

2021 ANNUAL REPORT



Ottawa County
Where You Belong.[®]

Office of the Prosecuting Attorney

Submitted by:
Lee F. Fisher
Ottawa County Prosecuting Attorney

EXECUTIVE SUMMARY

The 2021 total **Felony Caseload** for the Prosecutor's Office increased overall by 4.6% from the 2020 level (1,826 cases in 2020, compared to 1,910 cases in 2021). Individual major felony crime categories showing significant increases in 2021 were Criminal Sexual Conduct (up 38.4%), Robbery (up 37.5 %), Weapons offenses (up 47.3%) Felony Drunk Driving (up 26.8%), and Property offenses (up 14.7%). Only one major felony case category decreased, Drug offenses (down 6.7%).

In 2021 there was only one Homicide in Ottawa County. We nearly made it through the entire year without a Homicide until Christmas Day when Katherine Rutgers was murdered by her boyfriend in Holland. There are currently two other Homicide cases pending trial, one from 2020, and the other from 2022.

The total **Misdemeanor Caseload** increased by 1.2% in 2021 (6373 cases in 2020, compared to 6452 in 2021). Misdemeanor Drunk Driving cases increased by 16.1% in 2021.

The **Domestic Violence Caseload** unfortunately increased by 5.4% in 2021 (up to 807 cases, compared to 766 in 2020). Domestic Violence levels spiked in 2018 and continue to rise. 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 9.2% (703 delinquency petitions in 2020, compared to 768 in 2021).

The **Total Criminal Caseload** (combined felony, misdemeanor, and juvenile cases) increased by 2.3% (8,902 cases in 2020, compared to 9,130 in 2021).

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 increased by 5.6% (75 in 2021, up from 71 in 2020).

This office also reviews and prosecutes complaints of **Personal Protection Order Violations**. The number of these complaints submitted for review also increased by 10% in 2021 (198 cases in 2021, up from 180 in 2020).

As was the case in 2020, **Gang Violence and Organized Gang Activity** continued to be less visible within Ottawa County in 2021.

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-four years. The Center continues to handle near record levels of referrals requiring additional prosecution resources. Beginning in 2021, our office has dedicated two full time Assistant Prosecutors, as opposed to just one in 2020, to work as part of a multi-disciplinary team at the CAC. This change was necessitated by the 38.4 percent increase in these cases in 2021 coupled with the backlog of cases awaiting trial from 2020 created by the COVID pandemic. The assigned Assistant Prosecutors will personally handle these cases from pre-charging evaluation of the cases all the way through trial.

In 2021, our office tried 21 **Felony Jury Trials** in a six-month period from July to December after our courts re-opened for trials after a prolonged period of no trials being conducted due to the COVID-19 pandemic. This is a significant increase in the number of trials our office usually conducts in an entire calendar year. Pre-COVID, our office had averaged approximately 10-12 felony jury trials for an entire year. This trend of a significant increase in the number of felony trials is expected to continue as we work to clear up the backlog of cases caused by the pandemic. There were similar increases in the number of misdemeanor jury trials conducted as well with a significant number of cases delayed by the pandemic still awaiting trial.

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 2021 in to 2022, 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 all other law enforcement agencies in Ottawa County. These cameras will create thousands of hours of recordings in criminal case that will need to be reviewed by both support staff and attorneys in our office. This is not something that we have done in past years and it will create thousands of hours of work for staff that was not necessary in past years.

Despite the challenges we all faced in 2021, 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,

A handwritten signature in black ink, appearing to read "L F Fisher". The signature is written in a cursive, flowing style.

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 Division

Paul Kraus Senior Attorney, Family Division

Amy Chidester and Elizabeth Kuechenmeister Office Managers

ATTORNEY STAFF

SHAWNA BAUM, Hope College, B.A.; Valparaiso University School of Law, J.D.; 2 years of prosecution experience and 14 years experience in Child Neglect and Abuse.

JOHN DONALDSON, Florida State University, B.S.; Wayne State University, J.D.; 9 years of prosecuting experience.

LEE F. FISHER, Western Michigan University, B.S.; Thomas M. Cooley Law School, J.D.; 33 years of prosecution experience.

JOELLEN HAAS, Indiana University, B.A.; Thomas M. Cooley Law School, J.D.; 18 years of prosecution experience.

MEGHAN HURLEY, University of Buffalo, B.S.; Thomas M. Cooley Law School, J.D.; 13 years of prosecution experience.

BRITTA GIRMSCHIED, University of Michigan, B.A., Michigan State University, J.D.; 15 years of prosecution experience.

JACOB JENISON, Central Michigan University, B.S.; Thomas M. Cooley Law School, J.D.; 8 years of prosecution experience.

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

KATHERINE MATLOCK, Hope College, B.A.; Michigan State University, J.D.; 5 years of prosecution experience.

SARAH F. MATWIEJCZYK, Michigan State University, James Madison College, B.A.; Michigan State University - Detroit College of Law, J.D.; 20 years of prosecution experience.

BEN MEDEMA, Michigan State University, B.A.; Thomas M. Cooley Law School, J.D.; 8 years of prosecution experience.

TYLER MESMAN, Grand Valley State University, B.A.; Valparaiso University, J.D.; 6 years of prosecution experience.

CLINTON ROSEKOPF, Roosevelt University, B.A.; Thomas M Cooley Law School, J.D.; 4 years of prosecution experience.

JAY TUBERGEN, Grand Valley State University, B.S.; Michigan State University - College of Law, J.D.; 10 years of prosecution experience.

CARA WILKINSON, Albion College, B.A.; Wayne State University, J.D.; 13 years of prosecution experience.

SUPPORT STAFF

CRIMINAL DIVISION

Teresa Brolick Legal Assistant I
Amanda Fazz Legal Assistant II
Emily Hills Legal Assistant II
Soonja Hixon Legal Assistant II
Mallory Jewell Legal Assistant III
Kurt Kreuzer Legal Assistant II
Brittany Lund Legal Assistant III
Amy McSpadden Legal Assistant I
Todd Rasmussen Legal Assistant IT Specialist

FAMILY COURT DIVISION

Juvenile & Probate Court

Jennifer Rasch Legal Assistant II

VICTIM ASSISTANCE UNIT

Ashlie Boerma Victim Advocate
Joan Grillo Senior Victim Advocate
Arianna Johnson Victim Rights Assistant
Amber Schuster Victim Advocate
Q Canine Advocate

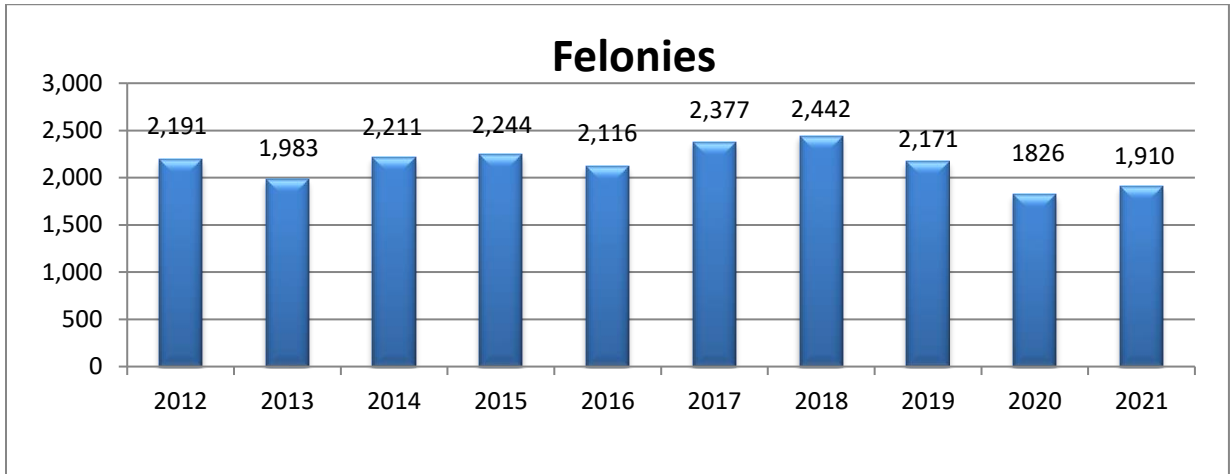
DOMESTIC ASSAULT UNIT

Jennifer Gustafson..... Violence Intervention Officer

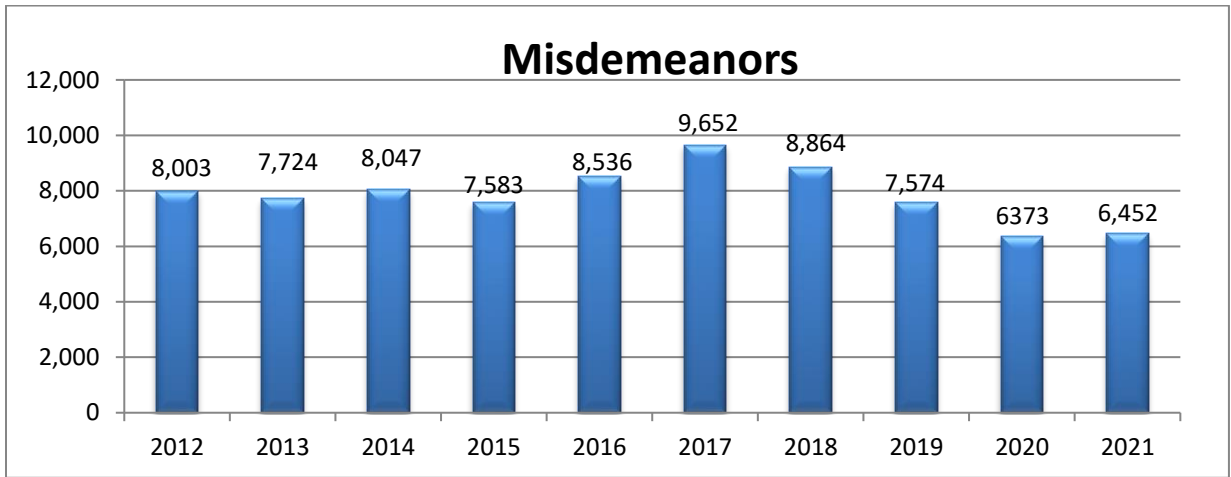
ATTORNEY STAFF DEPARTURES

GREGORY J. BABBITT, Grand Valley State University, B.S.; Thomas M. Cooley Law School, J.D.; 39 years of prosecution experience. (Retired 04/30/2021)

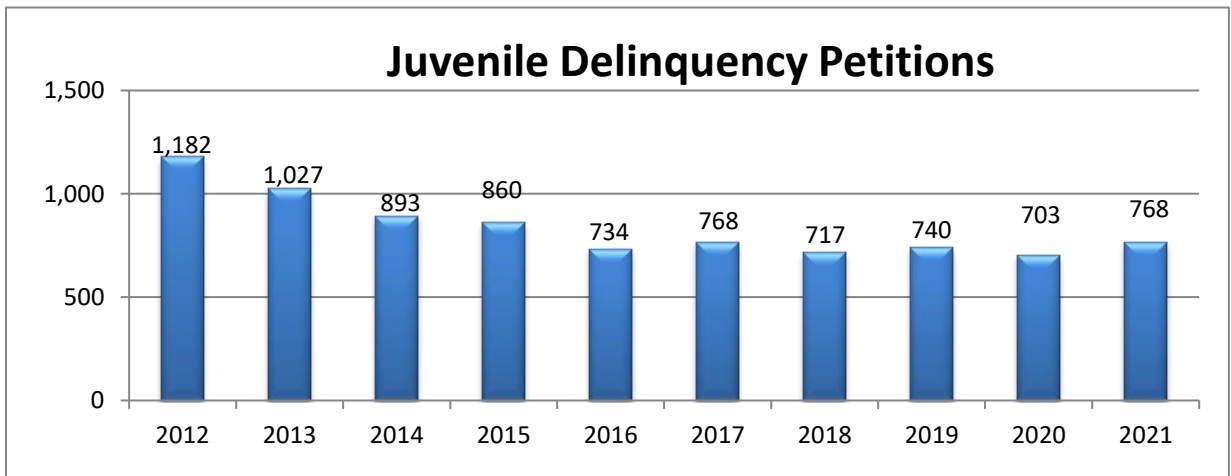
CRIMINAL CASELOAD



Adult Felony Cases: 2020: 1,826 2021: 1,910 4.6% increase

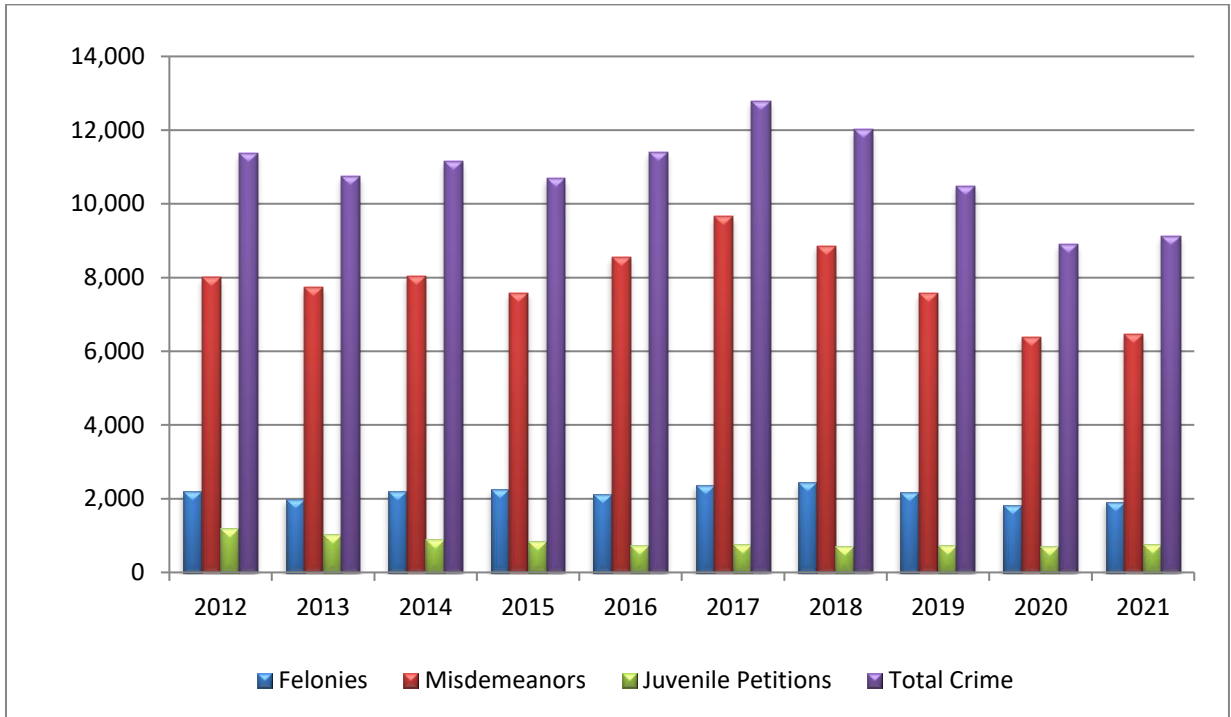


Adult Misdemeanors: 2020: 6,373 2021: 6,452 1.2% increase



Juvenile Delinquency: 2020: 703 2021: 768 9.2% increase

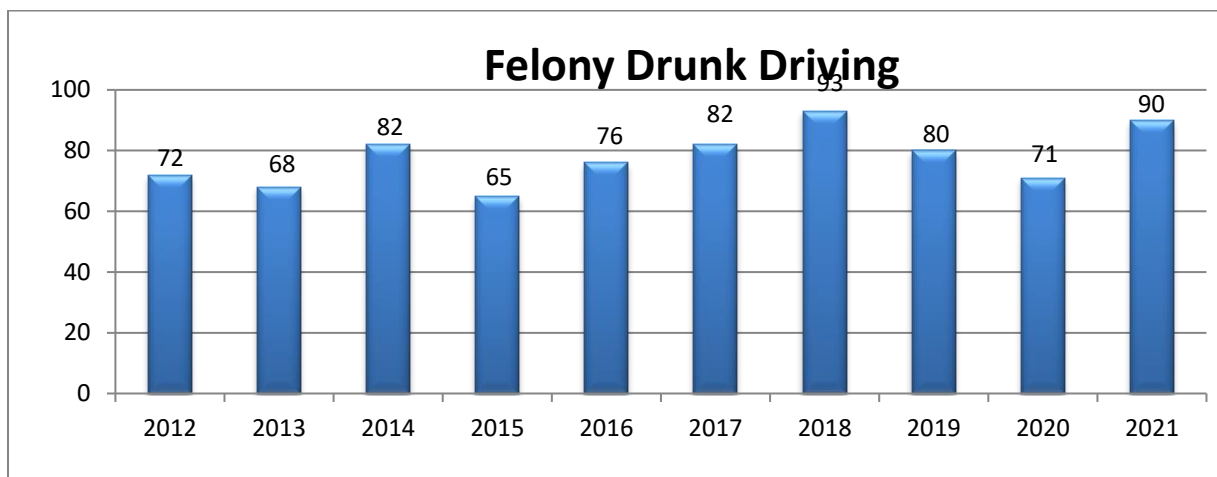
TOTAL CRIME STATISTICS



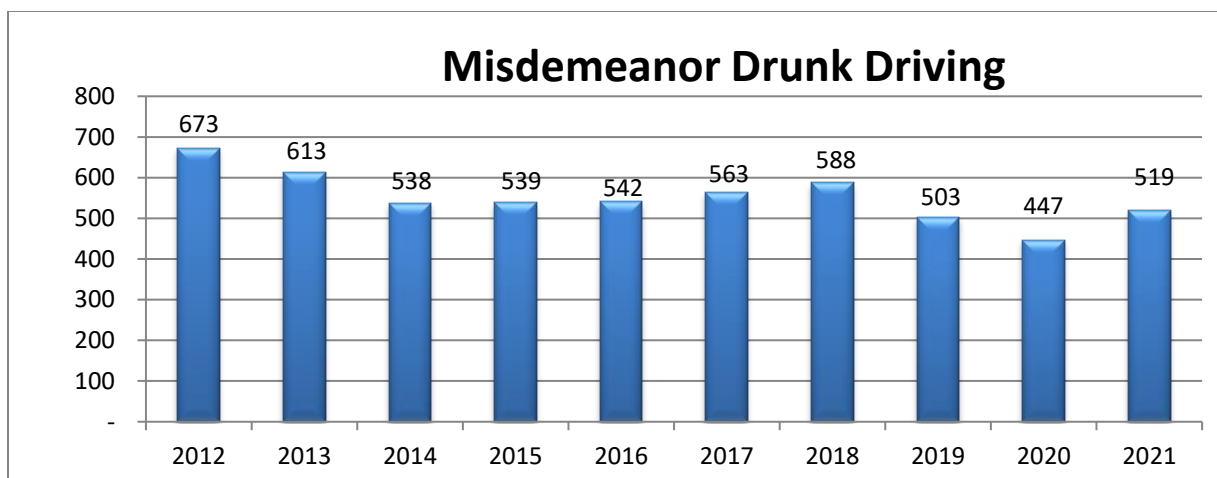
Total Crime (combined): 2020: 8,902 2021: 9,130 2.3% increase

CRIME CATEGORIES

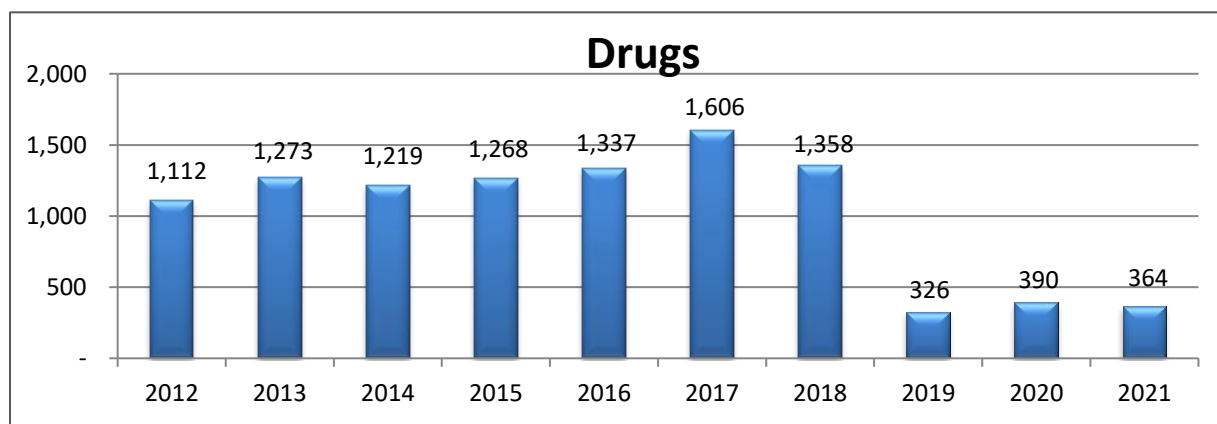
All categories reported new filings for juvenile and adult crime data, with the exception of Felony and Misdemeanor Drunk Driving, which is reported for adult only.



Felony Drunk Driving: 2020: 71 2021: 90 26.8% increase



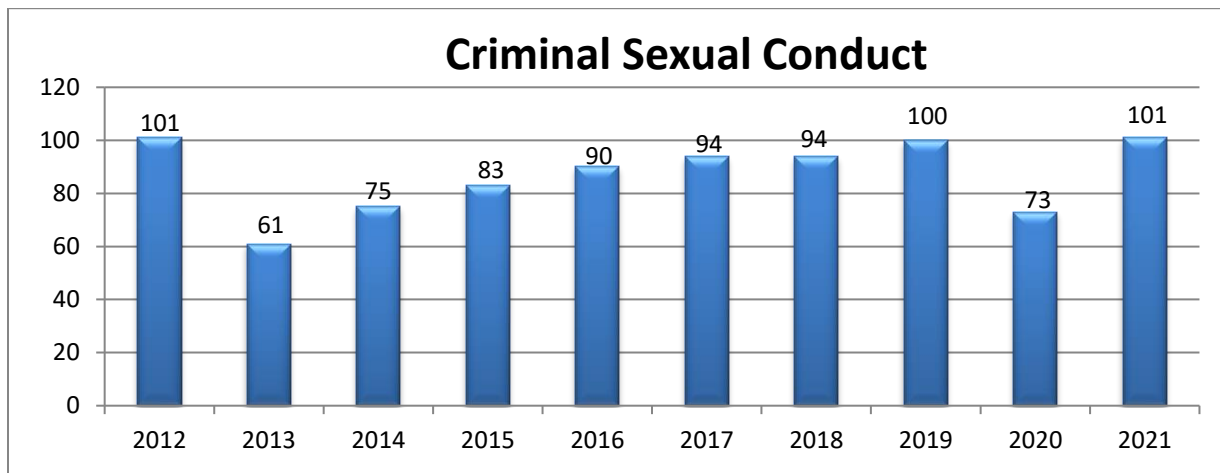
Misdemeanor Drunk Driving: 2020: 447 2021: 519 16.1% increase



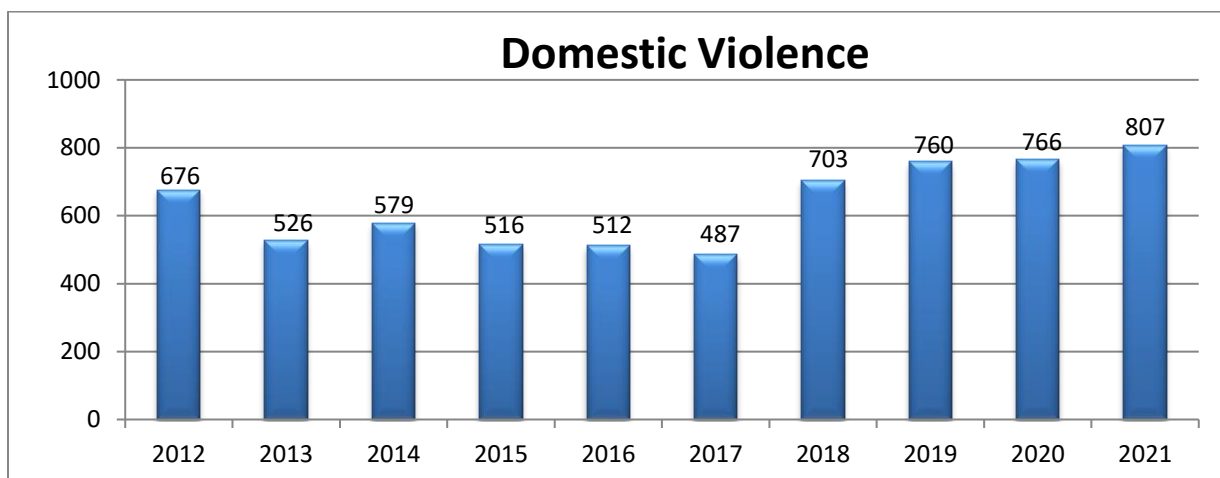
Drug Cases: 2020: 390 2021: 364 6.7% decrease

*Marijuana was legalized in Michigan in November 2018.

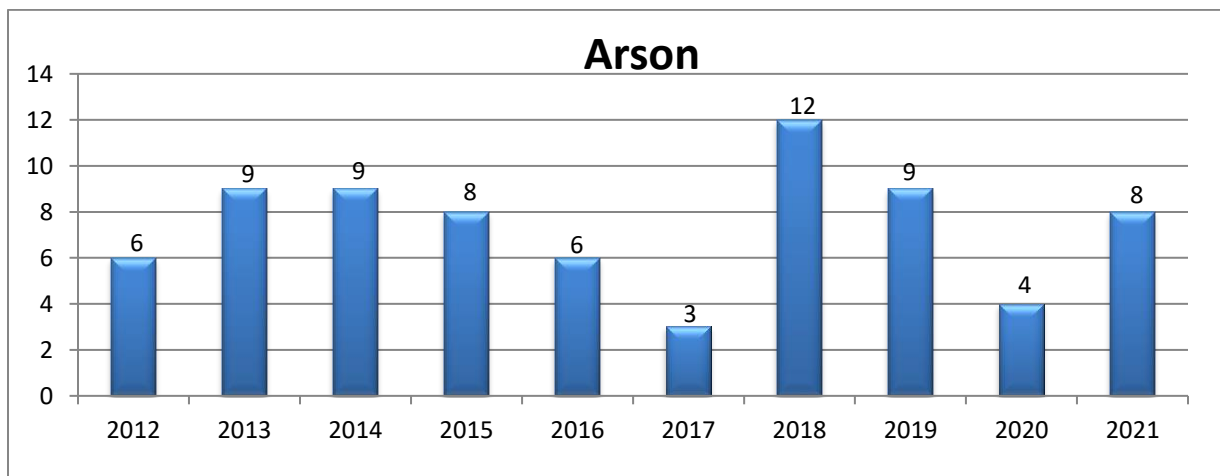
CRIME CATEGORIES CONTINUED



Criminal Sexual Conduct: 2020: 73 2021: 101 38.4% increase

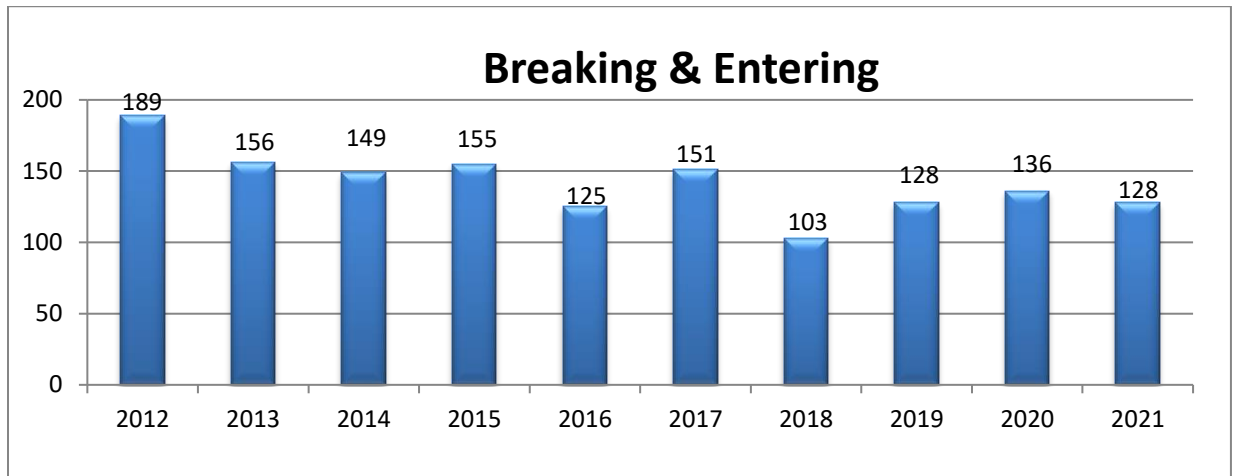


Domestic Violence: 2020: 766 2021: 807 5.4% increase

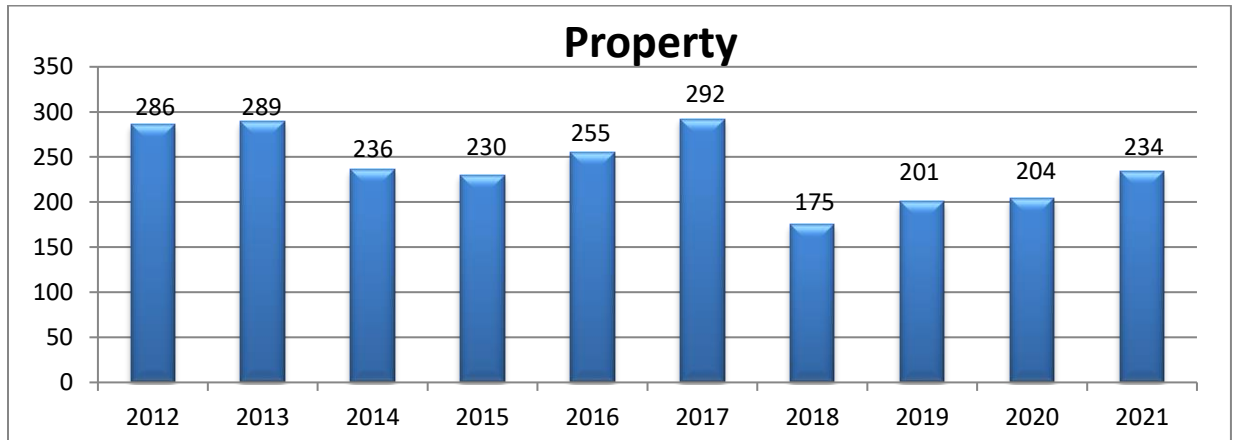


Arson: 2020: 4 2021: 8 100% increase

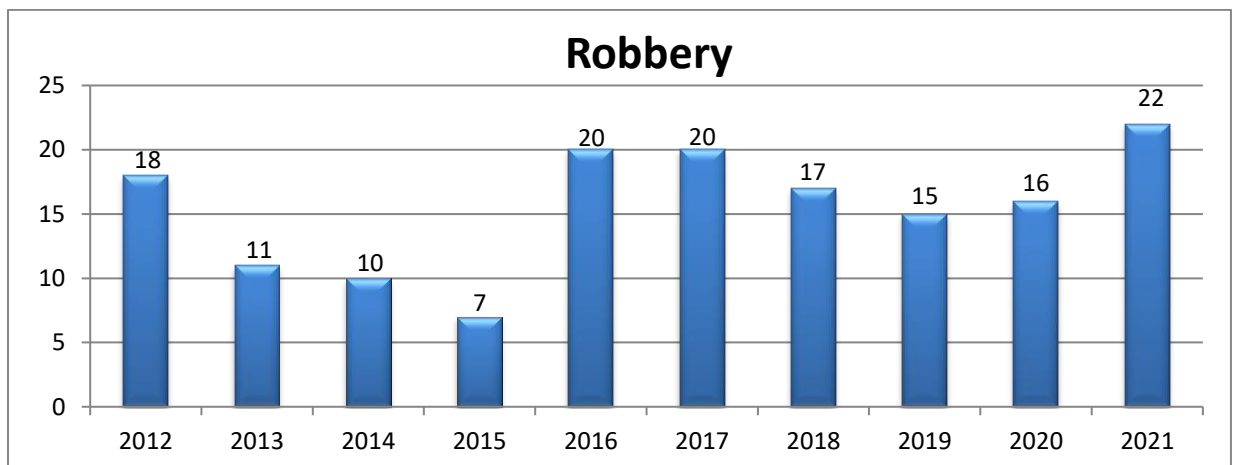
CRIME CATEGORIES CONTINUED



Breaking & Entering: 2020: 136 2021: 128 5.9% decrease

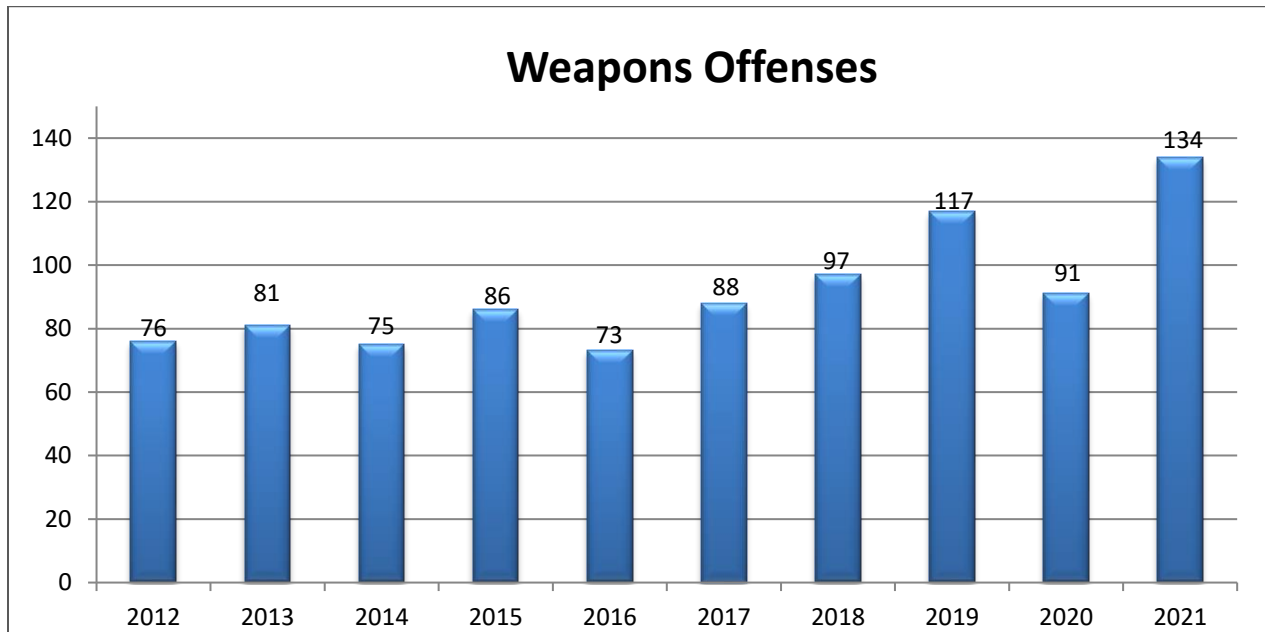


Property: 2020: 204 2021: 234 14.7% increase

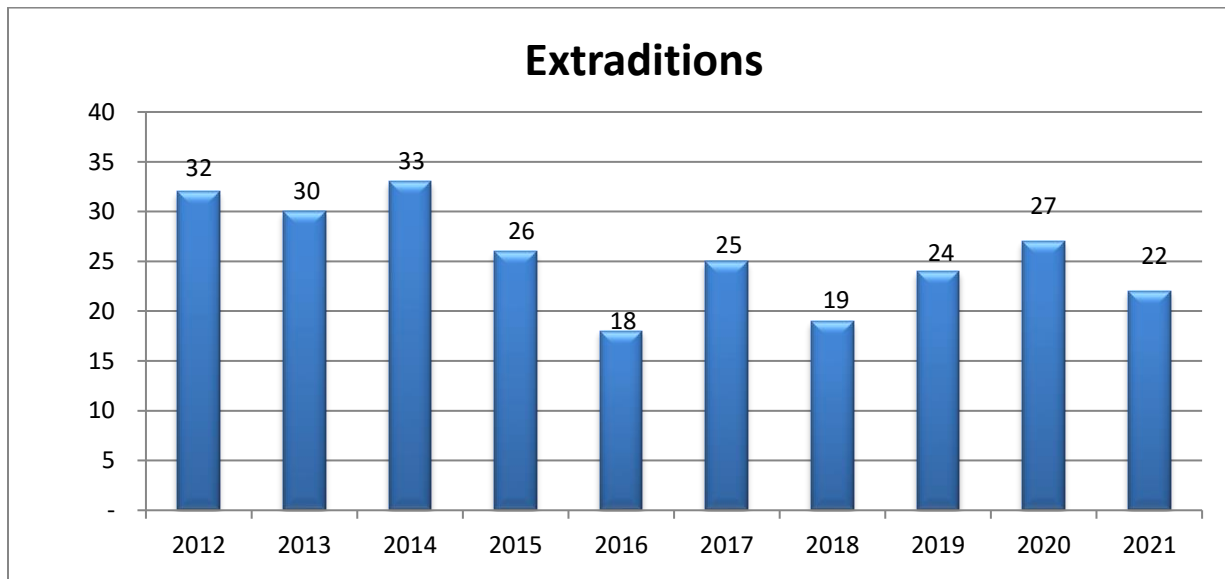


Robbery: 2020: 16 2021: 22 37.5% increase

CRIME CATEGORIES CONTINUED

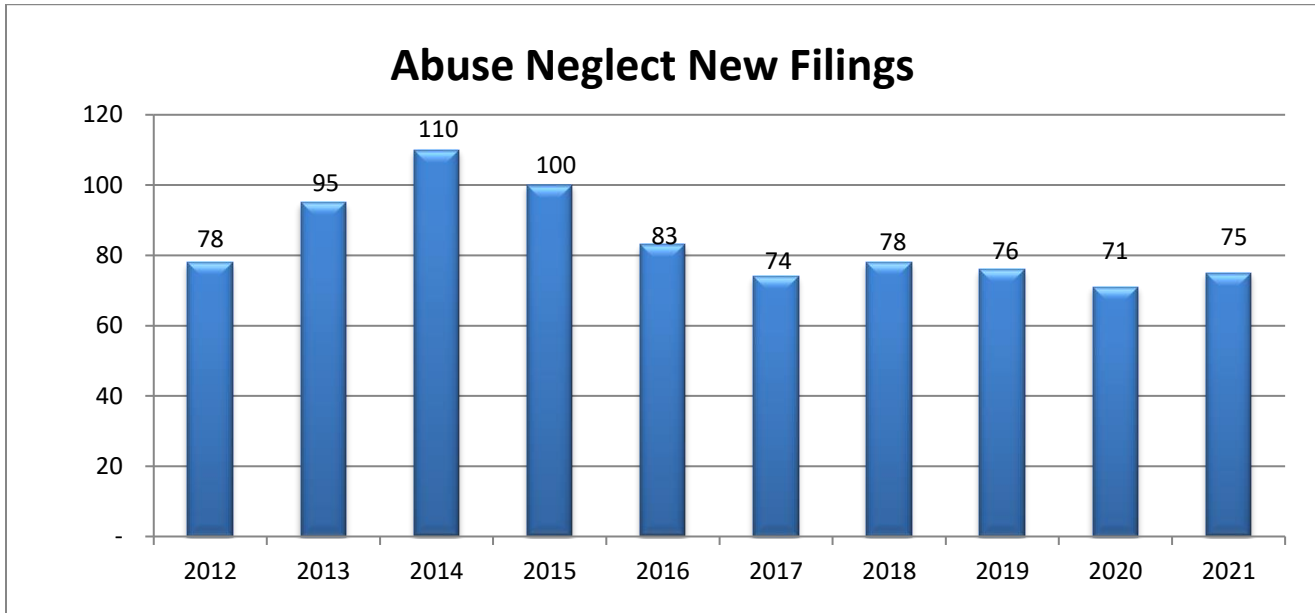


Weapons Offenses: **2020: 91** **2021: 134** 47.3% increase



Extraditions: **2020: 27** **2021: 22** 18.5% decrease

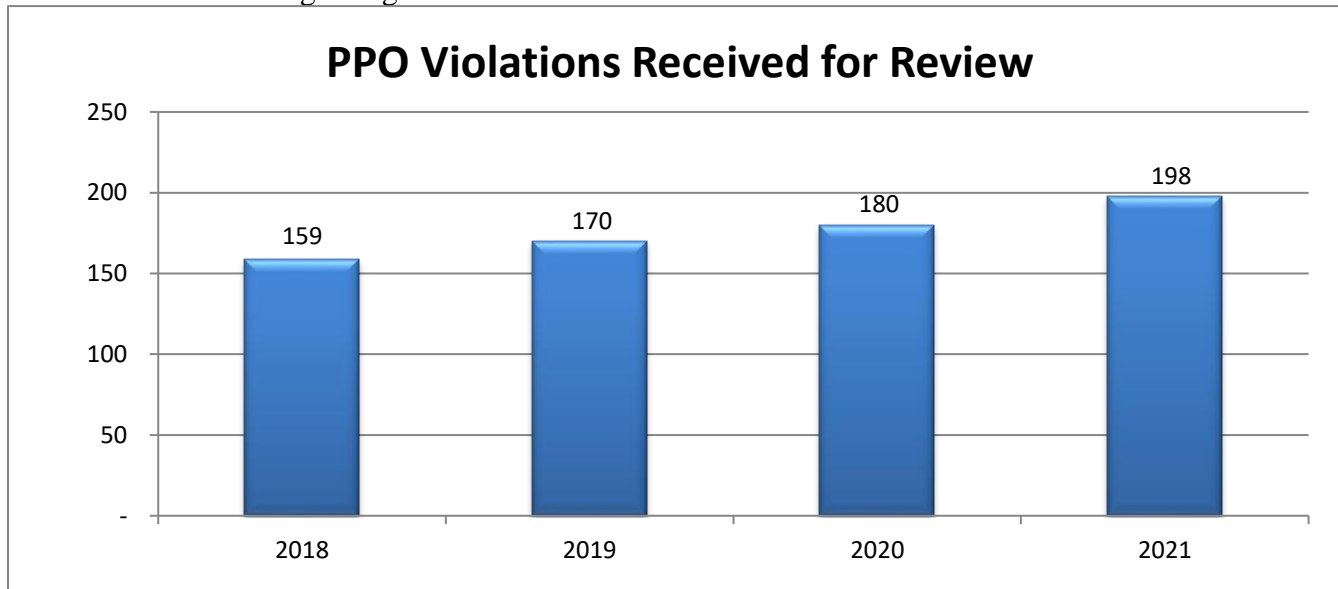
ABUSE NEGLECT CASES



Abuse Neglect Cases: 2020: 71 2021: 75 5.6% increase

PPO VIOLATIONS RECEIVED FOR REVIEW

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



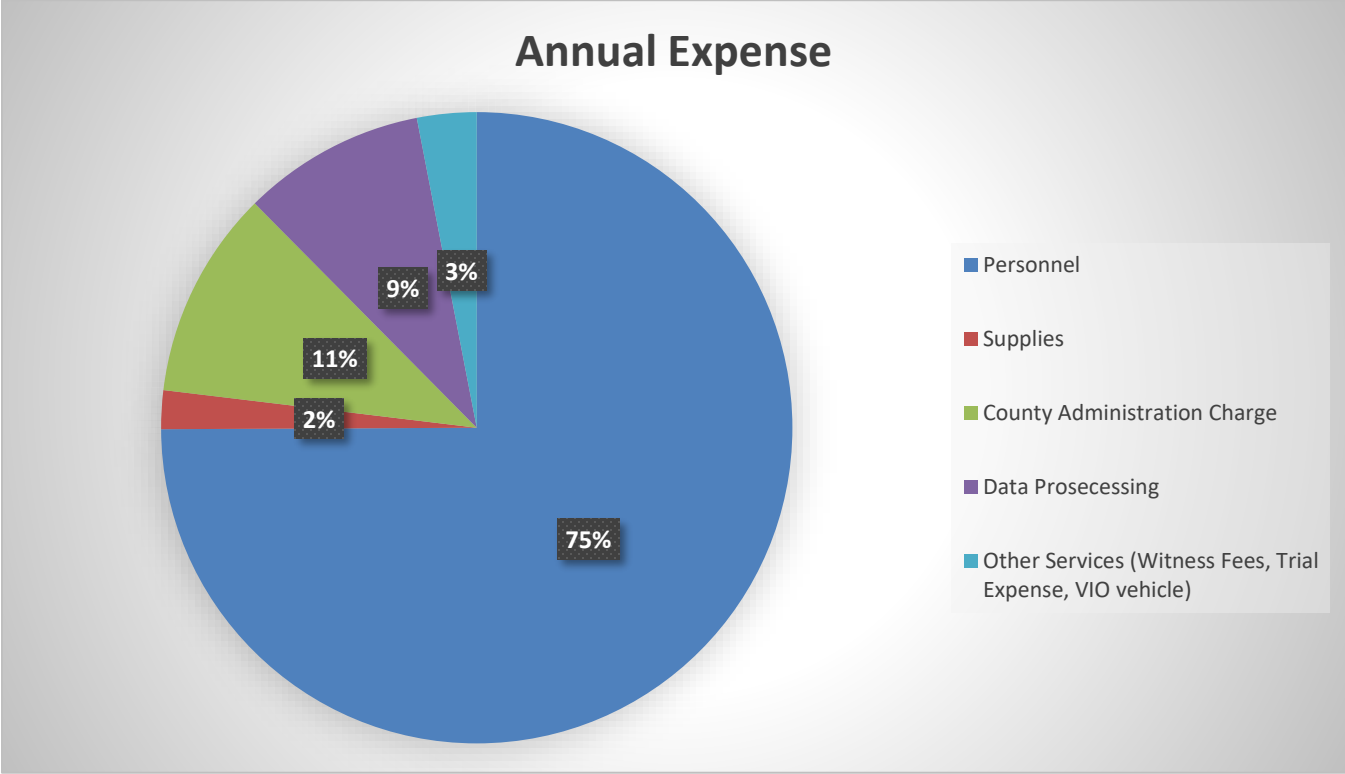
PPO Violations Reviewed: 2020: 180 2021: 198 10% increase

ADDITIONAL STATISTICS

Category	2020	2021	% Change:
Criminal Division:			
Felony Trials			
Jury:	4	21	425%
Non-Jury:	0	1	100%
Misdemeanor Trials			
Jury:	24	11	(54.2%)
Non-Jury:	11	15	36.4%
Civil Infraction Non-Jury Trials	678	692	2.1%
Family Division:			
Abuse/Neglect			
Jury:	1	0	(100%)
Non-Jury:	46	49	6.5%
Appeals Filed:			
Applications for Leave to Appeal:			
Appeals Pending Decision:	8	12	50%
Parole Reviews:	102	79	(22.5%)
Crime Victim's Rights			
Felony			
Misdemeanor	1,039	1,050	1.1%
Juvenile	289	304	5.2%
Extraditions (Governor's Warrants):			
Contested Mental Hearings & Guardianship Hearings:			
Civil Infractions:	8,764	10,007	15.4%
Formal Hearings	42	53	26.2%
Driver's License Restoration Hearings			
Violation of Personal Protection Order Hearings:			
Requests for Warrant Authorization:	7,514	8,277	10.2%
Denied / Further Investigation	1,159	2,078	79.3%
Authorized	6,355	6,199	(2.5%)
Juvenile Petitions Requests for Authorization:			
Screenings for Specialty Courts for Legal Eligibility:			
District Court Section 1090	56	50	(12%)
District Court Sobriety Court	46	63	37%
Circuit Court Recovery Court	71	95	33.8%

BUDGET

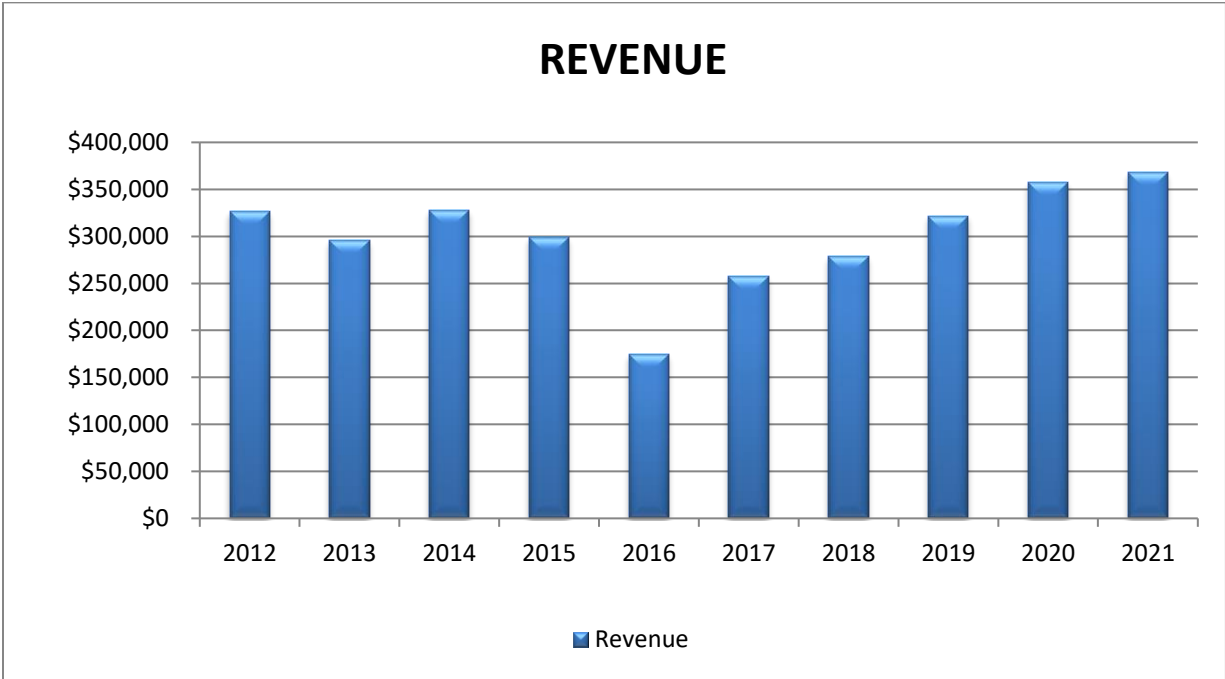
Annual Expenses 2021



<u>Total Budget:</u>	<u>2020</u>	<u>2021</u>	<u>% change</u>
Annual total:	\$4,332,648	\$4,716,321	8.9%

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:	2020	2021	% Change
Annual Total	\$357,318.50	\$367,964.73	3%

<u>Prosecutor Revenue</u>	<u>2020</u>	<u>2021</u>
Crime Victim’s Rights	\$250,415.00	\$250,753.15
DHS Contract	68,378.79	76,403.60
Allegan Reimbursement	5,668.75	9,337.50
Driver’s License Hearings	0.00	0.00
Food Stamp Fraud	1,698.50	630.00
OWI Reimbursement	30,707.46	30,750.48
Miscellaneous	<u>450.00</u>	<u>90.00</u>
Total Revenue:	\$357,318.50	\$367,964.73

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

District 1	Francisco C. Garcia
District 2	Joe Baumann
District 3	Doug R. Zylstra
District 4	Vice Chair Allen Dannenberg
District 5	Randall J. Meppelink
District 6	Kyle J. Terpstra
District 7	James Holtvluwer
District 8	Greg J. DeJong
District 9	Philip D. Kuyers
District 10	Roger A. Bergman
District 11	Chair Matthew Fenske