



MICHIGAN INDIGENT  
DEFENSE COMMISSION

Date: Tuesday, April 20, 2021, Time: 9:00 a.m.

Location:

<https://us02web.zoom.us/j/89378165701>

Meeting ID: 893 7816 5701

One tap mobile

+19292056099,,89378165701# US (New York)

**MEETING AGENDA**

1. Roll call and opening remarks (3 min)
2. Introduction of Commission members and guests (3 min)
3. Public comment
4. Additions to agenda
5. Consent agenda (5 min)
  - a. February 23, 2021 Minutes
  - b. February 23, 2021 Closed Session Minutes
  - c. Attorney General FY21 MOU
6. Chair Report (5 min)
7. Executive Director Report (5 min)
8. Commission Business
  - a. Standards Evaluation Presentation by Jeanette Hussemann (15 mins)
  - b. Committee Reports
    1. Executive Committee (10 min)
    2. Strategic Planning Committee (10 mins)
  - c. Wayne County Mediation Update (10 mins)
  - d. Review of FY21 Compliance Plan Submissions (20 mins)
    1. Plan changes
    2. Budget adjustments
    3. City of Hazel Park
    4. City of Inkster
  - e. EGraMS Introduction (10 mins)
  - f. Compliance Resolution Process (15 mins)
  - g. Presentation by Public Sector Consultants (20 mins)
  - h. Presentation on Expungement, Commissioner Crampton (20 mins)
  - i. ED Evaluation Review
9. Next meeting – **June 15, 2021**
10. Adjourn

## **Michigan Indigent Defense Commission Meeting Minutes**

The meeting was held remotely via Zoom in compliance with the Open Meetings Act and Public Act 228 of 2020 to reduce transmission of COVID-19 and protect the health of Commissioners, MIDC staff and members of the public interested in attending the meeting. The MIDC website and meeting notice included information for members of the public on how to participate.

**February 23, 2021**

**Time: 9:00 am**

### **Commission Members Participating**

Consistent with Public Act 228 of 2020, during roll call Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Judge Jeffrey Collins (Wayne County, Michigan)
- Joshua Blanchard (Greenville, Montcalm County, Michigan)
- Tracy Brame (Grand Rapids, Kent County, Michigan)
- Kimberly Buddin (Oakland County, Michigan)
- Nathaniel Crampton (Jackson, Jackson County, Michigan)
- Christine Green (Scio Township, Washtenaw County, Michigan)
- David Jones (Wayne County, Michigan) (joined at 10:12 am)
- James Krizan (Wayne County, Michigan)
- Margaret McAvoy (Mount Pleasant, Isabella County, Michigan)
- Tom McMillin (Oakland Township, Oakland County, Michigan)
- Cami Pendell (non-voting member) (Eaton County, Michigan)
- Michael Puerner, Chair, (Ada, Kent County, Michigan) (joined at 10:25 am)
- Judge Kristina Robinson Garrett (Detroit, Wayne County, Michigan)
- John Shea (Dexter Township, Washtenaw County, Michigan)
- William Swor (Detroit, Wayne County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

### **Commission Members Absent:**

Andrew DeLeeuw, James Fisher and Joseph Haveman

### **Staff Members Participating**

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Collins called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 9:04 am.

### **Introduction of Commission members and guests**

Chair Collins welcomed attendees to the meeting. Guests were invited to introduce themselves.

### **Public Comment**

The following members of the public offered comments:

- Meghann Keit, on behalf of the Michigan Association of Counties (MAC)
- Bernard Jocuns
- Mary Ann Jerge
- Doug Corwin, in support of Shiawassee County's proposed plan change
- Judge Theodore Metry
- Richard Lynch, speaking in his personal capacity and not on behalf of Wayne County
- Marianne Talon
- Robin Dillard Russaw
- Dawn Van Hoek
- Thomas Jefferson provided a comment via email read by Ms. Khogali

### **Additions to agenda**

Commissioner Shea moved that the agenda be approved as presented. Commissioner Swor seconded the motion. The motion carried.

### **Consent Agenda**

Commissioner Green moved that the consent agenda containing the December meeting minutes and revised 2021 meeting dates be adopted. Commissioner Walker seconded the motion. The motion carried.

### **Chair Report**

Chair Collins thanked Ms. Khogali for scheduling introductory meetings with the Governor's Legal Division, the Department of Licensing and Regulatory Affairs (LARA), and the Michigan Association of Counties (MAC). He thanked Commissioners DeLeeuw and McAvoy for participating in the meeting with MAC. He thanked Commissioner Puerner for his service as Chair and thanked the people who attend the meetings for their service and time.

### **Executive Director Report**

Ms. Khogali provided a written report to the Commission prior to the meeting. Ms. Mitchell has been hired as the MIDC's first Training Analyst. MIDC expects to fill the vacant Grant Analyst position within the next few weeks. She updated the Commission on the four commission seats that expire in April, two nominated by the Speaker of the House and two nominated by the Senate

Majority Leader. Ms. Khogali will work with LARA and the Governor's office on these appointments.

### **Commission Business**

#### FY 22 Appropriation and Legislative Report

The Commission discussed House Bill 4174, introduced by State Representative Lightner. The bill would create a new Justice Data Collection and Reporting System.

Commissioner Shea moved that MIDC staff be authorized to engage in the legislative process with respect HB 4174. Commissioner Walker seconded. The motion carried.

#### Executive Committee Report

Judge Collins provided an overview of the Executive Committee's meeting and discussion about the strategic planning process. He asked Commissioners interested in participating on the Strategic Planning Committee to contact him.

The Commission discussed the proposed charge of the committee:

The *ad hoc* strategic planning committee will support the Commission's strategic planning process. In doing so, the committee will work with the Executive Director to ensure an effective strategic planning process for the Commission, lead the development of a two-to-five year plan for the work of Commission and make recommendations related to its mission, vision and strategic initiatives for consideration and approval to the full Commission.

Commissioner Swor moved that the proposed charge of the committee be approved. Commissioner McAvoy seconded. The motion carried.

Commissioner Swor moved that the Chair be authorized to establish the committee. Commissioner Walker seconded. The motion carried.

#### Compliance Planning Committee

##### FY 22 Compliance plan application and cost analysis

Ms. McCowan provided an overview of the proposed FY 22 compliance plan application and cost analysis.

Commissioner McMillin moved that the FY 22 compliance plan application and cost analysis be approved. Commissioner Blanchard seconded the motion. The motion carried.

#### Proposed changes to the Grant Manual

The Commission discussed the process for reviewing proposed changes to the Grant Manual.

Commissioner Shea moved that the Commission go forward with its review of the entire Grant Manual on an edit-by-edit basis, and that the Commission then vote on an edit-by-edit basis whether to approve, disapprove or table the suggested amendment. Commissioner Blanchard seconded the motion.

Chair Collins briefly departed the meeting and Commissioner Green temporarily assumed the role of chair. After discussion on the motion, Commissioner Green asked for a roll call vote. Judge Collins rejoined the meeting.

The motion carried with nine yeas (Collins, Blanchard, Brame, Buddin, Crampton, Green, McMillin, Shea and Walker) and 5 nays (Krizan, Jones, McAvoy, Swor, Puerner). Judge Robinson Garrett joined the meeting during discussion of this motion and abstained from voting.

The Commission reviewed each change proposed to the Grant Manual.

Commissioner Shea moved that page 5 of the Grant Manual be amended by striking “Position Paper or Attorney Fees after the Passage of the MIDC Act (MIDC, Summer 2016)” from resources available on the MIDC’s website listed in the document. Commissioner Blanchard supported the motion. The motion carried, Commissioner McAvoy opposed the motion.

Commissioner Blanchard moved that page 6 of the Grant Manual be amended by adding the following language in bold to the sentence already included in the document: “A cost analysis (budget) for the compliance plan must be submitted in the format approved by the MIDC, **including the detail of costs associated with a non-profit/vendor model defender office.**” Commissioner Shea supported the motion. The motion carried.

Commissioner Blanchard moved that the first paragraph of page 7 be amended with following changes, strike the sentence that reads “For FY2020, the local share was increased by 2.2% pursuant to MCL §780.983(i).” and adjust the next sentence in the paragraph to read: “The local share will be adjusted **each year in accordance with the statutory requirement.** ~~to 2.1% for FY2021.~~” Commissioner Green seconded the motion. The motion carried, Commissioner McAvoy opposed the motion.

Commissioner Shea moved that a sentence be added to the first full paragraph on page 9 to read “Systems seeking to change models (i.e., move from an assigned counsel system to a public defender office) should include a feasibility study, including a caseload analysis, sufficiently detailed to allow staff and Commission to review anticipated system impacts. Please consult with a Regional Manager for samples of these studies.” Commissioner Shea further moved that language be added to clarify that feasibility studies could be something for which systems requested reimbursement. Ms. McAvoy seconded the motion. The motion carried. Commissioner Blanchard opposed the motion.

Commissioner Green moved that a new sentence be added after the first sentence in the second full paragraph on page 9: “Systems can also include the cost of a license for full time employees with positions requiring a license (i.e. investigator).” Commissioner Swor seconded. The motion carried.

Commissioner Shea moved that a sentence in the second paragraph on page 9 be modified to read: “MIDC grant funding is not permitted for membership in ~~sections or~~ local bar associations **or any optional professional organizations, with the exception of funding for eligible training resources indicated by MIDC Standard 1.**” Commissioner Shea moved that there be an explanation about local bar association dues being included in the Grant Manual previously and that this language is consistent with the Commission’s policies to this point. Commissioner Crampton seconded the motion. The motion carried. Commissioner McAvoy opposed the motion.

Commissioner Blanchard moved that the following sentence be added to the first full paragraph on page 10: "Time studies should be submitted with any request to fund these positions."

Commissioner Green seconded the motion. After discussion, Commissioner Shea moved that the sentence be amended to read: "Local systems are encouraged to submit time studies with any request to fund these positions." The motion to adopt the amended language passed, Commissioner McAvoy opposed the motion.

Commissioner Shea moved that the amended sentence be adopted. Commissioner Green seconded the motion. The motion carried, Commissioner McAvoy opposed.

Commissioner Swor moved that the following language be added after the fourth full paragraph on page 11: "MIDC grant funding is not permitted for the cost of parking at an assigned work station unless reimbursement is required by the funding unit's established local employment policies." Commissioner Shea seconded the motion. The motion carried.

Commissioner Swor moved that the following paragraph be added to page 11: "Supplies Systems can include funding for supplies needed for trial, including demonstrative exhibits and clothing for defendants to wear during court proceedings." Commissioner Blanchard seconded the motion. The motion carried.

Commissioner Green moved that the following sentence be added to the end of the first full paragraph on page 12: "Time spent in skills training counts towards, and can satisfy, the annual CLE requirement." Commissioner Blanchard seconded the motion. The motion carried.

Commissioner Shea moved that the first sentence in the fourth paragraph on page 12 be amended to strike "compliance plan" and insert "grant management system" so that the sentence would read "In the grant management system, provide the names and P#s of all attorneys who will provide indigent defense in the year covered by the compliance plan." Commissioner Brame seconded the motion. The motion carried.

Commissioner Buddin moved that the last paragraph on page 13 be amended to add the language in bold: "MIDC Grant funding will not be awarded for membership to the **National Legal Aid and Defender Association (NLADA)**, the National Association for Criminal Defense Lawyers (NACDL), the Criminal Defense Attorneys of Michigan (CDAM), the Institute for Continuing Legal Education (ICLE), **or local bar associations.**" Commissioner Blanchard seconded the motion. The motion carried.

Commissioner Blanchard moved that "Pre-Sentence Investigation Interview" be added to the bulleted list of matters on page 20 that can be included in Standard 4 funding. Commissioner Green seconded. The motion carried.

Commissioner Blanchard moved that the following sentence be added at the end of page 20: "MIDC grant funding shall not be used to compensate standby counsel when the defendant has invoked the constitutional right of self-representation." Commissioner Crampton seconded the motion. A roll call vote was requested. The motion carried with 9 yeas (Brame, Buddin, Green, McMillin, Puerner, Robinson Garrett, Shea, Swor and Walker) and 5 nays (Blanchard, Crampton,

Krizan, Jones, McAvoy). Chair Collins temporarily left the meeting, Commissioner Green assumed the role of chair in his absence.

Commissioner Swor moved that the following new section be added to page 21:

Services Outside of Adult Criminal Case Representation

The MIDC is cognizant that other legal concerns often exist for indigent clients outside of the criminal trial court and supports local decisions to develop and use best-practice defense services for all those in need.

For example, a few local funding units employ attorneys within their public defender offices to represent youth in delinquency or other probate hearings; some employ administrators to manage the rosters of juvenile defense attorneys; others have considered partnering with local civil legal services to provide increased holistic defense.

Local systems should identify and delineate those costs if they have expanded their legal services to indigent clients outside of the scope of the MIDC Act or are considering such an expansion to ensure they are meeting their current grant contract agreements. The MIDC regional manager team can help systems implement best-practices while ensuring all contract agreements are upheld.

Commissioner Walker seconded. The motion carried, Commissioner McAvoy opposing.

Commissioner Blanchard moved that the first sentence on page 22 be removed from the document. This sentence is not necessary since Standard 5 has been approved by LARA. Commissioner Shea seconded. The motion carried.

Commissioner Swor moved that the following sentence be added to the first paragraph of the Reporting Required section on page 25: “Systems with personnel must submit time sheet(s), time certification(s), or a time study with quarterly reporting when requested by MIDC staff or with any request by the system to modify the personnel position(s).” Commissioner Green seconded the motion. A roll call vote was requested. The motion carried with 10 yeas (Blanchard, Brame, Buddin, Green, Jones, McMillin, Robinson Garrett, Shea, Swor, Walker) and 3 nays (Krizan, McAvoy, Puerner).

Commissioner Swor moved that the following footnote be added to page 25:

Local funding units are required to report reimbursements received from the Michigan Department of Corrections for which funding is also provided through the MIDC grant as part of program income and report it quarterly or at the end of the fiscal year in the final quarterly report. See MIDC meeting minutes, April 2020.

Commissioner Blanchard seconded. The motion carried. Commissioner McAvoy opposed the motion.

The Commission recessed from 12:40 pm until 12:50 pm. Commissioner Swor left during the break.

Selection Standards Committee (Standard 5)

Ms. McCowan and Ms. Staley presented an overview of the FAQs provided in the Commission's meeting materials.

Commissioner Puerner moved that the FAQs be adopted and published. Commissioner Green seconded. The motion carried.

#### Court Rules Committee

Ms. Smithson provided an overview of the rules changes that had been reviewed by the committee. There was discussion in the Selection Standards Committee about the proposed changes to MCR 2.117. That committee's suggested changes were included in the document that was presented to the Commission. Commissioner Blanchard asked that the changes to MCR 2.117 be considered separately from the other changes.

Commissioner Shea moved to approve the proposed changes to MCR 2.117. Commissioner Krizan seconded. The motion carried. Commissioner Blanchard opposed the motion.

Commissioner Shea moved that the Commission adopt the proposed changes to the remaining court rules that were before the Commission. Commissioner Walker supported the motion. The motion carried.

Ms. Khogali will work with the State Court Administrative Office to submit the proposed changes for consideration.

Ms. Khogali provided an overview of proposed changes MCR 8.120 which were before the State Bar of Michigan's Representative Assembly in September. Ms. Khogali drafted a proposed response to the changes.

Commissioner Blanchard moved that the response be submitted if the proposal was on the Representative Assembly's agenda in April. Commissioner Shea seconded. The motion carried.

#### Training and Evaluation Committee

Commissioner Brame and Ms. McCowan updated the Commission on the committee's work. The committee will start to draft language for trainers and training providers.

### **FY 21 Compliance Plan Updates**

#### Wayne County Update

State Court Administrator Tom Boyd appointed attorney Pam Enslin as mediator with respect to the disapproved portion of Wayne County's FY21 cost analysis. Pursuant to the MIDC Act, mediation must begin within 30 days of appointment of a mediator and conclude within 60 days of initiation of the mediation.

Commissioner Walker moved to authorize the Executive Director to proceed through the mediation process in consultation with the Executive Committee and Judge Fisher. Any mediation agreement should be brought before the Commission for approval. Commissioner Puerner seconded the motion. The motion carried.

#### Plan Change Requests



The City of Warren submitted a request for a plan change to hire an attorney as an independent contractor to oversee its indigent defense program as a Managed Assigned Counsel Coordinator and assist with the implementation of MIDC Standard 5. MIDC staff recommends that the request be approved.

Commissioner Blanchard moved that the staff recommendation be adopted and that the plan change submitted by the City of Warren be approved. Commissioner Puerner supported the motion. The motion carried.

Ms. McCowan provided an overview of Shiawassee County's request for a plan change. Shiawassee County is requesting a plan adjustment seeking to expand services of MIDC Standard 4 and allow for funding for payment of tether monitoring fees for pretrial release of indigent clients. This would include coverage of tether fees for clients charged with probation violations and are awaiting a hearing. MIDC staff recommends that the county's request for a plan change be rejected.

Commissioner Walker moved that the staff recommendation to reject the plan change submitted by Shiawassee County be adopted. Commissioner Shea supported the motion. The motion carried, Commissioner Blanchard opposed the motion. Commissioner McAvoy abstained from the motion because of her previous employment with the county.

#### First Quarter Reporting

Ms. Mack approved the following budget adjustments:

- Berrien County
- Chippewa County
- 37<sup>th</sup> District Court - Warren/Centerline
- Eaton County
- Houghton County
- Kalkaska County
- Livingston County
- Macomb County
- Menominee County
- Montcalm County
- Oakland County
- Ottawa County
- Tuscola County

#### **Review of FY21 Compliance Plan Submissions**

##### Inkster

The City of Inkster has not completed reporting for fiscal years 2019 and 2020. The City has not submitted a plan or cost analysis for fiscal year 2021. MIDC staff recommends that the failure to submit a plan/cost analysis be treated as a denial and that the Commission move to mediation with this system.

Chair Collins moved that the staff recommendation to treat third failure to submit a plan as a denial be adopted, that the Commission move to mediation with respect to the plan and the failure to provide reporting and that the Executive Director proceed through the mediation process in consultation with the Executive Committee with any mediation agreement being brought before the Commission for approval. Chair Shea seconded the motion. Chair Collins requested a roll call vote. The motion carried with 13 yeas (Collins, Blanchard, Buddin, Brame, Green, Krizan, McAvoy, McMillin, Puerner, Robinson Garrett and Walker), 0 nays and 1 abstention (Jones).

Highland Park

Ms. McCowan provided an overview of Highland Park's resubmitted plan and cost analysis. MIDC staff recommends that the plan and cost analysis resubmitted by Highland Park be approved. Commissioner Puerner moved that the staff recommendation be adopted and that the plan and cost analysis resubmitted by Highland Park be approved by the Commission. Commissioner Walker seconded the motion. The motion carried.

Redford

Ms. McCowan provided an overview of Redford's resubmitted cost analysis, the system's plan was previously approved by the Commission. MIDC staff recommends that the cost analysis resubmitted by Redford be approved. Commissioner Green moved that the staff recommendation be adopted and that the cost analysis resubmitted by Redford be approved. Commissioner Krizan seconded. The motion carried.

**Annual Review of Executive Director**

Ms. Khogali has requested that the Commission consider her evaluation in a closed session. Commissioner Green moved to go into closed session under MCL 15.268(a) to consider the periodic personnel evaluation of Ms. Khogali and under MCL 15.268(h) to consider material exempt from disclosure under section 13(1)(g) of the Freedom of Information Act. Commissioner Krizan seconded. Chair Collins requested a roll call vote. The motion carried with 12 yeas (Collins, Blanchard, Brame, Buddin, Green, Krizan, Jones, McAvoy, McMillin, Puerner, Robinson Garrett, and Shea) and 0 nays. The Commission moved into closed session at 2:20 pm.

The Commission returned at 2:56. Chair Collins asked for a roll call vote on returning to open session. Roll was called, the following members were present: Collins, Blanchard, Brame, Buddin, Green, Krizan, Jones, Puerner, Robinson Garrett, Shea, Swor and Walker.

Ms. Khogali's contract with LARA was distributed to Commissioners prior to the meeting. Commissioner Shea moved that the contract be approved. Commissioner Krizan seconded. The motion carried.

Commissioner Krizan moved that the meeting be adjourned. Commissioner Green seconded the motion. The motion carried. The meeting adjourned at 3:02 pm.

Respectfully submitted,  
Marcela Westrate

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE DEPARTMENT OF ATTORNEY GENERAL  
LICENSING AND REGULATION DIVISION  
AND  
THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN INDIGENT DEFENSE COMMISSION**

**FOR FISCAL YEAR 2020-2021: October 1, 2020 - September 30, 2021**

**Purpose**

The purpose of this Memorandum of Understanding (MOU) is to clearly define the following:

- The requirements for legal services rendered by the Department of Attorney General (AG)/Licensing and Regulation Division (LRD) to the Department of Licensing and Regulatory Affairs (LARA)/Michigan Indigent Defense Commission (MIDC) (hereinafter collectively referred to as the "parties");
- The specific amount to be paid for services rendered by AG/LRD to LARA/MIDC; and
- The budgeting and invoicing requirements for such services.

**Services Regarding the Michigan Indigent Defense Commission Act**

The AG/LRD shall provide legal representation and other legal services to LARA/MIDC for matters brought forth under the Michigan Indigent Defense Commission Act, 2013 PA 93, as amended. The foregoing includes:

- Attending MIDC meetings; and
- Providing legal advice related to the Michigan Indigent Defense Commission Act, and other relevant statutes, as requested by MIDC.

**Estimated Budget and Payments**

In return for providing the services indicated above, MIDC agrees to pay AG/LRD for services regarding the Michigan Indigent Defense Commission Act and other relevant statutes as follows:

- Personnel Costs:

Attorney (0.1 FTE)	\$ 20,000
Total Personnel Costs	\$ 20,000
  
- Expenses:

Other	\$ 500
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- Total Estimated Budget \$ 20,500

The personnel funds may be used for salary and fringe benefits. Any associated costs, such as transcripts, consultant costs, and travel that are incurred through the normal course of business are reimbursable under this MOU.

Upon program staff approval, LARA's Finance and Administrative Services will pay the invoice via inter-agency transaction process using the following coding structure for each agency:

LARA  
Agency Code: 641  
Accounting Event: IN04  
Accounting Template: 6412503T001  
Dept. Object: 8140

AG  
Agency Code: 111  
Accounting Event: IN04  
Accounting Template: 111641IDC  
Dept. Object: 5490

The AG's Fiscal Management Office will submit invoices detailing the specific services provided, with supporting documentation, on a quarterly basis to:

Chris Graham  
Finance & Administrative Services  
4th Floor, Ottawa Bldg.  
Lansing, MI 48909

### **Personnel**

Attorneys and support staff to be assigned are not to exceed the number of staff and the budget limit. The attorneys and support staff will be physically housed and supervised in the AG/LRD.

### **Assignment of Priorities**

The Executive Director of the MIDC or his/her designee will determine the priorities of legal assignments. Assignments will be made through the Division Chief of LRD to support the established priorities. The parties will work together to resolve scheduling conflicts.

### **Reports**

The AG/LRD will provide quarterly status reports of all legal assignments. The content of the reports will reflect the opened, closed, and pending status during the quarter, and other mutually agreed upon information. This report will not only keep all parties familiar with activities but will support the annual cost paid by LARA/MIDC.

Meetings will be scheduled at least quarterly with the Executive Director of MIDC to discuss quarterly reports. In addition, meetings to discuss cases will be scheduled on an as-needed basis.

### **Modifications**

Any changes, amendments, or revisions to this MOU shall only be effective if made in writing with the written concurrence authorized by the AG/LRD and the LARA/MIDC.

### **Termination**

This agreement shall be in full force and effect for the period specified in this MOU. This MOU may be terminated by either party by giving 60-day written notice stating the reasons for termination and the effective date.

**Special Conditions**

This MOU is conditionally approved subject to, and contingent upon, the availability of funds.

**Agreement Period**

This MOU is in full force and effect from October 1, 2020 through September 30, 2021.

DEPARTMENT OF ATTORNEY GENERAL

By: \_\_\_\_\_  
Christina M. Grossi, Chief Deputy

Date: \_\_\_\_\_

By: \_\_\_\_\_  
James Selleck, Director of Fiscal Management

Date: \_\_\_\_\_

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

By: \_\_\_\_\_  
Orlene Hawks, Director

Date: \_\_\_\_\_

## **Michigan Indigent Defense Commission**

### **Strategic Planning Committee**

#### **Meeting of Friday, March 19, 2021**

The meeting began at 11:00 a.m. Present were Loren Khogali, Hakim Crampton, Bill Swor, Margaret MacAvoy, Josh Blanchard, and Christine Green.

The following items were discussed. All plans, processes, and recommendations are subject to Commission approval.

1. We will have a series of 90-minute meetings, one every two weeks for the first 2 months, and then one meeting per month until completion of our work, unless otherwise necessary;
2. Our next meeting will be April 1st from 1:00 p.m. to 2:30 p.m., and the next will be April 16th from 8:30 a.m. to 10:00 p.m;
3. We will prepare a five-year plan with both short-term and long-term goals, as well as methods to measure our success;
4. We intend to complete our work in time for you to schedule a special meeting of the Commission sometime early in 2022, to review our recommendations and preliminary plan;
5. Our work product will be a set of recommendations to the Commission, most likely embodied in a draft strategic plan;
6. Loren and staff prepared and collected materials for us, and we identified additional materials that we might reference as we proceed;
7. We discussed bringing in people from outside our own agency to talk about issues we may want to fold into the plan (e.g. data collection and analysis);
8. Loren and staff provided a very useful document to which we will refer frequently. That document identifies the categories into which most of the work of the Commission falls, and poses questions about our priorities and what we need to accomplish our goals.
9. We will begin our substantive work with a SWOT analysis (Strengths, Weaknesses, Opportunities and Threats) and will move from there into a review of our vision, mission, and core values;
10. After we have tackled these foundational pieces, we will move onto specific long- and short-term goals and how we will accomplish them.

The meeting ended at 12:30 p.m.

**To:** Michigan Indigent Defense Commission

**From:** Marla R. McCowan  
Director of Training, Outreach & Support

**Re:** FY21 quarterly reporting, compliance plan resubmissions, and staff recommendations

**Date:** April 12, 2021

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## I. FY21 Compliance Funding Distribution Update; Q1 Reporting

### A. Overview

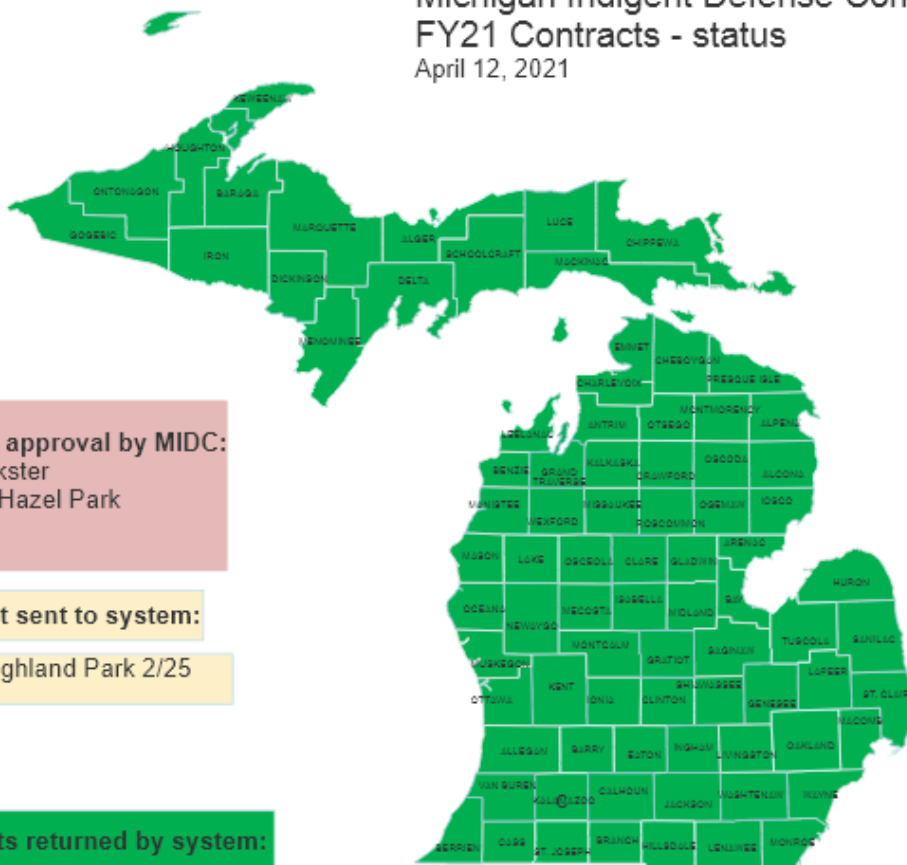
As of the February 2021 meeting, **118 of 120 systems have had their plans and cost analyses approved** and contracts have been distributed to those systems.

The graphic on the next page details the finalized contracts to date as well as the outstanding contracts that need to be approved and/or returned by the system(s).

FY21 Total system cost approved (to date): \$164,281,439.32

- Local share (increase of 2.1% from FY19): \$38,421,869.42
- MIDC funding approved for compliance plans: \$125,859,569.90
- MIDC funding approved to reimburse systems for the cost of planning: \$22,121.53

Michigan Indigent Defense Commission  
 FY21 Contracts - status  
 April 12, 2021



**Pending approval by MIDC:**  
 D 22 - Inkster  
 D 43-1 - Hazel Park

**Contract sent to system:**  
 D 30 - Highland Park 2/25

**Contracts returned by system:**

**Wayne 3rd Class Districts and Municipalities:**  
 D 16 - Livonia  
 D 17 - Redford  
 D 18 - Westland  
 D 19 - Dearborn  
 D 20 - Dearborn Heights  
 D 21 - Garden City  
 D 23- Taylor  
 D 24 - Allen Park  
 D 25 - Lincoln Park  
 D 27 - Wyandotte  
 D 28 - Southgate  
 D 29 - Wayne  
 D 31 - Hamtramck  
 D 32a - Harper Woods  
 D 33 - Trenton  
 D 34 - Romulus  
 D 35 - Plymouth  
 D 36 - City of Detroit  
 Grosse Pointe City  
 Grosse Pointe Farms/Shores  
 Grosse Pointe Park  
 Grosse Pointe Woods

**Macomb 3rd Class Districts:**  
 D 37 - Warren Centerline  
 D 38 - Eastpointe  
 D 39 - Roseville/Fraser  
 D 40 - St Clair Shores  
 D 41-a-1 - Sterling Heights  
 D 41-a-2 - Shelby  
 D 41 -b - Mt. Clemens

**Oakland 3rd Class Districts:**  
 D 43-2 - Ferndale  
 D 43-3 - Madison Heights  
 D 44 - Royal Oak  
 D 45 - Oak Park  
 D 46 - Southfield  
 D 47 - Farm/Hills  
 D 48 - Bloomfield  
 D 50 - Pontiac  
 D 51 - Waterford

**Kent 3rd class Districts:**  
 D 61 - Grand Rapids  
 D 62a - Wyoming (GKWW)



## 1. System reporting - progress towards compliance

Staff will receive the second quarter of reporting from systems for FY21 (covering January 1, 2021 – March 31, 2021) at the end of April. The reporting is composed of:

- A **program report**, detailing the progress towards compliance with the approved plan. All program reports are currently submitted online through a survey-type of system for ease in submitting, receiving, and organizing the information provided.
- A **financial status report**, in the format approved by the Commission, to provide information regarding the spending on indigent defense between January 1, 2021 – March 31, 2021.
- A **budget adjustment request**, if applicable, to accommodate necessary changes to the line items without exceeding the approved total grant award;
- A **list of attorneys** providing services in the system, including full name and P#, to track progress on continuing legal education.
  - **NEW:** As of January 31, 2021, there were 2309 attorneys accepting assignments in Michigan.
  - The MIDC's Training Analyst used the Q1 list of attorneys to pre-populate the new grant management system for the convenience of local stakeholders as they enter their FY22 compliance plans and cost analyses.

The MIDC staff worked to simplify the reporting process and created a series of short web-based tutorials to provide systems with guidance on completing the necessary reporting documents. The tutorials, along with a number of resources for reporting, can be found on our grants page, at [www.michiganidc.gov/grants](http://www.michiganidc.gov/grants).

## 2. Changes and adjustments to approved plans and/or cost analysis

### a. Plan Change Request – **action item**

Oakland County—C6 and D52-1 to D52-4  
Total System Cost: \$7,203,836.12  
Local Share: \$5,336,674.20  
MIDC Funding: \$1,867,161.92

*Senior staff recommends approving this request, there is no change to the approved budget.*

Oakland would like to hire a chief attorney to oversee its office of indigent defense services earlier than October 1st to start implementing the numerous changes Oakland needs to make (creation of the new department, creating office policy, procedural policy, etc.) to become compliant with Standard 5. Oakland also wants the Chief Attorney involved in coordinating the planning for a Public Defender Office in FY23.

Oakland does not believe that this plan change will impact funding because the funds needed for the chief attorney's salary, benefits, furniture, and office equipment can be reallocated from the attorney's fees line. Because of case delay and fewer arrests due to COVID, Oakland believes that this line contains a surplus.

Although Oakland has been working on its planning for Standard 5 since last year, much more still needs to occur in order to make a smooth transition to independence from the judiciary.

The chief attorney will be a county employee who will be paid \$146,702 plus benefits annually. Oakland also believes that \$16,294 is needed to furnish the chief attorney's office, purchase some equipment for the office, and pay for ongoing supply costs.

**b. Budget adjustments – information item**

- 1) The Grant Manager processed the following **budget adjustment requests** pursuant to the process set forth in the MIDC's [Grant Manual](#) at p. 26 (June 2020) and the MIDC's actions on the related plan change requests at the February 2021 meeting:
  - [D 37 – Warren/Centerline \(approved\)](#)
  - [Shiawassee County \(denied\)](#)

## II. FY21 Compliance Planning, Submissions, and Recommendations

### A. Overview

Statutory authority MCL §780.993 (as amended with emphasis December 2018):

(3) No later than 180 days after a standard is approved by the department, each indigent criminal defense system shall submit a plan to the MIDC for the provision of indigent criminal defense services in a manner as determined by the MIDC and shall submit an annual plan for the following state fiscal year on or before **October 1** of each year. A plan submitted under this subsection must specifically address how the minimum standards established by the MIDC under this act will be met and must include a cost analysis **for meeting those minimum standards**. The standards to be addressed in the annual plan are those approved not less than **180** days before the annual plan submission date. The cost analysis must include a statement of the funds in excess of the local share, if any, necessary to allow its system to comply with the MIDC's minimum standards.

(4) The MIDC shall approve or disapprove **all or any portion of** a plan or cost analysis, or both a plan and cost analysis, submitted under subsection (3), and shall do so within 90 calendar days of the submission of the plan and cost analysis. If the MIDC disapproves **any part of** the plan, the cost analysis, or both the plan and the cost analysis, the indigent criminal defense system shall consult with the MIDC and, **for any disapproved portion**, submit a new plan, a new cost analysis, or both within **60** calendar days of the mailing date of the official notification of the MIDC's disapproval. If after 3 submissions a compromise is not reached, the dispute must be resolved as provided in section 15. **All approved provisions of an indigent criminal defense system's plan and cost analysis must not be delayed by any disapproved portion and must proceed as provided in this act. The MIDC shall not approve a cost analysis or portion of a cost analysis unless it is reasonably and directly related to an indigent defense function.**

## B. FY21 Submissions

Staff hosted several webinars for compliance planning and made a recording of one of these webinars available on our website along with the forms and relevant documents for submission. The MIDC staff **expected to receive a total of 120 compliance plans** and cost analyses from funding units for FY21. The dates of submission are tracked closely by staff to ensure compliance with the statutory timelines for review by the Commission.

### 1. Review of FY21 Compliance Plans and Cost Analyses

#### a. Substantive Review of Resubmissions – Action Requested

*Senior staff recommends, pursuant to MCL 780.993(4), as follows:*

#### **Staff Recommendation:**

***Plan and cost analysis previously disapproved; recommend APPROVING resubmitted plan AND cost analysis***

**No system change; overall reduction in spending from FY 20**

#### 1) **D 22 - Inkster**

FY20 Total system cost: \$157,602.50

FY21 Total system cost: \$99,456.08

**Initial submission and basis for disapproval** (August 2020 meeting): Compliance plan and cost analysis are incomplete. The plan must be resubmitted to address Standard 4, Personnel, Supplies & Other, Reimbursement Costs, and any relevant attachments. The cost analysis must address fringe benefits, conflict attorneys, experts/investigators, training/travel.

**Second submission:** failed to resubmit.

**Final submission:** Assigned counsel system revised plan to meet the objectives of the approved standards. This system reduced funding in the cost analysis from the prior year by moving the full-time ancillary staff position to a half time position and removed other costs for attorney hours consistent with actual spending trends.

**Plan and cost analysis previously disapproved; recommend APPROVING resubmitted plan AND portions of the cost analysis pursuant to MCL 780.993(4).**

**No system change; overall reduction in spending from FY 20**

2) **D 43-1 Hazel Park**

FY 20 Total system cost: \$1,226,624.07

FY 21 Total system cost: \$848,276.56\*

*\*as recommended by staff (system request is \$912,679.23)*

**Initial submission:** Rejected as incomplete.

**Second submission basis for disapproval** (December MIDC meeting): This system seeks to maintain managed assigned counsel system with a rotating roster of attorneys. There are significant discrepancies in spending and appointment patterns reported by the system that require additional information to understand how Standards 2 and 4 are being met and funded. The cost analysis includes ancillary spending that does not appear to be exclusively related to indigent defense and needs further detail. Staff has identified that the program and financial reports require correction and staff will communicate what is needed to system.

**Final Submission:** Attorney fees have been revised and a new schedule for payments is included in the plan (compliance plan reflects revised cost analysis). The staff's recommendation on the cost analysis reflects a recommendation to reduce the requested funding for some ancillary staff positions consistent with staff's evaluation of documentation supplied by the system to support the funding requests. Staff's recommendations are detailed in [the linked materials](#) and prorated based on a prior authorization of spending from the FY20 plan and cost analysis.

## b. FY21 Funding Totals:

System Name	FY21 Total System Cost	FY21 Local Share (+2.1%)	MIDC Grant Funding
<b>Plan and Costs Approved</b>			
Alcona County	\$152,650.00	\$40,971.99	\$111,678.01
Alger County	\$429,084.71	\$53,411.62	\$375,673.09
Allegan/Van Buren Counties	\$2,650,305.00	\$540,374.46	\$2,109,930.54
Alpena County	\$610,435.00	\$163,201.41	\$447,233.59
Antrim County	\$255,891.40	\$80,078.05	\$175,813.35
Arenac County	\$256,678.28	\$114,224.09	\$142,454.19
Baraga/Houghton/Keweenaw Counties	\$700,178.20	\$158,294.21	\$541,883.99
Barry County	\$911,597.41	\$231,076.12	\$680,521.29
Bay County	\$1,234,010.40	\$605,605.63	\$628,404.77
Benzie/Manistee Counties	\$766,610.24	\$282,873.44	\$483,736.80
Berrien County	\$3,095,791.00	\$574,534.13	\$2,521,256.87
Branch County	\$643,176.00	\$154,555.91	\$488,620.09
Calhoun County	\$3,575,137.02	\$697,606.42	\$2,877,530.59
Cass County	\$473,540.80	\$254,093.20	\$219,447.60
Charlevoix County	\$514,125.60	\$168,311.85	\$345,813.75
Cheboygan County	\$386,704.00	\$144,373.49	\$242,330.51
Chippewa County	\$513,994.30	\$224,154.43	\$289,839.87
Clare/Gladwin Counties	\$1,481,001.28	\$236,294.44	\$1,244,706.84
Clinton County	\$1,404,249.81	\$147,696.84	\$1,256,552.97
Crawford County	\$316,295.80	\$15,014.82	\$301,280.98
D 16 - Livonia	\$648,950.88	\$17,573.31	\$631,377.57
D 17 - Redford	\$211,431.17	\$52,565.74	\$158,865.43
D 18 - Westland	\$447,280.00	\$62,895.64	\$384,384.36
D 19 - Dearborn	\$347,081.67	\$78,777.98	\$268,303.69
D 20 - Dearborn Heights	\$224,372.18	\$9,821.67	\$214,550.51
D 21 - Garden City	\$138,584.08	\$8,929.66	\$129,654.42
D 23 - Taylor	\$433,718.56	\$40,330.52	\$393,388.04
D 24 - Allen Park	\$183,718.00	\$14,817.09	\$168,900.91
D 25 - Lincoln Park	\$500,380.11	\$10,725.44	\$489,654.67
D 28 - Southgate	\$186,265.04	\$4,682.30	\$181,582.74
D 27 - Wyandotte	\$243,705.80	\$1,460.91	\$242,244.89
D 29 - Wayne	\$179,204.94	\$23,452.78	\$155,752.16
D 30 - Highland Park	\$143,891.19	\$13,783.50	\$130,107.69
D 31 - Hamtramck	\$189,082.71	\$14,472.68	\$174,610.04
D 32a - Harper Woods	\$221,006.72	\$12,648.41	\$208,358.31
D 33 - Trenton	\$297,090.00	\$76,681.87	\$220,408.13

D 34 - Romulus	\$398,233.50	\$55,261.63	\$342,971.88
D 35 - Plymouth	\$385,370.00	\$31,111.46	\$354,258.54
D 36 - Detroit	\$8,323,170.00	\$1,085,610.79	\$7,237,559.21
D 37 - Warren and Centerline	\$1,047,942.60	\$122,687.59	\$925,255.01
D 38 - Eastpointe	\$469,842.12	\$52,956.54	\$416,885.58
D 39 - Roseville and Fraser	\$796,130.54	\$90,161.44	\$705,969.10
D 40 St Clair Shores	\$534,636.91	\$7,072.53	\$527,564.38
D 41-a-1 Sterling Heights	\$298,931.00	\$0.00	\$298,931.00
D 41-a-2 Shelby Twp	\$378,519.45	\$0.00	\$378,519.45
D 41b - Mt Cl, Harris., Clinton	\$464,280.86	\$43,576.48	\$420,704.38
D 43-3 Madison Heights	\$558,888.92	\$1,779.63	\$557,109.29
D 43-2 Ferndale	\$551,357.44	\$15,293.56	\$536,063.88
D 44 - Royal Oak	\$638,042.32	\$22,670.29	\$615,372.03
D 45 - Oak Park	\$449,850.00	\$42,128.50	\$407,721.50
D 46 - Southfield	\$579,952.00	\$82,701.00	\$497,251.00
D 47 Farmington/Hills	\$187,828.22	\$21,889.50	\$165,938.72
D 48 Bloomfield	\$531,500.00	\$17,446.43	\$514,053.57
D 50 Pontiac	\$660,703.69	\$18,005.34	\$642,698.36
D 51 - Waterford	\$268,258.26	\$31,776.08	\$236,482.18
D 61 - Grand Rapids	\$655,510.00	\$176,951.55	\$478,558.45
D 62 a - Wyoming (59-1, 59-2, 62B)	\$647,885.74	\$55,335.07	\$592,550.67
Delta County	\$585,443.54	\$109,483.87	\$475,959.67
Dickinson County	\$541,144.46	\$68,586.69	\$472,557.77
Eaton County	\$2,085,798.00	\$444,892.58	\$1,640,905.42
Emmet County	\$446,636.00	\$162,669.81	\$283,966.19
Genesee County	\$4,833,546.98	\$1,334,291.81	\$3,499,255.17
Gogebic County	\$298,453.76	\$104,277.26	\$194,176.50
Grand Traverse County	\$1,058,022.80	\$156,805.18	\$901,217.62
Graiot County	\$757,347.36	\$83,319.37	\$674,027.99
Grosse Pointe Farms	\$65,974.00	\$15,000.53	\$50,973.47
Grosse Pte City Municipal	\$23,750.00	\$3,229.43	\$20,520.57
Grosse Pointe Park	\$41,110.00	\$10,175.28	\$30,934.72
Grosse Pointe Woods	\$45,375.00	\$3,147.75	\$42,227.25
Hillsdale County	\$407,313.37	\$113,644.44	\$293,668.93
Huron County	\$644,827.26	\$81,103.74	\$563,723.52
Ingham County	\$6,068,854.75	\$920,963.44	\$5,147,891.31
Ionia County	\$543,453.64	\$223,194.34	\$320,259.30
Iosco County	\$307,538.92	\$171,638.20	\$135,900.72
Iron County	\$619,053.86	\$72,999.79	\$546,054.07
Isabella County	\$1,454,506.28	\$238,206.32	\$1,216,299.96
Jackson County	\$3,522,431.66	\$566,779.27	\$2,955,652.39
Kalamazoo County	\$4,312,698.16	\$1,174,957.52	\$3,137,740.64
Kalkaska County	\$446,774.89	\$39,813.90	\$406,961.00

Kent County C17/D63	\$7,295,853.89	\$2,446,700.91	\$4,849,152.98
Lake County	\$286,287.59	\$77,818.17	\$208,469.42
Lapeer County	\$850,016.00	\$109,737.51	\$740,278.49
Leelanau County	\$221,985.72	\$52,780.96	\$169,204.76
Lenawee County	\$1,391,202.72	\$214,605.27	\$1,176,597.45
Livingston County	\$2,266,080.00	\$935,939.47	\$1,330,140.53
Luce County	\$266,954.00	\$30,146.04	\$236,807.96
Mackinac County	\$199,707.56	\$136,696.59	\$63,010.98
Macomb C 16 & D 42-1, 42-2	\$7,556,919.62	\$2,239,945.36	\$5,316,974.27
Marquette County	\$1,098,460.19	\$229,695.39	\$868,764.80
Mason County	\$600,658.33	\$156,702.08	\$443,956.25
Mecosta County	\$454,799.00	\$166,746.65	\$288,052.35
Menominee County	\$703,571.00	\$116,087.70	\$587,483.30
Midland County	\$489,927.25	\$259,344.82	\$230,582.43
Monroe County	\$973,072.76	\$215,785.28	\$757,287.48
Montcalm County	\$914,421.13	\$224,959.17	\$689,461.96
Montmorency County	\$235,820.00	\$16,898.57	\$218,921.43
Muskegon County	\$2,959,506.88	\$676,202.18	\$2,283,304.70
Newaygo County	\$821,607.58	\$201,215.03	\$620,392.55
Oakland C 6 & D 52-1, 2, 3, 4	\$7,203,836.12	\$1,867,161.92	\$5,336,674.20
Oceana County	\$480,459.40	\$92,863.02	\$387,596.38
Ogemaw County	\$608,093.00	\$147,705.00	\$460,388.00
Ontonagon County	\$162,911.00	\$27,747.04	\$135,163.96
Osceola County	\$424,472.82	\$70,238.68	\$354,234.14
Oscoda County	\$178,857.00	\$54,284.53	\$124,572.47
Otsego County	\$352,745.09	\$82,192.54	\$270,552.55
Ottawa County	\$3,279,235.00	\$942,471.82	\$2,336,763.18
Presque Isle County	\$218,468.51	\$74,828.40	\$143,640.11
Roscommon County	\$399,283.00	\$203,467.61	\$195,815.39
Saginaw County	\$3,795,287.00	\$916,773.25	\$2,878,513.75
Sanilac County	\$388,001.09	\$65,619.63	\$322,381.46
Schoolcraft County	\$234,547.70	\$36,278.66	\$198,269.04
Shiawassee County	\$909,815.40	\$105,977.76	\$803,837.64
St. Clair County	\$2,788,549.84	\$749,438.51	\$2,039,111.33
St. Joseph County	\$918,293.67	\$422,808.72	\$495,484.95
Tuscola County	\$1,138,982.00	\$253,708.29	\$885,273.71
Washtenaw County	\$6,050,067.42	\$2,645,848.39	\$3,404,219.03
Wayne County Circuit Court	\$31,259,985.16	\$7,603,728.02	\$23,656,257.14
Wexford/Missaukee Counties	\$998,590.32	\$146,758.54	\$851,831.78
<b>Total approved as of February 23, 2021</b>	<b>\$164,281,439.32</b>	<b>\$38,421,869.42</b>	<b>\$125,859,569.90</b>



<b>Recommended totals for April 20, 2021 meeting</b>			
<b>D 22 - Inkster</b>	\$99,456.08	\$45,945.00	\$53,511.08
<b>D 43-1 Hazel Park (reduced by staff)</b>	\$848,276.56	\$18,356.90	\$829,919.66
<b>Total pending</b>	<b>\$947,732.64</b>	<b>\$64,301.90</b>	<b>\$883,430.74</b>
<b>Overall totals</b>	<b>\$165,229,171.96</b>	<b>\$38,486,171.32</b>	<b>\$126,743,000.64</b>



## MICHIGAN INDIGENT DEFENSE COMMISSION

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March 2, 2021

Dear Indigent Defense Partners:

In this past year, as all parts of the criminal legal system have been called upon to rethink operations, accessibility and priorities, the collective work of public defense attorneys and local system stakeholders continues to be critical in protecting the due process rights of people facing charges in Michigan's criminal legal system. It is sobering to imagine this past year absent the minimum standards and your commitment and work to protect the constitutional right to counsel through compliance with the standards.

In March of last year, the Commission held a special meeting to discuss the impact of COVID-19 on the ongoing implementation of MIDC minimum standards for indigent defense. The Commission reiterated the fundamental importance of the constitutional right to counsel that MIDC minimum standards are intended to address and committed to work with local indigent defense systems to facilitate modifications to compliance plans and budgets to ensure continuing compliance in the face of obstacles presented by the pandemic.

Over the past year, we have witnessed your resilience, innovation and commitment to justice. Throughout this past 11 months, public defense attorneys and their clients have navigated new pandemic-related challenges to due process. MIDC staff has processed and approved COVID-related budget adjustments for technology resources requested to facilitate client meetings, vigorous advocacy and court appearances. Trainings by MIDC staff and our partners ranging from tips for using Zoom to navigating and preserving issues in remote court proceedings, to unique online skills training, have been well-attended. We've appreciated the continued willingness to gather online to share ideas and brainstorm solutions to the unique challenges facing your offices and clients.

I know that this has not been an easy year for anyone and I wanted to take a moment to say thank you.

I write also to share updates from the Commission's February meeting. The Commission and its staff continue to work in anticipation of fiscal year 2022 compliance plans, due in April.

### **Updates Regarding MIDC Staff**

I am very pleased to share that Deborah Mitchell, who has been an important member of MIDC's team as an Administrative Assistant, has been promoted to a new position as MIDC's Training Analyst. Deborah may be reaching out to you as she confirms information submitted with first quarter reporting regarding the attorneys providing services in your system. I know that you will enjoy working with Deborah in her new role.

All MIDC staff will continue to work remotely through at least May 1, 2021, as directed by the Office of the State Employer.

### **FY22 Compliance Planning**

MIDC Regional Managers are in the process of scheduling and meeting with funding unit stakeholders to support compliance planning for fiscal year 2022. Compliance plans will be due **April 27, 2021** and must include planning for Minimum Standard 5. Please work with your [Regional Managers](#) in developing your plans.

The [Grants page of MIDC's website](#) has been updated to include the following documents to assist you with FY22 compliance planning:

- FY22 compliance plan application;
- FY22 cost analysis and cost analysis for non-profit/vendor public defender models;
- Tips from MIDC staff for planning;
- Frequently Asked Questions related to Standard 5 planning;
- MIDC Grant Manual (revised February 2021).

To ensure that the MIDC Grant Manual remains a helpful and up to date, planning resource for you, the Commission adopted revisions to assist with fiscal year 2022 planning. As noted above, the revised version of the Grant Manual is available on the [Grants page](#). If it would be helpful to review the specific revisions adopted by the Commission at its February meeting, please reference this [table of revisions](#).

Any questions regarding planning please direct to your Regional Manager.

### **EGraMS Training**

This year, local funding units will submit FY22 compliance plans and cost analyses through the EGrAMS grant management system. Training will be available for local systems during the period of March 22-29, 2021 and will cover a variety of topics. Information regarding specific training dates and topic will be shared soon.

### **FY21 Grant Contracts**

MIDC continues to execute the last few contracts for fiscal year 2021 as they are approved by the Commission. To date 114 of 118 contracts approved by the Commission have been fully executed. The total grants approved by the Commission after its February meeting is available [here](#).

A reminder to please provide a copy of the contract to anyone who is responsible for any aspect of managing the grant. The grant contract includes important information regarding distribution of funds, required reporting and processes related to budget and plan adjustments, which will be submitted with quarterly reporting.

### **FY21 Quarterly Reporting**

All systems with fully executed grant contracts will be required to submit second quarter reports no later than **April 30, 2021**. This reporting will cover the period of activity between January 1, 2021 and March 31, 2021 and will include:

- A revised quarterly program report detailing compliance with current minimum standards;
- A financial status report with information about spending during the reporting period;
- A list of the attorneys providing services.

Reporting instructions, including a series of brief videos on reporting requirements are available on the MIDC website.

### **Important Upcoming Dates**

Please make note of the following upcoming dates:

- **March 22-29, 2021** – Local system training on EGrAMS;
- **April 20, 2021** – Next meeting of the Michigan Indigent Defense Commission;
- **April 27, 2021** – FY22 Compliance plan and cost analysis due, including Standard 5;
- **April 30, 2021** – FY21 second quarter grant reporting due.

Please do not hesitate to contact me if you have any feedback, or your Regional Manager if you have questions about implementation or planning. As always, we encourage you to continue to check our website where you can find regularly updated information.

Sincerely,

*s/Loren Khogali*

Loren Khogali, Executive Director  
Michigan Indigent Defense Commission  
Phone: (517) 275-2845  
Email: [khogalil@michigan.gov](mailto:khogalil@michigan.gov)



MICHIGAN INDIGENT  
DEFENSE COMMISSION

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March 22, 2021

Dear Indigent Defense Partners:

I write to remind you of important upcoming dates and opportunities for support for fiscal year 2022 compliance planning.

All trial court funding units in Michigan are required to submit a plan for compliance with the MIDC's standards and cost analysis **no later than April 27, 2021**. This is a statutory deadline that cannot be changed by MIDC staff.

We have many resources to assist you with the planning and submission process:

- [Regional Managers](#) have already conducted or scheduled meetings about your plans and costs. If you haven't scheduled a [meeting with a regional manager](#) yet for FY22 please do so soon.
- The text of the standards can be found [on our website](#).
- MIDC Standard 5 is a newly approved standard that must be included in your FY22 compliance plan. We have answers to frequently asked questions on the [Standard 5 tab of our website](#), and our [grants page](#).
- There are new questions in the compliance plan this year addressing independence from the judiciary. We have a [short \(20 minute\) video tutorial](#) on our [YouTube channel](#) describing those changes.

The compliance plan and cost analysis must be submitted through **EGrAMS**, our new grant management system. The EGrAMS website link will go live in the next few days we will send that link to you as soon as possible, before April 1. In the meantime, please take advantage of the resources available to assist you with your submission.

- On MIDC's [grants page](#), there is a Word document and Excel spreadsheet that you can use for planning and drafting purposes.
- Please watch the [tutorial](#) about that process generally for compliance planning and using the EGrAMS system for submission.
- Please use this [sign up genius](#) to take advantage of training on MIDC's new grant management systems. There are 15 available sessions of training covering 5 different topics. Sign up [here](#). If none of the dates or times offered work for you, please contact your

regional manager as soon as possible to make other arrangements for training if you think <sup>30</sup> that you will need training beyond the posted tutorials.

MIDC staff will be available to assist you with your submission **until 5 p.m. on April 27<sup>th</sup>**. Please plan accordingly.

Because of the volume of materials expected at the end of April, staff cannot provide substantive feedback on plans and costs on the due date. Please work with staff early and often to complete your compliance plan and cost analysis.

**Reminder: Upcoming Dates**

The next meeting of the Michigan Indigent Defense Commission will be April 20, 2021. Please check our website for meeting details and materials.

Second quarter reporting for FY21 grants is due April 30, 2021. Please reference the MIDC [grants page](#) for information to assist with reporting.

As always, please do not hesitate to contact me if you have any feedback, or your Regional Manager if you have questions about implementation or planning.

Sincerely,

*s/Loren Khogali*

Loren Khogali, Executive Director  
Michigan Indigent Defense Commission  
Phone: (517) 275-2845  
Email: [khogalil@michigan.gov](mailto:khogalil@michigan.gov)



## MICHIGAN INDIGENT DEFENSE COMMISSION

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April 2, 2021

Dear Indigent Defense Partners:

The MIDC's staff has been working closely with all trial court funding units in Michigan as each system prepares their FY22 compliance plans and cost analysis **due no later than April 27, 2021**.

I am pleased to share that things are off to a great start with the introduction of the new grant management system, EGrAMS, by which all FY22 plans and costs will be submitted. MIDC staff has been training new users on the EGrAMS application, now officially open to everyone.

During our pre-launch this week, MIDC staff worked with people from over 40 trial court funding units to set up new user profiles on the MIDC's EGrAMS application website. More than 20 systems from all regions in Michigan also successfully added the FY22 compliance application to their user profile and began working on their compliance plan and cost analysis.

We have a number of resources and training opportunities to support everyone with this process:

### Compliance Planning:

- Please talk with your [Regional Manager](#) as soon as possible about compliance planning for FY22
- Watch our recorded webinar with general information [describing what's new in FY22](#)
- Check our [website](#) with detailed information about the MIDC's [standards](#) and [grant funding and reporting process](#)
- Interested in learning more about compliance with the new standard ([Standard 5](#)) requiring independence from the judiciary?
  - We have [answers to FAQs](#) published by the MIDC
  - We have a recorded [webinar from Northern Michigan](#) to help with planning

### EGrAMS - the MIDC's new grant management system:

- Check out the [MIDC's new EGrAMS application](#) and bookmark the website: <https://www.egrans-mi.com/midc/user/home.aspx>
- Set up your user profile in EGrAMS
  - Watch [a recorded webinar](#) or follow the [slides from the presentation in handout form](#)
- [Sign up for training](#), we have options for users new to EGrAMS and experienced users (we've added slots!)

- There are about a [dozen live training sessions](#) during the month of April, but if none of those dates or times work for you [contact a Regional Manager](#) for other options
- Check our [website](#) regularly for links to recordings and other materials for planning

These resources are a great place to start. If you need additional assistance, email us anytime, we are happy to help: [lara-midc-info@michigan.gov](mailto:lara-midc-info@michigan.gov).

### **New Report and Resource: Social Workers in Public Defense**

This week, the MIDC released two publications related to the implementation of social workers in public defense: *The Social Worker Defender Project Program Manual* and *Assessment of a Social Worker Model of Public Defense: Findings and Lessons Learned from Genesee County, Michigan*. Both reports are available on our [website](#).

We hope that that these resources support the successful involvement of social workers in defense representation across the diverse public defense delivery models in Michigan. If you have any questions about the publications, please reach out to [MIDC's Research Director, Jonah Siegel](#).

### **Upcoming Dates**

The next meeting of the Michigan Indigent Defense Commission will be **April 20, 2021**. Please check our website for meeting details and materials.

Second quarter reporting for FY21 grants is due April 30, 2021. Please reference the MIDC [grants page](#) for information to assist with reporting.

As always, please do not hesitate to contact me if you have any feedback, or your Regional Manager if you have questions about implementation or planning.

Sincerely,

*s/ Loren Khogali*

Loren Khogali, Executive Director  
Michigan Indigent Defense Commission  
Phone: (517) 275-2845  
Email: [khogalil@michigan.gov](mailto:khogalil@michigan.gov)



## **DRAFT COMPLIANCE RESOLUTION PROCESS**

### **GOALS:**

- Provide support for compliance with standards
- Create compliance resolution notification process
  - Ability to *officially* identify and resolve noncompliance issues
  - Track noncompliance issues in a central database (SharePoint) in a uniform manner
  - Ability to escalate if issues are unresolved
- Having a mechanism to inform the Commission of issues when necessary

### **MUST INCLUDE:**

- Tracking
  - File in SharePoint; each RM has file, searchable by system
  - Identify issue: date, time, individuals involved, type of system (PD/roster/MACS)
  - Identify standard/contract condition involved
  - Identify stakeholders notice sent to
  - Identify prior issues with system and indicate if resolved
- Cover letter
  - Explain process and issue
  - Cite to statutes/standards/grant manual/website
  - Next step instructions
    - Respond to whom
    - Deadline for response
    - What the response should include
  - CC internal staff members
- Process
  - Copy of process posted on website (what we expect/what you should expect)
  - RM updates SharePoint at each stage
  - What can trigger this process?
    - Issues that are resolved, but continue to reoccur
    - Noncompliance with a Standard(s)
    - Noncompliance with the contract, plan, cost analysis
    - Discrepancies between data, observation, and anecdotal information
    - Other impediments to compliance
  - Process timeframe
    - RM emails an official notification letter to grant authorizing official after approval from supervisor

- The funding unit should respond within 15 days to acknowledge the notice and provide initial response
- Deadlines of 30-day increments from letter of notice (RM discretion)
- RM has discretion to extend if appropriate progress is being made
- Resolution notice sent to all parties
- Regional Team monthly compliance updates
  - RMs provide supervisor with compliance updates during Regional Manager meetings
  - Supervisor of RMs reports outstanding compliance issues to ED monthly
- Commission
  - Informed at every Commission Meeting about issues
  - Two types:
    - Informational only – with status updates
    - Action required
      - RM determines that it is unresolved
      - Approved by senior staff
- RM can close compliance issue with approval from supervisor
- Feedback to the system when resolved

# Detroit Free Press

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## MICHIGAN

# Michigan's new expungement laws kick in Sunday. Here's how to get help.

**Angie Jackson** Detroit Free Press

Published 8:29 a.m. ET Apr. 9, 2021 | Updated 4:18 p.m. ET Apr. 9, 2021

Lester Earley thinks he could leave something valuable behind for his 12 grandkids if he could get his criminal record cleared.

The 65-year-old wants to start a private security agency to eventually pass down to his family, but old felony convictions disqualify him from state licensure and a concealed pistol license.

Earley says his past crimes arose from tough times. In the 1990s, he didn't have a license to carry a concealed weapon and was caught driving with a gun on his seat for protection after he was robbed. Earley said he later cashed a bad check for \$200 when he was hard up for cash to support his young daughter. He completed probation and paid off his fines years ago, and now he wants to leave his record in the past.

"I want to be respectable. I'm old now," said Earley, who lives in Detroit. "I just want something for my family. ... Maybe they won't have to work so hard down the line."

New expungement laws that take effect Sunday offer hope to Earley and others across Michigan. The legislation significantly expands eligibility for expungement, opening up the criminal record clearing process to people who previously didn't qualify. Estimates of the number of people impacted by the changes range from hundreds of thousands to as many as 1 million.

Advocates, researchers and state legislative leaders say getting a conviction expunged translates to more access to jobs, housing and other opportunities. But Michigan's new qualifications can be confusing, especially for someone applying for expungement without an attorney. Organizations across the state are gearing up to offer free or low-cost legal assistance to help people navigate the laws.

"Historically, a lot of people haven't even known about the expungement process or known how to get help with it. I think people know more about it than they did a year ago, two years ago," said John Cooper, executive director of Safe & Just Michigan, a nonprofit that advocates for criminal justice reform. "I think legal assistance is even more important now than it was because it's not as straightforward with the new eligibility expansions."

**More:** Here's how Michigan's expungement laws will change this spring

**More:** Michigan lawmakers try again with bills to expunge first-time drunken driving

## How Michigan's expungement laws are changing

Expungement seals criminal convictions from the general public, including employers and landlords. Once a record is expunged, people applying for employment, housing and financial aid can truthfully state that the arrest and conviction never occurred.

Law enforcement, courts and agencies such as the Michigan Department of Corrections retain access to expunged records.

The changes that kick in Sunday apply to expungement through the petition process. That's when someone applies for expungement and it is decided by a judge in the court where the conviction occurred.

A process to automatically clear certain misdemeanor and felony convictions without an application is in the pipeline. Law enforcement and courts were given a two-year timeframe to implement this system. Automatic expungement will be rolled out in April 2023 at the earliest, according to the State Court Administrative Office.

The key changes to expungement by application include:

**Eligible offenses:** Expanding eligibility to up to three felonies and an unlimited number of misdemeanors, with certain conditions on the types of offenses that qualify. No more than two assaultive crimes can be expunged, and no more than one felony conviction for the same offense if the offense is punishable by more than 10 years imprisonment.

**Waiting period:** Adjusting the waiting period to apply after a person's monitoring by the justice system ends (i.e. sentencing, probation, release from incarceration, parole — whichever occurred last) if they remain conviction-free. The waiting period is three years

for misdemeanors, five years for serious misdemeanors or one felony, and seven years for multiple felonies.

**Traffic offenses:** Expanding eligibility to most traffic offenses. This excludes convictions for operating while intoxicated, traffic offenses that cause injury or death, and Commercial Driver License violations.

**Marijuana misdemeanors:** Creating a separate and streamlined process to apply for expungement of misdemeanor marijuana possession, use, or sale of paraphernalia that would not have been considered crimes after recreational marijuana was legalized in Michigan. Judges must grant expungements if prosecutors don't object. Unlike other convictions, there is no waiting period to apply.

**Multiple offenses in one day:** Treating multiple felonies or misdemeanors arising from the same 24-hour period and the same transaction as one conviction for the purposes of expungement. None of the offenses can be assaultive, involve the use or possession of a dangerous weapon, or carry a maximum penalty of 10 or more years in prison.

The following convictions are not eligible for expungement: felonies that carry a maximum punishment of life in prison, attempt to commit a felony for which the maximum punishment is life, felony domestic violence (if the person has a previous domestic violence misdemeanor), certain offenses related to child abuse or the exploitation of minors, human trafficking offenses, most criminal sexual conduct offenses, terrorism-related offenses, DUIs, and traffic offenses causing injury or death.

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From start to finish, the expungement process takes about six to nine months. It starts with filling out an application form. Forms can be found on the State Court Administrative Office's website at [courts.michigan.gov/News-Events/Pages/CleanSlate.aspx](https://courts.michigan.gov/News-Events/Pages/CleanSlate.aspx)

There are different forms applicants must complete depending on the conviction. One form is intended to address most convictions. A separate form should be used for misdemeanor marijuana convictions. A different form should be used for convictions that are a direct result of being a victim of human trafficking.

Application forms list step-by-step instructions. Additionally, the Michigan Attorney General's website has a page dedicated to expungement, with links to application checklists, frequently asked questions and more information. Go to [michigan.gov/ag](https://michigan.gov/ag) and click on "initiatives" and then "expungement assistance."

**More:** Gov. Whitmer signs bills expanding criminal record expungement in Michigan

**More:** Detroit residents can apply now for help with expungement under new laws

## How to get help with expungement

### Expungement events

On Saturday, Strong Women Lead PAC and former state Rep. Sherry Gay-Dagnogo, a sponsor of the expungement bill package, will host an event to highlight the new laws. Attorneys will provide background checks and expungement help to people across Michigan. The event will be hosted virtually as well as in-person with masks and social distancing from 9:30 a.m.-noon at Horatio Williams Foundation, 1010 Antietam Ave., Detroit, 48207. To register, visit [mifreshstart.com](http://mifreshstart.com).

On Monday, Safe & Just Michigan will host a Zoom and Facebook Live event to preview free and low-cost options for getting help with expungement. Lt. Gov. Garlin Gilchrist, Michigan Supreme Court Chief Justice Bridget McCormack, Attorney General Dana Nessel and others will talk about the laws and available assistance. To register for the 3 p.m. event, go to [safeandjustmi.org](http://safeandjustmi.org). Send questions to [info@safeandjustmi.org](mailto:info@safeandjustmi.org).

Nessel has said that her office will coordinate with law schools to host expungement fairs across the state this year. A spokeswoman said more information will be available in the coming weeks.

### Legal services programs

Attorneys with legal services programs across the state are prepared to help people determine if they qualify for expungement and apply. Assistance is free and is typically determined by income, said Shannon Lucas, director of advocacy for the Michigan Advocacy Program.

People can get help by calling the Counsel & Advocacy Law Line at 1-888-783-8190 for a screening. Those who qualify will be forwarded to a legal aid office in their area.

The website [michiganlegalhelp.org](http://michiganlegalhelp.org) also has information on how to contact a legal services office, as well as self-help tools and toolkits for expungement.

Additionally, local Michigan Works! offices will direct people to legal services for expungement, Lucas said.

## **City of Detroit's Project Clean Slate**

Project Clean Slate is a free program available to Detroit residents. Attorneys assist residents with each step of the expungement process, from the application to the court hearing. Carrie Jones, the project lead, said demand is high — 4,000 people have registered for help in the past three months — and people can sign up online or by calling the office. Staff are working through a backlog and will update applicants at each stage of the process, Jones said.

To sign up for help from Project Clean Slate, visit [detroitmi.gov/departments/law-department/project-clean-slate](https://detroitmi.gov/departments/law-department/project-clean-slate) or call 313-237-3024.

*Angie Jackson covers the challenges of formerly incarcerated citizens as a corps member with Report for America. Her work is supported by The GroundTruth Project and the Hudson-Webber Foundation. [Click here to make a tax-deductible contribution to support her work.](#)*

*Contact Angie: [ajackson@freepress.com](mailto:ajackson@freepress.com); 313-222-1850. Follow her on Twitter: [@AngieJackson23](https://twitter.com/AngieJackson23)*

# Safe & Just Michigan Clean Slate FAQ

## **Question: What is an expungement or “set-aside” under Michigan law?**

**Answer:** Before passage of Clean Slate, Michigan law permitted a person with no more than one felony or two misdemeanor convictions on their record to petition a court to remove their conviction(s) from the public record. This process is generally referred to as an expungement, or sometimes as “record-sealing” or a “set-aside.” In Michigan, law enforcement retains a non-public record of the conviction; in some other states, “expungement” means all records of the conviction are destroyed.

## **Question: What does the new law do?**

**Answer:** The new law expands eligibility to petition for an expungement in several ways and creates a new process to automatically seal certain nonviolent conviction records if a person has remained conviction-free for a period of time (seven years for misdemeanors, 10 years for felonies).

## **Question: In what ways does the new law expand eligibility to *petition* for expungement?**

**Answer:** Current law permits a person to apply to seal a conviction if it has been five years since the end of the related sentence (including jail, prison or community supervision) and the applicant has no more than one felony and two misdemeanors on your record. The new bills expand eligibility in the following ways:

1. It expands eligibility to up to three felony convictions and an unlimited number of misdemeanors. However, no more than two assaultive convictions can be set aside, and multiple convictions for the same crime are ineligible if they have a maximum penalty of more than 10 years in prison.
2. It counts multiple convictions that arise out of the same event as one for purposes of the new conviction limits, if the convictions: (a) were not assaultive, (b) did not involve use of a dangerous weapon, and (3) are not punishable by more than 10 years in prison.
3. It reduces the waiting period to petition for a misdemeanor expungement to three years and permits expungement applications for multiple felonies after seven years.
4. It makes most traffic offenses, which are 50 percent of all criminal cases in Michigan, eligible for the first time. DWIs or traffic offenses causing injury or death are excluded.
5. It creates a special process for people with marijuana convictions to apply for expungement if the conduct at issue would be legal under current law.

*Disclaimer: Safe & Just Michigan does not provide legal services, and the information provided below is not legal advice. If you have specific legal questions about the new law, we recommend that you contact an attorney. Questions? Contact us at 517.258.1134 or info@safeandjustmi.org*

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[www.safeandjustmi.org](http://www.safeandjustmi.org)

Last updated Oct. 27, 2020



# Safe & Just Michigan Clean Slate FAQ

## Question: When will the new law become effective?

**Answer:** There are different answers for the bills related to the petition process and the automatic expungement.

**Expanded eligibility to petition** (H.B. 4981-85 & 5120): These bills become effective 180 days from the day they are signed by the governor. Because they were signed on Oct. 12, 2020, **the expected effective date of these bills is April 10, 2021.**

**Automatic Expungement** (H.B. 4980): This bill has a two-year implementation period. That means **the earliest it will become effective is October 12, 2022.**

## Question: Does that mean it may take longer for automatic expungement to take effect?

**Answer:** Yes. The automatic expungement system needs to be built and tested — which requires state funding — and it could be delayed if funding is not secured. Technical issues could also delay the effective date, although we do not anticipate that being an issue.

## Question: What if I don't want to wait?

**Answer:** You may be eligible to apply for expungement under current law. If it has been five years since the end of your sentence and community supervision, and you have no more than one felony and two misdemeanors on your record, you are eligible to apply to seal most kinds of convictions.

## Question: Are some convictions ineligible for expungement?

**Answer:** Yes — sex offenses, offenses punishable by a maximum of life in prison, second-offense domestic violence and human trafficking offenses are all ineligible to be sealed. In addition, traffic offenses will not be eligible until the **new law goes into effect in April 2021.**

## Question: Why do the new laws limit the number of felonies and misdemeanors a person can have cleared?

**Answer:** The short answer is that it wasn't up to us. At Safe & Just Michigan, we believe that every person who has remained crime-free for the statutory waiting period should be eligible for public record clearance. This position is strongly supported by the existing research on record-clearance and recidivism, and — consistent with that — we will always advocate for the broadest possible expungement policy.

However, many legislators and other stakeholders do not share this view, and pushed for narrower eligibility. So while we believe this bill package is an important step forward, we will continue to fight for broader record clearance in the future.

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# Safe & Just Michigan Clean Slate FAQ

## Question: How do I apply for expungement if I am eligible?

**Answer:** Use Form MC 227, which the state courts created to guide applicants. It is available here: <https://courts.michigan.gov/administration/scao/forms/courtforms/mc227.pdf>.

## Question: How can I determine whether I am eligible for the automatic expungement?

**Answer:** The automatic expungement applies to up to two non-violent felony convictions and four misdemeanors ("serious misdemeanor" convictions are not eligible). Certain financial crimes, defined by the bill as "crimes of dishonesty," are also ineligible. Safe & Just Michigan will be releasing guidance to assist people in determining their eligibility closer to the effective date of the automatic expungement, which we currently project to be **October 12, 2022**.

## Question: How will I know if my record has been automatically sealed?

**Answer:** The automatic process will go forward without the involvement of individuals whose records are sealed, it's possible a person may have their record sealed but not realize it. Safe & Just Michigan will be working with the state of Michigan, local governments and many partner organizations to do outreach related to the Clean Slate law to ensure people know about its impact and effective date, and to provide resources to assist people in determining whether their records have been cleared. However, at this time, these resources are still in development.

## Question: How many people will be helped by the new Clean Slate law?

**Answer:** Estimates for the automatic expungement range from 400,000 people helped to over 1 million people who will have their criminal records automatically sealed. Similar numbers of people will be newly eligible to petition as a result of the new laws.

## Question: What are some of the reasons the new law will have such a large impact?

**Answer:** There are several reasons:

1. The existing expungement process has never served the records of a large number of people. It's estimated that of all people who were eligible for expungement under old laws, only 6.5 percent even tried to get one. That translated to 2,000 to 3,000 people annually - even though hundreds of thousands were eligible to apply.
2. Traffic offenses are half of all criminal cases in Michigan, and no traffic offenses were eligible for expungement before this law was signed.
3. A new law makes it possible to seal all marijuana possession and use misdemeanors that aren't illegal under current law, (irrespective of when the conviction occurred or what other convictions the person has on their record). This impacts an estimated 240,000 people.
4. The law expands eligibility to many people who were not previously eligible. Before this law passed, most people with records weren't eligible to apply because they had more than one felony or two misdemeanors on their record.

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Last updated Oct. 27, 2020

# Safe & Just Michigan Clean Slate FAQ

**Question:** I've heard people say this bill package makes Michigan a national leader in criminal record-sealing policy. In what ways is that true?

**Answer:** This is true in multiple ways.

1. Michigan is the first state in the nation to pass a retroactive automatic expungement that makes many felonies eligible for automatic expungement.
2. Eligibility for the automatic expungement is not conditional on whether the applicant has unpaid criminal justice debt. However, there is a provision that permits the expungement to be rescinded if the person does not make a good faith effort to pay restitution.
3. Expansions to eligibility for the petition process also make Michigan a national leader in criminal record sealing policy.

**Question:** Where can I learn more?

**Answer:** Please feel free to check out the Clean Slate resources page on Safe & Just Michigan website at [www.safeandjustmi.org/our-work/clean-slate-for-michigan](http://www.safeandjustmi.org/our-work/clean-slate-for-michigan) or contact us directly at [info@safeandjustmi.org](mailto:info@safeandjustmi.org).

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