



## MICHIGAN INDIGENT DEFENSE COMMISSION

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Michigan Indigent Defense Commission Meeting Minutes  
200 N. Washington Square, Lower Level  
Lansing, MI 48933  
January 5, 2018  
Time: 10:00 AM

### **Commission Members Present**

Michael Puerner, Chair, Thomas Clement (non-voting member), Judge Jeffrey Collins, Judge James Fisher, Joseph Haveman, Derek King, Tom McMillin, Brandy Robinson (began the meeting on the telephone and arrived at 1:40 pm), David Schuringa, John Shea, William Swor, and Gary Walker

### **Participating via Telephone**

Nancy Diehl and Frank Eaman

### **Commission Members Absent**

Judge Thomas Boyd

### **Members of the Public Present Included:**

Amber Bede, Troy Baker, Kevin Bowling, Malcolm Brown, Barbara Caskey, Bruce Caswell, Dennis Champine, Michael Day, Frank Hardester, Meghann Keit, Judge Bradley Knoll, Tobi Lake, Carl Macpherson, Elliott Nelson, John Nizol, Cynthia Price, Derek Ringman, Mary Swanson

### **Staff Members Present**

Jonathan Sacks, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Rebecca Mack, Jana Mathieu, Marla McCowan, Kelly McDoniel, Christopher Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 10:00 am.

Judge Fisher introduced former Senator and current Hillsdale County Commissioner Bruce Caswell to the MIDC and thanked Commissioner Caswell for his work on the MIDC Act.

### **Public Comment**

Members of the public were invited to comment at the beginning of the meeting and during the discussion of their particular plans.

Ms. Swanson offered comments in support of the plans submitted by Kent County.

Mr. Nizol offered comments in support of Macomb County's plan.

Mr. Macpherson offered comments in support of Berrien County's plan.

Mr. Bowling offered comments in support of Ottawa County's plan.

Mr. Lake offered comments in support of Lake County's plan.

Ms. Bede offered comments in support of Kalamazoo County's plan.

Mr. Champine offered comments in support of Centerline's plan.

### **Additions to the Agenda**

There were no additions to the agenda. Mr. Shea moved that the agenda be approved. Mr. McMillin seconded the motion. The motion carried.

### **Consent Agenda**

Mr. King moved that the item under the Consent agenda, the December 19, 2017 minutes, be approved. Mr. Shea seconded the motion. The motion carried.

### **Chair Report**

Chair Puerner gave the Commission an update on the Executive Director interview process. Two candidates will be interviewed, and the interviews will be moved to January 8, 2018.

On behalf of the Commission, Chair Puerner thanked Mr. Sacks for being the Commission's first Executive Director and thanked him for his attention to detail, diplomatic handling of change, and leadership of staff in moving the Commission forward.

Chair Puerner thanked Judge Fisher for serving as the Commission's first Chair, and thanked him for his leadership in guiding the new Commission.

### **Executive Director Report**

Mr. Sacks stated that the MIDC should have more information about compliance plan funding once the Governor's Executive Recommendation was released.

Mr. Sacks will mail official notification to funding units with disapproved plans. This mailing starts the second 30-day review period. Regional Managers will continue to work with local systems to revise and resubmit plans.

### **Compliance Plan Review – Committee Updates**

Plans were referred to ad hoc committees of Commissioners for review on specific areas.

Mr. King gave the Commission an overview of the conference call held by the Third Class District Courts Ad Hoc Committee. That committee held a conference call on January 2.

Dr. Schuringa gave the Commission an overview of the conference calls held by the Ancillary Spending Committee. That committee held conference calls on January 2, January 3, and January 4.

Ms. Diehl gave the Commission an overview of the conference call held by the Construction/Building Spending Committee. That committee held a conference call on January 4.

Mr. McMillin gave the Commission an overview of the conference call held by the committee that reviewed all plans requesting more than \$1 million in grant funding. That committee held a conference call on January 4.

### **Substantive Compliance Plan Review**

Ms. McCowan provided an overview of the plans and the associated staff recommendations. Ms. Mack and the Regional Managers provided details and answered questions as needed. Members of the public were invited to again address the Commission to answer questions or provide additional details.

### **Disapprove plans and disapprove cost analyses**

After review, MIDC staff recommends that the Commission disapprove the plans and disapprove the cost analyses for the following systems:

- Delta County
- Jackson County
- Mackinac County
- Macomb County (16<sup>th</sup> Circuit Court and 42<sup>nd</sup> District Court)
- Midland County
- Osceola County
- 17th District Court – Redford (Wayne County)
- 27th District Court – Wyandotte (Wayne County)
- 30th District Court – Highland Park (Wayne County)
- 38th District Court – Eastpointe (Macomb County)
- 43-1 District Court – Hazel Park (Oakland County)
- 43-2 District Court – Ferndale (Oakland County)
- 47th District Court – Farmington Hills (Oakland County)

Mr. Walker moved that the staff recommendation be adopted and that the Commission disapprove the plans and disapprove the cost analyses for the thirteen plans listed above. Mr. Shea seconded the motion. The motion carried.

### **Approve plans, disapprove cost analyses**

After review, MIDC staff recommends that the Commission approve the plans but disapprove the cost analyses for the following systems:

- Alger County
- Antrim County
- Bay County
- Berrien County
- Branch County
- Calhoun County
- Charlevoix County
- Cheboygan County
- Clare and Gladwin Counties

The Commission recessed from 12:15 pm to 12:57 pm, and resumed its discussion of the plans in this section.

- Clinton County
- Crawford County
- Genesee County
- Gratiot County
- Gogebic County
- Hillsdale County
- Ionia County
- Ingham County
- Iron County
- Isabella County
- Kalamazoo County
- Kalkaska County
- Kent County – 17th Circuit Court
- 63rd District Court – Kent County
- 59-1 District Court – Grandville (Kent County)
- 59-2 District Court – Walker (Kent County)
- 61st District Court – Grand Rapids (Kent County)
- 62a District Court – Wyoming (Kent County)
- 62b District Court – Kentwood (Kent County)
- Lake County
- Leelanau County
- Marquette County
- Mecosta County
- Menominee County
- Newaygo and Oceana Counties
- Ontonagon County
- Ottawa County
- Otsego County
- Presque Isle County

- Roscommon County
- Saginaw County
- St. Joseph County
- Tuscola County
- Washtenaw County (22<sup>nd</sup> Circuit Court and 14<sup>th</sup> District Courts)
- 16th District Court – Livonia (Wayne County)
- 18th District Court – Westland (Wayne County)
- 19th District Court – Dearborn (Wayne County)
- 21st District Court – Garden City (Wayne County)
- 22nd District Court – Inkster (Wayne County)
- 23rd District Court – Taylor (Wayne County)
- 29th District Court – City of Wayne (Wayne County)
- 31st District Court – Hamtramck (Wayne County)
- 32a District Court – Harper Woods (Wayne County)
- 33rd District Court – Trenton/Woodhaven (Wayne County)
- 35th District Court – Plymouth (Wayne County)
- 36th District Court – Detroit (Wayne County)
- 37th District Court – Warren and Centerline (Macomb County)
- 41-a-2 District Court – Shelby Township (Macomb County)
- 41b District Court – Clinton Township (Macomb County)
- 43-3 District Court – Madison Heights (Oakland County)
- 44th District Court – Royal Oak (Oakland County)
- 45th District Court – Oak Park (Oakland County)
- 46th District Court – Southfield (Oakland County)
- 51st District Court – Waterford (Oakland County)

Mr. Fisher moved that Branch County be removed from the above list, and moved that the plans for the remaining systems listed above be approved, but the cost analyses be disapproved. Mr. Walker seconded the motion. Mr. King abstained from the vote with respect to Calhoun County. The motion carried.

### **Branch County**

Mr. Shea moved that the Commission disapprove the plan and disapprove the costs analysis for Branch County. Ms. Diehl seconded the motion. Ms. Robinson abstained from the vote. The motion carried.

The Commission recessed from 2:54 pm until 3:09 pm.

### **Approve plans and approve cost analyses**

After review, the MIDC staff recommends that the Commission approve the plans and approve the costs analyses for the following systems:

- Allegan and Van Buren Counties
- Lapeer County
- Oscoda County
- 28<sup>th</sup> District Court – Southgate (Wayne County) This plan's approval is recommended to be conditional, pending approval of Criminal Advocacy Program funding for Standard 1 compliance which is included in Wayne County Circuit Court's plan.

The total cost for the plans above is \$3,711,283.84.

Mr. Walker moved that the staff recommendation be adopted and that the plans and the cost analyses for the systems listed above be approved. Mr. Shea seconded the motion. The motion carried.

#### **Next meetings**

The Commission will hold a special meeting on January 8 to conduct Executive Director interviews. The special meeting previously scheduled for 1/19 will be cancelled.

The Commission's regular meeting dates for 2018 will be: February 20, April 17, June 19, August 21, October 16, and December 18.

#### **Adjourn**

Mr. Shea moved that the meeting be adjourned. Dr. Schuringa seconded the motion. The motion carried.

The meeting adjourned at 4:05 pm.

Respectfully submitted,  
Marcela Westrate