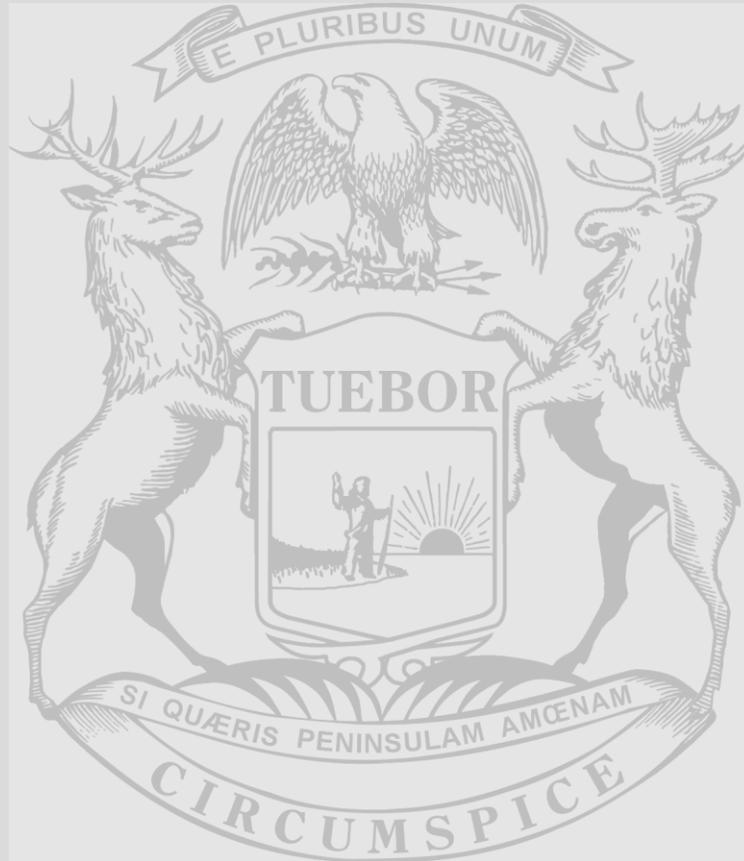


# 58<sup>th</sup> District Court



## 2019 Annual Report

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

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Honorable Bradley S. Knoll, Chief Judge

Honorable Susan A. Jonas

Honorable Craig E. Bunce

Honorable Judy K. Mulder

# A Note from the Chief Judge

On behalf of the judges and staff of the 58<sup>th</sup> District Court, I am pleased to present the 2019 Annual Report. As I write this, the courts of this state are striving to continue to operate in the midst of the Covid-19 pandemic. The magnitude of this event has required each court to look closely at its operations to determine ways to continue to provide essential services while taking every possible precaution to avoid the spread of this terrible illness.

Although these dramatic operational changes will be the subject of a more thorough analysis in the future, some comments are appropriate at this time. First, I am so pleased and grateful for the responses of our judges and management team to the crisis. Actions were taken days in advance of specific direction from the state aimed at providing safety for court users and staff. The cooperation and positive attitude of staff who have had to learn new methods to perform their tasks from home, while, in many cases, supervising the care and education of home bound children has been heartening. Finally, the experience of working with Ottawa County administration, public health, law enforcement, prosecutors and public defenders to address the multiple facets of the crisis has made all of us at the court realize how talented and committed the Ottawa County leadership is.

It is entirely appropriate to consider the 2020 pandemic in the context of the 58<sup>th</sup> District Court's operations in 2019. Nobody could predict in 2019 the enormous impact of the pandemic in 2020. However, the resources committed by Ottawa County to technology and leadership training in 2019 and in prior years will, I think, do much to limit the consequences of the pandemic in terms of both the disruption of public services and the health impact on county employees and members of the public.

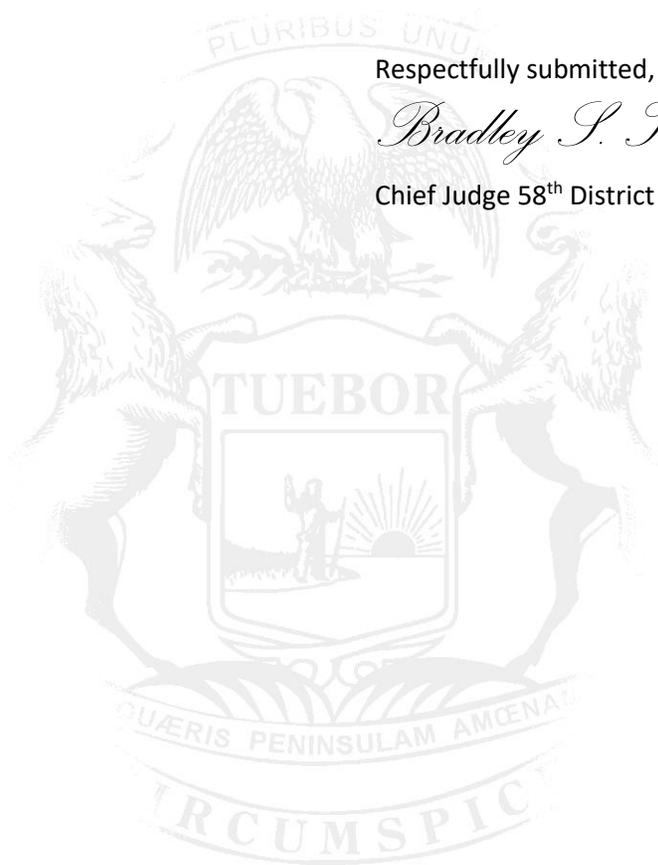
The courts are struggling with the mandate to continue essential services while buildings are closed to the general public and a majority of the staff's work is being done from home. The technology in place in 2019 allows us to maintain call center operations through Cisco Jabber so that staff can answer calls to the court at their homes. The "portability" of computers used by staff allows them to use the towers from home and continue to access court files through VPN and provide case management through On Base and AS-400. The licensing of the Zoom application to multiple court computers in 2019 and the previous installation of Polycom in courts, corrections facilities and the public defender's office gave the court the ability to conduct many operations remotely. The sudden need to conduct all of its operations remotely is more easily handled because of the technology already in place. Of equal importance, the training, both in leadership and technical knowledge provided by the county has produced a team of judges, management and staff who, when faced with the need to make major changes in operations literally overnight, are proving to be up to the challenge.

The year 2019 is “history” in the fullest sense of the word. The multitude of activities and operations reflected in this annual report were again performed at the highest level by judges and staff. The events of 2020 will require that the 58<sup>th</sup> District Court to re-evaluate all the good that was done in 2019 in the context of the events of 2020. It is fair to say that how we perceive our mission and how we address those goals will be different even after the crisis has passed. I am confident however that the 58<sup>th</sup> District Court will continue to meet those goals and remain an organization of which the citizens of Ottawa County can be proud. It’s the Ottawa Way.

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 Susan A. Jonas  
Holland District Court**



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



**Honorable Judy K. Mulder  
Hudsonville 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.

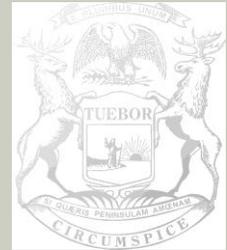
Insure that court procedures and structures best facilitate the expedient and economical resolution of matters before the court.

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 IN 2019]

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 and managing every case filed in the Court

***Judge Mulder established a new Sobriety Treatment Program at the Hudsonville District Court making this program available now at all three 58<sup>th</sup> District Court locations.***

## ***2019 Major Justice Initiatives***

- ◆ *Judicial Resources Report recommending one additional judge in Ottawa County*
- ◆ *Michigan Joint Task Force on Jail and Pretrial Incarceration Report and Recommendations*
- ◆ *Shifting of public defense delivery from the Courts to the newly established Ottawa County Public Defender's Office*

magistrates also serve nights and weekends on a rotating basis to authorize after hour search or arrest warrants and perform marriages.

Court staff opened and processed nearly 50,000 cases, entered over 45,000 dispositions and receipted for over \$7.7 million dollars.

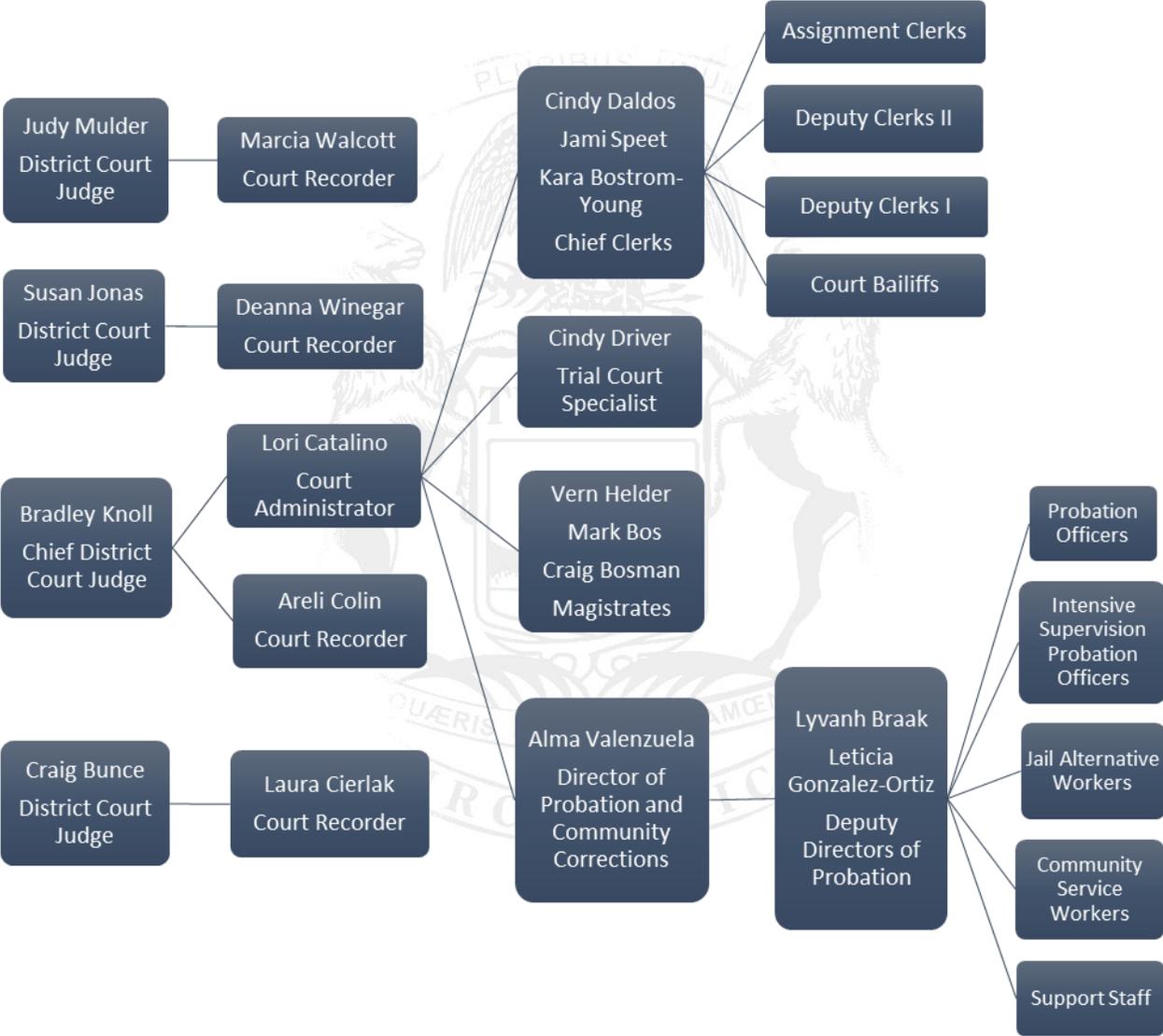
The Court would like to express gratitude and appreciation to all of the District Court staff for their dedication and hard work. Without them, the Court would not be able to provide exceptional service to our community.

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.

from beginning to end. 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 tickets, issue search and arrest warrants, conduct arraignments, set bonds, accept some criminal pleas and conduct small claims hearings. Along with all four Judges, the

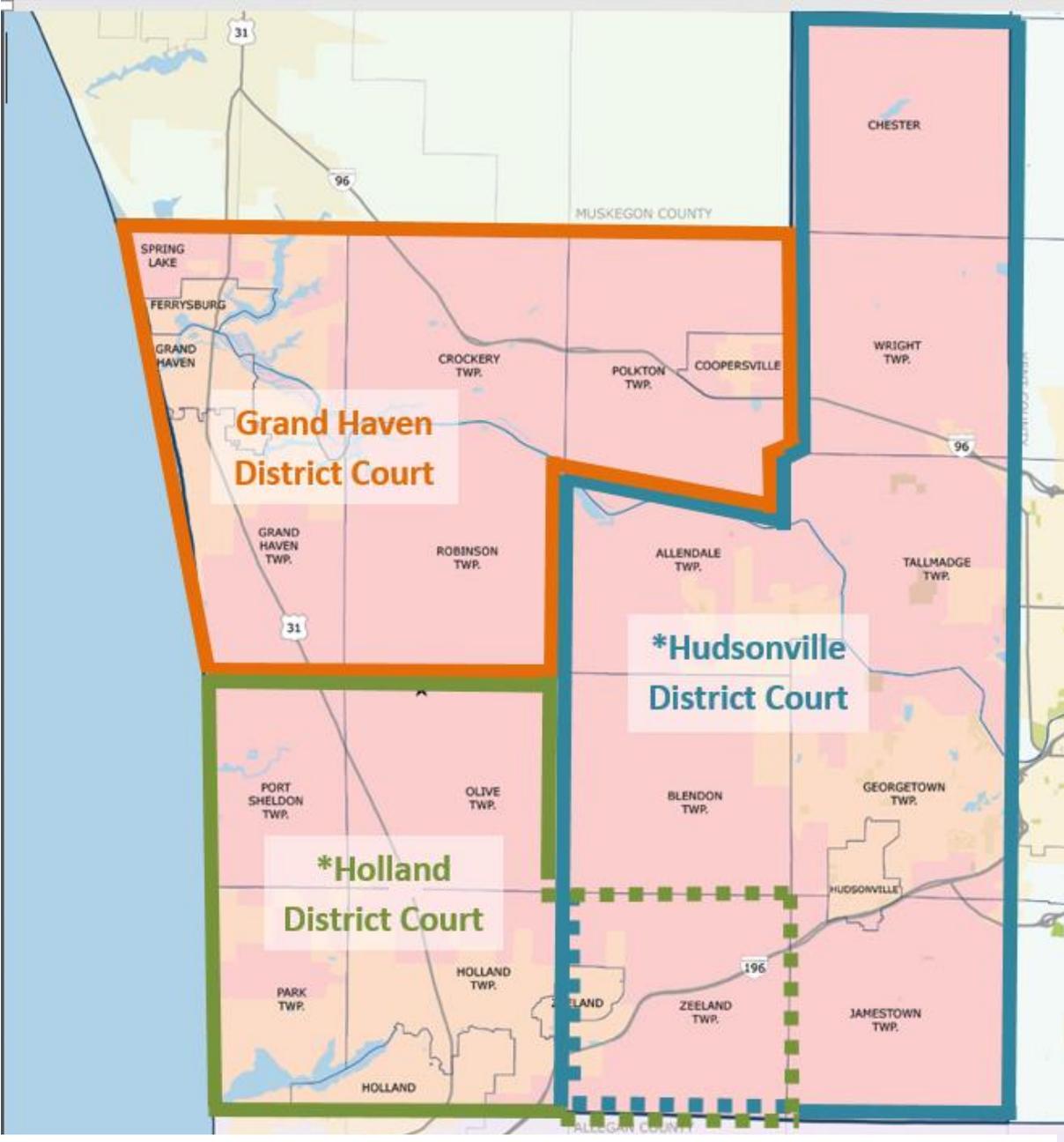
***Over 26,000 hours of Court ordered community service hours were performed in Ottawa County at a value of \$247,344 in 2019.***

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



# District Court Venues

The three locations of the 58<sup>th</sup> District Court operate under a Local Administrative Order (LAO) approved by the State Court Administrative Office. Pursuant to that LAO, cases arising in Ottawa County are filed either in Grand Haven, Holland or Hudsonville based on the city, village or township where the incident occurred or cause of action arose.



## OTTAWA COUNTY, MI

\*Holland District Court’s venue includes the portion of Holland City located in Allegan County as well. Hudsonville District Court’s venue includes criminal cases from Zeeland Township while Holland District Court’s venue includes civil cases and civil infraction citations issued in Zeeland Township.

# [SERVICE AND LEADERSHIP]

## Serving our Community



As part of the All RISE! Initiative in the Court, staff solicited donations from all three court locations and were able to fill dozens of backpacks with school supplies for elementary school kids in Ottawa County. This project was led by Court staff and all donations were received from District Court staff.

## Leading through continuing education

In an effort to better serve our community, all District Court staff are required to attend different classes to help understand the entire criminal justice system. This includes learning about the role and responsibilities



of the Prosecuting Attorney's Office, Public Defender's Office and Law Enforcement Agencies in Ottawa County.

Alma Valenzuela, 58<sup>th</sup> District Court Probation and Community Corrections Director, was appointed by the Governor to the State of Michigan Drug Treatment Court Advisory Committee in June 2019 to help improve critical criminal justice initiatives and focus on the sustainability and expansion of treatment courts in the state.



## Veteran's Treatment Court Graduation Ceremony

On June 10, 2019, two veterans were recognized for their graduation from the West Michigan Regional Veterans' Treatment Court at the Holland District Court. Mr. Jonathon Norris and Mr. James Morrow graduated from the program, which is designed to help veterans achieve a healthy, sober lifestyle following military retirement, be diverted from the criminal justice system and have a more satisfying post-service life.

58<sup>th</sup> District Court Judges Susan A. Jonas and Craig E. Bunce, Allegan County District Court Judge William Baillargeon and Supreme Court Chief Justice Bridget McCormick all presided over the graduation ceremony.



In order to graduate, those who enroll in the program have to complete four separate phases of treatment, which include community service, receiving mentorship and drug and alcohol testing. The program is sponsored by Ottawa, Allegan and Van Buren counties, and has graduated 25 veterans since starting in 2014. "It's meaningful for us judges to experience this with you," Judge Bunce said. "Participation in this program takes a lot of time, dedication and fortitude."

Past and present program members were in attendance, as well family members for Mr. Norris and Mr. Morrow. Chief Justice McCormack has been a part of all 14 Veterans' Treatment Court graduations, either attending in person or personally writing a letter to the graduates. She said the program is a highlight of Michigan's judicial system, "It is programs like this that make us proud about what we do."

"This court has definitely changed my outlook on life for the better." – Mr. Morrow

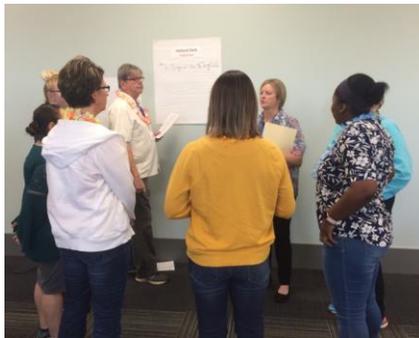
## Professional Development and Developing a Cohesive Staff to Better Serve our Community

In 2015, the Court initiated the All RISE! Campaign in 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, October 18, 2019 to dedicate the day to professional development and working on strategic efforts to improve Court operations, access and service to our community. The theme of this event was “Procedural Fairness: Ensuring Equal Access for All” with critical focus on understanding the role and purposes of Courts, examining why our results matter and identifying key strategic areas to improve access. This work is of the utmost importance as the Court strives to fulfill its

constitutional role of ensuring all citizens are treated with respect, understand court processes/outcomes and have a fair opportunity to be heard.



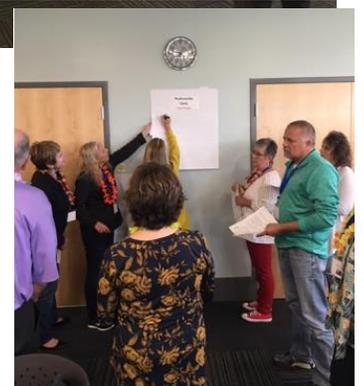
Court staff were challenged in small workgroups to think about what the Court looks like from our diverse citizen’s perspective and accessibility, both in terms of facilities as well as operational processes and procedures. This included reviewing and taking note of physical and language barriers, the adequacy



and effectiveness of signage, assessing citizen’s privacy and clarity in forms and instructional materials explaining court processes. These discussions were



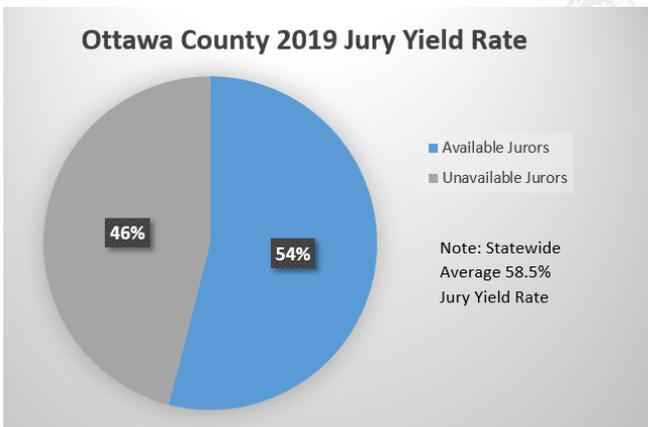
followed by brainstorming sessions so court staff could begin developing action plans moving forward to improve both functional and operational access to the Court. Chief Judge Bradley S. Knoll administered a “Pledge of Fairness” where all Court staff pledged under oath to each citizen involved in a court proceeding that they will: Listen, Respond to questions about court procedure and Treat everyone with respect.



# Jury Yield and Utilization

Tracking and evaluating Jury Yield and Juror Utilization Rates are critical performance metrics for trial courts to help minimize over summoning citizens for jury service. *Juror Yield Rate* tracks the number of citizens selected for jury service in all county courts who are qualified and available to serve and is expressed as a percentage of the total number of available jurors. *Juror Utilization Rate* has three components: the number of jurors summoned to report for jury duty, the number of jurors who were considered for selection and the number of jury panels actually used. Jury Utilization Rate tracks individual trial court's usage jurors separately.

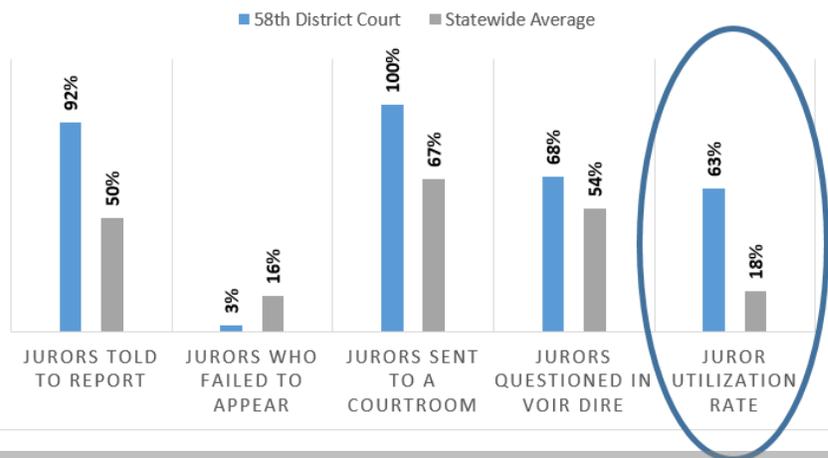
*Tracking and evaluating these rates are critical to ensure trial courts appropriately balance the constitutional right to a jury trial with minimizing the burden and disruption to those citizens summoned for jury service.*



The objective of tracking Jury Yield and Juror Utilization Rates is to provide trial courts with information to evaluate to minimize the amount of effort expended to summon and qualify prospective jurors while also minimizing the disruption to citizens summoned for jury service. Specifically, examining these key performance metrics provides great benchmarks for the court to review and evaluate annually to determine whether changes should be made to the court's jury selection process and procedures. For example, these metrics

may provide insight to the court's pretrial management of cases to help ensure trials proceed as scheduled so jurors are not told to report unnecessarily thereby saving taxpayer dollars and reducing the inconvenience to citizens called to serve. These metrics may indicate the court should consider implementing procedures that reduce the burden of jury service like shortening the terms of jury service. Conversely, these rates may indicate that a court has a large number of potential jurors failing to appear so implementing stricter summons enforcement may be necessary to ensure constitutional access for all citizens coming before the court.

## 2019 JUROR UTILIZATION RATE

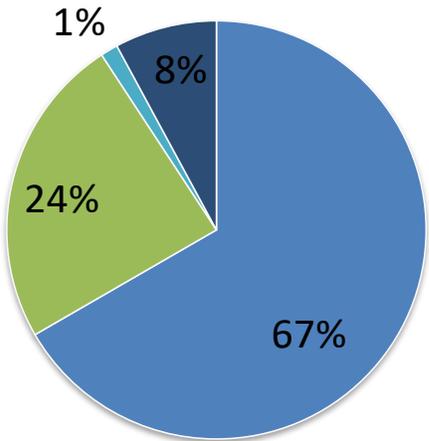


**The 58<sup>th</sup> District Court's Jury Utilization Rate greatly exceeds the statewide average ensuring efficient and effective jury management procedures.**

Expenses

FY19 District Court Operating Costs

Total: \$6,468,547

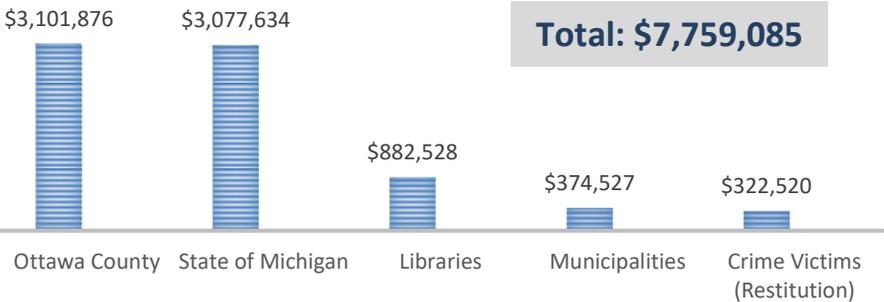


- Personnel (includes benefits)
- County Administration
- Interpreters/Transcripts/Jury
- Operational/Office Supplies/Equipment

Revenue

DISTRIBUTION OF REVENUE

Total: \$7,759,085

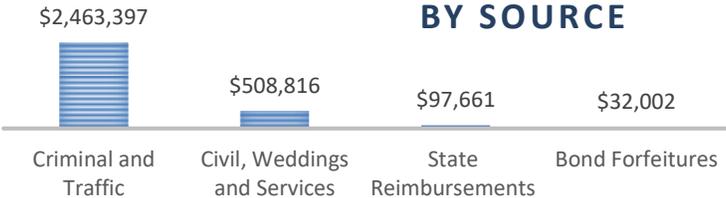


In FY19, the District Court collected over \$7.7 million dollars in revenue. The graphs breakdown how the District Court’s revenue was distributed and the originating source of the County General Fund (GF) revenue.

Additional County GF revenue based on the operation of Courts

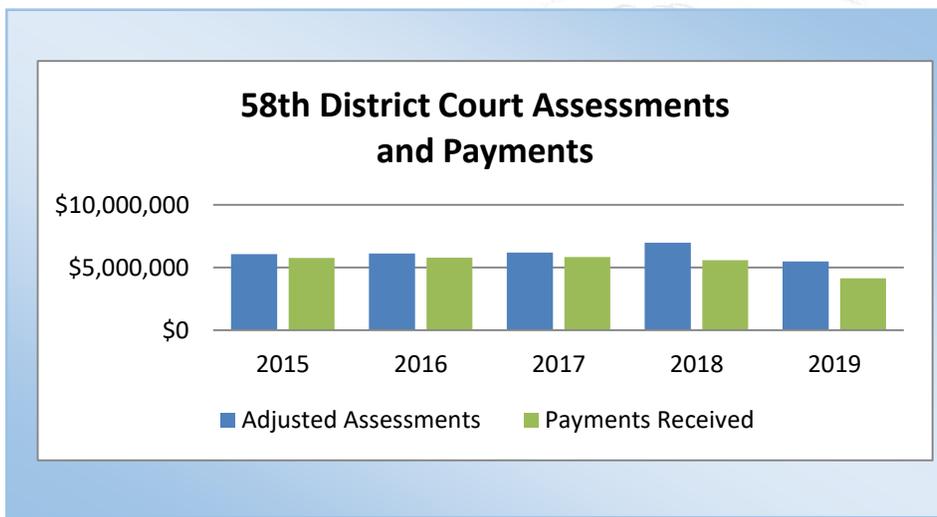


COUNTY GF REVENUE BY SOURCE



# 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 insuring 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 2019 was 76% as of December 31, 2019. This rate is lower than collection rates from previous years because the debt assessed by the Court in late 2019 will be adjusted and collected within the first few months of 2020. The Court anticipates the 2019 collection rate will be comparable to previous years’ rates by mid-2019. 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.

Sanctions Assessed	Sanctions Collected as of December 31, 2019
2014	96%
2015	95%
2016	94%
2017	94%
2018	80%

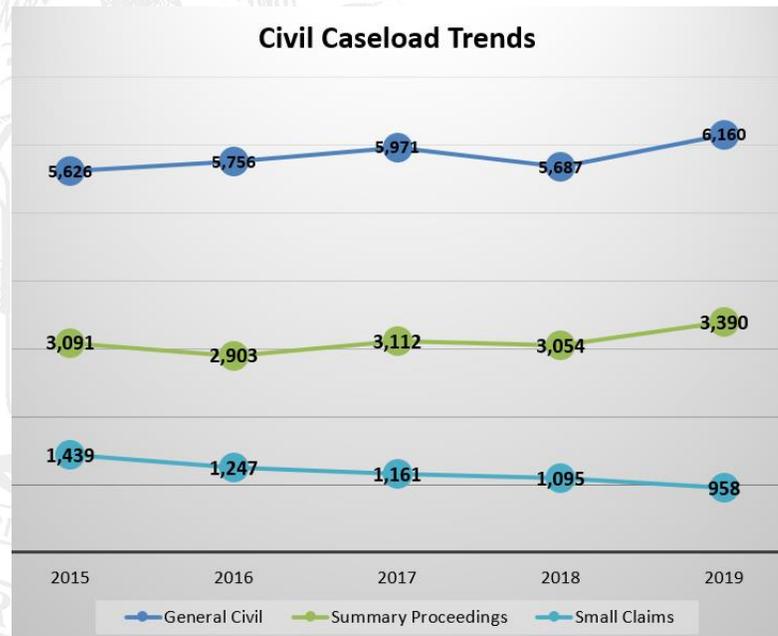
# Caseload Trends

## 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 \$6,000 (\$6,500 beginning January 1, 2021 and \$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:*

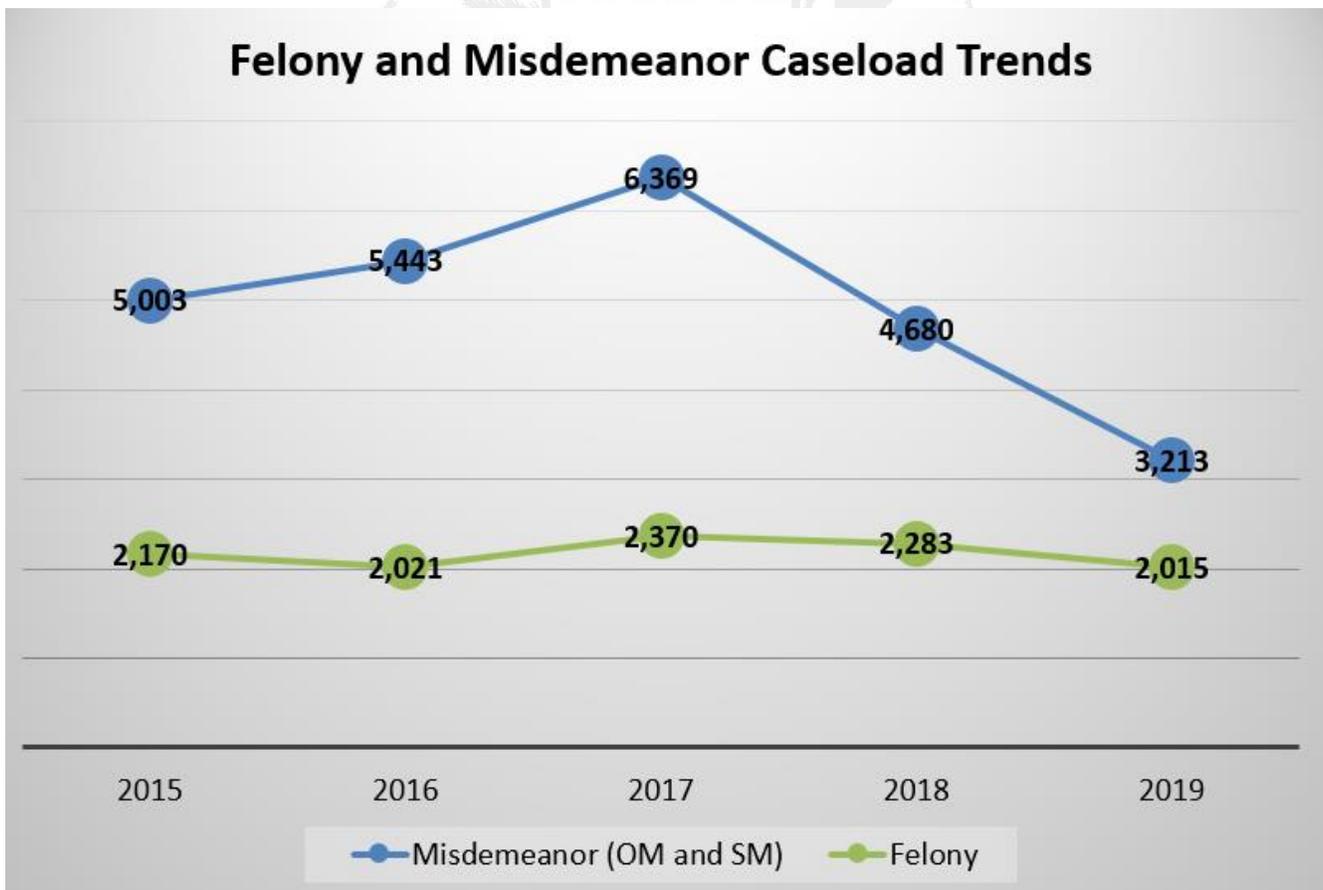
Misdemeanor cases will then proceed to trial or sentencing in the district court following entry of a plea by the defendant. Defendants convicted of misdemeanor charges following trial or guilty plea may be sentenced immediately. However, in many cases constitutionally guaranteed victims' rights will 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.

## Felony and Misdemeanor Caseload Trends

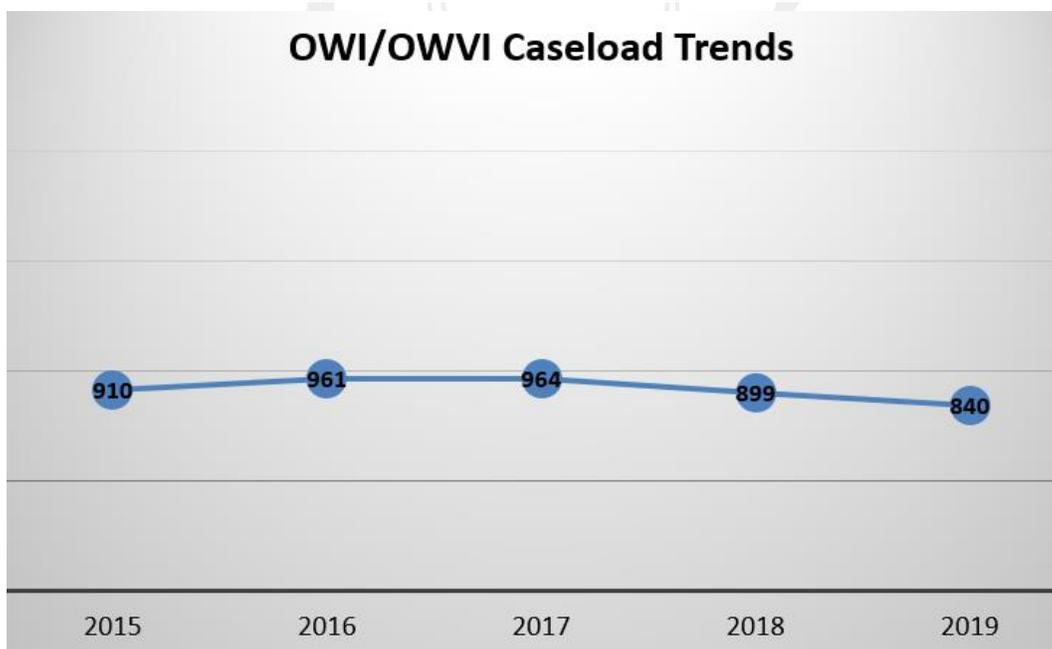


# Operating While Intoxicated

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.

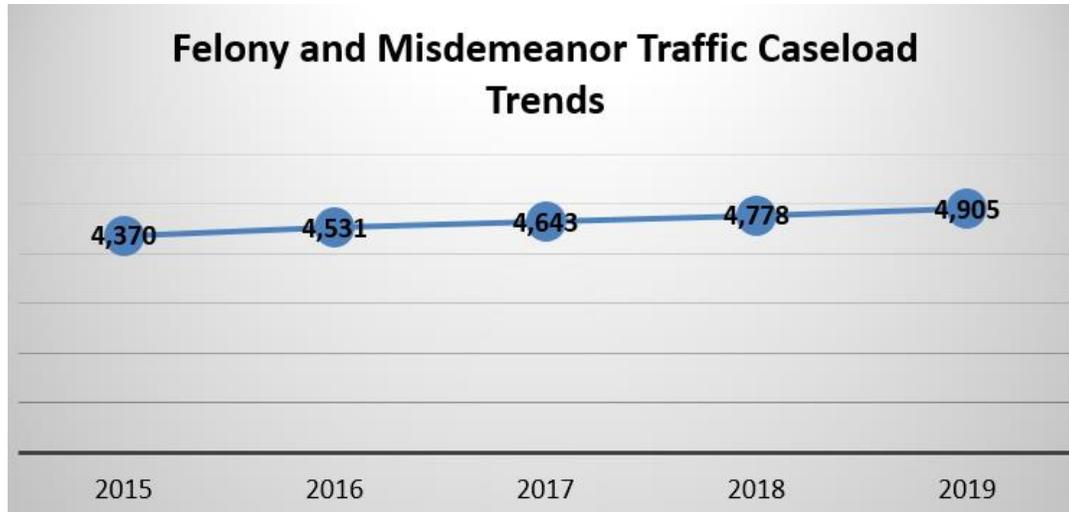
Given the danger to the community posed by persons who operate while intoxicated, the court and probation department diligently monitor these people through various levels of intervention including the Sobriety Treatment Court, Intensive Supervised Probation and use of alcohol detection technology. This 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

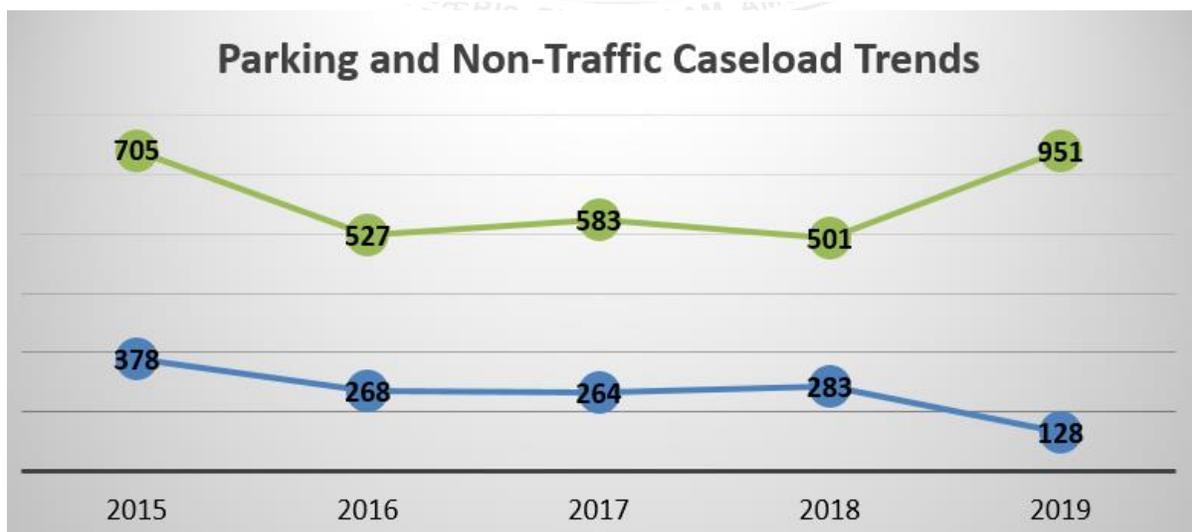
## FELONY AND MISDEMEANOR TRAFFIC

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.



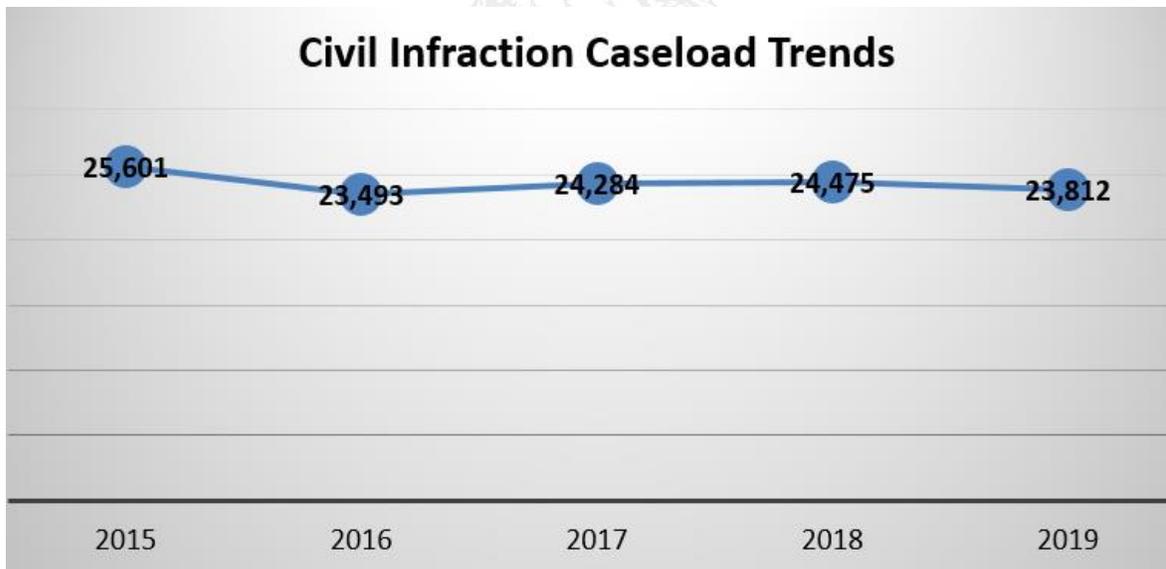
## NON TRAFFIC CIVIL INFRACTIONS AND PARKING VIOLATIONS

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.

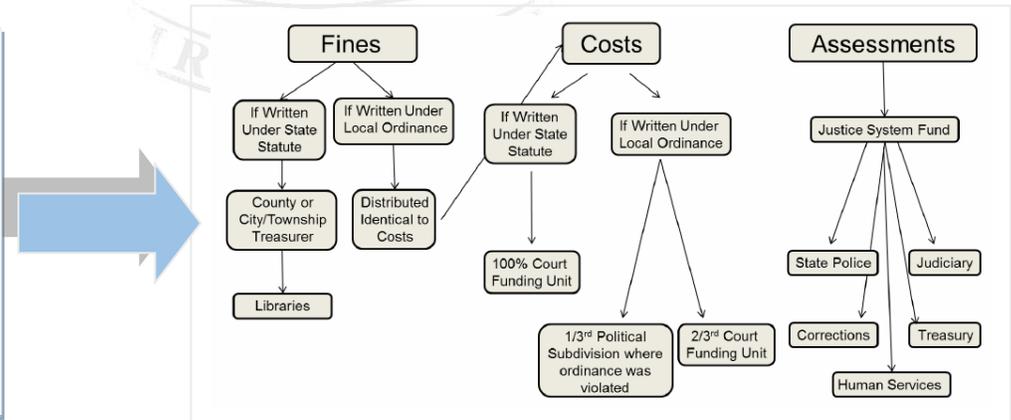


# Civil Infraction Violations

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.



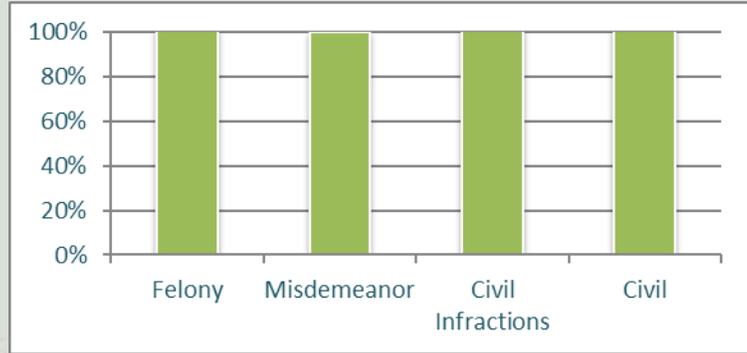
How does revenue from traffic related civil infractions get distributed?



# Case Clearance Rates and Case Age

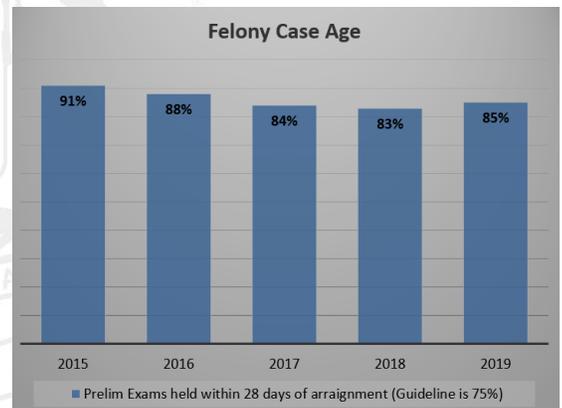
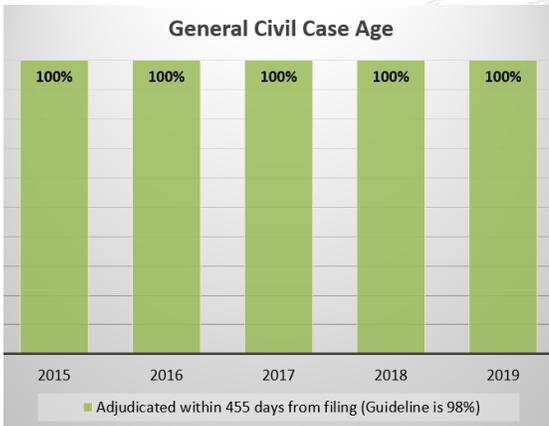
## Clearance Rates

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 2019, the 58<sup>th</sup> District Court continued leading District Courts in the state for consistently maintaining 100% clearance rates across all case types.

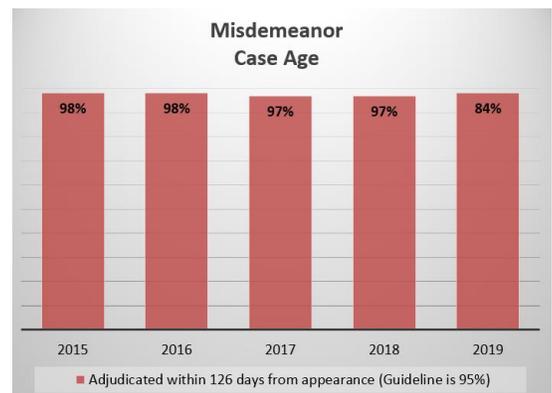
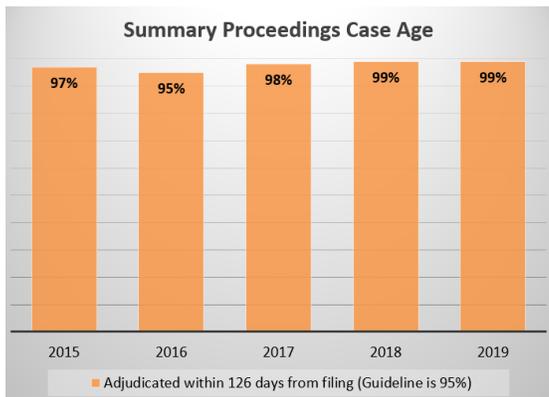


## Age of Caseload

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 insure 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.*

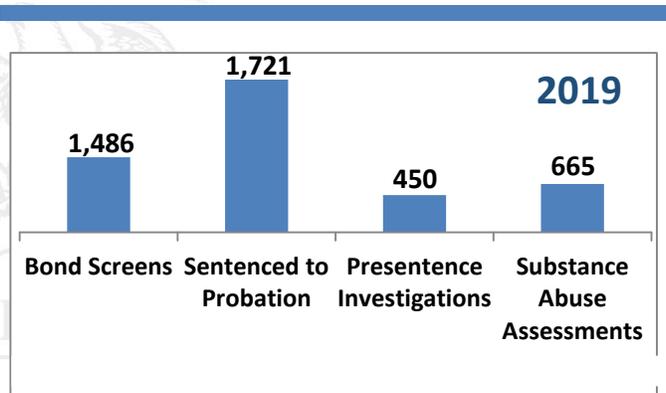


The mission of the 58<sup>th</sup> District Court Probation and Community Corrections Department is to enhance public safety by enforcing court orders while holding offenders accountable by utilizing services and resources.



## Reports, Screens and Assessments:

Bond screens are conducted in order 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 bond screen 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.

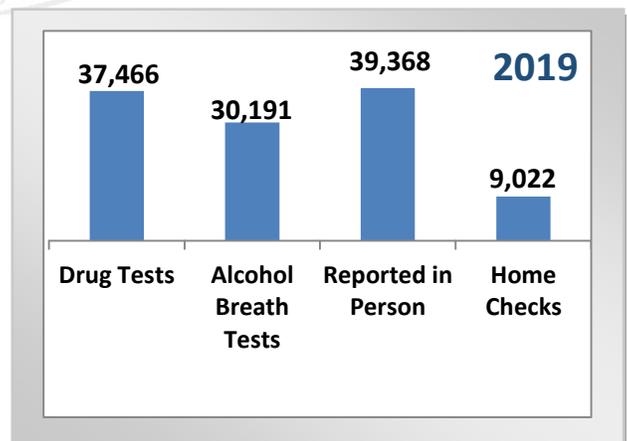


Following conviction, the judge may order a pre-sentence investigation. These are face-to-face interviews that a probation officer conducts with the offender, in order to gain background information. Pre-sentence investigations address the severity of the offense, prior criminal history, the possibility 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.

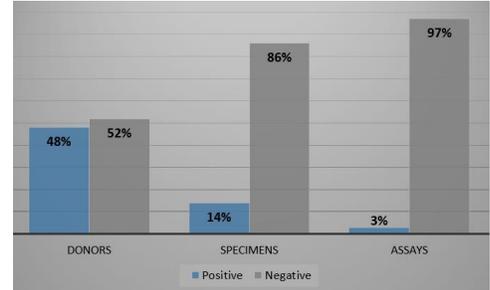


# MONITORING COMPLIANCE



**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.



## Electronic Monitoring

### Continuous Alcohol Monitoring Summary

(CAM) units help to ensure sobriety and compliance with probation conditions.

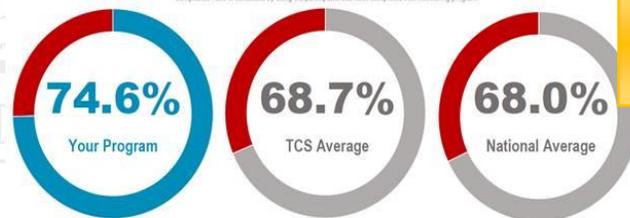
**Global Positioning Systems (GPS)** aid in monitoring the location of defendants charged with domestic violence and sex related crimes.

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



### Overall Program Participant Compliance Rates

Compliance Rate is calculated by using the participants that have completed their monitoring program.



**CAM**



**ANNUAL**  
2019

53  
TOTAL PARTICIPANTS

38  
COMPLETED PARTICIPANTS

4,344  
DAYS MONITORED

6.1 MIL  
LOCATION POINTS

24%  
COMPLIANT PARTICIPANTS

**GPS**



## Remote Breath Alcohol

**ANNUAL**  
2019

300  
TOTAL PARTICIPANTS

240  
COMPLETED PARTICIPANTS

16,626  
DAYS MONITORED

72,824  
TOTAL TESTS

67,682  
COMPLIANT TESTS



# SERVING OUR COMMUNITY

## Sobriety Treatment Programs

In May of 2019, the 58<sup>th</sup> District Court Sobriety Treatment Program in Holland celebrated 15 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



## 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.

*"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

# 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 MHTC is to offer more collaborative services and effective alternatives to individuals with mental health needs charged with crime. Without a MHTC, 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 MHTC have a serious mental illness, serious emotional disturbance or a developmental disability which significantly impacts their ability to function independently, are over age 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. Participant progress is closely monitored through active and engaged case management in order to maximize the benefits of being involved in the program. Section 1090 Court also involves frequent court appearances and support groups as well as awarding various individualized incentives for compliant behaviors and sanctions when appropriate.

## Holland Section 1090 Court Team Members

Hon. Bradley Knoll, Presiding Judge  
 Matt Lowe, Case Manager  
 Kelly Chapman, Peer Support Specialist  
 Vanessa Werle, CMH  
 Kevin Rahn, Probation Officer  
 Jake Jenison, Prosecutor  
 Jane Patterson, Defense Attorney  
 Matt VanderHyde, Counselor

## Participant Successes in 2019



# Sobriety Treatment Programs

## Program Statistics

<i>New enrollments in 2019</i>	<b>83</b>
<i>Successful Discharges</i>	<b>42</b>
<i>Unsuccessful Discharges</i>	<b>2</b>
<i>Hours of community service performed</i>	<b>1,390</b>
<i>Gender of Participants</i>	<b>73% Male 27% Female</b>
<i>Drug of Choice</i>	<b>85% Alcohol 14% Marihuana</b>

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.

*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.



- Grand Haven STP Team Members**
- Hon. Craig Bunce, Presiding Judge
  - Kendra Sheffield, Case Manager
  - Alicia Jett, Surveillance Officer
  - John Scheuerle, Prosecutor
  - Phil Sielski, Defense Attorney
  - Sheila Day, Counselor
  - Lt. Christopher Wright, Grand Haven Public Safety

- Hudsonville STP Team Members**
- Hon. Judy Mulder, Presiding Judge
  - Tracey Lehnen, Case Manager
  - Terry McAlary, Surveillance Officer
  - Jay Tubergen, Prosecutor
  - Bob Hamilton, Defense Attorney
  - Si Marsh, New Life Counseling
  - Sgt. Jeff Steigenga, Sheriff’s Department

- Holland STP Team Members**
- Hon. Susan Jonas, Presiding Judge
  - Alma Valenzuela, Program Director
  - Leticia Gonzalez-Ortiz, Case Manager
  - Kevin Rahn, Case Manager
  - Jessica Dozeman, Surveillance Officer
  - Chad Roberts, Surveillance Officer
  - Lee Fisher, Prosecutor
  - Robert Hamilton, Defense Attorney
  - Susan Littlejohn, Counselor
  - Brittney Petereck, Counselor
  - Clara Mascorro, Pathways
  - Sgt Dan Kender, Holland Public Safety
  - Donald Hann, Public Representative

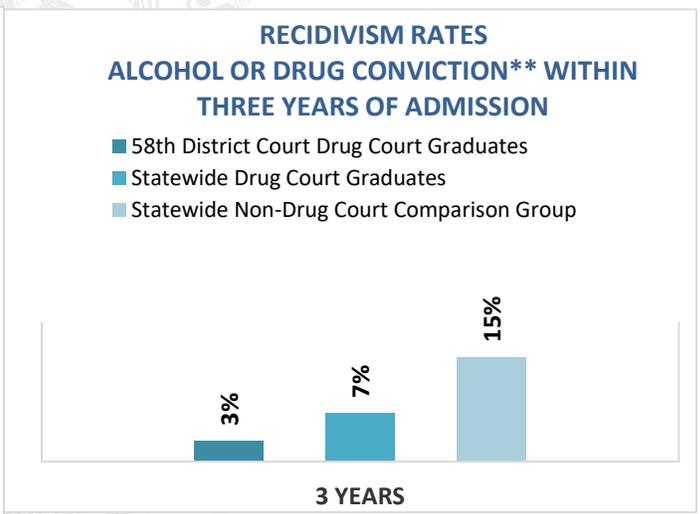
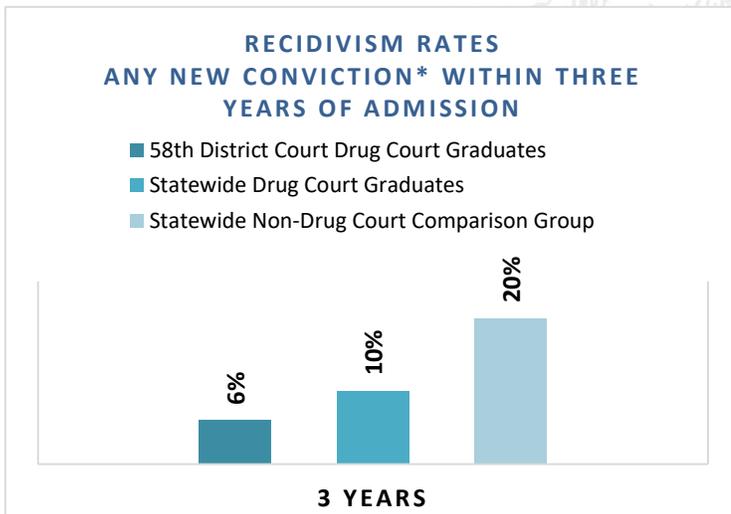
**Mission**  
*The mission of the 58<sup>th</sup> District Court Sobriety Treatment Program is to promote community safety and reduce alcohol and drug abuse through a coordinated program involving intensive supervision, judicial interaction, treatment, incentives, sanctions and accountability.*

# Sobriety Court Recidivism Rates

In the fall of 2019, the State Court Administrative Office (SCAO), a division of the Michigan Supreme Court, provided 2018 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 was super surreal. I had the privilege of going back to Sobriety Court to share my story and experience. It tripped me out walking back into court today and seeing everything from a “not in trouble” perspective. It blows me away that it was 12 years ago when I was doing whatever I could to get high to now smiling and so overjoyed to see my old judge and probation officer. – Previous 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

## 2018 OTTAWA COUNTY CCAB MEMBERS

### Ottawa County Communication Corrections Program

**Director:** Alma Valenzuela

### Ottawa County CCAB Members:

County Commissioner	Matthew Fenske
County Prosecutor	Ronald Frantz
County Sheriff	Steve Kempker
Chief of Police	Captain Keith Mulder for Chief Matt Messer
District Court Judge	Honorable Susan Jonas
Probate Court Judge	Honorable Mark Feyen
Circuit Court Judge	Honorable Jon Hulsing
Circuit Court Administrator	Kevin Bowling
Employment & Training	Angie Barksdale
Criminal Defense Bar	Nichole Derks
Circuit/District Probation	Heath White
Business Community	Doug Kamphuis
Mental Health	Kelly Boeve
Substance Abuse	Timothy Piers

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.

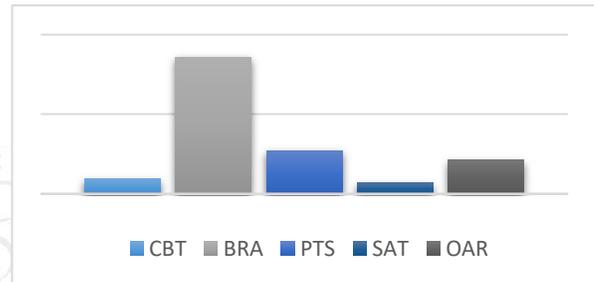
**Bond Risk Assessment (BRA)** This program includes an evidence based risk assessment of offenders who are incarcerated and charged with a new felony offense. The assessment helps determine appropriate level of bond and pretrial supervision.

**Substance Abuse Testing (SAT)** This program is for felons 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 risk 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.

## 2019 Program Enrollment



In 2019, there were 271 new felony enrollments in the Pretrial Supervision program and 322 successful discharges.

	Ottawa County	State of Michigan
<b>Prison Commitment Rate</b>	15.9% or 140 dispositions	19.7% or 8,774 dispositions
<b>Operating While Intoxicated 3<sup>rd</sup></b>	18.9% or 18 dispositions	16.9% or 493 dispositions
<b>Straddle Cell</b>	29.9% or 58 dispositions	24% or 2,451 dispositions

*"It's been a privilege to serve the pretrial population. I enjoy the opportunity to interact with these defendants and further the Court's mission by treating them with fairness, equality and integrity. For some, their experience with pretrial supervision shapes their outcome. And so I appreciate the opportunity to impact both the Court's outcome, as well as the defendant's."*  
 – Chad Whitman, District Court Probation Officer

# 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 2019, there were a total of 1,573 offenders enrolled in JAWS and CSW programs who completed over 26,000 hours in community service for a value of \$247,344.*

## Jail Alternative Work Services (JAWS) 2019 Program Highlights:

New Enrollees	499
JAWS Crew Worked	90
Days Worked	54
Average Offenders per Crew	9
Hours Provided	5,621
Value of Service (based on minimum wage of \$9.45/hour)	\$51,118
Success Rate (hours ordered versus hours actually worked)	86%



Graffiti cleanup at Covenant Life Church



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

## 2019 Program Highlights:

New Enrollees	549
Worksites	84
Completed Hours	20,553
Full Time Employee Equivalent	10
Value of Service (based on minimum wage of \$9.45/hour)	\$194,226
Success Rate (hours ordered versus hours actually worked)	85%

### ***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***

Civil War Re-Enactment (Holland Museum) ♦ Coast Guard Festival ♦ Grand Haven Art Festival ♦ Holiday Open House ♦ Holland Postal Food Drive ♦ Olive Township Trash Day ♦ Parade of Lights ♦ Recovery Fest ♦ Salsa Showdown ♦ Tulip Time Festival



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 Contact Information

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



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



58<sup>th</sup> District Court  
100 Port Sheldon Road  
sonville, Michigan 49426  
616.662.3100



*"Equal Justice Under Law"*