

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 and pursuant to the City of Lansing's state of emergency resolution #2021-081 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.

June 15, 2021
Time: 9:00 am

Commission Members Participating

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)
- Hakim Crampton (Jackson, Jackson County, Michigan)
- Andrew DeLeeuw (Sharon Township, Washtenaw County, Michigan)
- Christine Green (Rapid City, Kalkaska County, Michigan)
- David Jones (Detroit, Wayne County, Michigan)
- James Krizan (Lincoln Park, Wayne County, Michigan)
- Margaret McAvoy (Owosso, Shiawassee County, Michigan)
- Tom McMillin (Oakland Township, Oakland County, Michigan)
- Michael Puerner, Chair, (Ada, Kent County, Michigan)
- 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:

Kimberly Buddin, Judge James Fisher, Cami Pendell

Staff Members Participating

Loren Khogali, Shunkea Brown, 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

Robin Dillard-Russaw offered comments on behalf of Wayne County.

Catherine O'Meara offered comments on behalf of the Wayne County Criminal Defense Bar Association

Lavida Jenkins provided a written comment that was distributed to Commissioners.

Additions to agenda

There were no additions to the agenda as presented.

Consent Agenda

Commissioner Puerner moved that the consent agenda containing the minutes from the April 15, 2021 open and closed sessions be adopted. Commissioner Blanchard seconded. The motion carried.

Chair Report

Chair Collins welcomed everyone to the meeting and provided a brief report.

Executive Director's Report

Ms. Khogali provided a report to the Commission, during which she recognized the very successful launch of MIDC's new grant management system, EGrAMS and thanked staff for their work in the development, training and implementation of the grant management system. She also thanked the local systems for their engagement and efforts in learning the system and working to submit compliance plans for FY22.

Legislative/Budget Update

Ms. Khogali updated the Commission on the content of the House and Senate appropriations bills. Commissioners and the Department of Licensing and Regulatory Affairs and local systems have been great partners in the budget process.

Committee Reports

Chair Collins thanked the Commissioners for the dedication to the mission of the MIDC and noted that this dedication was particularly shown through the committee's commitment to meeting regularly and the work already completed by the committee.

Strategic Planning Committee

Commissioner Green updated the Commission on the committee's progress. They have drafted a mission statement, values and vision statement, which were provided to commissioners for feedback. A summary report of the committee's work was distributed with the meeting materials.

Training and Education Committee

Commissioner Brame provided an update on the committee's activities, including reviewing a draft of standards for training and trainers. She expects that the committee will present a draft of the standards for the Commission's consideration at its August meeting.

Wayne County Mediation Update

Ms. Khogali has been working with the Executive Committee, the Office of the Attorney General and communicating with Wayne County in an effort to finalize the agreement. She will continue to update the Commission on the document.

FY22 Byrne JAG Grant Opportunity

MIDC has been invited to submit a grant application for FY22. Ms. Khogali provided an overview of the skills training program that has been supported by the Byrne JAG Grant since 2018. The FY22 grant application will be due prior to the Commission's August meeting. Commissioner Green moved that MIDC staff submit an application for the grant. Commissioner Krizan seconded the motion. Commissioner Blanchard disclosed a conflict and abstained from the vote. The motion carried.

2021-12 Administrative Order – Proposed Amendments of Michigan Court Rules related to Standard 5.

Ms. Khogali provided an overview of the order. Ms. Smithson has prepared a draft MIDC comment which will be before the Commission for review at the August meeting.

FY22 Compliance Planning Process

FY22 MIDC Grant Contract

The Commission reviewed the proposed contract for FY22. Ms. Khogali highlighted the substantive changes from the last fiscal year and provided the reasons for the proposed changes. Commissioner Shea moved that the FY22 grant contract be approved. Commissioner McAvoy seconded. The motion carried.

Compliance Resolution Process

A draft of the process was distributed to Commissioners for review. Commissioner Walker moved that the compliance resolution process be approved as part of the MIDC's internal operating procedures. Commissioner Puerner seconded. The motion carried.

FY21 Compliance Updates

The Grant Director processed the following budgeted adjustments requests:

- Berrien County
- Cass County
- Charlevoix County
- Clair County
- 16th District Court – Livonia
- 34th District Court – Romulus
- 39th District Court – Roseville/Fraser
- 51st District Court – Waterford
- Gogebic County
- Lake County
- Livingston County
- Monroe County
- Oakland County (two adjustments)
- Osceola County

- Saginaw County
- St. Clair County
- Wayne County (partial)
- Wexford County

The following budget adjustments were denied:

- 29th District Court – City of Wayne
- Kalamazoo County

Review of Initial FY22 Compliance Plan and Cost Analysis Submissions

Committee Meetings

The General Increase to Plan Committee met on June 7, 2021 to review the plans that included an increase to the cost analysis total, excluding direct indigent defense services and annual inflationary increases.

Commissioner Green, committee chair, provided an overview of the meeting. The committee considered the staff recommendations for plans submitted by the following systems:

Wayne County Region:

- 30th District Court - Highland Park
- 36th District Court - City of Detroit

Northern Michigan Region:

- Cheboygan County
- Emmet County
- Houghton County (including Baraga/Keweenaw Counties)
- Presque Isle County
- Wexford and Missaukee Counties

Mid-Michigan Region:

- Bay County
- Isabella County

South Central Michigan Region

- Genesee County
- Hillsdale County
- Ingham County
- Lenawee County
- Monroe County

Western Michigan Region

- Kent County

Lapeer, Macomb, Oakland and St Clair Counties

- 43-1 District Court – Hazel Park
- St. Clair County

The Increase to Direct Costs Committee, chaired by Commissioner Swor, met to review any plans with increases to direct costs for indigent defense services. Commissioner Swor provided an overview of the meeting held on June 7, 2021. The committee considered the staff recommendations for the following plans:

Wayne County Region

- 17th District Court – Redford
- 18th District Court - Westland
- 32a District Court - Harper Woods
- 29th District Court - City of Wayne
- 36th District Court - City of Detroit
- Wayne County Circuit Court increase to Neighborhood Defender Service caseload and rates for assigned counsel.
- 16th District Court - Livonia
- 19th District Court - Dearborn
- 34th District Court - Romulus
- Grosse Pointe Farms/Shores
- Grosse Pointe Park

Northern Michigan

- Alger County
- Charlevoix County
- Delta County
- Dickinson County
- Houghton County
- Menominee County
- Ontonagon County
- Otsego County
- Presque Isle County
- Wexford County
- Antrim County
- Cheboygan County
- Gogebic County
- Grand Traverse County
- Kalkaska County
- Leelanau County
- Luce County
- Manistee and Benzie Counties

Mid-Michigan Region

- Saginaw County
- Tuscola County
- Bay County
- Huron County
- Iosco County
- Isabella County
- Mason County
- Oceana County
- Roscommon County

South Central Michigan Region

- Eaton County
- Hillsdale County
- Jackson County
- Washtenaw County
- Lenawee County
- Genesee County
- Ingham County
- Livingston County
- Monroe County
- Shiawassee County

Western Michigan Region

- Branch County
- Kalamazoo County
- Wyoming County
- Grand Rapids
- Allegan and VanBuren Counties
- Barry County
- Berrien County
- Calhoun County
- Cass County
- Ionia County
- Kent County
- Montcalm County
- Muskegon County
- Ottawa County

Lapeer, Macomb, Oakland and St Clair Counties

- 37th District Court - Warren
- 38th District Court - Eastpointe
- 39th District Court - Roseville
- 47th District Court - Farmington
- Macomb County
- 41a-1 District Court - Sterling Heights
- 46th District Court - Southfield
- 50th District Court - Pontiac
- 51st District Court - Waterford
- St. Clair County

The System Change Committee, chaired by Commissioner Walker, met to review plans that included a substantial change to the method or system by which the funding unit will deliver indigent defense services. Commissioner Walker provided an overview of the meeting held June 8, 2021. The committee reviewed staff recommendations for the following plans:

Wayne County Region

District Court Regionalization

- 16th District Court - Livonia
- 28th District Court - Southgate
- 17th District Court - Redford Twp.
- 29th District Court - City of Wayne
- 19th District Court - Dearborn
- 31st District Court - Hamtramck
- 20th District Court - Dearborn Heights
- 33rd District Court - Woodhaven
- 21st District Court - Garden City
- 34th District Court – Romulus
- 22nd District Court - Inkster
- 35th District Court - Plymouth
- 23rd District Court - Taylor
- Grosse Pointe City
- 24th District Court - Allen Park
- Grosse Pointe Farms/Shores
- 27th District Court - Wyandotte
- Grosse Pointe Park
- 30th District Court - Highland Park

Circuit Court increase to Neighborhood Defender Service caseload

Northern Michigan Region

- Dickinson County
- Emmet County

- Houghton County (Baraga/Keweenaw Counties)
- Ontonagon County
- Gogebic County
- Leelanau County

Mid-Michigan Region

- Midland County
- Ogemaw County
- Bay County

South Central Michigan Region

- Genesee County
- Monroe County

Lapeer, Macomb, Oakland and St Clair Counties

- 39th District Court - Roseville
- 41A-2 District Court – Shelby Twp.
- 47th District Court - Farmington
- 41A-1 District Court - Sterling Heights
- 51st District Court – Waterford

The Selection Standards Committee, Chaired by Commissioner Shea, met to review novel issues regarding compliance with Standard 5. Commissioner Shea provided an overview of the meeting held June 8, 2021. The committee reviewed the staff recommendations for the following plans:

Wayne County

- 18th District Court - City of Westland
- 32a District Court - Harper Woods

Wayne County District Court Regionalization

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|------------------------------------------|---------------------------------------|
| • 16th District Court - Livonia | • 22nd District Court - Inkster |
| • 28th District Court - Southgate | • 35th District Court - Plymouth |
| • 17th District Court - Redford Twp. | • 23rd District Court - Taylor |
| • 29th District Court - City of Wayne | • Grosse Pointe City |
| • 19th District Court - Dearborn | • 24th District Court - Allen Park |
| • 31st District Court - Hamtramck | • Grosse Pointe Farms/Shores |
| • 20th District Court - Dearborn Heights | • 27th District Court - Wyandotte |
| • 33rd District Court - Woodhaven | • Grosse Pointe Park |
| • 21st District Court - Garden City | • 30th District Court - Highland Park |
| • 34th District Court - Romulus | |

Lapeer, Macomb, Oakland, St. Clare Region

- 44th District Court - City of Royal Oak
- 47th District Court - City of Farmington
- 40th District Court - St. Clair Shores

Western Michigan Region

- 61st District Court - City of Grand Rapids
- 62A District Court- City of Wyoming

South Central Michigan Region

- Eaton County
- Lenawee County

Northern Michigan Region

- Iron County
- Ontonagon County

Mid-Michigan Region

- 8 counties using a regional compliance assistance for screening as part of the regional managed assigned counsel system (Clare/Gladwin, Lake, Mason, Mecosta, Newaygo, Oceana, and Osceola Counties)

Review of Initial FY22 Compliance Plan and Cost Analysis Submissions

The following systems failed to submit a compliance plan and cost analysis:

- Alcona County
- Alpena County
- Oakland County
- Montmorency County
- St. Joseph County

MIDC staff recommends that the failure to submit a compliance plan and cost analysis be treated as a disapproval. Commissioner Blanchard moved that the staff recommendation be adopted for the five systems listed above. Commissioner Krizan seconded. The motion carried.

MIDC staff recommends that the compliance plans and cost analyses for the systems listed below be denied on the merit of the submission:

- Branch County
- Chippewa County
- Crawford County
- 25th District Court - City of Lincoln Park
- 32a District Court - City of Harper Woods
- 37th District Court - Cities of Warren and Centerline
- Grosse Pointe Woods
- Mackinac County
- Menominee County
- Wexford and Missaukee Counties
- 18th District Court - City of Westland
- 44th District Court - City of Royal Oak
- 47th District Court - City of Farmington
- 61st District Court - City of Grand Rapids
- 62a District Court - City of Wyoming
- Eaton County
- Iron County
- Lenawee County
- Ontonagon County
- Charlevoix County
- 36th District Court - City of Detroit
- 39th District Court - Cities of Roseville and Fraser

- 40th District Court - City of St. Clair Shores
- 41a2 District Court - Charter Township of Shelby
- 41b District Court - Clinton Township
- 43-1 District Court - City of Hazel Park
- 43-2 District Court - City of Ferndale
- 43-3 District Court - City of Madison Heights
- Delta County
- Dickinson County
- Emmet County
- Hillsdale County
- Houghton, Baraga and Keweenaw Counties
- Jackson County
- Kalamazoo County
- Macomb County
- Marquette County
- Otsego County
- Presque Isle County
- Wayne County

Ms. McCowan provided an overview of the rationale for the staff recommendation.

Commissioner Puerner moved that the staff recommendation be adopted and that the compliance plans and cost analyses for the systems listed above be disapproved. Commissioner Green seconded. Judge Robinson Garrett disclosed a conflict with respect to the 36th District Court plan and abstained from the vote. The motion carried.

MIDC staff recommends that the compliance plans for the systems listed below be approved and that the respective cost analyses be disapproved:

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|------------------------------------------------------|-------------------------------------------------------|
| 28 th District Court - Southgate | 17 th District Court - Township of Redford |
| 38 th District Court - City of Eastpointe | 29 th District Court - City of Wayne |
| Midland County | 45 th District Court - City of Oak Park |
| Tuscola County | Ogemaw County |
| Washtenaw County | Saginaw County |
| Alger County | |

Ms. McCowan and Ms. Klimaszewski provided details about the staff recommendation.

Chair Collins moved that the staff recommendation be adopted and that the compliance plans for the 11 systems listed above be approved and that the cost analyses for these systems be disapproved. Commissioner Swor seconded the motion. Commissioner DeLeeuw disclosed a conflict with respect to Washtenaw County and abstained from the vote. The motion carried.

The Commission recessed for 10 minutes.

The Chair requested a roll call vote to confirm a quorum was still present. A roll call vote was taken, the following members were present: Collins, Blanchard, Brame, DeLeeuw, Green, Jones, Krizan, McAvoy, McMillin, Puerner, Judge Robinson Garrett, Shea, Swor and Walker.

MIDC staff recommends that both the compliance plans and cost analyses for the systems listed below be approved:

- Clinton County
- 46th District Court - City of Southfield
- 50th District Court - City of Pontiac
- Lapeer County
- Arenac County
- Barry County
- 48th District Court - City of Birmingham
- Gratiot County
- Huron County
- Schoolcraft County
- Allegan and Van Buren Counties
- Antrim County
- Cass County
- Ionia County
- Livingston County
- Montcalm County
- Muskegon County
- Roscommon County
- 16th District Court - City of Livonia
- 19th District Court - City of Dearborn
- 20th District Court - Dearborn Heights
- 21st District Court - City of Garden City
- 22nd District Court - City of Inkster
- 23rd District Court - City of Taylor
- 24th District Court - Cities of Allen Park and Melvindale
- 27th District Court - Cities of Wyandotte and Riverview
- 30th District Court - City of Highland Park
- 31st District Court - City of Hamtramck
- 33rd District Court - Cities of Trenton and Woodhaven
- 34th District Court - City of Romulus
- 35th District Court - City of Plymouth
- Grosse Pointe City
- Grosse Pointe Farms and Shores
- Grosse Pointe Park
- Clare and Gladwin Counties
- Lake County
- Mason County
- Mecosta County
- Newaygo County
- Oceana County
- Osceola County
- 41a1 District Court - City of Sterling Heights
- 51st District Court - City of Waterford
- Kalkaska County
- Leelanau County
- Monroe County
- Benzie and Manistee Counties
- Kent County
- Shiawassee County
- Berrien County
- Calhoun County
- Ingham County
- Oscoda County
- Ottawa County
- Bay County
- Cheboygan County
- Genesee County
- Gogebic County
- Grand Traverse County
- Iosco County
- Isabella County
- Luce County
- Sanilac County
- St. Clair County

Ms. McCowan provided an overview of the plans. Ms. Wangler, Ms. McDoniel, Ms. Klimaszewski and Ms. Smithson provided background about the plans in their respective regions and answered questions from Commissioners.

Commissioner Swor moved that the staff recommendation be adopted and that the compliance plans and cost analyses for the systems listed above be approved. Commissioner Walker supported. Commissioner McAvoy disclosed a conflict and abstained from the vote with respect to Isabella County. The motion carried.

Ms. McCowan provided an overview of the systems that have requested reimbursement for planning costs under section 13.2 of the MIDC Act.

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|------------------------------------------------|-------------|
| Alger County | \$2,879.90 |
| 19 th District Court - Dearborn | \$14,936.62 |
| 61 st District Court - Grand Rapids | \$12,000.00 |
| 16 th District Court - Livonia | \$615.53 |
| 41-a-1 District Court - Sterling Heights | \$2,622.00 |
| 17 th District Court - Redford | \$923.00 |
| Delta County | \$471.10 |
| Dickinson County | \$2,000.00 |
| Gogebic County | \$1,190.28 |
| Iosco County | \$1,305.00 |

Judge Collins moved that, pursuant to MCL 780.993(2), the systems listed above be reimbursed for the costs associated with compliance planning, pending approval by staff of supporting documentation for the requests. Commissioner DeLeeuw seconded the motion. The motion carried.

The next meeting is August 18, 2021, the location will be determined.

Commissioner Puerner moved to adjourn. Commissioner Shea seconded. The meeting was adjourned at 12:58 pm.

Respectfully submitted,
Marcela Westrate