

Michigan Indigent Defense Commission
Report to the Legislature per P.A. 60 of 2019, Section 802

Public Act 60 of 2019 requires the following:

From the funds appropriated in part 1, the Michigan Indigent Defense Commission (MIDC) shall submit a report by September 30 to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget director on the incremental costs associated with the standard development process, the compliance plan process, and the collection of data from all indigent defense systems and attorneys providing indigent defense. Particular emphasis shall be placed on those costs that may be avoided after standards are developed and compliance plans are in place.

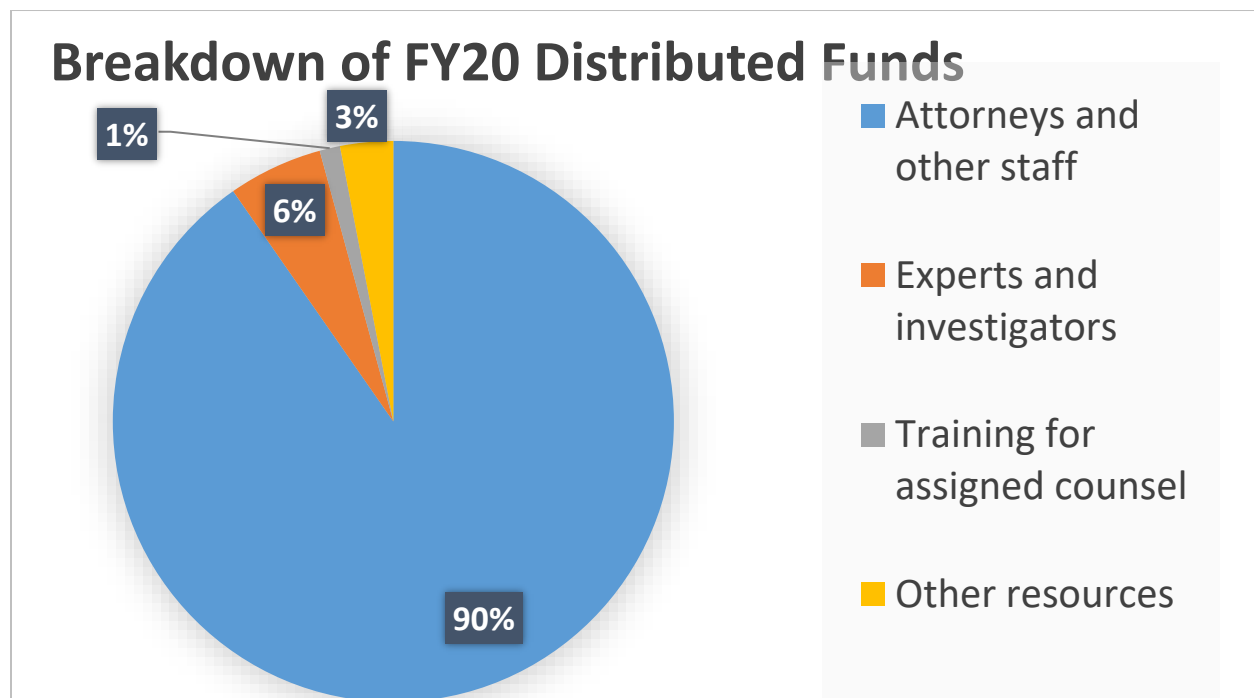
Background

The MIDC was established as a part of the judicial branch. Public Acts 439 – 443 of 2016 re-established the MIDC within the Department of Licensing and Regulatory Affairs.

Standards and Compliance

The 2020 fiscal year marked the second year of implementation of the MIDC's first approved indigent defense standards throughout the State. These standards include training, early client visits, encouraging the use of experts and investigators and counsel at first appearance. After funding was appropriated, the MIDC began contracting with 124 systems and distributing funds. The MIDC Act requires funding to be distributed before systems are required to begin implementing compliance plans for the standards.

Pursuant to a written grant agreement with each local funding unit, the MIDC distributed over \$117 million dollars to 124 units across the State. The MIDC Act requires local systems to maintain a statutorily-defined local share that is adjusted for inflation annually. In FY 20, the total local share amount was \$38.5 million. You can see the application of the \$117 million dollars distributed funding below:



The current legislation requires funding to be fully distributed before the end of the fiscal year. Many systems had funds remaining from their FY 19 distributions. The total remaining in FY 19 unexpended balances among all systems was \$42.4 million. These funds were applied to offset the FY 20 grants.

The FY 20 grant agreement included a schedule that distributed the funding in three payments, a payment of 50% of the total state grant amount distributed after the grant agreement was signed and two subsequent 25% payments. MIDC staff met regularly with systems and engaged in court watching to assess the system's implementation of the standards and trouble-shoot issues that arose during the process. Staff held in person meetings until State of Michigan employees began working from home because of COVID, meetings then were held using Zoom. The MIDC conducts webinars to assist systems with implementation and the reporting process. MIDC continues to monitor the quarterly financial and program reports submitted by the systems.

In some areas, regionalization of services has started as a direct result of the compliance planning process. There are now multiple multi-county public defender offices, as well as an eight-county assigned counsel system managed by one administrator.

Additional regionalization of services may result in effective and efficient indigent defense systems and long-term cost savings to the State. The MIDC has encouraged some systems to explore regionalization and awarded some systems additional planning funds to determine the feasibility of combining services.

The total paid per system in FY 20 is attached to this document.

The Commission's second set of standards are pending before the Director of the Department of Licensing and Regulatory Affairs. The second set of standards include the following: independence from the judiciary, defender workload limitations, qualification and review of attorneys accepting assignments in adult criminal cases and economic disincentives or incentives for attorneys practicing indigent defense. In the fall of 2020, as required by statute, the Commission drafted a standard to assist systems in determining indigency, partial indigency and the amount a partially indigent defendant may be required to contribute to their defense.

Data Collection

To assess compliance with the MIDC's approved standards, the MIDC has collected data in three different ways. First, local funding units are required to submit quarterly progress and financial reports that require responses to questions regarding the status of compliance with MIDC standards 1-4. Second, MIDC staff is onsite either in person or via Zoom in courts across the State to conduct court-watching and assess individual systems' compliance with the standards. Lastly, MIDC has executed a data sharing agreement with the State Court Administrative Office to access data through the Judicial Data Warehouse.

There are ongoing challenges related to the collection of data regarding indigent defense cases. While information regarding criminal cases have been tracked by SCAO and individual courts, this is the first time that data specific to *indigent* defense cases is being collected. The collection of data is also complicated by the fact that district and circuit courts statewide use different case management systems to collect information regarding criminal cases and record information in different ways.

The MIDC has contracted with the Urban Institute to develop, and conduct a study of standards implementation. This report is expected to be completed by the end of the 2020 calendar year.

Through this study, the MIDC will conduct process and impact evaluations of standards implementation. These findings will be used to guide the ongoing implementation and oversight of standards. The study will take part in two phases and will utilize a multi-method approach featuring a process evaluation and an initial impact evaluation, with preparation for a more intensive impact evaluation.

In the second year of training required under MIDC minimum Standard 1, the MIDC was able to track data on continuing legal education completed by attorneys accepting appointments in indigent defense cases. Almost 1000 attorneys statewide completed training required under Standard 1 at

approximately 140 different programs offered during the year. This includes training offered by bar associations, in-house by defender offices and through vendors, such as the statewide conferences hosted by Criminal Defense Attorneys of Michigan and resources from the National Association of Public Defense and the Criminal Defense Resource Center.

An additional data-related initiative began at the end of fiscal year 2020. The MIDC is partnering with the Right to Counsel Project at American University to conduct a cost-benefit analysis based on two sites across the United States, which have implemented counsel at first appearance. Michigan was selected to identify a site for analysis of the outcomes and costs associated with providing counsel at first appearance under MIDC Standard 4.

All standards, reports, and materials are available at www.michiganidc.gov.

MIDC FY20 Approved Compliance Plan and Cost Analysis		Total system cost	FY 20 local share	MIDC grant	FY 19 Unspent
Lapeer, Macomb, Oakland, St. Clair					
D 37 - Warren and Centerline	1	\$1,427,025.82	\$122,807.75	\$1,304,218.07	\$650,381.56
D 38 - Eastpointe	1	\$770,886.95	\$53,008.41	\$717,878.54	\$232,362.02
D 39 - Roseville and Fraser	1	\$1,031,602.97	\$90,249.75	\$941,353.22	\$691,339.55
D 40 St Clair Shores	1	\$551,999.08	\$7,079.46	\$544,919.62	\$351,233.23
D 41-a-1 Sterling Heights	1	\$483,457.33	\$0.00	\$483,457.33	\$102,114.98
D 41-a-2 Shelby Twp	1	\$500,232.87	\$0.00	\$500,232.87	\$340,829.04
D 41b - Mt Cl, Harris., Clinton	1	\$479,800.00	\$43,619.16	\$436,180.84	\$145,791.78
D 43-1 Hazel Park	1	\$1,226,624.07	\$18,374.88	\$1,208,249.19	\$412,098.08
D 43-2 Ferndale	1	\$642,131.00	\$15,308.54	\$626,822.46	\$270,033.05
D 43-3 Madison Heights	1	\$626,516.25	\$1,781.37	\$624,734.88	\$292,714.19
D 44 - Royal Oak	1	\$861,833.36	\$22,692.49	\$839,140.87	\$75,334.00
D 45 - Oak Park	1	\$515,430.00	\$42,169.76	\$473,260.24	\$18,721.07
D 46 - Southfield	1	\$600,500.00	\$82,782.00	\$517,718.00	\$399,622.32
D 47 Farmington/Hills	1	\$203,339.69	\$21,910.94	\$181,428.75	\$132,555.35
D 48 Bloomfield (revised 12/17)	1	\$452,714.00	\$17,463.52	\$435,250.48	\$174,593.31
D 50 Pontiac	1	\$1,052,015.00	\$18,022.97	\$1,033,992.03	\$439,080.81
D 51 - Waterford	1	\$351,679.06	\$31,807.20	\$319,871.86	\$123,190.17
Lapeer County	1	\$1,001,776.00	\$109,844.99	\$891,931.01	\$274,863.25
Macomb C 16 & D 42-1, 42-2	1	\$7,071,336.20	\$2,242,139.23	\$3,620,490.20	\$421,276.74
Oakland C 6 & D 52-1, 2, 3, 4*	1	\$6,564,397.00	\$1,868,990.68	\$4,153,895.00	\$1,740,298.48
St. Clair County	1	\$2,439,289.10	\$750,172.53	\$1,689,116.57	\$0.00
* state grant is net of systems program income of 541,511.32					
Mid- Michigan					
Alcona County	1	\$152,650.00	\$41,012.12	\$111,637.88	\$34,432.42
Alpena County	1	\$670,326.00	\$163,361.25	\$506,964.75	\$181,745.24
Arenac County	1	\$281,417.70	\$114,335.96	\$167,081.74	\$125,414.29
Bay County	1	\$1,143,261.00	\$606,198.78	\$537,062.22	\$190,101.43
Clare/Gladwin Counties (revised 12/17)	1	\$1,976,939.89	\$236,525.87	\$1,740,414.02	\$938,142.25
Huron County	1	\$541,000.67	\$81,183.18	\$459,817.49	\$0.00
Iosco County	1	\$194,264.04	\$171,806.31	\$22,457.73	\$20,967.97
Isabella County	1	\$1,632,191.16	\$238,439.63	\$1,393,751.53	\$653,187.19
Lake County (revised 12/17)	1	\$306,795.00	\$77,894.39	\$228,900.61	\$128,639.99
Mason County	1	\$626,149.00	\$156,855.56	\$469,293.44	\$304,457.85
Mecosta County	1	\$454,239.00	\$166,909.97	\$287,329.03	\$117,058.92
Midland County	1	\$543,605.00	\$259,598.83	\$284,006.17	\$197,133.69
Montmorency County	1	\$287,425.00	\$16,915.12	\$270,509.88	\$112,686.50

Newaygo County (revised 12/17)	1	\$834,012.00	\$201,412.11	\$632,599.89	\$247,655.63
Oceana County	1	\$546,200.00	\$92,953.97	\$453,246.03	\$150,692.56
Ogemaw County (revised 12/17)	1	\$583,209.00	\$147,849.67	\$435,359.33	\$152,136.04
Osceola County	1	\$368,270.00	\$70,307.47	\$297,962.53	\$61,192.26
Oscoda County	1	\$254,609.00	\$54,337.70	\$200,271.30	\$148,527.61
Roscommon County	1	\$652,085.25	\$203,666.89	\$448,418.36	\$337,122.83
Saginaw County	1	\$3,907,993.00	\$917,671.17	\$2,990,321.83	\$910,415.64
Sanilac County (revised 12/17)	1	\$463,107.11	\$65,683.90	\$397,423.21	\$0.00
Tuscola County	1	\$1,121,837.00	\$253,956.78	\$867,880.22	\$202,166.89
Northern Michigan					
Alger County	1	\$446,941.78	\$53,463.93	\$393,477.85	\$138,928.27
Antrim County	1	\$258,432.00	\$80,156.48	\$178,275.52	\$76,641.85
Baraga/Houghton/Keweenaw Counties	1	\$649,626.64	\$158,449.25	\$491,177.39	\$64,144.16
Benzie/Manistee Counties	1	\$813,561.86	\$283,150.50	\$530,411.36	\$175,256.91
Charlevoix County	1	\$513,540.00	\$168,476.70	\$345,063.30	\$143,706.00
Cheboygan County	1	\$380,071.56	\$144,514.89	\$235,556.67	\$57,207.60
Chippewa County	1	\$543,811.98	\$224,373.97	\$319,438.01	\$110,024.91
Crawford County	1	\$288,669.00	\$15,029.53	\$273,639.47	\$47,349.72
Delta County	1	\$399,133.51	\$109,591.10	\$289,542.41	\$25,868.15
Dickinson County	1	\$532,670.07	\$68,653.87	\$464,016.20	\$166,107.54
Emmet County	1	\$472,652.00	\$162,829.13	\$309,822.87	\$134,365.05
Gogebic County	1	\$362,648.65	\$104,397.38	\$258,251.27	\$105,567.54
Grand Traverse County (revised 12/17)	1	\$837,550.20	\$156,958.76	\$680,591.44	\$182,626.22
Iron County	1	\$445,694.95	\$73,071.29	\$372,623.66	\$229,651.08
Kalkaska County	1	\$450,726.07	\$39,852.89	\$410,873.18	\$188,704.50
Leelenau County	1	\$220,225.00	\$52,832.66	\$167,392.34	\$108,420.57
Luce County	1	\$246,026.00	\$30,175.57	\$215,850.43	\$8,155.60
Mackinac County	1	\$200,011.56	\$136,830.47	\$63,181.09	\$13,353.14
Marquette County	1	\$958,688.80	\$229,920.36	\$728,768.44	\$299,750.75
Menominee County	1	\$490,826.59	\$116,201.40	\$374,625.19	\$60,073.44
Ontonagon County	1	\$167,291.00	\$27,774.22	\$139,516.78	\$61,835.22
Otsego County (revised 12/17)	1	\$417,017.00	\$82,273.04	\$334,743.96	\$85,269.71
Presque Isle County	1	\$199,811.02	\$74,901.69	\$124,909.33	\$108,905.58
Schoolcraft County	1	\$233,227.70	\$36,314.19	\$196,913.51	\$117,000.75
Wexford/Missaukee Counties	1	\$989,164.36	\$146,902.28	\$842,262.08	\$31,331.57
South Central Michigan					
Clinton County	1	\$815,673.30	\$147,841.50	\$667,831.80	\$281,785.77

D 15 - Ann Arbor	1	\$393,529.96	\$206,506.85	\$187,023.11	\$113,884.45
Eaton County	1	\$2,132,500.68	\$445,328.32	\$1,687,172.36	\$326,481.79
Genesee County (corr. Dec 2019)	1	\$4,825,360.66	\$1,335,598.66	\$3,489,762.00	\$49,523.56
Gratiot County	1	\$586,807.51	\$83,400.98	\$503,406.53	\$138,366.00
Hillsdale County (revised 12/17)	1	\$495,314.02	\$113,755.75	\$381,558.27	\$0.00
Ingham County	1	\$5,542,054.00	\$921,865.46	\$4,620,188.54	\$2,000,627.03
Jackson County	1	\$2,892,162.20	\$567,334.39	\$2,324,827.81	\$674,293.92
Lenawee County	1	\$1,314,689.11	\$214,815.46	\$1,099,873.65	\$97,725.65
Livingston County	1	\$2,554,318.27	\$936,856.16	\$1,617,462.11	\$307,905.42
Monroe County	1	\$863,639.00	\$215,996.63	\$647,642.37	\$74,853.89
Shiawassee County	1	\$945,865.40	\$106,081.56	\$839,783.84	\$391,330.97
Washtenaw County	1	\$6,529,871.55	\$2,441,932.97	\$4,087,938.58	\$1,139,849.65
Wayne County					
D 16 - Livonia	1	\$504,623.01	\$17,590.52	\$487,032.49	\$113,192.41
D 17 - Redford	1	\$291,038.77	\$52,617.22	\$238,421.55	\$84,244.95
D 18 - Westland	1	\$447,220.00	\$62,957.24	\$384,262.76	\$177,532.29
D 19 - Dearborn	1	\$357,033.44	\$78,855.14	\$278,178.30	\$172,186.26
D 20 - Dearborn Heights	1	\$226,780.42	\$9,831.29	\$216,949.13	\$214,597.42
D 21 - Garden City	1	\$114,793.07	\$8,938.41	\$105,854.66	\$8,679.97
D 23 - Taylor	1	\$401,859.00	\$40,370.02	\$361,488.98	\$74,029.66
D 22 - Inkster	1	\$157,602.50	\$45,990.00	\$111,612.50	\$150,000.00
D 24 - Allen Park	1	\$187,102.50	\$14,831.60	\$172,270.90	\$109,323.96
D 25 - Lincoln Park	1	\$571,360.11	\$10,735.94	\$560,624.17	\$290,252.83
D 27 - Wyandotte	1	\$285,315.80	\$1,462.34	\$283,853.46	\$152,131.88
D 28 - Southgate	1	\$188,193.69	\$4,686.89	\$183,506.80	\$85,148.61
D 29 - Wayne	1	\$171,784.79	\$23,475.75	\$148,309.04	\$277,815.26
D 30 - Highland Park	1	\$167,781.34	\$13,797.00	\$153,984.34	\$49,077.63
D 31 - Hamtramck	1	\$211,422.00	\$14,486.85	\$196,935.15	\$156,619.85
D 32a - Harper Woods	1	\$189,771.90	\$12,660.80	\$177,111.10	\$21,123.64
D 33 - Trenton	1	\$297,822.70	\$76,756.97	\$221,065.73	\$140,901.71
D 34 - Romulus	1	\$561,179.00	\$55,315.75	\$505,863.25	\$373,063.77
D 35 - Plymouth	1	\$432,761.00	\$31,141.93	\$401,619.07	\$0.00
D 36 - Detroit	1	\$5,791,521.08	\$1,086,674.07	\$4,704,847.01	\$0.00
Wayne County Circuit Court	1	\$26,800,560.40	\$7,611,175.35	\$19,189,385.05	\$14,512,272.82
Grosse Pte City Municipal	1	\$31,590.00	\$3,232.59	\$28,357.41	\$23,386.69
Grosse Pointe Farms	1	\$58,853.00	\$15,015.22	\$43,837.78	\$13,030.00
Grosse Pointe Park	1	\$41,530.00	\$10,185.25	\$31,344.75	\$17,170.00
Grosse Pointe Woods	1	\$57,200.00	\$3,150.83	\$54,049.17	\$22,875.00

Western Michigan					
Allegan/Van Buren Counties	1	\$3,112,882.00	\$540,903.72	\$2,571,978.28	\$1,443,598.11
Barry County	1	\$808,676.18	\$231,302.44	\$577,373.74	\$258,478.40
Berrien County	1	\$3,128,460.00	\$575,096.85	\$2,553,363.15	\$169,846.30
Branch County	1	\$663,985.60	\$154,707.29	\$509,278.31	\$461,217.44
Calhoun County	1	\$2,866,565.81	\$698,289.68	\$2,168,276.13	\$673,884.96
Cass County	1	\$457,136.00	\$254,342.07	\$202,793.93	\$0.00
D 59-1 - Grandville	1	\$82,698.81	\$2,826.17	\$79,872.64	\$98,157.11
D 59-2 - Walker	1	\$94,973.88	\$6,236.58	\$88,737.30	\$122,169.21
D 61 - Grand Rapids	1	\$502,130.00	\$177,124.86	\$325,005.14	\$310,691.99
D 62 a - Wyoming (revised 12/17)	1	\$358,250.00	\$7,161.15	\$351,088.85	\$141,720.15
D 62B - Kentwood	1	\$266,078.60	\$39,165.37	\$226,913.23	\$110,545.59
Ionia County (revised 12/17)	1	\$453,149.77	\$223,412.94	\$229,736.83	\$53,161.03
Kalamazoo County	1	\$4,709,000.00	\$1,176,108.31	\$3,532,891.69	\$0.00
Kent County C17/D63	1	\$6,769,498.13	\$2,449,097.29	\$4,320,400.84	\$192,065.17
Montcalm County	1	\$648,628.63	\$225,179.50	\$423,449.13	\$20,015.78
Muskegon County	1	\$2,362,268.20	\$676,864.47	\$1,685,403.73	\$112,325.22
Ottawa County	1	\$3,287,034.00	\$943,394.91	\$2,343,639.09	\$126,277.08
St. Joseph County	1	\$774,890.80	\$423,222.83	\$351,667.97	\$101,590.44
Total approved as of April 21, 2020	124	\$157,698,982.46	\$38,523,883.90	\$117,424,880.47	\$42,473,584.70