

2022 ANNUAL REPORT



Office of the Prosecuting Attorney

Submitted by:
Lee F. Fisher
Ottawa County Prosecuting Attorney

EXECUTIVE SUMMARY

The 2022 total **Felony Caseload** for the Prosecutor's Office decreased overall by 3.2% from the 2021 level (1,910 cases in 2021, compared to 1,849 cases in 2022). Individual major felony crime categories showing increases in 2022 were Weapons Offenses (up 6.7%), Drug Offenses (up 3.3 %), and Property offenses (up .4%). The number of Extraditions processed by the office increased by 86.4%, from 22 in 2021 to 41 in 2022. Several major felony case categories decreased, Criminal Sexual Conduct (down 34.7%), Felony Drunk Driving (down 13.3%), Breaking and Entering (down 22.7%), and Robbery (down 18.2%).

Unfortunately, in 2022 there were five Homicides in Ottawa County. This is a significant increase from 2021 when there was only one. The 2021 case was tried to a jury in February of 2023. The jury returned a verdict of guilty of First Degree-Premeditated Murder.

The total **Misdemeanor Caseload** decreased slightly, by .4% in 2022 (6452 cases in 2021, compared to 6423 in 2022). Misdemeanor Drunk Driving cases increased by 4.6% in 2022.

The **Domestic Violence Caseload** fortunately decreased by 1.5% in 2022 (down to 795 cases, compared to 807 in 2021). Domestic Violence levels spiked in 2018 and had continued to rise until 2022. I believe these numbers would be much higher if not for the ongoing efforts of the Lakeshore Alliance Against Domestic and Sexual Violence and other groups which actively promote prevention and offer improvements in serving Domestic Violence victims and offenders. Our court-based Domestic Violence offender treatment initiative also seeks to reduce recidivism and better serve victims through the court process.

Juvenile Criminal Caseload, as represented by petitions filed by our office, increased by 10.3% (768 delinquency petitions in 2021, up to 847 in 2022).

The **Total Criminal Caseload** (combined felony, misdemeanor, and juvenile cases) decreased nominally in 2022, by .1% (9,130 cases in 2021, compared to 9,119 in 2022).

The Prosecutor's Office continues to represent the Michigan Department of Health and Human Services (MDHHS) in **Child Abuse and Neglect** cases in the Family Court. New Abuse and Neglect cases decreased by 20% (60 in 2021, down from 75 in 2021).

This office also reviews and prosecutes complaints of **Personal Protection Order Violations**. The number of these complaints submitted for review increased by 6.6% in 2022 (211 cases in 2022, up from 198 in 2021).

As has been the case for approximately the last ten years, **Gang Violence and Organized Gang Activity** continued to be less visible within Ottawa County in 2022.

Our four **District and Circuit Sobriety/Recovery Court** programs continue to accept drug and/or alcohol dependent offenders using a treatment court model. Holland also has a **Mental Health Court** that also uses the treatment court concept to address the needs of offenders suffering from mental disorders. The Prosecutor's office assigns a prosecutor to each of the five separate courts as part of a

multi-disciplinary team that helps select suitable participants for the programs and then monitors their progress by attending bi-weekly case staffing and court sessions.

The **Children's Advocacy Center** has been providing age-appropriate services for sexually abused children for the last twenty-five years. The Center continues to handle referrals of cases requiring additional prosecution resources. Beginning in 2021, and continuing into the present, our office has dedicated two full-time Assistant Prosecutors to work as part of a multi-disciplinary team at the CAC, as opposed to just one prior. The assigned Assistant Prosecutors will personally handle these cases from pre-charging evaluation of the cases all the way through trial. This has resulted in many successful prosecutions of Child Sexual Abuse cases in 2022.

In 2022, our office tried 28 **Felony Jury Trials**. This is a significant increase (33%) in the number of trials our office conducted in 2021. Prior to 2021, our office had averaged approximately 10-12 felony jury trials per year. The number of misdemeanor jury trials conducted in 2022 remained the same number as 2021.

The Prosecutor's Office is fortunate to have an extremely committed team of support staff and attorneys who continue to provide excellent service to the victims of crime, our law enforcement partners, the Children's Advocacy Center, Michigan Department of Health and Human Services, and all the citizens of Ottawa County.

As we move from 2022 in to 2023, our office will face significant new challenges. These challenges include the addition of a new Circuit Court Judge position that will require our office to cover an additional docket. Another significant challenge will be the implementation of the use of in car and body worn cameras by the Ottawa County Sheriff, and other law enforcement agencies in Ottawa County, in addition to the current agencies who utilize these already. These cameras will create thousands of hours of recordings in criminal cases that will need to be reviewed by both support staff and attorneys in our office. This is not something that we have done in prior to 2022 and it will create thousands of hours of additional work for staff that was not previously required.

Despite the challenges we all faced in 2022, all of us in Ottawa County continue to benefit from a well-functioning criminal justice system. Thank you for the support you provide to these efforts.

Respectfully submitted,



Lee F. Fisher
Ottawa County Prosecuting Attorney

MISSION STATEMENT

The mission of the Ottawa County Prosecutor's Office is to preserve and improve the quality of life for Ottawa County residents by promoting lawful conduct and enhancing safety and security through diligent efforts to detect, investigate, and prosecute criminal offenses in Ottawa County.

RESPONSIBILITIES OF THE PROSECUTOR

The Prosecuting Attorney is the chief law enforcement officer for Ottawa County. The Office was created by the Michigan Constitution. The responsibilities and authority of the Prosecutor are established by common law, statute, court rule, and appellate case law. In recent years changing attitudes in the courts and state legislature have significantly altered the traditional role of the Prosecutor. While adult and juvenile criminal matters still represent the major portion of the prosecution effort, a growing list of additional responsibilities has placed larger demands on prosecution resources. Nevertheless, we provide all mandated services, maximizing our efficiency by offering specialty services to crime victims and law enforcement. These specialties include the Family Court Unit, Domestic Violence Unit, Victim's Rights Unit, an Appellate Specialist, and a Law Enforcement Training Assistant.

Additional duties of the Prosecutor include serving as the chairman of the Community Corrections Advisory Board. The Prosecutor also serves on the boards or oversight committees of the Children's Advocacy Center, West Michigan Enforcement Team, Lakeshore Alliance Against Domestic and Sexual Violence, Ottawa Area Law Enforcement Leadership Committee, Human Services Council of Ottawa County, Community SPOKE, Elder Abuse Task Force, Regional Opiate Abuse Council, State Child Death Review Team, Ottawa County Child Death Review Team, and the Prosecuting Attorneys Association of Michigan.

ADMINISTRATIVE STAFF

Lee Fisher **Prosecuting Attorney**

Sarah Matwiejczyk Chief Assistant Prosecutor

JoEllen Haas Senior Attorney, Appeals

Meghan Hurley Senior Attorney, Trial/Training

Jacob Jenison Senior Attorney, Family

Amy Chidester Office Manager, Holland

Elizabeth Kuechenmeister Office Manager, Grand Haven

ATTORNEY STAFF

SHAWNA BAUM, Hope College, B.A.; Valparaiso University School of Law, J.D.; 3 years of prosecution experience and 14 years of experience in Child Neglect and Abuse.

JOHN DONALDSON, Florida State University, B.S.; Wayne State University, J.D.; 10 years of prosecution experience.

LEE F. FISHER, Western Michigan University, B.S.; Thomas M. Cooley Law School, J.D.; 34 years of prosecution experience.

ELIZABETH A. GIDDINGS, Cornell College, B.A.; Vanderbilt University of Law, J.D.; 6 years of prosecution experience, 10 years of experience in Child Neglect and Abuse.

JOELLEN HAAS, Indiana University, B.A.; Thomas M. Cooley Law School, J.D.; 20 years of prosecution experience.

MEGHAN HURLEY, University of Buffalo, B.S.; Thomas M. Cooley Law School, J.D.; 15 years of prosecution experience.

BRITTA GIRMSCHIED, University of Michigan, B.A., Michigan State University, J.D.; 16 years of prosecution experience.

JACOB JENISON, Central Michigan University, B.S.; Thomas M. Cooley Law School, J.D.; 9 years of prosecution experience.

KATHERINE MATLOCK, Hope College, B.A.; Michigan State University, J.D.; 6 years of prosecution experience.

SARAH F. MATWIEJCZYK, Michigan State University, James Madison College, B.A.; Michigan State University - Detroit College of Law, J.D.; 21 years of prosecution experience.

BEN MEDEMA, Michigan State University, B.A.; Thomas M. Cooley Law School, J.D.; 9 years of prosecution experience.

TYLER MESMAN, Grand Valley State University, B.A.; Valparaiso University, J.D.; 7 years of prosecution experience.

JAY TUBERGEN, Grand Valley State University, B.S.; Michigan State University - College of Law, J.D.; 11 years of prosecution experience.

CARA WILKINSON, Albion College, B.A.; Wayne State University, J.D.; 14 years of prosecution experience.

ATTORNEY TRAINEE STAFF

REBECCA NIEBOER, Hillsdale College, B.A.; Grand Valley State University, M.P.A., Thomas M Cooley Law School graduating in Spring 2023

LUKE R. STEHNEY, Hope College, B.A.; Michigan State University - College of Law graduating in Spring 2023

SUPPORT STAFF

CRIMINAL DIVISION

Teresa Brolick	Legal Assistant I
Christina DeLaCruz	Legal Assistant II
Soonja Hixon	Legal Assistant II
Mallory Jewell	Legal Assistant III
Briana Kooiman-Hirdes	Legal Assistant II
Kurt Kreuzer	Legal Assistant II
Amy McSpadden	Legal Assistant I
Todd Rasmussen	Legal Assistant IT Specialist
Angie Rogers	Legal Assistant III

FAMILY COURT DIVISION

Tracy Oomen	Legal Assistant III
Jennifer Rasch	Legal Assistant III

VICTIM ASSISTANCE UNIT

Ashlie Boerma	Victim Advocate
Emily Hills	Victim Advocate
Amber Schuster	Victim Advocate
Lacey Schaut	Victim Rights Assistant
Q	Canine Advocate

DOMESTIC ASSAULT UNIT

Jennifer Gustafson	Violence Intervention Officer
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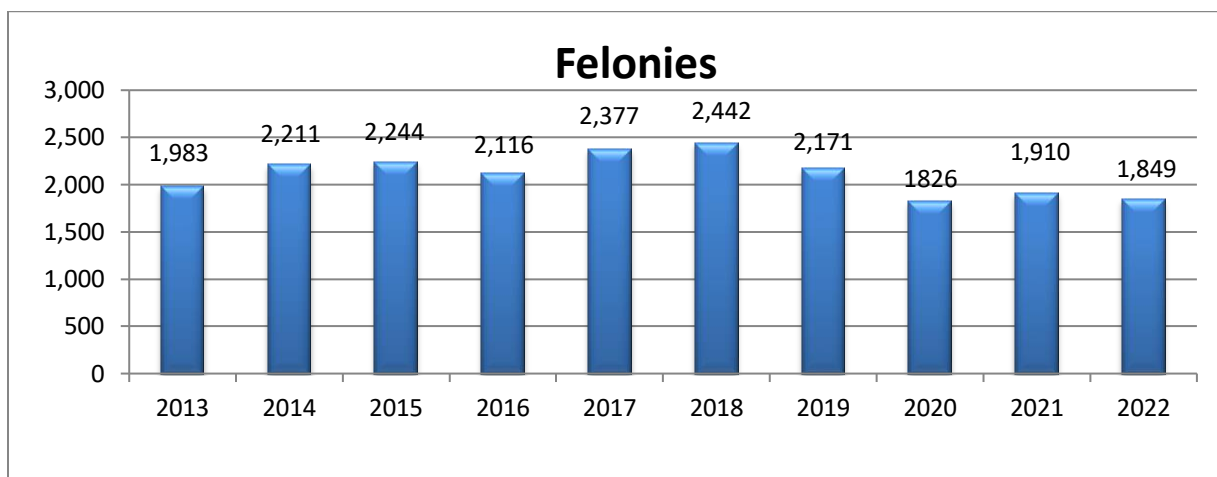
ATTORNEY STAFF DEPARTURES

PAUL KRAUS, Drake University, B.A. & B.S.E.; The University of Iowa, J.D.; 16 years of prosecution experience.

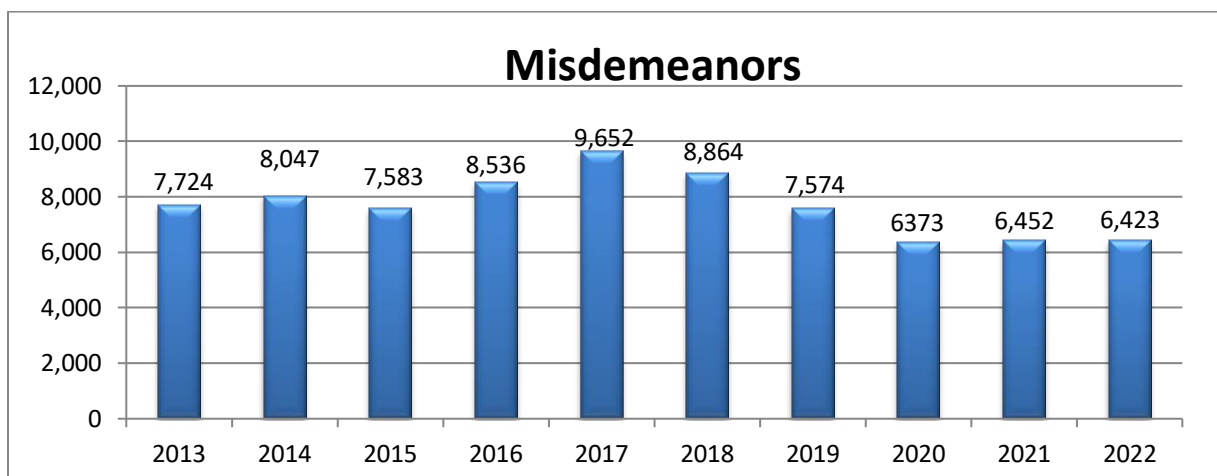
SUPPORT STAFF DEPARTURES

JOAN GRILLO, Senior Victim Advocate; Over 20 years of advocacy experience.

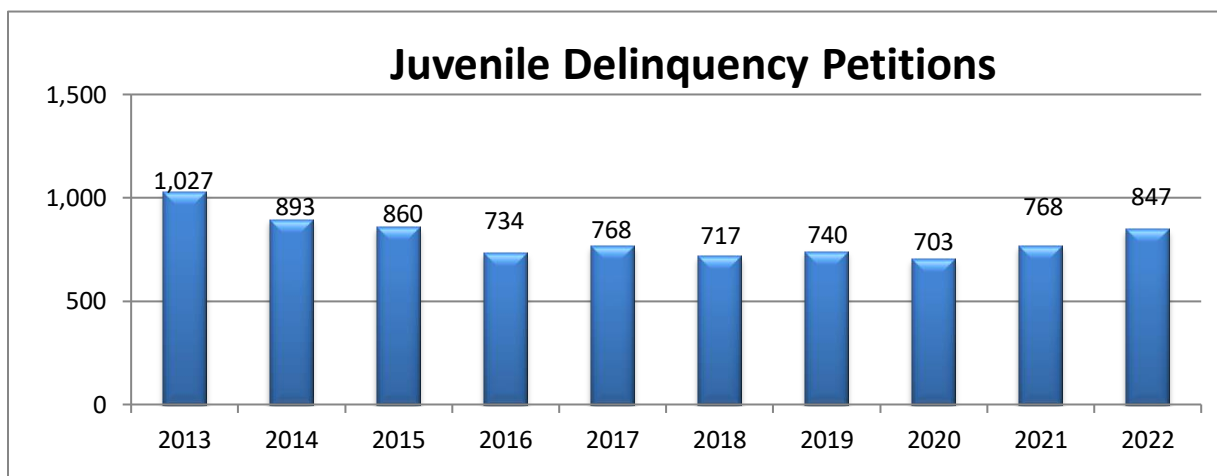
CRIMINAL CASELOAD



Adult Felony Cases: 2021: 1,910 2022: 1,849 3.2% decrease

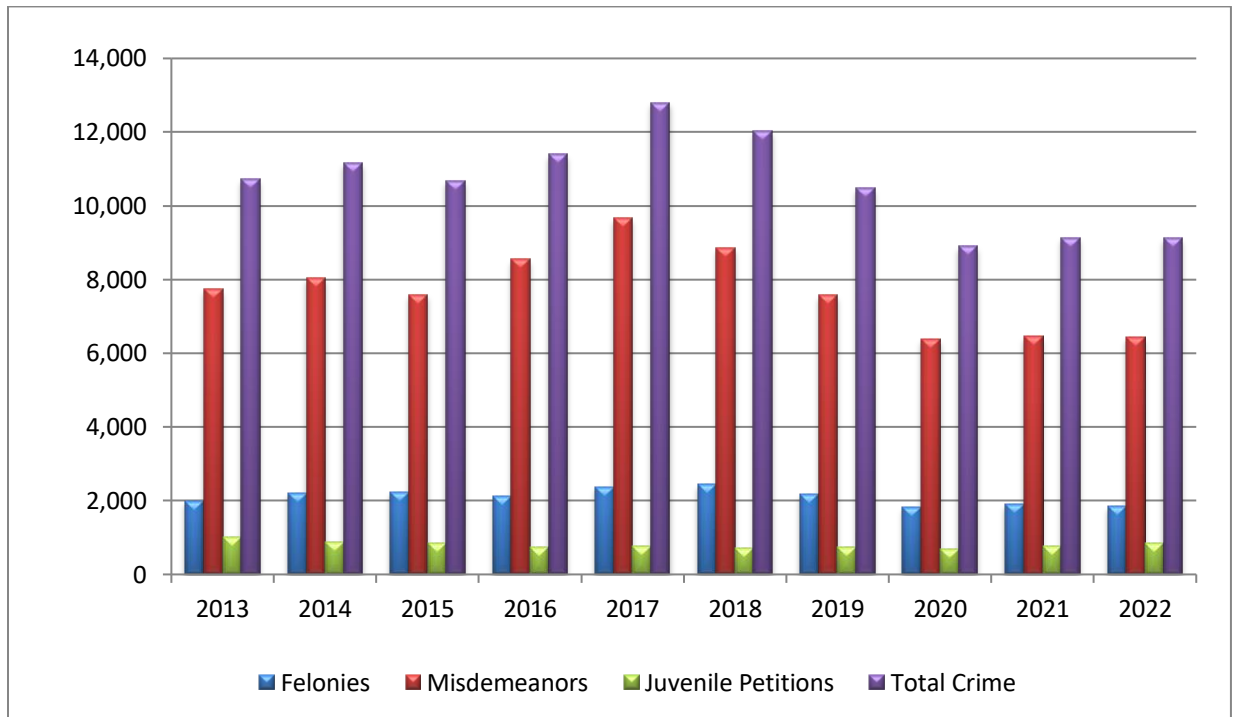


Adult Misdemeanors: 2021: 6,452 2022: 6,423 0.4% decrease



Juvenile Delinquency: 2021: 768 2022: 847 10.3% increase

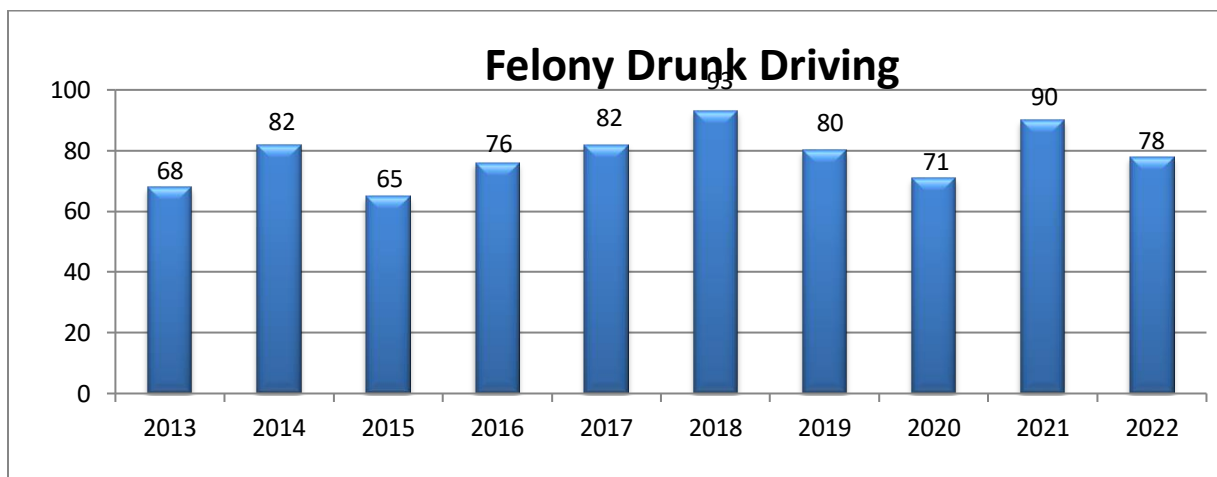
TOTAL CRIME STATISTICS



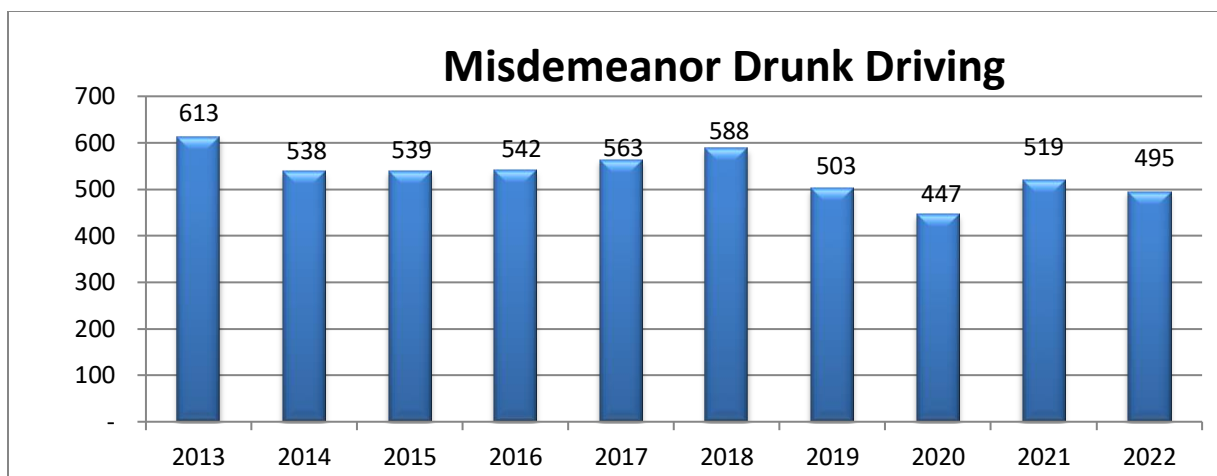
Total Crime (combined): 2021: 9,130 2022: 9,119 0.1% decrease

CRIME CATEGORIES

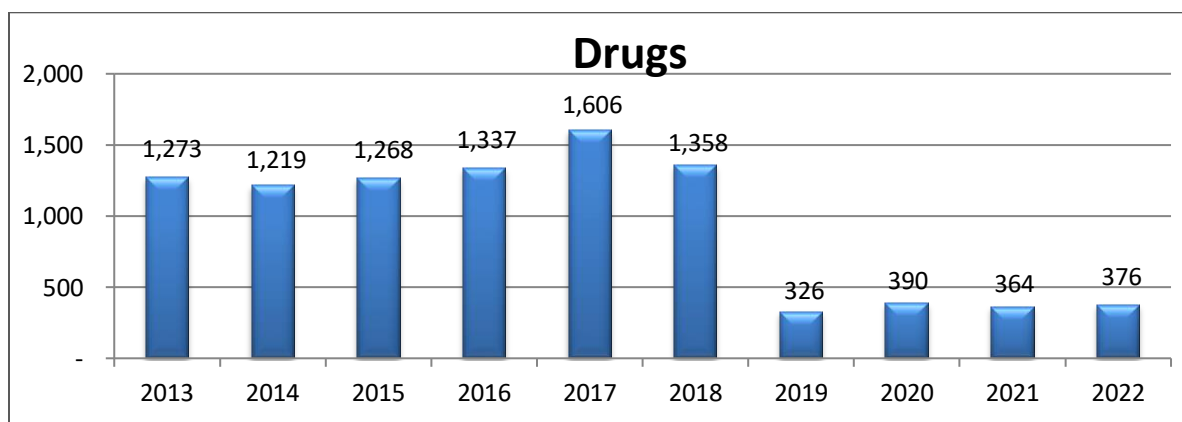
All categories reported new filings for juvenile and adult crime data, with the exception of Felony and Misdemeanor Drunk Driving, which is reported for adult only.



Felony Drunk Driving: **2021: 90** **2022: 78** 13.3% decrease



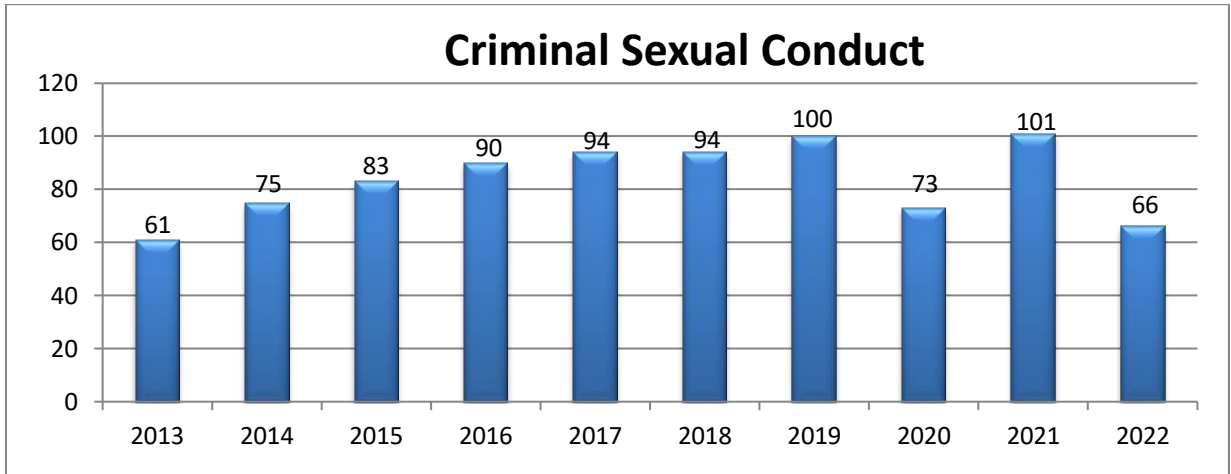
Misdemeanor Drunk Driving: **2021: 519** **2022: 495** 4.6% decrease



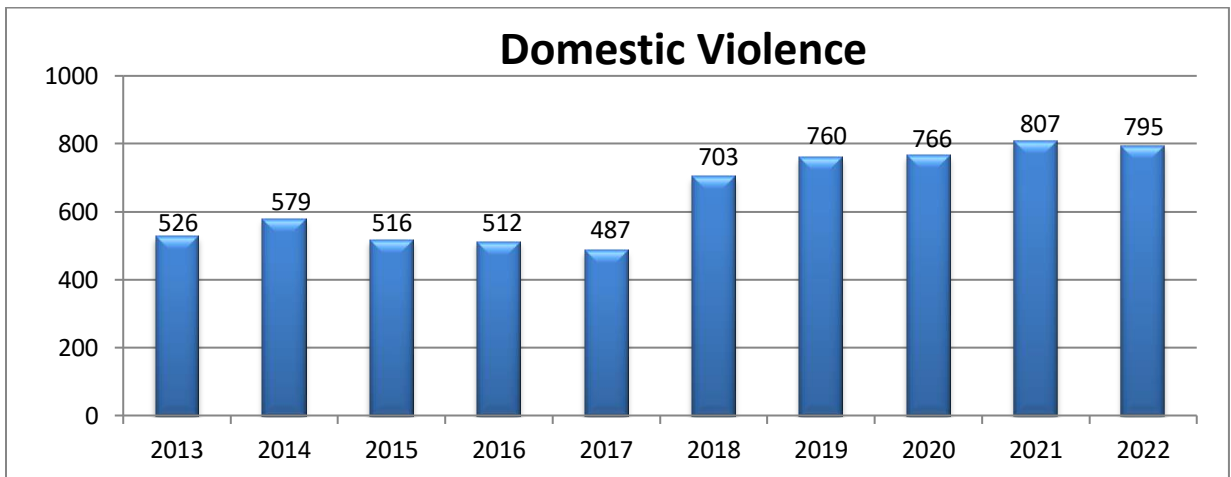
Drug Cases: **2021: 364** **2022: 376** 3.3% increase

*Marijuana was legalized in Michigan in November 2018.

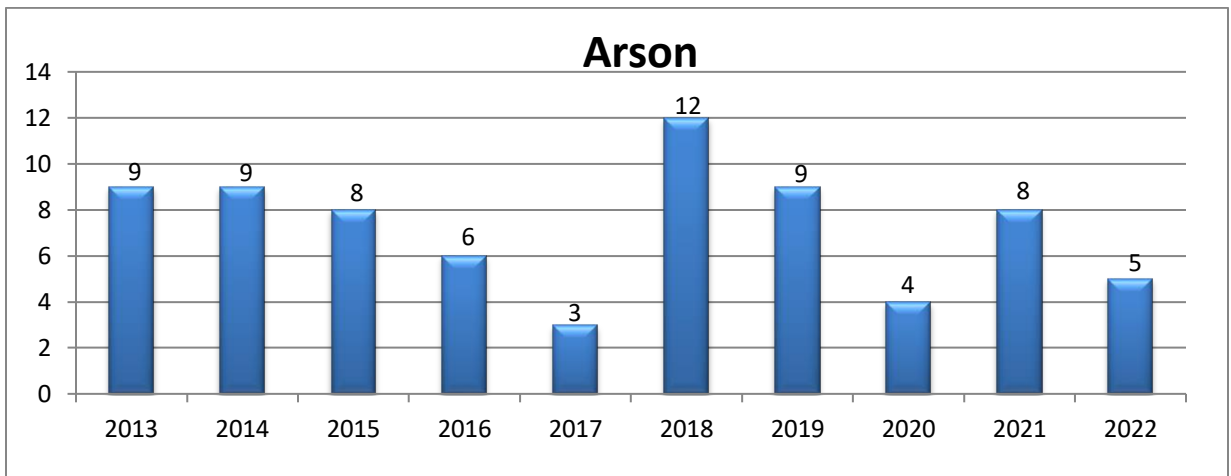
CRIME CATEGORIES CONTINUED



Criminal Sexual Conduct: 2021: 101 2022: 66 34.7% decrease

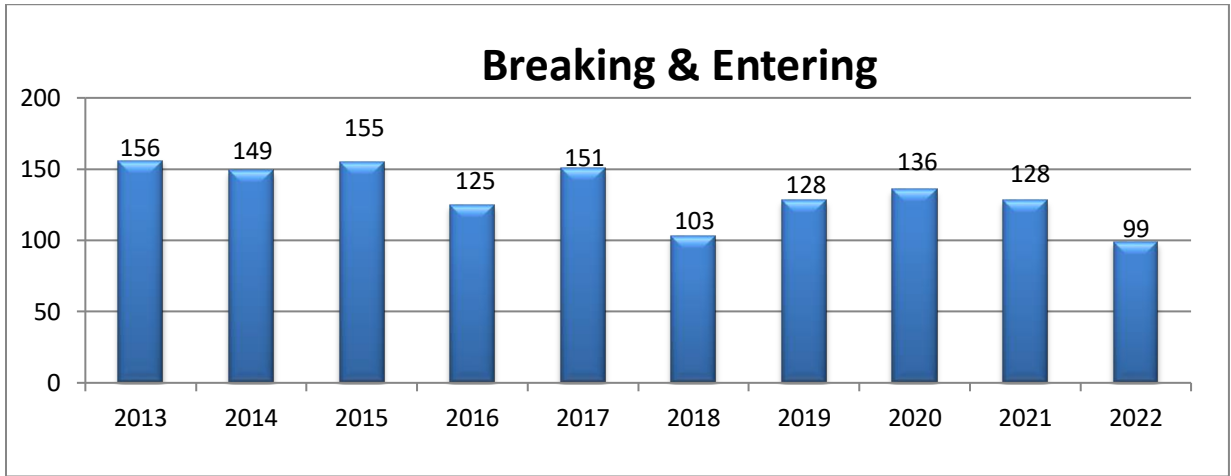


Domestic Violence: 2021: 807 2022: 795 1.5% decrease

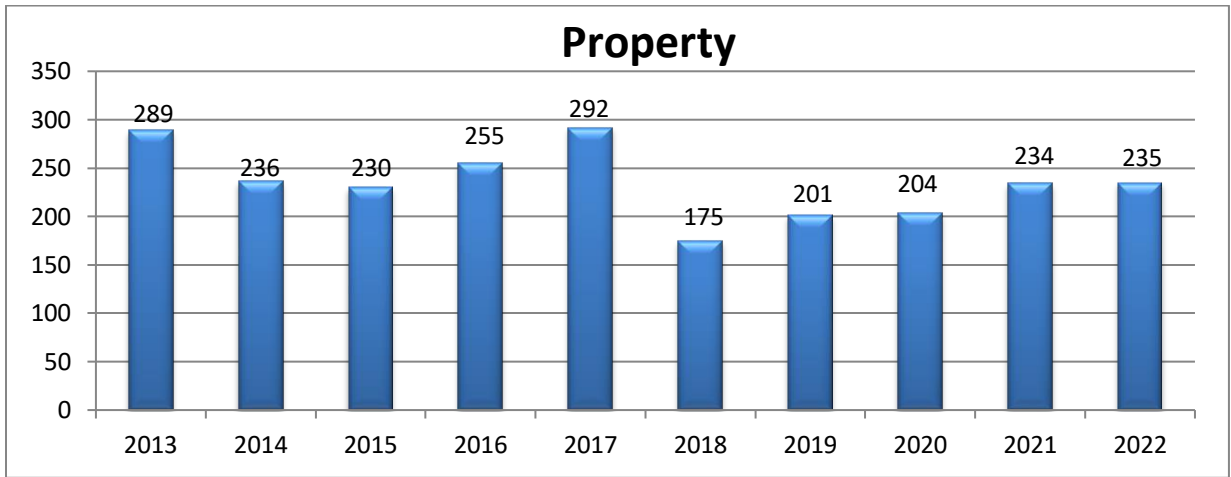


Arson: 2021: 8 2022: 5 37.5% decrease

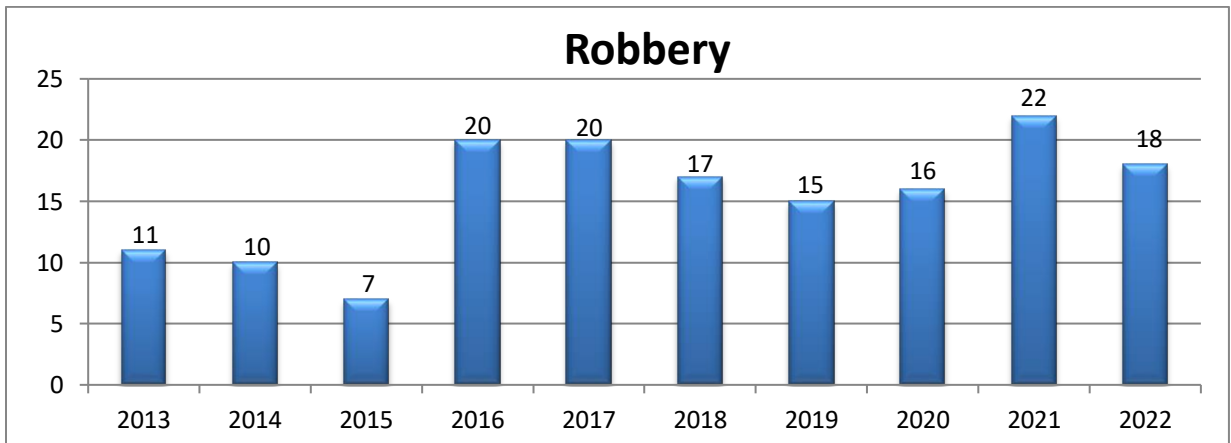
CRIME CATEGORIES CONTINUED



Breaking & Entering: 2021: 128 2022: 99 22.7% decrease

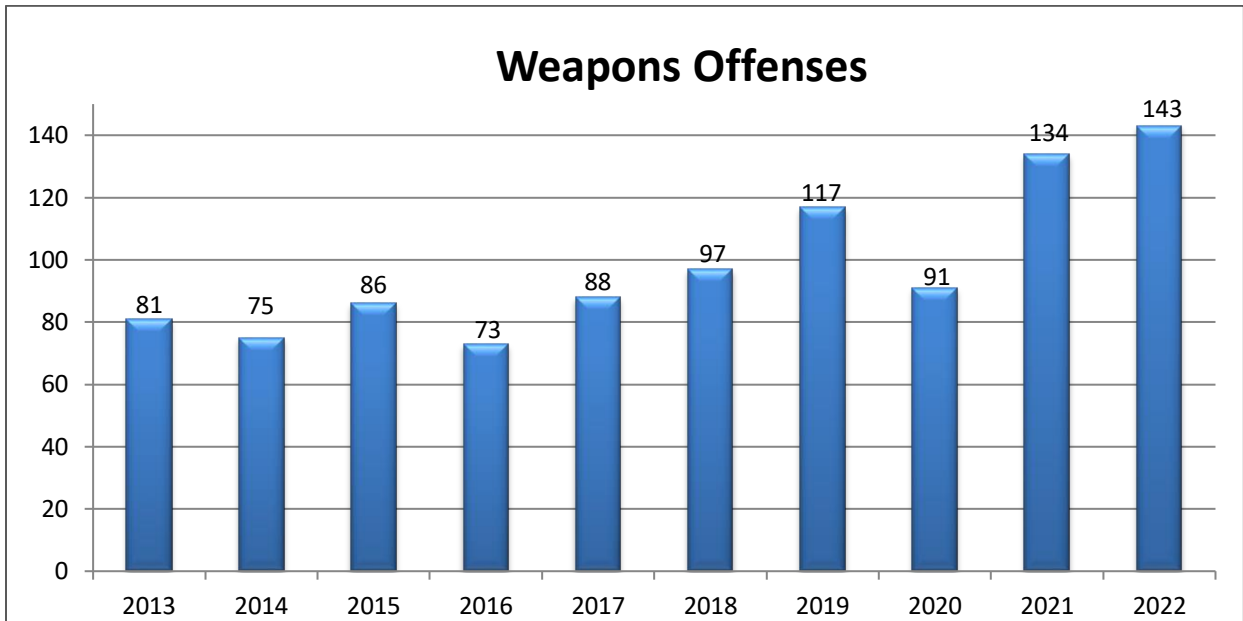


Property: 2021: 234 2022: 235 0.4% increase

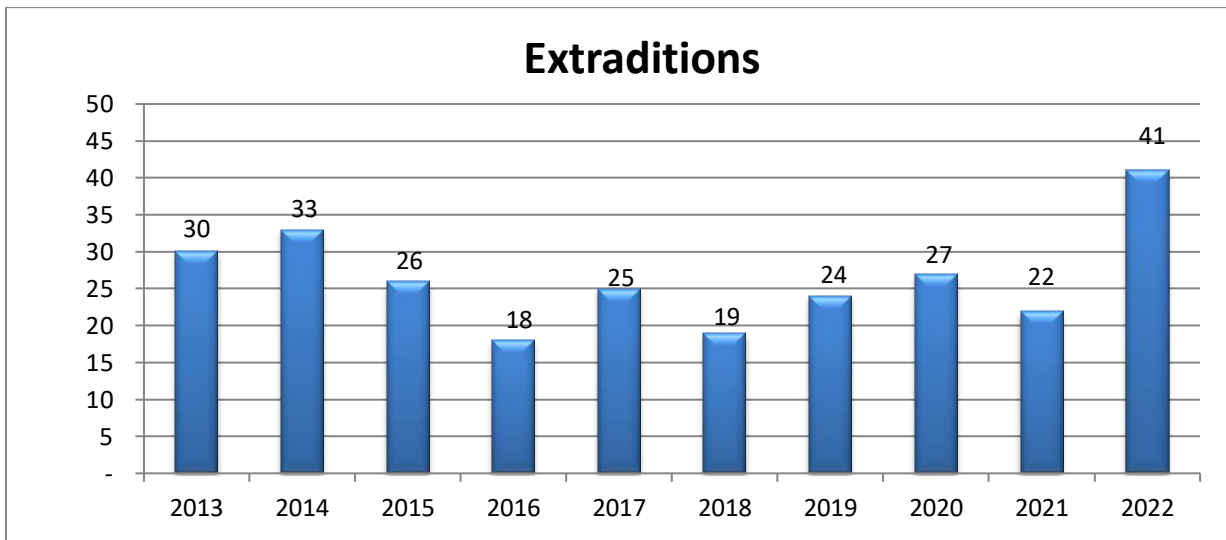


Robbery: 2021: 22 2022: 18 18.2% decrease

CRIME CATEGORIES CONTINUED

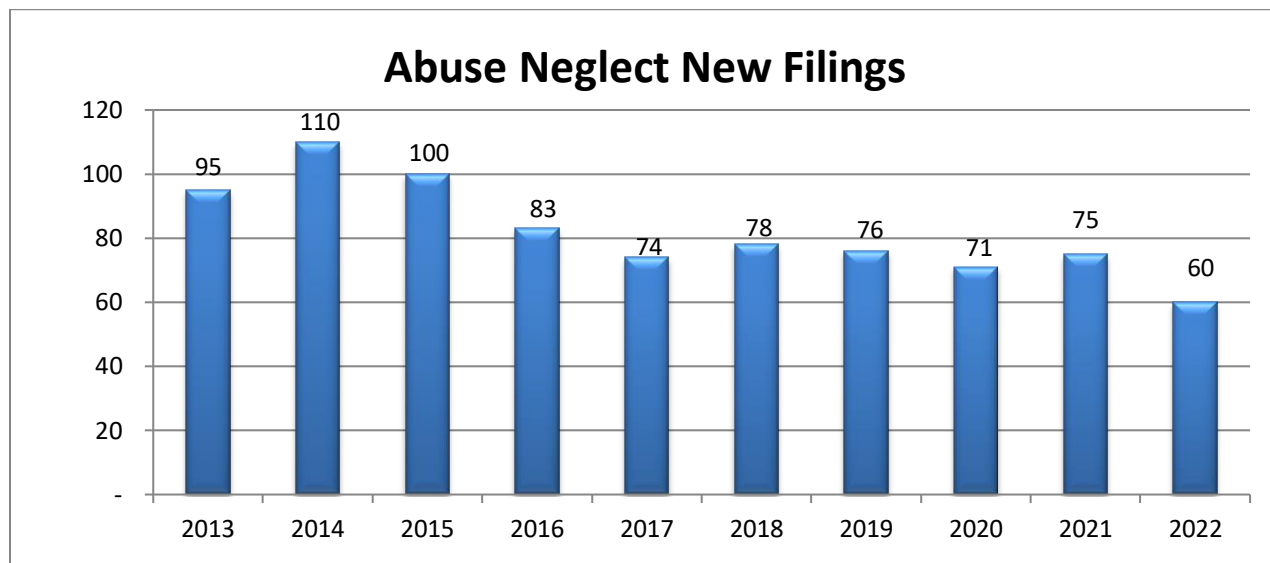


Weapons Offenses: **2021: 134** **2022: 143** 6.7% increase



Extraditions: **2021: 22** **2022: 41** 86.4% increase

ABUSE NEGLECT CASES



Abuse Neglect Cases: 2021: 75 2022: 60 20.0% decrease

PPO VIOLATIONS RECEIVED FOR REVIEW

*Stats beginning in 2018 with the creation of the PPO Workflow in OnBase.



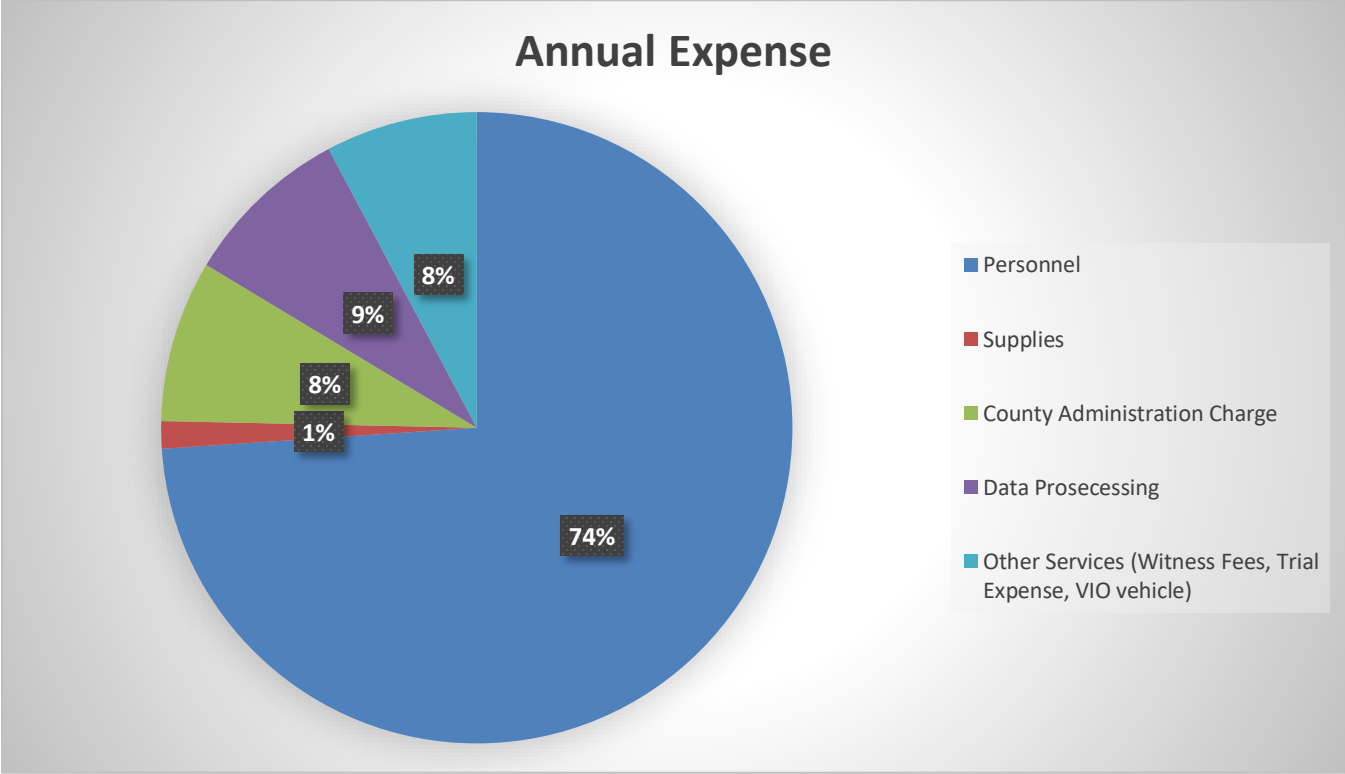
PPO Violations Reviewed: 2021: 198 2022: 211 6.6% increase

ADDITIONAL STATISTICS

Category	2021	2022	% Change:
Criminal Division:			
Felony Trials			
Jury:	21	28	33.3%
Non-Jury:	1	1	No Change
Misdemeanor Trials			
Jury:	11	11	No Change
Non-Jury:	15	7	(53.3%)
Civil Infraction Non-Jury Trials	692	1003	44.9%
Family Division:			
Abuse/Neglect			
Jury:	0	0	No Change
Non-Jury:	49	39	(20.4%)
Appeals Filed:			
Applications for Leave to Appeal:			
Appeals Pending Decision:			
Parole Reviews:			
Crime Victim's Rights			
Felony	773	746	(3.5%)
Misdemeanor	1,050	1,097	4.5%
Juvenile	304	386	27.0%
Extraditions (Governor's Warrants):	2	0	(200%)
Contested Mental Hearings & Guardianship Hearings:			
Civil Infractions:			
Formal Hearings	53	67	26.4%
Driver's License Restoration Hearings			
Violation of Personal Protection Order Hearings:			
Requests for Warrant Authorization:			
Denied / Further Investigation	2,078	2,223	7.0%
Authorized	6,199	5,855	(5.5%)
Juvenile Petitions Requests for Authorization:			
Screenings for Specialty Courts for Legal Eligibility:			
District Court Section 1090	19	22	15.8%
District Court Sobriety Court	63	83	31.7%
Circuit Court Recovery Court	95	76	(20.0%)

BUDGET

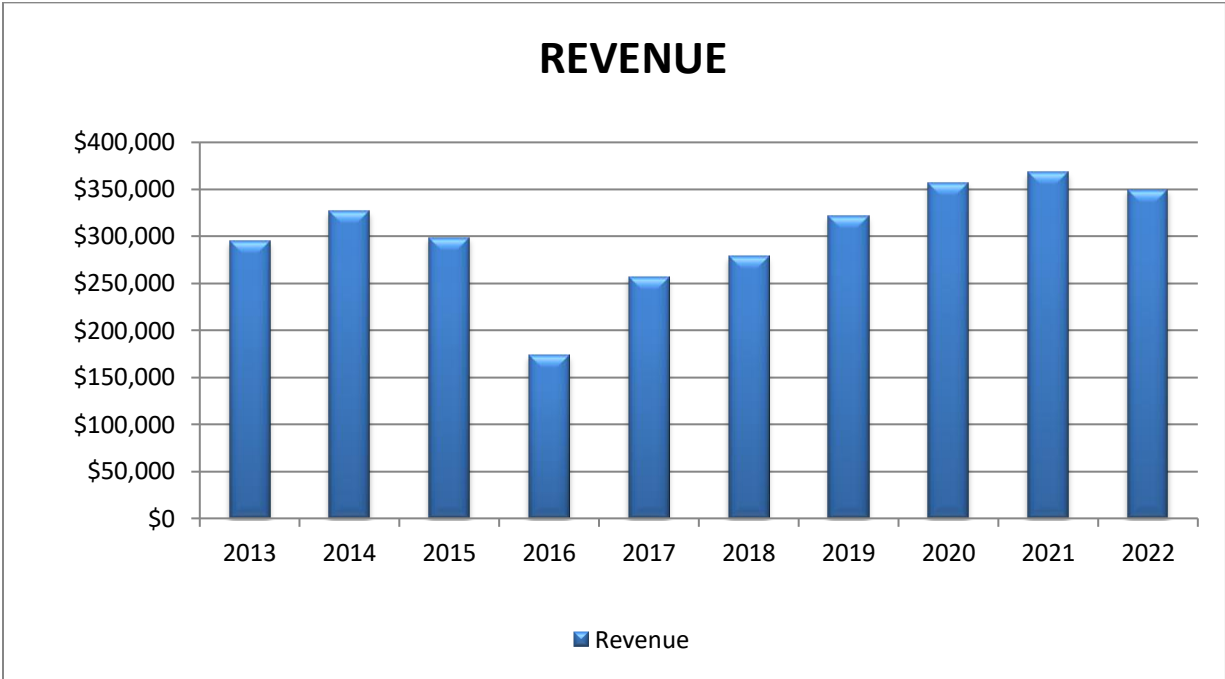
Annual Expenses 2022



<u>Total Budget:</u>	<u>2021</u>	<u>2022</u>	<u>% change</u>
Annual total:	\$4,716,321	\$5,218,616	12.1%

REVENUE

The Prosecutor’s office revenue consists of state funding via grants, contracts, and cost reimbursement. Services include Crime Victim’s Rights, legal services provided to the Department of Human Service in child abuse and neglect matters, food stamp fraud prosecution, driver’s license hearings for the Secretary of State, and legal services for Allegan County cases pending in the 58th District Court in Holland (venue: Holland City, Allegan County). The County also bills offenders convicted of Operating While Intoxicated and other specified offenses for reimbursement of prosecution costs pursuant to county ordinance.



Revenue:	2021	2022	% Change
Annual Total	\$367,964.73	\$349,405.48	(5.0%)

<u>Prosecutor Revenue</u>	<u>2021</u>	<u>2022</u>
Crime Victim’s Rights	\$250,753.15	\$250,415.00
DHS Contract	76,403.60	49,504.67
Allegan Reimbursement	9,337.50	13,331.25
Driver’s License Hearings	0.00	0.00
Food Stamp Fraud	630.00	374.99
OWI Reimbursement	30,750.48	35,779.57
Miscellaneous	<u>90.00</u>	<u>0.00</u>
Total Revenue:	\$367,964.73	\$349,405.48

The activities and programs of this department are brought to you by the members of the Ottawa County Board of Commissioners.

District 1	Gretchen Cosby
District 2	Lucy Ebel
District 3	Doug R. Zylstra
District 4	Jacob Bonnema
District 5	Chairperson Joe Moss
District 6	Kyle J. Terpstra
District 7	Rebekah Curran
District 8	Vice-Chairperson Sylvia Rhodea
District 9	Roger Belknap
District 10	Roger A. Bergman
District 11	Allison Miedema