



MICHIGAN INDIGENT DEFENSE COMMISSION

The Michigan Indigent Defense Commission ensures that quality public defense services are accessible to all eligible adults charged with a criminal offense in Michigan.

Date: Tuesday, August 20, 2024, Time: 9:30 a.m.
Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

MEETING AGENDA

1. Call to Order
2. Roll call and opening remarks
3. Introduction of Commission members and guests
4. Public comment
5. Additions to agenda
6. Consent agenda (**action item**)
 - a. June 25, 2024 Meeting Minutes
7. Chair Report
8. Executive Director Report
 - a. FY2026 Budget (**action item**)
 - b. Fellowship Program Report
 - c. Special Assignment Unit Update
9. Commission Business
 - a. Standing Committee Reports
 - i. Executive Committee – *Tracey Brame, Vice Chair*
 - ii. Frank Eaman Award for Excellence in Public Defense
presented to 2024 co-recipients Michael Naughton and Barbara Klimaszewski

~ Break for Lunch ~

b. MIDC Standards Implementation

i. FY24 Compliance Planning and Reporting

- Overview of FY24 submissions approved and funding distributed to date
- Budget adjustments (information items)

ii. FY25 Compliance Planning

- Update on Resubmissions

10. Adjourn – next meeting October 15, 2024 beginning at 9:30 a.m.

Online Access: For members of the public who wish to join the meeting online, please email Marcela Westrate at WestrateM1@michigan.gov or call (517) 648-3143 to request a Zoom link. This link will be provided in the morning before the meeting begins.

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

June 25, 2024

Time: 9:30 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Thomas Adams
- Joshua Blanchard
- Kimberly Buddin
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- Alicia Moon (non-voting member)
- John Shea
- William Swor
- Rob VerHeulen

The following Commissioners were absent:

- Tracy Brame
- David Jones

The following member requested an accommodation under the Americans with Disabilities Act to participate via Zoom:

- Gary Walker (Chocolay Township, Marquette County, Michigan)

Chair Green called the meeting to order at 9:30 am.

Introduction of Commission members and guests

Chair Green invited guests to introduce themselves to the Commission. Muskegon County Public Defender Amy Campanelli introduced herself.

Public Comment

The following people provided public comment:

- Jill Recker
- Daniel Eichinger
- Robin Dillard-Russaw
- Karen Moore
- Sean Murphy

Approval of Agenda

Commissioner McAvoy moved to adopt the agenda as presented. Commissioner Adams seconded. The motion carried.

Consent Agenda

Commissioner Shea moved that the minutes from the April 30, 2024 meeting be removed from the consent agenda and that the minutes be amended on page 3, in by inserting the following language in the FY25 Compliance Planning Resources section, second paragraph following “The Commission discussed the motion”: “and spoke approvingly of Wayne County’s policy of providing pre-charge representation at lineups and show ups but felt constrained by the MIDC Act, which does not permit funding of services not mandated by the Sixth Amendment.” Commissioner McMillin supported. The motion carried.

Commissioner Bullock moved that the minutes be adopted as amended. Commissioner McAvoy seconded. The motion carried.

Chair Report

Chair Green updated Commissioners on the availability of office hours to talk to MIDC staff about plans and staff recommendations. She provided an overview of the Executive Committee’s activities.

Executive Director Report

Executive Director Staley updated the Commission on the appropriations status for the 2025 fiscal year. She anticipates that the legislature will increase MIDC’s reporting requirements related to grant expenses and standard compliance in the final budget’s boilerplate language. To help meet these anticipated requirements, the FY25 grant contract includes similar reporting requirements of local systems for documentation.

Commissioner DeLeeuw moved that the FY25 grant contract between LARA, MIDC, and local systems for the FY25 compliance year be approved. Commissioner Adams supported. The motion carried.

Commission Business

Standing committee reports

Chair Green provided an update on the Executive Committee's activities.

MIDC Standards Implementation

Marla McCowan updated the Commission on FY24 activities.

FY25 Compliance Planning Resources

Ms. McCowan provided an overview of the plans and cost analyses for the systems listed below. The staff recommendation is to approve the compliance plan and cost analysis for each system.

- Oakland County
- City of Birmingham
- City of Madison Heights
- City of Oak Park
- City of Royal Oak
- City of Southfield
- Macomb County
- City of Eastpointe
- City of Sterling Heights
- Wayne County
- City of Dearborn
- City of Dearborn Heights
- Canton Township
- City of Allen Park
- City of Garden City
- City of Grosse Pointe
- City of Grosse Pointe Farms
- City of Grosse Pointe Park
- City of Hamtramck
- City of Harper Woods
- City of Highland Park
- City of Inkster
- City of Livonia
- City of Romulus
- City of Southgate
- City of Taylor
- City of Wayne
- City of Wyandotte
- Grosse Ile Township
- Township of Redford
- City of Grosse Pointe Woods
- City of Lincoln Park
- City of Westland
- Alpena County
- Montmorency County
- Oscoda County
- Isabella County
- Newaygo County
- Oceana County
- Allegan County
- Barry County
- Bay County
- Berrien County
- Calhoun County
- City of Grand Rapids
- Ionia County
- Kalamazoo County
- Ottawa County
- St. Joseph County

The Commission recessed briefly. Nicole Walter provided an update on the activities in the MIDC's South Central Michigan region.

Ms. McCowan continued the overview of the compliance plans and cost analyses for the systems listed below. The staff recommendation is to approve the compliance plan and cost analysis for each system.

- Clinton County
- Gratiot County
- Eaton County
- Genesee County
- Hillsdale County
- Ingham County
- Livingston County
- Monroe County
- Shiawassee County
- Washtenaw County
- Delta County
- Dickinson County
- Emmet County
- Gogebic County
- Ontonagon County
- Houghton, Baraga and Keweenaw Counties
- Iron County
- Luce County
- Manistee and Benzie Counties
- Menominee County
- Presque Isle County
- Wexford and Missaukee Counties

Commissioner Shea moved that the compliance plans and cost analyses for Kalamazoo and Ingham Counties be considered separately and that the compliance plans and cost analyses for the following plans be approved:

- Oakland County
- City of Birmingham
- City of Madison Heights
- City of Oak Park
- City of Royal Oak
- City of Southfield
- Macomb County
- City of Eastpointe
- City of Sterling Heights
- Wayne County
- City of Dearborn
- City of Dearborn Heights
- Canton Township
- City of Allen Park
- City of Garden City
- City of Grosse Pointe
- City of Grosse Pointe Farms
- City of Grosse Pointe Park
- City of Hamtramck
- City of Harper Woods
- City of Highland Park
- City of Inkster
- City of Livonia
- City of Romulus
- City of Southgate
- City of Taylor
- City of Wayne
- City of Wyandotte
- Grosse Ile Township
- Township of Redford
- City of Grosse Pointe Woods
- City of Lincoln Park
- City of Westland
- Alpena County
- Montmorency County
- Oscoda County
- Isabella County
- Newaygo County

- Oceana County
- Allegan County
- Barry County
- Bay County
- Berrien County
- Calhoun County
- City of Grand Rapids
- Ionia County
- Ottawa County
- St. Joseph County
- Clinton County
- Gratiot County
- Eaton County
- Genesee County
- Hillsdale County
- Livingston County
- Monroe County
- Shiawassee County
- Washtenaw County
- Delta County
- Dickinson County
- Emmet County
- Gogebic County
- Ontonagon County
- Houghton, Baraga and Keweenaw Counties
- Iron County
- Luce County
- Manistee and Benzie Counties
- Menominee County
- Presque Isle County
- Wexford and Missaukee Counties

Commissioner Swor seconded. The motion carried. Commissioner Blanchard abstained from the vote and discussion with respect to the following plans: City of Dearborn, Calhoun County, Berrien County, St. Joseph County, Washtenaw County and Manistee and Benzie Counties. Commissioner DeLeeuw abstained from the discussion and vote with respect to Washtenaw County. Judge Fisher abstained from the discussion and vote with respect to the City of Grand Rapids.

Commissioner McAvoy requested a roll call vote.

A roll call vote was taken. The motion carried with 14 yeas (Green, Adams, Buddin, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Shea, Swor, VerHeulen), 0 nays, 1 abstention (Blanchard). Commissioner DeLeeuw abstained from the discussion and vote with respect to Washtenaw County. Judge Fisher abstained from the discussion and vote with respect to the City of Grand Rapids.

Commissioner McAvoy moved that Kalamazoo County's compliance plan and cost analysis be approved. Commissioner Adams seconded. Chair Green requested a roll call vote. A roll call vote was taken. The motion carried, with 8 yeas (Green, Adams, DeLeeuw, Fisher, Krizan, Kubitskey, McAvoy, VerHeulen) and 7 nays (Blanchard, Buddin, Bullock, Mathes, McMillin, Shea, Swor).

Commissioner McAvoy moved that Ingham County's compliance plan and cost analysis be approved. Commissioner Kubitskey seconded. Chair Green requested a roll call vote. The motion carried with 10 yeas (Green, Adams, Buddin, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, McAvoy, VerHeulen) and 5 nays (Blanchard, Mathes, McMillin, Shea, Swor).

Ms. McCowan provided an overview of the compliance plan and cost analysis submitted by Jackson County. MIDC staff recommends approval of the compliance plan and a portion of the cost analysis in the amount of \$4,998,037.12. The County requested funding in the amount of \$5,000,437.12.

Commissioner Swor moved that Jackson County's compliance plan and a portion of the County's cost analysis be approved. Commissioner VerHeulen seconded. Chair Green requested a roll call vote. The motion carried with 12 yeas (Green, Adams, Blanchard, Buddin, Bullock, DeLeeuw, Fisher, Mathes, McMillin, Shea, Swor, VerHeulen) 2 nays (Krizan, McAvoy). Commissioner Kubitsky abstained from the discussion and vote.

Ms. McCowan provided an overview of the compliance plans and cost analyses listed below. The staff recommendation is to approve the compliance plans submitted by these systems and disapprove the cost analyses.

- Antrim County
- Grand Traverse County
- Leelanau County
- Cass County
- Charlevoix County
- Charter Township of Shelby
- Charter Township of Waterford
- City of Farmington Hills
- City of Ferndale
- City of Hazel Park
- City of Pontiac
- City of Roseville
- City of St Clair Shores
- City of Warren
- Clare and Gladwin Counties
- Lake County
- Mason County
- Mecosta County
- Osceola County
- Crawford County
- Kalkaska County
- Kent County
- Mackinac County
- Muskegon County
- Schoolcraft County
- St. Clair County

Commissioner VerHeulen moved that the compliance plans for the systems listed above be approved and that the cost analyses for these systems be disapproved. Commissioner Adams seconded.

Commissioner McMillin offered an amendment that that Kent County be taken out of this group. Commissioner McAvoy seconded.

Commissioner VerHeulen accepted the amendment. The amended motion before the Commission was to approve the compliance plans and disapprove the cost analyses for the systems listed below:

- Antrim County
- Grand Traverse County
- Leelanau County
- Cass County
- Charlevoix County
- Charter Township of Shelby
- Charter Township of Waterford
- City of Farmington Hills
- City of Ferndale
- City of Hazel Park
- City of Pontiac
- City of Roseville
- City of St Clair Shores
- City of Warren
- Clare and Gladwin Counties
- Lake County
- Mason County
- Mecosta County

- Osceola County
- Crawford County
- Kalkaska County
- Mackinac County
- Muskegon County
- Schoolcraft County
- St. Clair County

Chair Green requested a roll call vote. The motion carried with 14 yeas (Green, Adams, Blanchard, Buddin, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Shea, Swor, VerHeulen), 1 nay (Bullock). Commissioner Bullock abstained from the discussion and vote with respect to Mecosta County. Commissioner Krizan abstained from the discussion and vote with respect to the City of Ferndale. Commissioner Mathes abstained from the discussion and vote with respect to Muskegon County.

Commissioner McMillin moved that the compliance plan and cost analysis submitted by Kent County be disapproved. Commissioner Shea seconded. The motion was withdrawn.

Commissioner VerHeulen moved that the compliance plan submitted by Kent County be approved and the cost analysis be disapproved. Commissioner Bullock seconded. Chair Green requested a roll call vote. The motion carried with 15 yeas (Green, Adams, Blanchard, Buddin, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Shea, Swor, VerHeulen) and 0 nays.

Ms. McCowan provided an overview of the systems listed below. The staff recommendation is to disapprove both the compliance plans and the cost analyses submitted by these systems.

- Arenac County
- Alcona County
- Branch County
- Cheboygan County
- Chippewa County
- City of Detroit
- Clinton Township
- Huron County
- Iosco County
- Lapeer County
- Marquette County
- Midland County
- Montcalm County
- Ogemaw County
- Roscommon County
- Otsego County
- Sanilac County
- Tuscola County
- Lenawee County
- Saginaw County
- Van Buren County

Judge Mathes moved that the compliance plans and cost analyses submitted by the systems listed above be disapproved. Commissioner Kubitskey seconded. Chair Green requested a roll call vote. The motion carried with 15 yeas (Green, Adams, Blanchard, Buddin, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Shea, Swor, VerHeulen) and 0 nays.

Alger County did not submit a compliance plan or cost analysis before the due date. Judge Mathes moved to treat Alger County's failure to submit as a disapproval of the compliance plan and cost analysis. Commissioner Bullock seconded. The motion carried.

Chair Green adjourned the meeting at 2:35 pm.

The next meeting will be August 20, 2024, at 9:30 am.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

August 12, 2024

To: MIDC Commissioners
From: Kristen Staley, Executive Director, MIDC

RE: FY24 Spending, Proposed FY25 Annual Budget Plan, and FY26 Budget Request

MIDC Internal Operating Procedures require the Executive Director to “prepare a proposed annual budget for Commission approval no later than the August meeting of the preceding fiscal year.” MIDC IOP, Sec. III(A)(3).

This memo has three sections: 1) a summary of the FY24 spending through July 2024; 2) an overview of the FY25 budget process and a proposed spending plan for the upcoming year; and 3) a proposed request to the State Budget Office for the FY26 budget.

1. FY24 SPENDING THROUGH JULY 2024

FY24 MIDC Grants - State appropriation \$220,917,400; MIDC approved amount \$281,237,724.24

The MIDC compliance grants are not reimbursement based and all local systems receive 100% of the Commission approved state total. We have access to a combination of state appropriations, local unexpended grant dollars, attorney reimbursement from partially indigent clients, and work project funds to pay for the amount approved by the Commission. In past years we only needed to use state appropriations and local unexpended dollars; however, this year we need to rely upon all sources of funding including work projects. This was planned and expected, as we should be spending down our work project funding before it expires.

To date, all FY24 grant payments to local systems are complete except for three systems who are delayed for reporting corrections: Alger, Calhoun, and Wexford Counties.

To cover the difference between the MIDC approved total and the state appropriated total we will use:

- FY23 local unexpended grant funding: \$47,617,229.08
- Attorney reimbursements: \$300,000
- Work project funding: \$14,430,608.51*

*(This may change slightly by the close of FY24. We will not receive end of the year reporting until Oct. 31, 2024.)

FY24 MIDC Operations Appropriation - \$3,176,000

The MIDC operating budget for FY24 supports 17 FTEs. The majority of our expenses is the salary and benefits for these employees encompassing 94% of the budget. We experienced significant staff turnover this year due to a combination of retirements, promotions, and transitions. In total, we hired four new Regional Managers and one position is currently vacant, with the posting closing August 26, 2024. We also filled the Executive Assistant position, a new FTE for FY24.

As of the end of July, we are slightly under spending due to staffing gaps throughout the year, a current spend rate of 76% of the total operations budget.

The following page displays our current FY24 operations spending through July 2024, showing both condensed and detailed expenses.

Category	FY24 to Date
Appropriation	\$3,167,400.00
Wages	\$1,432,900.00
Benefits	\$814,081.00
Materials/Equipment, Contracts, all other operations	\$149,647.35
Total through July 2024	\$2,396,628.35

Expense	YTD by Vendor through July 2024
Travel & Employee Reimbursements	\$21,576.43
Training	\$4,431.78
includes:	
NAPD	\$2,400.00
Building Occupancy Charges (by quarter)	\$33,995.61
IT costs	\$76,816.80
vendors in this category include:	
Verizon	\$6,983.58
Zoom	\$848.45
DTMB IT Allocation	\$65,174.81
DTMB Voice/Data/Fees	\$1,071.56
OneSpan	\$57.00
Computers	\$1,140.00
Office materials	\$2,129.27
vendors in this category include:	
Staples/office supplies	\$174.60
Copier/Printer	\$1,587.90
DTMB Print Bill (mail and printing)	\$311.07
Cost Allocation (assessed quarterly)	\$752.66
Meeting Costs	\$5,372.97
vendors in this category include:	
Catering	\$1,860.43
Meeting Space Rental	\$1,030.00
Commissioner Travel Reimbursement	\$2,482.54
Contracts	\$4,571.83
Elefant	\$4,571.83

2. FY25 BUDGET SPENDING PLAN

On July 30, 2024, Governor Whitmer signed the FY25 budget, signaling the end of the state appropriations process for this year. The FY25 budget matches the Executive Budget Recommendation, including all requested funding for MIDC Compliance Grants and minimal changes to the MIDC operations.

The state appropriated \$3,140,200 for MIDC operations and \$258,345,300 for MIDC Compliance Grants covering all MIDC Standards.

The MIDC staff works with the LARA financial team closely to plan and monitor our budget. While LARA has not quite finalized its projections related to in-direct costs for FY25, the following components will be included in our upcoming budget.

FY25 MIDC Operations Appropriation - \$3,140,200

The appropriated FY25 operations budget remained essentially the same this year, with a minor decrease of \$35,800 from the current fiscal year due to a change in DTMB and IT related costs. No major operational needs or changes are anticipated.

- *Employee Wages and Benefits*: This is the most significant portion of MIDC's operations budget. The FY25 budget allocates 21 FTEs for the MIDC; however, the budget only assumes full-year funding of 17 FTEs. State employees are expected to receive a COLA 5% increase in salary in FY25. Several MIDC staff members are eligible to receive automatic step increases pursuant to the Michigan Civil Service Commission's schedule, estimates for these increases is included in these lines.
- *Travel and Other Reimbursement (employee and commissioner)*: Travel costs include regional and senior staff traveling statewide for meetings with local funding units, court watching, or attending or conducting in-person trainings or public defense related events. Commissioners are also compensated for their travel to our in-person MIDC meetings.
- *Lease*: State of Michigan's Ottawa Building, \$44,200 annually. We recently reduced our office footprint and we will see a small reduction in occupancy charges in the coming year. These details are still being worked out with LARA.
- *Contracted Services*: As of now, the FY25 budget anticipates continued contracting with three vendors to supplement operational needs:
 - Elefant, LLC – \$120/hr for annual web server hosting, website developer and annual site maintenance as needed. DTMB has slowly been transitioning our website maintenance over from an independent host to the State of Michigan server; however, this is not yet complete and will continue into FY25. To continue to support this transition we will need to continue to contract with Elefant.

- Orion Solutions Group, LLC – \$187,500, contract expires Sept. 30, 2024. Orion assists the grant team with financial auditing and review of grant expenditures. The auditing contract work is supported by work project funds, as it directly relates to local system grant compliance. Orion is currently renegotiating its state vendor contract with DTMB for next year and we anticipate renewing with them once it is complete.
- HTC Global Services, Inc. – \$130/hr, up to \$16,250, contract expires Sept. 30, 2025. HTC maintains and supports our grants management system, EGrAMS. We share the costs of this contract with LARA. In total HTC is contracted to receive up to \$88,250. Our portion of \$16,250 is supported by work project funds and LARA supports the remaining amount.

FY25 MIDC Compliance Grants – *State appropriation \$258,345,300; estimated MIDC approved amount \$300 - \$307 million*

The FY25 budget allocation for MIDC Grants supports the state portion of annual compliance grants to local systems for implementing minimum MIDC standards. This is an increase of \$37.4 million from last year due to the inclusion of Standards 6 and 7 and annual cost of living increases. This allocation includes general fund dollars and an estimated amount of \$300,000 from attorney reimbursement from partially indigent clients available to supplement the grants.

As of the June 2024 meeting, 72 of 120 compliance plans and cost analyses are fully approved by the Commission for FY25, totaling \$ 203,919,736.02 in state grant funding. The Commission must still approve resubmissions from the 48 systems with disapproved plans. While staff is still working with these systems on their resubmissions, the current estimate of the total FY25 state grant request will be about \$300 to \$307 million.

As planned, the annual state appropriation for FY25 is less than the estimated Commission approved grant totals. To compensate for this difference, a combination of unexpended grant funds maintained by the local systems and work project funds should be more than enough cover any gap.

- Estimated range of unexpended FY24 grant dollars: \$35 to \$45 million.
- Expected FY25 work project funding: \$50,950,205

Please note, the MIDC staff will continue to reconcile quarterly reporting and the final FY24 reporting is not due until the end of October. As in past years, the significant unexpended balance appears to be largely related to start-up costs for new local programs, local staffing turnovers, and some remaining case backlogs from the impact of COVID on the courts and the criminal legal system.

Work Projects

The MIDC has work projects that can be used “to work with systems to adjust their compliance plans as needed to support the implementation of compliance plans, help systems research and adopt best practices for the delivery of indigent defense services, and monitor compliance and comply with the MIDC Act’s requirements.” These funds are created by unexpended appropriations of grant dollars from the previous grant year. Work projects must be approved by the State Budget Office and renewed by the legislature each year but can only be renewed for up to 4 years.

To date, the MIDC maintains over \$88.2 million in work project funds:

- 2021 work project with a balance of \$22,746,413.88 (expires Oct. 1, 2025)
- 2022 work project with a balance of \$53,643,174 (expires Oct. 1, 2026)
- 2023 work project with a balance of \$11,868,880 (expires Oct. 1, 2027)

Beginning in FY25, the State Budget Office is expected to lapse \$35.5 million of our current work project funding back into the State General Fund. This should leave us with \$50,950,205 available for FY25.

Federal Grants

In FY24, the MIDC was the recipient of two US Department of Justice grants, both for facilitating attorney skills training.

1. Byrne Justice Assistance Grant (JAG), *Making Standards Meaningful: Qualifying Attorneys Through a Unique Skills*, \$225,000 for 1 year, ending Sept. 30, 2024. The MIDC contracts with attorney Keeley Blanchard to administer this program.

We were invited again to apply for FY25 funding, which would be our seventh year of operation, starting Oct. 1, 2024. In anticipation of this award, we published a request for proposals (RFP) to solicit competitive bids for program management. After engaging in the RFP process with the LARA procurement team, Keeley Blanchard was again selected as our program manager.

2. Office of Juvenile Justice and Delinquency Prevention (OJJDP) Enhancing Youth Defense grant, *Youth Defender Trial Simulation Program*, \$649,327 for three years, ending September 30, 2026. MIDC staff member Susan Prentice Sao is our program manager and her position is supported by grant funding.

3. FY26 BUDGET REQUEST (Action Needed)

As of October 2023, LARA approved all published MIDC Standards and by the end of 2025 they should be implemented locally. It is a milestone year for the Commission and its public defense partners statewide.

However, there is still much work to be done to ensure the delivery of public defense is constitutional, effective, and efficient across Michigan. Each year we receive more requests from the legislature and state budget officials to provide increased amounts of grant related data on a faster timeline. Local systems continue to face attorney shortages and are constantly evolving on how to provide innovative services for clients. The ABA updated its Ten Principles of a Public Defense Delivery System, changing the national best practice guidelines for all state public defense systems, urging reassessment of policies. And certainly not least, the legislative efforts to expand the MIDC Act to include youth defense services remain widely supported and stand one State Senate vote away from passage. All of these next steps for Michigan's public defense system require increased MIDC grant and operations funding to ensure long lasting success.

FY26 MIDC Grants Request – Additional \$12,917,265 (5% increase)

Despite all MIDC Standards being approved, it is still expected to see an annual increase in local grants. Over 90% of grant funding goes directly to supporting salaries or hourly payments to defense attorneys and other defense-related staff. Standard 8 requires attorney pay rates to be “adjusted annually for cost of living increases consistent with economic adjustments made to State of Michigan employees’ salaries.” The Commission also continues to approve grant requests for annual cost of living increases for all core defense staff consistent with local policies. We should also expect to see a consistent request from local systems to address attorney shortages as caseloads stay on the rise statewide. An increase of 5%, or about \$12.9 million in grant funding should cover these needs for FY26.

MIDC Operations Request – Additional 6 FTEs, \$1,041,307

Increased Reporting Requirements – 2 Analysts

All local systems will have implemented the nine approved MIDC Standards for Indigent Defense by the end of FY26. This means, beginning in FY26, local systems are required to provide even more reporting on how they are spending grant dollars to implement these standards. This requires MIDC staff to provide technical assistance to the local systems, continuous education on proper reporting, helping local systems use new case and grant management programming, and ensuring every dollar is appropriately accounted for throughout the annual grant cycle.

Separately, throughout the year, the MIDC routinely addresses questions from legislators and other government officials about the financial and programmatic reviews conducted by MIDC staff, compliance statuses, or implementation statuses of local system plans. In FY25, for example, there is boilerplate language requiring increased reporting detail; this was added at

the request of appropriations leadership. This type of increased legislative reporting is expected to become the norm as years continue and grant requests increase.

Youth Defense Expansion – 2 Regional Managers, 2 Analysts

Executive Order 2021-6 established the Michigan Task Force on Juvenile Justice Reform (JJTF), a 23-member bipartisan group chaired by Lt. Gov. Gilchrist and charged with analyzing the state's juvenile justice system and recommending "proven practices and strategies for reform grounded in data, research, and fundamental constitutional principles." The JJTF recommended to "expand the MIDC to include development, oversight, and compliance with youth defense standards in local county defense systems." More specifically, the JJTF unanimous recommendations state that "MIDC shall align current and/or develop new standards with specific considerations for the representation of youth in the juvenile justice system, including requirements for specialized training for juvenile defenders on trauma, youth development, and cultural considerations, scope of representation and role of counsel, and other key standards."

This legislative session, a 20-bill package to reform Michigan's juvenile justice system was introduced and 19 of these bills were signed into law, including an expansion to SADO to include youth defense appellate services. House Bill 4630, the 20th bill, which amends the MIDC Act to include children under the Act's provisions, remains on the Senate floor with continual bipartisan support. It is expected that the bill will see movement during the lame duck period of our legislative year, after the November election.

Expansion of the MIDC Act to include youth defense services would be a monumental change for the agency. It would add a significant amount of new statutory duties and increased responsibilities, including: the creation and publication of new youth defense standards; increased technical assistance for an additional 83 juvenile defense systems; additional research and assessment of the state juvenile defense systems; and development and administration of new programmatic and financial compliance protocols. These are new tasks and cannot be absorbed by the current MIDC staff structure.

Moreover, the practice of defending children in the juvenile system is uniquely different than defending adults in the criminal legal system. Additional staff with specialized knowledge of youth defense and the juvenile court systems are needed to accomplish the MIDC Act expansion.

To: Michigan Indigent Defense Commission

From: Marla R. McCowan
Deputy Director/Director of Training

Re: Compliance Planning and Costs:
FY24 and FY25 compliance planning updates

Date: August 13, 2024

I. Funding Awards by Fiscal Year

	MIDC Funding	Local Share	Total System Costs
FY 2019	\$86,722,179.85	\$37,963,396.67 ¹	\$124,685,576.52
FY 2020	\$117,424,880.47	\$38,523,883.90	\$157,698,982.46
FY 2021	\$129,127,391.54	\$38,486,171.32	\$167,613,562.86
FY 2022	\$138,348,406.27	\$38,146,920.09	\$176,495,326.36
FY 2023	\$173,928,393.06	\$38,825,422.67	\$212,753,815.73
FY 2024	\$281,237,724.24	\$38,825,422.67	\$320,063,146.91
FY 2025 ² as of 6/25/2024	\$203,919,736.02	\$27,699,789.31	\$231,619,525.33

The MIDC annually collects information about the balance of funds distributed to systems in a form completed by the local funding units due no later than October 31. See the MIDC Act, MCL 780.993(15).

¹ The annual inflationary increase described in MCL 780.983(i) is calculated from the FY2019 local share.

² The list of funding approved *to date* is at the end of this memo. Additional funding requests will be reviewed by the MIDC through the fall of 2024 for FY2025.

II. FY24 Compliance Plans and Costs

A. Status of FY24 Compliance Plans

As of the October 17, 2023 meeting, the Commission approved all 120 compliance plans and cost analyses pursuant to M.C.L. 780.993(4). The individual funding for each system is available on the MIDC's website.

Contracts were distributed to all systems beginning at the end of August through November 2023. As of this writing, all contracts have been returned for execution and processing the funding distribution pursuant to the contract terms.

B. Reporting

The third quarter of reporting from systems for FY24 (covering January 1, 2024 through March 31, 2024) was due by July 31, 2024. The third quarter of reporting from systems (covering April 1, 2024 through June 30, 2024) is due July 31, 2024. Funding units are required to enter the following reporting in EGrAMS:

- Attorney List
- Financial Status Report
- Quarterly Program Report

MIDC staff published a document on the [grants page of the Commission's website](#) identifying changes to reporting for FY24, along with updated compliance reporting instructions, and a [recorded webinar](#) covering submission of reports through our EGrAMS. Sample invoicing for attorneys is available, along with a document relating to entering codes to capture various data points. The MIDC's Grant Manual was updated in February and posted to our Grants webpage as well.

C. Changes to approved plans

1. Budget Adjustments

The Grants Director processed and approved the following [budget adjustment requests](#) (line item transfer requests) pursuant to the process set forth in the MIDC's Grant Manual at p. 41 (February 2024):

- Alger County
- Antrim County
- Calhoun County
- Charter Township of Waterford
- Cheboygan County
- City of Birmingham
- City of Eastpointe
- City of Grand Rapids
- City of Madison Heights
- City of Pontiac
- Isabella County
- Jackson County
- Lenawee County
- Macomb County
- Otsego County
- St. Clair County
- Washtenaw County
- Wayne County

III. FY25 Compliance Planning

All funding units are required to submit a plan for compliance with all approved MIDC Standards pursuant MCL §780.993, which provides:

(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.

Funding units are using the MIDC's Grant Management System (EGrAMS) to submit compliance plans. A detailed, self-guided tutorial was prepared for funding units and [linked on our website](#) along with resources and materials for planning.

A. Status of Initial Submissions (due April 22, 2024)

As of the MIDC's June 25, 2024 meeting, 71 compliance plans and cost analyses were approved as submitted, and communication regarding that status was sent through our grant management system. Jackson County's compliance plan was approved along with a portion of the cost analysis; communication regarding that action was sent to the funding unit via U.S. Mail on June 28, 2024. The MIDC intends to distribute contracts for Fiscal Year 2025 beginning in September to all 72 funding units.

Pursuant to MCL 780.993(4), the remaining 48 systems were sent an official mailing detailing the MIDC's disapproval of the FY2025 compliance plan *and/or* cost analysis. Resubmissions are expected no later than August 30, 2024 by 11:59 p.m. from the following funding units (listed in alphabetical order):

- Alcona County
- Alger County
- Antrim County
- Arenac County
- Branch County
- Cass County
- Charlevoix County
- Charter Township of Shelby
- Charter Township of Waterford
- Cheboygan County
- Chippewa County
- City of Detroit
- City of Farmington
- City of Ferndale

- City of Hazel Park
- City of Pontiac
- City of Roseville
- City of St Clair Shores
- City of Warren
- Clare County
- Clinton Township
- Crawford County
- Grand Traverse County
- Huron County
- Iosco County
- Kalkaska County
- Kent County (all except D61)
- Lake County
- Lapeer County
- Leelanau County
- Lenawee County
- Mackinac County
- Marquette County
- Mason County
- Mecosta County
- Midland County
- Montcalm County
- Muskegon County
- Ogemaw County
- Osceola County
- Otsego County
- Roscommon County
- Saginaw County
- Sanilac County
- Schoolcraft County
- St. Clair County
- Tuscola County
- Van Buren County

B. Funding approvals³ to date (by region):

Region	Funding Unit	MIDC Funding	Local Share	Total System Cost
LMOSC	City of Eastpointe	\$1,854,632.90	\$53,423.35	\$1,908,056.25
LMOSC	City of Royal Oak	\$1,201,554.88	\$22,870.12	\$1,224,425.00
LMOSC	Oakland County	\$20,477,069.00	\$1,883,620.74	\$22,360,689.74
LMOSC	City of Oak Park	\$601,125.14	\$42,499.86	\$643,625.00
LMOSC	City of Southfield	\$1,147,435.00	\$83,430.00	\$1,230,865.00
LMOSC	City of Madison Heights	\$703,538.06	\$1,795.31	\$705,333.37
LMOSC	City of Birmingham	\$748,074.78	\$17,600.22	\$765,675.00
LMOSC	Macomb County	\$14,451,193.16	\$2,259,690.22	\$16,710,883.38
LMOSC	City of Sterling Heights	\$602,875.00	\$0.00	\$602,875.00
Mid Michigan	Isabella County	\$1,702,618.49	\$240,306.09	\$1,942,924.58
Mid Michigan	Newaygo County	\$1,138,731.98	\$202,988.72	\$1,341,720.70
Mid Michigan	Oceana County	\$759,486.72	\$93,681.59	\$853,168.31
Mid Michigan	Bay County	\$1,820,163.76	\$610,943.97	\$2,431,107.73
Mid Michigan	Alpena County	\$992,305.91	\$164,640.01	\$1,156,945.92
Mid Michigan	Montmorency County	\$445,561.39	\$17,047.53	\$462,608.92
Mid Michigan	Oscoda County	\$494,308.11	\$54,763.04	\$549,071.15
Northern Michigan	Manistee County	\$897,119.77	\$285,366.94	\$1,182,486.71
Northern Michigan	Houghton County	\$1,085,825.36	\$159,689.56	\$1,245,514.92
Northern Michigan	Dickinson County	\$491,184.59	\$69,191.28	\$560,375.87
Northern Michigan	Gogebic County	\$473,217.53	\$105,196.45	\$578,413.98
Northern Michigan	Ontonagon County	\$181,946.10	\$27,991.63	\$209,937.73
Northern Michigan	Luce County	\$351,749.22	\$30,411.78	\$382,161.00
Northern Michigan	Menominee County	\$624,884.22	\$117,111.00	\$741,995.22
Northern Michigan	Presque Isle County	\$183,563.88	\$75,488.00	\$259,051.88
Northern Michigan	Emmet County	\$903,618.90	\$164,103.72	\$1,067,722.62
Northern Michigan	Wexford County	\$1,829,379.15	\$148,052.20	\$1,977,431.35
Northern Michigan	Delta County	\$778,477.74	\$110,448.96	\$888,926.70
Northern Michigan	Iron County	\$709,036.31	\$73,643.28	\$782,679.59
South Central Michigan	Hillsdale County	\$916,918.32	\$114,646.21	\$1,031,564.53
South Central Michigan	Jackson County	\$4,426,261.76	\$571,775.36	\$4,998,037.12

^{3 3} The June 2024 summary memo incorrectly listed Kalkaska County as approved.

South Central Michigan	Ingham County	\$10,696,202.97	\$929,081.63	\$11,625,284.60
South Central Michigan	Clinton County	\$1,873,243.70	\$148,998.77	\$2,022,242.47
South Central Michigan	Gratiot County	\$914,724.33	\$84,053.83	\$998,778.16
South Central Michigan	Livingston County	\$2,254,213.67	\$944,189.67	\$3,198,403.34
South Central Michigan	Genesee County	\$15,962,465.71	\$1,346,053.44	\$17,308,519.15
South Central Michigan	Shiawassee County	\$1,539,691.01	\$106,911.94	\$1,646,602.95
South Central Michigan	Eaton County	\$2,266,904.46	\$448,814.26	\$2,715,718.72
South Central Michigan	Monroe County	\$3,414,342.13	\$217,687.41	\$3,632,029.54
South Central Michigan	Washtenaw County	\$10,966,945.79	\$2,669,171.25	\$13,636,117.04
Wayne County	Grosse Ile Township	\$306,232.19	\$77,357.81	\$383,590.00
Wayne County	City of Livonia	\$449,177.38	\$17,728.22	\$466,905.60
Wayne County	City of Romulus	\$246,918.45	\$55,748.75	\$302,667.20
Wayne County	Canton Township	\$391,764.29	\$31,385.71	\$423,150.00
Wayne County	City of Grosse Pointe	\$17,910.11	\$3,257.89	\$21,168.00
Wayne County	City of Southgate	\$195,616.42	\$4,723.58	\$200,340.00
Wayne County	City of Grosse Pointe Park	\$20,857.02	\$10,264.98	\$31,122.00
Wayne County	City of Inkster	\$107,290.00	\$46,350.00	\$153,640.00
Wayne County	City of Westland	\$611,834.94	\$63,450.06	\$675,285.00
Wayne County	City of Garden City	\$147,863.47	\$9,008.38	\$156,871.85
Wayne County	City of Hamtramck	\$142,931.25	\$14,600.25	\$157,531.50
Wayne County	City of Highland Park	\$101,284.61	\$13,905.00	\$115,189.61
Wayne County	City of Grosse Pointe Farms	\$73,307.27	\$15,132.76	\$88,440.03
Wayne County	Township of Redford	\$363,154.90	\$53,029.10	\$416,184.00
Wayne County	City of Taylor	\$394,924.56	\$40,686.03	\$435,610.59
Wayne County	City of Allen Park	\$250,529.75	\$14,947.70	\$265,477.45
Wayne County	City of Dearborn Heights	\$197,481.33	\$9,908.25	\$207,389.58
Wayne County	City of Wyandotte	\$407,672.49	\$1,473.79	\$409,146.28
Wayne County	City of Harper Woods	\$233,822.11	\$12,759.91	\$246,582.02
Wayne County	City of Lincoln Park	\$369,382.10	\$10,819.97	\$380,202.07

Wayne County	City of Wayne	\$245,052.47	\$23,659.51	\$268,711.98
Wayne County	City of Grosse Pointe Woods	\$63,151.11	\$3,175.49	\$66,326.60
Wayne County	Wayne County	\$47,177,970.20	\$7,670,754.02	\$54,848,724.22
Wayne County	City of Dearborn	\$1,583,934.26	\$79,472.40	\$1,663,406.66
Western Michigan	Berrien County	\$4,803,046.46	\$579,598.58	\$5,382,645.04
Western Michigan	Barry County	\$1,351,051.01	\$233,113.03	\$1,584,164.04
Western Michigan	Ionia County	\$855,720.49	\$225,161.77	\$1,080,882.26
Western Michigan	Allegan County	\$4,296,302.12	\$236,039.95	\$4,532,342.07
Western Michigan	Ottawa County	\$5,621,473.30	\$950,779.61	\$6,572,252.91
Western Michigan	City of Grand Rapids (D61)	\$3,156,349.48	\$178,511.36	\$3,334,860.84
Western Michigan	St. Joseph County	\$677,447.94	\$426,535.73	\$1,103,983.67
Western Michigan	Kalamazoo County	\$8,904,947.68	\$1,185,314.64	\$10,090,262.32
Western Michigan	Calhoun County	\$7,270,743.96	\$703,755.74	\$7,974,499.70
	Approved as of 6/25/2024	\$203,919,736.02	\$27,699,789.31	\$231,619,525.33