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## ◆ LETTER TO THE CITIZENS OF INGHAM COUNTY

Dear Citizens:

It is my pleasure to present this, the ninth Annual Report of my tenure as Prosecutor. I consider it a report card on the work of our office and our staff.

In every year, there are approximately 12,000 criminal complaints that cross our desk. While most of these do not result in high-profile trials, all of these are important to the victims, the police and the staff of our office. In addition to processing and prosecuting criminal complaints, the Prosecutor's Office performs a number of other functions: Establishing paternity and support in cases of unwed motherhood, representing the people in criminal appeals, notifying crime victims of the status of their cases, coordinating community services for non-violent, first-time offenders, chairing the county's Concealed Weapons Licensing Board, and providing law enforcement representation to a number of local boards and commissions.

Jail overcrowding is one of the most persistent challenges faced by our local courts. Despite the previously noted figure of 12,000 criminal cases a year, we have only 472 jail bed spaces reserved for offenders prosecuted in local courts. The Prosecutor's Office is a member of the Jail Utilization Coordinating Council (JUCC), an advisory body which establishes policies in the frequent event of jail overcrowding emergencies. In such cases, the first offenders released from jail are "Category One Offenders" - those convicted of local ordinance violations, who are already days away from completing their sentences.

If an overcrowding emergency still exists after these "Category One" offenders are released, then additional releases need to be made. The lists of eligible offenders are distributed to those on the JUCC task force, and if time permits, the Prosecutor's Office provides input on the releases, with an eye to protecting the safety of the victim(s) and the public.

While an effective criminal justice system will use incarceration as a last resort, we believe that crime victims, and society at large, benefit from a system where criminal sanctions imposed are served.

The Prosecutor's Office continues to work on Sobriety Courts in the 54-A and 55<sup>th</sup> District Courts. In the 55<sup>th</sup> District (All of Ingham County, except the cities of Lansing and East Lansing), our Sobriety Court established in 2004 has continued and evolved, with Judges Rose Aquilina and Thomas Boyd joining the bench in 2005. In the 54-A District Court, we are establishing a new sobriety court, similar to the model used in the 55<sup>th</sup> District.

The principle behind Sobriety Court is that multiple contacts with the same judge, over a longer period of time, will be a more effective supervision tool than a single court date. The judges in these cases monitor the care of the offender, as the goal of recovery through substance abuse treatment is pursued.

The prosecution and prevention of domestic violence is one of our top priorities. Each year, approximately 1,800 domestic assault complaints are filed with our office, making this by far the most prevalent violent crime in our community. In 2005, our office moved forward with two initiatives to address this problem.

The Domestic Violence Court, under Judge Amy Krause of the 54-A District Court, has been a proven success in domestic violence cases in Lansing. The concept is similar to that of the Sobriety Court, in that an offender has more frequent contact with, and supervision by, a judge.

The Domestic Assault Response Team (DART) was a proven domestic violence program, which operated from 2001 to 2004. It was a federally-funded project that paid for an assistant prosecutor, a probation officer, a police officer, and two victim advocates dedicated solely to family violence cases, and utilizing a team approach to prosecution of such matters. While the DART program ended in December 2004, our office applied for and received funding to re-start the program this past October. The new DART program funds an assistant prosecutor, a victim advocate and a probation officer, who work closely with the Lansing Police Department domestic violence detectives.

The prosecution of career criminals who use gun violence to ply their trade is among our greatest concerns. While the funding for the U.S. Justice Department "Project Safe Neighborhoods" gun violence prosecutor expired in 2004, we have continued prosecutions under this program, at no additional expense to county taxpayers. Under this program, violent criminals can be prosecuted in the federal system, with its enhanced penalties.

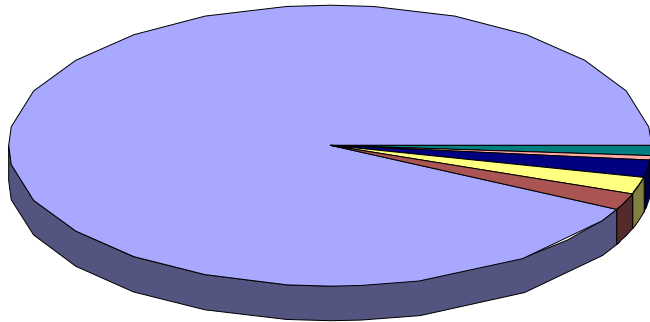
Under our system of county government, I report to you, the citizens of Ingham County. If you have a question or a comment about our work, please contact me at (517) 483-6272.

Sincerely,

Stuart J. Dunnings III  
Ingham County Prosecuting Attorney

**BUDGET**  
**2005 BUDGET**

	BUDGET	ACTUAL
Personnel	4,972,419	4,606,100
Supplies	132,946	93,406
Professional Services	152,900	80,079
Transportation	97,765	100,474
Other		22,158
	43,051	
Capital Outlay	34,893	44,923



TOTAL	5,433,976	4,947,140
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◆ DISTRICT COURT UNIT

- Carol Bucher, Unit Chief
- Catherine Emerson, Unit Chief
- Susan Hoffman Adams, APA
- Kollette Bordeaux, APA
- Deborah Bouck
- Tracy Horvath
- Steve Kwasnik
- Angela Piccici-Lloyd
- Kelli Swan
- Marie Wolfe

Ingham County adult misdemeanor and felony cases begin in 54-A, 54-B, and 55<sup>th</sup> District Courts. The District Court (Unit) covers everything from civil traffic tickets to First Degree Murder cases. One Assistant Prosecuting Attorney (APA) is assigned to each district court judge.

During 2005 eight attorneys were available to prosecute cases before the nine district court judges in Ingham County. We experienced a staff shortage during 2005. Throughout the year we operated without two to four of the district court attorneys.

The Unit prosecutes misdemeanor cases from arraignment to conclusion. The APA must appear in court for pretrials, plea hearings, motions, competency hearings, bench trials and jury trials. APA's draft motions, answers, briefs, and perform legal research. The APA must contact victims pursuant to the Crime Victims Rights Act, interview victims, interview witnesses, read reports, request further investigation, and prepare cases for court litigation.

Every felony issued begins in District Court. APA's handle felony motions or hearings held in District Court. APA's handle felony motions or hearings held in District Court. APA's review felony files, present cases to committee for review, negotiate plea offers, represent the People at district court plea hearings, conduct preliminary examinations, write plea offers, and conduct the preliminary waiver hearing. The majority of plea agreements in felony cases are negotiated by this unit.

**NEW IN 2005**

- *LOWER BAC FOR OWI OFFENSES*

Drunk driving legislation lowered the blood alcohol level for a person presumed to be intoxicated from .10 % to a .08 %. The lower rate has resulted in an

increase in warrant requests and prosecutions, thus increasing the case load per attorney.

– **FELONY PLEA PROJECT**

The Felony Plea Project was implemented in district court. The Felony Plea Project allows a district court judge to take a plea of guilty on a felony charge. A defendant may now enter his/her felony plea in district court. This new process allows the circuit court to avoid scheduling the defendant for an arraignment, pretrial or trial. This process eases the congestion of the circuit court docket by moving the case directly to sentencing, the final resolution. Defendants who use this process will never be placed on the circuit court trial docket. The county will save costs in juror and witness fees. Serving fewer subpoenas means fewer citizens will need to take time off from work give testimony.

This process adds to the case load in district court, but it is clearly the best allocation of resources.

– **SOBRIETY COURT**

It is recognized that a person addicted to alcohol can be a law-abiding citizen if they can obtain abstinence. Abstinence stops recidivism. The question then becomes how do we help offenders achieve abstinence. Sobriety court is an attempt to help offenders achieve abstinence while protecting society from the dangers of drunk drivers. Sobriety court is aimed at swift, predictable, intense monitoring of a defendant for a lengthy period of time to assure the defendant is not a danger to the public and to assist in the recovery of the addict. It is a four phase process which decreases monitoring as the offender demonstrates abstinence.

The Sobriety Court program is in response to the serious community problem of drunk driving. The program uses a multifaceted approach. The cooperative efforts of the Courts, Probation Departments, substance abuse treatment providers and the Ingham County Prosecutor's Office provide a team effort to address substance abuse issues. Many criminal acts are committed while defendants are under the influence. Non-violent offenders who have been convicted of repeat drinking and driving offenses may be eligible for the program. Grant funding finances the Sobriety Court programs in Ingham County.

**54-A District Court - (Lansing)** A grant-based trial sobriety court program has begun. A multi-disciplinary task force including; a prosecutor, a judge, a probation agent, a therapist, a statistician and a defense attorney have attended training to prepare for the new program. The initial program will accept persons who have been

charged with Driving While Intoxicated Third Offense and do not have any other drinking offenses.

**55<sup>th</sup> District Court (Mason)** - Sobriety court was established in Mason in 2003. Initially the program only accepted misdemeanor alcohol offenses. The program has been so successful the team has decided to add Operating While Intoxicated Third offenses to the list of eligible offenses.

– **DOMESTIC VIOLENCE GRANT**

The Domestic Assault Response Team (DART) grant ended in December 2004. The Ingham County Prosecutors Office continued efforts to help victims of domestic violence by aggressively prosecuting assaultive defendants. The special prosecutor position funded by the DART grant money ended with the grant. Extraordinary efforts were made by the Ingham County Prosecutors office to continue the work that started under the DART grant. A new DART grant was awarded to Ingham County in July 2005.

Defendants who repeatedly assault their partner pose a grave danger to the community. To address this problem we have formed a Domestic Violence Unit paid for through the grant. This unit is composed of one APA, one probation agent, and one victim advocate. As specialists in the area of domestic violence, this team will focus on prosecution of repeat offenders as determined by DART (Domestic Assault Response Team). DART continues to work towards ending domestic violence in Ingham County

– **EXTERNSHIP PROGRAM**

The Prosecutor provides an opportunity for second and third year law students to obtain courtroom experience. Students are assigned to train in district court. Students are hired, scheduled and supervised by the District Court Unit Chief, Catherine Emerson. Applications for externships should be made through the students law school, usually Michigan State University or Thomas M. Cooley Law School.

Office days provide Unit APA's the opportunity to write notes in files and move files out of their possession. The APA reviews cases dropped off by the police departments and determines whether there is probable cause for a Complaint and Warrant to be issued. This duty is called screening and is the gateway for cases entering the prosecution process. Unit APA's cover the majority of screening as the assigned screening attorney. APA's handle telephone calls and answer questions from the citizens as well as law enforcement officers. Communications by APA's assigned to this Unit are paramount to successful criminal prosecution and public relations.

In 2006 we will continue our commitment to these programs and to the citizens of Ingham County. It is a privilege to serve you.

◆ **CIRCUIT COURT UNIT**

- Michael Ferency, Unit Chief
- Gary Adamo, Assistant Prosecutor
- John Dewane, Assistant Prosecutor
- John Murray, Assistant Prosecutor
- William Crino, Assistant Prosecutor
- James Nicholas Bostic, Assistant Prosecutor

◆ **VERTICAL PROSECUTION / MAJOR CRIMES**

◆ **CHILD SEXUAL AND PHYSICAL ABUSE UNIT**

- Lisa McCormick, Unit Chief
- William Crino, Unit Chief

Our goal for this unit is to ensure that a child and his or her family has all the information about the criminal process at their disposal and that a child deals with one attorney throughout the entire criminal process so that a child is not continually interviewed over time by different people. This unit continues to follow the Michigan Protocol for Investigating criminal cases in an effort to obtain a statement from a child, in a developmentally-sensitive, unbiased and truth seeking manner, that will support accurate and fair decision-making in the criminal justice and child welfare systems.<sup>1</sup>

In an effort to follow the Michigan Protocol, it was necessary to have a unit that specialized in the prosecution of violence against children. Stuart Dunnings III, Ingham County Prosecutor knew when he took office that there should be a place to interview a child that should be centered around a child. With the hard work and dedication of Catherine Emerson<sup>2</sup>, a dream was realized on December 22, 2005 with the Opening of Angel House. Angel House is a Child Advocacy Center and Shelter where children can come to a place where a child can be interviewed in a friendly environment. When a child is abused and this abuse is reported, there are countless interviews with law enforcement, case workers, prosecutors, doctors and many more. With the opening of Angel House, we will be able to utilize the Multi-Disciplinary approach allowing the child to be interviewed by a trained forensic interviewer while other necessary personnel are able to view the interview without being present in the room with the child making the process easier for the child.

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<sup>1</sup> Forensic Interviewing Protocol , pg 1.

<sup>2</sup>Catherine Emerson is an Assistant Prosecuting Attorney currently assigned to District Court as Unit Chief. Catherine has prosecuted countless cases of violence against children and knew that Ingham County had to have a child advocacy center. When Stuart Dunnings III took office she was instrumental in making sure the dream of Angel House was realized.

**Child Criminal Sexual Assault and Child Abuse Statistics**  
**from July 2005 to December 2005**

Child Abuse Cases

- There were 25 requests from police agencies for criminal prosecution:
- 21 of the cases were issued. Of those 14 cases resulted in convictions and 7 of the cases are still pending awaiting trial
- 4 of the cases were denied for various reasons

**Criminal Sexual Assault Cases involving children under the age of 12**

16 cases involved children under the age of 12 and were handled vertically by one prosecutor

- 3 of the cases resulted in conviction
- 9 of the cases are pending for trial
- 4 of the cases involve a defendant who is being evaluated at the forensic center
- All other cases involving children over the age of 12 are assigned to our trial division for prosecution.

Below is a picture of Angel House, our new Child Advocacy Center in Ingham County.



## ◆ COMMUNITY GUN VIOLENCE PROSECUTION

- Raymond A. Purdy, Assistant Prosecuting Attorney

The Ingham County Prosecutor's Office was awarded a Community Gun Violence Prosecution grant from the United States Department of Justice through the Project Safe Neighborhood initiative. The grant period is January 1<sup>st</sup>, 2005 through December 31, 2005. This award allowed Prosecutor Dunnings to continue a position for the prosecution of gun violence. The grant funded an entry level assistant prosecutor and allowed for the placement of an experienced trial attorney in the Community Gun Violence prosecutor position. The goal of the program is to prioritize gun violence crimes and prosecute those offenders in a manner that would maximize the sentencing potential of the most dangerous criminals within our community by using both state and federal courts.

Assistant Prosecutor Raymond Purdy has been assigned as the full time Community Gun Violence Prosecutor as well as the Project Director overseeing the grant and affiliated Project Safe Neighborhood activities. As an experienced prosecutor with 17 years of service as a trial lawyer, he oversees the review and referral process for warrant authorization and Federal prosecution referral. He also administers the grant and attends investigative activities with both local and federal law enforcement agencies. At the direction of the Elected Prosecutor he attends and reports on all regional Project Safe Neighborhood task force meetings and functions as well.

Only those cases that meet the program criteria are accepted for referral for federal prosecution. The Gun Violence Prosecutor has established a strong working relationship with the US Attorney for the Western District of Michigan. Weekly communication with the Criminal Division staff of the US Attorney's office has allowed for enhanced followup investigation and prosecution of referred Ingham County cases. The Federal Alcohol Tobacco and Firearms Office located in Grand Rapids MI assigned two agents in Ingham County to better facilitate federal investigation with Ingham County law enforcement agencies and our Gun Violence Prosecution effort. These agents represent a full time ATF presence in Ingham County and provide the federal investigative effort for gun violence cases referred for federal prosecution

The creation of a dedicated gun violence prosecutor has allowed for a more uniform treatment in plea negotiations and dispositions of gun cases allowing us to intensify the consequences to gun violence criminals. One prosecutor is now assigned to review all firearm related charges issued by our office for screening and referral of those cases that meet federal prosecution guidelines to the US Attorney's Office for federal prosecution. With the institution of this screening and referral process federal

prosecutions have occurred for the first time on referrals from the Ingham County Prosecutors Office for gun violence crimes. Our partnership with the US Attorney's office is resulting in substantial increases in sentencing consequence. This translates, in our view, to a safer community by taking violent offenders out of our community.

### **January 1 through June 30, 2005**

During the first six months of the grant **87 new** gun cases were initiated involving a total of **270 separate criminal charges**. Each of these files was reviewed by Assistant Prosecutor Purdy and scrutinized for Project Safe Neighborhood referral to the US Attorneys office. Of these new files **23 files** were referred and accepted to the US Attorneys office for prosecution under federal gun laws. Of the 60 counties in the Western District of Michigan, Ingham county ranked second in federal case initiation and prosecution.

### **July 1 through December 21, 2005**

Currently this reporting period **59 new** gun cases were initiated involving a total of **174 separate criminal charges**. Each of these files was reviewed by Assistant Prosecutor Purdy and scrutinized for Project Safe Neighborhood referral to the US Attorneys office. Of these new files **15 files** were referred and accepted to the US Attorneys office for prosecution under federal gun laws. Of the 60 counties in the Western District of Michigan, Ingham county ranked second in federal case initiation and prosecution.

A significant byproduct of the PSN initiative has been the identification of a major drug conspiracy. Currently, **17** federal drug indictments have been obtained by the local ATF Lansing Police Department PSN task force. Another **14** indictments are expected in the first quarter of year 2006. Accordingly, a total of **32** federal indictments will be generated as a direct result of the PSN initiative in Ingham County.

In addition to reviewing every felony gun case and making referral decisions, the Community Gun Violence Prosecutor also appears in court on those cases that are not referred for federal prosecution and which constitute major felony cases.

By implementing and maintaining the program, the partnership between Federal and Ingham County significantly increased the number and severity of prosecutions of our communities most dangerous criminal. The threat of federal referral for prosecution under this program induced the vast majority of these offenders to plead guilty to their state charges without significant plea reductions which is one of the primary objectives of the elected prosecutors efforts at ridding the community of gun violence. These dispositions result in higher sentencing as they are pleading guilty to the crimes

charged which carry stiffer penalties than reduced plea dispositions. Accordingly we are ridding the community of those individuals that carry guns for violent purpose.

## ◆ APPEALS UNIT

- Susan LeDuc, Unit Chief / Deputy Chief Assistant
- Joseph Finnerty, Assistant Prosecuting Attorney
- Lisa R. Davis, Appellate Secretary /Para-legal

This unit is staffed by two assistant prosecuting attorneys and a clerical legal assistant. Susan LeDuc is the Unit Chief with Joseph Finnerty assigned as APA to the unit. Lisa Davis is the unit's legal assistant. A recent decision by the United States Supreme Court mandates that all criminal defendants have a right to court appointed counsel if they are indigent in their first appeal. The case came from Michigan and looked at the state's decision to give criminal defendants who plead guilty an appeal by application only; most state trial judges declined to give those defendants court-appointed counsel for the appeal. The United States Supreme Court held that counsel must be appointed even in cases where the defendant plead guilty. The decision will result in more appeals from guilty plea cases being filed, requiring our response.

**The work of the Appellate Division** - the bulk of the work of the division consists in responding to appeals of right from criminal convictions including delinquency cases and from the termination of parental rights in neglect/abuse cases. In these two instances an aggrieved criminal defendant and/or parent whose rights have been terminated are entitled to court-appointed appellate counsel and transcripts of all proceedings as public expense. Most avail themselves of this right, whether or not there are any issues of merit. The Division responds to such appeals in circuit court (misdemeanor convictions) and in the Court of Appeals (felony convictions and parental rights termination cases). We also respond to applications for leave to appeal before the Michigan Supreme Court in both these types of cases.

In addition, we respond to applications for leave to appeal in plea-based criminal cases in the Court of Appeals, the occasional appeal from an involuntary commitment mental health proceeding, and to re-sentencing issues. Under Michigan Court Rule (MCR) 6.500, a criminal defendant also has one chance (actually a second chance) to raise further issues before a circuit court judge even if he/she has lost an appeal previously. We respond to these motions filed in the general trial division of circuit court when requested to by the trial judge. On occasion, issues are raised by defendants who have been imprisoned for years.

The division files appeals on behalf of the Ingham County Prosecuting Attorney when a trial judge makes a decision adverse to the prosecution. This past year we filed several appeals from decisions by a trial court.

Filing a response brief either in the Court of Appeals or circuit court usually requires appearing in the appropriate court for argument on the case. This past year there were no cases from this county accepted by the Michigan Supreme Court. In addition, both attorneys appear in circuit court on post-conviction motions and hearings.

We conduct legal research for all the attorneys in the office and provide training and to APAs and law enforcement agencies, court staff and other groups. We track new cases, new statutes, court rules and administrative rules to keep the attorneys in the office abreast of legal developments. We also participate in the Prosecuting Attorneys of Michigan Appellate Forum. We have cooperated with the Thomas M. Cooley Law School Innocence Project, The legislation allowing the project to go forward was renewed this year. Students are reviewing cases of felons serving lengthy sentences looking for any cases where new DNA evidence could shed light on a wrongly convicted person. Cooperating with the project has meant retrieving files, looking at evidence and contacting the Michigan State Police Lab about issues regarding scientific evidence. To date there have been no motions for a new trial filed on the basis of DNA or other scientific evidence in Ingham County. Susan LeDuc serves on the Innocence Project Committee for Mr. Dunnings.

Our legal assistant helps in preparing all pleadings filed by unit, tracking appeals and deadlines for briefs as well as assisting both APAs with research and cite checking. She also drafts correspondence and pleadings. She will be helping with the new guilty plea cases.

The division took on the responsibility of filing briefs in appeals from the termination of parental rights. Because those cases are "custody" cases and adoptions cannot be finalized until the appeal has been decided, they are set with strict time deadlines. [21 days] The number of parental termination of rights appeals has increased as the number of child neglect/abuse cases has increased. This past year we have achieved our goal of filing an answer in every one of these cases. We have also worked hard to file timely answers in the Court of Appeals.

These statistics give an overview of the work of this division.

**APPELLATE STATS FOR 2005**

	2005	2004
Total New Files Opened	131	109
Total Hearings & Arguments	26	21
Total Briefs Filed	31	29

Total Motions & Answers	38	33
Total Appeals Decided	79	84
Percent of Appeals Won	99%	98%

## FAMILY COURT / JUVENILE UNIT

- James Pettibone, Unit Chief
- Eric Matteo, Assistant Prosecuting Attorney
- Jeffrey Cruz, Assistant Prosecuting Attorney
- Ayanna Jones, Assistant Prosecuting Attorney
- Lynda Williams, Secretary
- Pam Henry, Clerk/Prosecuting Attorney (part-time)

Assistant prosecuting attorneys (APAs) in the Family Court/Juvenile Division of the Ingham County Prosecutor's Office are responsible for handling the following types of cases:

1. Child protective proceedings (neglect and abuse), including hearings on petitions requesting court jurisdiction of children and hearings on petitions requesting termination of parental rights.
2. Juvenile delinquency proceedings, including authorizing delinquency petitions, bench or jury trials on petitions requesting court jurisdiction of youthful offenders, disposition hearings and hearings seeking to treat a juvenile as an adult.
3. Contempt of court hearings in personal protection order (PPO) cases.
4. Mental health involuntary commitment proceedings both here at St. Lawrence Hospital and on a rotating schedule with other counties at the Kalamazoo Regional Psychiatric Facility.

There are currently three APAs, two law school interns and a Unit Chief assigned to the Family Court Unit. Each week, they are responsible for handling cases in front of five judges and two referees in seven different courtrooms. Family Court APAs handle and/or oversee child protective and juvenile delinquency hearings in front of Judges Economy, Garcia, Baird and Lawless; PPO hearings in front of Judges Ball or Jordon; mental health hearings in front of Judges Economy or Garcia; truancy hearings in front of Judges Garcia, Giddings, Baird and Lawless and juvenile delinquency hearings in front of Family Court attorney-referees. Judge Draganchuk is assigned some Family Court cases and those are handled by her docket APA.

## **CHILD NEGLECT AND ABUSE CASES**

The majority of the cases handled by the Family Court Unit involve cases in this area. They remain a top priority for the unit and the court. APAs usually become involved in a child protective proceeding at the time of pretrial after a petition has been filed requesting court jurisdiction. The case is set for a bench or jury trial if it is not resolved at pretrial. Once the court has jurisdiction over the children, orders are entered in an effort to reunify the family. In cases involving serious physical or sexual abuse, termination of parental rights is requested immediately. Otherwise, cases are reviewed every 3 months if the children are out of the home and every 6 months if the children are in the home. Great effort is made to protect the children and place them in the most family like setting. This may include ordering the offending parent or "significant other" out of the home while the children remain with the other parent or placing the children in foster care if they cannot live safely at home. If the children are out of the home and reunification does not occur within a reasonable time, the court may hold a hearing to determine whether or not to terminate parental rights. APAs and the courts adhere to the required time deadlines in neglect cases to insure that children receive permanency in their lives as soon as possible.

Statistics do not accurately reflect the work done in the unit as the complexity of each case is different. Trials may last an hour in cases where the parent has abandoned the children and the evidence is straightforward or they may last days with medical and /or mental health experts offering opinions on the source and nature of a child's physical or emotional injuries. During the course of a child protective case the APA may also handle preliminary hearings, show cause contempt of court hearings, emergency removal hearings, review hearings and permanency planning hearings. In 2005, there were approximately 439 abuse and neglect petitions filed with the Ingham County Family Court.

## **JUVENILE DELINQUENCY CASES**

Juveniles under the age of 17 may be petitioned before the court for criminal behavior or as a status offender. Unit and staff continue in our efforts to attack problems of delinquency and at risk youth in innovative ways while at the same time we remain committed to holding juveniles accountable for the crimes they have committed. The City of Lansing Teen Court and the grant-funded "Juvenile Intervention Program" are excellent opportunities for juveniles to be held accountable for their actions and at the same time avoid formal court involvement. APAs get involved in delinquency cases at the beginning by reviewing in-custody petitions. All non-status offender delinquency petitions are reviewed by the Prosecutor's Office. If the case goes formal, APAs handle the pretrial, bench or jury trial, dispositions and reviews. Staff is working with juvenile court staff to better address the issue of restitution in juvenile cases and make the system easier to deal with for the victim.

Truancy has long been an issue for parents as well as an indicator of "at-risk" behaviors for teens. This year was the fifth year of Truancy Court, an intensive, fast track effort to get at truancy early in the school year. The program concentrates on middle school offenders as well as ninth graders. Once a juvenile is identified as having a truancy problem, the juvenile and parents are given an opportunity to meet with school officials and improve attendance prior to a truancy charge being authorized. Once formal charges are issued, they are on a fast track. Court is held every Thursday and the juvenile and parents must attend their court hearing and return in 4 weeks. The object of the program is simple: "be on time, every time, to class."

For the most serious juvenile offenders and in appropriate cases, APAs can request that the court treat the offender as an adult and in certain cases APAs can designate that the case be tried in the same manner as an adult. If adult status is granted, the juvenile offender can receive an adult sentence that can include jail or prison.

In 2005, the Prosecutor's Office Family Court Unit received approximately 1,135 delinquency petition requests from law enforcement agencies and schools in Ingham County. Of those requests, approximately 292 were for felonies and 842 were for misdemeanors. The Family Court Unit reviewed each petition and requested court jurisdiction on approximately 581 petitions including 193 felonies and 388 misdemeanors. The Family Court Unit referred approximately 185 cases to Teen Court. The five most frequently requested felonies were felonious assault (38), home invasion (29), larceny in a building (26), breaking and entering a building (26), and criminal sexual conduct II (12). Regarding assaultive crimes, the following were requested: assault and/or assault and battery (193), domestic assault and battery (123), aggravated assault (11), felonious assault (38), assault with intent to do great bodily harm (1), assault with intent to murder (2), unarmed robbery(10), armed robbery (2), criminal sexual conduct I (2), criminal sexual conduct II (12), criminal sexual conduct III (3), and felony murder (2). The felony murders were separate incidents and were the first murders in several years involving juveniles. Both cases were handled as "automatic waivers" and sent directly to District and then Circuit Court.

## **PERSONAL PROTECTION ORDER VIOLATIONS**

Although these are civil orders, the PPO petitioner has the option of having the prosecutor or private counsel present evidence at the violation hearing. The Family Court Unit is doing the majority of the PPO violation hearings in Ingham County. PPO violation hearings, as well as all other PPO related hearings, are usually held every week on Friday. Each Friday, there are anywhere from one to five or more PPO violation hearings scheduled. We are responsible for seeing that witnesses are subpoenaed and for presenting the evidence at the hearings. APAs work closely with

the court staff and the PPO office to insure that matters are properly handled. APAs work with our domestic violence unit to coordinate criminal charges, bond violation hearings and PPO violation hearings to avoid any double jeopardy problems. The division and office work hard to support victims of domestic violence and to hold batterers accountable.

### **MENTAL HEALTH COMMITMENT HEARINGS**

Attorneys in the Family Court Unit handled the majority of involuntary commitment hearings done in this county as well as a number of assigned days at Kalamazoo Regional Psychiatric Hospital throughout the year. APAs also do follow-up to criminal cases that have resulted in not-guilty by reason of insanity. This includes presenting evidence at the commitment hearing for mental health treatment under the Mental Health Code.

### **TRAINING, COMMITTEE AND LIAISON WORK**

Attorneys and victim witness staff continue to serve on numerous committees in the community such as the Child Death Review Team, the Youth Violence Prevention Coalition, the Truancy and Teen Court committees, Angel House and the STOP Grant Committee. APAs were also involved in training and cross training efforts throughout the year with CASA volunteers, East Lansing Listening Ear, local law enforcement, DHS staff, PAAM as well as classes and conferences at both law schools.

## FAMILY SUPPORT UNIT

- Guy Sweet, Unit Chief
- Laurie Oberle, Assistant Prosecuting Attorney
- Heather Adamo, Assistant Prosecuting Attorney (part-time)
- Karen Beechler, Family Support Caseworker
- Marilee Eagan, Family Support Caseworker
- Lisa Watts, Family Support Caseworker
- Ronald Auble, Investigator
- Nate Thomas, Investigator
- Mary Lou Dobias, Support Clerk/Systems Administrator
- Angela Maddelein, Support Clerk (shared-time)
- Margo Kortez, Support Clerk (shared-time)
- Cathy Simon, Support Clerk
- Kimberly Chapman (part-time)

### INTRODUCTION

The Family Support Unit (FSU) consists of a Civil Section and a Criminal Section. The Civil Section has ten full-time equivalent positions - two Attorneys (including the Unit Chief), three Support Investigators, three Support Clerks, and two Process Servers. The Criminal Section is staffed by a part-time attorney and a part-time Clerk. All FSU positions are funded by a federal Title IV-D grant administered by the Michigan Department of Human Services Office of Child Support (DHS-OCS).

### CIVIL SECTION

The Civil Section's three primary duties are to establish paternity, establish child support, and obtain reimbursement for financial and medical assistance that the DHS has provided to children. The ultimate objective is to enable children and their custodians to receive regular child support payments from the non-custodial parent, and thereby reduce or eliminate their reliance on public assistance.

The OCS refers cases to the FSU. The Support Investigators review each referral to ensure that it satisfies the federal criteria, and was sent to the proper county. In paternity cases, a Support Investigator or Attorney interviews the mother. A civil complaint is then generated and filed with the Circuit Court. The Process Servers are responsible for serving a copy of the complaint to the non-custodial parent. Genetic testing is offered in all paternity cases. An Attorney or Support Investigator conducts a settlement conference in all paternity and support cases. If the case cannot be resolved, it proceeds to a court hearing. The FSU's goal is to resolve each case within 90 days after the OCS referral is received.

The following table lists the number of paternity and support orders obtained during the last five years:

Year	Paternity*	Support	Interstate (Initiating)	Interstate (Responding)	Total
2001	215	1,116	62	48	1,441
2002	252	932	31	35	1,250
2003	233	320	4	22	579
2004	289	419	12	16	736
2005	294	473	21	19	807

\* Paternity orders usually include child support and/or state reimbursement provisions.

Five percent of the orders were entered in Uniform Interstate Family Support Act (UIFSA) cases. This statute enables Michigan prosecutors to initiate paternity and support cases in other states where a non-custodial parent lives, and to prosecute these cases in Michigan if the non-custodial parent lives here and his or her children live in another state.

The FSU Civil Section also handles cases in which the Ingham County Friend of the Court (FOC) seeks to enforce foreign child support orders. This occurs when the non-custodial parent lives here and has failed to make regular child support payments to the court that issued the order. During 2005, the FSU successfully registered five foreign support orders for enforcement. This number is consistent with past years.

Productivity exceeded the 2004 levels by nine percent. This suggests that the Michigan Child Enforcement System (MiCSES) - a statewide computer network that links the DHS, prosecutors and FOCs - is beginning to process cases faster and better. But productivity is still below the levels achieved before MiCSES was implemented. Additional system enhancements are scheduled to occur during 2006.

One appeal was filed during December 2005. The issue is whether a judge may set a non-custodial parent's child support obligation at zero even though the individual can earn a modest income. This office takes the position that **all** parents should support their children, even if they are SSI recipients or poverty-level wage earners.

The Civil Section underwent a major staffing change during 2005. Monica Hall, Suzan Haney and Jackie Millard retired. With their departures, the Family Support Unit lost over 60 years of child support experience. Their contributions have been sorely missed. They were replaced by Catherine Simon, Lisa Watts, and Karen Beechler. Two of these individuals handled child support cases in other counties.

## CRIMINAL SECTION

Since 2001, the FSU has filed criminal charges against individuals who have failed to pay court-ordered child support but have the ability to do so. The Ingham County FOC refers cases to the Prosecutor if the arrearage exceeds \$10,000. After the case is reviewed, the Prosecutor sends a notice to the defendant and offers him or her an opportunity to avoid prosecution by making regular child support payments. If the case is not resolved, a warrant is issued and the case proceeds through the criminal courts. Efforts are made to collect past-due child support during the plea negotiation and sentencing phases.

The following graph indicates how collection activity has steadily increased during the past five years:

Year	Pre-Prosecution	During Prosecution	Post-Conviction	Total
2001	\$3,747.12	\$47,816.03	\$56,501.96	\$108,065.11
2002	\$56,480.79	\$58,702.86	\$77,802.92	\$192,986.57
2003	\$140,985.00	\$56,816.74	\$88,946.47	\$286,748.21
2004	\$168,803.25	\$45,911.87	\$207,482.92	\$422,198.04
2005	\$394,403.66	\$12,844.99	\$166,737.13	\$574,025.28

During 2005, almost \$395,000 was collected before criminal charges were issued . This constitutes 69 percent of the total collection amount, and is a 134 percent increase over the amount collected during the pre-prosecution phase during 2004. This increase occurred because the FOC aggressively pursued an amnesty program that offered obligors an opportunity to pay off their arrearage and avoid criminal prosecution. The FOC sent out 238 amnesty offers last year.

## DIVERSION PROGRAM

- Judith Spencer,  
Director
- Marysue Lester,  
Diversion Caseworker
- Jason Bartley,  
Diversion Caseworker
- Dawn Hawes,  
Diversion Caseworker
- Rose Olivett, Diversion Secretary (shared-time)
- Barbara Smith, Diversion Secretary (shared-time)

The Diversion Program has served the community since 1975 as deferred prosecution program for first-time, non-violent offenders. Diversion provides a pre-trial probationary program that channels first time offenders into programs such as community service, high school completion, drug and/or alcohol treatment or individual counseling.

The terms of each participant's probation are based on a contract between the probationer and the Prosecutor's Diversion program. Offenders who successfully complete the program are not formally charged with the offense and therefore, have no criminal record.

Although the program had a decrease in the number of cases referred, the number of cases which were actually accepted into the program increased from 58% to 76%. This year the amount of service fee collected was increased by \$60 for both misdemeanors and felonies. The amount of service fee collected was in excess of \$138,350 and over \$11,600 in application fees. Victims of crime were reimbursed \$36,000.

In addition to the monetary benefit to the residents of Ingham county, the time and expense saved by not prosecuting these cases permits the Ingham County Prosecutor's Office and the courts to devote their time to prosecuting those who are clearly a danger to the community.

**DIVERSION PROGRAM  
STATISTICS**

	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
<b>CASES REFERRED</b>	702	708	769	568
<b>CASES ACCEPTED</b>	391	361	451	437
<b>SATISFACTORY COMPLETIONS</b>	337	329	377	360
<b>% OF SATISFACTORY COMPLETIONS</b>	87	89	83	83
<b>SERVICE FEE</b>	\$95,034	\$104,747	\$138,563	\$138,355
<b>APPLICATION FEE</b>	\$6,780	\$10,305	\$12,544	\$11,618

## VICTIM / WITNESS PROGRAM

- Trixie Brown, Coordinator ([tbrown@ingham.org](mailto:tbrown@ingham.org))
- Martha Mitchell, Felony Advocate ([mmitchell@ingham.org](mailto:mmitchell@ingham.org))
- Carey Keller, Felony Advocate ([ckeller@ingham.org](mailto:ckeller@ingham.org))
- Maria Valayil, Domestic Violence Advocate ([mvalayil@ingham.org](mailto:mvalayil@ingham.org))
- Elizabeth Savage, Juvenile Advocate ([esavage@ingham.org](mailto:esavage@ingham.org))
- Sally Despins, Felony Advocate ([sdespins@ingham.org](mailto:sdespins@ingham.org))
- Shondell Strickland, Misdemeanor Advocate ([sstrickland@ingham.org](mailto:sstrickland@ingham.org))

In 2005 the Victim Witness Unit worked at creating more resources for victims and attending more hearings than previous years. Since the program began in 1978 we have attempted to continue educating the staff about new laws pertaining to the William VanRegenmorter Victim Rights Act, (formally known as the Michigan Victim Rights Act, Governor Granholm officially changed the name this year to honor Rep. VanRegenmorter for his continued dedication and service to the victims of Michigan). A copy of the William VanRegenmorter Victim Rights Act may be obtained by contacting this office.

The Unit is currently staffed with a coordinator, three full time advocates and one shared full time position and a domestic violence coordinator. These positions are specifically designated for certain crime types, i.e., felony, misdemeanor and juvenile. In August, 2005, Shondell Strickland was hired to fill the misdemeanor advocate vacancy. The domestic violence coordinator trains and supervises six student interns from Cooley Law School, Michigan State University and the Detroit College of Law at MSU. These interns work directly with domestic violence victims.

We continue to improve procedures and services for victims throughout the year by working with police, governmental offices, hospitals and other pertinent agencies, attending training to stay abreast of new legislature and to ensure continued cooperation with the counties agencies to better serve victims.

Michigan Crime Victim Network Notification Network (MCVNN) system was expanded in 2005. Victim notification was broadened by adding this program to the 30<sup>th</sup> Judicial Circuit and 55<sup>th</sup> District courts. This will allow the courts to notify victims of court proceedings, hearings, etc. in addition to the ability to be notified when a defendant is released from the Ingham County Jail or Michigan Department of Corrections.

In order to utilize the MCVNN system, it is the responsibility of the victim to register personal contact numbers (1-800 770-7657), via telephone for the court and/or jail to contact them directly when a prisoner's status changes.

We provide a number of services such as escorting victims to court proceedings, hearing notification via letters, a daily recording for circuit, family and district courts, contacting employers regarding time off work for testifying, providing a room to ensure safety and privacy and also providing transportation and lodging accommodations for out of state witnesses. Finally, our Unit will provide emergency child care and transportation when needed for court proceedings.

Some of the available resources available for victims are; Crime Victim Service Compensation which provides financial assistance for eligible victims for injuries, funeral costs, counseling or loss of wages suffered as a result of criminal acts. The Crime Victim Foundation provides "last resort" payment for situations that are life altering or life threatening. This fund must be applied for through an Ingham County prosecuting attorney advocate. And lastly the Capital Area Human Services Connection (517 337-8211 or toll free 866 361-8211), a resource that provides information for immediate shelter needs, rent/mortgage assistance, utility assistance, youth and senior citizen programs and other services.

Our Unit continues to work closely with Representative VanRegenmorter's office, C.A.R.E. (Capitol Area Response Effort), Eve Inc., Friends of the Foundation, Prosecuting Attorney Association of Michigan and other local agencies in an effort to keep abreast of new legislature and community services as they pertain to victims. ***Victim/Witness Unit Overview***

There were 3,668 new cases this year. This is a decrease from 2005 of 764 cases.

The goal for the Victim Witness Unit in 2006 is to expand our court attendance to reach more victims as well as attempt to bring an additional support staff member on board to help with the telephone calls and other duties. We will be working with the Lansing Police Department to develop a video regarding Personal Protection Orders (PPOs) and PA53 bond conditions that will be shown to all officers.

## VICTIM/WITNESS STATISTICS

	2002	2003	2004	2005
<b>JANUARY - MARCH</b>				
Felony	163	461	505	506
Misdemeanor	341	202	136	123
Juvenile	159	180	538	324
<b>APRIL-JUNE</b>				
Felony	433	362	565	459
Misdemeanor	294	383	233	117
Juvenile	222	184	375	120
<b>JULY - SEPTEMBER</b>				
Felony	321	341	573	441
Misdemeanor	440	337	153	146
Juvenile	169	255	401	430
<b>OCTOBER - DECEMBER</b>				
Felony	363	302	506	405
Misdemeanor	355	355	123	117
Juvenile	225	225	324	492
<b>TOTALS</b>	<b>3485</b>	<b>3487</b>	<b>4432</b>	<b>3668</b>

## **DOMESTIC VIOLENCE PREVENTION PROGRAM**

- Maria Valayil, Coordinator

The mission of the Domestic Violence Unit is to reduce family violence in the Ingham County area by providing direct services to the victims of crime. Our goals include: enhancing the awareness of domestic violence and crime victim's rights under the law, and improving the safety of survivors of domestic violence. The Domestic Violence Prevention Program will assist the victims of crime throughout the criminal justice process by providing the victim with criminal justice advocacy, emotional support, information, referrals to community resources, and safety planning.

The Unit collaborates with various units of the criminal justice system, the Capitol Area Family Violence Coordinating Council, the Michigan Coalition Against Domestic and Sexual Violence and many other state, county and local agencies that serve survivors of domestic violence in order to increase survivor safety and offender accountability.

In the grant fiscal year, 10/1/04 to 9/30/05, the Domestic Violence Unit had the support of 16 volunteers who put in 2444 hours of service to provide support to victims. The coordinator and volunteers provided services to 962 Ingham county residents; staff took calls from 910 victims of domestic assault, 90 victims received crisis services, 400 were provided with court support, unit staff did follow-up with 389 survivors, and the program provided 13 with assistance in applying for victim compensation.

\*This project, Domestic Violence Unit, was supported by Crime Victim Assistance Grant Award CVA# 20636-7V03 awarded to the Ingham County Prosecutor's Office by the Michigan Crime Victim Services Commission, Michigan Department of Community Health. The grant award of \$50,347, comes from the

Federal Crime Victims Fund, established by the Victims of Crime Act of 1984. The Ingham County Prosecutor's Office provides the required match by the use of volunteers, 1152 hours valued at \$10.93.

**2004 DEPARTMENTAL STAFF  
As of December 1, 2005 and current assignment**

Gary Adamo	Assistant Prosecuting Attorney	Circuit Court
Heather Adamo	Assistant Prosecuting Attorney	Family Support Unit
Susan Hoffman Adams	Assistant Prosecuting Attorney (shared-time)	District Court
Ronald Auble	Investigator	Family Support Unit
Sally Auer	Intake Coordinator	Screening
Jason Bartley	Diversion Caseworker	Diversion
Karen Beechler		
Marissa Berry	Clerk/Prosecuting Attorney	Screening
Kollette Bordeaux-Borruso	Assistant Prosecuting Attorney	District Court
J. Nicholas Bostic	Assistant Prosecuting Attorney	Circuit Court
Deborah R. Bouck	Assistant Prosecuting Attorney	District Court
Trixie Brown	Victim/Witness Coordinator	Victim Witness Unit
Carol Bucher	Unit Chief	CSC Prosecution
Mike Cheltenham	Assistant Prosecuting Attorney	Forfeiture Unit
Deborah Chieppo	Clerk / Prosecuting Attorney	Circuit Court
William Crino	Unit Chief	Circuit Court
Jeffrey Cruz	Assistant Prosecuting Attorney	Family Court
	Appellate Secretary -	

Lisa Davis	Legal Assistant	Appeals
Sally Despins	Victim/Witness Assistant (shared-time)	Victim/Witness Unit
John J. Dewane	Assistant Prosecuting Attorney	Circuit Court
Mary Lou Dobias	Support Clerk/ System Manager	Family Support Unit
<b>STUART J. DUNNINGS III</b>	Prosecuting Attorney	Administration
Marilee Eagan	Support Investigator	Family Support Unit
Catherine Emerson	Unit Chief	District Court
Roberta Faivor	Administrative Assistant Prosecuting Attorney	Administration
Michael Ferency	Unit Chief	Chief Trial Attorney
Joseph B. Finnerty	Assistant Prosecuting Attorney	Appellate Division
Erin Gallaway	Clerk/Prosecuting Attorney	District Court Unit
Mary Greener	Executive Secretary - Prosecuting Attorney	Administration
Dawn Hawes	Diversion Caseworker	Diversion
Pam Henry	Clerk/Prosecuting Attorney	Family Court
Tracy Horvath	Assistant Prosecuting Attorney	District Court
Scott Hughes	Juvenile Justice/ Community Outreach Coordinator	Administration
Ayanna Jones	Assistant Prosecuting Attorney	Family Court
Carey Keller	Victim/Witness Assistant	Victim / Witness Unit
Margo Kortess	Support Clerk (shared- time)	Family Support Unit

Steven Kwasnik	Assistant Prosecuting Attorney	District Court Unit
Susan LeDuc	Deputy Chief Assistant - Prosecuting Attorney	Appeals Division
Marysue Lester	Diversion Caseworker	Diversion Unit
Angela M. Lloyd	Assistant Prosecuting Attorney (shared-time)	District Court Unit
Angela Maddelein	Support Clerk (shared-time)	Family Support Unit
Linda Maloney	Chief Assistant Prosecutor	Administration
Eric Matteo	Assistant Prosecuting Attorney	Family Court
Eric Matwiejczyk	Unit Chief	Forfeiture Unit
Lisa McCormick	Unit Chief	Child Sexual Assault Unit
Martha Mitchell	Victim/Witness Assistant (shared-time)	Victim / Witness Unit
Jacqueline Murphy	Warrant Clerk	Screening
John Murray	Assistant Prosecuting Attorney	Circuit Court Unit
Laurie Oberle	Assistant Prosecuting Attorney	Family Support Unit
Marga Ogden	Information Clerk / Prosecuting Attorney	Screening
Rose Olivett	Diversion Clerk - Prosecuting Attorney (shared-time)	Diversion
Angela Olson	Victim/Witness Assistant	Victim / Witness Unit
James Pettibone	Unit Chief	Family Court
Raymond Purdy	Assistant Prosecuting Attorney	Gun Violence Grant
Theresa Sadler	Warrant Clerk (part-time)	Screening

Elizabeth J. Savage	Victim/Witness Assistant	Victim / Witness Unit
Pandora Signor	District Court Coordinator - Prosecuting Attorney	District Court
Cathy Simon	Support Clerk	Family Support Unit
Barbara Smith	Diversion Clerk - Prosecuting Attorney (shared-time)	Diversion Unit
Judith Spencer	Diversion Director	Diversion Unit
Shondell Strickland	Clerk / Prosecuting Attorney	Circuit Court
Kelli Swan	Assistant Prosecuting Attorney	District Court Unit
Guy Sweet	Unit Chief	Family Support Unit
Nathaniel Thomas	Investigator	Family Support Unit
Helen J. Todd	Clerk - Prosecuting Attorney	District Court
Maria Valayil	Domestic Violence Coordinator	Victim / Witness Unit
Lisa Watts	Support Investigator	Family Support Unit
Sherri J. Wiegman	Administrator	Administration
Lynda Williams	Secretary - Prosecuting Attorney	Family Court
Marie Wolfe	Assistant Prosecuting Attorney	District Court
Gladys Woodard	Circuit Court Coordinator	Circuit Court

**2005 ORGANIZATIONAL CHART\***

**STUART J. DUNNINGS III**

Prosecuting Attorney

Chief Assistant Prosecuting Attorney      Administrator

Executive Secretary      Administrative Assistant

Community Outreach Coordinator

<u>Screening</u>	<u>District Court Unit</u>	<u>Circuit Court Unit</u>	<u>Appellate Unit</u>	<u>Family Court Unit</u>	<u>Major Crimes Unit</u>
	2 Unit Chiefs (1 w/Dom. Violence Emphasis)	1 Unit Chief	1 Unit Chief (Dep. CAPA)	1 Unit Chief	1 Unit Chief
2.5 Warrant Clerks	8 APAs	5 APAs	1 APA	3 APAs	<u>Family Support Unit</u>
Clerk/PA	Coordinator	Coordinator	Legal Asst.	Secretary	Unit Chief
Information Clerk	2 Clerks	Clerk		1 PT Clerk	1 APA
<u>Diversion</u>	<u>Victim/Witness</u>		<u>Child Sexual Abuse Unit</u>		3 Caseworkers
Director	Coordinator		1 Unit Chief		2 Investigators
3 Investigators	4 Assistants		<u>Child Physical Abuse Unit</u>		3 Support Clerks
Secretary			1 Unit Chief		1 PT Support Clerk
<u>Domestic Violence Program</u>	<u>TCM Narcotics</u>		<u>Gun Violence Grant</u>		
Coordinator	1 Unit Chief		1 APA		
	1 APA				

\*when fully staffed