

58th District Court 2007 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, traffic informal hearings and probation meetings 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.

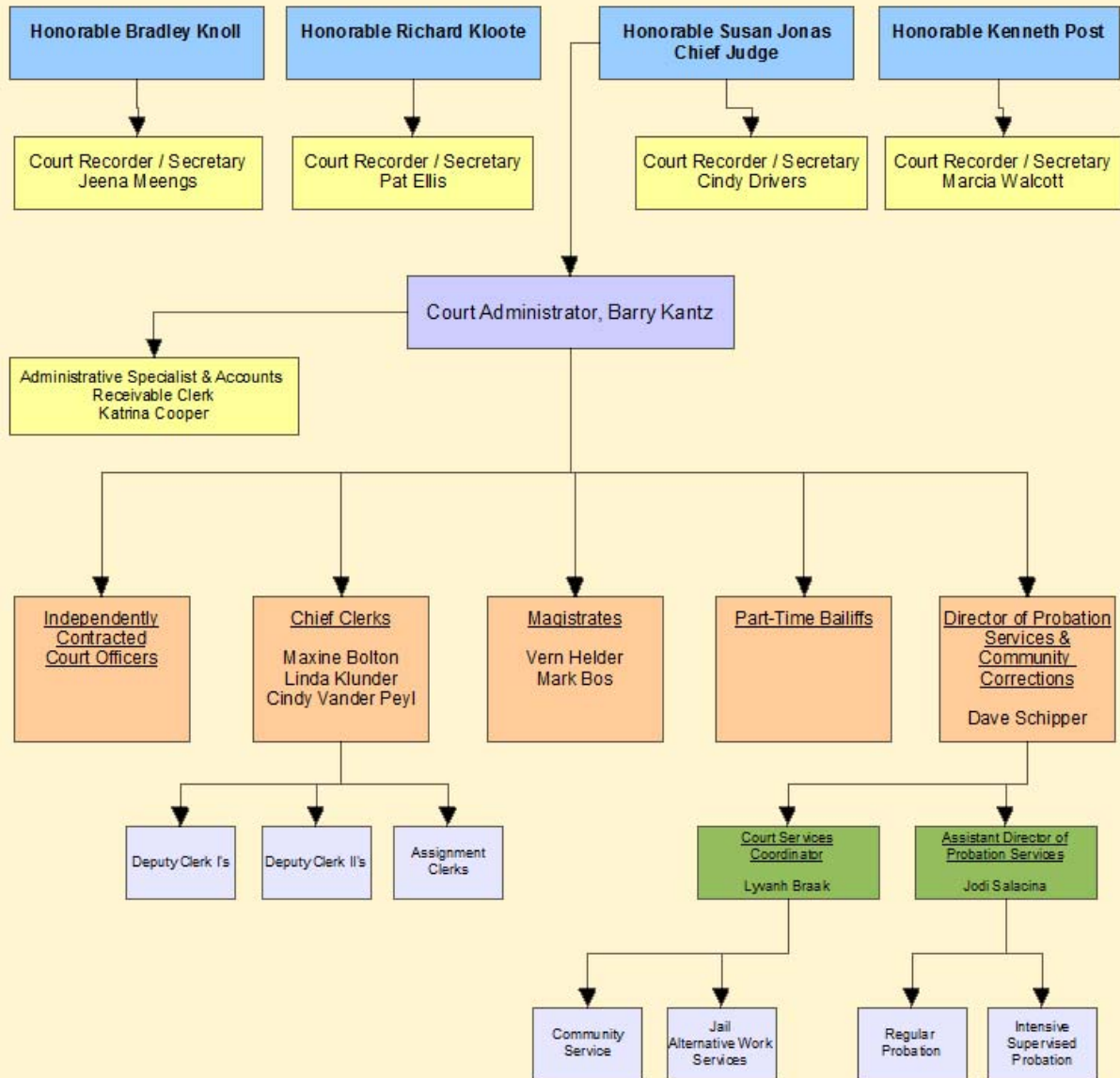
The traffic division is responsible for entering tickets into the computer system, taking payments for tickets, scheduling hearings for disputed tickets and notifying the Secretary of State of case dispositions.

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.

The probation department supervises people that are placed on probation by the judges. They are responsible for monitoring the requirements that must be performed by the probationer as well as referring such persons to community rehabilitation and employment programs. In addition to their normal caseload, the probation officers perform pre-sentence investigations, bond screening, drug and alcohol testing, and substance abuse assessments for the court.

58th District Court

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	2003	2004	2005	2006	2007
Grand Haven	468	518	465	679	580
Holland	1,995	1,865	1,991	2,211	2,338
Hudsonville	438	433	429	625	676

* 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	2004	2005	2006	2007
Arraignments	1560	1358	1676	1371
Informal Hearings	3408	3410	3881	1274
Arrest Warrants	951	914	853	497
Search Warrants	106	136	79	98
Marriages	339	446	404	261
Small Claims Cases Mediated	585	631	670	167
Small Claims Trials	423	514	539	750

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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 from beginning to end of every case filed in the District Court. 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 and the law enforcement community.

The Court Administration monitors the workload of our case processing staff to ensure that the workload is evenly 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 many 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.

Ottawa County District Court disposed of 2,415 cases per case processor in 2007. This is **126%** of the median of West Michigan District Courts.

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

“Webster’s defines Recovery as a return to a normal condition. I am in recovery; that is to say. I am trying to return to a normal condition. I used to think that normal meant struggling through the day until I could have my next drink. I used to think that normal meant lonely, depressed, anxious and chaotic. That is the frame of mind I was in when I was accepted into Sobriety/Drug Court. Every day I spend in recovery is another step on the journey to discover what “normal” means to me today. I hope to continue recovery the rest of my life, returning to the state I was meant to be before alcohol took over.”

- A successful program graduate-

- Four year anniversary in May of 2008
- 64 Active Participants
- 6 Upcoming Commencements in May and June of 2008
- 68% successful completion rate from May 1, 2004–April 30, 2008
- Only 9 out of 86 graduates are known to have relapsed
- 1 drug free baby born during program participation.
- On average, participants enter the program within 37 days from the time of arrest or charge
- Unemployed participants begin treatment within a week from program entry.
- Unemployed participants are required to perform a minimum of 20 hours of community service.
- 11 members from the Sobriety/Drug Court Team will attend the National Drug Court Conference in May of 2008.

Michigan DUI Courts: Ottawa County Outcome Evaluation Results

The results of the outcome analysis for the Ottawa County DUI Court are positive. Ottawa County DUI court participants (regardless of whether they graduated from the program):

- Had three times fewer re-arrests two years from program/probation entry than the comparison group.
- Were three times less likely to be re-arrested for any charge within two years.
- Were nineteen times less likely to be re-arrested for DUI charge within 2 years.
- Had a significantly longer time to re-arrest than the traditional probation comparison group (74.5 days vs. 135 days).
- Reduced drug and alcohol use over time in the program.

In addition, DUI court participants spend significantly less time in jail and significantly more time in treatment than the traditional probation comparison group members. Further, DUI court participants were sentenced substantially sooner than those who enter traditional probation. Overall, these results demonstrate that the Ottawa County DUI court program is effective in reducing recidivism and reducing drug and alcohol use while using fewer criminal justice resources.

(Michigan Supreme Court, State Court Administrative Office, October 2007)

58th District Court Sobriety/ Drug Treatment Program

PARTICIPANT DISCHARGE TYPE

VALUE	FREQUENCY
Successfully Complete	86
Unsuccessful/New Offense	6
Unsuccessful/Non-Compliant	18
Unsuccessful/Absconded	14
Other (mental illness, deceased)	2
Total Discharges	126



A participant's promotion

“Along with AA I was fortunate to be in Drug/ Sobriety Court probation. Though I did not understand it at the time, my life was being given structure, with daily ‘pbt’s’, 5 AA meetings a week and counseling. The follow up with drug court every two weeks was the accountability I needed. It helped me keep sober.”
-A successful program graduate-

SOBRIETY / DRUG COURT ENHANCEMENTS

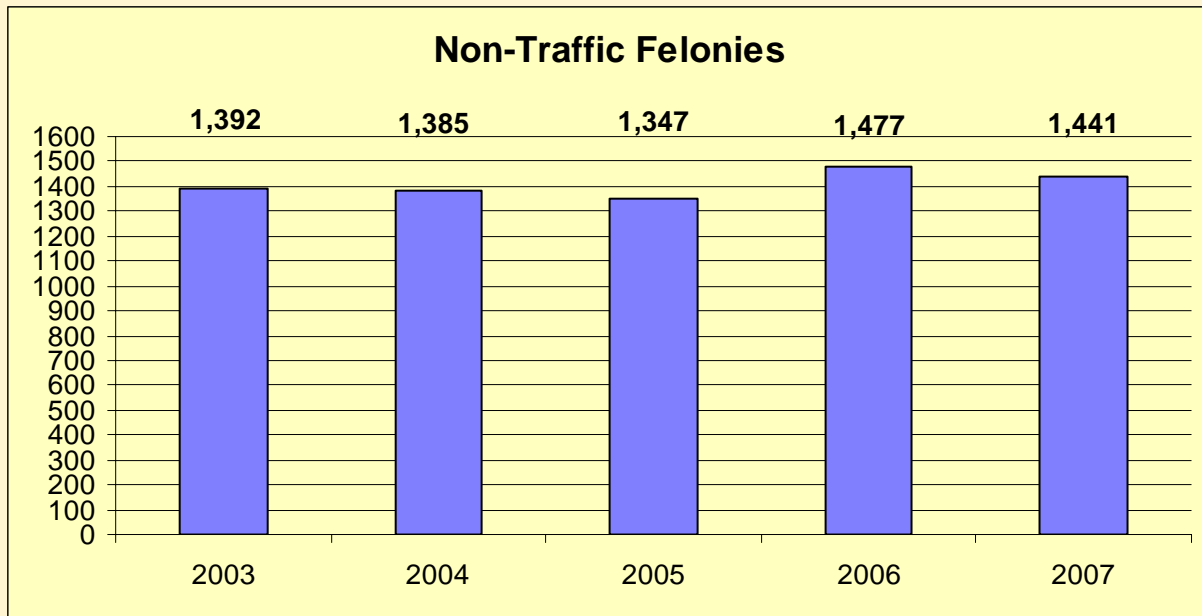
Give-and-Take Sessions	Continuing Care	Alumni Gatherings
Participants in Phase IV meet with the Judge, Case Manager, and other Drug Court Team members for an opportunity to give feedback regarding the program. Some suggestions from these sessions have been implemented as recommended by the participants.	Participants are required to attend monthly counseling sessions which serve as a check-in process.	A third alumni gathering was held on January 18, 2008. Another gathering will be scheduled this spring which will include active participants.

Sobriety/Drug Court Team Members

Susan Jonas	Judge	Alma Valenzuela	Case Manager
Bradley Knoll	Judge	Brian Moran	Field Supervision Officer
David Schipper	Drug Court Coordinator	Jessica Dozeman	Field Supervision Officer
Craig Bunce	Assistant Prosecutor	Dan Denooyer	Treatment
Don Hann	Defense Attorney	Tara Romano	Treatment
Mark Knudsen	Evaluator	Lara Helmus	Treatment
Cathy Shaw	Case Manager	Clara Mascotto	Treatment

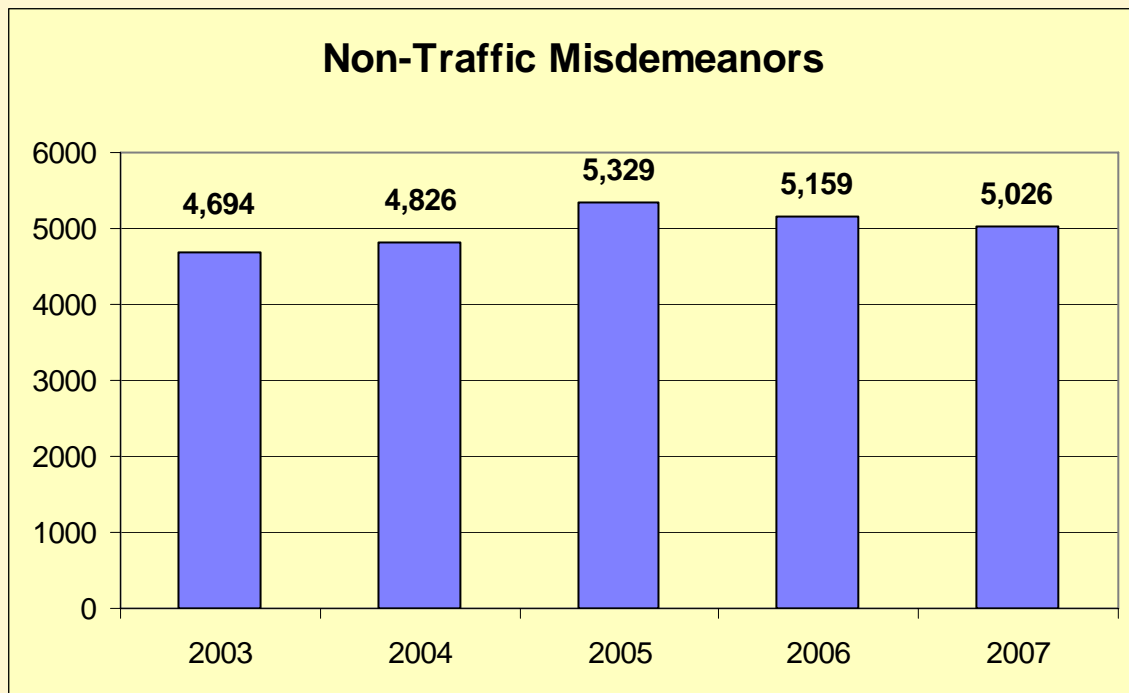
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FELONIES – If a defendant is charged with a felony then he must appear in District Court. The defendant is arraigned in District Court and a bond is set by a District Court Judge or by a Magistrate. Quite often, before a bond is set, the District Court 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.



58th District Court

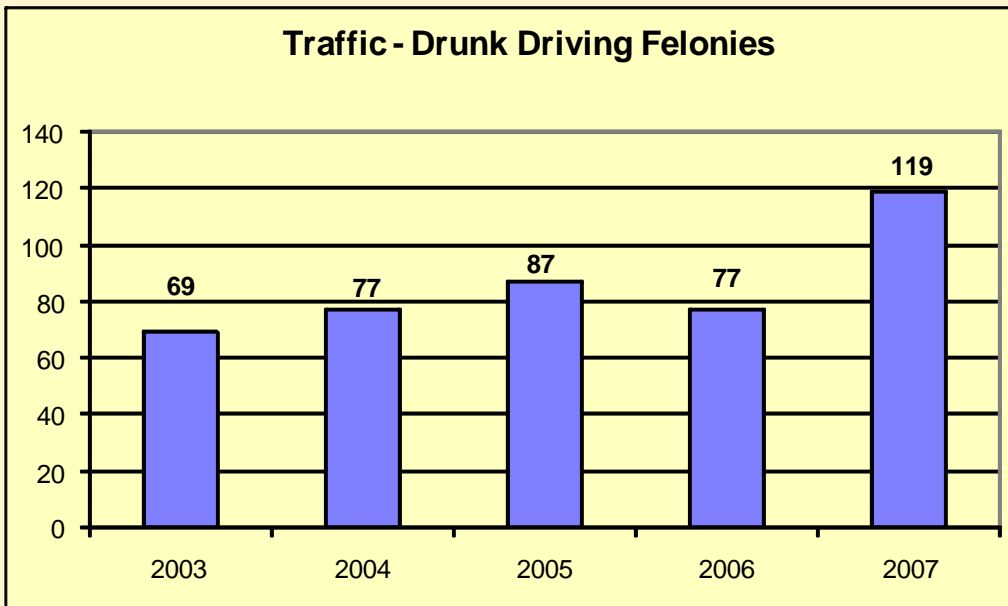
MISDEMEANORS – The District Court has jurisdiction over all crimes that are punishable by not more than one year in jail. Indigent defendants are appointed an attorney if it is likely that the defendant will be sentenced to jail if found guilty. Most cases are resolved before a trial is conducted. This 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.



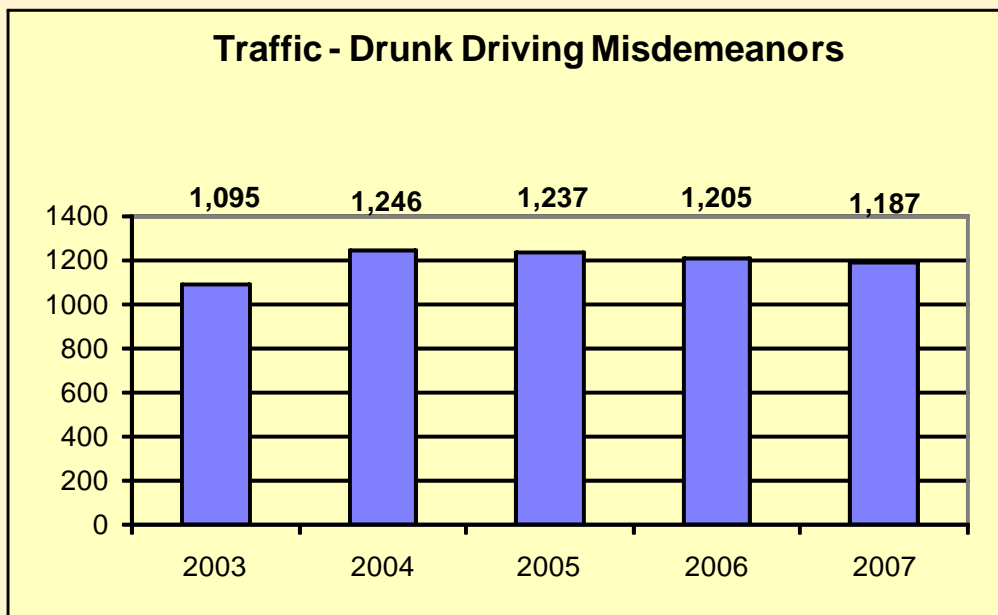
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DRUNK DRIVING – Drunk driving is a generic term for Operating a Motor Vehicle While Intoxicated (OWI) and for Operating a Motor Vehicle While Visibly Impaired (OWVI). A person is charged with OWI if he is operating a motor vehicle and his blood alcohol level is .08 grams of alcohol per 100 milliliters of blood or higher. 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 three or more prior convictions of OWI or OWVI will be charged with felony drunk driving. Prior to 2007 the three convictions for drunk driving had to occur within a 10 year period. We see a spike in drunk driving felonies in 2007 because the 10 year cap was removed. In addition, repeat offenders may have their vehicle immobilized for several months or confiscated and sold.

Traffic - Drunk Driving Felonies

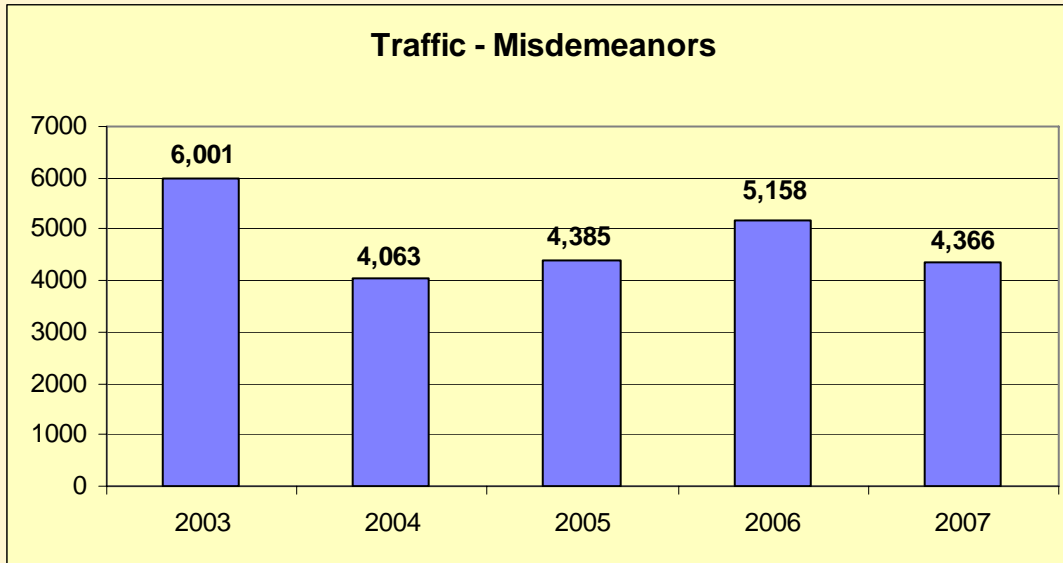


Traffic - Drunk Driving Misdemeanors

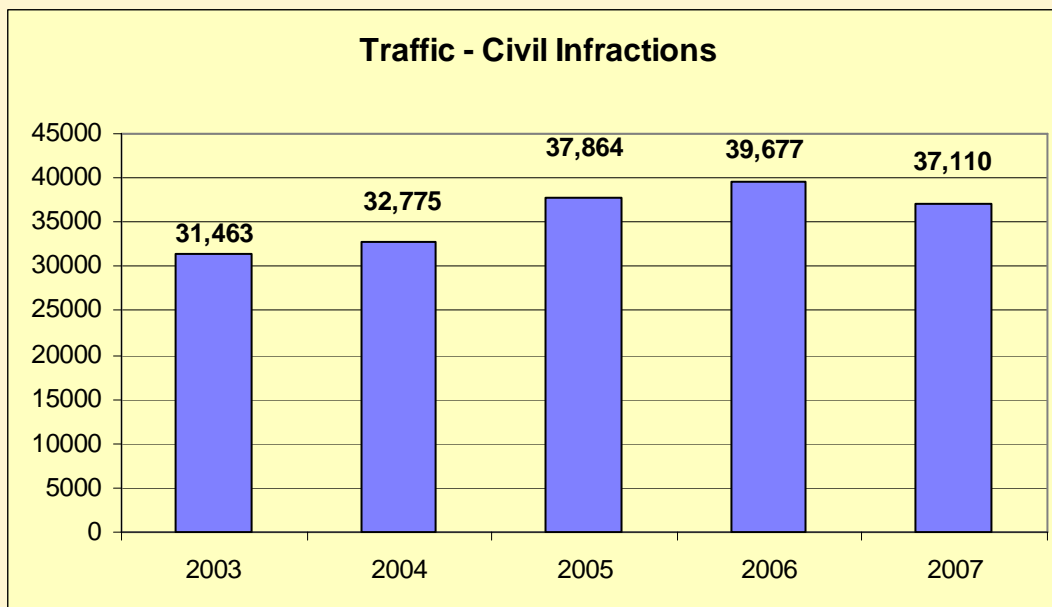


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TRAFFIC MISDEMEANORS – Traffic Misdemeanors include such offenses as reckless driving, open intoxicants in a motor vehicle, drag racing and failing to stop if you are involved in a motor vehicle accident.

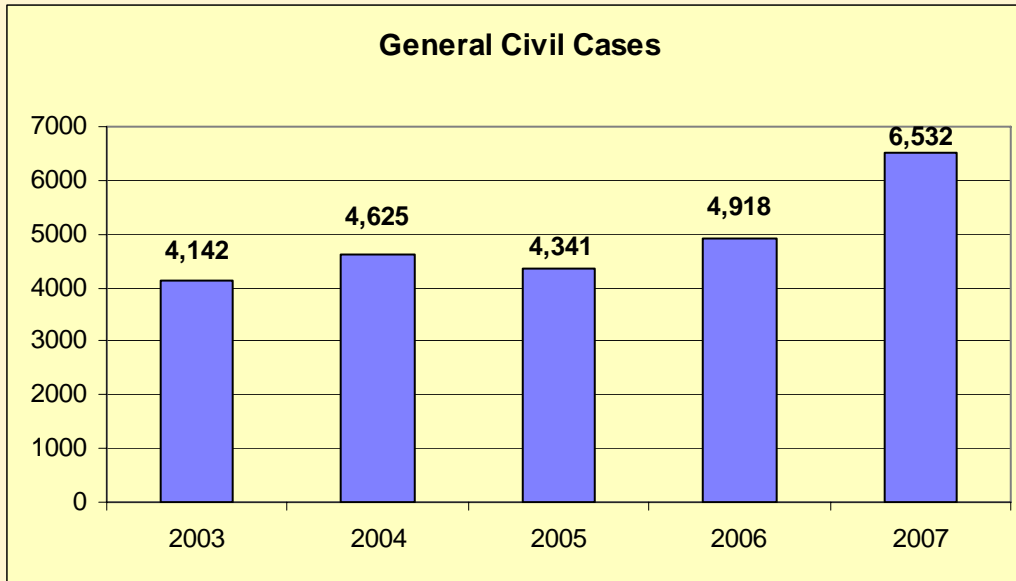


CIVIL INFRACTIONS – Most violations of the Michigan Vehicle Code are civil infractions. Probably the most common civil infraction is the speeding ticket. A person charged with a civil infraction can admit responsibility for the infraction and mail their fine to the District Court. An informal hearing before a magistrate is scheduled if a person denies responsibility for a civil infraction. The decision of the magistrate may be appealed to the District Judge.

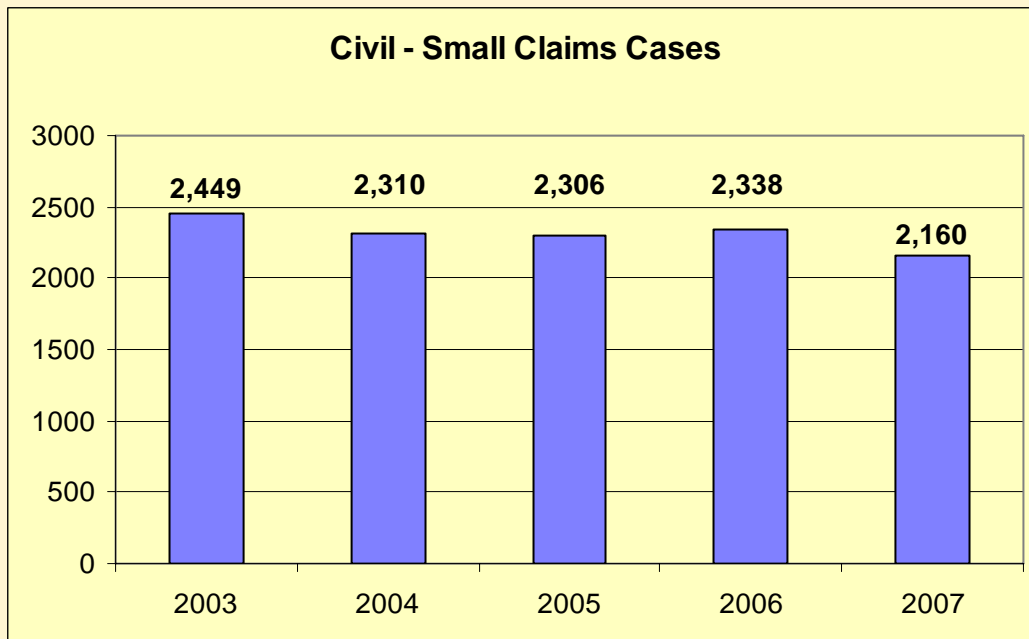


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GENERAL CIVIL – General civil cases arise out of disputes between individuals, businesses, organizations or any combination thereof. The amount in controversy must be \$25,000 or less for the District Court to have jurisdiction.

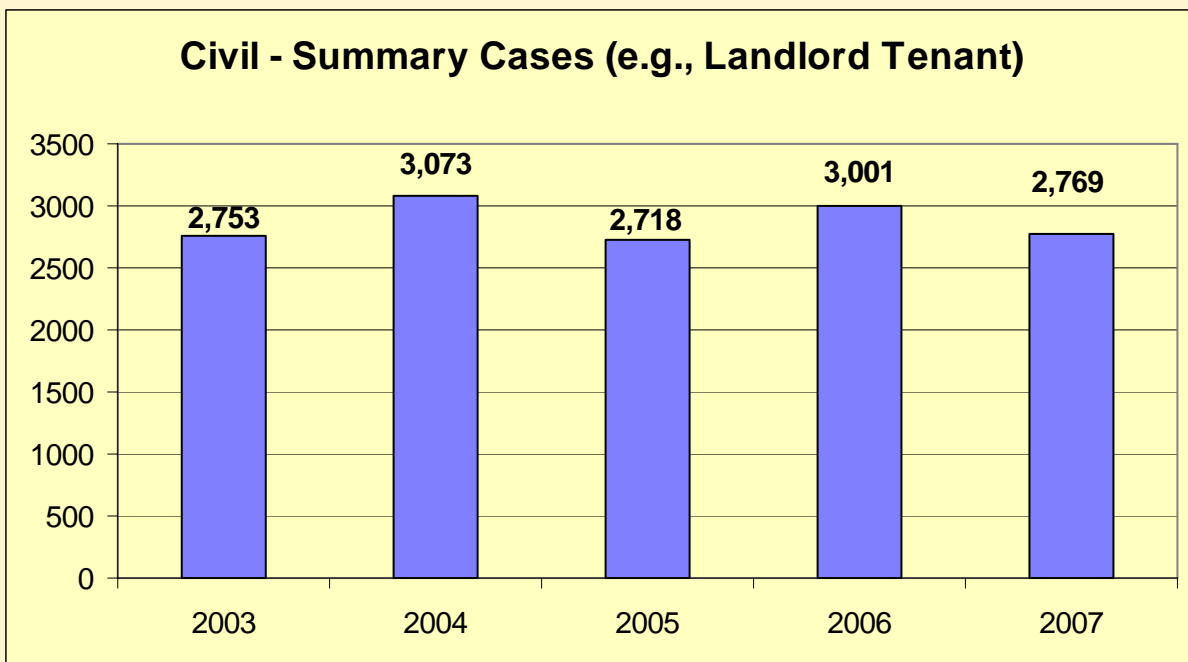


SMALL CLAIMS – The plaintiff in a case that has an amount in controversy of not more than \$3,000 can elect to file in small claims. Lawyers cannot represent either party in a small claims case and the rules of evidence used during a small claims trial are much less formal than in a general civil case trial. Most of the 58th District Court's small claims cases are mediated by the magistrate and settled before the parties appear before the judge.



58th District Court

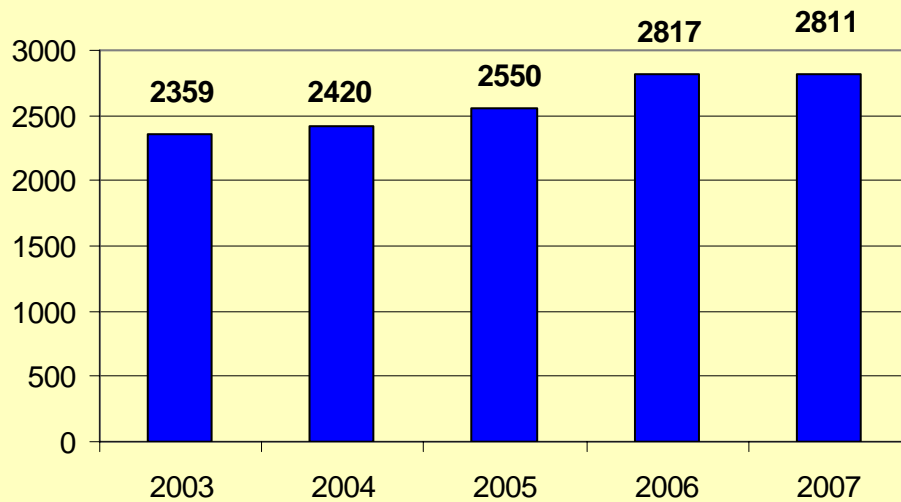
SUMMARY PROCEEDINGS – Summary proceedings were created to provide real property owners a quick method to recover their property from a tenant or land contract vendee that is not complying with the terms of the lease or contract. These cases are usually originated by apartment owners, land contract holders, 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.



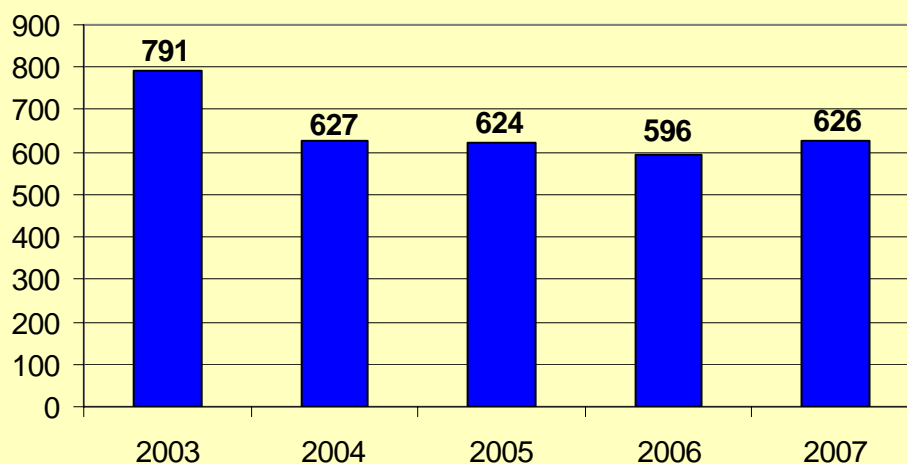
58th District Court Probation Department

The mission of the 58th District Court Probation Department is to provide quality services to judges, victims, probationers and the communities of Ottawa County. These services include pretrial release programs, pre-sentence investigations, probationer supervision and therapeutic programs. These services are necessary to restore victims and communities, protect the public, promote probationer accountability and create a climate for probationer behavioral change.

Probation Department Total Sentenced to Probation

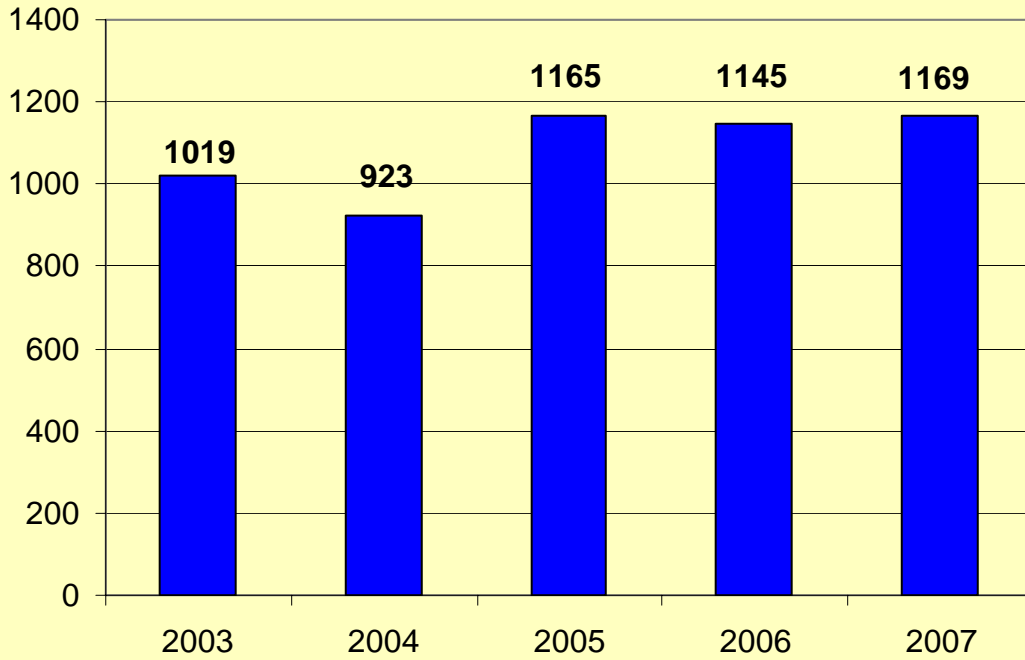


Probation Department Presentence Investigations

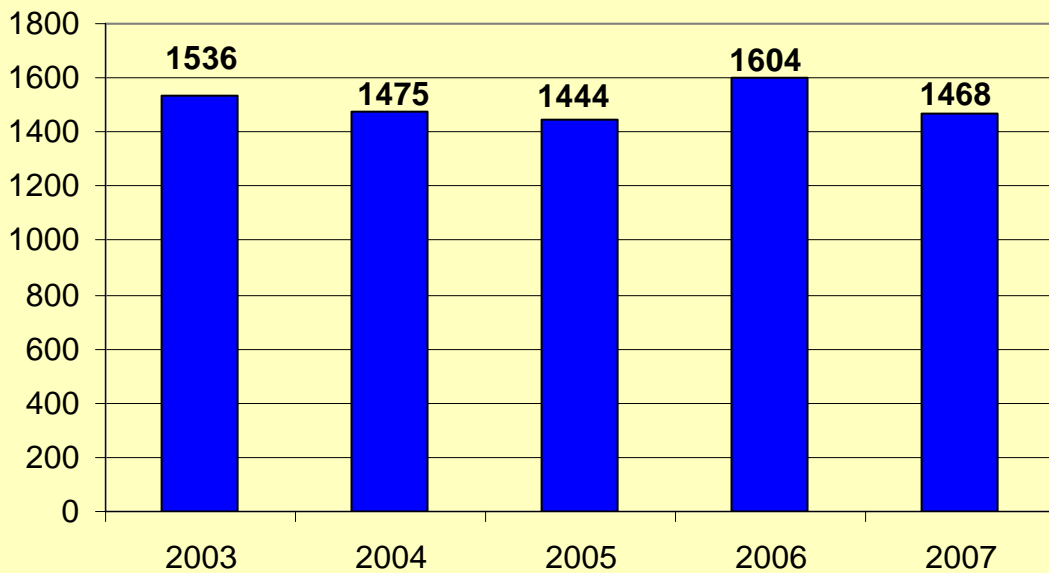


58th District Court Probation Department

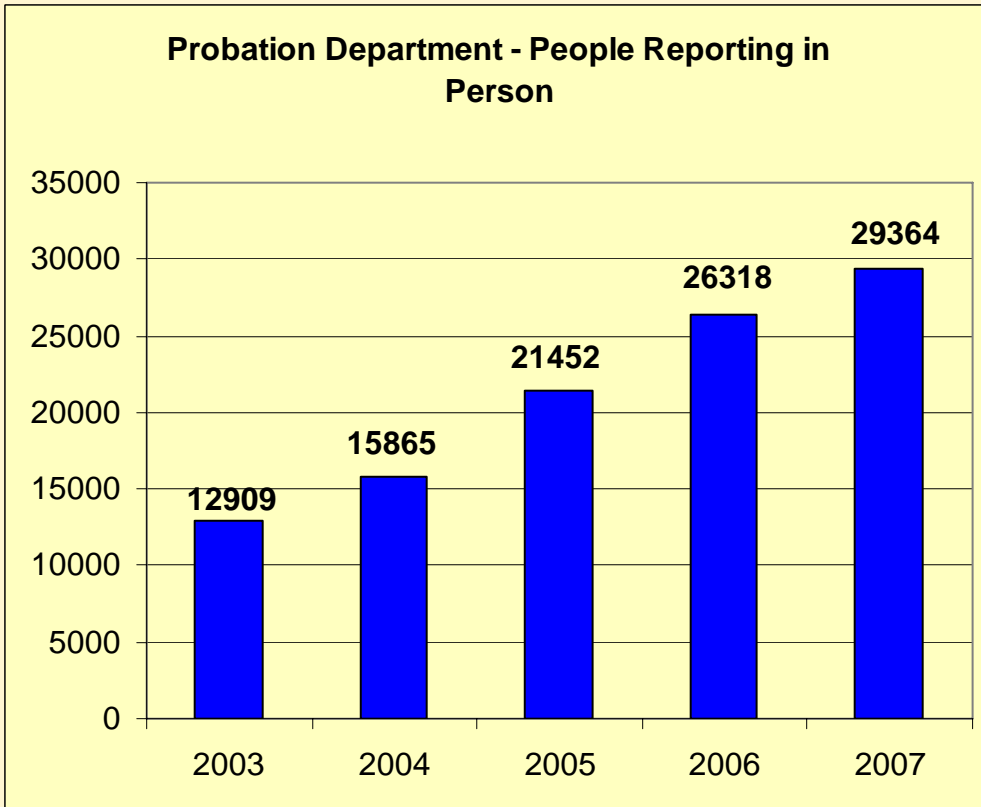
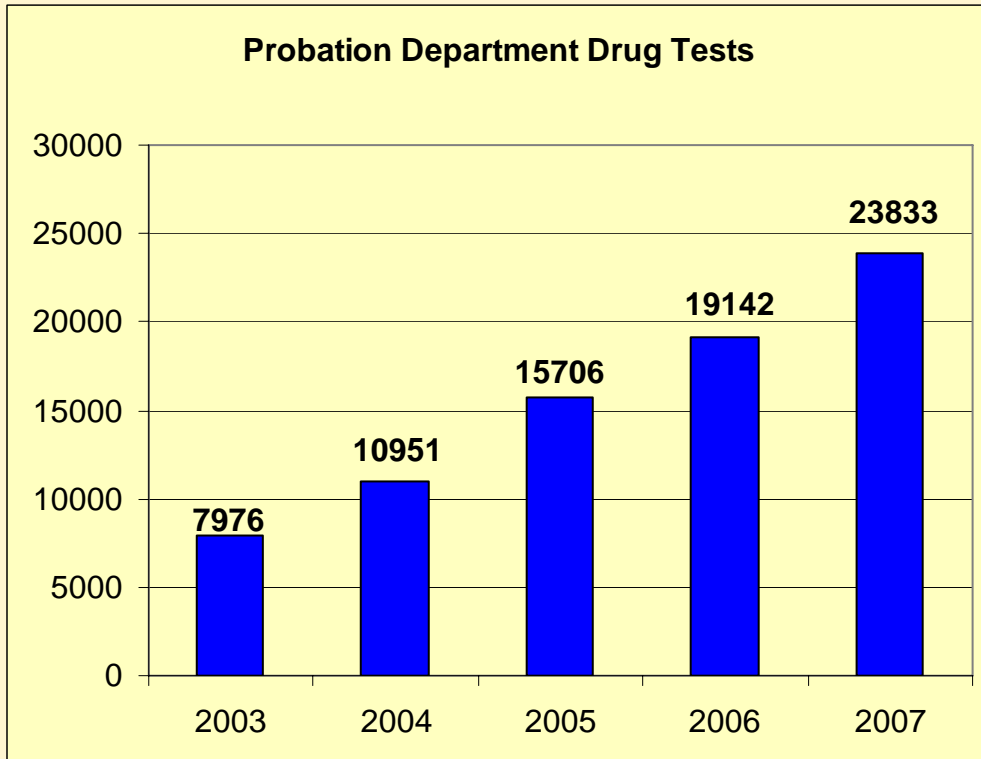
Probation Department Substance Abuse Assessments



Probation Department Bond Screens

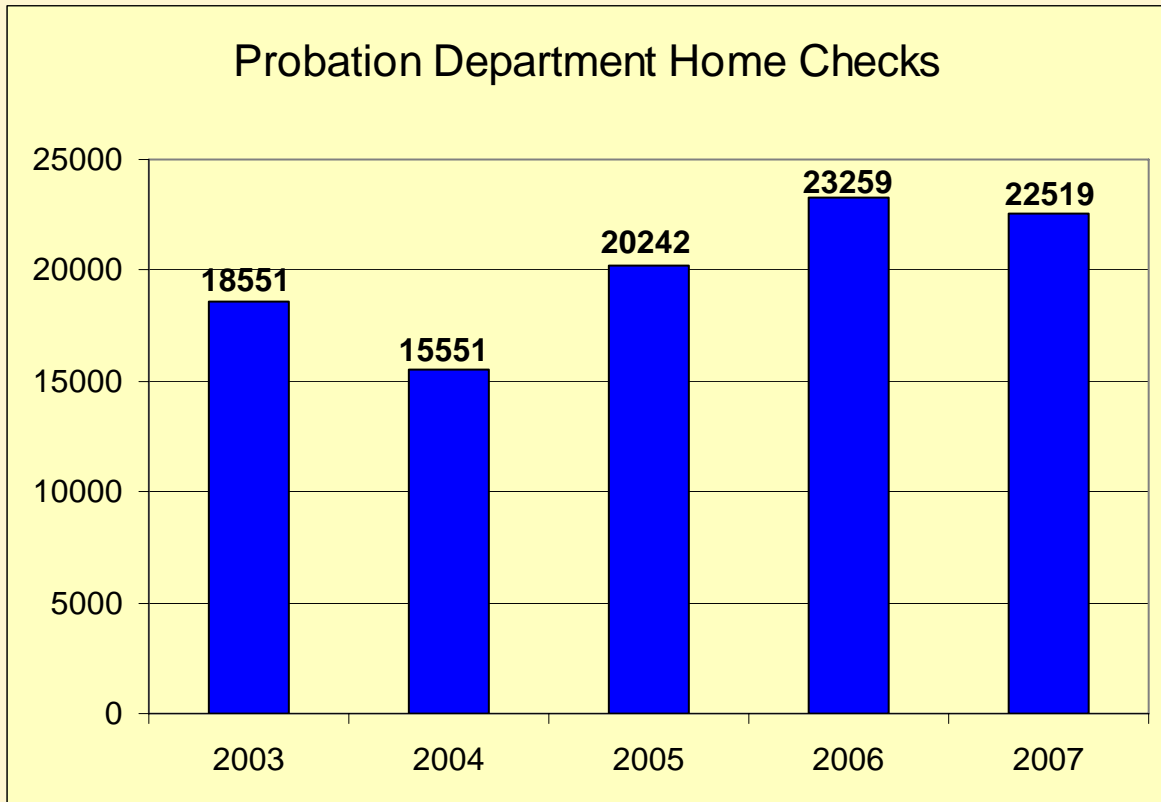


58th District Court Probation Department



58th District Court Probation Department

Probation Department Home Checks



58th District Court Community Corrections

Community Corrections had the following goals, objectives and results in 2007:

Goal #1

Maintain / Reduce the Overall Prison Commitment Rate

Objectives

<u>Objectives</u>	<u>2007 Results</u>
1. Maintain/Reduce the overall prison commitment rate to less than or equal to 12%	9.6%
2. Maintain/Reduce the OWI 3rd prison commitment rate less than or equal to 10%	2.4%
3. Reduce/maintain the straddle cell commitment rate to less than or equal to 24%	16.9%
4. Reduce the probation violation commitment rate to less than or equal to 7%	3.1%

Goal #2

Optimize program utilization rates

Objectives

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

2007 Results

Program	Projected # of Enrollees	Actual # of Enrollees	% of Utilization	Completion Rate
ISP	300	306	102%	70%
Community Service	900	911	101%	77%
Cognitive Therapy	80	250	313%	64%

58th District Court Community Corrections

Jail Utilization

Please note that the Jail Programs/Gatekeeper utilization rates are low because of the expectation that assessments would take a much shorter time to conduct and failed to take into consideration the time needed by the Jail Program Coordinator to develop jail programming. The Jail Programs list begins on page 21 of this report.

Prior to 2004, Jail Rated Design Capacity = 366 beds

Present Jail Rated Design Capacity = 462 beds

	2004	2005	2006	2007
Average Daily Population	331	329	368	395
% Rated Design Capacity	71.6%	71.2%	79.7%	85.4%

Jail Diversion Program Measures Community Service, JAWS, ISP Programs

	2003	2004	2005	2006	2007
# Total Enrollees	1011	1171	1224	1333	1217
# Jail Days Saved	26,532	31,014	32,746	41,009	38,458
Savings to County*	\$768,960	\$1,163,025	\$1,227,975	\$1,237,838	\$1,538,320

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

CY 2004	CY 2005	CY2006	CY 2007
\$252,779	\$182,961	\$187,659	\$217,413

58th District Court Community Corrections

Ottawa County Jail Programs

Women

Coping With Confinement (Community Mental Health of Ottawa County)

Participants will learn coping skills to deal with the challenges of daily living including confinement. Coping with Confinement is an open entry group that runs all year.

Freedom For Women (Family Victorious)

Topics in this program include; "Captive Women: Incarceration," "Trapped Women: Tempted to Return to the Old Life," "Hungry and Thirsty Women: Satisfied in a New Way," "Foreign Women: Released From Guilt and Shame," "Freedom for Women: A New Identity."

Women who are residents of Holland, the Community Services program will offer resources to address areas of housing, transportation, employment, budgeting, clothing, food & meal planning, physical and mental well-being, personal and relational healing, and emotional support by way of mentoring and small groups. This group will be an open entry group offered throughout the year.

Alcoholics Anonymous

Men

Substance Abuse (Families Victorious)

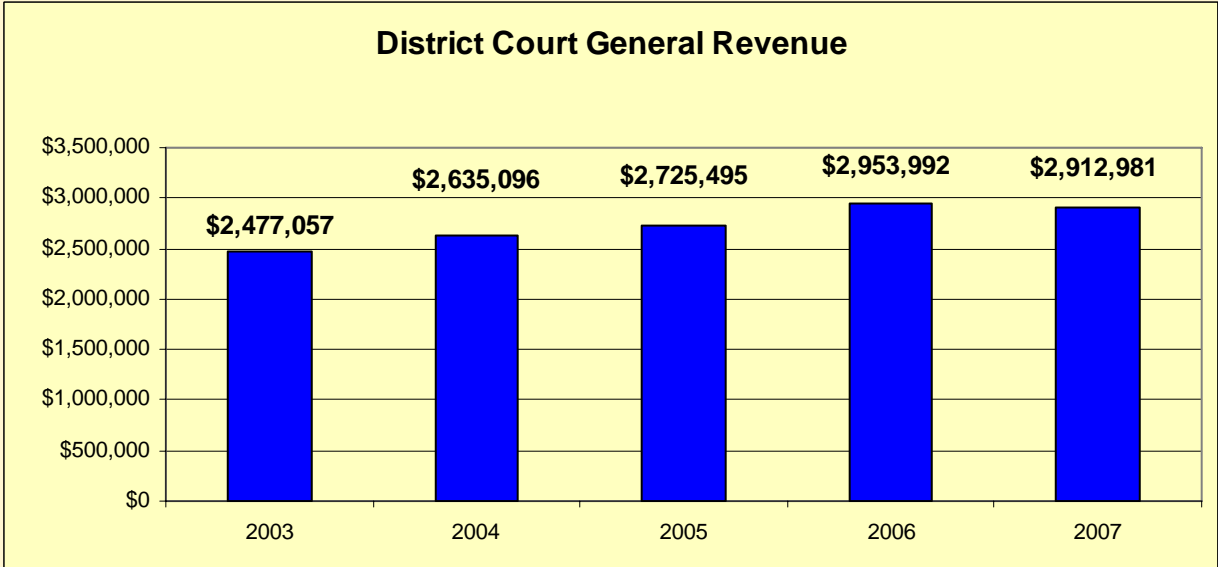
Biblical based material developed specifically for those who struggle with addictions, codependency and other life issues. Families Victorious has support groups located at Calvary Christian Reformed Church and Christ Memorial for those individuals interested in continuing after their release from jail. Terry Burns of Lakeshore Counseling Services volunteers Tuesday afternoons to provide substance abuse counseling on an individual basis for inmates who are not eligible to attend groups.

Alcoholics Anonymous

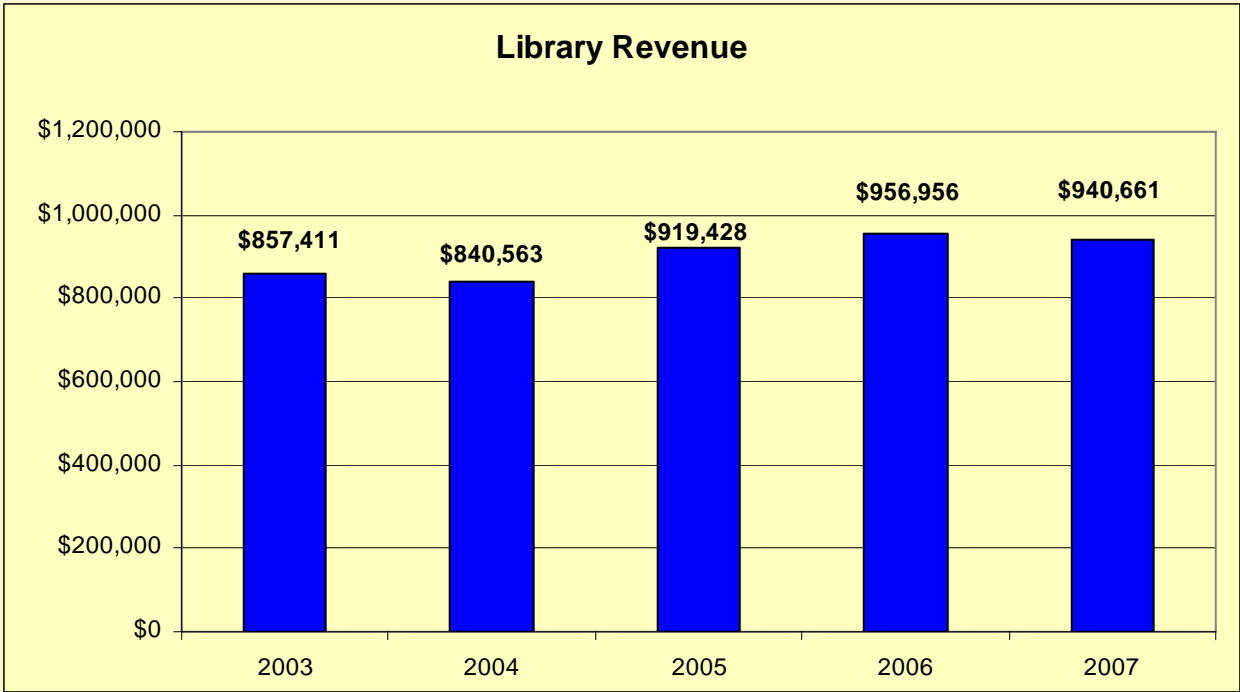
Note: Individual therapy, case management and psychiatric services are available to consumers of Ottawa County Community Mental Health on a limited basis.

58th District Court Budget

District Court General Revenue



Library Revenue



58th District Court Budget

2007 Budget

