



MICHIGAN INDIGENT
DEFENSE COMMISSION

Compliance Resolution Process

Approved June 2021

I. INTRODUCTION

This internal Compliance Resolution Process was created to provide a means to identify and resolve compliance issues with the MIDC Act and Standards. This process will allow MIDC staff to track compliance issues and includes a procedure to escalate issues for resolution. It also outlines the mechanism for informing the MIDC Commission of noncompliance matters and identifying when Commission action is necessary.

II. AUTHORITY

The MIDC Act authorizes the Commission to “establish procedures for the conduct of its affairs and promulgate policies necessary to carry out powers and duties under this act.” MCL 780.989(5). The Act also requires the Commission to propose minimum standards for local delivery of indigent criminal defense services and identify and encourage best practices for effective assistance of counsel. MCL 780.985(3) and (6).

The Commission is also authorized to perform a number of duties related to those standards and best practices, including hiring an executive director. MCL 780.989(d). The Commission can assign specific duties to the executive director, including duties that would assist the Commission in developing, implementing and reviewing proposed standards, rules and procedures. MCL 780.989(d)(ii). In turn, the executive director is tasked with reporting back to the Commission so that they may make fully informed decisions regarding those standards moving forward.

With these controlling principles, the MIDC establishes the following internal Compliance Resolution Process:

III. COMPLIANCE RESOLUTION PROCESS

A. Compliance Issue Identified

Regional Managers and staff will monitor indigent defense systems, courts, stakeholders, data, and reports to assess compliance with the MIDC Act and Standards. If a Regional Manager or staff member identifies an issue with compliance, this resolution process is triggered.

The process will be initiated by the assigned Regional Manager for the system, with the approval of the Regional Manager's supervisor.

Examples of noncompliance include, but are not limited to, the following:

- An issue that was resolved, but reoccurs
- Noncompliance with one or more Standards
- Noncompliance with the contract terms, compliance plan, or cost analysis
- Discrepancies between data, observations, and anecdotal information gathered
- Any other impediments to compliance.

B. Notice to Indigent Defense System

A letter will be sent via email to the Indigent Defense System's grant authorizing official outlining the area(s) of noncompliance and explaining the resolution process and timeline. This letter will include citations to the applicable Standards, statutes, grant manual, or other authority sufficient to explain the noncompliance issue(s). Additionally, the letter will include directions for the system regarding how and when to respond to the notice.

C. Process Timeline

The Indigent Defense System shall respond within 15 days of the emailed notification indicating receipt of the notice and provide an initial response to the area(s) of noncompliance referenced in the notice.

After receiving the initial response from the Indigent Defense System, the Regional Manager shall set a deadline for compliance. This deadline will be in 30-day increments based on the discretion of the Regional Manager and the complexities of the issue(s) involved. The Regional Manager will have the discretion to extend the deadline if appropriate progress is being made and reported.

If all issues are resolved, the Regional Manager shall, after supervisor approval, report the issue as resolved and notify all parties. If the issue(s) are not resolved within the timeline, the Regional Manager shall notify the supervisor for further action.

The Regional Managers will provide their supervisor with monthly compliance issue updates at the first Regional Manager Meeting of each month. The Regional Manager Supervisor shall report all outstanding compliance issues to the Executive Director monthly.

The Commission will be given an update on compliance issues at every Commission meeting. This update will include (1) informational items, such as status updates regarding ongoing resolution of issues, and (2) items that require action by the Commission, such as issues that cannot be resolved as determined by the Regional Manager and approved by senior staff.

D. Tracking

Compliance resolution issues will be tracked in a shared internal database. Each Regional Manager will be responsible for tracking and updating the database for all compliance issues within their region. The database will include dates, contacts, and compliance issues. A standardized method of data collection will be implemented to allow for easy access and searchability of the data for all systems.