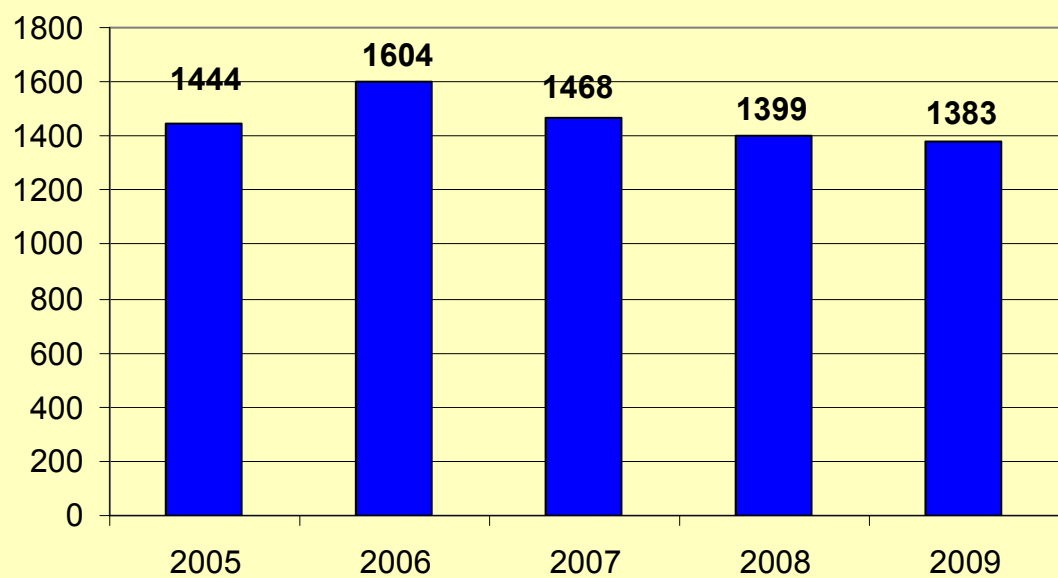


58th District Court Probation Department

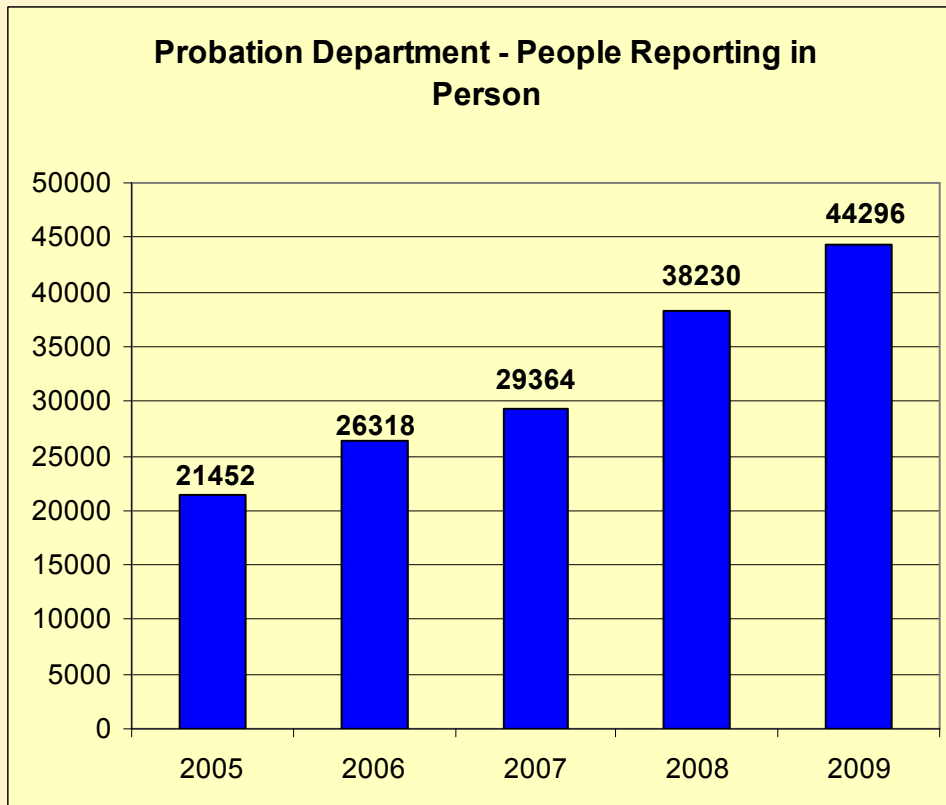
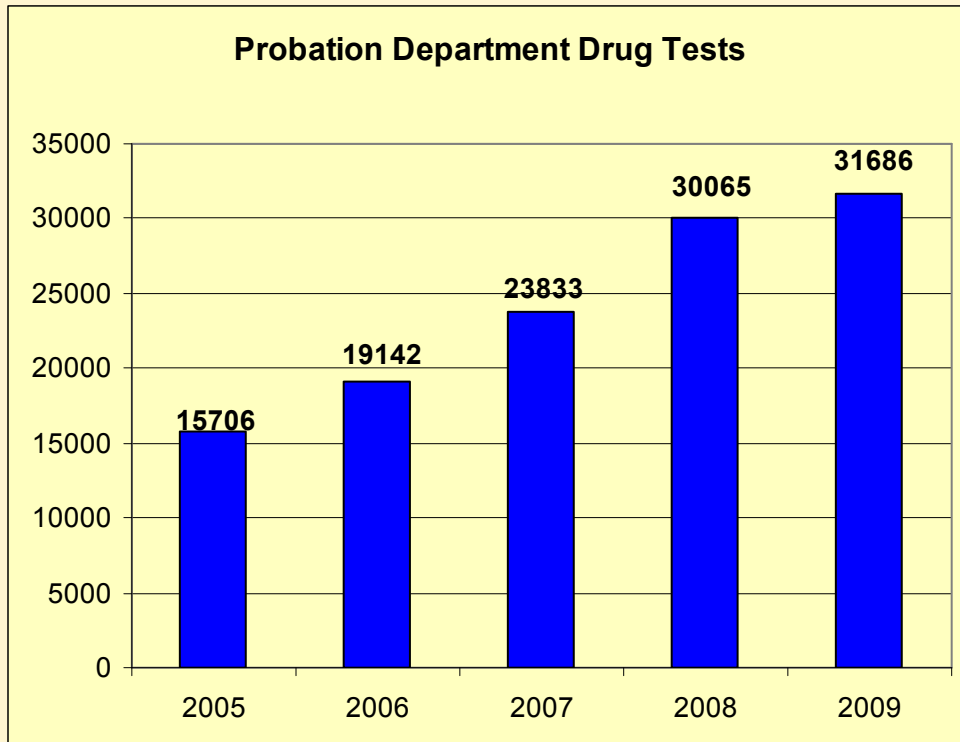
Probation Department Substance Abuse Assessments



Probation Department Bond Screens

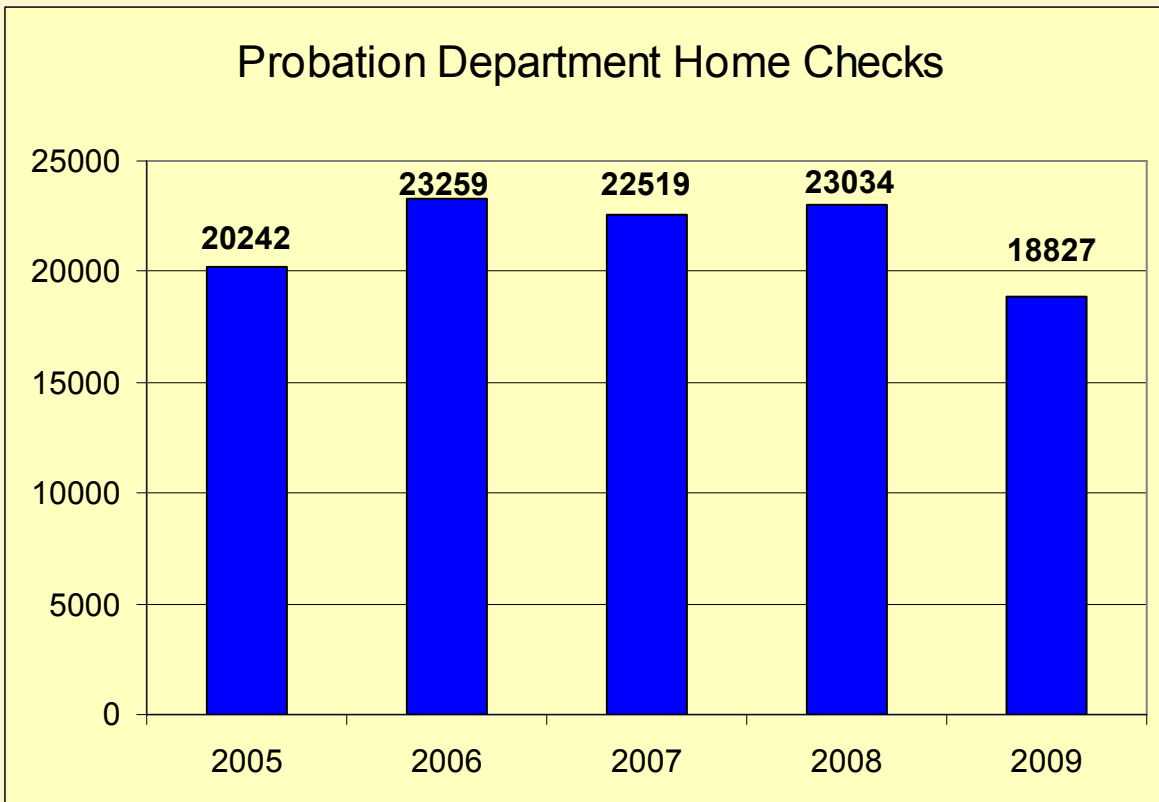


58th District Court Probation Department



58th District Court Probation Department

Probation Department Home Checks



58th District Court Community Corrections

Community corrections is an alternative to placing offenders convicted of crimes in prison or jail. Offenders placed in the community corrections program are monitored in the community by probation officers. Offenders in the community corrections program undergo random drug and alcohol testing, random home visits and attend treatment programs .

Community Corrections had the following goals, objectives and results in 2009:

Goal #1

Maintain / Reduce the Overall Prison Commitment Rate

Objectives

2009 Results

- | | |
|--|-------|
| 1. Maintain/Reduce the overall prison commitment rate to less than or equal to 12% | 7.9% |
| 2. Maintain/Reduce the OWI 3rd prison commitment rate less than or equal to 10% | .8% |
| 3. Reduce/maintain the straddle cell commitment rate to less than or equal to 22% | 10.5% |
| 4. Reduce the probation violation commitment rate to less than or equal to 7% | 1% |

Goal #2

Optimize program utilization rates

Objectives

1. Maintain program utilization rate to 90%+ and completion rates to 70%+

2009 Results

Program	Projected # of Enrollees	Actual # of Enrollees	% of Utilization	Completion Rate
ISP	240	208	87%	72%
Community Service	1000	1002	100%	76%
Cognitive Therapy	300	306	100%	71%

58th District Court Community Corrections

Jail Utilization

Present Jail Rated Design Capacity = 462 beds

	2006	2007	2008	2009
Average Daily Population	368	395	367	351
% Rated Design Capacity	79.7%	85.4%	79.4%	76%

Jail Diversion Program Measures Community Service, JAWS, ISP Programs

	2005	2006	2007	2008	2009
# Total Enrollees	1224	1333	1217	1292	1210
# Jail Days Saved	32,746	41,009	38,458	43,704	30,532
Savings to County	\$1,227,975	\$1,237,838	\$1,538,320	\$1,748,160	\$1,221,280

State Reimbursement to Ottawa County For Jail Straddle Cell Sentencing Guideline Inmates

CY 2006	CY 2007	CY2008	CY 2009
\$187,659	\$217,413	\$162,081	\$120,495

58th District Court - Court Services Department

Fiscal Year 2009

- 966 total Offenders Enrolled in the JAWS and community service work programs
- 103 JAWS crews supervised
- Average of 9 offenders per crew
- 40 total JAWS worksites worked
- 49 out of 52 Saturdays worked
- 6,167 hours were provided
- \$45,635 in community service work was provided *
- 96 community service worksites were used
- 48,909 hours worked
 - Equivalent to 23 full-time employees
 - \$361,926.00 in community service work was provided*

* Minimum wage \$7.40

58th District Court - Court Services Department

Examples of some of the Ottawa County community service/JAWS worksites

Southern/Western Areas

Holland Civic Center
Ottawa County Fairgrounds
Holland State Park
Holland Tulip Time Festival
The Outdoors Discovery Center
The Critter Barn
Ridgepoint Community Church
Harvestime Outreach Ministries
Lakeshore Habitat Restore

Holland Mission
First Assembly of God
OAR, Inc.
Goodwill Stores
70X70 Life Recovery
Central Wesleyan Church
Holland Alano Club
St Francis de Sales

Northern/Western areas

Grand Haven State Park
Spring Lake Cemetery
Grand Haven Chamber of Commerce
(Coast Guard Festival)
Lake Hills Elementary School
Adopt-A-Highway (3 miles on US-31
International Aid
Covenant Life Church

Habitat for Humanity
Rescue Mission Thrift Store
St. Mary's Church
Harbor Humane Society
Ottawa County Facilities/Maintenance

Eastern areas

Coopersville DPW
Coopersville VFW
Marne Cemetery
Adopt-A-Highway (4 miles on M-45)
Jamestown Township
Hudsonville High School
Allendale Fire Department

Berlin Fair
Chester Township
Coopersville Library
Love, Inc.
WTLJ Allendale
City of Hudsonville
Fairhaven Ministries