

# 58th District Court 2010 Annual Report



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

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

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

## 58th District Court

June 3, 2011

I am pleased to present the 2010 Annual Report for the 58<sup>th</sup> District Court. Like all branches of local government we were faced with the challenge of adhering to our mission while mindful of the need to operate within the constraints of budget accountability. Through the hard work of clerical, probation and community corrections staff and the leadership of the management team I believe we were able to accomplish this goal.

Highlights of the past year included procedural changes to case processing and scheduling, modification of fines and costs schedules and the first time implementation of probation oversight fees for all probationers. These changes allowed the District Court to continue to meet and exceed state guidelines for case disposition and resulted in over three million dollars in general fund revenues.

Paralleling a long term national and statewide trend, criminal case filings remained stable or decreased in 2010. Activity by the probation department remained at a high level with increases in drug testing, in person reporting and home checks. It is believed that frequent testing and strict accountability by probationers will deter probation violations, allow for successful completion of probation and prevent future recidivism. Additionally the probation staff oversees the judges' directives that pre trial bond conditions be strictly adhered to by defendants.

Civil filings in the 58<sup>th</sup> District Court remained generally stable. There were increases in summary proceedings actions which involve evictions from rental and foreclosed residential properties and decreases in small claims filings. The court anticipates increases in small claims filings in the future as a result of probable legislative action increasing the jurisdictional limits for these actions.

In 2010 the 58<sup>th</sup> District Court continued to work with various community organizations and agencies to provide community service work by probationers. The judges believe that restitution to both the direct victims of crime and the community as a whole is an important component of sentencing and will continue to order both self-directed and probation directed community services in the future.

The 58<sup>th</sup> District Court along with all other courts in the state participated in a time study of judges' and magistrates' activities in 2010. This compiled data will be incorporated in a judicial needs report to be issued by the State Court Administrative Office later this year to more accurately assess the needs of each county for judicial resources. This court looks forward to the release of that report and will respond affirmatively to the recommendations.

Finally, the 58<sup>th</sup> District Court is working with Ottawa County to develop appropriate performance standards to be incorporated in the county's performance dashboard. We at the 58<sup>th</sup> District court recognize the need to be fully accountable to the citizens of our county for the quality and efficiency of the work we do and look forward to continued cooperation with the other branches of county government in an effort to meet and exceed those standards.

Respectfully submitted,  
Bradley S. Knoll  
Chief Judge  
58<sup>th</sup> District Court

# 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 58<sup>th</sup> 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.

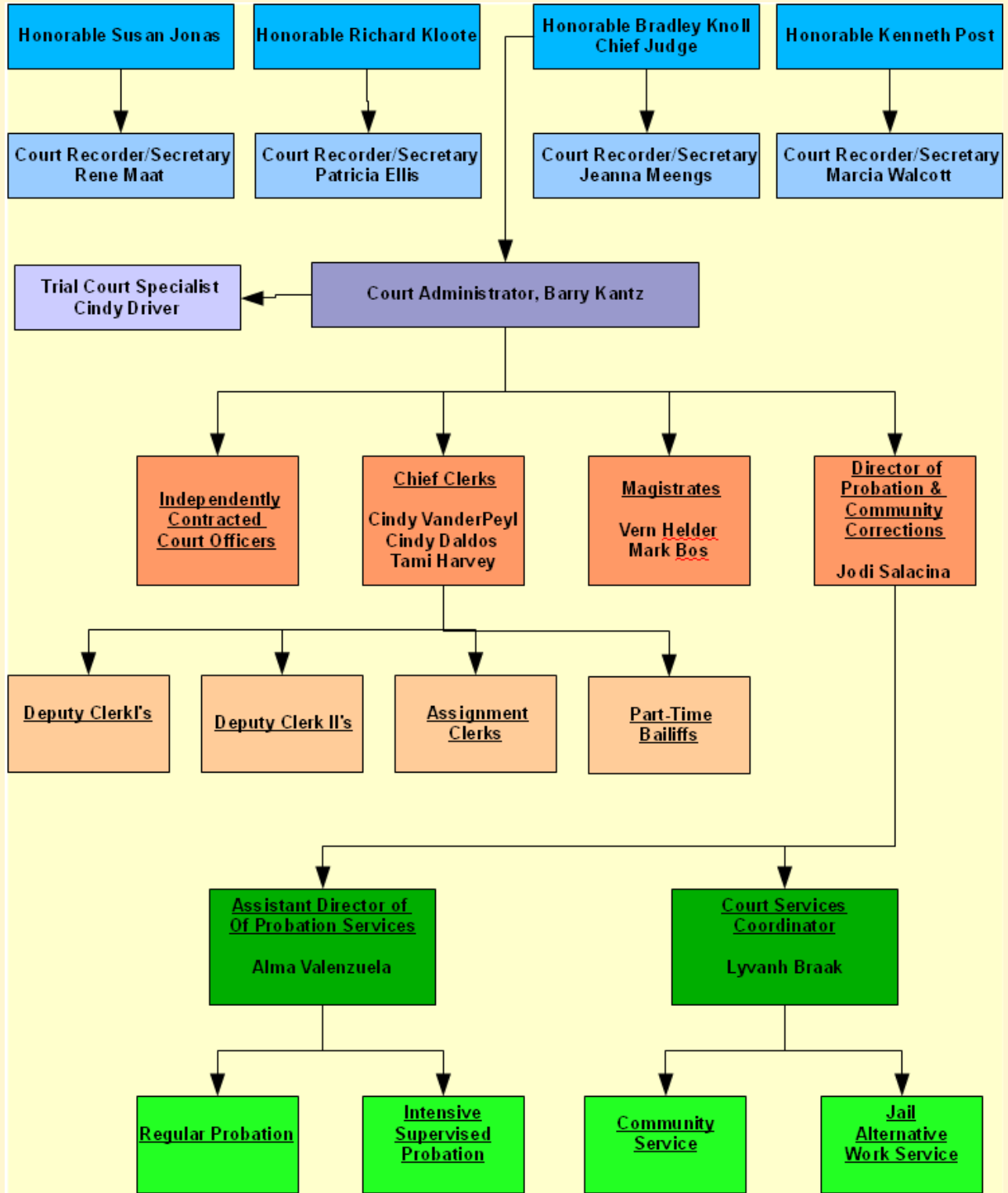
Each Court is divided into four divisions: criminal, traffic, civil and probation. The criminal division handles state and ordinance criminal cases. It is responsible for scheduling all matters, opening and closing cases, accepting payments, receiving and disbursing bonds, communicating with the jail 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	2006	2007	2008	2009	2010
Grand Haven	679	580	467	443	423
Holland	2,211	2,338	2,107	2,018	1,890
Hudsonville	625	676	715	737	746

\* 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 58<sup>th</sup> 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	2007	2008	2009	2010
Arraignments	1371	1542	1281	1390
Informal Hearings	1274	2653	2598	1515
Arrest Warrants	497	712	851	750
Search Warrants	98	145	236	243
Marriages	261	326	290	314
Small Claims Trials	750	1123	1041	962

## 58th District Court

### Case Processing Staff

Each court location in the 58<sup>th</sup> 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 58<sup>th</sup> 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.

Ottawa County District Court disposed of 2,184 cases per case processor in 2010. This is **113%** 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, 2010. The percentages are broken down by the year the sanctions were imposed. For instance, sanctions imposed in 2010 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.

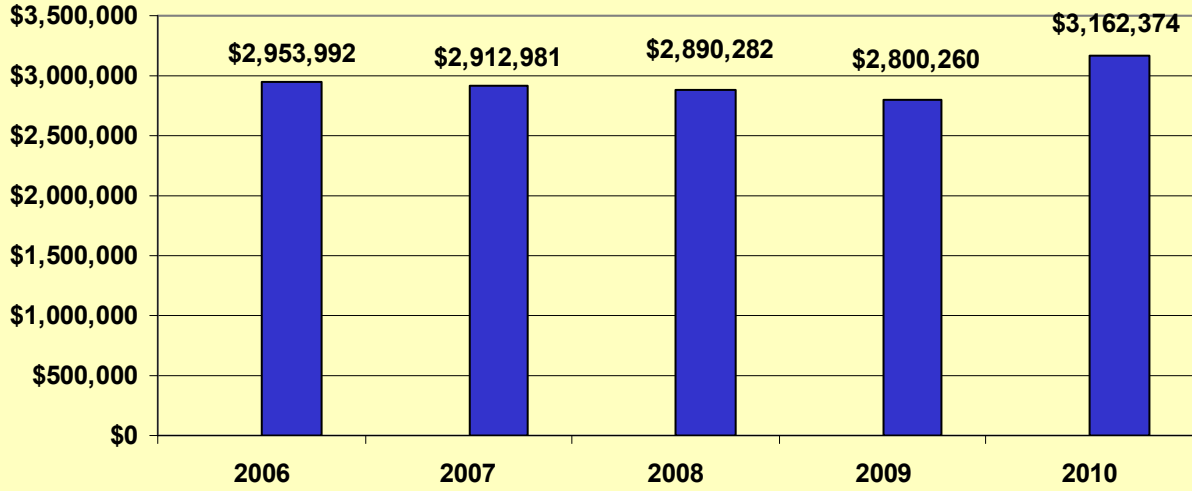
<b>Sanctions Imposed by Year</b>	<b>Sanctions Collected up to June 30, 2010</b>
2004	97.6%
2005	96.2%
2006	95.9%
2007	94.6%
2008	94.4%
2009	95.7%
2010	93.2%

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% after four years of imposition. Special efforts are being undertaken to increase collections pursuant to Michigan Supreme Court guidelines.

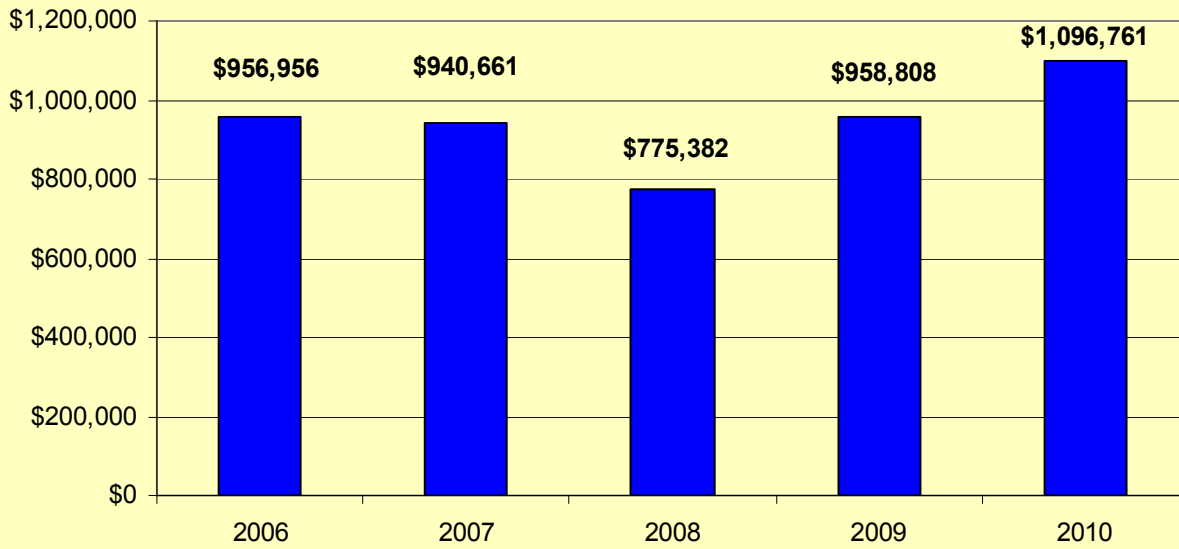


# 58th District Court Budget

## District Court General Fund Revenue



## Library Revenue



# 58th District Court Sobriety Treatment Program

**Mission Statement:** The mission of the 58<sup>th</sup> District Court Sobriety Treatment Program 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

- Seven year anniversary in May of 2011
- 63 active participants
- 323 total participants to date
- 196 successfully completed probation (75%)
- Of those successfully discharged, 83% were employed full time. 55% improved in their employment status.
- Average days of sobriety for successful discharges was 438 days.
- 13 unsuccessful / new offense
- 24 unsuccessful / non-compliant
- 26 unsuccessful / absconded
- 2 other (mental illness, deceased)
- 3,440 hours of community service were performed by participants in 2010.

## Sobriety Treatment Court Highlights

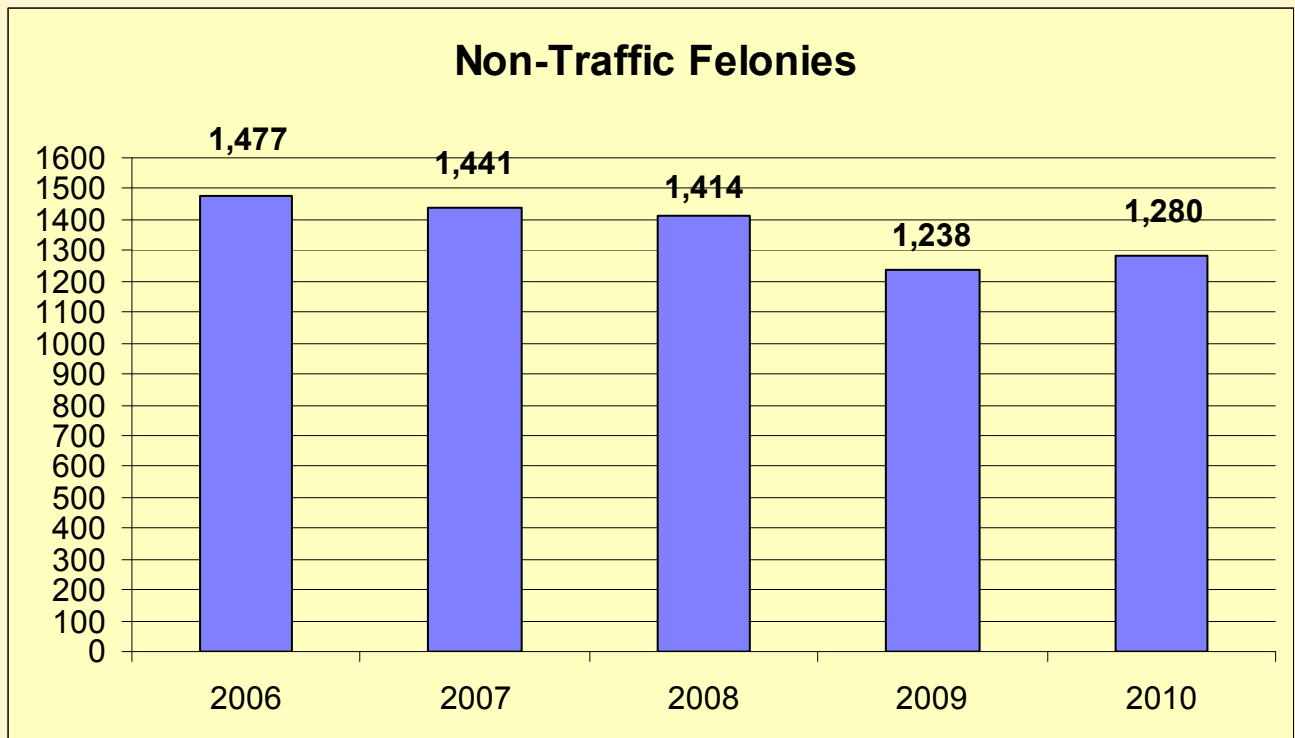
The National Center for DWI Courts (NCDC) in conjunction with the National Highway Traffic Safety Administration (NHTSA) selected the 58<sup>th</sup> District Court Sobriety Treatment Program as one of four DWI academy courts in the nation. For the next three years the court will serve as a model training site and as a research platform for the development, identification, and testing of improved DWI court practices. The 58<sup>th</sup> District Court will be nationally recognized as a program demonstrating exemplary DWI Court practices.

The 58<sup>th</sup> District Court was honored by the National Center of DWI Courts during a press conference on Monday, February 14, 2011. The 58th District Court will host five courts for training on June 8th, 2011.

## 58th District Court

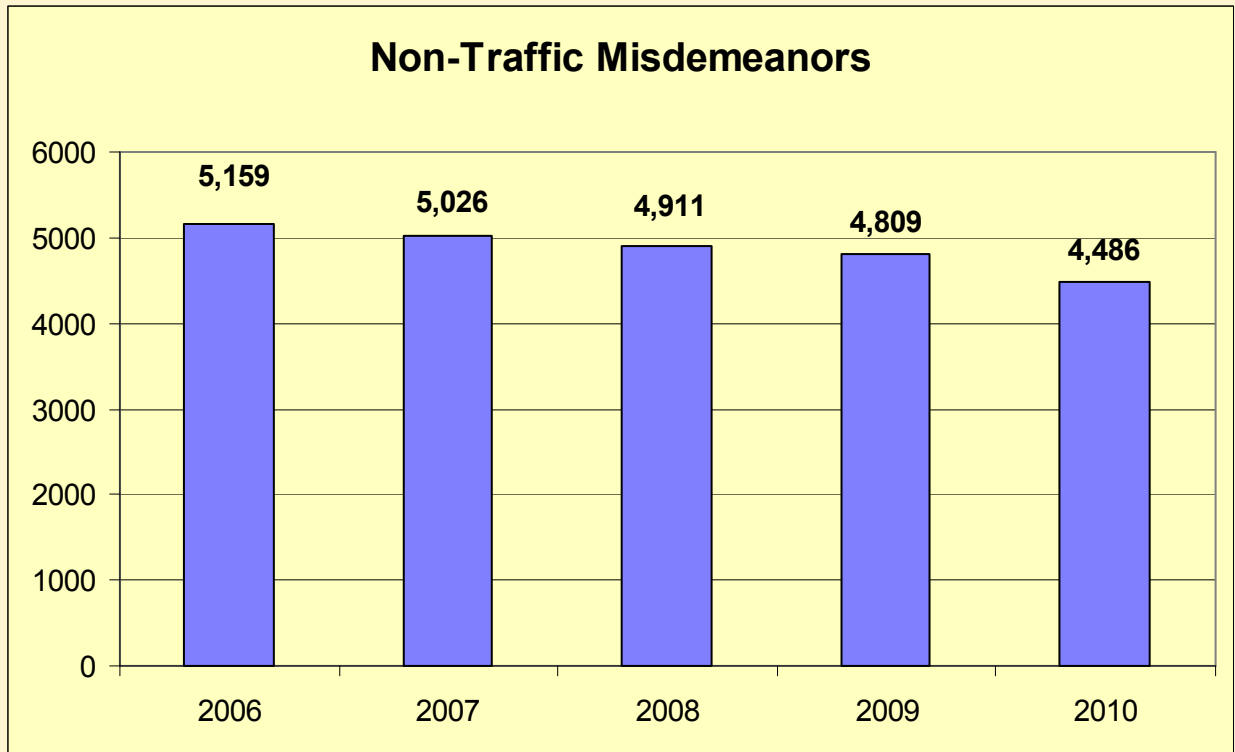
**FELONIES** – If a defendant is charged with a felony then he must appear in District Court. The defendant is arraigned in District Court and a bond is set by a District Court Judge. In more serious cases, before a bond is set, the District Court Probation Department investigates the defendant's background. 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 2010.



## 58th District Court

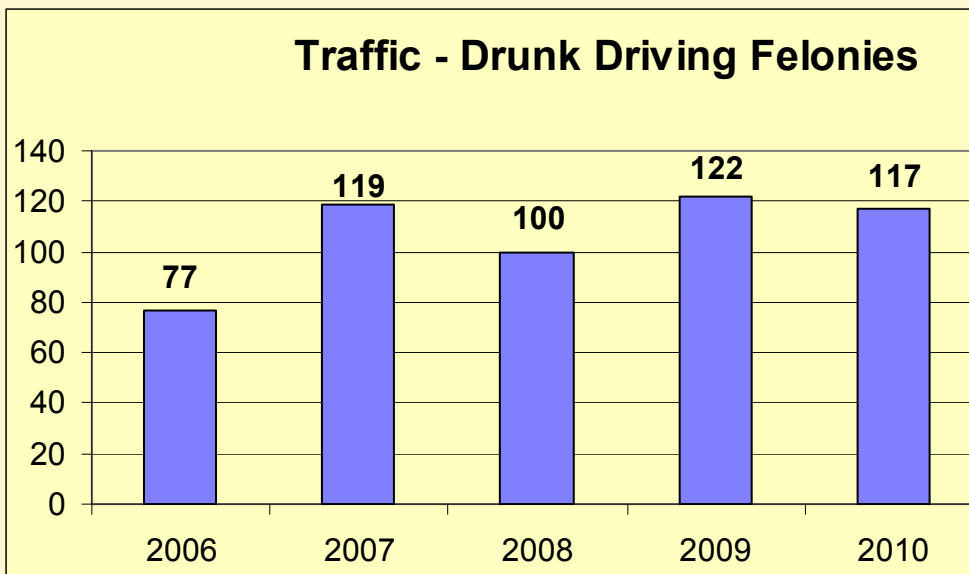
**MISDEMEANORS** – The District Court has jurisdiction over all crimes that are punishable by not more than one year in jail. Indigent defendants are appointed an attorney if it is possible that the defendant will be sentenced to jail if found guilty. Most cases are resolved before a trial is conducted.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



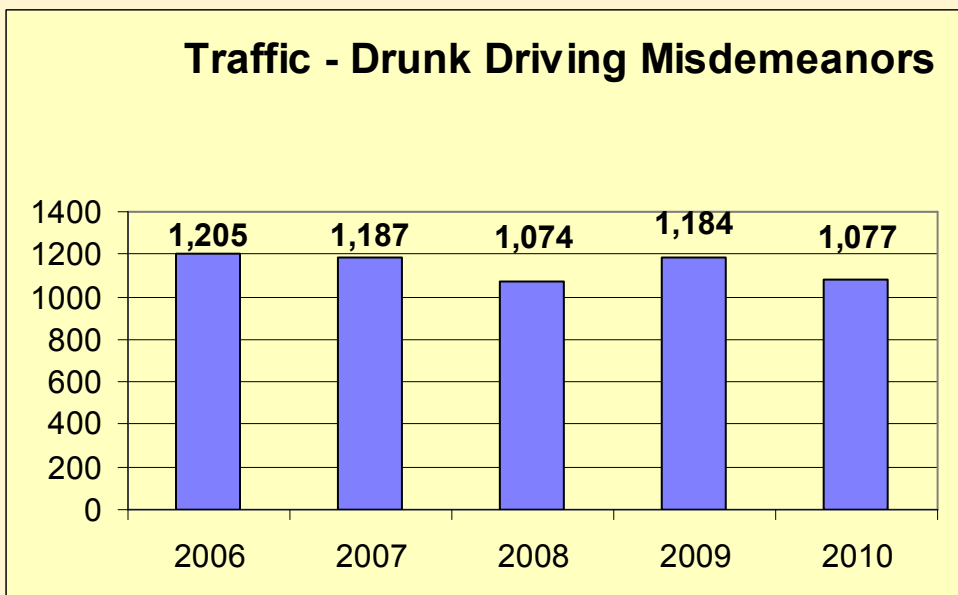
## 58th District Court

**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

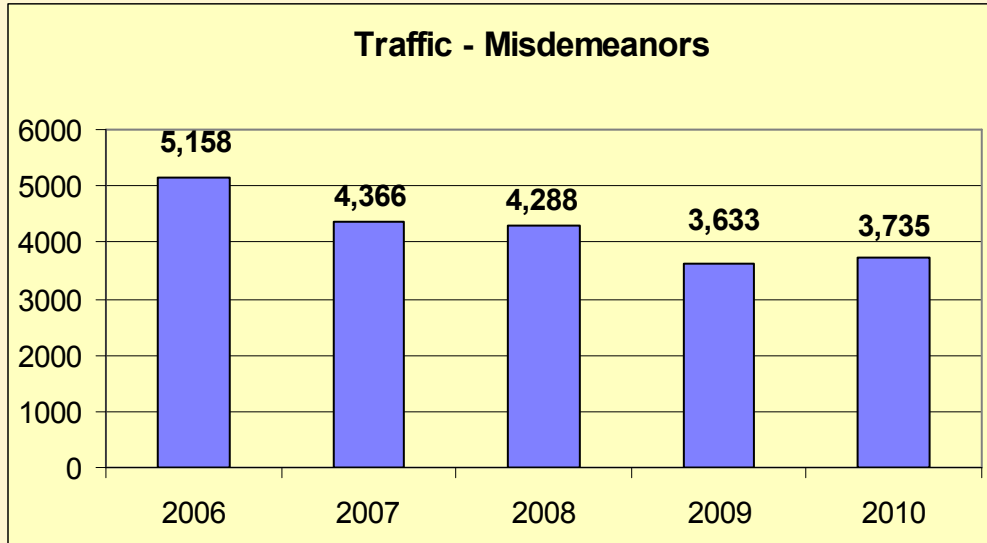


### Traffic - Drunk Driving Misdemeanors

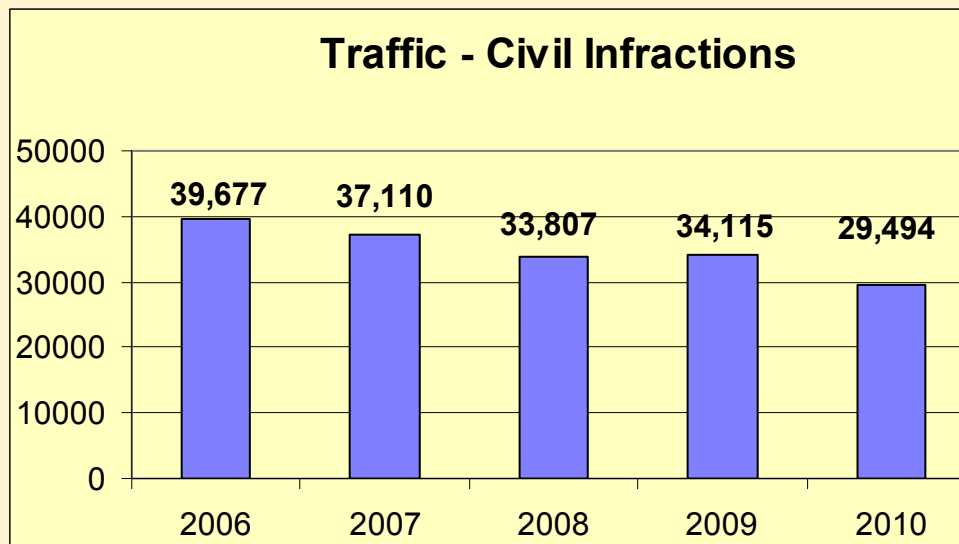


## 58th District Court

**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.

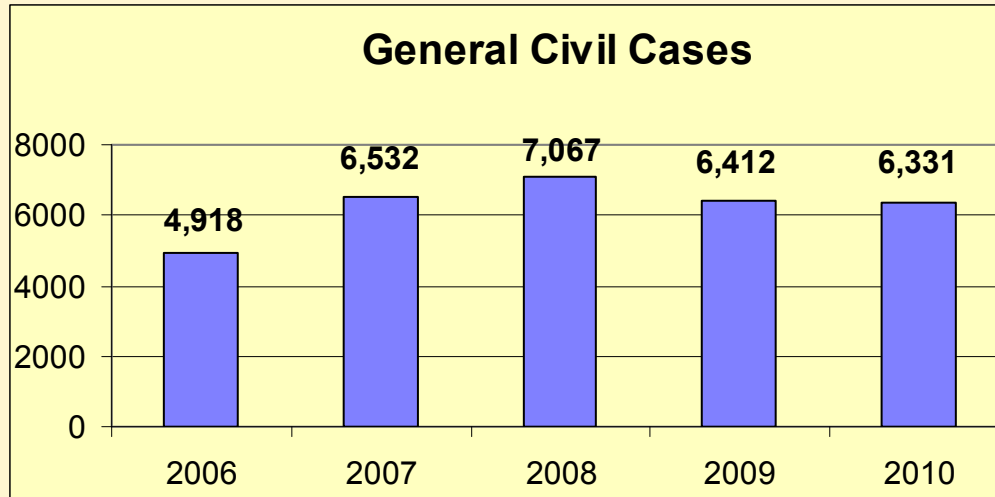


**CIVIL INFRACTIONS** – Most violations of the Michigan Vehicle Code are civil infractions which carry no jail penalty. Probably the most common civil infraction is the speeding ticket. A person charged with a civil infraction can admit responsibility for the infraction, pay their fine online or mail 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

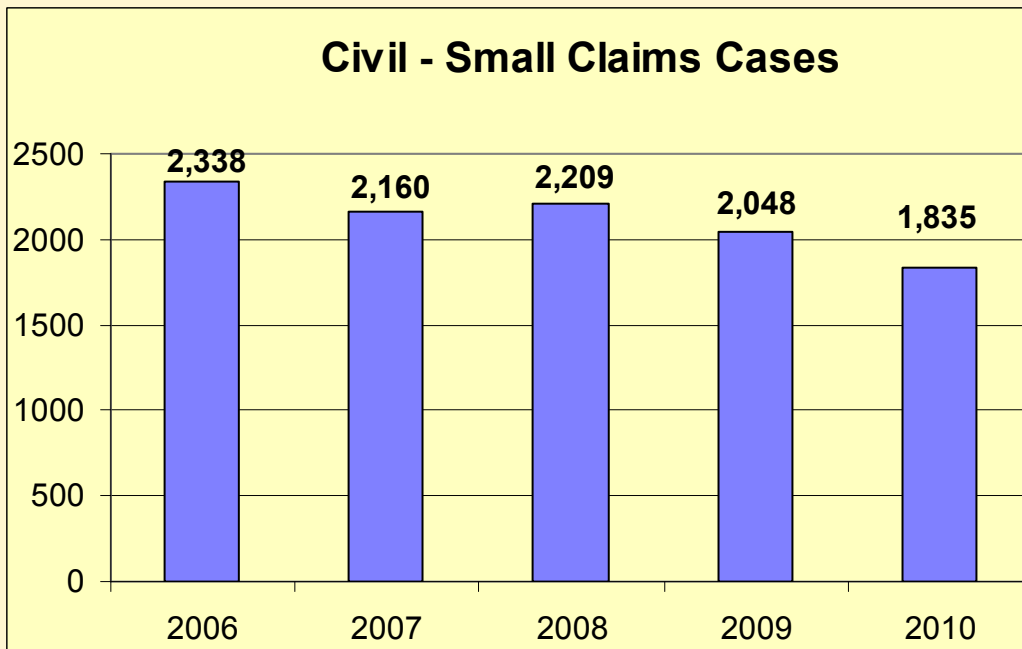


## 58th District Court

**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.

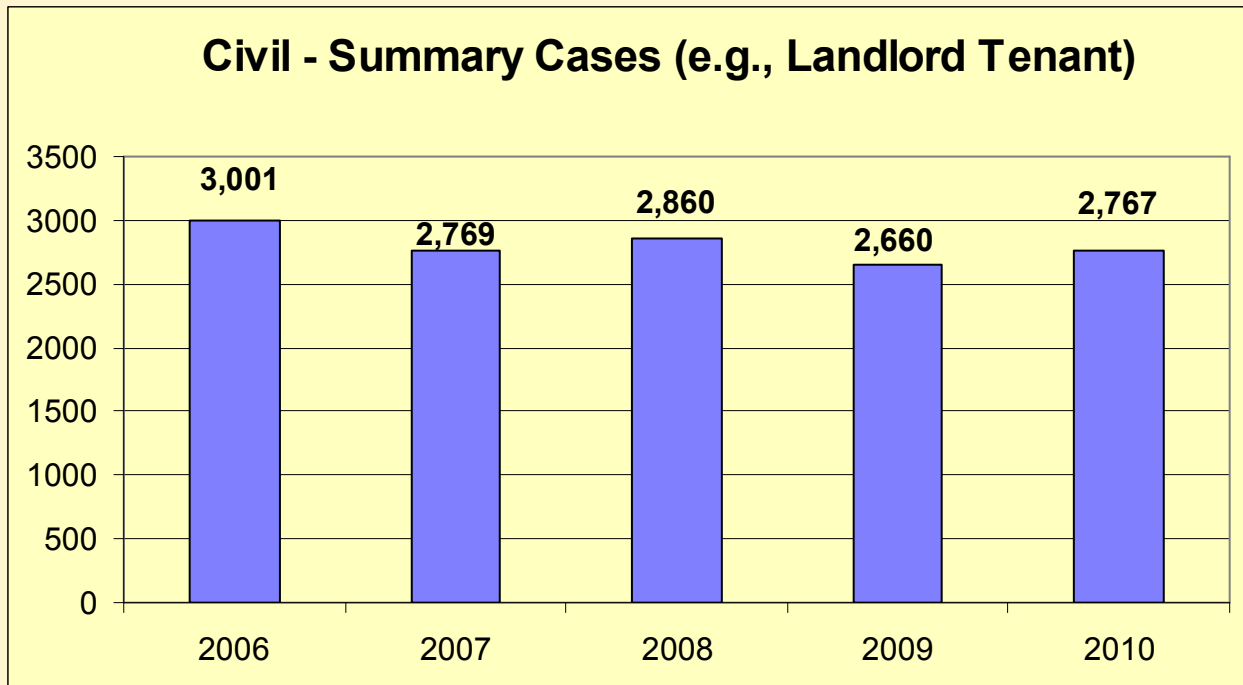


**SMALL CLAIMS** – The plaintiff in a case that has an amount in controversy of not more than \$3,000 can elect to file in small claims. Lawyers cannot represent either party in a small claims case and the rules of evidence used during a small claims trial are much less formal than in a general civil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

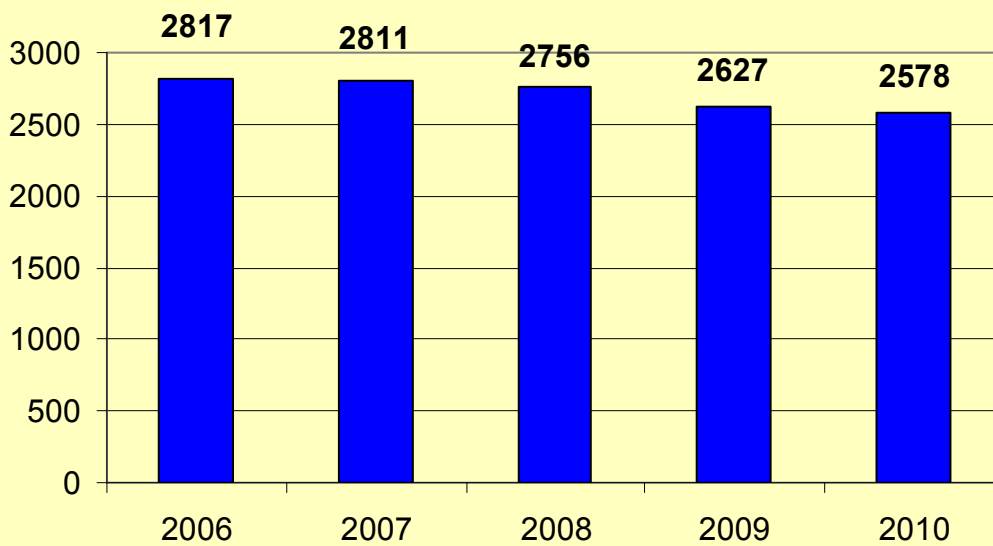




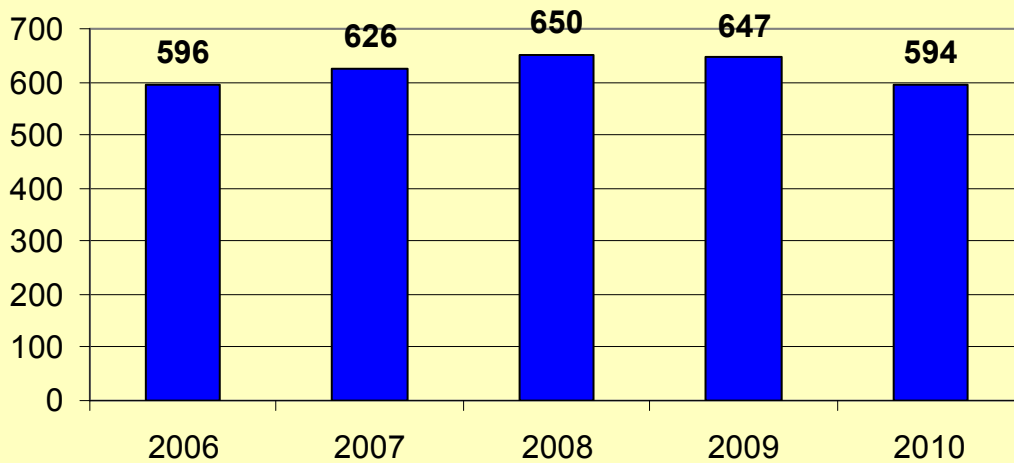
## 58<sup>th</sup> District Court Probation Department

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

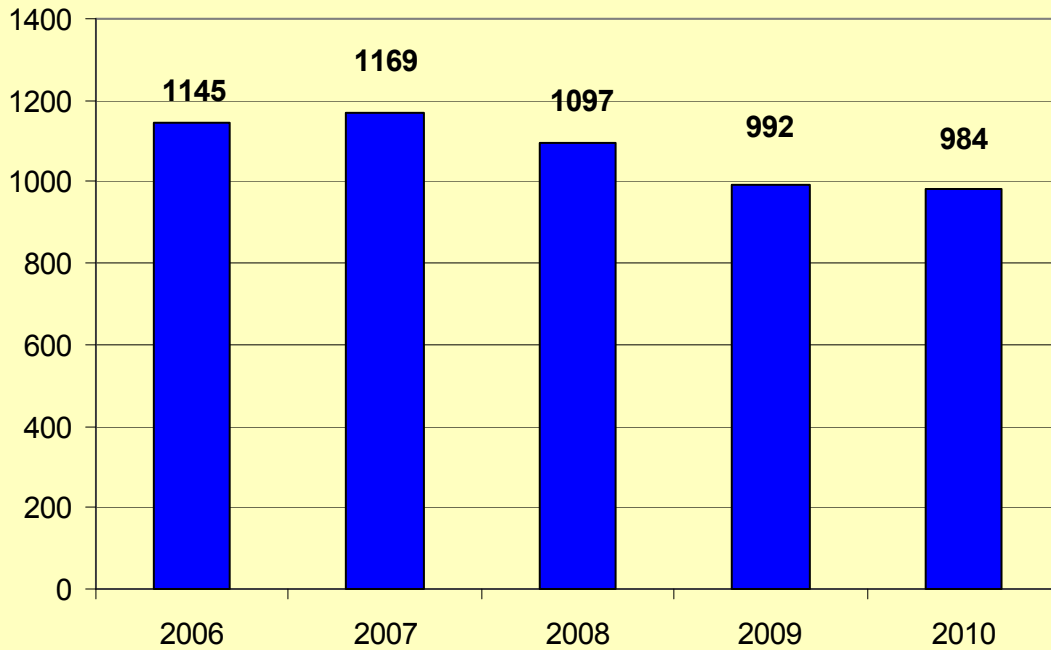


### Probation Department Presentence Investigations

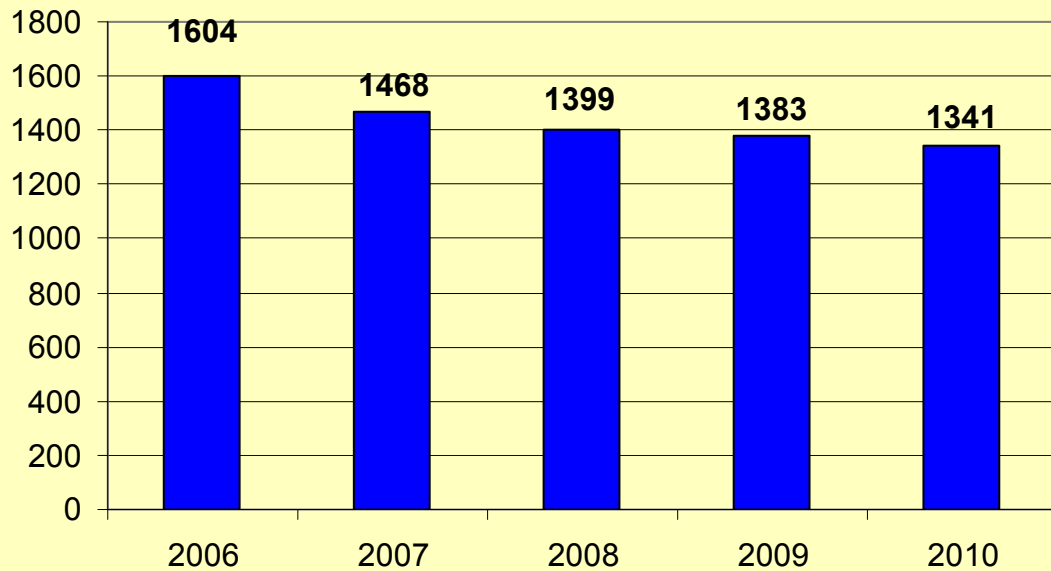


## 58th District Court Probation Department

### Probation Department Substance Abuse Assessments

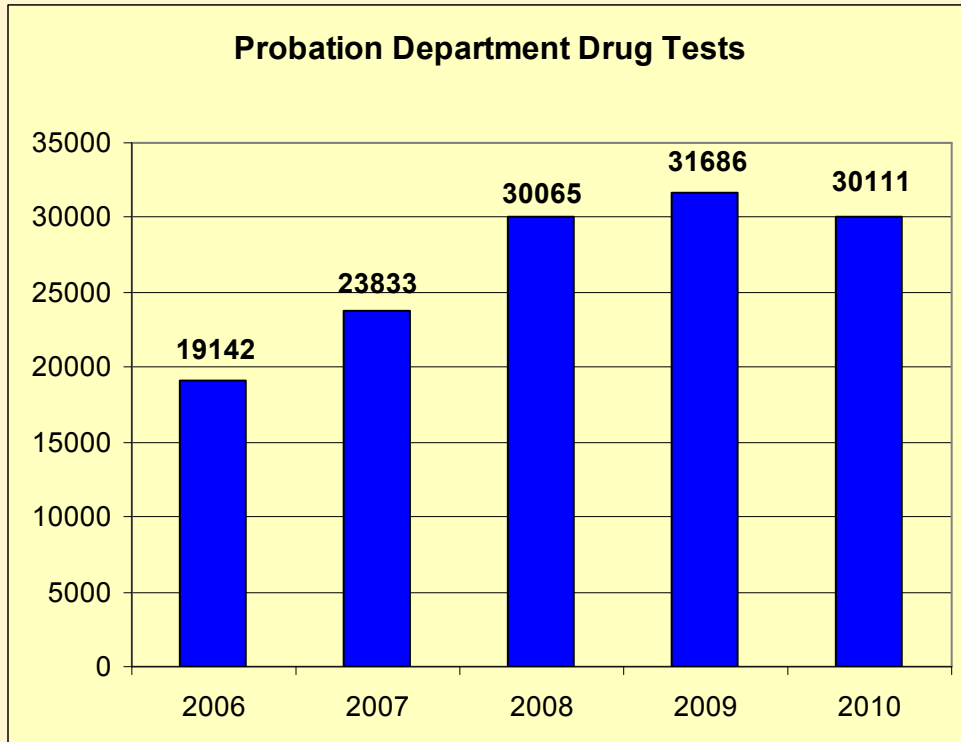


### Probation Department Bond Screens

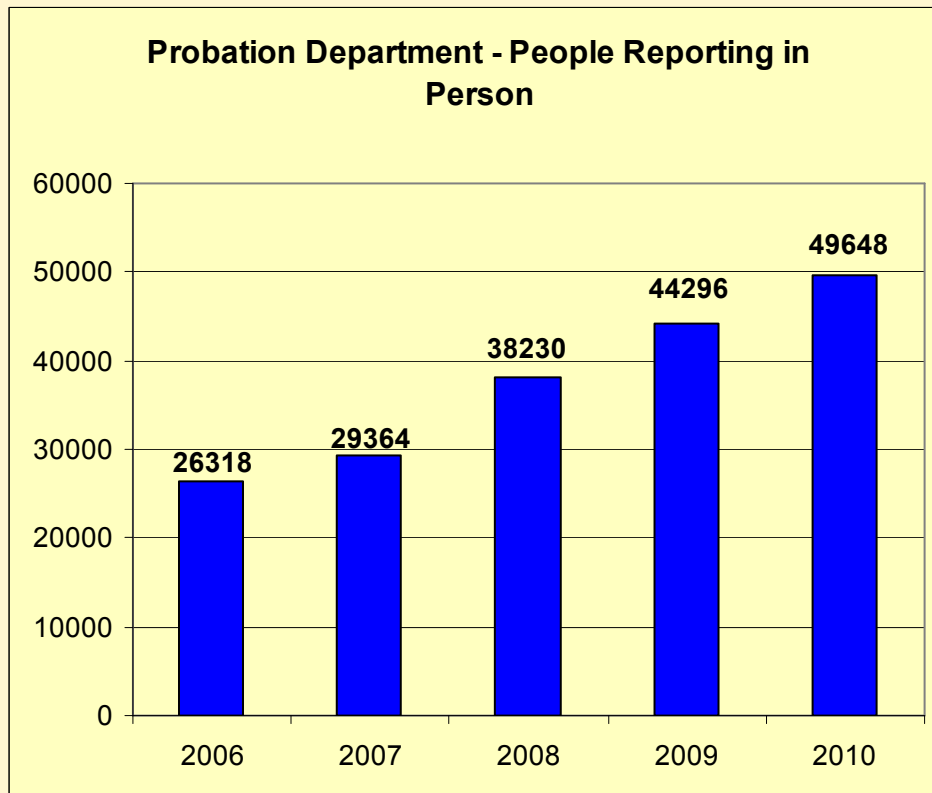


# 58th District Court Probation Department

## Probation Department Drug Tests

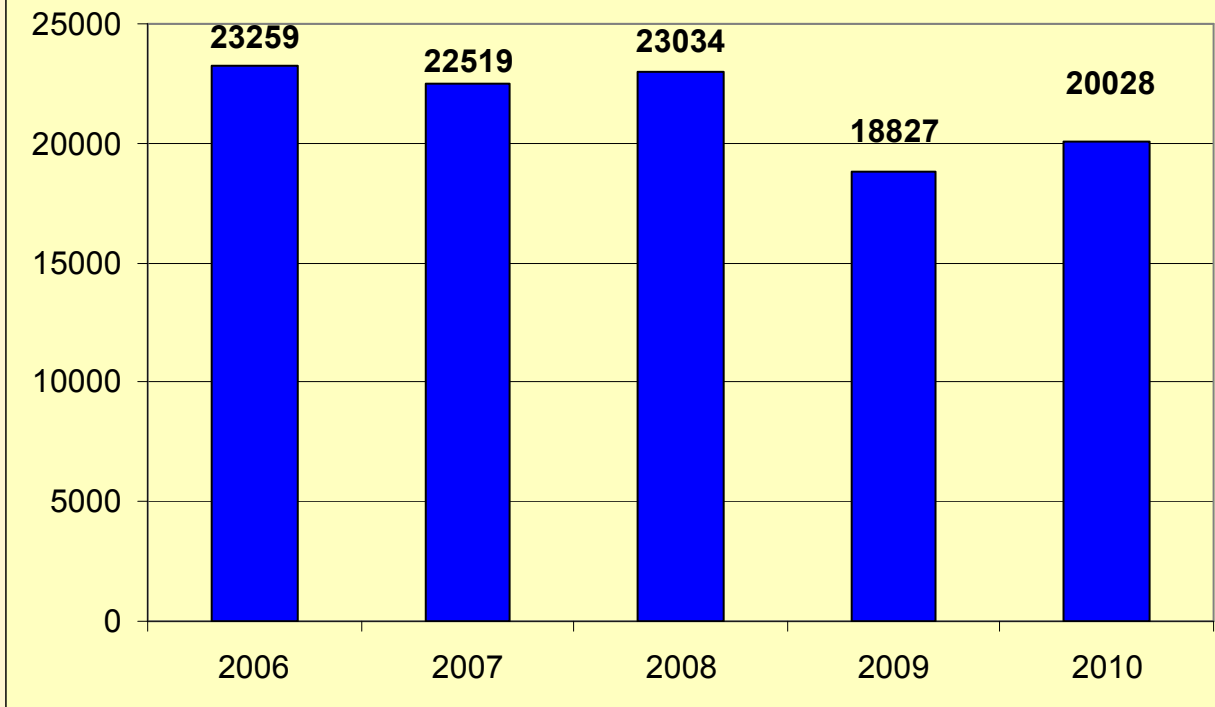


## Probation Department - People Reporting in Person



# 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 2010:

**Goal #1**

Maintain / Reduce the Overall Prison Commitment Rate

**Objectives**

**2010 Results**

- |  |       |
|--|-------|
| 1. Maintain/Reduce the overall prison commitment rate to less than or equal to 12% | 9.1%  |
| 2. Maintain/Reduce the OWI 3rd prison commitment rate less than or equal to 10%    | 5.3%  |
| 3. Reduce/maintain the straddle cell commitment rate to less than or equal to 22%  | 17.2% |

**Goal #2**

Optimize program utilization rates

**Objectives**

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

**2010 Results**

Program	Projected # of Enrollees	Actual # of Enrollees	% of Utilization	Completion Rate
ISP	240	197	82%	75%
Community Service	1000	915	92%	80%
Cognitive Therapy	300	263	88%	71%

## 58th District Court Community Corrections

### Jail Utilization

Present Jail Rated Design Capacity = 462 beds

	2007	2008	2009	2010
<b>Average Daily Population</b>	395	367	351	336
<b>% Rated Design Capacity</b>	85.4%	79.4%	76%	73%

### Jail Diversion Program Measures Community Service, JAWS, ISP Programs

	2006	2007	2008	2009	2010
<b># Total Enrollees</b>	1333	1127	1292	1210	1112
<b># Jail Days Saved</b>	41,009	38,458	43,704	30,532	29,500

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

CY 2007	CY 2008	CY2009	CY 2010
\$217,413	\$162,081	\$120,495	\$112,680

## 58th District Court - Court Services Department

### Fiscal Year 2010

- 950 total Offenders Enrolled in the JAWS and community service work programs
- 98 JAWS crews supervised
- 9 offenders were put on each JAWS roster— an average of 6 offenders reported
- 24 total JAWS worksites worked
- 49 out of 52 Saturdays worked
- 8,232 hours were provided by the JAWS crews
- \$60,917 in community service work was provided \*
- 85 community service worksites were used
- 52,360 hours worked
  - Equivalent to 25 full-time employees
  - \$387,464 in community service work was provided\*

\* Minimum wage \$7.40

## 58th District Court - Court Services Department

### 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  
The Bridge (The Mission for Women)  
Holland Postal Food Drive  
Center for Women in Transition  
Holland Museum

Holland Mission  
First Assembly of God  
OAR, Inc.  
70X70 Life Recovery  
Central Wesleyan Church  
Holland Alano Club  
St Francis de Sales  
Holland Community Center  
Holland Community Kitchen  
Daystar Ministries  
Tulipanes Festival  
Holland Civic Center

### 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  
Spring Lake Library

Habitat for Humanity  
Rescue Mission Thrift Store  
St. Mary's Church  
Harbor Humane Society  
Ottawa County Facilities/Maintenance  
Spring Lake Heritage Festival  
YMCA  
Hoffmaster State Park  
Grand Haven Area Community Foundation

### Eastern areas

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

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