

# 2004 ANNUAL REPORT



## Office of the Prosecuting Attorney

Submitted by:  
Ronald J. Frantz  
Ottawa County Prosecuting Attorney

**ANNUAL REPORT  
OTTAWA COUNTY PROSECUTING ATTORNEY  
2004**

**A. FELONY CASELOAD:**

The 2004 felony caseload was virtually unchanged from the 2003 level (1467 cases in 2004, compared to 1473 cases in 2003). This statistic is in line with annual findings over the last five years that felony caseload numbers have remained consistently near the 1500 level. Arguably, this represents a significant net decline in felony crime rate calculated on a per capita basis.

The high-volume crime categories generally showed decreases in 2004. Drug Cases dropped 4%. Likewise, Criminal Sexual Conduct (-6%), Breaking and Entering (-5%), Property Crimes (-23%), and Weapons Offenses (-30%) declined. Low-volume categories Arson (+35%) and Robbery (+127%) showed increases. Felony and Misdemeanor Drunk Driving increased 11% and 7% respectively.

The trend toward fewer high-visibility homicides continued in 2004. In the only first degree murder charge filed in 2004, a Holland man was convicted as charged in the strangulation killing of a Holland Township man.

**B. DRUG/SOBRIETY COURTS:**

In 2004 Ottawa County District and Circuit Courts became part of the nationwide drug court movement. This revolutionary concept incorporates a non-adversarial, long-term treatment model that uses the court setting to reinforce the treatment and life-style changes needed by chronic drug and alcohol abusers. The prosecutor is an integral part of the team that selects offenders for the program and monitors their success. The Holland District Court began to accept offender-clients in May 2004. The Circuit Court initiated its Juvenile Drug Court program in the fall of 2004. The Circuit Court Felony Drug Court began operation in January 2005. The county Planning and Grants department will be evaluating the success of these initiatives. We expect to replicate the success seen nationally.

**C. DOMESTIC VIOLENCE:**

Our domestic violence caseload saw a modest 2% decrease in 2004 (from 649 to 612 cases). This caseload level has been relatively steady over the past four years and remains well below the high levels experienced from 1998 through 2000 (high of 810 cases in 1998). Our office remains actively involved in the Lakeshore Alliance Against Domestic and Sexual Violence, with a continued focus on prevention and reduced recidivism. Our office has assigned an assistant prosecutor to serve as a Domestic Violence Specialist. The activity levels of our two Violence Intervention Officers also decreased by 2% in 2003 (557 cases).

These employees offer assistance and support to domestic violence victims throughout the criminal justice process. They also provide support services to victims of sexual assault and stalking when a domestic relationship is involved.

#### **D. JUVENILE CRIME:**

The juvenile delinquency petition statistic shows a dramatic 33% reduction in 2004 (from 2068 petitions in 2003 to 1365 in 2004). In 2004 we began using an internal database rather than a manual count system. We also have learned that the totals in prior years included status offenses, probation violations, and added counts that may have inflated the figures from our perspective. Nevertheless, the Family Court reports a 10% decline in total juvenile caseload in 2004. Additionally, they report that Larceny (-3%), Breaking and Entering (-7%), Malicious Destruction of Property (-9%), Drugs and Alcohol (-7%), Weapons (-21%), and Criminal Sexual Conduct (-12%) also saw significant declines. Assault (+13%) and Arson (+42%) crime categories showed increases, but the Arson caseload was relatively low (26 cases). 97 of the Assault petitions involved domestic violence (down from 107 in 2003). One of the challenges being addressed by the Lakeshore Alliance Against Domestic and Sexual Violence is to add domestic violence prevention education to school curricula. Instructors, including assistant prosecutors, have been trained to bring this message to our school children. This initiative, in cooperation with the Intermediate School District, will hopefully lead to a continued reduction in juvenile domestic violence.

#### **E. CHILDREN'S ADVOCACY CENTER AND S.A.N.E. PROGRAM:**

The Children's Advocacy Center, formerly known as the Children's Assessment Center, has been open in Holland since 1999. The county provides significant financial support through payment for services provided to victims in OCSD cases (\$58,843). Young sexual assault victims receive victim-friendly examination, treatment, and counseling at the center. The growth in caseload, services offered, and staff size has resulted in the construction of a new, larger facility to be constructed in the Holland area. The center expects to occupy the new facility in April 2004. In 2004 the center conducted 303 interviews of children suspected of being sexual assault victims (as compared to 398 in 2003). Our office, as part of our Family Court Unit, has assigned an assistant prosecutor to work directly with investigators and center staff in assisting young sexual assault victims in seeking justice in the criminal justice system and restoring their lives.

The Sexual Assault Nurse Examiners (S.A.N.E.) Program, offered by the Center for Women in Transition, has been in existence since November of 2001. This program offers victim-friendly examinations and treatment to teenage through adult sexual assault victims. Specially trained nurses provide these services and have been qualified to give expert testimony in court. The Children's Advocacy Center and S.A.N.E. programs together provide a seamless system of services for all ages of sexual assault victims.

## **F. STAFFING:**

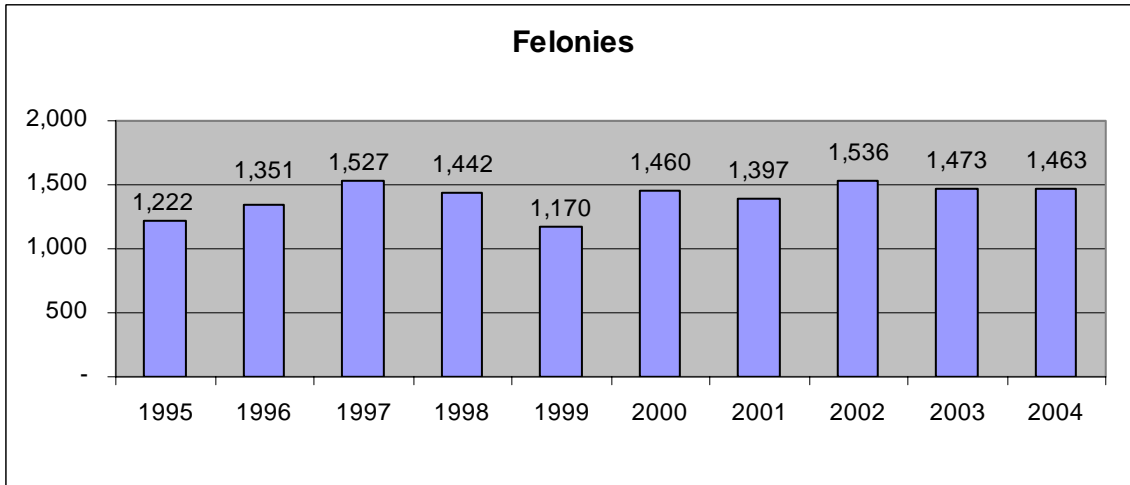
There were no staffing changes in 2004. Our attorney staff remains at fourteen. With the implementation of Drug/Sobriety Courts and the addition of another Circuit Court judge we are experiencing significant additional demands on our personnel. We are hopeful that additional staff will be made available to fully meet these demands. Our current staffing level remains significantly smaller than all larger Michigan counties as well as the next four counties below us in population. Nevertheless, we provide all mandated services and offer a range of specialty services to crime victims and law enforcement. These specialties include the Family Court Unit, Domestic Violence Unit, Victims' Rights Unit, an Appellate Specialist, and a Law Enforcement Training Assistant.

As your prosecutor, I am confident that the Ottawa County criminal justice system will continue to respond well to the challenges we face. Crime levels remain relatively low and community confidence is high. County and local initiatives have been generally successful in controlling gang violence, domestic violence, and juvenile crime. The drug court initiative offers an opportunity to impact not only drug crime, but drug-motivated property, weapons, and assaultive crime. We hope to build on positive trends in the adult felony and juvenile crime rates and, thereby, contribute to our quality of life.

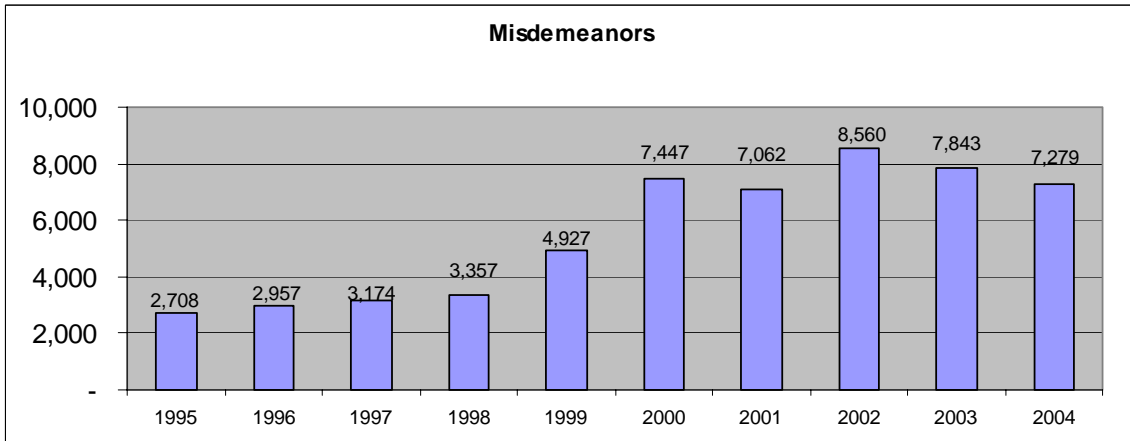
Respectfully submitted,

Ronald J. Frantz,  
Prosecuting Attorney

## Criminal Matters

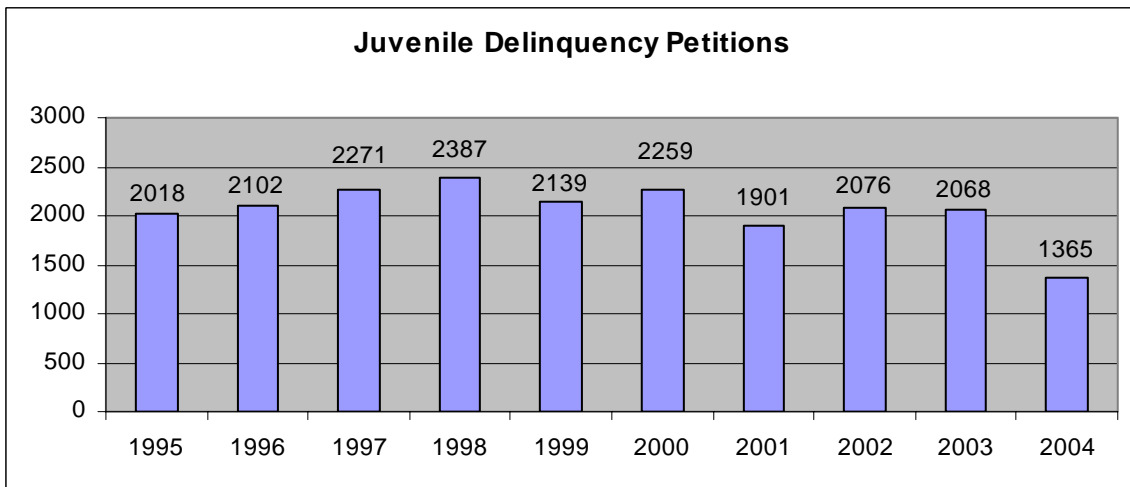


**Adult Felony Cases:**                      **2003:** 1,473      **2004:** 1,463      less than 1% decrease



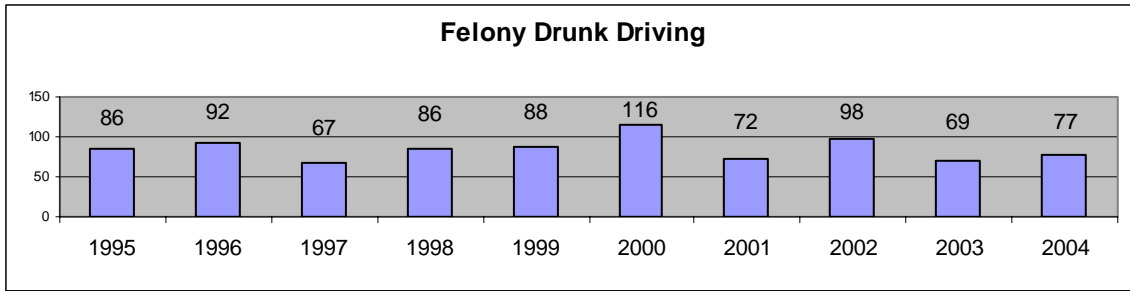
**Adult Misdemeanors:**                      **2003:** 7,843      **2004:** 7,279      7% decrease

Note: Prior to 2000 the method of tracking statutory misdemeanors did not fully capture ticket offenses

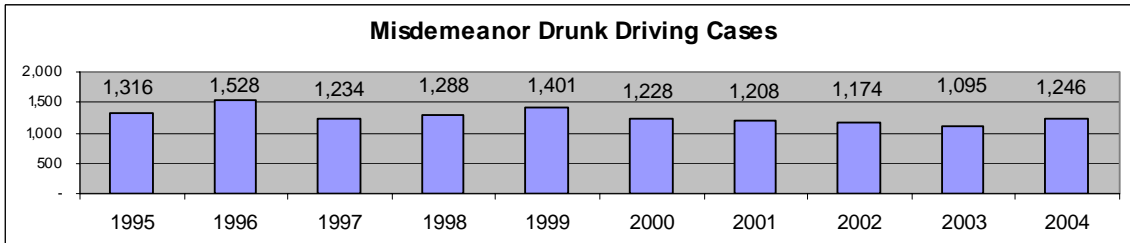


**Juvenile Delinquency:**                      **2003:** 2,068      **2004:** 1,365      33% decrease

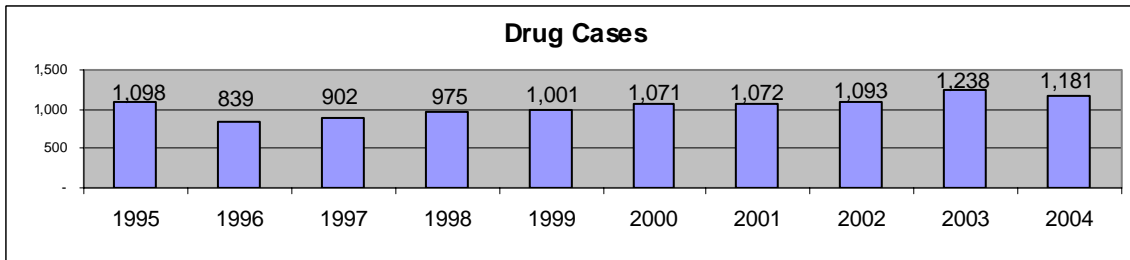
## Crime Categories



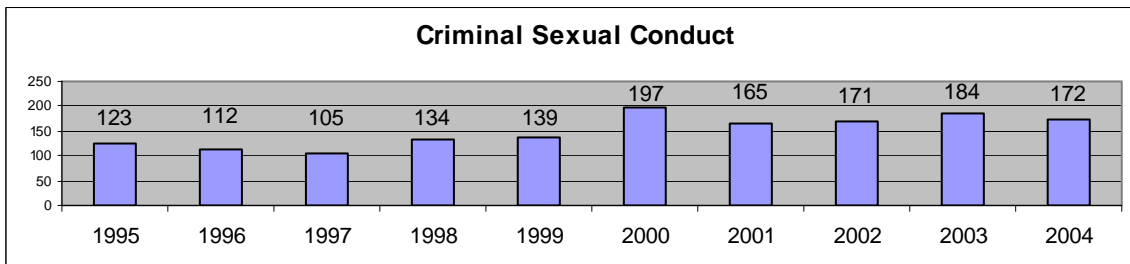
**Felony Drunk Driving:**                      **2003:** 69                      **2004:** 77                      11% increase



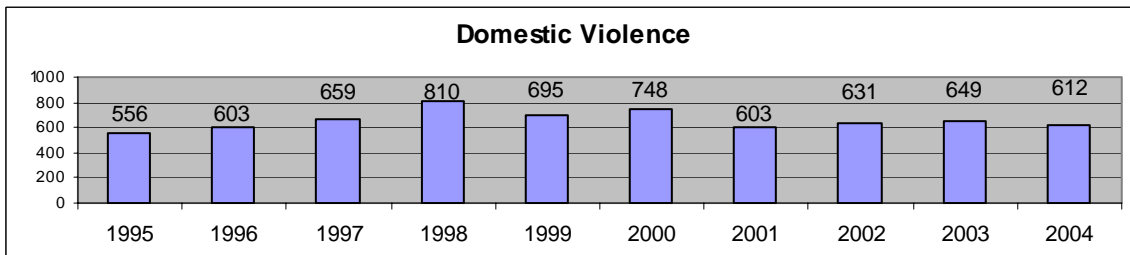
**Misdemeanor Drunk Driving:**    **2003:** 824                      **2004:** 878                      7% increase (No ordinance cases)  
13% increase total OWI cases



**Drug Cases:**                                      **2003:** 1,238                      **2004:** 1,181                      4% decrease

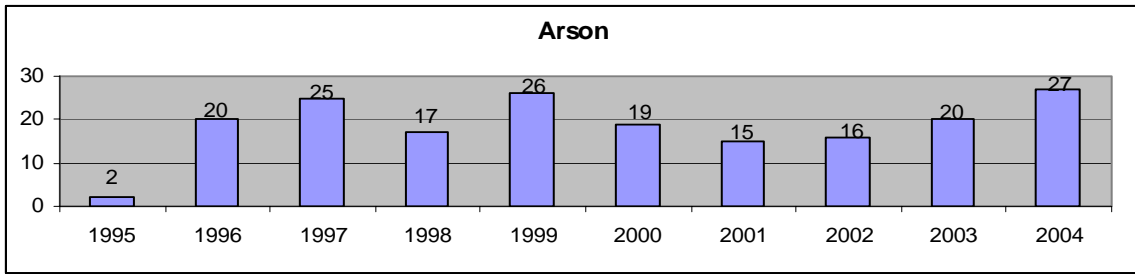


**Criminal Sexual Conduct:**                      **2003:** 184                      **2004:** 172                      6% decrease

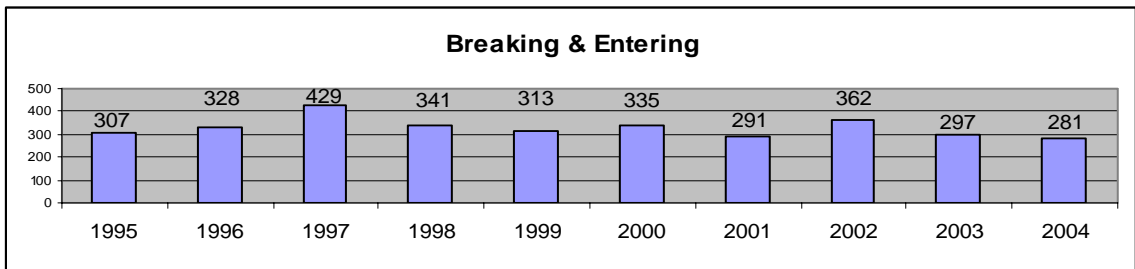


**Domestic Violence:**                                      **2003:** 649                      **2004:** 612                      5% decrease

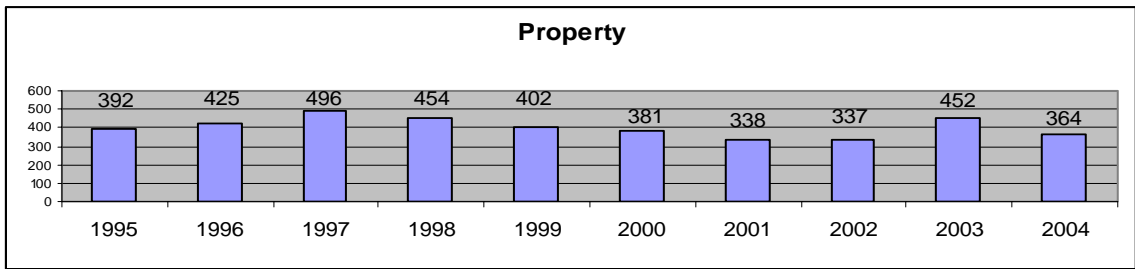
## Crime Categories Continued



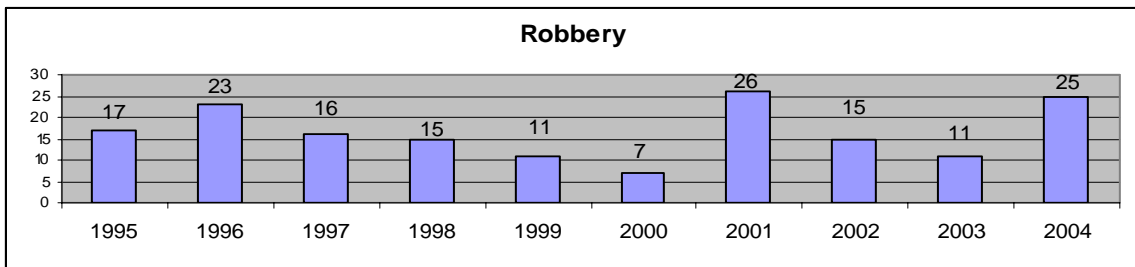
**Arson:**                                    **2003: 20**                    **2004: 27**                    35% increase



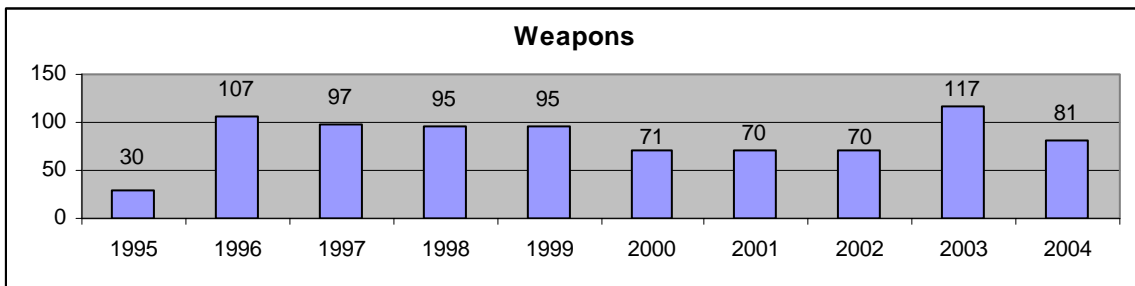
**Breaking & Entering:**    **2003: 297**                    **2004: 281**                    5% decrease



**Property:**                                    **2003: 452**                    **2004: 364**                    23% decrease



**Robbery:**                                    **2003: 11**                    **2004: 25**                    127% increase



**Weapons:**                                    **2003: 117**                    **2004: 81**                    30% decrease

Category	2003	2004	% Change
<b>Felony Trials:</b>			
Jury	35	23	(23%)
Non-Jury	4	5	25%
<b>Misdemeanor Trials</b>			
Jury	14	19	35%
Non-Jury	95	64	(32%)
<b>Civil Infraction Bench Trials</b>	1,033	1,024	(.008%)
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Appeals Filed	20	28	40%
Application for Leave to Appeal	10	13	30%
Appeals Pending Decision	6	8	33%
Parole Reviews	81	106	30%
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Child Abuse & Neglect Cases	121	94	(24%)
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<b>Child Support Cases</b>			
Paternity	95	234	146%
Non-Support	200	446	123%
URESAs: Incoming	17	29	70%
Outgoing	12	38	25%
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<b>Concealed Weapons Board:</b>			
Applicant Interviews	476	376	(21%)
Reviews (without applicant)	33	310	839%
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<b>Crime Victims Rights:</b>			
Felony	1,056	1,093	3%
Misdemeanor	1,267	979	(22%)
Juvenile	804	711	(11%)
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Extraditions (Governor's Warrants)	5	6	20%
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Contested Mental Hearings	n/a	44	n/a
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Statutory Civil Infractions	14,970	15,552	4%
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Violation of Personal Protection Order Hearings	97	106	9%
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Requests for Warrant Authorization (Returned for more investigation or denied)	1,230	1,247	1%

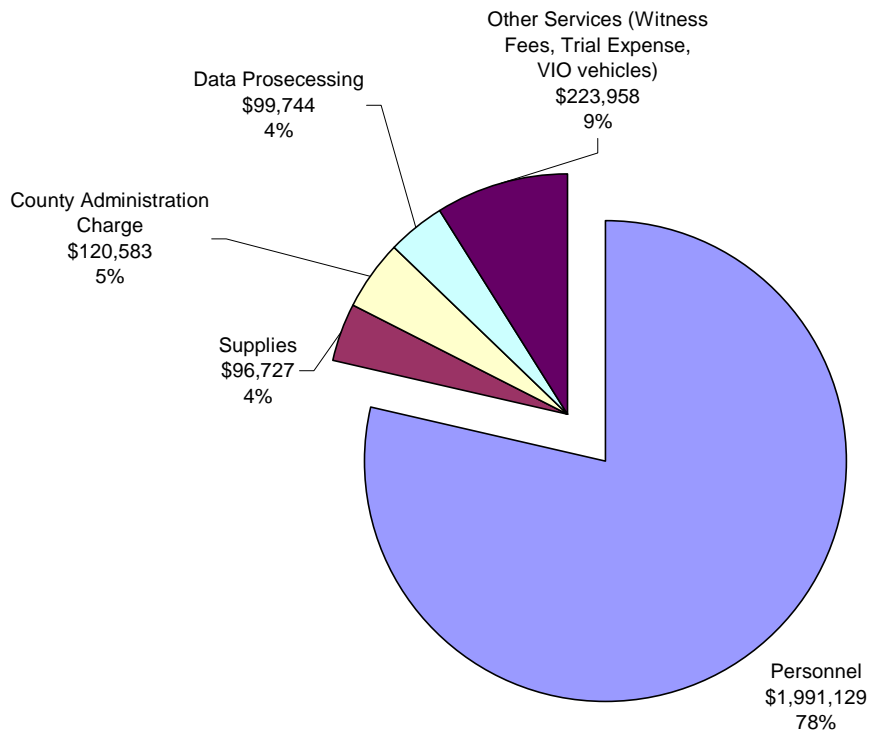
# APPENDIX A

## Office Budget

### Total Budget

The Prosecutor's office expenditures include \$58,843 to support the Children's Advocacy Center.

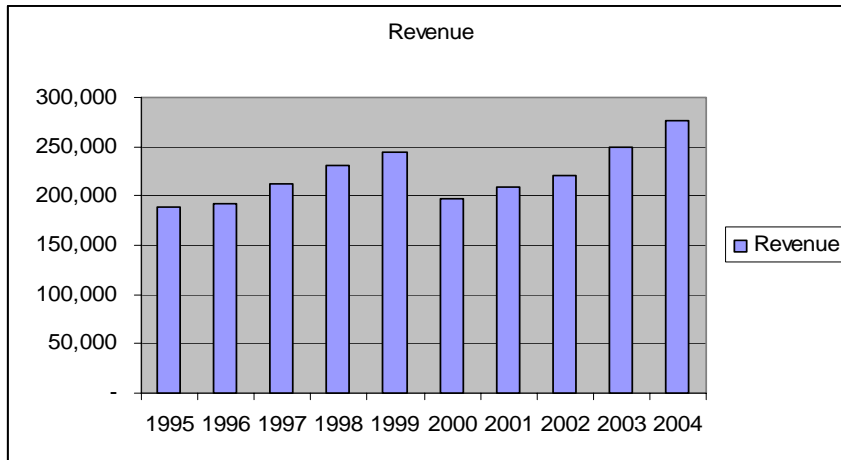
### Annual Expense 2004



<b>Total Budget:</b>	<b>2003</b>	<b>2004</b>	<b>% change</b>
Annual total:	\$2,538,248	\$2,691,786	6%

**Revenue**

The Prosecutor’s office revenue consists of state funding via grants, contract or cost reimbursement. Services include Crime Victim’s Rights, legal services provided to the Family Independence Agency in child abuse and neglect matters, cooperative reimbursement for establishment of child support and paternity actions, food stamp fraud prosecution, drivers license hearings for the Secretary of State, and legal services for Allegan County cases pending in the 58<sup>th</sup> District Court in Holland (venue: Holland City, Allegan County). The County also bills offenders convicted for Operating While Intoxicated, and other specified offenses, for reimbursement of prosecution costs pursuant to local ordinance.



1995	\$188,240
1996	\$191,500
1997	\$212,505
1998	\$230,926
1999	\$243,639
2000	\$197,018
2001	\$208,613
2002	\$221,496
2003	\$250,139
2004	\$276,004

46% Increase over ten year period

<b>Revenue:</b>	<b>2003</b>	<b>2004</b>	<b>% change</b>
Annual total:	\$250,139	\$276,004	10%

2004 Prosecutor Revenue:

Crime Victim’s Rights	\$139,440
F.I.A. Contract	25,883
Cooperative Reimbursement	90,320
OWI Reimbursement	15,435
Allegan Reimbursement	3,583
Driver License Hearings	1,092
Food Stamp Fraud	113
Miscellaneous reimbursement	138
<b>Total Revenue</b>	<b>\$276,004</b>

## **APPENDIX B**

### **PRIMARY FUNCTIONS OF THE OFFICE OF PROSECUTING ATTORNEY**

The principal responsibility of the constitutional office of Prosecuting Attorney is to service as chief administrator of criminal justice for our county. I perform the many related functions with a staff of thirteen assistants, who are all licensed attorneys. My main office is in the County Building in Grand Haven. I also staff an office in the Holland District Court Building and the West Olive Administration Building. The following outline details the primary functions of my office.

#### **I. CRIMINAL JUSTICE**

##### **A. Investigative Function**

1. Advise law enforcement agencies regarding criminal law and provide legal assistance on investigations in progress.
2. Draft and review search warrants.

##### **B. Charging Function**

1. Review investigative reports and determine whether criminal charges should be authorized.
  - a. Interview material witnesses.
  - b. Review pertinent legal decisions, statutes and other legal materials pertaining to the case.
  - c. Provide notification and assistance to crime victims and witnesses.

##### **C. Court Proceedings**

1. Service as Attorney for the People of the State of Michigan.
  - a. At pre-trial hearings and motions: analyze evidence and relevant legal authorities in evaluating the case and preparing for trial. Present testimony and legal arguments at motion hearings.
  - b. At trial: present opening and closing statements, examine and cross-examine witnesses and perform legal research related to trial issues.

**D. Appeals**

1. Research issues in post-trial cases, and prepare responses by submitting legal briefs, responses to motions, and answers to complaints for superintending control and/or mandamus in Ottawa County Courts, State Court of Appeals, Michigan Supreme Court and Federal Courts.
2. Present argument before State and Federal appellate courts.
3. Inform and educate victims concerning the outcome of appeals and/or effect of decisions.
4. Act as liaison between the Michigan Parole Board and victims, including contacting the parole board and/or appearing at parole hearings.
5. Review potential parole release cases following notification from the Parole Board and intervene if deemed necessary.

**E. Victim Assistance Unit**

1. Provide victims with notice of initial charges, their rights and all court proceedings.
2. Assist victims in seeking appropriate counseling or social services.
3. Assist and accompany victims during trial or court proceedings
4. Provide an opportunity for victim input regarding trial decisions and any plea negotiations.
5. Assist victims in presenting sentence recommendations orally or in writing.
6. Assist victims in determining the amount of appropriate restitution and communicating restitution amounts to probation departments and the court.
7. Assist in securing court-ordered restitution from convicted defendants.
8. Assist victims in obtaining information about parole hearings and anticipated discharge dates for convicted defendants who are incarcerated.

**F. Domestic Assault Intervention Program**

1. Contacts victim of domestic violence cases within 24 hours after an incident occurs in which a perpetrator has been lodged in jail. Explain in detail how the safety net is accomplished with the assistance of the victim(s).
2. Coordinate with bond screening officer to ensure that the appropriate conditions of bond established, including no contact with the victim, live in an approved residence, no alcohol or drugs and no possession of firearms.
3. Conduct a minimum of three contacts with the victim per week.

4. Refer the victim and family to various agencies based on their needs, such as financial assistance, legal advise, counseling and temporary lodging.
5. Coordinate with the Center for Women in Transition to make available family counseling and resources.
6. Coordinate and exchange information with the Intensive Supervision Officers; review requests to lift no contact orders, when appropriate.
7. Report any violations of the conditions of bond or indications of misconduct to the courts.
8. Consult with assistant prosecuting attorneys and victim assistance staff regarding domestic violence victim status on pending prosecutions.

## II. **FAMILY COURT DIVISION**

### A. **Juvenile Court**

Serve as attorney for the People and Petitioners in Delinquency and Abuse/Neglect proceedings involving children under 17 years of age.

1. Authorize petitions, present testimony and legal argument at pretrial hearings and motions.
2. Present arguments and examine witnesses at adjudication hearings (trials).
3. Present evidence and arguments at dispositional hearings (sentence proceedings).
4. Research, prepare briefs and argue appeals.

### B. **Mental Commitment Proceedings**

1. Review and prepare commitment petitions seeking appropriate treatment for those suffering from serious mental illness or impairment.
2. Present evidence and legal argument at hearings seeking appropriate treatment.

### C. **Guardianships**

1. Seek the appointment of responsible legal guardians for certain mentally impaired or developmentally disabled persons to assist in the handling of their financial and personal affairs.

### **III: CIVIL DIVISION**

#### **A. Child Support and Paternity Division**

1. Interview plaintiffs and prepare complaints seeking court-ordered child support and the determination of parentage of minor children.
2. Conduct arraignments and pretrials with the defendants.
3. Present evidence and legal argument at trials and motions.
4. Prepare orders of support or filiation.
5. Prepare and handle inter-state support and paternity actions.

APPENDIX C

**Ottawa County Prosecuting Attorney  
Organization Chart 2005**

