



Ingham County Prosecuting Attorney

2006 Annual Report

Stuart J. Dunnings III

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• **LETTER TO THE CITIZENS OF INGHAM COUNTY** •

Dear Citizens:

It is my pleasure to present this, the tenth 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.

In 1997, due to a conscious decision by the state legislature, sentencing guidelines were revised and additional responsibilities were shifted onto local governments. The sentencing guidelines commission at that time predicted that by 2007, our state would be in need of 65,040 prison beds. The current state prison capacity is 50,000, even though the previous administration took no steps whatsoever to provide for this increased capacity. Nationally, 41% of those convicted of felonies are sentenced to prison; in Michigan the figure is only 21.3 percent. Due to the abject failure of past legislatures to take a long-term view of public safety, we may face a crisis.

Public investments in roads, schools and entertainment facilities are considered by planners to be investments that will attract and retain tax-paying residents. I believe that an investment in basic public safety - where citizens are able to walk in their neighborhoods without fear, and where all have the knowledge that crime is punished - is just as important to a region's long-term economic stability.

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

2006 BUDGET¹

	BUDGET	ACTUAL
Personnel	5,394,995	5,360,397
Controllable Expenses	542,855	450,243
Non-Controllable Expenses	417,974	311,969
Capital Outlay	71,434	35,370
TOTAL	6,427,258	6,157,979



2006 Budgeted Monies



2006 Budget Actual Monies Spent

¹ Includes CRP Funding

DISTRICT COURT UNIT

Carol Bucher, Unit Chief
Catherine Emerson, Unit Chief
Susan Hoffman Adams, APA
Kollette Bordeaux, APA
Cara Hornbach, APA
Tracy Horvath, APA
Ayanna Jones, APA
Steve Kwasnik, APA
Angela Piccici-Lloyd, APA
Ray Purdy, APA
Kelli Swan, APA

Ingham County adult misdemeanor and felony cases begin in 54-A, 54-B, and 55th 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.

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 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.

Sobriety Court programs offered by the 55th District Court in 2004, and 54-A District Court in 2005n are having positive results which is encouraging. 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.

The Domestic Assault Response Team's (DART) original grant ended December 2004. A second DART two year grant was awarded in August 2005.

Steve Kwasnik is assigned to the special prosecutor position funded by the grant. DART continues work towards ending domestic violence in Ingham County. Beginning in 2006 55th District Court Judge Boyd fast tracked domestic violence cases. 54-A District Court Judge Amy Krause has handled the fast tracked domestic violence cases for over three years.

Domestic violence between intimate partners puts victims at great risk. The Ingham County Prosecuting Attorney's dedication to assisting and helping survivors of domestic violence makes a difference.

Office days provide Unit APA's the opportunity to write notes in files and move files out of their possession. APAs contact victims to learn details about the criminal act, restitution, provide information on crime victims compensation, help victims locate support person, and assist victims in understanding the criminal justice system. APA's review cases dropped off by the police departments and determine 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 answer questions from citizens and law enforcement officers. Communications by APA's assigned to this Unit are paramount to successful criminal prosecution and public relations.

CIRCUIT COURT

Michael J. Ferency, Chief Trial Attorney / Unit Chief

Gary Adamo, APA
John J. Dewane, APA
J. Nicholas Bostic, APA
Debra Rousseau Bouck, APA
Barbara Monaghan, APA

The Ingham County Prosecutor's Office is responsible for the prosecution of all felony and high court misdemeanor cases in the 30th Judicial Circuit Court for Ingham County. These are the most serious of crimes, carrying possible prison penalties from two years to life offenses, without parole. This responsibility is handled by the six person Circuit Court Unit.

By necessity, this Unit is comprised of experienced attorneys who have shown the aptitude and proficiency to manage, and present, these more difficult cases. The average courtroom experience level is over eight years.

At this level, the attorneys deal with all aspects of the criminal case once it has been bound-over to the circuit court. Duties include: review of police and other agency reports, review of evidence and scientific analyses performed on the evidence, document preparation and review, meeting with and interviewing witnesses and crime victims in preparation for trial, and the legal research and brief writing with regard to the issues raised by the defense, or inherent in the case. The Circuit Court Unit attorneys also engage in pretrial negotiations, and litigate pretrial motions. They attend and handle all arraignments, pretrial hearings, pretrial motions, plea hearings, trials, sentence hearings, and many post trial proceedings. The Circuit Court Unit attorneys attend hearings where there are allegations of probation violations.

The Circuit Court Unit attorneys advocate for restitution on behalf of crime victims. These attorneys also seek reimbursements for the public costs of prosecution from those convicted of criminal offenses. An increasingly important Circuit Court Unit task is the cost and resource management associated with courtroom litigation.

In 2006, the year began with 61 capitol cases (those having statutory penalties of life, or any term of years) and 445 felony cases carried over from 2005. During the year, an additional 103 capitol cases and 1440 felony cases were opened in the 30th Judicial Circuits Courts. During 2006, the Circuit Court Unit managed 2049 felony cases. Of the cases, 39 were tried, and 1324 pled guilty. In sum, 1705 cases were resolved during 2006.

MAJOR CRIMES UNIT/VERTICAL PROSECUTION UNIT/DRUG PROSECUTION

Eric E. Matwiejczyk. Unit Chief

Marie Wolfe, APA

Michael Cheltenham, APA

The Major Crimes Unit was instituted within the Prosecutor's Office in 1998. The Unit was created to be a "cleaning house" by coordinating prosecutions involving drug crimes, gang related criminal activity, organized crime, identity theft, and other cases assigned for special handling. These efforts have continued to gain success in 2006.

The attorneys assigned to this Unit handle their cases from start to finish. They begin by authorizing charges, and then conduct pre-trial conferences, preliminary examinations, and motions, handle discovery issues, and follow through to disposition by way of trial or plea negotiation.

During the past year, over 200 criminal cases have been reviewed/commenced by the three attorneys assigned to the Unit on behalf of the Tri-County Metro Narcotics Unit. The Major Crime Unit has also provided "vertical assistance" to the Special Operations Section of the Lansing Police Department.

Additionally, in 2006, the Unit received 451 new civil forfeitures generated by the Tri-County Metro Narcotics Unit, the Lansing Police Department Special Operations Section, and other police agencies having jurisdiction within Ingham County. These forfeitures involved approximately \$471,821 in cash, more than 51 automobiles, and other personal property including homes and land. During 2006, the Unit settled five Civil Forfeiture Law Suits that had been pending in the Circuit Courts.

Since the Unit encompasses so many different areas, crimes prosecuted through the Unit are very diverse. For example, as in the past, the Major Crimes Unit not only dealt with drug enforcement, but also Murder, Identity Theft and Embezzlement cases.

The Unit also issued many Investigative Subpoenas while working closely with the "Cold Case Task Force" which resulted in Open Murder Warrants being issued against numerous individuals.

The Major Crime Unit is a valuable resource both within the Prosecutor's Office and to the police agencies within Ingham County.

CHILD SEXUAL ABUSE AND ASSAULT UNIT

Lisa McCormick, Unit Chief

William Crino, Unit Chief

The Ingham County Prosecutor's Office dedicates skilled prosecutors to prosecute and protect children from not only sexual abuse and assault but internet predators and unregistered sex offenders. This unit has a team approach towards prosecution. This allows attorneys to work together and aggressively prosecute society's worst offenders.

Our unit investigates and prosecutes crimes against children under the age of 13. These crimes arise from sexual assault, child abuse, homicide, internet crimes and sex offender registration violations. This unit is involved with prosecutions from the beginning of the investigation and meets regularly to review pending cases and address any legal and factual concerns.

Unfortunately, this year our office has seen a rise in lethal child abuse cases. The following is a list of cases and statistics arising out of the prosecution of sexual assault, child abuse and child pornography cases issued in 2006.

Homicides Involving Child Abuse:

People v Samuel Courtland - Found Guilty of Felony Murder, serving a life sentence without parole.

People v Cynthia Daniel - Pled Guilty to Involuntary Manslaughter and Child Abuse 2nd Degree, serving 71 months to 15 years in the Michigan Dept. of Corrections.

People v Steven Moy - Found Guilty of Felony Murder, serving a life sentence without parole.

Child Abuse and Criminal Sexual Assault

There were 16 cases held over for trial from 2005. Those cases were resolved in 2006 as follows: 15 of the 16 resulted in convictions and 8 are currently serving prison sentences. 1 case resulted in a Not Guilty Verdict.

For 2006, our office issued 67 cases involving Child Abuse, Sexual Assault, and Internet Pornography. Of those cases, 30 resulted in criminal convictions. 9 involved juvenile suspects and are pending in Family court. The remaining 26 case are currently set for trial.

Our unit is also involved in Task Forces set up by different police agencies to protect children.

Internet Crimes Against Children

Our office currently works with the United States Attorney's office and the Internet Crimes Against Children Task Force to put a stop to Internet predators. As our technology takes us to the world wide web, we as a society are faced with children using the internet as a way to communicate with friends, do homework assignments and research. With this wonderful technology, we are faced with predators using the internet to prey on our children. These predators are found anywhere on the internet. They can strike up a conversation, pretend to be someone they are not and prey on the weak, the lonely and the heartbroken. Our office's mission is to protect children from these violent offenders through education, law enforcement training and aggressive prosecutions.

Sex Offender Registration

This Unit also works with the Tri-Sort Task Force which is made up of local law enforcement agencies, probation and parole in Clinton, Ingham and Eaton counties. This task force works together to make sure sexual offenders in Ingham County that are required to register as Sex Offenders are complying with their registration requirements. This task force meets monthly to address any issues with registration compliance and to make sure that anyone who has not updated addresses or not verified during the registration period are successfully prosecuted.

Finally, this unit also provides monthly training to law enforcement agencies so they have the skills to interview children under the Forensic Protocol and are updated on new laws for not only sexual assault and abuse but internet crimes against children and the Sex Offender's Registration Act.

In conclusion, this unit is dedicated to the protection and safety of our most innocent, our children.

DART UNIT

Steve Kwasnik, Assistant Prosecutor

The reformation of the Domestic Assault Response Team (DART) has been an important step in holding batterers responsible and providing support to their victims. The DART team is comprised of dedicated positions from three partnering agencies that include a victim advocate from the Personal Protection Order Office staffed by End Violent Encounters (EVE, Inc.) staff, a probation officer in the 54-A District Court, and an assistant prosecuting attorney. These partners work closely together to identify severe cases and/or repeat offender cases to provide intensive services to victims and to hold offenders accountable. These positions are funded through a Federal STOP Grant.

DART's mission is to reduce the incidence of domestic violence by utilizing a coordinated community response to: increase safety to victims, ensure the accountability of offenders, detect and respond to system deficiencies.

The DART team focuses on incidents occurring within the City of Lansing and all members work closely with the four detectives assigned domestic violence cases for Lansing Police Department (LPD). A list of accused meeting the DART criteria is maintained by the DART team and can be referenced by all members of the team as well as the LPD and prosecution staff. The criteria used to add defendants or victims to the list are those who have five or more domestic contacts with the police. Additional cases are added on a case by case basis, focusing on safety factors and the nature of the offence.

All domestic warrant requests for domestic violence where the defendant is not in custody are reviewed by the assistant prosecutor assigned to DART. Those accused who are taken into custody at the time of the incident are reviewed by assistant prosecutors on rotating basis, however assistant prosecutors are required to consult the DART list when reviewing domestic warrants. The misdemeanor cases with defendants or victims who appear on the list are sent to the Domestic Violence Court in the 54-A District Court and are handled by the DART assistant prosecutor. Several of the felony cases with defendants or victims who appear or are added to the list are assigned to the DART assistant prosecutor for vertical prosecution.

Through the regular exchange of information, the DART team has been able to provide highly effective support for victims in both the criminal and PPO arena; effectively monitor and regulate defendants on probation; and successfully prosecute defendants who had long histories of arrests with few convictions, including cases where victims decline participation or actively work against prosecutions efforts.

APPELLATE DIVISION

Susan LeDuc, Deputy Chief Assistant / Unit Chief

Joseph B. Finnerty, APA

Lisa Davis, Paralegal / Legal Assistant

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. *

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 is entitled to court-appointed appellate counsel and transcripts of all proceedings at 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 any applications for leave to appeal before the Michigan Supreme Court.

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 appeals involving re-sentencing.

Under Michigan Court Rule (MCR) 6.500, a criminal defendant also has one last 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. Often issues are raised by defendants who have been imprisoned for years. Defendants can and do appeal the decision of the trial court to deny a motion under MCR 6.500 to the Court of Appeals. The appeal is by application and we respond to those cases.

The division files appeals on behalf of the Ingham County Prosecuting Attorney where appropriate. This past year we filed 6 appeals from decisions by a felony trial court in the Court of Appeals, including 2 interlocutory appeals. We also filed several appeals to circuit court from rulings by district court judges.

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.

This past year was exceptional for the appellate division because both attorneys filed pleadings in both circuit court and district court in a number of major felony cases: specifically, the Holland cases, the 1968 Dr. Mercer cold case murder and the 1973 MSU cold case murder. These cases presented the trial attorneys with a flood of unusual issues many of which were raised in the midst of court proceedings. We anticipate that this work will continue in 2007. In the Lisa Holland case, she is appealing both the termination of her parental rights to her other children and her conviction for first degree murder. 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 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. Susan LeDuc serves on the Innocence Project Committee for Mr. Dunnings. The Innocence Project Legislation was extended in 2006. We have responded to two motions for DNA testing of evidence in 2 old cases. In both cases the trial court denied the motion. The Innocence Project has appealed one decision and we filed a responding brief in the Court of Appeals.

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.

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 2006

	2006	2005
Total New Files Opened	175	131
Total Hearings & Arguments	**	26
Total Briefs Filed	59	31

Total Motions & Answers	52	38
Total Appeals Decided	142	79
Percent of Appeals Won	100%	99%

* The division had the help of a volunteer attorney, Bill Bonds, for a number of months in 2006. Mr. Bonds, both a former assistant prosecuting attorney and prosecuting attorney asked if he could help while he sought other employment after his job of 17 years at PAAM was eliminated. Given the increase in our work load we would not have been able to give our trial division the help it needed with the major murder cases without Mr. Bonds.

** We are no longer keeping this statistic as the number of circuit court hearings has greatly increased. We have a hearing or argument in nearly all our cases, sometimes more than 1 hearing. The Court of Appeals sets most termination of parental rights cases on their "no oral argument" docket, in part to facilitate a speedy resolution of this type of case.

FAMILY COURT UNIT

James Pettibone, Unit Chief

Jeffrey Cruz, APA

Eric Matteo, APA

John Murray APA

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.

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 2006, there were approximately 538 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. Status offenses include runaways, incorrigibility and truancy. Status offenses are offenses which would not be criminal if done by an adult but when done by a juvenile evidence a lack of parental control.

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 sixth 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 2006, the Prosecutor’s Office Family Court Unit received approximately 1,150 delinquency petition requests from law enforcement agencies and schools in Ingham County. Of those requests, approximately 341 were for felonies and 808 were for misdemeanors. The Family Court Unit reviewed each petition and requested court jurisdiction on approximately 613 petitions including 227 felonies and 386 misdemeanors. The Family Court Unit referred approximately 152 cases to Teen 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 L. SWEET, Unit Chief

Heather Adamo, APA

Laurie Oberle, APA

Marilee Eagan, Support Investigator

Lisa Watts, Support Investigator

Karen Beechler, Support Investigator

Ron Auble, Process Server

Nathaniel Thomas, Process Server

Mary Lou Dobias, Support Clerk

Angela Maddelein, Support Clerk

Margo Kortez, Support Clerk

Kimberly Chapman, Support Clerk

Catherine Simon, Support Clerk

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 six 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
2006	364	571	22	26	983

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

Four 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 three foreign support orders for enforcement. This number is slightly below past years.

Productivity exceeded the 2005 levels by 21 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 in 2003.

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
2006	\$557,726.01	\$18,195.80	\$143,085.85	\$719,007.66

During 2006, over \$550,000 was collected before criminal charges were issued . This constitutes 77 percent of the total collection amount, and is a 41 percent increase over the amount collected during the pre-prosecution phase during 2005. This increase occurred because the FOC continued to aggressively pursue an amnesty program that offered obligors an opportunity to pay off their arrearage and avoid criminal prosecution. The FOC sent out 108 amnesty offers last year.

DIVERSION PROGRAM

Judith Spencer, Diversion Coordinator²

Dawn Hawes, Diversion Caseworker
Marysue Lester, Diversion Caseworker
Jason Bartley, Diversion Caseworker
Rose Olivett, Shared Time Secretary
Barbara Smith, Shared Time Secretary

The Diversion Program has served the community since 1975 as a 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.

Also included in the scope of the Diversion Program is the Lansing Elementary Attendance Diversion (LEAD) program. The LEAD program is made up of the parents of elementary school children who have major attendance problems. This program requires parents to attend a parenting class, pay a service fee to the County, and other requirements such as; PTA meetings, meetings with principals and teachers, etc... The children are provided a mentor thru Michigan State University, and their attendance is monitored throughout the year of the LEAD program sentence. Once the requirements are completed, and the child's attendance has improved, the charges are dismissed.

There was more than a 10% increase in referrals to the diversion program this year. The amount of service fee collected was in excess of \$118,800 and over \$9,800 in application fees. Victims of crimes were reimbursed \$24,708. There was an additional \$1,275 collected from participants in the LEAD program.

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

² Judith Spencer retired June 20, 2006

2006 Diversion Statistics

Service Fee	\$118,833
Application Fee	\$9,835
Referrals	648
Accepted	346
Satisfactory Complete	248
% Completions	72%
Restitution	\$24,708
LEAD	\$1,275

VICTIM/WITNESS UNIT

Trixie Brown, Coordinator (tbrown@ingham.org)

Maria Valayil, Domestic Violence Unit Coordinator (mvalayil@ingham.org)

Martha Mitchell, Felony Advocate (mmitchell@ingham.org)

Elizabeth Savage, Juvenile Advocate (esavage@ingham.org)

Shondell Strickland, Felony Advocate (sstrickland@ingham.org)

Marissa Berry, Felony Advocate (mberry@ingham.org)

The Victim Witness Unit was created in 1978 to assist victims of crimes. Throughout the year the Advocates attend training to stay updated on the changes to the William VanRegenmorter Victim Rights Act, (formally known as the Michigan Victim Rights Act). A copy of the William VanRegenmorter Victim Rights Act may be obtained by contacting this office.

The Unit currently is staffed with a coordinator, three advocates that handle both felony and misdemeanor cases, a juvenile advocate and a domestic violence coordinator. We have had personnel changes this year, Marissa Berry has joined our staff, replacing Sally Despins. We have redesigned the Unit so the felony advocates are handling both misdemeanor and felony cases. The Advocates have also been assigned to circuit court judges for trial dockets so that victims will work with the same advocate throughout the circuit court procedure. We have added an intern program, with interns attending Cooley Law School, Davenport College, Lansing Community College and Michigan State University. The interns perform a number of tasks and duties such as sending information packets out to victims, filing returned impact statements and subpoena returns. The domestic violence coordinator trains and supervises six student interns from the above noted schools as well as 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 others in order to stay abreast of new legislature and to ensure continued cooperation with the county's agencies to better serve victims. We have the opportunity throughout the year to attend computer classes to enhance our knowledge of the programs utilized by Ingham County. We will be converting our software program from Word Perfect to Word in April, 2007.

The Michigan Crime Victim Network Notification Network (MCSVNN) system continues to be utilized in Ingham County for both the 30th Judicial Circuit and 55th District courts as well as the Ingham County Jail. This program allows victims to be notified of court proceedings, hearings, etc. in addition to being contacted when a defendant is released from the Ingham County Jail or Michigan Department of Corrections.

In order to register for the MCVNN system, a victim may contact the Ingham County Prosecutor's Office, Victim Witness Unit or register personally through MCVNN at (1-800 770-7657).

The Victim Witness Unit provides numerous services to victims such as attending court proceedings, notification of hearings 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. For victims of domestic violence you may contact Eve, Inc. Victims may also call 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 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 3,618 new cases issued in 2006 with an increase in misdemeanor cases from 503 to 1,547. Overall, there was a decrease of 50 cases from 2005 when this office issued 3668.

The goal for the Victim Witness Unit in 2007 is to continue our efforts to serve as many victims as possible with court attendance, resource information and personal contact. We were unable to obtain a clerical position in 2006 but are hopeful that we will be able to add an additional support staff member to the Victim Witness Unit in the future. We will continue to work with local agencies to build community resources for victims. We will be working with the Lansing Police Department to develop a video regarding Personal Protection Orders and PA53 bond conditions to train officers in an effort to provide safety for victims.

VICTIM/WITNESS STATISTICS

	2003	2004	2005	2006
JANUARY - MARCH				
Felony	461	505	506	358
Misdemeanor	202	136	123	434
Juvenile	180	538	324	88
APRIL-JUNE				
Felony	362	565	459	456
Misdemeanor	383	233	117	419
Juvenile	184	375	120	132
JULY - SEPTEMBER				
Felony	341	573	441	454
Misdemeanor	337	153	146	421
Juvenile	255	401	430	110
OCTOBER - DECEMBER				
Felony	302	506	405	384
Misdemeanor	355	123	117	273
Juvenile	225	324	492	89
TOTALS	3487	4432	3668	3618

DOMESTIC VIOLENCE UNIT

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. This year, the Unit Coordinator joined other service providers in the community to provide support for survivors participating in the Michigan Department of Human Services Families to Families program.

In the grant fiscal year, 10/1/05 to 9/30/06, the Domestic Violence Unit had the support of 16 volunteers who put in 2535 hours of service to provide support to victims. The coordinator and volunteers provided services to 913 Ingham county residents; staff took calls from 910 victims of domestic assault, 77 victims received crisis services, 285 were provided with court support, unit staff did follow-up with 256 survivors, and the program provided 16 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 \$59,544, 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, 1257 hours valued at \$11.00.

2006 DEPARTMENTAL STAFF
As of December 1, 2006 and current assignment

Gary Adamo	Assistant Prosecuting Attorney	Circuit Court
Heather Adamo	Assistant Prosecuting Attorney (part-time)	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	Support Investigator	Family Support Unit
Marissa Berry	Clerk/Prosecuting Attorney	District Court Unit
Kollette Bordeaux-Borruso	Assistant Prosecuting Attorney	District Court
J. Nicholas Bostic	Assistant Prosecuting Attorney	Circuit Court
Deborah R. Bouck	Assistant Prosecuting Attorney	Circuit Court
Cynthia Brown (Temporary)	Information Clerk/Prosecuting Attorney	Screening
Trixie Brown	Victim/Witness Coordinator	Victim Witness Unit
Carol Bucher	Unit Chief	District Court
Kimberly Chapman (Part-time)	Family Support Clerk	Family Support Unit
Mike Cheltenham	Assistant Prosecuting Attorney	Forfeiture Unit
Deborah Chieppo	Clerk / Prosecuting Attorney	Circuit Court
William Crino	Unit Chief	Child Sexual Assault Unit
Jeffrey Cruz	Assistant Prosecuting Attorney	Family Court
Lisa Davis	Appellate Secretary - Legal Assistant	Appeals
Vacant	Victim/Witness Assistant	Victim/Witness Unit
John J. Dewane	Assistant Prosecuting Attorney	Circuit Court
Mary Lou Dobias	Support Clerk/ System Manager	Family Support Unit
STUART J. DUNNINGS III	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	District Court Coordinator	District Court Unit
Mary Greener	Executive Secretary - Prosecuting Attorney	Administration
Vacant	Diversion Caseworker	Diversion
Pam Henry	Clerk/Prosecuting Attorney	Family Court
Cara Hornbach	Assistant Prosecuting Attorney	District Court
Tracy Horvath	Assistant Prosecuting Attorney	District Court
Scott Hughes	Juvenile Justice/ Community Outreach Coordinator	Administration
Ayanna Jones	Assistant Prosecuting Attorney	District Court
Margo Kortes	Support Clerk (shared-time)	Family Support Unit
Steven Kwasnik	Assistant Prosecuting Attorney	District Court Unit - DART
Susan LeDuc	Deputy Chief Assistant – Unit Chief	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	Victim / Witness Unit
Barbara Monaghan	Assistant Prosecuting Attorney	Circuit Court Unit
Jacqueline Murphy	Warrant Clerk	Screening
John Murray	Assistant Prosecuting Attorney	Family Court
Laurie Oberle	Assistant Prosecuting Attorney	Family Support Unit
Marga Ogden	Clerk / Prosecuting Attorney	Screening
Rose Olivett	Diversion Clerk - Prosecuting Attorney (shared-time)	Diversion
James Pettibone	Unit Chief	Family Court

Raymond Purdy	Assistant Prosecuting Attorney	District Court
Theresa Sadler	Warrant Clerk	Screening
Elizabeth J. Savage	Victim/Witness Assistant	Victim / Witness Unit
Cathy Simon	Support Clerk	Family Support Unit
Barbara Smith	Diversion Clerk - Prosecuting Attorney (shared-time)	Diversion Unit
Vacant	Diversion Coordinator	Diversion Unit
Shondell Strickland	Victim/Witness Assistant	Victim/Witness Unit
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
Sherry J. Wiegman	Administrator	Administration
Lynda Williams	Secretary/Family Court - PA	Family Court
Marie Wolfe	Assistant Prosecuting Attorney	Forfeiture Unit
Gladys Woodard	Circuit Court Coordinator	Circuit Court Unit