

MICHIGAN INDIGENT DEFENSE COMMISSION

House LARA/DIFS Appropriations Committee
March 5, 2024

Kristen Staley

Executive Director

www.michiganidc.gov

517-657-3066

LARA-MIDC-Info@michigan.gov

Executive Recommendation - FY25 Budget

MIDC Grants - \$258.3M

| | |
|----------|--|
| \$12.85M | Local implementation of newly approved MIDC Standards on attorney workloads and qualifications (Standards 6 & 7) |
| + | |
| \$24.57M | Baseline adjustment for continued implementation of all other MIDC Standards |

\$37.4M **Total increase** in grant funding for 133 local trial court funding units to comply with all MIDC Standards

MIDC Operations - \$3.14M

| | |
|-------------|------------------------|
| (\$108,200) | IT adjustment |
| + | |
| \$81,000 | Economic adjustment |
| | No change to FTE count |

(\$27,200) **Deduction** from FY24

The MIDC Act

Public Act 93 of 2013
MCL 780.981 et seq.



MIDC is required by statute to:

- Develop and oversee implementation of minimum standards on the delivery of indigent trial-level defense services
- Administer grants for local systems to come into compliance with standards
- Monitor and ensure compliance of standards
- Collect and analyze data from local indigent defense systems
- Encourage best practices in indigent defense services.

Michigan Supreme Court

Michigan House of Representatives

Michigan Senate

State Budget Office

Michigan Judges Association

Michigan District Judges Association

State Bar of Michigan

Criminal Defense Association of Michigan

Prosecuting Attorney Association of Michigan

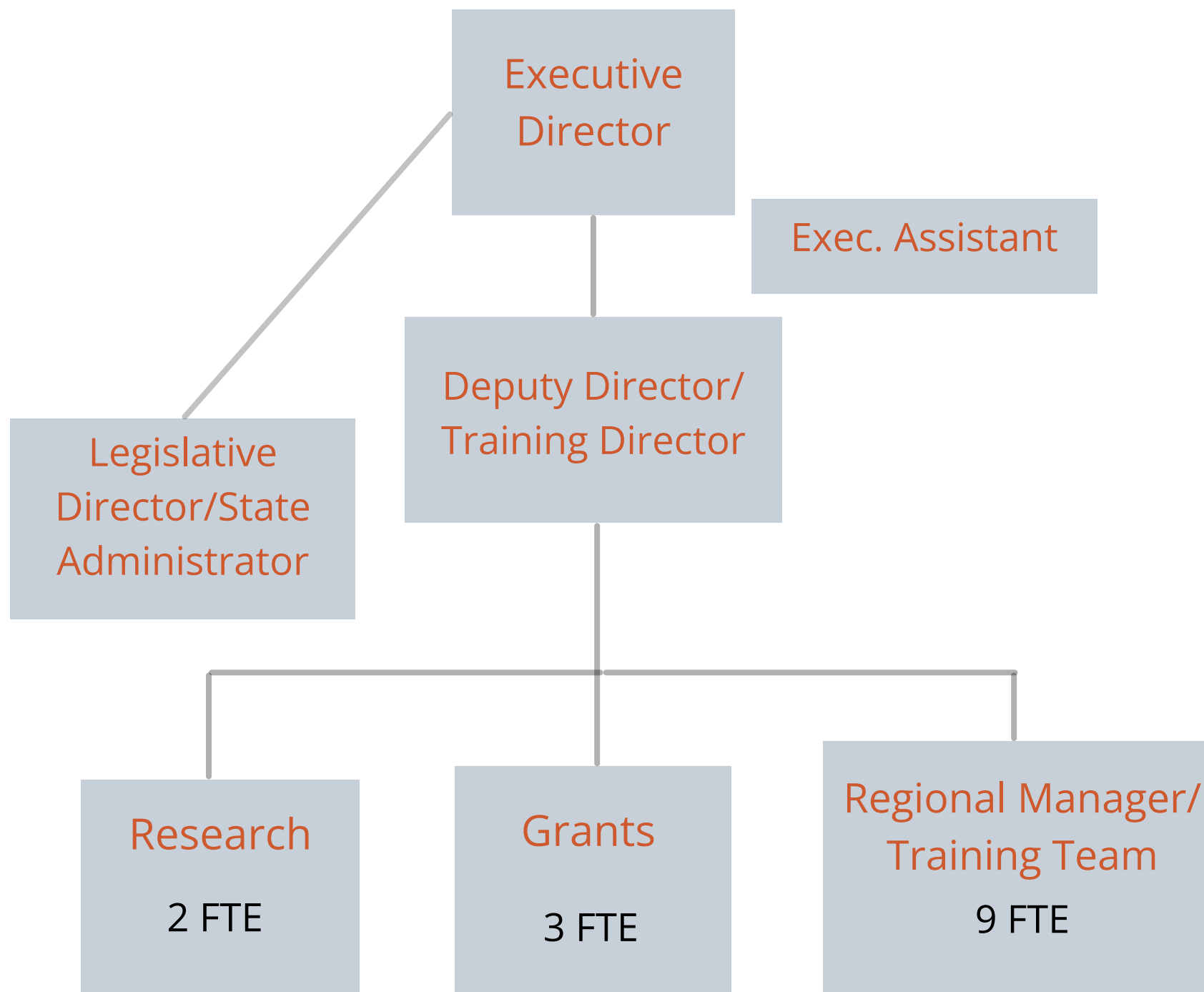
Michigan Association of Counties

Michigan Municipal League/Michigan Township Assn.

General Public



**MIDC Commissioners include
19 stakeholders from the
criminal legal community**



The MIDC's Staff serves a critical role

- 18 staff members support 19 Commissioners and 133 funding units across Michigan.
- Senior regional manager and 6 regional managers are experienced defenders who provide TA, monitor compliance, and support innovations in public defense.
- Grants director and 2 analysts oversee all aspects of compliance grant administration, financial data oversight, and annual auditing.
- Training director, grant-funded project manager, and compliance analyst host training events and oversee annual education requirements for all defenders.
- Research director and analyst help with case management systems, collect and assess compliance data to improve local practices.

Fully Approved MIDC Standards



1. Education and Training of Defense Counsel

Approved May 17, 2017, implemented in 2019



2. Initial Interviews

Approved May 17, 2017, implemented in 2019



3. Investigation and Experts

Approved May 17, 2017, implemented in 2019



4. Counsel at First Appearance and All Critical Stages

Approved May 17, 2017, implemented in 2019



5. Independence from the Judiciary

Approved October 29, 2020, implemented in 2022



6. Indigent Defense Workloads

Approved October 24, 2023, to be implemented in 2025



7. Qualification and Review of Counsel

Approved October 24, 2023, to be implemented in 2025



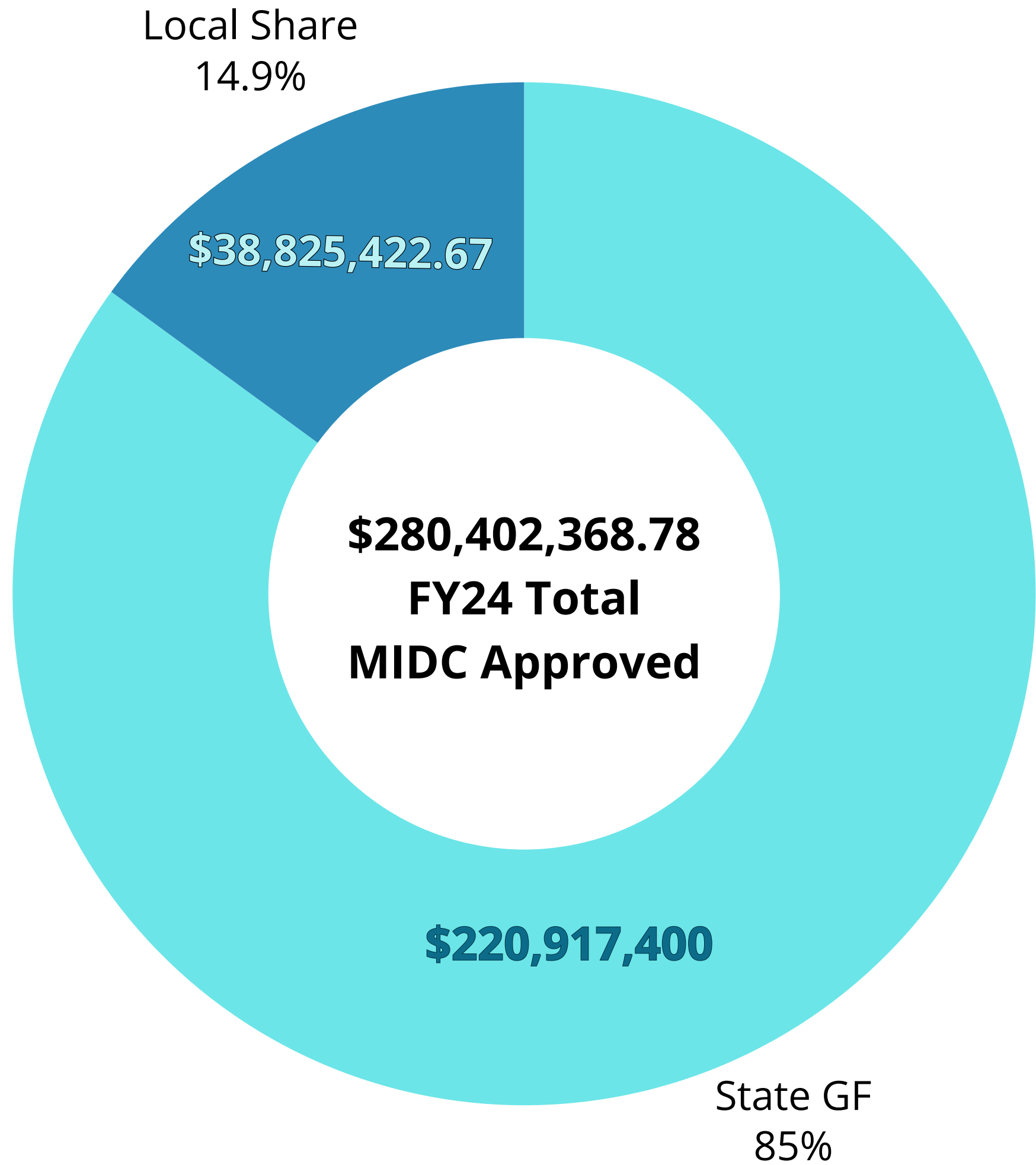
8. Attorney Compensation

Approved October 28, 2022, being implemented in 2024



Determining Indigency and Contribution

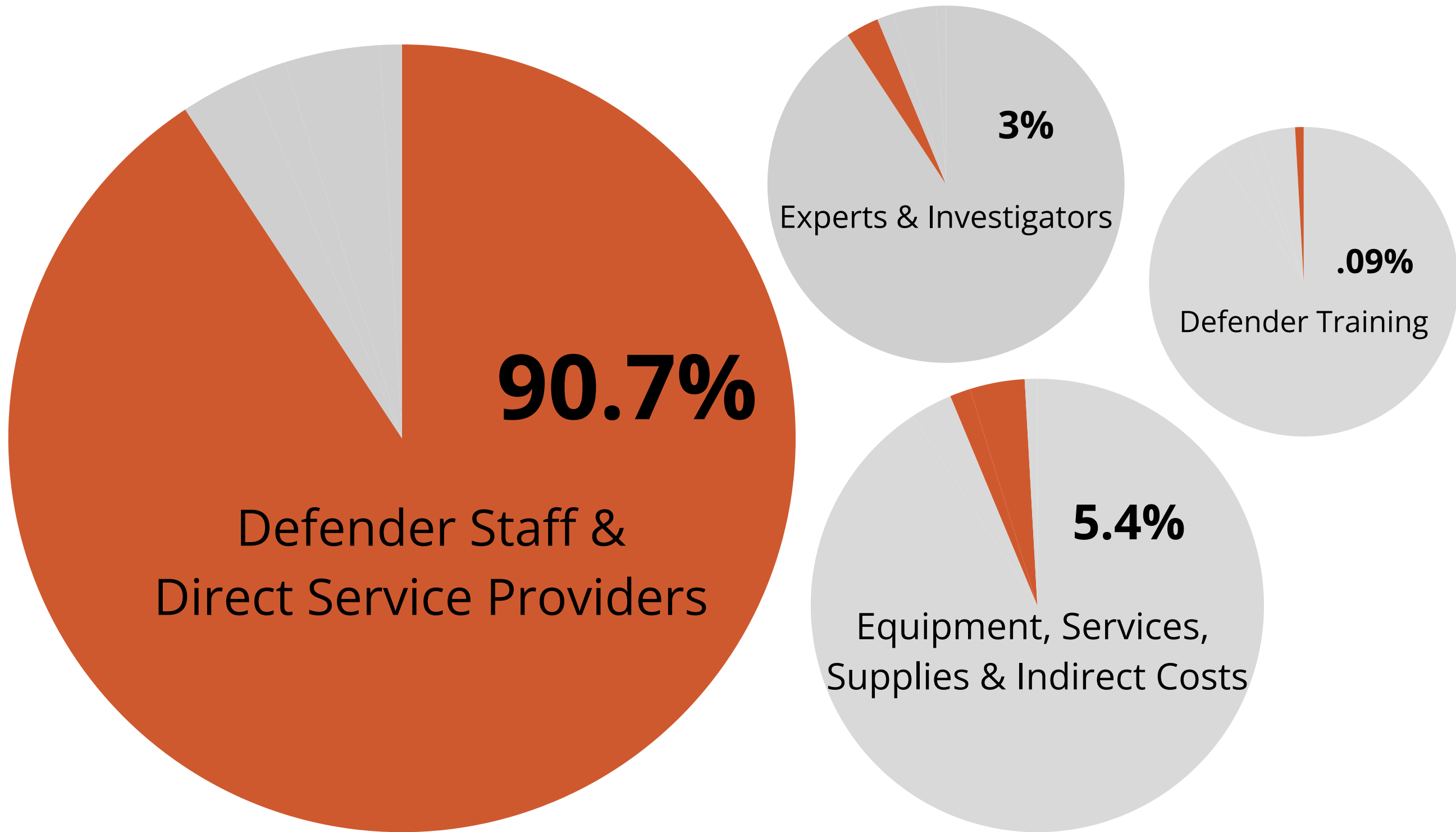
Approved October 28, 2021, implemented in 2023



“The MIDC shall provide grants to indigent criminal defense systems to assist in bringing the systems into compliance with minimum standards established by the MIDC.”

MCL 780.993(8)

The MIDC grants fund defenders of those living in poverty.



MIDC's grant oversight and approval process is continuous and thorough, with many levels of review.

OCT - DEC

- FY24 Grant year begins; grant contracts and funding issued locally
- Final reporting from FY23 due; staff conducts year-end compliance reviews
- End of FY23 report to MIDC for Dec. mtg

JAN - MAR

- FY24 Q1 reports due; staff conduct compliance reviews
- MIDC finalizes FY25 grant application; systems begin planning for next year

APR - JUNE

- FY25 Grant applications due Apr. 22
- FY24 Q2 reports due; staff conduct compliance reviews
- 3-layered staff review, MIDC committees review of FY25 applications
- MIDC begins approving grants at June mtg

JULY - SEPT

- FY24 Q3 reports due; staff conduct compliance reviews
- Staff continues review of any non-approved grant applications; MIDC continues approving grants.
- Local compliance with standards for FY24 grant required by year end

Compliance monitoring of MIDC standards and policy is multifaceted and year-round.



- **MIDC Grant Agreement** with local systems requires quarterly Financial Status Reports, Program Reports and Atty Payments and Workloads.
- **MIDC Grant Manual** compiles all allowable uses of grant funds, updated annually and publicly available on MIDC website.
- **EGrAMS grant management system** required for all reporting and grant applications.
- **Court watching and site visits** conducted at all locations, twice a year.
- **Graded rubrics** are used to measure compliance with standards.
- **Financial audits** are conducted annually of local systems, led by contracted CPA firm and overseen by Grants Director.

Key Facts about Public Defense in Michigan

133 local trial court funding systems, each is slightly different. These includes all counties and some cities or townships.

34 public defender offices, covering 40 counties. The remaining use Managed Assigned Counsel systems.

1625 attorneys accept indigent defense cases, about 5% of all licensed attorneys in Michigan.

About 85% of all Michiganders facing criminal charges are eligible for indigent defense representation.

Source: MIDC Compliance Reports (2019 - 2023).



Local systems are 99% compliant with funded MIDC Standards.

MIDC is having an impact on the statewide criminal legal system.

From 2019 to 2022 trial verdicts on felony cases increased by 54%.

Data shows many felony and misdemeanor trial increases occurring specifically in systems with public defender offices that opened starting in 2019, i.e., Allegan, Shiawassee, Jackson, Baraga/Houghton/Keewenaw.

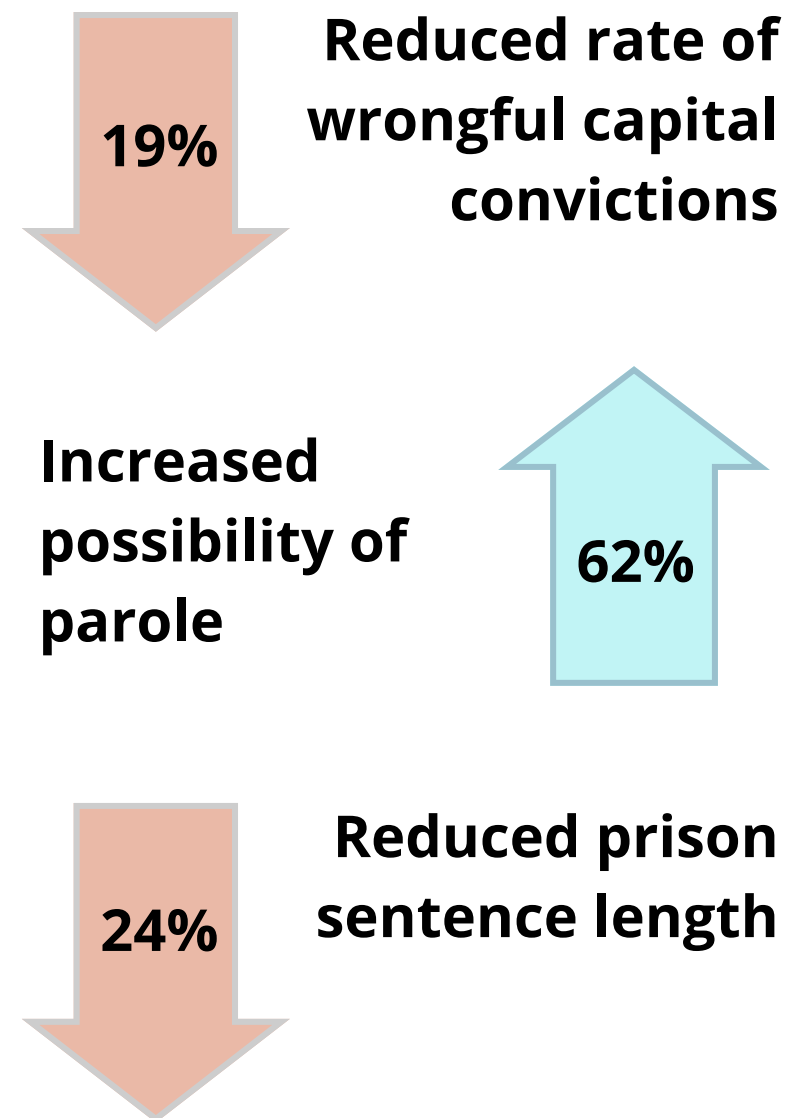
From 2019 through 2023, interlocutory appeals initiated by indigent defenders increased by 250%.

Traditionally trial attorneys rarely engaged in interlocutory appeals due to lack of training, little to no resources, or time to conduct the work.



MIDC grants are changing the culture of public defense.

Nationally, defense teams with investigators, social workers and experts are more likely to produce better client outcomes.



Statewide use of experts in 1,654 cases, an increase of about 25% from last year.

280% increase in requests for experts and investigators for indigent clients in Wayne County from 2020 - 2023.

MIDC Grants support 77 non-attorney client advocates or social workers in 39 counties.

Holistic defense (use of social workers) is shown to reduce the chance of incarceration by 16% and sentencing length by 24%.

In partnership with Wayne State University Law School, the MIDC developed a Holistic Defense Fellowship Program, the first of its kind in the US.

Counsel at first appearance saves money and improves lives.

When counsel is present . . .

Clients are more than 2 times as likely to be released without bail



Clients are almost 5 times more likely to receive a reduction in bail at arraignment



"[The clients] are more comfortable, less nervous, and better prepared for not only the arraignment but also when and if they move ahead in the court process."

Michigan Defender Leader, Thumb Area

"Pretrial incarceration of even just a few days increases a defendant's risk of recidivism, nonappearance in court, and loss of employment and housing."

Michigan Joint Task Force on Jail and Pretrial Incarceration, 2019

Workload and qualification standards directly impact incarceration costs.

Trained and qualified public defenders are more likely to prevent wrongful convictions and reduce disproportionately lengthy prison sentences.



In Michigan, every \$1 spent on hiring a new public defender to reduce caseloads is estimated to save \$6.31 in incarceration costs.

MIDC standards are increasing zealous advocacy.

"It is extremely liberating to push back against any of the court's schedules, policies, or demands without a fear for repercussions."

Northern Michigan Defender Leader

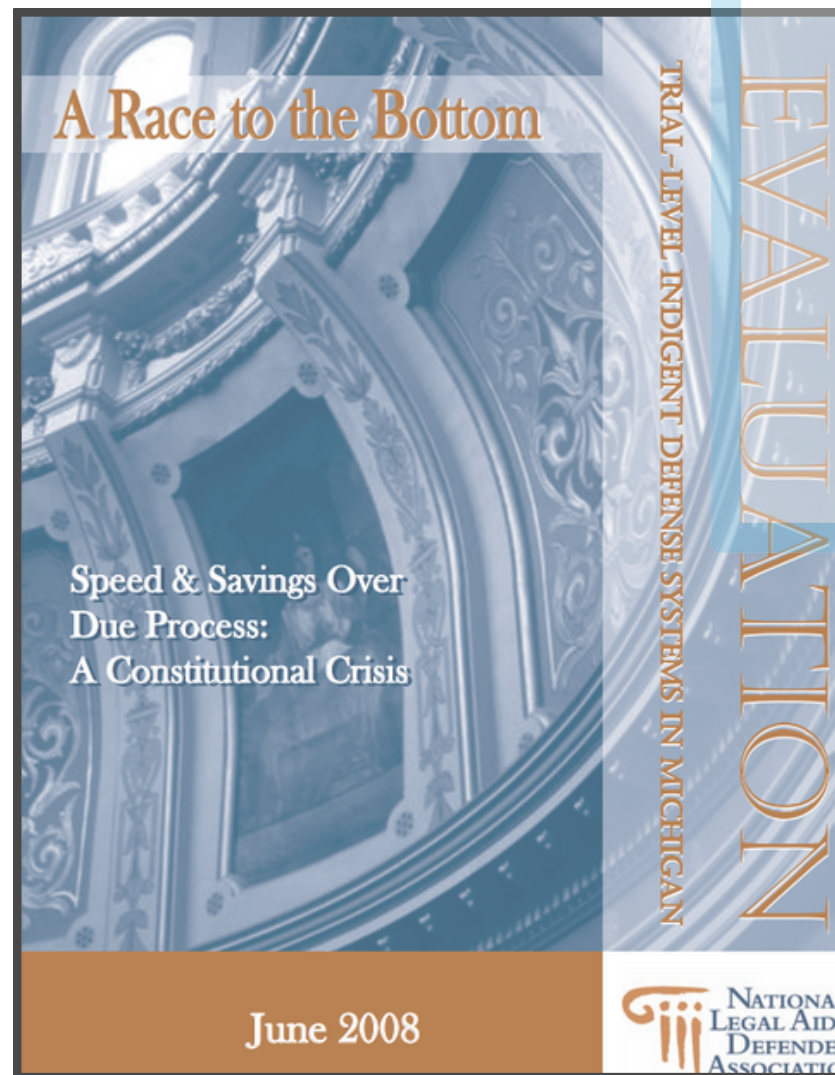
"I'm now able to immediately triage at-risk clients with mental health and substance abuse issues into rehabilitation and competency situations. Prior to MIDC funding, these clients would remain in jail and not get the treatment required to achieve a successful and independent existence."

Mid Michigan Defender

"Our attorneys are spending more time with their in-custody clients. All of the attorneys, social workers and investigators love the new system! Our social workers and investigators are able to visit with our clients quickly, allowing our investigators to review video with clients and our social workers to get documents signed and interviews for treatment services set up much quicker, and interview clients for sentence mitigation purposes."

West MI County Administrator

Michigan's public defense system has risen from the bottom to the top.



"In 2008, Michigan ranked 44 out of 50 states for annual public defense spending, and about \$120 million short of the national average."

"Michigan stands apart as a state that, in the past 15 years, has transformed its public defense system and continues to sustain its progress."

