



KALAMAZOO COUNTY

Office of the Prosecuting Attorney



2007 Annual Report

Table of Contents

INTRODUCTION

Letter from the Prosecutor	1
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CHAPTER 1

Overview	3- 5
• Mandated Responsibilities	3
• Criminal	4
• Support	4
• Other	4
• Your Prosecutor	4
• Vision, Mission, & Guiding Principles	5

CHAPTER 2

Office of the Pros. Atty.	6
---------------------------	---

CHAPTER 3

District Court Division	7 - 15
• Misdemeanors	7 - 8
• Felonies	9
• Victim Advocacy	9 - 10
• Drunk Driving	10
• Kudos	10
• Domestic Violence	11 - 13
• KAIP	11 - 12
• DVLPP	12 - 13
• Witness Unit	14
• Goals	14
• CSC Attorney	14 - 15

CHAPTER 4

Circuit Court Division	16 - 23
• Vertical Prosecution	16 - 17
• Victim Advocacy	17 - 18
• Asset Forfeitures	18 - 19
• Drug Enf. Authority	19 - 21
• Invest. Subpoena Authority	21 - 23
• Kudos	23
• Research/Appellate Attys	23

CHAPTER 5

Family Court Division	24 - 28
• Child Support Unit	24 - 25
• Kudos	25
• Juvenile Unit	25 - 28
• Victim Advocacy	27
• Award	27 - 28
• Outreach Activities	28

CHAPTER 6

Technology Initiatives	29 - 32
• Doc. Mgmt Pilot Project	29 - 32
• Goals & Objectives	31 - 32
• Project Status	32

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INTRODUCTION



Letter from the Prosecutor

To: The Citizens of Kalamazoo County

We are pleased to present this report to you, the citizens of Kalamazoo County, whom we serve and represent daily in our courts. This report is intended to provide you with an overview of our office and the work accomplished in 2007.

During the past year, we were called upon to provide services to over 10,000 victims of crime in our community. On behalf of those victims, we prosecuted all manner of criminal offenses, ranging from misdemeanors such as Assaults, Thefts, and Drunk Driving to felonies such as Home Invasion, Sexual Assault, Robbery and Murder.

In addition, 2007 saw the culmination of team efforts with police agencies that resulted in the charging of several cold case Homicides, and the subsequent convictions of the defendants for their horrendous acts.

There was good news in the County with the continued decline of methamphetamine cases. Cases submitted to our office by the police were about one-half of the amount submitted just 3 years ago.

Our office has continued the partnership with the Courts, Law Enforcement and Treatment Providers in handling substance abuse cases. In 2007, the pilot program “Sobriety Court” began. Sobriety Court is designed to closely monitor second time drunk drivers.

We invite your review of our 2007 performance and renew our pledge to provide the best professional service to you in the year to come.

Sincerely,

Jeffrey R. Fink
Prosecuting Attorney

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CHAPTER 1

Overview

The Kalamazoo County Prosecuting Attorney appears on behalf of the People of the State of Michigan in criminal prosecutions of adults in Circuit Court and District Court. The Office of the Prosecuting Attorney (OPA) handles juvenile delinquency, paternity/support, and child neglect cases in the Family Court Division of Circuit Court. The People elect the Prosecuting Attorney to a four-year term of office.

The OPA is responsible for other legal functions including:

- Victim notification on the status of their case and informing them of their rights to participate;
- Representing custodial parents in civil proceedings for the establishment of support and paternity, through referrals from the Department of Human Services (DHS);
- Providing information about juvenile offenders to public schools in Kalamazoo County; and
- Representing law enforcement in forfeiture actions against drug dealers.

MANDATED RESPONSIBILITIES

The Prosecuting Attorney is the chief law enforcement officer for Kalamazoo County. The Office was created by the Michigan Constitution. The responsibilities and authority of the Prosecutor are established by common law, statute, court rule and appellate case law. In recent years, changing attitudes in the Courts and State legislature have significantly altered the traditional role of the Prosecutor. While adult criminal matters still represent the major portion of the prosecution effort, (over 10,000 cases in 2007) a growing list of additional responsibilities has placed larger demands upon prosecution resources. The responsibilities and role of the Prosecutor are now defined in over 700 separate statutes and court rules in Michigan. Michigan appellate case law and federal case law have further expanded upon those statutes.

The following describes only the general functions of the Prosecuting Attorney's Office:

CRIMINAL

The Prosecutor's criminal jurisdiction encompasses all State statute felony and misdemeanor offenses committed within the boundaries of Kalamazoo County. The Prosecutor's responsibility for these criminal matters involves determination and filing of charges and all subsequent court proceedings, including appeals. Additionally, the Prosecutor's Office is involved in juvenile matters, both criminal and neglect. In total, adult and juvenile criminals are prosecuted in 17 courts throughout the County.

SUPPORT

Additional civil and quasi-criminal responsibilities are discharged by the Prosecutor in divorce and paternity matters. Under a reimbursement program with the State, the Prosecutor's Office establishes paternity and seeks out non-custodial parents of minor children and secures court orders to insure payment of child support and, thus, reduces the financial burden to taxpayers.

OTHER

Finally, as a matter of local policy, the Prosecutor's Office strives to be a catalyst for constructive change in the Criminal Justice System. Because of the Prosecutor's unique and pivotal position in the system, he is often able to initiate system wide improvements. This responsibility may be the one of the most important functions in our local fight against crime.

YOUR PROSECUTOR

In 2004, Jeff Fink was chosen by Governor Jennifer Granholm to serve as an advisor on Juvenile Justice and Delinquency Prevention. In 2007, Jeff was appointed to the Federal Advisory Committee on Juvenile Justice and Delinquency Prevention. This committee consists of representatives from all 50 states and territories and it advises the President, the Congress and the federal Office of Juvenile Justice and Prevention on juvenile justice issues and prevention strategies.

Such an appointment is an honor to both Mr. Fink and to this Office. It is a clear reflection of the high esteem in which the Kalamazoo County Prosecutor's Office is held.

VISION, MISSION, & GUIDING PRINCIPLES

OUR VISION IS:

- Justice
- Protection
- Integrity

OUR MISSION IS TO:

- Enhance the quality of life in our community.
- Be leaders in quality prosecution.
- Aggressively advocate our cause.
- Continuously improve our service.
- Achieve our goals through teamwork.
- We will treat each other fairly and give credit to each staff member for their distinctive contributions.

OUR GUIDING PRINCIPLES ARE:

- We will treat all people with dignity, respect, honesty and fairness.
- We will interact with all groups and organizations in a spirit of cooperation.
- We will provide all people with ethical, competent and professional service.
- We will hold all people responsible for their actions.
- We will insure that our office is a rewarding, challenging and enjoyable place to work.

CHAPTER 2

Office of the Prosecuting Attorney

The Office of the Prosecuting Attorney consists of the Prosecuting Attorney, Chief Assistant Prosecuting Attorney, the Prosecutor's Administrator, and three Divisions of professional staff.



Jeffrey R. Fink – Prosecuting Attorney

Jeff is a graduate of Western Michigan University (WMU) and received his law degree from the University of Toledo School of Law. Jeff was honored with the National Order of Barristers Award for courtroom advocacy while at law school. In August of 1980, Jeff joined the Kalamazoo County Prosecutor's Office as an Assistant Prosecuting Attorney. Jeff has served as an Assistant Prosecutor in all areas of the Prosecutor's Office: District, Family and Circuit. In 2002, Jeff was appointed the Chief Assistant Prosecuting Attorney. On November 2, 2004, Jeff was elected Prosecuting Attorney for Kalamazoo County. His term began January 1, 2005. Jeff has served with distinction in various capacities with the following organizations: The Child Abuse and Neglect Council, the Kalamazoo Coalition for Youth Violence Prevention, the Prosecuting Attorney's Association of Michigan, the Community Corrections Advisory Board, the Child Death Review Team, the Jail Diversion/Mental Health Task Force and the Fraternal Order of Police. Jeff has been named as an advisor to both the Governor of Michigan and the President of the United States on criminal justice matters.



Carrie L. Klein – Chief Assistant

Carrie has been an Assistant Prosecuting Attorney in Kalamazoo County since joining the office in 1985. She has worked in all areas of the Office, handling cases in District Court, Probate Court and in both the Trial Division and Family Division of the Circuit Court. Carrie holds a degree in Criminal Justice from Grand Valley State College. She received her law degree in 1984 from Wayne State University Law School and also graduated as a 1984 member of the Wayne State Law School Chapter of the Order of the Coif. Carrie serves as a member of the Kalamazoo Assault Intervention Program, the Domestic Violence Fatality Review Team and the Kalamazoo Consortium Elder Abuse Task Force. Carrie became the Chief Assistant Prosecuting Attorney in January 2005.



Kristine Cunningham – Administrator

Kristine has worked within Kalamazoo County's criminal justice system since 1995 and has served as the Administrator of the Prosecutor's Office since 2003. In this position, she is responsible for managing the Victim/Witness Unit and all non-legal support staff of the Prosecutor's Office. She also researches, writes, and oversees all grant applications and contracts, manages the Office's budget and computer network, and provides other administrative duties. Previously, she served as the Coordinator for the Kalamazoo Criminal Justice Council (KCJC) and as the Program Assistant of the Kalamazoo County Adult Drug Treatment Court. In 1995, Kristine graduated cum laude from Western Michigan University (WMU) with a Bachelor's Degree in Psychology and Sociology. In 2004, she obtained her Master's Degree in Public Administration from WMU. Kristine serves as an active member of the Prosecuting Attorney's Association of Michigan (PAAM) Technical Services Committee and as project manager of the Document Management System Pilot Project.

CHAPTER 3

District Court Division

The District Court Division includes Assistant Prosecuting Attorneys, Victim Advocates, Witness Coordinators, and support staff. This Division handles the initial stages of felony cases and all the trial and related court work of misdemeanor cases charged under State law.



Scott W. Brower
(Division Chief)

Beginning January 1, 2007, the Assistant Prosecutors in the District Court Division were each assigned to one of five courtrooms. They are now responsible for handling all of the misdemeanor and traffic matters before that particular judge. This type of structure is called Vertical Prosecution. It enables the same attorney to remain with a case from the time it reaches District Court until its final disposition. In addition, crime victims are better able to establish a relationship with the attorney handling their case. Case preparation and presentation are improved because the attorney handling the case at a preliminary stage of the proceedings is the same attorney that will conduct the trial. In short, both services to the public and public safety are enhanced through this innovative use of Vertical Prosecution in District Court.

MISDEMEANORS

A misdemeanor case can start from a police ticket, or from a Complaint authorized by the Prosecutor's Office.



Melissa Scott (Charging Specialist)

Police often use tickets for traffic offenses such as Speeding, Drunk Driving, and Driving While License Suspended. Prosecutors in the District Court Division also review police reports of other crimes, such as Assault, Domestic Violence, Malicious Destruction of Property or Retail Fraud.

If an offender contests a ticket, the Prosecutor's Office will handle the case at a formal hearing or trial.

A large percentage of cases begin with a warrant request. This is generally the first time that the Assistant Prosecutor is involved in a case, unless he/she reviewed a search warrant or visited the crime scene. At this stage, the Assistant Prosecutor determines whether a person should be charged with a crime and, if so, what the crime should be. The Assistant Prosecutor must thoroughly review all police reports and records concerning the case, including witness statements.

After a Complaint is issued by the Prosecutor's Office, the paperwork is filed with the District Court. When the judge reviews the Complaint and signs a Warrant, the police make arrangements to have those charged appear in court for arraignment where they are told the charges against them and advised of their constitutional rights. The conditions and amount of bail are determined. If they plead guilty, the court will schedule the case for sentencing. If they plead not guilty, the case will be set for trial.

Many events can occur prior to trial. The Assistant Prosecutor and defense attorney will often meet at a Pretrial Conference to discuss possible legal issues or to determine whether the defendant will plead guilty to the crime charged or some other offense. The court may also hear motions to determine whether evidence can be used at trial or whether there is some legal reason why the defendant should not be tried.



Kate Whitfield (Assistant Prosecutor) and **Michelle Sutton** (Legal Assistant)

The trial can be by judge or jury. During the trial, the judge or a jury will determine whether the defendant has committed a crime, and if so, what that crime is. At trial, the prosecution must present evidence to prove the defendant's guilt beyond a reasonable doubt. The defendant is not required to prove his or her innocence or to present any evidence.

If the defendant is found guilty, the judge will set a date for sentencing. A pre-sentence investigation report may be prepared by the probation office. It contains information about the crime, defendant's background and a sentence recommendation. At sentencing, the judge will consider the information in the report. Determination of the sentence is the judge's sole responsibility. The judge may consider different alternatives, such as a fine, probation, community service, a sentence to jail or any combination of those consequences. The judge may also order the defendant to make restitution to any victims who have suffered physical or financial harm.

FELONIES



Felony cases always begin with a warrant request. Once the Assistant Prosecutor reviews the police report and issues a Felony Complaint, the paperwork will be brought to one of the District Court judges for his or her signature. The police will then bring the defendant to the court for arraignment.

At a felony arraignment in District Court, the defendant does not enter a plea. Instead, the defendant is advised of his/her right to a preliminary examination within 14 days of the arraignment. The court reviews requests for court-appointed attorneys at the arraignment.

A Felony Preliminary Examination is a contested hearing before a District Court Judge, sometimes called a probable cause hearing. The Assistant Prosecutor presents witnesses and the Judge determines whether there is probable cause to believe that a crime was committed and that the defendant committed the crime. Because the burden of proof is much less than at a trial, the Assistant Prosecutor does not call all potential witnesses to testify; generally, only the victim and some of the police witnesses testify. The defendant usually has an attorney, and can cross-examine the witnesses and present his own evidence - including witnesses.

If probable cause is proven, the defendant is bound over (i.e., sent) to Circuit Court for trial. If probable cause is not proven, the felony charge can be dismissed or reduced to a misdemeanor for trial in District Court. A defendant can decide not to have a Preliminary Examination and waive the hearing.



Lauren Brady (Victim Advocate) and
Steve Idema (Assistant Prosecutor)

In 2007, there were 10,248 adult cases reviewed for possible felony or misdemeanor prosecution (2,933 felonies & 7,315 misdemeanors). A total of 1,977 felony and 6,061 misdemeanor cases were authorized.

VICTIM ADVOCACY – District Court

Since 1987, a Victim Advocate Specialist has been funded by a Victims of Crime Act (VOCA) grant. This Victim Advocate Specialist focuses primarily on assisting victims of domestic violence. Today, two District Court Victim Advocates assist victims of all misdemeanor assaultive crimes, including making referrals to community agencies,

assistance with Personal Protection Orders and completing Crime Victim Compensation paperwork.

NOTE: The Domestic Assault Project is supported by Crime Victim Assistance Grant Award CVA #20081-11V06 awarded to the Kalamazoo County Office of the Prosecuting Attorney by the Michigan Crime Victim Services Commission, Michigan Department of Community Health. The grant award of \$81,423 (80% of the project), comes from the Federal Crime Victims Fund, established by the Victims of Crime Act of 1984. The County of Kalamazoo provides the required match by an in-kind match of one Victim Advocate on staff.



Kerrie LeClercq
(Victim Advocate Specialist)

In 2007, our District Court Victim Advocate Program served victims of assaultive misdemeanor crimes that were associated with 1,632 new cases. Additionally, an estimated 8,160 case status letters were generated and mailed to the victims of these cases.

DRUNK DRIVING



A specialized and very busy area of District Court practice lies in the prosecution of drunk driving cases. Michigan law prohibits the operation of a motor vehicle if you are under the influence of alcohol, have an unlawful blood alcohol content, are operating with the presence of a controlled substance in your system or have become visibly impaired by alcohol or a controlled substance. First and second offenses are misdemeanors and a third offense can be charged as a felony, punishable by up to five years in prison. Should the offense involve a traffic crash, which results in injuries or death, penalties can range up to 15 years in prison. All such convictions, whether misdemeanor or felony, carry an array of additional fines, costs and license sanctions. A total of 552 drunk driving cases were prosecuted in 2007 (106 felonies and 446 misdemeanors).

KUDOS

Each year in Michigan, a Lifesaver Award is presented on behalf of Mothers Against Drunk Driving (MADD), the Prosecuting Attorneys Association of Michigan (PAAM) and the National Office of Highway Safety for dedication to the prosecution of drunk drivers. On July 27, 2007, Assistant Prosecutor Mike Kanaby received this award at the PAAM annual conference. We would like to congratulate Mr. Kanaby for receiving this outstanding award.

DOMESTIC VIOLENCE

Another specialized and demanding area of District Court lies in the disposition of domestic violence cases. The Batterer Intervention Standards for the State of Michigan define “domestic violence” as follows:



“Domestic violence is a pattern of controlling behaviors, some of which are criminal, that includes but is not limited to physical assaults, sexual assaults, emotional abuse, isolation, economic coercion, threats, stalking and intimidation. These behaviors are used by the batterer in an effort to control the intimate partner. The behavior may be directed at others with the effect of controlling the intimate partner.” Batterer Intervention Standards for the State of Michigan, §4.1 (January 20, 1999).”

As local police aggressively investigate domestic violence cases, they present them to the Prosecutor’s Office for the initiation of criminal charges. These cases range in severity from assault and battery to first-degree murder. Offenders may be charged with their crime even when the victim refuses to cooperate, as long as witnesses or other evidence is available. The OPA’s goal is to bring the offender under the jurisdiction of the court and hold them accountable for their behavior. This helps protect the victim and other family members and helps to change the course of future personal interactions. In 2007, 964 cases involving domestic violence were authorized (90 felonies and 874 misdemeanors).

KAIP

The District Court Victim Advocates also participate in the Kalamazoo Assault Intervention Project (KAIP). In 1990, this group was formed by committed criminal justice professionals and service providers “to cooperate, coordinate and collaborate on all community efforts to reduce domestic violence.”

KAIP has five essential purposes:

- To assist victims of domestic violence in breaking the pattern of abuse;
- To prevent the occurrence of further violence to the victims;
- To hold all defendants accountable for their acts of violence;
- To minimize the victim's role in the prosecution of the defendant and

- To encourage the use of education and counseling designed to change the defendant's future behavior.



KAIP membership includes judges, probation officers, counselors and medical personnel. Visitors from other jurisdictions have attended these meetings in order to observe and research potential methods of dealing with domestic violence. KAIP members have also made presentations to community groups and written articles for local neighborhood newspapers to inform the public on domestic violence issues.

In addition to KAIP, this office chairs the Domestic Violence Fatality Review Team. This Team is responsible for reviewing domestic violence fatality cases to determine how the criminal justice system and/or improved victim services could have prevented the fatality.

DOMESTIC VIOLENCE LIAISON PROJECT

In October of 2005, the Domestic Violence Liaison Prosecutor Program (DVLPP) was created to strengthen the response to domestic violence cases and improve the quality of services offered to domestic violence victims. Two Assistant Prosecuting Attorneys (funded through a grant from the Department of Justice, Office on Violence Against Women) and two Victim Advocates work specifically in the domestic violence field to coordinate the criminal justice response to these often difficult and emotional cases.

DVLPP Assistant Prosecutors reviewed and made charging decisions on all domestic violence cases, tracked certain repeat and violent offenders and prosecuted all domestic related personal protection order violations. Since the DVLPP's inception, DVLPP prosecutors have trained law enforcement throughout Kalamazoo County on the latest legal updates affecting domestic cases, addressing victims with empathy and improving methods of evidence collection for "Evidence Based Prosecution" of domestic violence cases. The DVLPP has also educated doctors, nurses and other medical personnel on the prevalence of these types of cases in the emergency room and how to report incidents to law enforcement.



First row: **Lauren Brady & Kerrie LeClercq** (Victim Advocates)
Second row: **Ramie Almeda & Ken Barnard** (Assistant Prosecutors)

Personal contact with victims occurred in the majority of cases by DVLPP victim advocates or Assistant Prosecutors. Immediate referrals were made to the local

YWCA Domestic Assault Program and to the Family Court Personal Protection Order Coordinator to provide further support and services to our victims. Victim advocates also kept victims informed of court proceedings, their rights as victims of domestic violence and sought their input for sentencing.



Since inception, over one thousand victims of domestic violence have received assistance from our office. In addition, there was a marked increase in the percentage of convictions (conviction rate for batterers was 67%, an increase of 17% from pre-DVLPP) using improved evidence gathering and new legal tools.

The DVLPP also worked to develop a domestic violence court in our community, which began in August of 2007. With the specific attention the DVLPP has given to domestic violence, victims are more involved with cases throughout the criminal justice process and batterers are being held accountable with more jail, probation time, and batterer intervention services.

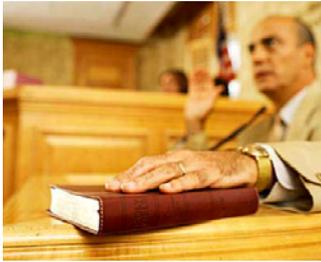
Lastly, we collaborated with a National Institute of Justice Study, "Victim Participation in Intimate Partner Violence Prosecution: Implications for Safety," involving KAIP member Cathy Kothari. This three-year research project focuses on the relationship between emergency room visits, disclosed domestic violence and prosecution.

Funding for the DVLPP ended in September 2007; however, many of the practices developed by the DVLPP have been incorporated into the OPA. Personal contact is attempted with victims at the time of charging and in response to any requests by victims who wish to dismiss the case. Assistant Prosecutors on the District Court Team have been trained specifically regarding DV charging, interviews with victims, and handling of domestic Personal Protection Orders (PPOs); these APAs now review all domestic violence charging requests in the same manner as the DVLPP, and are assigned to most domestic PPOs. Assistant Prosecutors have also been trained on domestic violence trial tools and working with uncooperative victims.



Further, the relationships created through the DVLPP, more specifically with the Kalamazoo YWCA and local batterer intervention programs (BIPs), continue to grow. The YWCA continues to be our largest service provider to victims of domestic violence, and the BIPs have regular contact with the OPA and KAIP, continually evaluating and improving its services to keep victims safe.

WITNESS UNIT



In the past, a significant amount of each law enforcement agency's time was consumed with officers waiting to appear in court as a witness for a criminal case. Oftentimes, considerable amounts of overtime was paid, even when the officer was no longer needed for the case and not required to appear in court. This process not only took officers away from their patrol areas for potentially long periods of time, it also took detectives away from investigating other serious crimes.

In 1997, through a Local Law Enforcement Block Grant, this office was able to staff a District Court Witness Unit to coordinate witnesses and manage cases in the District Courts in Kalamazoo County. The Witness Coordinators manage and expedite the processing of witnesses on statute criminal cases in seven District Courtrooms throughout the county.

GOALS

- To reduce the amount of overtime dollars needed to bring officers to court.
- To decrease, or eliminate, the number of adjourned and dismissed cases due to a lack of necessary witnesses.
- To reduce the inconvenience to District Court witnesses and establish witness cooperation while efficiently utilizing court time, police court time, police agency resources, and prosecutor's preparation time.



Diane Klauer
(Witness Coordinator)

In 2007, 4,650 cases were handled by the Witness Coordinators, with a total of 13,627 witnesses. Because of the efforts by Witness Coordinators, a total of 6,459 witnesses (3,379 lay, 138 expert and 2,942 law enforcement) were excused from court, with a cost savings of approximately \$193,000 in 2007. Every police agency, their funding source, and the public safety of the community benefits from the efforts of the Witness Coordination Unit.

CRIMINAL SEXUAL ASSAULT ATTORNEY

The Criminal Sexual Assault (CSA) Attorney handles all cases involving the criminal sexual assault of children under the age of 13. In addition, this Assistant

Prosecutor handles other sexual assault or child abuse cases that require special attention.



Chris Ann Johnson
(CSA Assistant Prosecutor)

Sexual abuse is one of the most traumatizing events that can occur to anyone. If the abuse is directed toward a child, the episode is especially devastating, both to the child, the family and ultimately the community. Recognizing the exceptional needs of these special victims, this Office developed a specialist position to work with the child from the onset of his or her contact with the criminal justice system and to follow the case through the court process. The CSA attorney often makes psychological referrals for the child and the family, coordinates further police investigations, develops rapport with the child and guides the child and family through the entire prosecution. Practical experience has proven that this personal contact significantly reduces the trauma to the child, and when coupled with professional counseling, has been shown to have a positive therapeutic value.

In addition, the CSA attorney is involved in the implementation of the Kalamazoo Comprehensive Approaches to the Management of Sex Offenders program (KCASOM). This program is focused on management of sex offenders in the community. A grant secured by the Kalamazoo County Sheriff's Department in 2006 provides funding for intensive supervision of sex offenders being reintegrated into the community. Smaller caseloads for probation and parole agents permit closer scrutiny of offenders. A myriad of options are now employed for offender supervision, such as global positioning devices to monitor their movement within the community. A multi-disciplinary team meets monthly to review sex offender cases and gather input from treatment providers, polygraphers, supervising agents and victim advocates. The goal of the program is to increase public safety and reduce victimization.

CHAPTER 4

Circuit Court Division

The Circuit Court Division handles the prosecution of felony cases. Felonies are crimes punishable by imprisonment in excess of one year, and can range in seriousness from retail fraud, bad checks, narcotics violations, criminal sexual conduct, domestic violence, home invasion, robbery, to murder.



Gregory W. Russell
(Division Chief)

A felony case originates with the charging function. It begins with a careful review of all investigative reports prepared by the police or investigative agency. Once a case is accepted for prosecution, it then passes through the District Court system before it is bound over to the Circuit Court of Kalamazoo County where ultimate disposition will take place.

VERTICAL PROSECUTION

Assistant Prosecutors assigned to the Circuit Court Division may be assigned to a particular Circuit Court Judge. When a case is set for trial, an Assistant Prosecutor is assigned to the case and will be responsible for handling all court events associated with that case. This system of “vertical prosecution” was begun in 1985. One of the many benefits of this type of prosecution is the same attorney works with the victim and witnesses throughout the Circuit Court process.



Each case requires large amounts of attorney and support staff time from beginning to end. The Kalamazoo Prosecutor’s Office philosophy of holding criminals strictly accountable for their conduct was again successful in 2007. In our baseline year of 1974, felony pleas to the original charge were only 13%. In 2007, defendants plead guilty to the original felony charge placed against them in 82% of the cases. This performance measure is consistent with our overall objective of plea dispositions to the original felony charge of not less than 80% per year. This overall dispositional rate demonstrates an effective and efficient use of the limited resources available to the criminal justice system. Furthermore, when criminal defendants are being held to answer to the charges brought against them at this high rate, charging practices by the

OPA illustrate a staff of Assistant Prosecutors well trained at making the decisions that impact upon the lives of victims and defendants.

In 2007, 1,026 criminal cases were set for trial in Circuit Court. In order to make efficient use of the number of available trial weeks in each of the four Trial Division Courts and to accommodate an increasing felony caseload, it is necessary to schedule approximately 15 cases in each Court for trial each week. Typically, although only one case can be tried in each Court per week, many of the other cases set for trial in any given week are resolved through settlement negotiations. Those that are not resolved through either trial or plea are rescheduled for trial. In 2007, 54 trials were held. In 69% of the cases, defendants either plead guilty to the original felony charge or were found guilty of the original felony charge placed against them.



Frank Machnik
(Assistant Prosecutor)
and **Patty Maxwell**
(Legal Assistant)

The year 2007 was remarkable for not only the number of cases that were tried, but most especially for their length and complexity. Nine (9) complex homicide trials were held with Guilty verdicts in 100% of those cases. In addition, there were seven trials where the charged offense was assaultive in nature, ranging from Assault with Intent to Murder to Resisting and Obstructing a Police Officer. Additionally, there were three Robbery trials, five Criminal Sexual Conduct trials, one Manslaughter trial, two Solicitation to Murder trials, fourteen Drug trials, one Aggravated Stalking trial, and one Witness Intimidation trial.

VICTIM ADVOCACY – Circuit Court



Circuit Court Victim
Advocates: (back row) **Gayle
Somers, Sigrid Carpenter,**
and (front row) **Rhonda
Baxter-Todd**

Three Victim Advocates are assigned to the Circuit Court Division to provide advocacy services to victims of felony crimes. One and a half of the Circuit Court VAs are funded by a Crime Victim Rights grant, which requires no County match.

NOTE: The Victim Assistance Program is supported by the Crime Victim Assistance Grant (CVA #20080299-0), awarded to the Kalamazoo County Office of the Prosecuting Attorney by the Michigan Crime Victim Services Commission, Michigan Department of Community Health. The grant award of \$162,817 comes from the Federal Crime Victims Fund, established by the Victims of Crime Act of 1984. This grant provides funding for 2.5 Victim Advocate positions. The Office of the Prosecuting Attorney provides the required match (.5 FTE) with current staffing. No additional County funds are needed.

The Circuit Court Victim Advocates provide critical services to victims of felony crimes (i.e., escort to court, referrals for counseling, etc). In addition to providing victim advocacy services, they also serve as Witness Coordinators for all Circuit Court cases.

In 2007, our Circuit Court Victim Advocates served victims of crime that were associated with approximately 1,500 new felony cases. Additionally, an estimated 9,000 case status letters were generated and mailed to the victims of these cases.

ASSET FORFEITURES - KVET

The Kalamazoo Valley Enforcement Team (KVET) is a drug enforcement task force comprised of 18 police officers from the Kalamazoo Department of Public Safety (KDPS), the Kalamazoo County Sheriff's Department, and City of Portage Police Department. They operate out of an office at a clandestine location under the command of Kalamazoo Department of Public Safety Captain Joseph Taylor. KVET Officers are deputized by the Kalamazoo County Sheriff and have jurisdiction to enforce State laws throughout Kalamazoo County. In 2007, KVET investigations resulted in criminal charges in 505 cases. A specialized Assistant Prosecuting Attorney, known as the KVET Attorney, handles these KVET criminal cases. The Office and the Kalamazoo Valley Enforcement Team have continued an aggressive campaign of prosecuting and forfeiting the property of persons who traffic in illegal controlled substances.



In order to take away the financial incentive to commit drug offenses, our State Legislature has given law enforcement agencies the ability to seize and forfeit money, vehicles, or other property involved in the manufacture or trafficking of illegal controlled substances. When property is seized under this forfeiture statute, a notice is given to the owner of the property, alerting them that the police are seeking the forfeiture of the property. The owner of seized property has 20 days to file a claim to contest the forfeiture of the property. If the owner fails to file a claim with the seizing agency within the 20 days, that property becomes the property of the seizing agency by operation of law. Property forfeited to the police in this manner is called an “administrative forfeiture.” If the owner does contest the seizure, the case is then forwarded to the Prosecutor’s Office for court action.

The KVET Attorney is funded by the City of Kalamazoo and handles all asset forfeiture cases initiated countywide by KVET and KDPS, as well as handling select criminal cases in his capacity as an Assistant Prosecuting Attorney. When Officers

from KVET or KDPS seize property and the forfeiture of the property is contested, the case is sent to the Prosecutor's Office for review by the KVET Attorney. If the seizure is determined to be legally appropriate, the case is settled out of court or a complaint is filed with the Circuit Court seeking the forfeiture of the seized property. The KVET attorney prepares the legal pleadings and the case proceeds to a non-jury trial.

Pursuant to State law, property forfeited to the police pursuant to the drug forfeiture statute is either used by the police, sold at a public sale or destroyed. Proceeds from the sale of forfeited property must be used to enhance drug enforcement efforts. Before administratively forfeited property is used, sold or destroyed by the seizing agency, as provided by statute, the KVET Attorney reviews the facts of the case and determines what is to become of the forfeited property. This procedure is required by statute and is to assure that the police have complied with the forfeiture procedure and to preserve the integrity of evidence that may later be needed by the Prosecutor's Office in a related criminal case.



Mark Holsomback
(KVET Assistant
Prosecutor)

In 2007, forfeiture cases resolved by the KVET Attorney resulted in the forfeiture of over \$162,937 to KVET. This represents an increase of \$58,382 over last year's total. In the last 5 years, the KVET Attorney has resolved a total of 363 forfeiture cases, resulting in the forfeiture of over \$617,433 to KVET. Statistics relating to the KVET Attorney's activities in 2007 are highlighted below:

CIVIL FORFEITURE

- Number of Forfeiture Cases Resolved by KVET Attorney: 60
- Amount of Money Forfeited to KVET: \$162,937

CRIMINAL CASE DISPOSITION

- Number of Convictions obtained by KVET Attorney: 171
 Felony Charges: 156, Misdemeanor Charges: 15

DRUG ENFORCEMENT AUTHORITY - SWET

The Southwest Enforcement Team (SWET) is a regional cooperative of State, County and Local Narcotics units. The team continues its aggressive campaign of investigating, prosecuting and forfeiting the property of persons who traffic in illegal controlled substances. As part of this effort, an Assistant Prosecutor is assigned to handle SWET drug prosecutions wherever they occur in this region. The attorney is on 24-hour on-call status, available by telephone or pager. The

attorney maintains a computer in his home in order to review and prepare documents as needed 24 hours a day. The attorney also has an office at the Central/East Office of the Southwest Enforcement Team headquarters and is available on a daily basis for legal questions.



Due to the nature of the position, the Drug Enforcement Attorney can become involved in both criminal and civil cases during the investigative stage, providing legal information, attending arraignments to ensure high bonds and performing other legal functions not normally handled by Assistant Prosecutors

Fiscal Year 2006-2007 was the twelfth year that the Department of Drug Control Policy, under the Anti-Drug Abuse Act, has funded the Drug Enforcement Attorney position, and the Michigan Department of State Police provides the match. There is no required match from the County of Kalamazoo.

In 2007, 74 arrest warrant requests were received and reviewed by the attorney assigned to the Southwest Enforcement Team. Those requests resulted in the issuance of criminal charges against 67 individuals, totaling 96 charges.

During this year, 52 defendants were adjudicated. Of the 52 defendants adjudicated, 47 defendants were convicted of 50 charges. This number represents defendants from this year and defendants from prior years whose cases had not yet been resolved in the criminal justice system. Of the 47 defendants convicted, 25 defendants were convicted of all the charges filed against them, 44 defendants were convicted of the most serious charge against them, and eight defendants pled to reduced charges due to cooperation with the Southwest Enforcement Team or for other reasons. They received sentences including prison, jail and probation. In addition to incarceration and probation, the defendants' sentences included approximately:



Steve McLaughlin
(SWET Assistant
Prosecutor)

- Court ordered \$10,402 in restitution to SWET
- Courts collected \$6,526 in oversight fees for probation supervision
- Court ordered \$13,475 in court cost reimbursement.
- Court ordered \$16,672 in attorney cost reimbursement

- Courts ordered 12 defendants to attend and complete substance abuse counseling.

The Southwest Enforcement Team collected \$470,602 from cash forfeited in 2007 and forfeited property sold in 2007. Several pieces of property forfeited in 2007, including a house, were not yet sold in 2007. This money was forfeited in one of two ways: administrative forfeiture or contested forfeiture. An administrative



forfeiture occurs where personal property worth less than \$50,000.00 is seized. In these cases, the claimant, or person the property is taken from, must file a written notice of his or her intent to contest the forfeiture and post a bond with SWET. If the claimant fails to file the written notice and post the bond within twenty days of being notified of the forfeiture, the property is forfeited to the agency automatically.

The second way an agency can forfeit property is through a contested forfeiture. Contested forfeitures are initiated when a summons and complaint are filed in circuit court. There are three kinds of contested cases: cases involving real property (land), cases involving personal property worth more than \$50,000.00, and cases where claimants file the required written notice and post the necessary bond. In 2007, the Southwest Enforcement Team requested the initiation of 47 contested forfeiture cases. During 2007, the Southwest Enforcement Team resolved or settled 46 contested forfeiture cases from 2006 and 2007. Of the 46 cases resolved in 2007, 27 cases were settled through negotiations before a summons and complaint was filed. Sixteen cases were resolved by agreement or consent judgment after the summons and complaint was filed in Circuit Court. In 2007, the Southwest Enforcement Team forfeited property valued at \$596,253 from contested forfeitures.

INVESTIGATIVE SUBPOENAS AND COLD CASES

In 1995, the Legislature enacted legislation (or laws) giving prosecutors investigative subpoena power. This law empowers prosecutors to essentially act as a "one person grand jury." During a police investigation, the Investigative Subpoena Prosecutor participates in the police investigation by utilizing this law to subpoena witnesses to a crime and question them under oath about their knowledge of the particular crime under investigation. The attorney prepares court petitions authorizing the use of investigative subpoenas, prepares the subpoenas, questions the witnesses under oath, handles any legal issues in connection with these cases and then makes the final charging decision. If the witness ignores the subpoena, the witness could be found in contempt of court. If the witness lies under oath, the witness is subject to perjury

charges with a penalty equal to that of the crime being investigated. Once a case is charged, the attorney remains on the case throughout the court process.

This law is a powerful tool for law enforcement. It enables police to solve cases that otherwise would not be due to hostile or uncooperative witnesses. Before this law, police had no way to compel these types of witnesses to tell them what they knew about particular crimes. Since the law's enactment, the investigative subpoena attorney has obtained several convictions on homicide cases, which previously could not have even been charged.

In 2007, Investigative Subpoenas were authorized in several cases, including:

- A Hit and Run Fatal Accident on Portage Street in the City of Portage. One person was charged with Perjury at an Investigative Subpoena Proceeding and has pled guilty. Another person was charged with four different counts, including Leaving the Scene of an Accident Causing Death. He also pled guilty.
- The murder of William Berry, a juvenile. One person was charged with and found guilty of murder.
- The murder of Daniel McNeil, an attendant at an all-night Laundromat. The defendant was found guilty of that murder.



Scott Brower (Division Chief and Investigative Subpoena Lead Prosecutor)

In addition to the above, there were significant developments in two investigative cases from earlier years:

- Eight (8) people were charged with crimes stemming from the investigation of a 2006 arson case in which an occupant of the home died and another occupant was injured, including five for Felony Murder and Arson of a Dwelling, and three for Perjury. All eight either pled guilty or were found guilty at trial.
- Six (6) people were charged with crimes stemming from the investigation of the 2000 murders of Marinus and Sary Polderman, and their daughter, Anna Lewis, including five for Felony Murder and Home Invasion, and one for Perjury. Three pled guilty, one was found guilty at trial, and two defendants await trial.

Each of the cases described above involved the issuance of investigative subpoenas and an order compelling witnesses to produce documents or other evidence or to give a statement under oath.

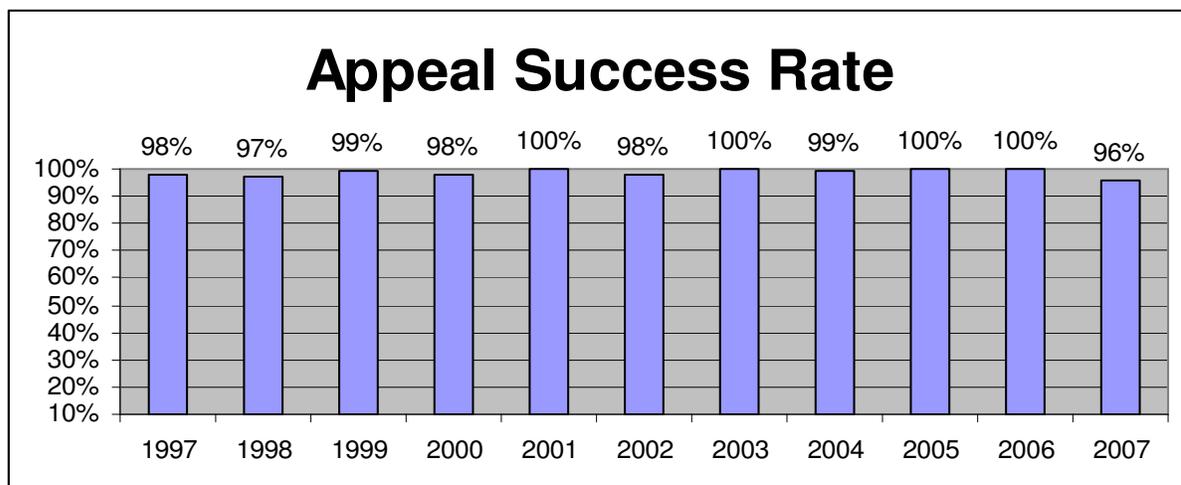
KUDOS

In June 2007, the Kalamazoo Department of Public Safety gave Assistant Prosecutor Scott Brower the “Chief’s Award for Excellence” for his handling of the Cameron Street homicide cases. Congratulations to Mr. Brower and all of the staff that worked so diligently to solve this case.

RESEARCH/APPELLATE ATTORNEYS

The Prosecuting Attorney has statutory obligations to represent the People of the State of Michigan in all statute criminal cases. Specialized attorneys handle the appellate function of the Prosecutor’s Office. Their primary responsibilities involve appeals from statute criminal cases and parental rights termination cases and legal research assignments.

The Prosecutor’s Office routinely responds to criminal defendants’ first appeals of their convictions. However, when first appeals are not successful, the defendants file more motions and appeals. The Office responds to those filings too. In 2007, defendants convicted in 1975, 1979, 1989, 1991 and 1993 of murder, rape, and other serious crimes asked the courts to review their trials, pleas, or sentences and release them from prison. Responding to such old cases is challenging because statutes, case law, and procedures change. The appellate attorneys research the changes and write responsive pleadings. In 2007, 96% of the criminal convictions and parental rights termination cases were affirmed. This success rate is important. It assures the public that the Office provides quality legal services and treats defendants fairly.



CHAPTER 5

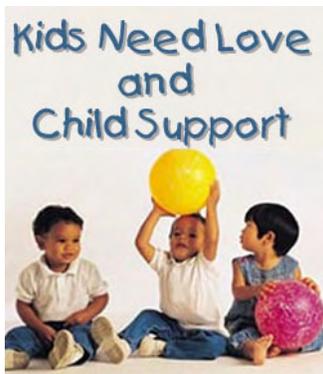
Family Court Division

The Family Court Services Division is actually comprised of two different units; the juvenile unit and the child support unit. Both units have a direct impact on the quality of life for Kalamazoo’s children and their families, but the work they do is very different.



Karen M. Hayter
(Division Chief)

CHILD SUPPORT UNIT



is truly a front line crime prevention program.

The Child Support Unit is funded by the federal government, through the State of Michigan, to provide the necessary legal services to establish child support for children living with only one parent. When the custodial parent is receiving financial assistance from the State, they must cooperate with the legal processes necessary to establish a legally enforceable obligation to pay child support. Since studies have found that there is a direct correlation between growing up in poverty and neglect, delinquency and adult criminal acts, the child support unit

In 2007, the Child Support Unit received 1,323 referrals from the Michigan Department of Human Services (DHS) for children and families who needed paternity or child support established. After screening the referrals for factual and legal viability, 922 legal proceedings were initiated under the Paternity Act, Family Support Act, and Uniform Interstate Family Support Act.

The court must consider a number of factors when establishing the amount of child support to be paid by the non-custodial parent. That information is researched and provided by the staff of the Child Support Unit. Although not all of the cases have been completed thus far, by the close of 2007, 770 orders



Dava Fraser (Child Support Legal Assistant) and **Tom Baarda** (Child Support Investigator)

for child support were obtained, equaling \$175,106 in monthly child support. If annualized, the orders equal \$2,101,275 in support.

The Friend of the Court Office has the primary responsibility for collecting and dispersing child support payments and enforcing child support orders. However, when the Friend of the Court exhausts all of the civil remedies that are reasonably available, the case is referred back to the Prosecutor's Office for criminal investigation and prosecution.



Darcy Garwood
(Child Support
Investigator)

Kalamazoo is very fortunate to have an investigator who spends her time aggressively seeking out the non-custodial parents who have failed to support their children and their hidden financial assets. During 2007, 59 criminal investigations for failure to pay child support were commenced. Of those 59 referrals, 46 investigations were submitted to the adult criminal unit for review and felony non-support complaints were filed with the court. The 59 cases under investigation involved nearly \$1,461,639 in unpaid child support. Of the 46 complaints issued, 32 defendants have already been arrested and the cases are

pending in Circuit Court.

KUDOS

In 2007, Assistant Prosecutor Jennifer Granzow's article "Domestic Violence: Prosecution, Victims and Family Law" was published in the Michigan Family Law Journal, 2007 Special Edition. The article addressed domestic violence issues in family law cases and ways to help a domestic violence victim by obtaining non-disclosure orders, ex parte orders for support, custody, parenting time, etc. Overall, the article provides a "how to" for working with domestic violence victims and special considerations, how to make a safety plan, where to refer them, how to address mediation mandates, and how to get the court to understand the manipulation power that abusive partners can wield when there is a family court case pending. Congratulations Jennifer!

JUVENILE UNIT

The attorneys and support staff of the Juvenile Unit work collectively to represent the People of the State of Michigan in delinquency proceedings and the Michigan Department of Human Services in child protective proceedings. They see first hand the connection between children living in poverty, delinquent behavior and

child abuse. Many of the same families served by the Child Support Unit are also involved with the court through the Juvenile Unit.

After a crime is committed and investigated by the police, if the suspect is under 17 years of age, police send a charging request along with their investigative reports to the Juvenile Unit. In 2007, the Juvenile Unit reviewed 2,364 criminal investigations for legal and factual sufficiency. Of those, 1,920 petitions were authorized and sent to Circuit Court's Intake Department for further action.



G. Scott Pierangeli, (Assistant Prosecutor) and **Andrea Nixon** (Legal Assistant)

Not all children need formal court intervention. Sometimes a forthright conversation with the parents and child, and possibly some community service or other informal sanction, is all that is needed to help the child make better choices in the future. However, in those situations where the child requires more intensive intervention, the Intake Department returns the case to the Juvenile Unit for formal prosecution. In 2007, the Juvenile Unit filed 919 petitions to initiate formal court intervention.

Before a case is scheduled for trial, a pre-trial conference is held to determine whether the case can be resolved. In 2007, 911 pre-trial conferences for delinquency cases were held. Cases that cannot be resolved go to trial. In 2007, 173 trials were scheduled and the Juvenile Unit Assistant Prosecutors attended an additional 24 hearings.



The Kalamazoo County Prosecutor provides legal assistance to the Michigan Department of Human Services (DHS) on abuse and neglect cases. In 2006, Kalamazoo County contracted with the State of Michigan to access funds from the federal government to assist the Prosecutor's Office with these types of cases. As a result, in 2007 the State reimbursed the County \$57,969 for time spent by the four Assistant Prosecutors working on abuse and neglect cases.

The goal of a child protective proceeding is usually to reunite children with their parents after the problems that brought the family to court have been resolved; unless, there is serious physical or sexual abuse. Before the court accepts a child as a temporary ward and implements a treatment plan, several hearings are held in each case. This past year, Assistant Prosecutors attended 259 pretrial conferences and 195 neglect trials. Once a court has decided the children should be temporary wards, many services are made available to the families through DHS. Periodically,

hearings are held to determine the progress of the family. In 2007, Assistant Prosecutors attended 369 additional hearings to address the needs of children.

When the barriers to reunification cannot be resolved, the Prosecutor's Office files a petition requesting termination of parental rights. While not the first choice in most cases, there are some situations that are simply too dangerous or otherwise unfit for children. Terminating parental rights provides these children with permanency and the opportunity to live in a supportive and loving home. When all else fails, this provides the best opportunity for these children to have a healthy future. During 2007, 36 termination petitions concerning 68 children were filed with the Court. It is our sincere hope that the children, whose parents' rights were terminated in 2007, will be able to recover from the neglect and abuse they suffered and thrive in their new homes.

VICTIM ADVOCACY – FAMILY COURT

A Victim Advocate is assigned to the Family Court Division to provide advocacy services to victims of crimes committed by juveniles. This Victim Advocate is funded by a Crime Victim Rights grant, which requires no County match.



Stella Chivikas (Victim Advocate) and **Dennis Phenev** (Assistant Prosecutor)

NOTE: The Victim Assistance Program is supported by the Crime Victim Assistance Grant (CVA #20080299-0), awarded to the Kalamazoo County Office of the Prosecuting Attorney by the Michigan Crime Victim Services Commission, Michigan Department of Community Health. The grant award of \$162,817 comes from the Federal Crime Victims Fund, established by the Victims of Crime Act of 1984. This grant provides funding for 2.5 Victim Advocate positions. The Office of the Prosecuting Attorney provides the required match (.5 FTE) with current staffing. No additional County funds are needed.

Critical victim advocacy services include escorting the victim to court, referrals for counseling and assistance with completing Crime Victim Compensation paperwork. In 2007, the Family Court Victim Advocate served victims of crime that were associated with approximately 894 new juvenile cases. Additionally, an estimated 8,940 case status letters were generated and mailed to the victims of these cases.

AWARD

Each year, OPA staff and other criminal justice agencies are given an opportunity to nominate an OPA staff member (Division Leaders and Management are excluded) for the "Robert L. Pangle Excellence in Public Service" Award. Robert Pangle was employed by the Prosecutor's Office for over 32 years, retiring as Chief Assistant in 2002. The RLP Award reads, in part, "This Excellence in Public Service Award is presented annually to a member of the Prosecutor's Office who

has demonstrated service to the public in the highest traditions as established by Robert L. Pangle." After reviewing all submissions, Management selects the awardee. In 2007, Chris M. Bourgeois received this award.

Chris has been an Assistant Prosecuting Attorney since 1993. During her time in this office, she has worked diligently in all of the various Divisions. When being nominated for this award, it was said of Chris, "I doubt that anyone in the OPA can surpass her enthusiasm for fighting for a particular cause or her dedication to the victims and their families."



Chris M. Bourgeois
(Assistant Prosecutor &
2007 RLP Excellence in
Public Service Awardee)

OUTREACH ACTIVITIES

The seven (7) Assistant Prosecutors assigned to the Family Court Division also participate in a number of outreach activities, whose purpose is to improve healthy living and reduce violence through education. Assistant Prosecutors are Board members of groups like the Child Abuse and Neglect Council (CAN), Intimate Partner Violence Community Advisory Board, Portage Public Library, and Michigan Family Support Council.

Staff have also taught classes for the Prosecuting Attorney's Association of Michigan, Western Michigan Family Law Section, local court's Legal Assistant training, Kalamazoo Valley Law Enforcement Academy, Davenport University, local elementary, middle and high schools, Western Michigan University's School of Sociology, and the Kalamazoo Youth Academy. Additionally, staff gave presentations to the Kalamazoo Regional Educational Services Association (KRESA) and the Court Appointed Special Advocate (CASA) 2007 Class. Staff also participated in special community projects like the Curfew Reduction Program, the Family Health Fair, and the Holiday Food Basket Project.

CHAPTER 6

Technology Initiatives

Technology plays a key role in the operation of a law office. From the computers we use to the actual software applications that operate many functions of our office, maintaining up-to-date office technology is crucial to our success. In 2007, this office continued to utilize technology as a method of enhancing and expediting our business processes. Most importantly, we explored how our office can become more reliant on technology and digital documentation, and less on paper.



Kristine Cunningham
(Administrator)

DOCUMENT MANAGEMENT SYSTEM PILOT PROJECT

Within the Kalamazoo County criminal justice system, each agency has independent electronic and/or paper case management systems, where information on individuals and events is maintained. As a result, documents are trapped in these independent case filing systems, also referred to as “paper files”, and access to critical information for key decision-making is often unavailable.



The current state of justice information sharing in Kalamazoo County is limited to the ineffective method of printing paper documents and hand carrying them to other agencies. In addition to the money wasted on paper, printing and personnel costs, there is no way to insure that information is in the hands of those who need it in a timely fashion. In addition, significant inefficiencies, delays and costs are incurred by the storage of duplicate data in various agencies' files as individuals and cases progress throughout the justice system. While timely information is crucial for solving cases during investigations of crime, in instances of violent crimes, timely information can mean life or death to the victims.

At present, a significant amount of each law enforcement agency's time is consumed with completing many lengthy forms and reports, time that is taken away from enforcement activities. For example, after an arrest, officers must stop to complete lengthy paper forms that have to be hand-delivered to appropriate locations, such as the jail and the police station. Additional copies must be made

available for the prosecutor as well as for the courts and defense counsel. This not only takes officers away from their patrol areas for potentially long periods of time, depending upon the complexity of the incident being reported, but also requires very significant staff support.

The number of criminal charging requests being submitted by law enforcement agencies to the Office of the Prosecuting Attorney (OPA) has been growing steadily over the past ten years. The number of adult cases submitted annually increased from 8,420 in 1995 to 10,557 in 2005. From 2003-2005 alone, the OPA had an increase of over 1,000 adult cases. Each case, on average, includes an eleven-page police report and an eight page criminal history. This leads to printing over 300,000 pages per year for processing an average charging request packet, which does not even include the high volume of documents produced after the warrant has been authorized. In addition, the Prosecutor's Office must spend almost \$7,000 per year in storage costs for their felony files to be stored off-site.



Similarly, the increase in the number of cases has had an impact on the storage needs and paper trail experienced by the Courts. While the District and Circuit Courts share a common case file on felony cases, their files contain many of the same documents stored by the OPA. Therefore, there is a great deal of paperwork duplicated between the various justice agencies and stored within each agency's file.

Today, the OPA requires all law enforcement agencies (LEA) to submit their charging requests via triplicate paper forms. In addition, they must attach two paper copies of the police report, as well as two copies of the criminal history, and all other supporting information to the OPA via paper. If the charging request is approved and an arrest warrant is issued by the court, the OPA maintains a copy of this information in their files. The OPA passes the second copy of the police report and related materials to the District Court for their file. If the case is a felony the District Court passes this second copy to the Circuit Court for distribution to the Defense Attorney. Defense Attorneys also travel to the Prosecutor's Office to copy original and supplemental police reports, billing this cost to the Courts. If the charging request is denied, all the paper copies are returned to the LEA.

In addition to the voluminous use of paper to submit a charging request, both the OPA and the Courts use and ultimately store separate paper files for all criminal cases. As a result, both sets of files maintain duplicate copies of charging documents, arraignment reports, pleadings, criminal case scheduling orders, etc.

This type of paper filing system causes many problems:

- Document searches are time-consuming, requiring hand searches through paper files.
- There are potential security issues related to multiple copies of sensitive information spread across many different paper files in different agencies.
- Only one person in each agency can view the contents of a case file at a time, creating work-flow and efficiency issues.
- The volume of paper used to track and monitor cases going through the justice system requires a great deal of storage space.
- Due to space constraints, these files must ultimately be stored off site, incurring storage expense and access issues.

Clearly, this type of paper filing system poses significant business challenges in the form of increased costs and lost productivity.

PILOT PROJECT GOALS AND OBJECTIVES

In 2006, this office received a COPS grant to fund a Document Management System (DMS) Pilot Project. This pilot project is the first step in testing the creation of a “paper on demand” system. It would increase the use of electronic media to create, maintain and store case information while decreasing the use and dependency on paper files. Relying more on technology, and less on paper, will allow our justice system to be both more efficient and effective, i.e. do more with less.



GOALS:

- Allow for the electronic receipt of documents, images, and associated information (criminal histories, etc.) from the LEA to the OPA.
- Enable the electronic storage of closed OPA felony case files.
- Convert portions of case files to electronic format to allow for the sharing and storage of information between OPA and Court staff.

The above-mentioned goals will be accomplished through the development of software applications and the acquisition of a server. The DMS application and server will prevent lost records, save storage space, manage records more easily, find documents quickly and make images centrally available. The objectives of the DMS project are as follows:

OBJECTIVES:

- Accept electronic documents when available.
- Scan paper documents into the system.
- Store all electronic case file information on a secure server, which provides long-term and reliable storage for documents.
- Index each case file, creating an organized document filing system.
- Develop a retrieval system which uses information about the documents, including index and text, to find documents, portions of documents and images stored in the system
- Secure digital case files by granting employees appropriate levels of access in the document management system.

PROJECT STATUS:



Kristine Cunningham,
(Administrator) &
Cathie Hybel
(Technical Assistant)

DIGITAL CASE FILE UPDATE: In 2007, 287 digital case files were created and shared with the District and Circuit Courts. In 2008, the Circuit Court will utilize the secure DMS server to share case documents with Defense Attorneys. In addition, a link will be created between our Adult Case Tracking system and the software that manages digital case files (active and archived). This link will enable users to search for digital case files from within the database and provide a direct link to the digital file (i.e., police report, etc.).

LAW ENFORCEMENT: In 2007, we received 404 electronic charging requests from the Township of Kalamazoo Police Department (TKPD), Western Michigan University Police Department (WMUPD), and the Portage Police Department (PPD). In addition, we made numerous changes to the project (i.e., streamlining processes, enhancing security, creating new applications, purchasing and installing software/hardware, etc.). In 2008, it is anticipated that the Kalamazoo County Sheriff's Department and the Kalamazoo Department of Public Safety will begin submitting their charging request documents electronically.

If you have any questions regarding this project, please feel free to contact Kristine D. Cunningham, Administrator and DMS Project Manager.

KALAMAZOO COUNTY

Office of the Prosecuting Attorney



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