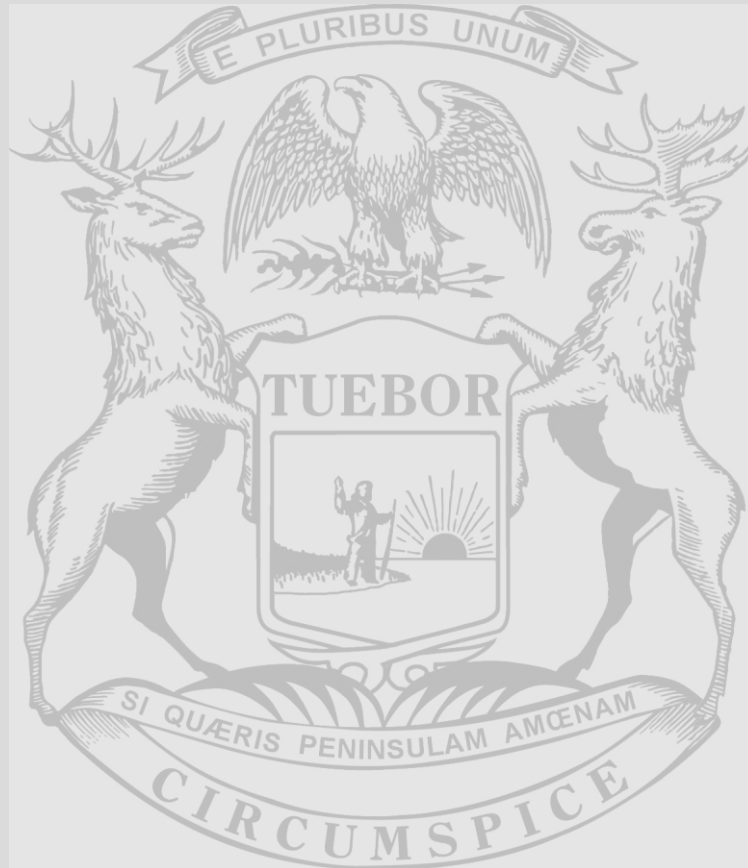


# 58<sup>th</sup> District Court



## 2022 Annual Report

<http://miottawa.org/Courts/58thDistrict>

Honorable Bradley S. Knoll, Chief Judge

Honorable Craig E. Bunce

Honorable Judy K. Mulder

Honorable Juanita F. Bocanegra

# A Note from the Chief Judge

2022 saw the waning of the COVID pandemic and a return to more normal operations at the 58<sup>th</sup> District Court. Both civil and criminal case filings returned to pre-Covid levels. The pandemic experience and orders issued by the Michigan Supreme Court however, have made it clear that “normal” would be a “new normal” in 58<sup>th</sup> District Court.

At the height of the pandemic in 2020, court operations were brought to a virtual standstill. The court was still required to process criminal cases in a timely manner and as much of that work as possible was done from remote locations. Obviously, it was impossible to conduct jury trials based upon the legal restrictions in place and the general reluctance of potential jurors to participate in those proceedings. As a result, a considerable backlog of cases awaiting jury trial was created and those cases continued to accumulate well into 2021. I’m happy to report that substantial progress was made in 2022 in reducing or eliminating the backlog in all three court locations.

The district courts have exclusive jurisdiction of rental unit evictions under the Summary Proceedings Act. During the pandemic, both federal and state- imposed eviction moratoria limited the court’s ability to resolve claims of landlords seeking eviction for unpaid rent. Additionally, the economic disruption caused many households to be unable to meet their rental obligations. The district courts became the conduit for getting rental assistance payments to the landlords from agencies providing assistance under the Eviction Diversion Program, traditional State Emergency Relief through the Michigan Department of Health and Human Services and assistance provided by local non-profits and churches. The most significant of the rental assistance programs resulted from the 2021 appropriation of \$220 million by the Michigan Legislature for tenant rental assistance from funds made available by Congress under the COVID Emergency Relief Act (CERA).

These assistance programs and the orders issued for their implementation, imposed extra procedural steps in eviction proceedings with a heavy emphasis on remote appearances by the litigants and their attorneys. 58<sup>th</sup> District Court staff and judges were required to adapt quickly to the changed environment. The assistance programs under the Eviction Diversion Program and CERA have since lapsed, but the state administrative order (AO No.2020-17) that imposed those new requirements which was first issued on June 9,2020 remains in place today.

The new normal in criminal cases is not so new. Beginning in the early part of this century, courts began the use of the “recovery court” model for cases involving various types of cases and defendants. Research has consistently shown that probationers who successfully complete a recovery court probation are significantly less likely to commit new offenses than those who do not. The 58<sup>th</sup> District Court was a pioneer in the effort and was named a national training court for other courts wishing to implement a sobriety recovery court. Any court which calls itself a recovery court must be certified as such by the State Court Administrator. Today the 58<sup>th</sup> District Court operates state-certified sobriety treatment courts in each of its three locations, a certified mental health court and partners with Allegan County’s certified Veterans Treatment Court. These recovery courts require more time and effort my judges and staff than traditional probation, but the benefits are obvious.

I am proud to present the 2022 Annual Report. I speak for the entire team at the 58<sup>th</sup> District Court in expressing my gratitude to the legislative and executive branches of Ottawa County government for their continuing encouragement and providing the technical and human resources assistance and the budgetary resources that allow us to continue our mission.

Respectfully submitted,

*Bradley S. Knoll*

Chief Judge 58<sup>th</sup> District Court

# The Judges of the 58<sup>th</sup> District Court



**Honorable Bradley S. Knoll,  
Chief Judge, Holland District Court**



**Honorable Craig E. Bunce  
Grand Haven District Court**



**Honorable Judy K. Mulder  
Hudsonville District Court**



**Honorable Juanita F. Bocanegra  
Holland District Court**

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

## OUR 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.

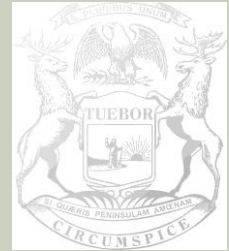
Insure that court procedures and structures best facilitate the expedient and economical resolution of matters before the court.

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.



## Our 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.*

## [OUR COURT]

The 58<sup>th</sup> District Court Judges and staff are committed to and take pride in serving Ottawa County justly and with sincerity. The District Court is equally committed to continuous improvement through organizational and process review and implementation of innovative ideas. This mission is accomplished through regularly scheduled Judges meetings, staff meetings and leadership team meetings.

Each of our three court locations is staffed by a Chief Clerk, Court Recorders and staff assigned to one of four divisions: Criminal, Traffic, Civil and Probation. Court staff is responsible for daily tasks including processing documents, receipting for and disbursing payments, scheduling hearings, responding to public inquiries, providing oversight and drug testing defendants and managing every case filed in the Court.

District Court also employs one attorney magistrate and two part time magistrates. The magistrates are appointed by the Chief Judge and are authorized under statute to conduct informal hearings on traffic citations, issue search and arrest warrants, conduct arraignments, set bonds, accept some criminal pleas and conduct small claims hearings. Along with all four Judges, the

In 2022, Court staff opened and processed over 48,500 cases, entered over 45,500 dispositions and receipted for nearly \$5.9 million dollars.

magistrates also serve nights and weekends on a rotating basis to authorize after hour search or arrest warrants and perform marriages. In 2022, the Court performed 421 marriages.

The Court would like to express gratitude and appreciation to all of the District Court staff for their dedication and hard work. Without them, the Court would not be able to provide exceptional service to our community.

Our Judges and staff are extremely proud and honored to serve the citizens of Ottawa County in a manner that inspires trust and confidence in the judiciary.

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### **2022 Major Initiatives**

◆ *Implemented several major criminal justice legislative reforms including numerous reclassifications of charges from misdemeanors to civil infractions, increasing the issuance of appearance tickets/show cause orders, changes to driver's license suspensions, probation oversight requirements and coming into compliance with the Raise the Age legislation and the Clean Slate Act.*

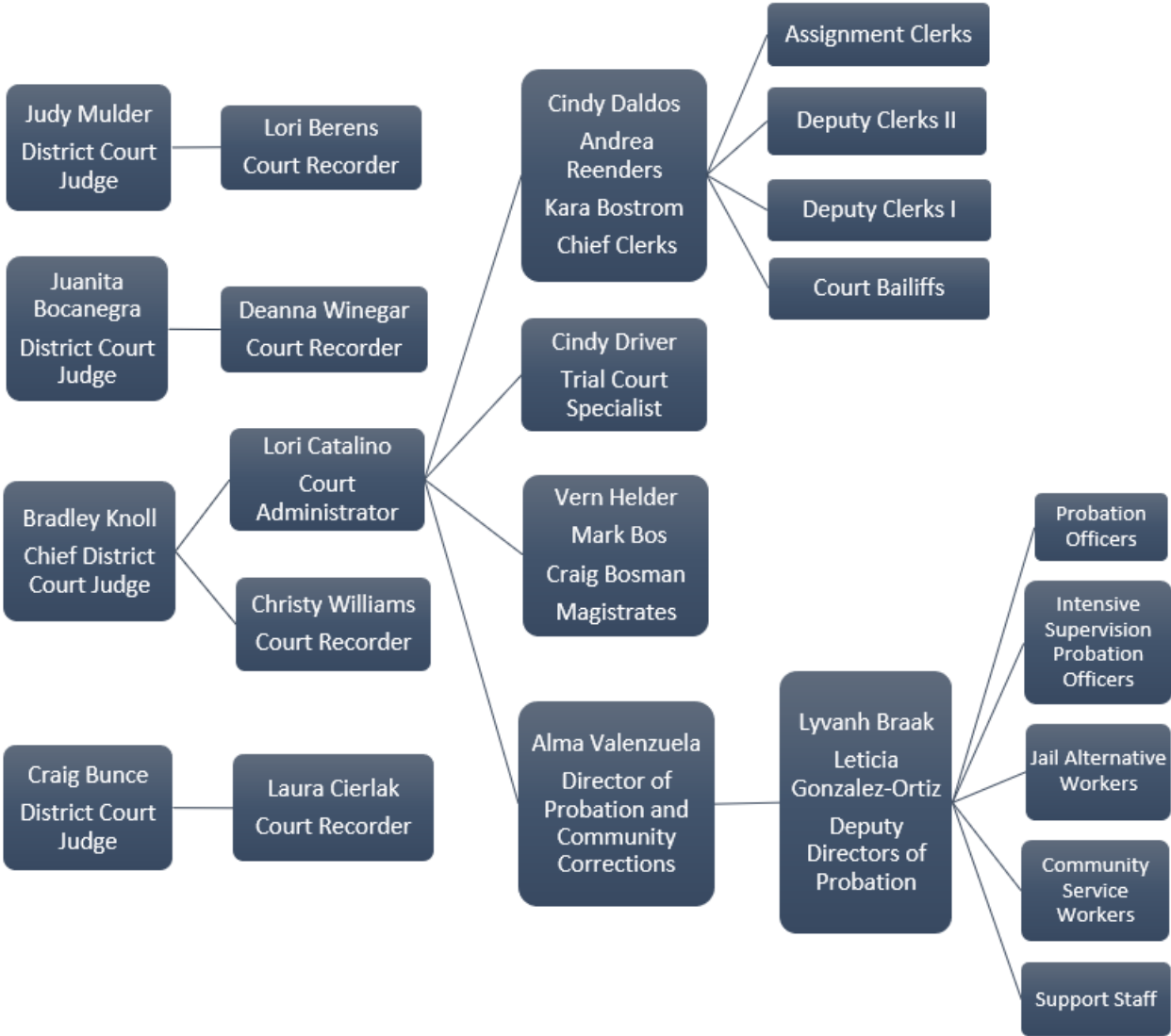
◆ *Continued the important work of addressing caseload backlogs caused by the pandemic shut-downs in 2020 and 2021 including full resumption of conducting jury trials.*

◆ *Successfully continued with the OC Eviction Diversion Program.*

◆ *Began the process to replace the Court's current case management system from 1987 and transition to the Michigan Supreme Court's JIS case management system as well as a new Probation/Community Corrections case management system.*

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# 58<sup>th</sup> District Court Organizational Chart

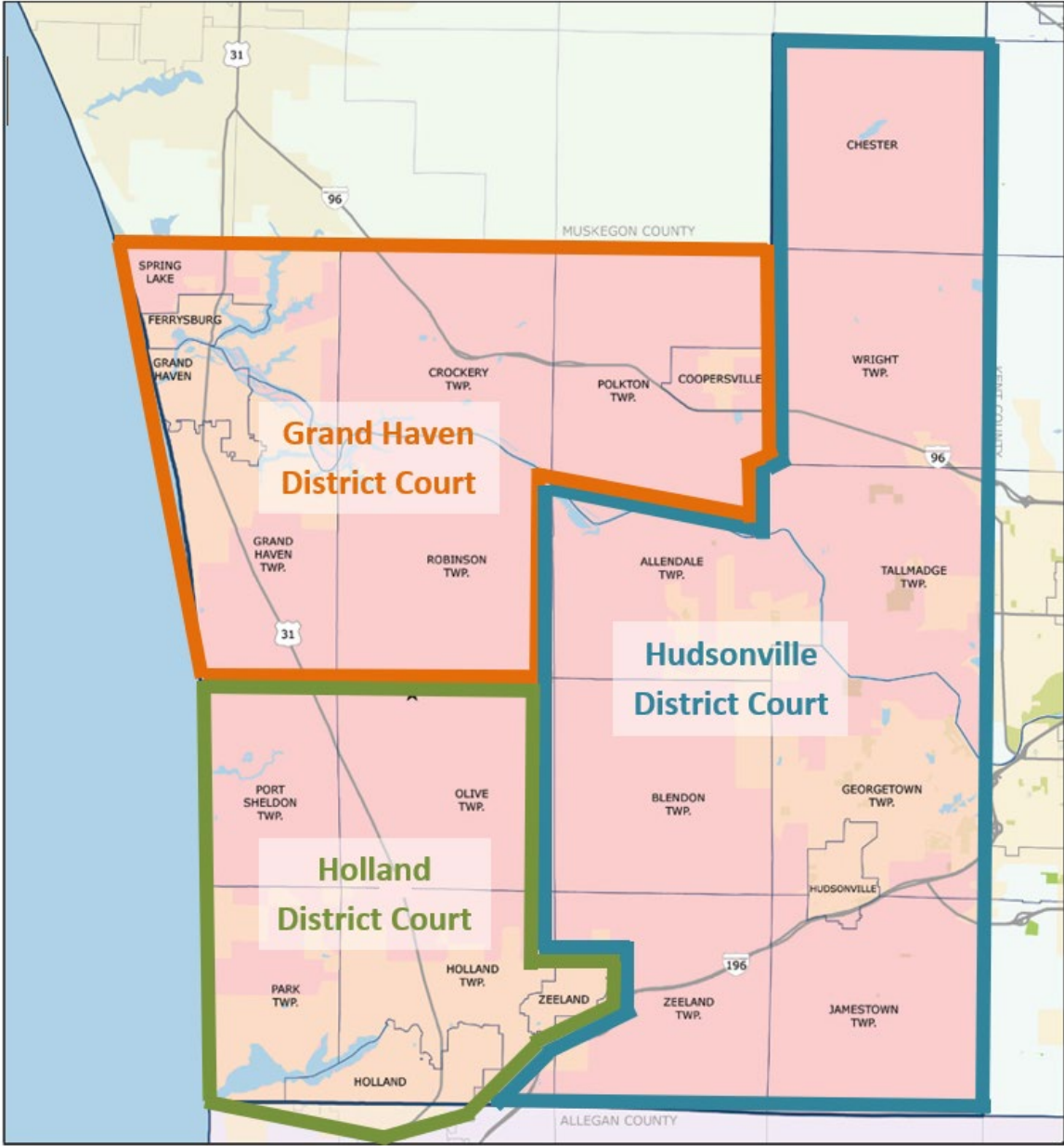




# District Court Venues

The venue lines of the three locations of the 58<sup>th</sup> District Court are established pursuant to a Local Administrative Order (LAO) signed by the Chief Judge and approved by the State Court Administrative Office of the Michigan Supreme Court.

Pursuant to that LAO, cases arising in Ottawa County are filed either in the Grand Haven, Holland or Hudsonville locations based on the municipality of where the incident occurred or the cause of action arose. Additionally, Holland District Court's jurisdiction includes the portion of Holland City located in Allegan County pursuant to MCL §600.8101.



OTTAWA COUNTY, MI

OTTAWA  
COUNTY  
EVICTION  
DIVERSION  
PROGRAM



The Ottawa County Eviction Diversion Program (EDP) was one example of a positive impact in our community despite the COVID-19 pandemic by affording the Court and our community housing partners an opportunity to offer critical rental assistance on eviction-related cases to help prevent homelessness.

As the pandemic began to unfold in March of 2020 and the ensuing months afterwards, the Court was under various state and federal emergency orders including the federal Coronavirus Aid, Relief and Economic Security Act (“CARES Act”) which required a moratorium on eviction proceedings, except in certain circumstances and provided significant structured rental assistance to those in need. From January 2021 until September 2022, the COVID Emergency Rental Assistance (CERA) took effect following the CARES Act to continue providing the critical funds necessary to help tenants facing pandemic-related hardships in order to avoid eviction while also ensuring landlords could recoup owed rent. MSHDA administers CERA through its statewide network of local nonprofit agencies.

Another significant response to the COVID-19 housing crisis was Michigan Executive Order 2020-134 which required all jurisdictions throughout the state to create an EDP in collaboration with nonprofit homeless service providers, known as Housing Assessment and Resource Agencies (HARAs) and funding provided by the Michigan State Housing Development Authority (MSHDA). Pursuant to this Executive

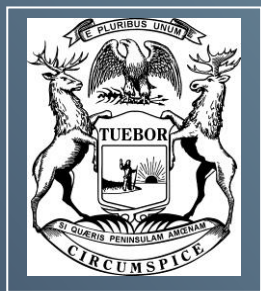
Order, the Ottawa County Eviction Diversion Taskforce was formed comprising of Good Samaritan Ministries (Ottawa County HARA), Allegan County Community Mental Health’s Homeless Assistance Program (Allegan County HARA), Legal Aid of Western Michigan and the 58<sup>th</sup> District Court. The main goal of Ottawa County’s Diversion Taskforce was to establish and implement a successful EDP that conformed with MSHDA’s EDP requirements for means-tested rental assistance for past due rent, future rent and utility assistance.

“The Eviction Diversion Program was a remarkable collaboration of state agencies, local non-profit organizations, legal aid and landlords’ attorneys and the district courts. In Ottawa County we are especially grateful for the extraordinary efforts of individuals at Good Samaritan Ministries, Legal Aid of Western Michigan and our own 58<sup>th</sup> District Court staff.”

- Hon. Bradley S. Knoll, Chief  
Judge of the 58<sup>th</sup> District Court



# OTTAWA COUNTY EVICTION DIVERSION PROGRAM



Under CERA, the Ottawa County EDP has been a great success helping 3,925 adults and children in our community who were facing homelessness. The program has been successful because of the extraordinary efforts of court staff, HARA administrators and especially the attorneys with Legal Aid of Western Michigan. The cooperation of the landlords and their attorneys has also been critical to the success of the program.

It is important to recognize that community rental housing problems did not end when the public health crisis did. These issues, including affordable housing concerns, existed prior to the COVID-19 pandemic. Thus, even with the pandemic being brought under control now, the inherent problems in our community from the lack of low-cost housing remain critical. Therefore, the Court supported Ottawa County's request to leverage ARPA dollars to create a new and sustainable EDP in Ottawa County moving forward. Persons with secure

**As of September 2022, 3,925 Ottawa County families were served and received nearly \$12.5 million in rental assistance and nearly \$1.1 in utility assistance. The average assistance received per household in Ottawa County was \$9,000.**

Source: MSHDA

As Ottawa County continues to grow, proactive housing policies can meet the urgent needs of residents. As stable housing influences social, personal and financial health, potential expenses incurred under a sustained EDP can create communities where even low-income residents have peace of mind and can actively plan for their futures. Housing is a prerequisite for success and policies that provide stability can help residents find their footing, allowing them to access new and better opportunities.

**- Ottawa County Department of Strategic Impact**

housing are better able to maintain employment and provide for the care of their families. The recent pandemic demonstrated the viability of a cooperative and extremely effective EDP which can form the model for a similar program for people whose housing issues are not related to the pandemic. The Court will continue its collaboration, support and work with Good Sam Ministries and Ottawa County this year and in the future as the new Ottawa County Eviction Prevention Program seeks to fill this critical need in our community post CERA funding.

## Serving our community



Educational outreach in our schools is an important strategic effort the Court focuses on each year to help educate the community about the purpose, roles and responsibilities of the third branch of government.

In May, the Court hosted over one hundred 4<sup>th</sup> grade students and their parents from Griffin Elementary at the Grand Haven Courthouse. The students were highly engaged and excited to learn about Ottawa County's judicial system, they asked insightful questions as they interviewed the judges and were actively engaged in playing out their assigned roles in mock trials held in the courtrooms.

## Michigan Supreme Court Issues Program Certifications for 58<sup>th</sup> District Court's Specialty Courts

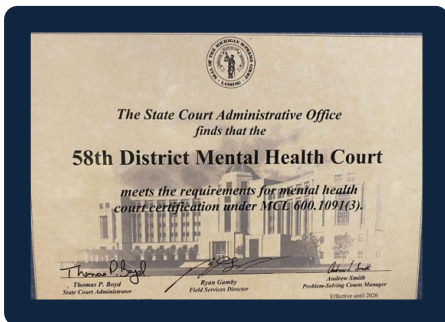


In June and July of 2022, the 58<sup>th</sup> District Court's Sobriety and Mental Health Treatment Courts were the subject of detailed program audits conducted by the State Court Administrative Office (SCAO) of the Michigan Supreme Court. The purpose of these audits are to ensure these specialty court programs are in full compliance with all nationally recognized and evidence based standards, best practices and promising

practices to maximize outcomes for the participants and reduce recidivism rates.

After SCAO conducted an extensive on site program audit, both 58<sup>th</sup> District Court's Mental Health Treatment Court and Sobriety Treatment Court were certified as either meeting or exceeding all national evidence based program best practices. SCAO Certification status is also required to apply for and receive grant funding for these programs. In FY22, 58<sup>th</sup> District Court received \$246,000 to help operate these specialty courts in Ottawa County.

SCAO's program certification lasts for three years at which time these programs will be required to be audited and re-certified again.



## [SERVICE AND LEADERSHIP]

### Leading through continuing education

In an effort to better serve our community, all District Court staff are required to attend different professional courses and workshops throughout the year. These sessions are often with other County justice related departments and community agencies and are focused on determining the best way to collaborate and leverage collective resources to maximize services to our constituents.



Sobriety Court Retreat

In FY22, 58<sup>th</sup> District Court received \$246,000 in grant funding from the Michigan Supreme Court to assist in the operation of our Sobriety and Mental Health Treatment Courts.



# [ALL RISE! INITIATIVE]



## *Professional Development and Developing a Cohesive Staff to Better Serve our Community*

In 2015, the Court initiated the All RISE! Campaign within the Court. The purpose of this initiative is to enrich and intentionally engage Court staff to: take **R**esponsibility for getting involved; be **I**nnovative by being creative and proactive; excel in internal and external **S**ervice and strive for operational **E**xcellence.

As part of this initiative, the Court closed all three of its locations on Friday, September 30, 2022 to dedicate the day to professional development and working on strategic efforts to improve Court operations, access and service to our community. The day included presentations from Ottawa County Sheriff Steve Kempker and the entire Ottawa County Sheriff's Department Leadership team as well as an in depth Judicial panel discussion on various issues impacting the Court and community. The purpose of this important professional development opportunity is to examine and understand why our results matter and help identify key strategic areas to improve access to better fulfill our constitutional role in ensuring all citizens are treated with respect, understand court processes and outcomes and have a fair opportunity to be heard.



This year's event was particularly important and special since it was the first time all pandemic restrictions were lifted thereby allowing the Court to resume in person staff training. Court staff were challenged throughout the day in small discussion and teamwork groups set up by the location where they primarily work. These

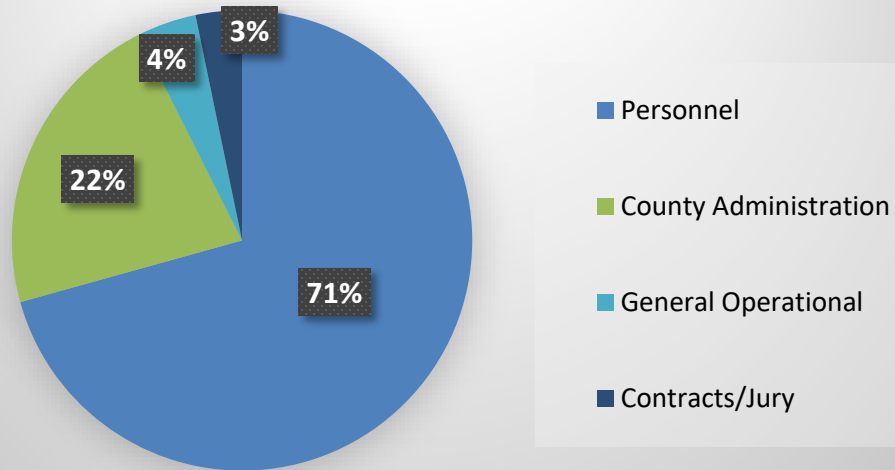
conversations were focused on ways to be a more cohesive team at each location as well as collectively as one Court to better serve our community and to better understand the importance and critical need of the daily work that happens in the Courts.



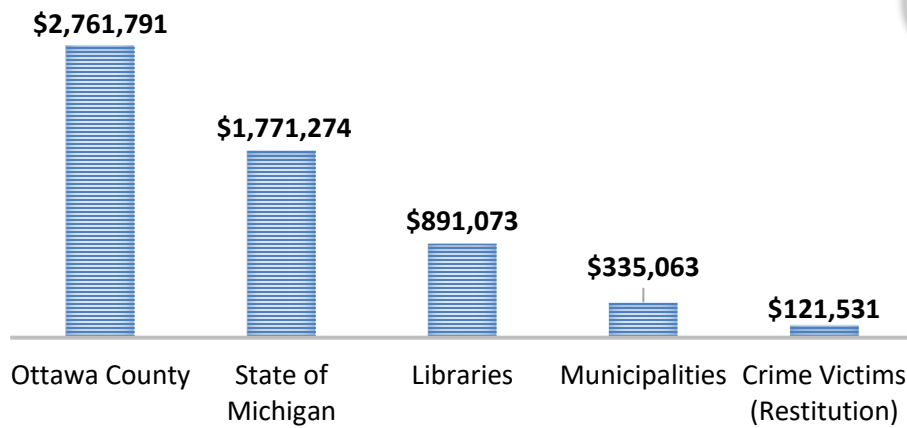
## Expenses

### FY22 District Court Operating Costs

**Total FY22 Expenditures: \$6,913,101**



### DISTRIBUTION OF REVENUE

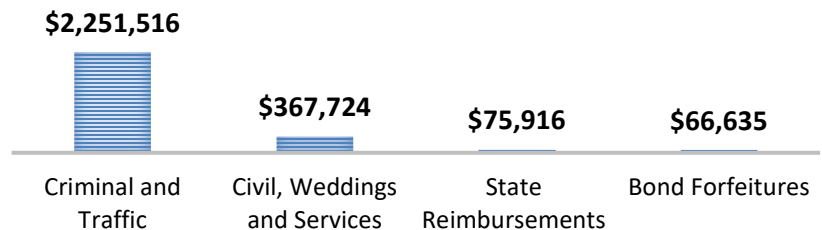


## Revenue

**In FY22, District Court collected nearly \$5.9 million in revenue.**

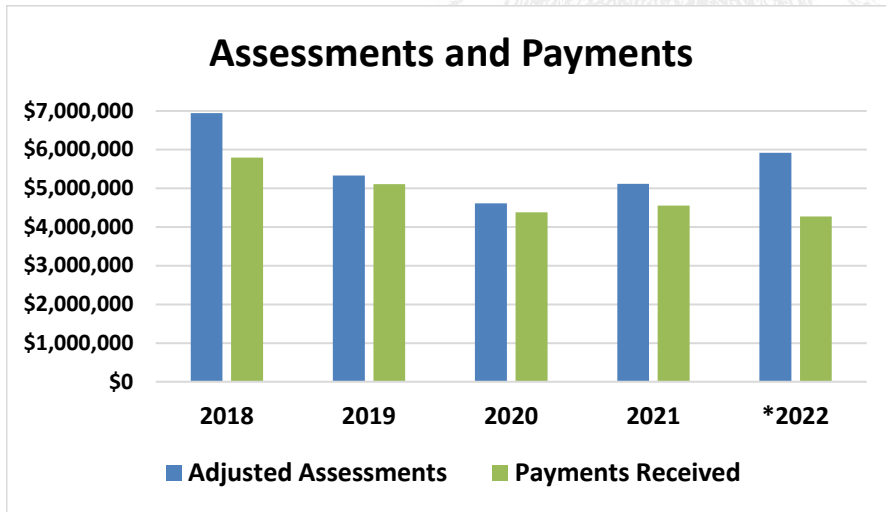
Ottawa County also received state reimbursements of \$750,471 in the Court Equity Fund and an additional \$411,516 in the Judges Standardization Fund in FY22 to help fund the operations of the Ottawa County Courts.

### COUNTY GF REVENUE RECEIPTED FOR IN DISTRICT COURT



# Assessments and Collections

The 58th District Court takes pride in our efforts to collect assessed fines, costs and restitution and continues to be among the leaders in the state in trial court collection rates. Diligently enforcing the financial sanctions imposed by the Court is vital to maintaining the Court's integrity and credibility by ensuring appropriate compliance with the Court's orders. Moreover, successful collection efforts increase County revenue while also providing restorative justice to victims and increasing citizens' sense of security and public trust in County services and the entire judicial process.



The 58<sup>th</sup> District Court collections program is closely monitored by the State Court Administrative Office to ensure all the Court's collection efforts are in compliance with all requirements outlined in the court rules, statutes and published performance metrics. The 58<sup>th</sup> District Court is consistently deemed

to be in compliance as a result of its comprehensive collection program.

\*The overall collection rate and outstanding receivables for sanctions imposed in 2022 was 73% as of December 31, 2022. The rate is lower than collection rates from previous years because the debt assessed by the Court in late 2022 will be adjusted and collected within the first few months of 2023.

The Court is required to report our outstanding receivables by revenue code, age of debt and by case type to the State Court Administrative Office for the time period of July 1 through June 30 each year. Reported collection rates are noted in the table to the right.

<i>Collection Rates</i>	
Sanctions Assessed	Sanctions Collected as of June 30, 2022
2017	92%
2018	94%
2019	96%
2020	95%
2021	89%

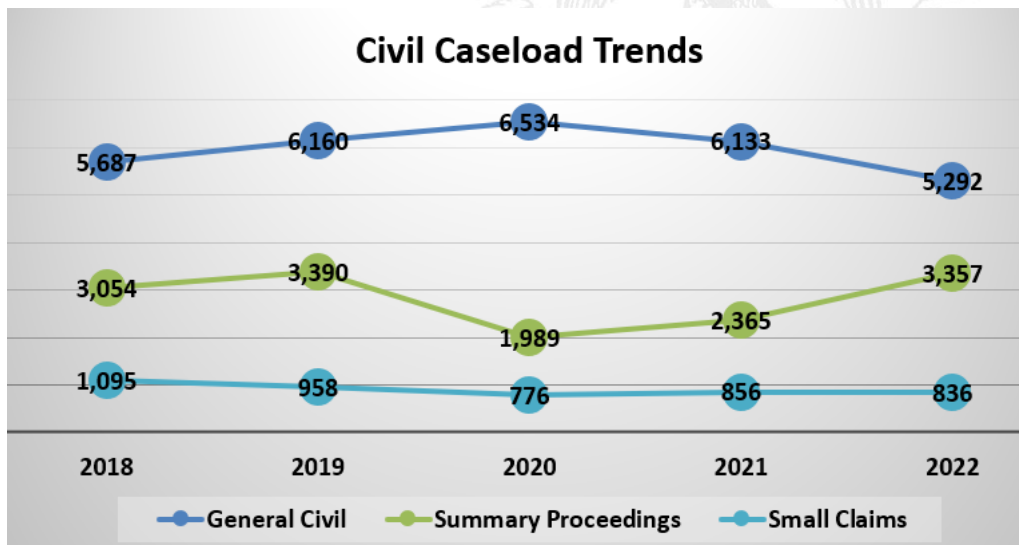


# Caseload Trends

## CIVIL CASES IN THE 58<sup>TH</sup> DISTRICT COURT

The District Court’s general civil jurisdiction covers disputes where money judgments are sought in an amount not exceeding \$25,000 for conduct alleged to be tortious, in breach of contract or otherwise in violation of civil law. Parties may also file claim and delivery actions in the District Court seeking to recover personal property.

The District Court’s jurisdiction includes cases brought under the Summary Proceedings Act. These special proceedings provide for the prompt resolution of disputes between landlords and tenants relating to the payment of rent or other terms of the rental agreement. Parties seeking the repossession of real property following mortgage foreclosure or forfeiture of land contracts will also normally employ the expedited procedures set forth in the summary proceedings statutes. The District Court exercises both legal and equitable powers in adjudicating and enforcing the rights of parties to these actions.



Small claims proceedings also fall within the District Court’s exclusive jurisdiction. In civil actions where money judgments are sought for no more than \$6,500 beginning January 1, 2021 (\$7,000 beginning January 1, 2024), the parties may agree to the more informal procedures under the Small Claims Act. Small

claims trials may be held before a judge or magistrate. There is no right to a trial by jury, representation by an attorney or appeal of a judgment entered by the judge. A party sued in small claims court may elect to remove the case to the general civil docket to preserve those rights. A trial in small claims court is a more informal procedure with relaxed rules of pleading and evidence. The goal of the judge or magistrate is to arrive at a prompt decision that provides “substantial justice” for the litigants.

In many civil cases brought in the District Court, one or more parties are not represented by an attorney. The District Court staff is well trained to provide courteous procedural assistance to these unrepresented litigants without giving legal advice. Additionally, small claims and summary proceedings actions require a higher degree of staff time in preparing and processing, summons, arranging for service of process and preparation of judgments than in cases brought in the regular civil docket where more of the responsibilities fall on the parties or their attorneys.

# Criminal Cases in the District Court

## *Search and Arrest Warrants:*

All criminal cases originate in the district court in Michigan. Moreover, the district court is often involved early in the criminal investigation process since all search warrants are issued by district court magistrates or judges. Search warrants are commonly issued after business hours to obtain a blood sample from a person suspected of operating under the influence of alcohol or drugs who have refused to voluntarily submit to a chemical test. Thus, assigned judges and magistrates are available on a 24/7 basis, 365 days a year to receive and rule on search warrant requests. All judges and magistrates are equipped to review and issue search warrants electronically from various locations in the county. This procedure avoids the delay and inconvenience of requiring law enforcement personnel to travel to the judge's or magistrate's home to obtain an afterhours warrant. Search warrants are also issued to assist law enforcement in the investigation of drug, sex and other offenses by authorizing the search of homes, vehicles, computers and mobile electronic devices.

Arrest warrants are issued by district court judges and magistrates if authorized by the prosecuting official and upon sworn testimony establishing probable cause. Such warrants may be issued prior to an arrest or following a warrantless arrest by police where the prosecution authorizes the complaint. When issuing an arrest warrant, the judge or magistrate may allow a defendant to post bond and be released prior to his or her first court date. Alternatively, the judge may require that no release take place prior to the initial court appearance.

## *Arraignment:*

Following a warrantless arrest, a criminal complaint must be filed with the district court after being sworn to by law enforcement and authorized by the prosecutor. The defendant will then be arraigned before a district court judge or magistrate or bond will be set within 24 hours of the arrest. If a warrant is authorized prior to arrest, arraignment is required in the district court following the defendant being taken into custody. In most misdemeanor cases, a criminal charge can also be initiated by law enforcement without a sworn complaint by issuance of a citation to the defendant with instructions to appear in court on the next regularly scheduled arraignment day. In any of these situations, defendants appear in the district court in person or by video for purposes of arraignment where they are notified of the nature of the charges and possible penalty along with their constitutional trial rights. The defendant is also advised of the right to counsel including, where appropriate, the right to a court appointed attorney.

The court will also consider whether a defendant qualifies for pre-trial release and what type of bond or bond conditions may apply. In felony or domestic violence misdemeanor cases, the courts' probation department completes a bond screen for the judges' review before arraignment. The bond screen process provides the court with a detailed history of the defendant including past criminal behavior, employment and family information, mental health and substance abuse history. The judge uses this information to balance the general right of an incarcerated defendant to be free on bail with the risk of flight or risk to public safety if released on bail.

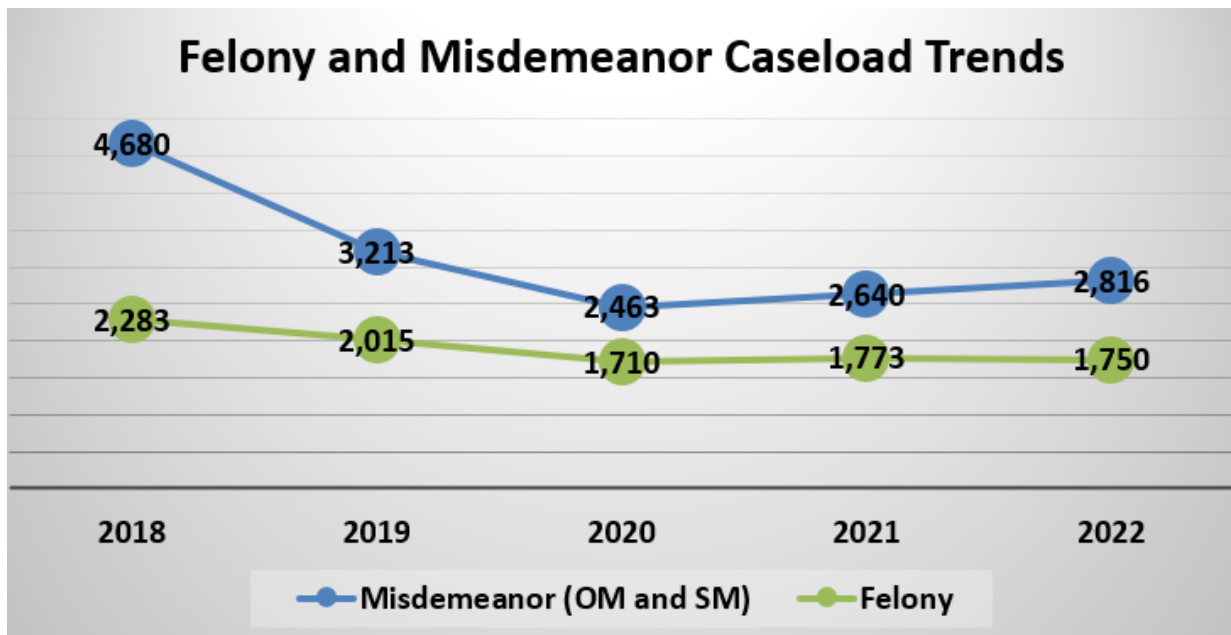
### Misdemeanor Cases:

Misdemeanor cases will then proceed to trial or sentencing in the district court following entry of a plea by the defendant. Defendants convicted of misdemeanor charges following trial or guilty plea may be sentenced immediately. However, in many cases constitutionally guaranteed victims' rights will require an adjournment so that the victim will have an opportunity to appear and make a statement at sentence. The court must order restitution to a victim as part of its sentence. Sentencing options include the imposition of jail, fines, court costs, restitution, substance abuse or mental health counseling, community service, vehicle immobilization, driver's license suspension, deferred sentencing and/or participation in a treatment court.

### Felony Cases:

The ultimate disposition of any offense that carries a maximum incarceration of more than one year in jail occurs in the circuit court. Prior to such a case being transferred or "bound over" to the circuit court, however, arraignment and preliminary examination are scheduled in the district court. At a preliminary examination the prosecutor is required to submit evidence that convinces a district court judge that "probable cause" exists to believe the defendant has committed a felony before the case will be sent to the circuit court for trial.

Changes enacted by the Michigan Legislature in 2014 added a requirement of a "probable cause conference" prior to the preliminary examination and also broadened the authority of a district court judge to accept felony pleas of guilty before a case is sent to circuit court for sentencing. Both of these procedures were already in place in the 58<sup>th</sup> District Court but are now mandated on a state basis.

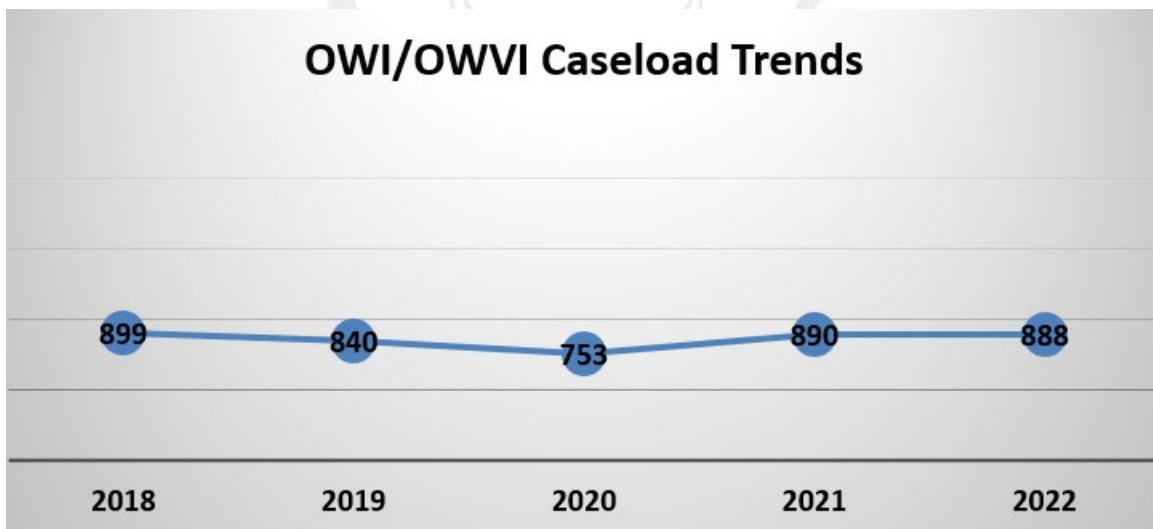


# Operating While Intoxicated

Operating while intoxicated offenses involve a broad range of offenses brought under state statutes or municipal ordinances. Traditional charges of “drunk driving” involve allegations that a person has operated a motor vehicle while under the influence of alcohol or while visibly impaired by alcohol. Operating while intoxicated offenses now include charges of operating with an unlawful blood alcohol (.08%), operating with a high blood alcohol level (.17%) or a minor operating with an unlawful blood alcohol level (.02-.07%). The statutes also prohibit operation of a motor vehicle under the influence of a controlled substance, operating while impaired by a controlled substance or operation of a motor vehicle with any level of an illegal (schedule 1 and marijuana) controlled substance in a person’s body. Operating while intoxicated charges may involve aggravating circumstances which include operating with a minor passenger, offenses charged as a second or third offense, or operating while intoxicated causing death or serious injury. Some of these aggravating circumstances may elevate the offense from a misdemeanor to a felony level offense.

Despite the expansion of offenses chargeable as operating while intoxicated, the court has seen a general downward trend in charged offenses over the past three years.

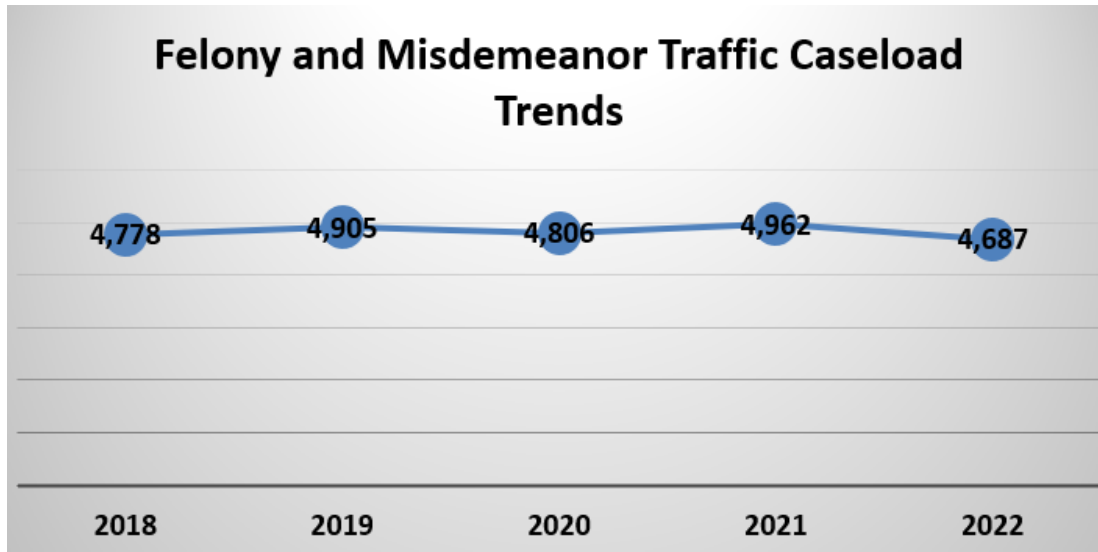
Given the danger to the community posed by persons who operate while intoxicated, the court and probation department diligently monitor these people through various levels of intervention including the Sobriety Treatment Court, Intensive Supervised Probation and use of alcohol detection technology. This technology includes the use of automobile interlock devices, 24 hour alcohol monitoring devices which are used to monitor abstinence along with the traditional techniques involving random home checks and mandatory drug and alcohol testing at the court. The court also oversees referral to substance abuse therapy including 12 step programs. Violations of court mandated abstinence or therapy will result in probation violation complaints with the violator facing jail time and potential revocation of probation.



# Criminal Traffic Docket

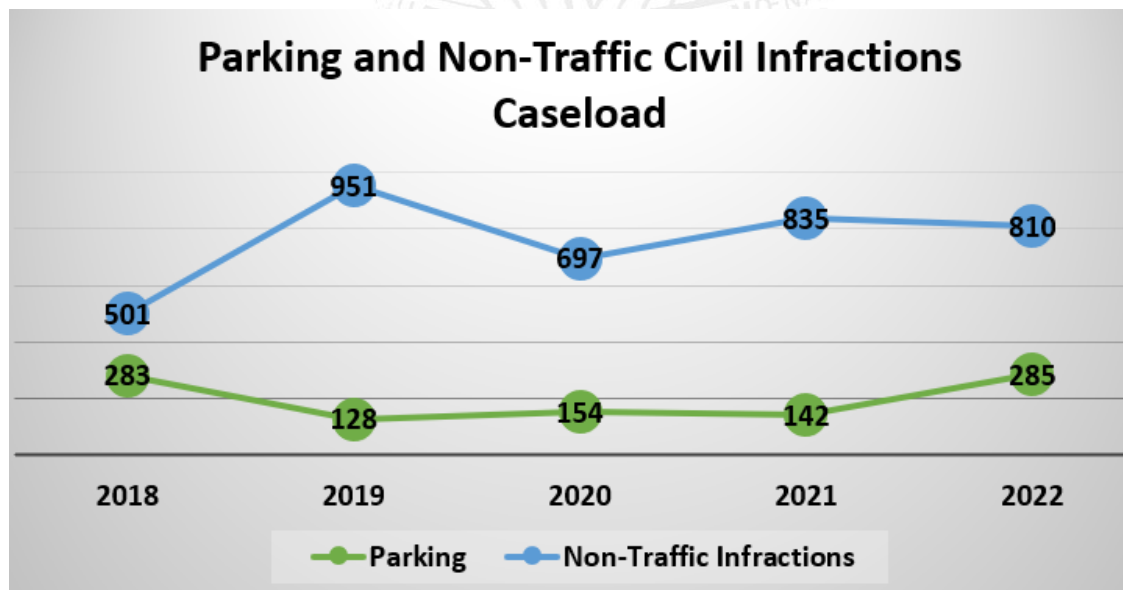
## FELONY AND MISDEMEANOR TRAFFIC

Criminal traffic offenses 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 involvement in a motor vehicle accident.



## NON TRAFFIC CIVIL INFRACTIONS AND PARKING VIOLATIONS

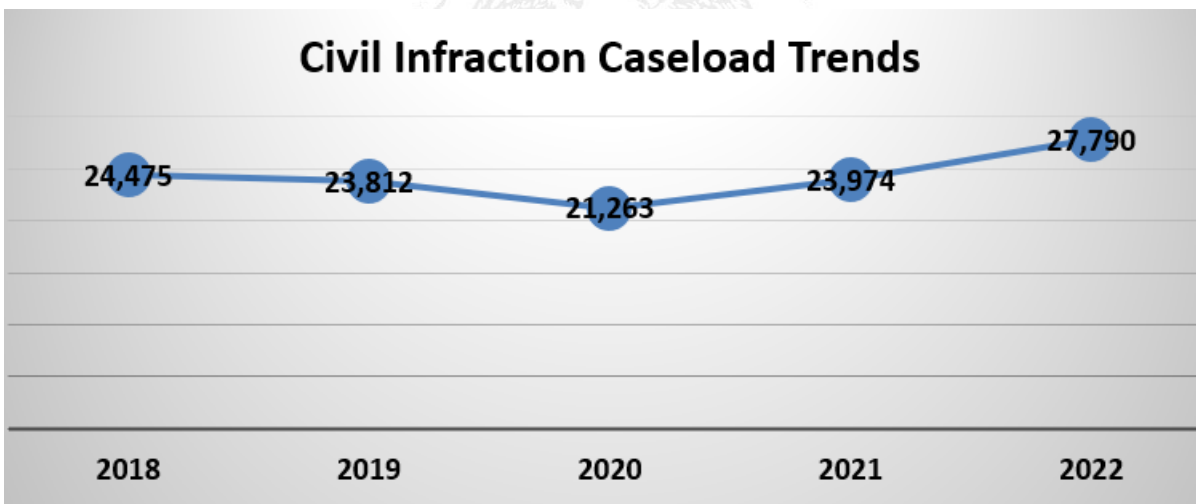
District Court also processes and receipts for payments on many parking violations and other non-traffic offenses. Some of the most common non-traffic offenses include barking dog, dog at large, property code violations, noise/nuisance violations, watercraft offenses and state park offenses.



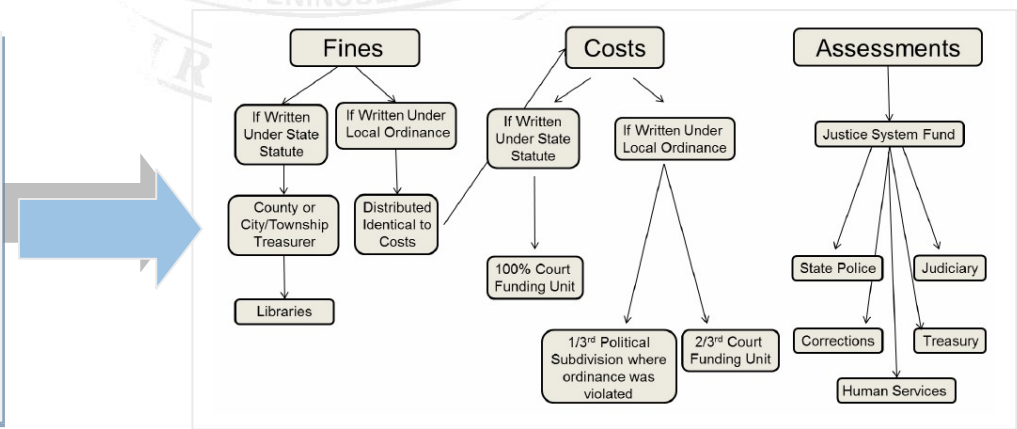


# Civil Infraction Violations

Most violations of the Michigan Vehicle Code are civil infractions which generally do not carry a jail penalty, the most commonly cited offense being speeding. A civil infraction can be charged under state statute or a local ordinance by a municipality. 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.



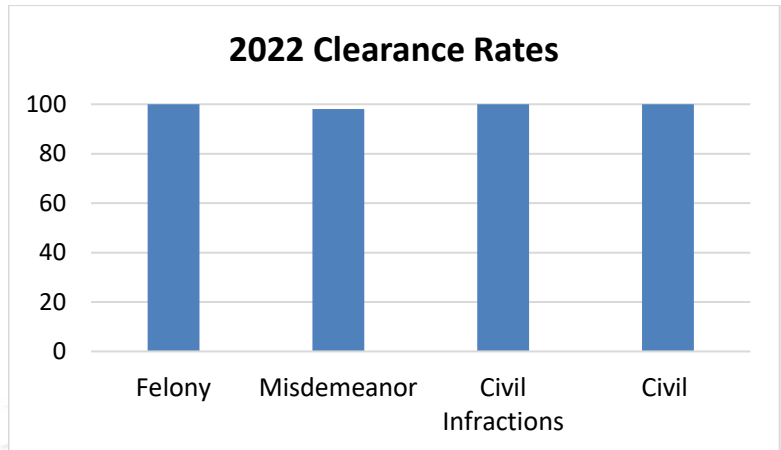
How does revenue from traffic related civil infractions get distributed?



# Case Clearance Rates and Case Age

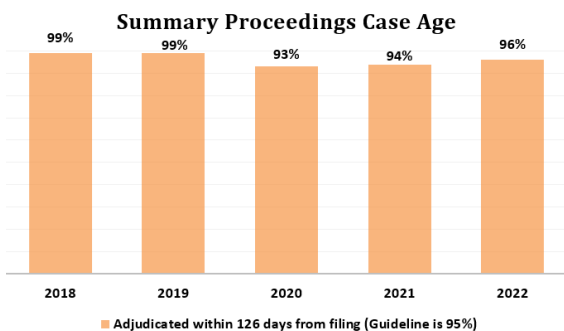
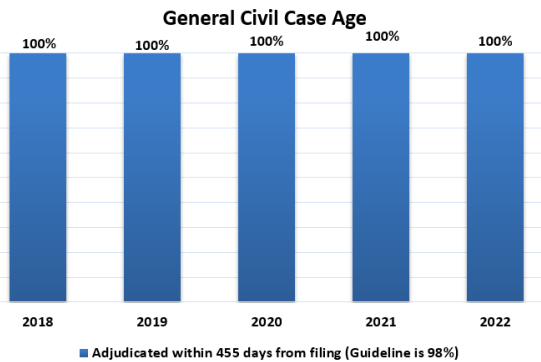
## Clearance Rates

Clearance rates compare the number of dispositions and the number of cases filed. Clearance rates naturally fluctuate above and below 100% and represent a key performance measure to gauge whether the Court is keeping up with its caseload. In 2020, the 58<sup>th</sup> District Court continued to observe excellent clearance rates even amid the COVID-19 pandemic by conducting as many hearings possible through Zoom and reorganizing the dockets to allow in-person hearings where necessary and appropriate while still ensuring all COVID protocols were observed.

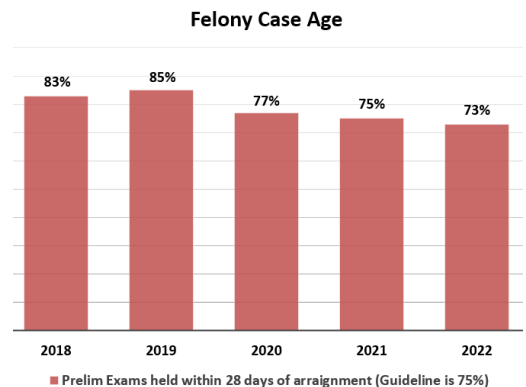
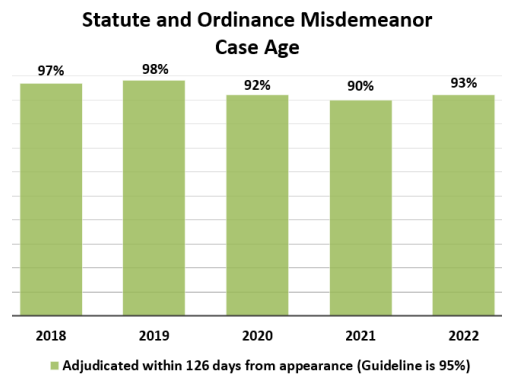


## Age of Caseload

Measuring the age of active pending and disposed cases is fundamental to promote access to justice by ensuring the Court is processing and disposing of cases in a timely manner. The 58<sup>th</sup> District Court continues to meet or exceed the case age guidelines set by the Michigan Supreme Court for each case type category. Our judges, management team and clerks continue to engage in process improvement to help ensure these guidelines are met while also giving appropriate consideration necessary to provide procedural and substantive due process in each individual case.



*Case age is a critical performance metric to ensure all cases are scheduled and resolved in a timely manner thereby promoting fundamental access to the Court and ensuring due process.*



The mission of the 58<sup>th</sup> District Court Probation and Community Corrections Department is to enhance public safety by enforcing court orders while holding offenders accountable by utilizing services and resources.

## Reports, Screens and Assessments:

Bond screens are conducted to assist the Court in setting bond at the initial court appearance for an offender. This screening provides information to the judge on factors such as the defendant's criminal and substance abuse

history, mental health, record of court appearances, the seriousness of the offense and ties to the community.

The bond screen is then considered by the judge to determine the defendant's threat to the community if released as well as their likelihood of returning to Court for future proceedings. The bondscreen also provides information to assist this Court in setting bond conditions including whether no contact with the victim should be ordered and/or drug and alcohol monitoring is needed.

Following conviction, the judge may order a pre-sentence investigation. These are face-to-face interviews that a

probation officer conducts with the offender, to gain background information. Pre-sentence investigations address the severity of the offense, prior criminal history, the possibility of drug or alcohol abuse, mental health issues and the offender's attitude. Additionally, victims of the offense will be contacted and

advised of their right to speak at sentence and to have the Court determine proper restitution. The probation officer provides a written pre-sentence report to the Judge and defendant prior to sentencing. A substance abuse assessment is a normal component of a presentence report. Completed by a trained probation officer or treatment specialist, it helps to determine the offender's suitability

for substance abuse treatment and placement into a specific treatment modality/setting. This evaluation includes gathering information on current and past use/abuse of drugs, criminal history, treatment history, and familial and educational histories.

## Testing and Supervision:

Probation supervision involves either the probationer reporting to their probation officer at the office for a regularly scheduled meeting or submitting to a random drug or alcohol test. Field supervision officers will, however, often visit a probationer's residence to determine if the offender is abiding by their probation order, following curfew and to monitor their home environment. The officer may request that the offender submit to a preliminary breath test to check for alcohol, a search of their person or a search of their residence.

*IN 2022, DISTRICT COURT PROBATION OFFICERS CONDUCTED 82,222 OVERSIGHT APPOINTMENTS AND ADMINISTERED 62,608 DRUG TESTS.*

**58<sup>TH</sup> DISTRICT COURT PROBATION CONDUCTED:  
2,258 PRE-SENTENCE INVESTIGATIONS  
10,099 HOME CHECKS AND  
2,631 BOND SCREENS**

# MONITORING COMPLIANCE



**Drug Testing** Probation uses automated lab quality analyzers in each court location and has eliminated the previous practice of using pre-determined 4-panel drug “dip cards”. Staff subjectively interpreted dip card results in determining

drug use and/or sample adulteration and the 4 panel dip cards did not allow for customized drug testing for the probationer nor did they allow for alcohol testing. The system in place now allows for immediate and accurate results for several drugs while also allowing for EtG (alcohol use) testing on site.

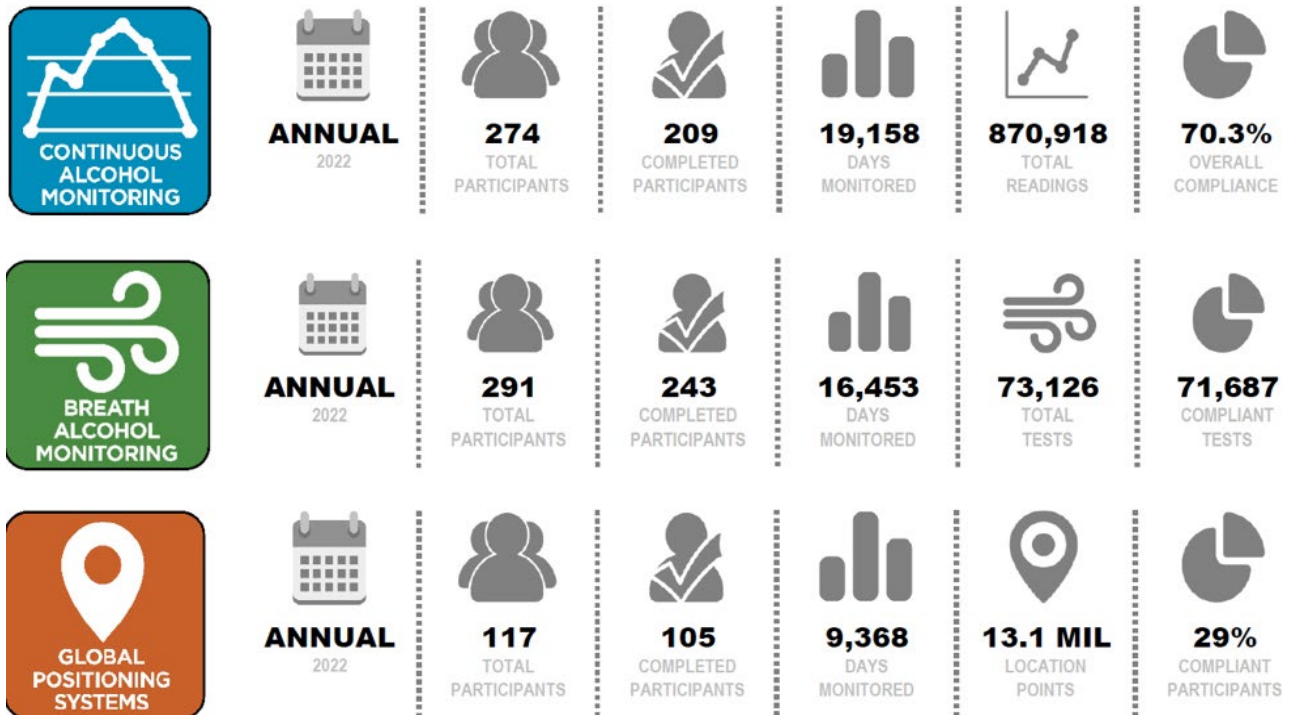
IN 2022, OF THE 62,608 DRUG TESTS ADMINISTERED, 12,598 WERE POSITIVE {OR A 20% POSITIVITY RATE}.

## Electronic Monitoring

**Continuous Alcohol Monitoring Summary (CAM)** units help to ensure sobriety and compliance with probation conditions.

**Remote Breath Monitoring** units help to ensure sobriety and compliance with probation conditions.

**Global Positioning Systems (GPS)** aid in monitoring the location of defendants charged with domestic violence and sex related crimes.





## Sobriety Treatment Programs

In May of 2022, the 58<sup>th</sup> District Court Sobriety Treatment Program in Holland celebrated 18 years of successful operation in changing lives and reuniting families. In 2014, Judge Bunce started a Sobriety Treatment Program in Grand Haven to serve the number of northern Ottawa County residents who were not able to travel to the Holland Sobriety Treatment Program. Both Holland’s and Grand Haven’s Sobriety Treatment Courts have had numerous successes throughout the years. These successes include supporting and helping participants receive treatment to maintain a drug and alcohol free life, seeing hundreds of participants successfully complete the program and obtain employment while significantly reducing recidivism rates. The Holland program was also designated as a National Academy Court for three years by the National Center for DWI Courts, in conjunction with the National Highway Traffic Safety Administration.



In October 2018, Judge Mulder started a Sobriety Treatment Program in Hudsonville to serve the number of Ottawa County residents who were not able to travel to the Grand Haven or Holland Sobriety Treatment Programs.

*“As a new Judge, I decided to start a Sobriety Court. During my short time on the bench, I was surprised by the number of repeat Operating While Intoxicated cases that were presented in my Court. I am passionate about helping those repeat offenders by assisting them to make positive life changes through best practices and thereby making our community safer. Prior to becoming a Judge, I was exposed to Drug/Sobriety Courts as a representative of the team on the 20<sup>th</sup> Circuit Court. I have personally heard the testimony of many successful participants and their family members of how the program has helped change their lives. Through this experience, I became convinced that these Courts work and already have begun to see the progress in my Sobriety Court participants.” – Honorable Judy Mulder*



*“Making friends and actually bonding with people in the program is a huge part of it. We are all each other’s support group.” - STP Participant*

## Mental Health Treatment Court

On July 1, 2014, the 58<sup>th</sup> District Court established a Mental Health Treatment Court (MHTC) with grant funds. The goal of this treatment court is to balance criminal justice goals, due process rights of the offender and mental health treatment and services. This balance is achieved through the use of court and community resources to connect participants with the appropriate and individualized treatment options while maintaining accountability for the crime committed and improving the overall community and public safety.





# Section 1090 (Mental Health) Treatment Court

*The Mental Health Treatment Court facilitates participant engagement in individualized treatment to culminate in positive legal outcomes while promoting public safety, wellness and recovery through collaboration in a highly structured specialty court setting.*

One of the primary reasons for having the Section 1090 Court is to offer more collaborative services and effective alternatives to individuals with mental health needs charged with crime. Without a Section 1090 Court, these individuals face many challenges in the criminal justice system such as having to remain in jail, potentially unable to post even minimal bail while their mental health issues go untreated.

Participants who are accepted into the Section 1090 Court have a serious mental

illness, serious emotional disturbance or a developmental disability which significantly impacts their ability to function independently, are average 17 and are charged with a non-violent offense. Once admitted into the program, participants are connected to comprehensive and individualized treatment support and services.

## Holland Section 1090 Court Team Members

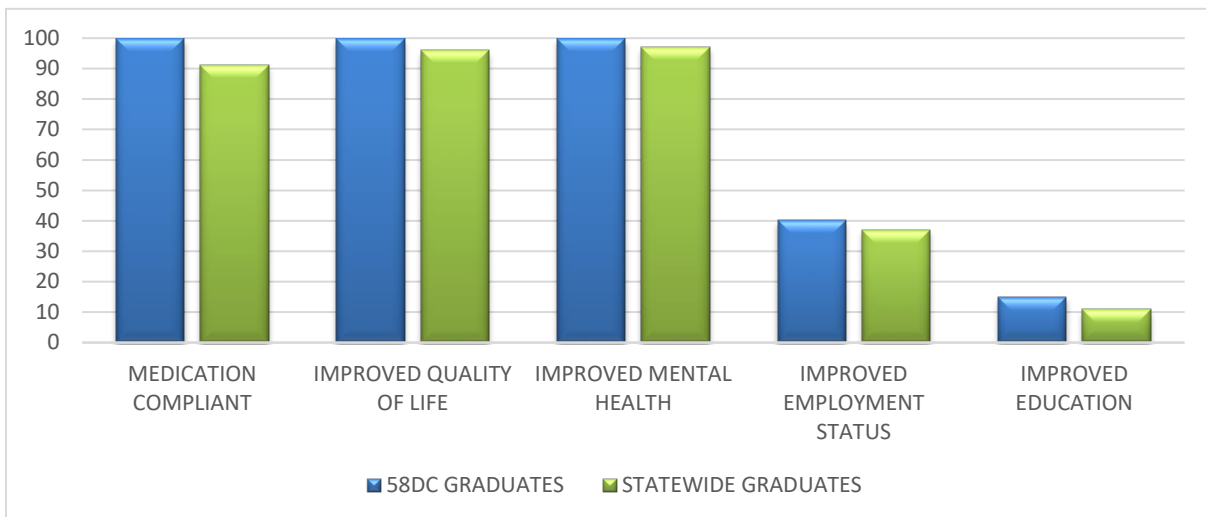
Hon. Bradley Knoll, Presiding Judge  
 Matt Lowe, Case Manager  
 Pepper Geiersbach, Peer Support Specialist  
 Tim Piers, Ottawa County CMH  
 Natalie Martinez, Probation Officer  
 Jake Jenison, Prosecutor  
 Nichole Jongsma Derks, Public Defender  
 Jane Patterson, Defense Attorney  
 Austin Engerson, Holland Public Safety  
 Michele Sampson, Ottawa County Sheriff's Department

Participant progress is

closely monitored through active and engaged case management in order to maximize the benefits of being involved in the program. The Section 1090 Court also involves frequent court appearances and support groups as well as awarding various individualized

**IN 2022 , OUR GRADUATE RATE INCREASED FROM 68% TO 79%.**

incentives for compliant behaviors and sanctions when appropriate.



# Sobriety Treatment Programs

The Sobriety Treatment Program (STP) is a four phase intervention program for adults who have pled guilty to more than one alcohol offense and who are having difficult staying clean and sober. It is a collaborative effort between the District Court, the Prosecutor's Office, the participant's attorney, community and police agencies, case management and treatment programs. By working together, the team seeks to provide a variety of programs and consistent supervision geared toward supporting and helping the participant maintain a drug and alcohol free life.

2022 Courtwide Program Statistics	
New Enrollments	71 (50 male and 21 female)
Successful Discharges	40 (80% Success Rate)
5% of graduates improved their education level 40% of graduates improved employment status	
Hours of community service performed	966
Average days of sobriety	312
Drug of Choice	33 Alcohol 2 Heroin 5 Marijuana

**Successful STP graduates averaged 54 treatment hours and only 1.8 positive drug/alcohol tests during their program participation.**

***Program alumni serve as peer-to-peer mentors by meeting with new participants for the first few weeks in the program to ensure they feel welcome and encouraged as they work towards program goals and achieving sobriety.***

The STP involves frequent court appearances, random drug and alcohol testing as well as group and individual counseling. The Court awards incentives for compliant behaviors and imposes sanctions for negative behavior. Participants who

do not comply with the rules may be placed in short-term custody, have phase advancement delayed or face a variety of other sanctions. The STP Team consists of a defense attorney to protect the rights of the participant, a prosecuting attorney who assists in reviewing the cases for legal eligibility, a case manager who provides direct supervision to the participant, a treatment provider who is responsible for educating and helping the participant and a surveillance officer who conducts home visits.

*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.*

- Holland STP Team Members**
- Hon. Juanita Bocanegra, Presiding Judge
  - Alma Valenzuela, Program Director
  - Leticia Gonzalez-Ortiz, Case Manager
  - Natalie Martinez, Case Manager
  - Chad Whitman, Case Manager
  - Jessica Dozeman, Surveillance Officer
  - Alicia Jett, Surveillance Officer
  - Lee Fisher, Prosecutor
  - Anna White, Public Defender
  - Abe Gonzalez, Public Defender
  - Ken Laakko, West Shore Counseling
  - Clara Mascorro, Arbor Circle
  - John Weatherwax, Holland Public Safety

- Grand Haven STP Team Members**
- Hon. Craig Bunce, Presiding Judge
  - Kendra Sheffield, Case Manager
  - Robert Krauss, Surveillance Officer
  - Lee Fisher, Prosecutor
  - Christine Tober, Defense Attorney
  - Sheila Day, Counselor
  - Lt. Lee Adams, Grand Haven Public Safety

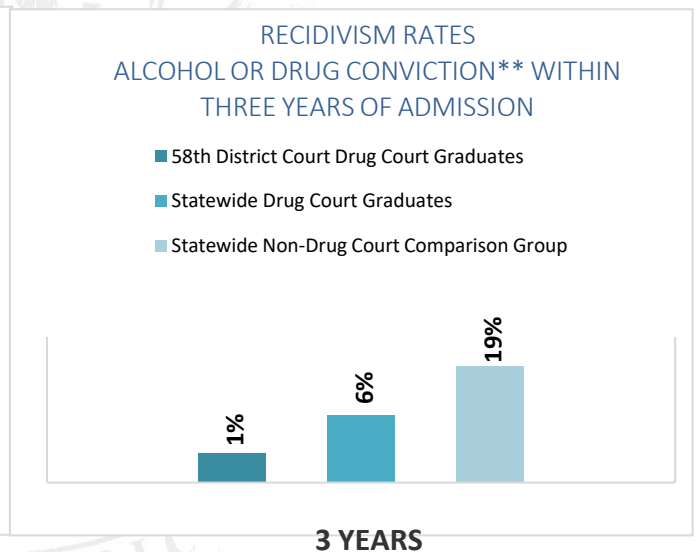
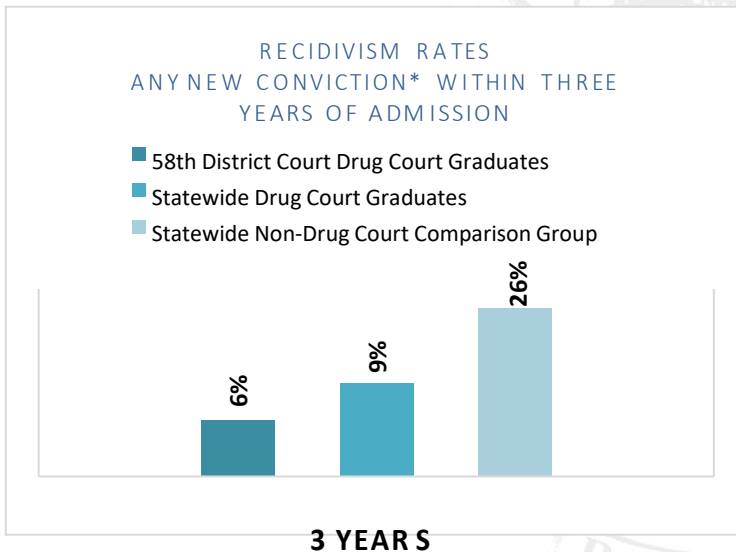
- Hudsonville STP Team Members**
- Hon. Judy Mulder, Presiding Judge
  - Tracey Lehnen, Case Manager
  - Terry McAlary, Surveillance Officer
  - Jay Tubergen, Prosecutor
  - Nichole Derks, Defense Attorney
  - Sheila Day, Counselor
  - Sgt. Jeff Steigenga, Sheriff's Department

# Sobriety Court Recidivism Rates

In the fall of 2022, the State Court Administrative Office (SCAO), a division of the Michigan Supreme Court, provided 2021 recidivism rates on the 58<sup>th</sup> District Court Sobriety Treatment Program. Successful graduates of Michigan drug court programs were identified using the Drug Court Case Management Information System (DCCMIS). Comparison members were selected by SCAO using the Judicial Data Warehouse (JDW) and were matched to drug court graduates on all of the following criteria: 1) the criminal offense type that brought the person into drug court; 2) the number of cases in the two years prior to the matching offense; 3) age at the time of the matching offense; 4) gender; 5) county of offense; 6) court of offense; and 7) the year range of the matching offense. To determine recidivism rates, SCAO looked at a three year time frame from when the participant was admitted into the drug court program and defined participant as an individual who was admitted and successfully completed drug court program requirements.

SCAO breaks recidivism into two components:

- 1) Any new conviction\* or
- 2) A new drug or alcohol conviction\*\*



*“Today makes 3,286! I am so forever in debt to what that court system had to offer me. One day at time, I can help make better decisions for my family and for myself. I cannot say thank you enough. I’ve never done anything right as an adult until I began calling that phone number every day. It really got me in “good habit” mode. Those good habits then turned into “good mediation” mode. I feel so good about not drinking today, because this moment is wonderful. 9 years! Wow! Thank you again.” – 2015 STP Graduate*

\*Any new conviction measures recidivism within the categories of violent offenses, controlled substance use or possession, controlled substance manufacturing or distribution, other drug offenses driving under the influence of drugs or alcohol first offense, driving under the influence of drugs or alcohol second offense, driving under the influence of drugs or alcohol third offense, other alcohol offenses, property offenses, breaking and entering or home invasion, nonviolent sex offenses, juvenile status offenses of incorrigible, runaway, truancy, or curfew violations, neglect and abuse civil, and neglect and abuse criminal. This definition excludes traffic offenses and offenses that fall outside the above categories.

# Ottawa County Community Corrections Advisory Board

The Michigan Community Corrections Act, Public Act 511 (PA 511) was established in 1988 to ease jail and prison overcrowding by improving and increasing rehabilitative

services available to non-violent, adult offenders. Pursuant to PA 511, counties must establish local Community Corrections Advisory Boards (CCABs) to develop and oversee comprehensive corrections plans. These local plans identify and establish local policy framework and practices aimed at initiating and maintaining programs and services that will help achieve measurable goals envisioned by PA 511. This includes identifying linkages with

Michigan Works! agencies, local criminal justice officials, substance abuse coordinating agencies, community health departments and other agencies to help provide cost-effective and non-duplicated services to offenders to reduce recidivism and prison commitment rates. In Ottawa County, the 58<sup>th</sup> District Court assists the Ottawa County CCAB by overseeing the programs and applying for state grant funding.

Most of the offenders enrolled in treatment-type programs are sentenced felons. Offenders with higher sentencing guideline scores, probation violators and those who have convictions for driving under the influence of drugs or alcohol account for increasing proportions of new enrollees in residential programs. Misdemeanants account for the majority of enrollments in community service programs.

By supporting appropriate use of non-prison sanctions for offenders who might otherwise be committed to prison, local CCABs have helped reduce the state prison commitment rate. The Department of Corrections Statistical Report reflects that the State's prison

## 2022 OTTAWA COUNTY CCAB MEMBERS

<b>Director:</b>	Alma Valenzuela
<b>Ottawa County CCAB Members:</b>	
County Commissioner	Roger Bergman
County Prosecutor	Lee Fisher
County Sheriff	Steve Kempker
Chief of Police	Captain Keith Mulder for Chief Matt Messer
District Court Judge	Honorable Craig Bunce
Probate Court Judge	Honorable Mark Feyen
Circuit Court Judge	Honorable Jon Hulsing
Employment & Training	Angie Barksdale
Criminal Defense Bar	Nichole Jongsma Derks
Circuit Adult Probation	Heath White
Business Community	Doug Kamphuis
Service Areas	Matt Lowe
Service Areas	Timothy Piers
Service Areas	Heather Toppen
General Public	Linda Haveman

commitment rate was 34.7% in 1989, decreased to 25% in the mid 1990's and remained relatively stable since the early 2000's. During 2003, the Department placed a renewed emphasis on the use of community-based sanctions/services for straddle cell offenders, probation violators, and parole violators to control the State's prison growth.

Ottawa County is recognized as a leader in the state with meeting and addressing the goals set forth by PA 511. With appropriate offenders, Ottawa County places an emphasis on treatment and alternative sanctions/sentences, utilizing collaboration of multiple agencies to manage offenders locally. A solid representation of agencies and members of the community prefer to support diverting appropriate offenders from prison and jail. This effort promotes accountability, reduction in criminal/delinquent behavior and supports an environment for change.

The hard work support, and collaboration of the Ottawa County CCAB and community partners establish Ottawa County as a great place to reside. It is a safer community with healthier families.

# Community Correction Programs

Ottawa County Community Corrections has a comprehensive plan designed to improve jail utilization, reduce admissions to prison and improve the local criminal justice system. Programs include the following:

- **Cognitive Behavioral Therapy (CBT)** Moral Reconciliation Therapy (MRT) is a cognitive-behavioral counseling program that combines education, group and individual counseling, and structured exercises designed to foster moral development in treatment-resistant clients.
- **Bond Risk Assessment (BRA)** This program includes an evidence based risk assessment of offenders who are incarcerated and charged with a new felony offense. The assessment helps determine appropriate level of bond and pretrial supervision.
- **Substance Abuse Testing (SAT)** This program is for felon on pretrial and post adjudication supervision where a risk assessment suggests a substance use disorder.
- **Offender Assessment and Referral (OAR)** This program provides a thorough assessment of incarcerated probation violators and felony offenders awaiting sentencing. The results are used to develop treatment plans and recommendations for available services.
- **Pre-Trial Supervision (PTS)** Pretrial release decisions balance the due process rights of those accused of crime with maintaining the integrity of the judicial process by securing defendants appearance for trial and protecting the community from danger. The law favors the release of defendants pending adjudication of charges and as such the judge must consider whether to release a defendant on personal recognizance or with bond conditions or detain a defendant in jail at pretrial bond hearings. Deprivation of liberty pending trial can be harsh and subject defendants to economic and psychological hardship, can interfere with their ability to defend themselves and, in many instances, deprives their families of support. Focused pretrial supervision is an excellent way to minimize harm while mitigating risks by monitoring non-violent felony defendants released pending trial. Pretrial supervision focuses on tailoring specific release conditions to each individual defendant's risks and needs related to public safety while also ensuring appearances at future court proceedings. For example, all pretrial released defendants receive text reminders of their next court appearance which has proven to be an extremely effective method to improve appearance rates. Other common pretrial supervision conditions include regular check-ins (home and office), drug and alcohol testing and various other forms of electronic monitoring.

In 2022, there were 604 new felony enrollments in the Pretrial Supervision program, a 13% increase from 2021.



# Court Services Division

The Community Service Work (CSW) and the Jail Alternative Work Services (JAWS) programs are utilized by the 20<sup>th</sup> Circuit Court and 58<sup>th</sup> District Court as an alternative to incarceration for non-violent felons and misdemeanants, resulting in more effective use of the County jail space. Both programs may also be utilized for the following situations:

- As a sanction to a probation violation of the court order or administrative sanction
- When the Judge feels that offenders should be giving something back to the community
- It is mandatory sentencing for Drunk Driving 3<sup>rd</sup> Offense, i.e. 360 hours or 60 days
- As an alternative to paying court fines and costs
- As motivation for offenders to find a job
- For Drug and Sobriety Court participant sanctions.

***In 2022, nearly 14,700 hours of community service and JAWS were safely able to be completed benefitting our community a total of \$144,932 in services.***

***357 PBTs were administered before each JAWS Crew, of which only 10 (or 2.8%) were positive .***

## *Jail Alternative Work Services (JAWS) 2022 Program Highlights:*

New Enrollees	404
JAWS Crew Worked	64
Days Worked	49
Average Offenders per Crew	11
Hours Provided	4,928
Value of Service (based on minimum wage of \$9.87/hour)	\$48,640
Success Rate (hours ordered versus hours actually worked)	84%



Mulligan's Hollow Ski Bowl weeding and trash pick-up in City of Grand Haven



Graffiti cleanup at Covenant Life Church

## *Community Service Work (CSW) 2022 Program Highlights:*

New Enrollees	241
Worksites	49
Completed Hours	9,756
Full Time Employee Equivalent	4.7
Value of Service (based on minimum wage of \$9.87/hour)	\$96,292

### ***Northern/Western Ottawa County***

American Legion ♦ Chamber of Commerce ♦ City of Grand Haven ♦ Coast Guard Office ♦ Conservation District ♦ Covenant Life Church ♦ Family Promise of the Lakeshore ♦ Grand Haven Church of God ♦ Grand Haven Department of Public Works ♦ Grand Haven Township Fire Department ♦ Grand Haven State Park ♦ Harbor Humane Society ♦ Hope Reformed ♦ International Aid ♦ Love In Action ♦ Loutit Library ♦ Ottawa County Facilities/Maintenance ♦ Ottawa County Parks and Recreation ♦ Spring Lake Cemetery ♦ Spring Lake Library ♦ Spring Lake Presbyterian ♦ Spring Lake Wesleyan ♦ St. Mary's Church ♦ St. Patrick's Catholic Church ♦ United Methodist Church of the Dunes ♦ YMCA

### ***Eastern Ottawa County***

Allendale Fire Department ♦ Allendale Goodwill ♦ Allendale Township Library ♦ Barnabas Ministries ♦ Berlin Fair ♦ Blendon Township ♦ Blessing Resale ♦ Chester Township ♦ City of Hudsonville ♦ City on a Hill ♦ Coopersville DPW ♦ Coopersville Library ♦ Coopersville VFW ♦ Corpus Christi Catholic Church ♦ Fishers of Men ♦ Georgetown UMC ♦ Grace Bible Fellowship ♦ Jamestown Township ♦ Jenison Goodwill ♦ Indian Trails ♦ Laurels ♦ Love, INC. ♦ Marne Cemetery ♦ Mel Trotter Ministries ♦ Patmos Library ♦ Polkton Township ♦ Sheldon Meadows ♦ St. Vincent de Paul (Formerly Knights of Columbus) ♦ WCET-TB ♦ WTLJ Allendale

## **Ottawa County Community Service Worksites**

### ***Southern/Western Ottawa County***

70X7 Life Recovery ♦ Africa's Child ♦ Boys and Girls Club ♦ Building Men for Life ♦ Casa del Rey ♦ Central Wesleyan Church ♦ City of Holland ♦ Community Action House ♦ Community Action House Store ♦ Cornerstone Tabernacle ♦ Eight Day Farm ♦ Evergreen Commons Adult Day Care ♦ Fellowship Reformed Church ♦ First Assembly of God ♦ Fulfilling Life Ministries ♦ Harbor House ♦ Harderwyk Church ♦ Holland Alano Club ♦ Holland City Hall ♦ Holland Civic Center ♦ Holland Community Center ♦ Holland Community Kitchen ♦ Holland Mission ♦ Holland Museum ♦ Holland Recreation Department ♦ Holland State Park ♦ Holland VFW ♦ HOME Roller Rink ♦ Lakeshore Disability Network ♦ Lakeshore Habitat Restore ♦ Laketown Township ♦ Macatawa Resource Center ♦ Maple Avenue ♦ Moran Park ♦ Northpoint Assembly of God ♦ Ottawa County Fairgrounds ♦ Ottawa County Parks ♦ Paradise Bound ♦ Parkview Home ♦ Restoration Center ♦ Ridgepoint Community Church ♦ Rock ♦ Shelby's Place ♦ Shekinah Revival Ministries ♦ St. Francis de Sales ♦ The Bridge (The Mission for Women) ♦ The Critter Barn ♦ The Outdoors Discovery Center ♦ The Rock Escape Ministries ♦

### ***Special Events***

Grand Haven Hispanic Heritage Festival ♦ Coast Guard Festival ♦ Grand Haven Art Festival ♦ Holiday Open House ♦ Holland Postal Food Drive ♦ Olive Township Trash Day ♦ Parade of Lights ♦ Recovery Fest ♦ Crockery Township Trash Day



58<sup>th</sup> District Court  
85 West 8<sup>th</sup> Street  
Holland, Michigan 49423  
616.392-6991



58<sup>th</sup> District Court  
414 Washington Avenue  
Grand Haven, Michigan 49417  
616.846-8280



58<sup>th</sup> District Court  
3100 Port Sheldon Road  
Hudsonville, Michigan 49426  
616.662.3100

## 58<sup>th</sup> District Court Contact Information



*"Equal Justice Under Law"*