

# REPORT & RECOMMENDATIONS

Justice Task Force  
October 2002



## MISSION & CHARGE

*Equal and exact justice to all, of whatever state or persuasion, religious or political ... these principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation.*

~ Thomas Jefferson

The Justice Task Force was established by Board Chair Steven Heacock who noted in his 2002 State of the County address that the Board of Commissioners plays a significant role in assuring that justice is served in Kent County, and that it is available to all citizens. Not only does the County provide a place for justice to occur and for the people who serve in the many positions required to provide a system of justice, it also has a direct role in budgeting for the courts, prosecutor and sheriff. While these duties are carried out by elected officials, each responsible in their own way to the citizens who elect and empower them, the Board of Commissioners is also responsible to these same citizens to assure that County dollars are spent appropriately and effectively in the cause of public safety and justice. Last year, approximately 40 percent of the general revenue (which includes taxes, licenses, fees, etc.) that local citizens entrusted to the Board of Commissioners was spent on justice.

The duty of the Board of Commissioners to the citizens of Kent County in the assurance of justice, however, goes beyond just fiscal accountability to a broader obligation: to be diligent listeners in its outreach to the community - to learn about, consider and react to injustice.

In order to assist the County in fulfilling its duties, the Chair provided the Task Force with the following mission and charge:

To study and make recommendations to the Board of Commissioners regarding the delivery of justice in Kent County, recognizing the role of the Board of Commissioners and administration in the delivery of justice in the County.

Specifically, the Task Force was requested to:

1. Prepare a planning process for future needs – create a process to continuously monitor volume of work and capacity for the purpose of determining the need for new judges, new jail space and other justice personnel and facility issues
2. Recommend efficiencies
3. Identify ways for the County to encourage prevention – evaluate probation programs and consider improvement or expansion
4. Determine how performance measures could help the customer orientation of the system
5. Identify a process to increase communication between the court system and the Board of Commissioners
6. Determine citizens' view of the courts and assure that we are providing justice for all

## THE PROCESS

*Those who really deserve praise are the people who, while human enough to enjoy power, nevertheless pay more attention to justice than they are compelled to do by their situation. ~  
Thucyclides*

Approximately 20 individuals with varying levels of involvement in the justice system attended the initial meeting of the Task Force in May 2002, and spent almost two hours in small group discussions about the requested topics. Task Force Chair Roger Morgan asked participants to identify issues and barriers associated with each topic and to suggest possible new ideas or best practices for further investigation. Comments were recorded on flip charts, and later transcribed and compiled.

The small group discussions identified 10 specific issues to be considered for further discussion:

- *Court Calendaring and Scheduling Practices*
- *The Impact of the Mentally Ill on the Justice System*
- *The Jury System*
- *Using Performance Data to Develop a Planning Process for Future Needs*
- *Fees, Fines and Charges – How is Collection Conducted and Coordinated Across the System?*
- *How Could Appearance Tickets Be Used to Improve Efficiency and Maximize Resources?*
- *How Can the System Engage in Prevention?*
- *Are Alternative Sentences Effective?*
- *Perception of the Justice System by its Customers*
- *General Perception of the Justice System by the Community*

Participants were asked to indicate areas they would be interested in working on, and to recommend others with an interest or expertise who should be involved in focus groups to provide additional direction on the topic. It is a credit to the community and to the County that by the end of the process more than 30 individuals had stepped forward and contributed their thoughts and ideas to improve the justice system in Kent County, either through the Task Force or one of the focus groups:

**Honorable Rick Bandstra\***

Court of Appeals

**Honorable George Buth\***

Kent County Circuit Court

**Mike Chielens\***

Legal Aid of W. Michigan

**Frances Dalton**

Kent County Community Corrections

**Police Chief Harry Dolan\***

Grand Rapids Police Department

**George Doyle**

Kent County Circuit Court Services

**Anita Droog**

Kent County Prosecutor's Office

**William Forsyth\***

Kent County Prosecuting Attorney

**Kim Foster**

Kent County Circuit Court Administration

**Tom Gezon\***

U.S. Attorney Office

**Commissioner Steve Heacock\***

Chair, Kent County Board of Commissioners

**Jon Hess**

Undersheriff, Kent County Sheriff Department

**Mary Hollinrake\***

Clerk, Kent County Clerk's Office

**Gert Hopson**

Citizen

**Dale Iverson\***

Just Mediation, Inc.

**Honorable Donald Johnston**

Kent County Circuit Court

**Mary Kelly**

Kent County Clerk's Office

**Honorable Benjamin Logan\***

61<sup>st</sup> District Court

**Commissioner Paul Mayhue\***

Kent County Board of Commissioners

**Bill McDonald\***

Worsfold, McFarlane & McDonald

**Commissioner Paul McGuire\***

Kent County Board of Commissioners

**Commissioner Roger Morgan\***

Kent County Board of Commissioners

**Marielo Puerta\***

Pedro Ferrer & Associates

**Jack Roedema**

Kent County Circuit Court Administration

**Nadine Schut**

Kent County Prosecutor's Office

**Andrea Smith**

Grand Rapids Bar Association

**Sara Smith**

Southeast Community Association

**Jim Steenbergen**

Southeast End Neighborhood Association

**Lawrence Stelma\***

Kent County Sheriff

**Honorable Paul Sullivan**

Kent County Circuit Court

**Paula Taylor**

Kent County Circuit Court Family Division

**Commissioner James Vaughn\***

Kent County Board of Commissioners

**John Wynbeek\***

Alternative Directions

\*Task Force Members

Three of the issues that surfaced during the small group discussions – *Court Calendaring and Scheduling Practices*, *The Impact of the Mentally Ill on the Justice System*, and *The Jury System* – either were already under study by an outside consultant, or came under study by an outside consultant after the Task Force began its work. As a result, these issues were not referred to a focus group for additional discussion, with the exception of *Court Calendaring and Scheduling Practices*. Since this area was a repeated topic in several small group discussions and seen as

impacting multiple areas (e.g., general perception and performance data), a focus group of system users was convened to discuss the study, its process, intended purpose and potential results. With results of the study slated to be released at the same time as the Task Force report, focus group members agreed that they did not want to duplicate the work of a nationally recognized consultant, the National Center for State Courts. They agreed that it would be best to wait for the study results to be released; to support implementation of recommendations from the report that would improve the rate at which cases could move through the system; and to continue to promote practices and programs that would further improve the system's efficiency. The group's discussion is presented more fully in the recommendation section of this report. Summaries of the studies being conducted are included as Attachments A-C.

The issue of appearance tickets had also been raised in February 2002, during a Criminal Justice Planning session hosted by the County's Office of Community Corrections. Participants in that session, which included several of the Justice Task Force members, reviewed data that showed that approximately 43 percent of the individuals booked into the County Correctional Facility who will leave the facility on bond do so in less than six hours. This information was raised again during one of the small group discussions at the Task Force meeting focusing on efficiencies, and the question was raised whether appearance tickets could be issued for certain offenses. The issue was assigned to staff and the Sheriff to investigate, but was not the subject of a formal focus group.

The remaining six issues were each assigned to a focus group. Each group met once during the months of June and July 2002. Over the next two months, staff worked to further research and develop the information gathered as a result of the comments at the Task Force or a focus group meeting, and to formalize the recommendations offered by the various groups.

## **RECOMMENDATIONS**

*If we do not maintain Justice, Justice will not maintain us.  
~ Francis Bacon*

## ***PLANNING AND PERFORMANCE MEASURES***

- 1. Establish a schedule of three routine meetings annually of 3-4 members of the Board of Commissioners, 3-4 members of the Judiciary (representing Circuit - Criminal/Civil, Circuit - Family, District, Probate), the Prosecutor, the Sheriff, and 2-3 members of the legal community. Each meeting should focus on review of annual performance data for one area (Courts, Prosecutor, or Sheriff – Corrections), most of which is already being collected, to be presented to and shared with the group for information, discussion, early identification of trends and impact on resource requirements.**

*Specific issues raised during discussions:*

Currently, a great deal of data is kept and produced, and more may be available through Courtview, the justice information system. Most of what is available, however, consists of activity counts, which will require extensive involvement of the reporting entity in developing trends and interpreting data. Any analysis or trends to be developed should include a discussion of internal or external influences on the data (e.g., legislative changes, unusually lengthy trials, etc.), and may require additional resources or information.

## ***IDENTIFYING SYSTEM EFFICIENCIES***

- 2. Develop an integrated, uniform collection process that coordinates collection activities among all involved County offices (i.e., Sheriff, Prosecutor, Court Services, Court - Fees and Fines). The process should allow for the application of consistent collection standards and processes for writing off or converting debt to community service or other sanctions, and allow for tracking and reporting of collection rates and outstanding receivables.**

*Specific issues raised during discussions:*

When the Courtview system is fully operational, it is expected to enhance the County's collection capabilities by providing an automated tracking and record-keeping system. As the Courtview system is being implemented, it may be possible to expand the current process to provide additional efficiencies to benefit not only the County, but also the victims and the paying offender. Implementing this recommendation may require that some jurisdictional issues be negotiated or resolved. For example, the Sheriff's Department has its own collection system, which operates independently from the rest of the justice system, issuing separate billings and using a private agency to follow up on collections. One entity coordinating all justice system collections would be more efficient for the County and citizens, and would allow for a standard process to evaluate the offender's ability to pay. It would also allow for closer and easier adherence to the statutory requirements for payment of restitution.

- 3. The Task Force and Circuit Court leadership should review with stakeholders the findings of the National Center for State Courts (NCSC) report on case scheduling and case flow management and develop ways to monitor and report on the implementation of the report's recommendations.**

*Specific issues raised during discussions:*

A major topic of discussion at the Task Force meeting was the length of time it took for cases to get through the court process and the negative impacts of last minute adjournments or continuances on the efficiency of the system and the public perception of justice. Focus group members expressed a strong interest in the study and its potential recommendations. Task Force discussions also identified other courts which had

developed case management systems which should be investigated, especially if the NCSC report does not provide specific recommendations for improving the current process. It was noted that changes to the current system may require a realignment of current resources or additional resources to implement changes in the system.

- 4. The Sheriff and County Administration should engage local units in a discussion of the use of appearance tickets as an alternative to booking for non-alcohol related traffic offenses and other offenses for which offenders are able to bond out within hours of booking.**

*Specific issues raised during discussions:*

The charge that generates the greatest number of bookings is traffic violations (22 percent in a recent six-month period). The cost of arresting and booking individuals charged with misdemeanor traffic or civil infractions goes beyond the expenses paid by local unit tax payers (approximately \$56 in arrest and per diem charges per individual booked into the correctional facility) to include the loss of the arresting officer's availability to respond to other, more serious matters; the time it takes to transfer the individual to the jail; the impact on the capacity of the facility, and the number of staff required to manage the individuals. While traffic stops often uncover more serious offenses, it may be beneficial to evaluate if the same results could be achieved at less human and financial cost.

## ***PREVENTION***

- 5. All areas and levels of the Justice System should work to be more proactive and collaborative in evaluating federal, state, local and private grant-funding opportunities. Wherever possible, the various agencies and offices within the system should find ways to work together to use the information available through the Justice System to maximize services to those individuals identified as most likely to be involved in the criminal justice system.**

*Specific issues raised during discussions:*

Traditionally, the Justice System has not been involved in prevention, but instead has focused on addressing individuals only after they have entered the system. As research has shown that an earlier onset of delinquency or parental involvement with the criminal justice system can lead to a child's future criminal involvement, more attention is being given to prevention and early intervention programs. With grants and requests for innovative programs for early intervention and prevention becoming more frequent, the County and others need to position themselves so that the working relationships required to access these programs are in place.

**6. Continue and support the work of the Office of Community Corrections and Court Services to refine the objectives for probation and other alternative sentencing programs and to track the effectiveness of the various programs in reducing jail population.**

*Specific issues raised during discussions:*

Originally initiated with the single purpose of controlling jail population, the expectations of alternative sentences such as community service and probation have begun to change over the years. Noting that such programs “would be easier to sell if there was some data that they were effective in preventing recidivism,” stakeholders have started to define criteria against which to measure the success of such programs, which may include broader issues than reducing instances of overcrowding. While encouraging this activity, Task Force members emphasized that successful completion of the alternative sentences and jail days saved should also remain as indicators.

***CITIZENS’ VIEWS***

**7. Implement a customer survey process that would target users of the system (i.e., attorneys, plaintiffs, defendants, victims, witnesses and family members) to determine whether those that come in contact with the system are satisfied with their experience.**

*Specific issues raised during discussions:*

It was noted that to encourage participation, the survey should be short and specific. Questions should focus on customer service (e.g., Were you able to

*Justice.... or Just - Us?*

During an update on Task Force activities to the Board of Commissioners, Commissioner and Task Force Co-Chair Jim Vaughn noted that one of the issues NOT raised at the Task Force meetings was the high prevalence of minorities among the population of the Kent County Correctional Facility. A brief review of selected statistics of the jail population revealed two interesting statistics:

- The majority (75 percent) of inmates housed at the facility are repeat offenders. The average number of times “housed” inmates have been in the facility is 9.1
- Although minorities constitute only 20 percent of the County’s population, they accounted for 61 percent of the Correctional Facility population in 2001.

At the request of Board Chair Steve Heacock and Task Force Chair Roger Morgan, Commissioner Vaughn invited several neighborhood association workers and minority constituents to discuss their perception of the Justice System and to respond to the above statistics. The small group that gathered was not surprised by the findings and offered their own perceptions of the potential causes for the statistics and what can be done to reverse them.

Most of the suggestions offered focused on local law enforcement activities, but several focused on changing law enforcement’s perception of certain neighborhoods and engaging the neighborhood in participating in programs targeted at reducing repeat offenders from within their community. One recommendation, a portion of which is already being investigated by the Sheriff’s Office, is to offer life and work skills training and other programs to individuals incarcerated for certain lighter offenses, keeping this population segregated (as much as possible) from the more hardened population, and develop a program to partner with the local community to provide support to the individual upon release. The objective of the program, which would need to be tracked for evaluation purposes, would be to reduce the number of repeat offenses from individuals who receive the training within the facility and receive mentoring and other support upon release.



easily find the service/office you were here for? Was staff courteous and helpful? Were you able to accomplish what you came to do? Why or why not?) and include an opportunity to offer specific suggestions to improve a future visit.

Since there are many examples to follow, the final instrument should not be difficult to design. Survey days should be conducted at least two to four times throughout the year, using the Family Division's Citizen Advisory Council members, Retired Senior Volunteers Program participants or non-uniformed cadets to encourage people leaving the Courthouse to participate.

**8. Conduct a countywide survey to collect baseline data to determine public perceptions of the Justice System.**

*Specific issues raised during discussions:*

In recent years, more and more courts at both the local and State level are conducting public opinion surveys, many of them using a survey instrument developed as part of a National Center for State Courts (NCSC) study funded by the Hearst Corporation. Although the results of a survey would be simply a reflection of perception, it would provide some indication of areas for future attention, whether it is simply education of the public relative to a certain aspect of the system, or a need to consider changing a specific practice. Task Force members recommended using a local college or university's research organization to conduct a telephone survey following the national model and including enough participants to ensure a representative and valid sample. A copy of the NCSC survey instrument is included as Attachment D.

**CONCLUSION**

*Swift justice demands more than just swiftness.  
~ Potter Stewart*

The Kent County Seal, adopted by the 1965 Board of Commissioners, was designed to include rich symbolism – a field of green to represent farmland, a blue ring to remind us of the Grand and other rivers, a lamp of knowledge to portray an enlightened citizenry and the scales of justice to reflect a just society. Justice was seen as an integral part of our community then, and it remains as such today. Preserving justice, like preserving farmland and protecting our lakes and rivers, requires diligence, constant vigilance, and perseverance. The charge to the Task Force was to identify those issues that should be explored as part of the diligence and vigilance. The charge to the Board of Commissioners and staff over the next year will be to develop a process and subsequently, the resources for carrying out the recommendations. Diligence and vigilance will continue to be required both short- and long-term.

## EXECUTIVE SUMMARY

- The survey results indicate that the American public gives an average grade to the performance of the courts in their communities.
- Only 10% of the survey respondents felt the courts in their communities handled cases in an "Excellent" manner, with 20% indicating criminal cases and family relations cases are handled in a "Poor" manner and nearly 30% indicating juvenile delinquency cases are handled in a "Poor" manner.
- Hispanic respondents expressed the greatest satisfaction with the performance of the courts. Whites/Non-Hispanics report assessments that were somewhat lower than those given by Hispanics. The opinions of African-Americans were consistently the most negative about the courts.
- Approximately 53% of respondents indicated some personal involvement in the courts, with almost one-half of personal experience taking the form of jury service.
- The proportion of Americans who have served on a jury has grown over the last 16 years, rising from 16% to 24%.
- Respondents who reported a higher knowledge about the courts expressed lower confidence in courts in their community.
- Almost two-thirds of respondents felt they knew "Some" or "A Lot" about the courts.
- Respondents indicated reliance on electronic sources (59%) and print sources (50%) for information about the courts.
- The American public is close to evenly split between those who believe the media's portrayal of the courts is accurate and those who disagree.
- Sixty-eight percent of respondents disagreed with the statement "It is affordable to bring a case to court," with 38% strongly disagreeing.
- Eighty-seven percent of Americans strongly believe that having a lawyer contributes "A Lot" to the cost of going to court.
- Likewise, 42 to 57% of respondents said court fees, the slow pace of justice, the complexity of the law and the expenditure of personal time (e.g., missing work) contributes "A Lot" to the cost of going to court.
- At the same time, the majority of Americans (six out of ten) believe that it would be possible to represent themselves in court if they wanted to.
- Most respondents (74%) "Strongly" or "Somewhat" agree that court personnel are helpful and courteous, but as compared to Whites/Non-Hispanics, African-Americans were significantly less likely to agree with the statement "Court personnel are helpful and courteous."
- Respondents overwhelmingly believe cases are not being resolved in a timely manner-46% strongly agree.
- Fifty-six percent of respondents agree that "Most juries are not representative of the community" and, as compared to Whites/Non-Hispanics, both African-Americans and Hispanics were more likely to agree.

- Seventy-nine percent of respondents agree that "Judges are generally honest and fair in deciding cases" and, as compared to Whites/Non-Hispanics, both African-Americans and Hispanics were significantly less likely to agree.
- Although most Americans (83%) feel that "people like them" are treated either better or the same as others, that perception is not shared by African-Americans. Two-thirds of African-Americans feel that "people like them" are treated somewhat or far worse than other people.
- Almost 70% of African-American respondents think that African-Americans, as a group, get "Somewhat Worse" or "Far Worse" treatment from the courts, whereas over 40% of White/Non-Hispanic and Hispanic respondents have that opinion.
- Forty-four percent of respondents agree that "Courts are out-of-touch with what's going on in their community" and, as compared to Whites/Non-Hispanics, all other groups were more likely to agree.
- The vast majority of respondents (81%) agree that politics influences court decisions. This pattern holds across racial and ethnic groups.
- Seventy-eight percent of respondents agree that "Elected judges are influenced by having to raise campaign funds" and, as compared to Whites/Non-Hispanics, other groups were more likely to agree.

For a complete copy of this report, please contact:  
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