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SARAH ANTHONY

VICE-CHAIRPERSON  
CAROL KOENIG

VICE-CHAIRPERSON PRO-TEM  
RANDY MAIVILLE

LAW & COURTS COMMITTEE  
KARA HOPE, CHAIR  
TERI BANAS  
VICTOR CELENTINO  
CAROL KOENIG  
BRYAN CRENSHAW  
RANDY SCHAFFER  
RANDY MAIVILLE

**INGHAM COUNTY BOARD OF COMMISSIONERS**  
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THE LAW AND COURTS COMMITTEE WILL MEET ON THURSDAY, SEPTEMBER 14, 2017 AT 6:00 P.M., IN THE PERSONNEL CONFERENCE ROOM (D & E), HUMAN SERVICES BUILDING, 5303 S. CEDAR, LANSING.

Agenda

Call to Order

Approval of the [August 30, 2017 Minutes](#)

Additions to the Agenda

Limited Public Comment

1. Sheriff's Office – Resolution Authorizing Ingham County MCOLES Licensed Deputies, Firearms Instructors, and Deputies Assigned to the Hospital Guard Team to Enter into a [Firearm Purchase Program](#) with the Ingham County Sheriff's Office
2. Homeland Security & Emergency Management – Resolution to Purchase a [Portable Radio](#) for the Ingham County Office of Homeland Security & Emergency Management
3. Circuit Court
  - a. Resolution to Accept the [FY 2018 Swift and Sure Sanctions Probation Program Grant](#), Continue the Grant Funded Three-Quarter Time SSSPP Case Management Coordinator Position, and Enter into Subcontracts
  - b. Resolution to Accept the [FY 2018 Felony Michigan Mental Health Court Grant Program](#) Operational Grant, Continue the Grant Funded Three-Quarter Time ICEA Court Professional 5 Mental Health Court – Court Services Coordinator Position, and Enter into Subcontracts
4. Animal Control – Resolution to [Endorse SB 416](#)
5. Human Resources – Resolution Setting [Probate Judges Annual Salaries](#)
6. Law & Courts Committee – MIDC Compliance Plan: Transition to [Public Defender Office](#) (*Discussion*)

Announcements

Public Comment

Adjournment

**PLEASE TURN OFF CELL PHONES OR OTHER ELECTRONIC DEVICES  
OR SET TO MUTE OR VIBRATE TO AVOID  
DISRUPTION DURING THE MEETING**

The County of Ingham will provide necessary reasonable auxiliary aids and services, such as interpreters for the hearing impaired and audio tapes of printed materials being considered at the meeting for the visually impaired, for individuals with disabilities at the meeting upon five (5) working days notice to the County of Ingham. Individuals with disabilities requiring auxiliary aids or services should contact the County of Ingham in writing or by calling the following: Ingham County Board of Commissioners, P.O. Box 319, Mason, MI 48854 Phone: (517) 676-7200. A quorum of the Board of Commissioners may be in attendance at this meeting. Meeting information is also available on line at [www.ingham.org](http://www.ingham.org).

LAW & COURTS COMMITTEE

August 30, 2017

Draft Minutes

Members Present: Hope, Banas (arrived at 6:02 p.m.), Celentino, Crenshaw, Koenig, Maiville, and Schafer

Members Absent: None.

Others Present: Sheriff Scott Wriggelsworth, Commissioner Ryan Sebolt, Prosecutor Carol Siemon, Commissioner Mark Grebner, Judge Don Allen, Andy Bouck, Jason Ferguson, Mark Ferguson, Sam Davis, Sally Auer, Scott LeRoy, Rhonda Swayze, Lance Langdon, John Dinon, Mary Sabaj, Harry Moxley, Lisa McCormick, Michelle Montemayor, Michael Dillon, Elizabeth Rios, Jane Martineau, Nicole Shannon, Teri Morton, Jared Cypher, Jill Bauer, Michael Townsend, Maggie Fenger and others

The meeting was called to order by Chairperson Hope at 6:00 p.m. in Personnel Conference Room D & E of the Human Services Building, 5303 S. Cedar Street, Lansing, Michigan.

Approval of the August 10, 2017 Minutes

MOVED BY COMM. CRENSHAW, SUPPORTED BY COMM. KOENIG, TO APPROVE THE MINUTES OF THE AUGUST 10, 2017 LAW AND COURTS COMMITTEE MEETING.

THE MOTION CARRIED UNANIMOUSLY.

Additions to the Agenda

Memo Regarding Corrections to Sheriff and Animal Control Budgets

Memo Regarding ICSO request for funds from the Strategic Planning Initiative Funds

Letter from the Lansing Police Department Police Chief

Limited Public Comment

None.

	Budget Book Section-Page
1. <u>Budget Hearings</u>	
a. Tri-County Metro Narcotics Squad.....	5-227
b. Sheriff .....	5-165
1. Office of Homeland Security & Emergency Management.....	5-115
c. Prosecuting Attorney.....	5-133
d. Probate Court .....	5-128

e. Ingham County 911 Dispatch Center .....	5-106
f. District Court .....	5-92
g. Community Corrections.....	5-88
h. Circuit Court	
1. Jury Administration .....	5-124
2. Friend of the Court Division .....	5-80
3. Family Division .....	5-27
4. General Trial .....	5-12
i. Animal Control .....	5-1

Chairperson Hope asked those departments or affiliated entity representatives that were satisfied with their pieces of the Controller’s Recommended Budget to stand and state their name.

The following representatives stated they were satisfied with their piece of the Controller’s Recommended Budget:

<b><u>Representative</u></b>	<b><u>Department or Affiliated Entity</u></b>
Scott LeRoy	Juvenile Division of Circuit Court
Rhonda Swayze	Jury Administration of Circuit Court
Lance Langdon	Ingham County 911 Dispatch Center
Mary Sabaj	Community Corrections
Harry Moxley	Friend of the Court Division
John Dinon	Animal Control

John Dinon, Animal Control Director, requested that if the ballot measure passed in November, they would like to request the animal shelter clerk restored.

Commissioner Banas arrived at 6:02 p.m.

Teri Morton, Deputy Controller, stated that George Strander had contacted her and stated that the Probate Court was satisfied with the Controller’s recommended budget but could not attend the meeting.

1. **Budget Hearings**
  - b. Sheriff

Sheriff Scott Wrigglesworth, Sheriff’s Office, thanked everyone who had provided insight and guidance for him during the budget process. He further stated that since 2007 the Sheriff’s Office had lost 54 positons, averaging about 5 positions every year, and this year was no different.

Sheriff Wriggelsworth stated that the Sheriff’s Office was different from any other department in the county because they were not in the business of delaying items until the next day. He further stated that every other department in the county had the ability to delay service because they were not a 24/7-365 operation, but the Sheriff’s Office was.

Sheriff Wriggelsworth stated that they had collaborated with many departments as they asked for help from the Sheriff's Office. He further stated that they had done everything asked for and more when the commissioners, through the Controller's Office, asked them to submit a 5% budget cut.

Sheriff Wriggelsworth stated that they would make all of this happen and more even though their office was skin and bones. He further stated that he and his entire administrative team were here to show that they had done their part with this budget crisis and ask the committee to consider this when they looked for more cuts.

Andy Bouck, Sheriff's Office Undersheriff, spoke regarding the financial concerns for the Sheriff's Office due to the past budget cuts and proposed budget cuts. He further stated that their employees were excellent, and they had the ability, if the commissioners gave them the opportunity.

Mr. Bouck stated that the deputies worked in tense, uncertain, dangerous and at times, rapidly-evolving situations when they were in the field and in the jail. He further stated that he was speaking of the deputies' physical and mental well-being, and their work-life balance.

Mr. Bouck stated that the deputies should be able to go on vacation every now and then, and truly enjoy having three or four 12 hour shifts off. He stated again, they had the ability, if the commissioners gave them the opportunity.

Mr. Bouck reviewed the efforts the Sheriff's Office had made to improve the financial situation in advance of the 2018 budget. He further stated that they had already reduced overtime costs and an additional budget adjustment had been made by the Controller's Office in anticipation of further overtime cost savings.

Mr. Bouck stated that a unique situation arose involving three UAW employees in the Sheriff's Office who worked in the jail kitchen. He further stated that because of the unique situation, those three positions were eliminated due to the employees moving on to other positions in and out of the county or retiring, and the privatization of the kitchen staff was slated to save \$113,000.

Mr. Bouck stated that the savings in overtime continued to happen only because of the essential six personnel, as he called them. He further stated the essential six might be called the extra six by some but the Sheriff's Office called them the essential six because they allowed the Sheriff's Office to achieve that crucial work-life balance.

Mr. Bouck stated that by eliminating 54 positions over 10 years, the Sheriff's Office had saved roughly \$50 million. He further stated that he was requesting that the commissioners allow them to keep the five positions slated to be eliminated if the voters did not approve the tax recommendations in November. He further stated that if the voters did approve the tax recommendations in November, he was requesting that the commissioners allow them to keep the three corrections deputies slated to be eliminated in the alternative budget proposal.

Mr. Bouck stated that as the Sheriff had stated, the Sheriff's Office did not shut down or shut off and they were charged with providing for the safety and security of the Ingham County residents. He further stated they had the ability, and requested that the commissioners give them the opportunity.

Jason Ferguson, Sheriff's Office Chief Deputy, introduced himself and provided background information on his time in the Sheriff's Office. He further stated that the relationships the Sheriff's Office had with the community and the Michigan State Police were relationships that others around them were envious of because they did not have relationships established like the Sheriff's Office did.

Mr. Ferguson stated that the return on investment of the z-list funds had been proven repeatedly. He further described the previously funded detective position that worked with the Michigan State Police Fugitive Team in cooperation with the U.S. Marshal Service, which operated in Ingham County, other counties and all over the state and had handled many high profile cases.

Mr. Ferguson detailed assistance provided to the Ingham County Animal Control in relation to the very large dog fighting situation from weeks earlier. He further stated that the essential six was not about staffing the jail as work there overlapped into all areas of their operation.

Mr. Ferguson stated that this was just a small portion of what they had done to build significant savings into their operation, and they could speak at length detailing the changes and improvements. He further stated that the commissioners did the right thing in saving the essential six at the right time for the right reason, and he trusted they would do it again.

Sam Davis, Sheriff's Office Major, stated that the Sheriff's Office was doing more with less. He further stated that the Sheriff had mentioned a deputy earlier who had gone on vacation for the first time in five years, and asked the commissioners to imagine what going five years without a vacation would be like.

Mr. Davis stated that the morale had been boosted because their deputies were able to plan things because they knew that their time off requests would be approved. He further stated that because of the essential six, they were able to schedule hospital transports in such a way that people could go to the hospital from the jail without any overtime costs.

Mr. Davis stated that deputies had become more responsive to overtime requests because they knew they would get time off. He further stated that the Sheriff's Office was open 24/7-365, and they could not put a sign on the door directing people to return at 8am when the office opened.

Mr. Davis stated that deputies were not as burned out, and officer safety had been heightened because deputies were not as tired. He further stated that it was easy to miss or forget to do tasks when people got tired, and that became a public safety issue if a deputy thought they had locked a door at the jail but they had not.

Mr. Davis stated that there was no question in his mind that if the essential six were taken away, there would be an increase in overtime and a decrease in morale.

Sheriff Wriggelsworth stated that the Sheriff's Office had handled many situations without asking for any additional funds, such as the issue with the evidence room. He further stated that the Sheriff's Office was better than it had been in the past, not because they had more people, things or money, but because they were doing more creative and efficient things.

Sheriff Wriggelsworth stated that he rarely, if ever, attended committee meetings or Board of Commissioner meetings and spoke about what he could not do, rather he spoke about what he could do in spite of the budget issue. He further stated that he was asking for a little consideration for those who played by the rules.

Commissioner Maiville asked how many of the essential six were reflected in the budget cuts made in the proposed budget.

Sheriff Wriggelsworth stated that three corrections deputies were being cut in the proposed budget.

Discussion.

Commissioner Celentino asked what amount of funding would be required for the three corrections deputy positions.

Ms. Morton stated that all three positions would be \$270,372.

Commissioner Banas asked how much was available for the Z-List.

Ms. Morton stated \$300,000 was available for the Z-List.

Commissioner Banas stated that the three positions would take all but \$30,000 of the Z-List funding.

Ms. Morton stated that there had been other Z-List requests in other committees and there were more requests to come that evening.

Commissioner Celentino asked what other committees had placed items on the Z-List, as he knew the County Services committee had only placed one item on the list for roughly \$7,900.

Ms. Morton stated that the Human Services committee had also placed an item on the Z-List, for a total of \$53,704.

Commissioner Schafer asked what the projected overtime savings were for each corrections officer.

Sheriff Wriggelsworth stated that \$65,000 had been saved, and about \$30,000 of that had happened since the essential six were saved when the post was closed in May.

Commissioner Schafer asked if \$65,000 had been saved in overtime already.

Sheriff Wriggelsworth stated that \$65,000 in corrections overtime had been saved. He further stated that normally when life happened the Sheriff's Office wrote a check, they were able to cover when life happens because occasionally had extra staff to cover those instances.

Ms. Morton stated that the rationale for the Controller's recommended budget was that since these six positions were kept in the budget, only three were actually filled, with one slated to be filled because there were vacancies. She further stated that this change had occurred with only three of the six positions filled.

Mr. Ferguson stated that they had another resignation, so they currently had four vacancies, but they had made a conditional offer and expected to have three vacancies.

Discussion.

Commissioner Schafer stated that he felt the Sheriff's Office had demonstrated substantial savings in overtime already, and he was strongly opposed to eliminating the three corrections deputies. He further stated that he felt it was worth leaving the three positions in and evaluating those positions perhaps in six months.

Discussion.

Commissioner Koenig asked if there were any programs or things they would do if they had the extra staff that they did not do now.

Mr. Bouck stated that they would do recreation time at the jail, as currently the inmates at the jail did not get any rec time. He further stated that they were confined to their dormitory on their post 24/7 unless they go to other programming or medical.

Discussion.

Commissioner Maiville asked if the five cuts were three corrections deputies, one road patrol deputy and one detective.

Sheriff Wriggelsworth stated that one was the tri-county metro position and one was a detective assigned to the fugitive team with the U.S. Marshals.

Commissioner Maiville stated that there was \$300,000 available and there were other people who wanted a bite. He further stated that the Sheriff had made the case for the three corrections deputies, and asked how he would compare those to the other two positions.

Sheriff Wriggelsworth stated that three corrections deputies were the most important to save of the five proposed eliminations.

Commissioner Banas asked if there was an estimate of what the overtime savings would be over the course of the year if the three positions were restored.

Mr. Bouck stated that a rough estimate would be \$170,000.

Commissioner Banas stated there had been \$65,000 in savings so far.

Ms. Morton stated that the \$170,000 in savings was already incorporated into the Controller's recommended budget.

Sheriff Wriggelsworth stated that they would clearly never get there without the essential six.

Discussion.

Commissioner Celentino stated that he knew it got harder every year for department heads and elected officials to come up with cost saving measures. He further stated that he did not want to criticize as he agreed with some measures but did not agree with other measures, however he was concerned about the privatization of the three UAW employees.

Commissioner Celentino stated that he was not normally ok with privatization but he understood the situation was unique. He further asked the Sheriff to explain what he meant when he said they could go back to using county employees if the proposed contract did not work.

Mr. Bouck stated that they were in the RFP process currently, but if they were not happy with the contractor's work they could get out of the contract and go back to the county employees. He further stated that he was aware of food service issues other groups had, but they were happy with their current contractor.

Mr. Bouck further stated that they would come back to the commissioners if the contract did not work.

Sheriff Wriggelsworth stated that there was \$113,000 in savings by privatizing the kitchen staff, and he assumed that if the \$113,000 did not get saved there, the board was going to find somewhere else in his organization to save that money. He further stated that would mean union employees that were essential law enforcement personnel would be laid off.

Commissioner Celentino described the situation that had led to the privatization solution, and stated that he understood the only reason they were pursuing it now was because of the timing.

Sheriff Wriggelsworth stated that the timing was crucial because all three employees had been taken care of without being laid off.

Commissioner Celentino stated he would have an issue with massive privatization but he understood this situation.

Mr. Bouck stated that they had a strong partnership with the UAW.

Commissioner Celentino stated that when they funded those positions in May, one of the issues was not just morale but time off with family. He further stated that he supported what Major Davis had stated, that vacation was not just a luxury, but a time to rejuvenate for people who worked high stress jobs.

Discussion.

Commissioner Crenshaw stated that there was currently not any UAW employees working in jail services.

Sheriff Wriggelsworth stated that was correct.

Commissioner Sebolt stated that he had attended the meeting tonight because he was upset with the privatization proposal. He further stated that the issue had been discussed at length at the County Services committee meeting and Commissioner Koenig had specifically said to be prepared to answer questions the next time the issue was brought to the commissioners.

Commissioner Sebolt stated that those questions had not been answered because the RFP was still out. He further stated that he took exception to the Sheriff stating they could revisit the issue if it did not work, because the Sheriff's Office was forcing their hand by including this issue in the budget proposals.

Commissioner Sebolt stated that Commissioner Grebner had mentioned needing the board as a whole to look at whether they wanted to replace county employees with cut rate contractors. He further stated that this was a public safety issue.

Commissioner Sebolt stated that state prisons had inmates riot over food alone, and there have been low paid workers who brought in contraband or were involved with the gangs in the jail. He further stated that it was a public safety concern to have outside people coming into the jail to work.

Sheriff Wriggelsworth stated that those issues had been there all along.

Commissioner Sebolt stated that he had been doing research on this issue, and Wayne County had done an audit in 2013 on their food service contract and found \$2.5 million in excess charges as well as thirteen areas of concern. He further stated that the name of their contractor was Canteen Correction Services and asked if that was the same Canteen contractor Ingham County used.

Sheriff Wriggelsworth stated that was not the same contractor that Ingham County used, and added that when the UAW workers were there they reported to a Canteen supervisor. He further stated that the food was not going to change, and there had always been a chance that a county employee could sneak in contraband as well.

Sheriff Wriggelsworth stated that he understood paying \$10-\$12 per hour might result in a lesser employee. He further stated that the \$113,000 in projected savings was based on an estimate provided by Canteen.

Discussion.

Commissioner Sebolt stated that he had gone to Canteen's website to see their job postings, and similar jobs were running around \$11 per hour. He further stated that the county had a living wage standard of \$15.38 per hour, with 20% that can come from health benefits.

Commissioner Sebolt stated that the living wage standard would mean the positions from Canteen would have to be at least \$12.50 per hour with \$6,000 in health care benefits. He further asked if that had been factored into the proposal.

Sheriff Wriggelsworth stated that the living wages had not been factored into the savings.

Ms. Morton stated that she assumed the RFP addressed the fact that the county required a living wage.

Discussion.

Commissioner Sebolt stated that he looked at their non-discrimination clause and they very specifically excluded sexual orientation and gender identity which the county requires for its contractors.

Sheriff Wriggelsworth asked if this was Tiggs Canteen's website.

Commissioner Sebolt stated that he believed so, as they listed on the website that one county they operated in was Ingham County.

Sheriff Wriggelsworth stated that there was nothing to assume Canteen would get the RFP and no matter how it was presented he had to provide a 5% budget cut to the Controller's office. He further stated that he could not disregard six figure savings.

Commissioner Sebolt stated that he was not saying the Sheriff should disregard the savings, but the County Services committee had specific questions they wanted answered before this came back, and those questions could not be answered. He further stated this undermined the need for the Board of Commissioners to have a larger conversation about the issue.

Commissioner Sebolt stated that he was disappointed that through the budget process there was a backdoor proposal to bring the privatization about and not have the larger conversation so he was very disappointed in how it had been handled.

Discussion.

MOVED BY COMM. SCHAFER, SUPPORTED BY COMM. MAIVILLE, TO ADD THREE INDIVIDUAL CORRECTIONS DEPUTIES POSITIONS IN THE AMOUNT OF \$270,372 TO THE Z-LIST.

Commissioner Banas asked what the amount was for each individual position.

Ms. Morton stated it was roughly \$90,000 per individual.

THE MOTION CARRIED UNANIMOUSLY.

Discussion.

Commissioner Maiville stated usually when privatization versus county employees was discussed, the cost to bring the county employees back was substantial.

Commissioner Koenig stated that the issue of privatizing the jail kitchen had been discussed at length previously.

Ms. Morton stated there was a lengthy discussion at the County Services committee meeting because the settlement had to go through the committee.

Commissioner Koenig stated the Sheriff was not pulling a fast one as the issue had been discussed.

Commissioner Banas stated that she supported Commissioner Koenig's earlier statement about sitting down and revisiting the issue Commissioner Sebolt had brought up. She further asked if Ingham County was the third largest employer in the county, and provided reasons that a living wage was important.

Ms. Morton stated that Ingham County was probably in the top ten, but not the third largest.

Commissioner Celentino stated that the County was a large employer.

Commissioner Banas stated that the County employed a lot of people and expected a lot of the employees. She further provided reasons that providing a living wage was important and stated she was fully supportive of discussing this issue further in whatever committee was appropriate.

Discussion.

Commissioner Sebolt stated that over the Sheriff was doing a great job and had handled very difficult situations left by his predecessors well. He further stated that he wanted to make it clear that his overall rating of the Sheriff was an A+.

Chairperson Hope stated that the Sheriff had said earlier the budget proposal had more than a 5% reduction and asked if that was correct.

Sheriff Wriggelsworth stated that they had submitted what was asked, and he believed they had gone slightly over.

Mr. Bouck confirmed that they had gone just over 5%.

Chairperson Hope stated that morale issues were safety issues not a luxury. She further stated that typically she would be against privatization however the fact that the UAW did not oppose this situation, and the fact that they had policies in place that would take care of the concerns and issues that had plagued other entities and she had faith in the Sheriff's Office that they would monitor the situation closely were all reasons she felt comfortable supporting something she normally would not support.

Mr. Bouck stated that they had an official Z-List request to make as well and explained the Z-List request detailed in the memo to the committee.

Discussion.

MOVED BY COMM. CRENSHAW, SUPPORTED BY COMM. CELENTINO TO ADD \$50,000 FOR A NEW MOBILE COMMAND POST TO THE Z-LIST.

Commissioner Banas asked if there was possible another year of life left in the mobile command post as they still had other departments to hear from.

Sheriff Wriggelsworth stated there was potentially another year left.

Mr. Bouck stated the mobile command post had been around for twenty years and was in pretty poor condition.

Mr. Ferguson stated that mobile command post had been outside since 1994.

Commissioner Maiville asked if this was recognized as a relatively recent need.

Mr. Bouck stated that a key component was when his nine year old son called him out on the command post's condition. He further stated that they had prioritized their budget, and since this was their first go at the budget, they decided to ask for this as a Z-List item.

Commissioner Maiville stated that it sounded like they did not have this issue on their minds when the budget was created.

Mr. Bouck stated that was correct, as they had a significant amount of CIP funds approved in the budget already.

Commissioner Maiville asked if it came to a choice between the three deputies and the trailer, which they would choose.

Sheriff Wriggelsworth stated he would choose the three deputies.

Commissioner Koenig stated that since they were in such tough budget times, she could not see this being a priority above and beyond other requests.

Discussion.

Commissioner Banas stated she was concerned about potential unforeseen costs that might be incurred while trying to continue to operate the jail until they got the point where they could build a new jail. She further asked where the money would come from if there were any unforeseen costs at the jail.

Commissioner Koenig stated that it would come from the contingency fund.

Ms. Morton stated that if something such as a \$500,000 repair came up, they would probably look at a combination of contingency fund or fund balance. She further stated they did not have any other place to take funds from.

Commissioner Banas stated that she was concerned about electrical and plumbing repairs and everything else to do at the jail to keep it functioning.

Sheriff Wriggelsworth stated that it was more likely when than if an issue arose.

Commissioner Crenshaw stated that putting an item on the Z-List did not guarantee funding, as the committee still had to rank the Z-List items and then the Finance committee would take those recommendations into consideration. He further stated that even though an item was added to the Z-List by the committee, the funding was not guaranteed.

THE MOTION TO ADD \$50,000 FOR A NEW MOBILE COMMAND POST TO THE Z-LIST  
CARRIED. **Yeas:** Hope, Crenshaw, Celentino and Maiville      **Nays:** Koenig, Schafer and  
Banas      **Absent:** None

Commissioner Celentino stated that the discussion regarding issues in the jail in no way suggested a lack of confidence in Major Davis' ability to administer or manage the jail. He further stated that they had confidence in Major Davis and did not want him to think they were questioning him.

Major Davis stated that had never entered his mind as he was very comfortable with the support from the commissioners. He further stated that people had been up front and candid throughout this process.

Discussion.

Mr. Bouck stated he could speak on behalf of the Department of Homeland Security that they accepted the Controller's recommended budget.

Discussion.

MOVED BY COMM. BANAS, SUPPORTED BY COMM. CRENSHAW TO APPROVE THE CONTROLLER'S RECOMMENDED BUDGET.

Discussion.

1. Budget Hearings
  - c. Prosecuting Attorney

Prosecutor Carol Siemon, Prosecuting Attorney, thanked the commissioners and acknowledged that this was a difficult position. She further introduced Lisa McCormick, Chief Assistant Prosecutor, and stated that when she was asked to do a reduction in the budget they did a good faith effort.

Prosecutor Siemon stated that considering the cuts over the years and the fact that the budget was also primarily personnel, eliminating the clerical position was a loss. She further stated that the cumulative loss had resulted in something that was not sustainable on a long term basis.

Prosecutor Siemon stated that in 2012 when the clerical administrator was cut, Lisa McCormick had picked up extra duties and would continue to do so if further positions were cut. She further stated that the Assistant Prosecuting Attorney position was critical to fill, but she had left it vacant because she could not in good conscience hire someone if they would be laid off soon.

Prosecutor Siemon stated that her office would still fulfil their constitutional duties but detailed further issues that would be created by eliminating the assistant prosecuting attorney position. She further stated that she echoed the concerns of the Sheriff regarding the employee morale and well-being.

Commissioner Celentino asked how much the position would cost.

Ms. Morton stated the position would cost \$103,045.

Commissioner Banas asked how long the position had been vacant.

Ms. McCormick stated the position had been vacant one month.

Commissioner Banas asked where the position was located.

Prosecutor Siemon stated the position was located in 54A District Court.

Ms. McCormick stated they had been lucky because Judge Cherry retired, so the court was empty while the position was vacant.

Discussion.

Commissioner Banas asked how they would accommodate it if the position did go away.

Ms. McCormick stated it would be difficult because there were three district courts in three different locations. She further stated that they would have to go to a rotation schedule for 54A District Court and tell the judges the Assistant Prosecuting Attorney could not be there.

Ms. McCormick stated that was assuming the judges would be willing to work with them because they could not force the judges to schedule accordingly. She further stated that while the past month had been easy with no judge, now that they were getting a judge they would have to deny training and vacation requests because they would not have the staff to cover all the courts.

Ms. McCormick stated that Judge Allen could attest that when a different person was working on the case each time during a rotation schedule, they had to be brought up to speed each time and it was not a positive thing for victims to deal with.

Discussion.

Commissioner Banas thanked Prosecutor Siemon and Ms. McCormick.

MOVED BY COMM. KOENIG, SUPPORTED BY COMM. BANAS TO ADD AN ASSISTANT PROSECUTING ATTORNEY POSITION FOR \$103,045 TO THE Z-LIST.

Commissioner Maiville thanked them for making a passionate case, and asked if the 5% cut was in the budget for the Prosecutor's Office.

Prosecutor Siemon stated the budget cut was substantially less than 5%.

Ms. Morton stated they were unable to identify 5% to cut.

Prosecutor Siemon stated they did not cut 5% because they did not have 5% to cut.

Ms. McCormick stated that when they were talking about \$300,000 in cuts, they were talking about people. She further stated that in the past they had eliminated all supervisor positions to save peoples' jobs.

Ms. McCormick stated that their staff is clerical, Assistant Prosecuting Attorneys, herself and the elected Prosecutor. She further stated that it was difficult to look at it in terms of who they could eliminate.

Ms. McCormick stated she supervised all 31 positions and they felt stuck when they had to cut \$300,000. She further stated that they had gotten rid of all the books and gone online, which resulted in \$70,000 in savings by cutting line items and being fiscally responsible.

Commissioner Celentino stated that they had already cut all the supervisory "fat" positions in previous years.

Ms. McCormick stated basically she was supervising 60 employees because they cut the supervisory “fat” positions previously.

Prosecutor Siemon detailed the extra duties Ms. McCormick had taken on with each cut, and stated that the office would shut down without Ms. McCormick. She further stated that her office had taken a hit in 2012 and she did not know what had been anticipated in the long term for that cut.

Prosecutor Siemon stated that every time there was a cut, Ms. McCormick picked up pieces of administrative work, but she had to give up pieces of what the Chief Assistant Prosecutor did.

Commissioner Banas stated that the Sheriff’s Office had talked about the 54 positions cut over time.

Commissioner Koenig stated those positions had been cut over 11 years.

Commissioner Banas asked what the Prosecutor’s Office had in staff reductions in that time.

Ms. McCormick stated that when she became the Chief Assistant Prosecutor, there were 68 positions and assuming the Assistant Prosecuting Attorney position was not cut, they would be down to 61. She further stated that the big cuts from the office were administrative and supervisory clerical positions so they had no supervisors but herself and the Prosecutor.

Prosecutor Siemon stated that none of the cuts had an effect solely on their group. She further stated that each cut rippled through the office and was a cumulative effect.

Ms. McCormick stated that she did not think anyone envisioned during the previous budget cuts that they would still be here in 2017.

Prosecutor Siemon stated that they could not look at the past and compare it to the present. She further stated that she did not think anyone wanted to go backwards in services.

THE MOTION TO ADD AN ASSISTANT PROSECUTING ATTORNEY POSITION FOR \$103, 045 TO THE Z-LIST CARRIED UNANIMOUSLY.

1. Budget Hearings
  - f. District Court

Judge Donald Allen, 55<sup>th</sup> District Court Chief Judge, introduced Michael Dillon, Court Administrator, as well. He further stated they were here because the Court Enforcement Officer position was going to be cut. He further stated that he wanted to remove the position from the esoteric intellectualized portion and introduce Michelle Montemayor, the person who was going to lose their position if they were not placed on the Z-List.

Ms. Montemayor introduced herself.

Judge Allen stated this was an important position because while they were targeting approximately \$52,000 in reductions, Ms. Montemayor, as the sole person who worked the collections division, was worth her weight in gold in terms of the money she brings in. He further stated that the numbers provided were accumulated by Mr. Dillon, showed how much money she brought in. He further stated that his understanding was the savings to obtain the position again was approximately half of the \$52,000 due to the revenue the position brought in.

Ms. Morton stated that as this was a revenue collecting position, they assumed a \$26,000 loss in revenue, therefore if the position was restored the cost to restore would be \$26,000.

Judge Allen detailed the total amount collected by Ms. Montemayor for each month, and stated that the funds she collected went to the General Fund. He further stated that those funds would not have been collected if not for her efforts.

Judge Allen stated that they were just like everyone else in terms of looking at what could be cut, because they had no "fat" positions, in fact they had people on the floor doing the work of the clerk's office. He further stated that they did not have any administrator positions.

Judge Allen stated that having an identified collections officer working hard to collect the income due to the court increased the integrity of the court's orders. He further stated that when he ordered people to pay fines, he did not have the ability to make sure that was collected.

Judge Allen stated that was Ms. Montemayor's job and as they could see from the dollars she collected, she has been fairly phenomenal. He further asked if Commissioner Schafer remembered the CourtView program.

Commissioner Schafer stated he remembered the program very well.

Judge Allen stated that due to limitations with that program he could not provide numbers prior to Ms. Montemayor, but the numbers clearly showed she was fairly efficient at making sure she collected more than her fair share of fees.

Commissioner Crenshaw asked if there was an administrative cost added on top of the fees she collected.

Judge Allen stated there was not.

Commissioner Crenshaw asked if these fees were just general fees and fines the judges were assessing.

Judge Allen stated that the fines and fees she was able to collect went to the general fund.

Commissioner Crenshaw asked if there was a way to add administrative costs to pay a portion of her salary.

Judge Allen stated that he understood that Commissioner Crenshaw was saying a surcharge would allow for her salary to be paid.

Commissioner Crenshaw stated he was asking if there was an administrative fee to pay for her services or could there be an administrative fee added.

Judge Allen stated there was not now, but that was an interesting idea. He further stated that they would probably have difficulty adding that because they already had a hard time collecting the fines owed.

Discussion.

Commissioner Schafer stated the cost of this was pretty minimal based on the return, and after the budget hearing there would be strong incentive to keep up the collection enforcement.

MOVED BY COMM. SCHAFER, SUPPORTED BY COMM. KOENIG TO ADD THE COURT ENFORCEMENT OFFICER IN THE AMOUNT OF \$26,617 TO THE Z-LIST.

Commissioner Banas asked how much the other people employed in collections at one time generated.

Judge Allen stated that looking back at 2013 that was the first time they had tracking because CourtView had limitations. He further stated that they could try to take a look at what they had from before and see what they were able to collect.

Commissioner Banas asked if that was with one person working in collections.

Judge Allen stated that they had always had one person. He further stated that it actually looked crazy when this position brought in all this money and only cost \$52,000, but they wanted to eliminate the position.

Mr. Dillon stated there was no enforcement without Ms. Montemayor, so the people that did not pay would sit there until the clerical staff could issue a warrant. He further stated that would cost more money in the long run.

Mr. Dillon stated that Ms. Montemayor got to these people early on rather than letting it go months and years because the likelihood of collection was low at that point.

Discussion.

Chairperson Hope asked where the budget cut detailed the lost revenue.

Discussion.

Ms. Morton stated they only assumed a loss of \$26,000 because some of this revenue would be collected but it would take longer. She further stated that they did not think all the revenue would be lost but they could look elsewhere for cuts.

Discussion.

Commissioner Schafer stated that without this position the court was a laughing stock because there was no enforcement.

Judge Allen stated that was what he was saying earlier about the integrity of the court.

Commissioner Grebner stated that maybe the Controller could re-estimate the revenue lost based on this information.

Ms. Morton asked where they would get the lost \$26,000.

Commissioner Grebner asked if they could produce an estimate now that they had heard all of this information. He further stated that it sounded as if there was some miscommunication about the lost revenue.

Discussion.

Commissioner Hope stated nobody understood the gap between the projected loss of \$26,000 and the actual amounts that the position brought in.

Discussion.

Commissioner Koenig asked what percentage of the revenue would come in anyways.

Judge Allen said that was the problem, because they did not know.

Discussion.

Commissioner Koenig asked how many cases were involved.

Ms. Montemayor stated hundreds of cases, probably thousands easily.

Commissioner Koenig asked if that was exclusively what Ms. Montemayor did.

Ms. Montemayor stated that was correct.

Commissioner Koenig stated she assumed that 54A and 54B district courts did this as well.

Judge Allen stated he would hope so.

Discussion.

THE MOTION TO ADD THE COLLECTION AGENT POSITION IN THE AMOUNT OF \$26,617 ON THE Z-LIST CARRIED UNANIMOUSLY.

Elizabeth Rios, Managing Attorney, introduced herself, Nicole Shannon, Supervising Attorney, and Jane Martineau, Local Grant Manager, of Legal Services of South Central Michigan.

Ms. Rios thanked the commissioners for including them in the budget for the last several years and for recognizing the vital work done with the funding the county has given. She further stated that they were able to represent and stabilize many groups of people facing a wide range of issues.

Commissioner Schafer stated that he appreciated their work, and asked what percentage of their total budget was the \$20,000. He further asked if they had other sources of revenue and relationships with other counties.

Ms. Martineau stated that the \$20,000 was not a huge amount of the office budget, but any local money stays local, so the \$20,000 went towards Ingham County only. She further stated they did get funding from Livingston County in the Lansing office.

Ms. Martineau stated that other offices got money from Washtenaw County, Hillsdale County and several other counties. She further stated that for their service area, Ingham County and Livingston County were the counties that contributed.

Ms. Rios stated that this money allowed them to serve all areas in Ingham County. She further stated that normally grants were limited to one area of civil law, but the money from Ingham County was for the entire population, which allowed them to take more cases from Ingham County and prioritize Ingham County residents.

Ms. Martineau explained the different service levels offered, and stated that they would not turn someone away but might provide more brief services. She further stated that they received federal, state, county and city funding, as well as grants.

Commissioner Crenshaw asked how many cases they had for Ingham County.

Ms. Martineau stated 800. She further stated that in the first half of the year, January to June, they served 373. She further stated she did not count cases until they were closed, and by the end of the year it would be more than double.

Commissioner Crenshaw asked what would happen if they did not fund the full \$20,000 but instead funded around \$10,000.

Ms. Martineau stated that would not cut down on the number of clients but would affect the level of services they could provide to those clients.

Ms. Rios stated it would affect the level of outreach they could do.

Ms. Martineau stated they have a self-help option where they answer questions and guide the clients but those clients would not necessarily have as good of an outcome as they would if they had full representation.

Ms. Shannon stated that when there are cuts it hits those most vulnerable. She further stated that their clients had nowhere else to go as retaining private counsel was generally out of their reach.

Ms. Shannon stated that they would love to provide full representation to everyone but that was not possible. She further stated that when there were cuts it affected the level of service provided.

Commissioner Crenshaw asked what portion of the \$20,000 was for outreach efforts.

Ms. Rios stated they were very active and attended shelters, worked "Ask a Lawyer" events and homeless veteran events. She further stated that it was important for them to be seen, and in addition they did presentations to various offices so they had a direct line to legal services and could spread the word.

Discussion.

Ms. Rios stated that they were doing a fair housing training on September 19.

Discussion.

Commissioner Koenig asked how many attorneys they had.

Ms. Rios stated there will be 10 as they had two attorneys coming on board soon.

Commissioner Koenig asked what the definition of a case was for legal services.

Ms. Rios stated that a case was the range of their services. She further stated that any time someone called with a legal issue they addressed, the level of need could mean just asking questions or doing the entire process.

Commissioner Koenig asked if a case could be a phone call.

Ms. Rios stated it could be a phone call with legal advice given for a specific case.

Discussion.

Commissioner Sebolt stated that often the legislators get legal questions from constituents and give them the legal services information. He further stated that maybe constituents were using them more than we know of.

Commissioner Banas asked what their overall budget was, whether they had other contributors and if they had any other source of funding.

Ms. Martineau stated their budget was roughly \$900,000. She further stated that they were currently trying to increase the contributions from friends of legal aid and had asked attorneys in the area to contribute.

Discussion.

Commissioner Celentino asked if Eaton County and Clinton County contributed.

Ms. Martineau stated that the Clinton County Bar Association contributed.

Commissioner Celentino asked if the Clinton County Board of Commissioners contributed.

Ms. Martineau stated that they had requested contributions from Eaton County repeatedly but had not requested from Clinton County.

Discussion.

MOVED BY COMM. KOENIG, SUPPORTED BY COMM. BANAS TO ADD \$20,000 IN FUNDING TO RESTORE THE 2017 FUNDING LEVEL FOR LEGAL SERVICES TO THE Z-LIST.

THE MOTION CARRIED UNANIMOUSLY.

Chairperson Hope recessed the meeting at 8:23p.m.

Chairperson Hope reconvened the meeting at 8:38p.m.

## 2. Final Ranking

MOVED BY COMM. CRENSHAW, SUPPORTED BY COMM. SCHAFFER TO ADD THE Z-LIST ITEMS IN THE FOLLOWING RANKING ORDER AND RECOMMEND THE CONTROLLER LOOK AT THE DISTRICT COURT ENFORCEMENT OFFICER REVENUE:

1. Corrections Officer – Sheriff \$90,000
2. Court Enforcement Officer – District Court \$26,617
3. Corrections Officer (2) – Sheriff \$90,000
4. Assistant Prosecuting Attorney – Prosecutor \$103,435
5. Corrections Officer (3) – Sheriff \$90,000
6. Restore 2017 funding level – Legal Services \$20,000
7. Command Post Trailer – Sheriff \$50,000

THE MOTION CARRIED UNANIMOUSLY.

THE MOTION TO ADOPT THE CONTROLLER'S RECOMMENDED BUDGET, WITH CORRECTIONS AS REFLECTED, AND AS AMENDED, CARRIED UNANIMOUSLY.

## Announcements

Chairperson Hope stated that she appreciated the department heads and their diligence in coming up with budgets. She further stated that the budget process was really hard this year and she did not want anyone to think the funding was a reflection of the commissioners' opinion of services.

## Public Comment

Sally Auer, UAW Chair, stated that the UAW was still opposed to privatization in general, however desperate times called for desperate measures. She further stated that this privatization had been tried many times over the years but it had never been the perfect situation as it had been this time.

Ms. Auer stated that while the UAW did not like this issue, they supported the Sheriff's Office in this effort. She further stated that if this did not work, those positions would come back to the UAW.

Ms. Auer stated that the District Court position was also a UAW position and personally she did not understand how they would cut a revenue-generating position. She further stated that it was a position that had a body in it.

Ms. Auer stated that of the 23 total positions to be eliminated, 16 were UAW positions. She further stated that she would say they were cutting from the bottom again, and pretty soon the triangle would be top-heavy.

Ms. Auer stated that as far as she was concerned, it was already top heavy and it was not stable if you only cut from the bottom. She further stated that she appreciated that 13 of the positions were not filled, and she would be working with HR to find positions for those whose positions were eliminated.

Ms. Auer stated that they had never recovered from the recession, and it was tough all over for everybody. She further stated that she appreciated the consideration and the time and the effort the commissioners were putting in, and she appreciated the open lines of communication.

## Adjournment

The meeting was adjourned at 8:45 p.m.

## SEPTEMBER 14, 2017 LAW & COURTS AGENDA STAFF REVIEW SUMMARY

### RESOLUTION ACTION ITEMS:

**The Deputy Controller recommends approval of the following resolutions:**

1. *Sheriff's Office – Resolution Authorizing Ingham County MCOLES Licensed Deputies, Firearms Instructors, And Deputies Assigned To The Hospital Guard Team To Enter Into A Firearm Purchase Program with the Ingham County Sheriff's Office*

This resolution will authorize the Ingham County Sheriff's Office to purchase firearms and related equipment for each MCOLES licensed Deputy, firearms instructor, and hospital guard team member through the Firearms Purchase Program and provide Ingham County with Law Enforcement services while maintaining the industry firearms standard. This firearms purchase program will be similar to the ones instituted by Board Resolution in 2013 and 2015. The only modifications are the addition of hospital guard team members to the authorized list of participants and the availability of safes for secure storage. The firearms and accessories available to this new group will be restricted based on the needs and expectations of that assignment.

The Ingham County Sheriff's Office Firearms Purchase Program would run from October 2017 through October 2019 totaling up to 120 Officers' rifles, firearms, safes, and firearm accessories purchased at a rate of no more than \$3,500 per officer consistent with their assignment, for a total of up to \$420,000. This program will be funded from the employee benefit fund to be reimbursed by employees via payroll deduction.

2. *Homeland Security and Emergency Management – Resolution to Purchase a Portable Radio for the Ingham County Office of Homeland Security and Emergency Management*

The FY 2016 Region 1 Homeland Security Funds grant was approved by Resolution 16-451. This resolution will authorize a portion of these funds to purchase one portable radio for the Ingham County Office of Homeland Security and Emergency Management at a total cost of \$4,646.47 from the Harris Corporation. This radio will allow for interoperability with regional partners during mutual aid response.

- 3a. *Circuit Court – Resolution to Accept the FY 2018 Swift and Sure Sanctions Probation Program Grant, Continue the Grant Funded Three-Quarter Time SSSPP Case Management Coordinator Position, and Enter into Subcontracts*

This resolution will accept the Swift and Sure Sanctions Probation Program (SSSPP) grant award for the time period October 1, 2017 through September 30, 2018. The amount of the award is not yet known (the requested amount was \$218,213.90), but that information should be available before the September 26 Board of Commissioners meeting. The resolution will also authorize the continuation of the three-quarter time SSSPP Case Management Coordinator position and entering into subcontracts for the grant period.

Subcontracts are to be approved as follows, collectively not to exceed \$139,251.50; representation by a defense attorney; substance abuse evaluations to be provided by Wellness, Inx.; day reporting services to be provided by NorthWest Initiative – ARRO; drug treatment, mental health treatment, anger management, domestic violence counseling services, and transitional housing to be provided by Community Programs, Inc., Pine Rest Christian Mental Health Services, Kalamazoo Probation Enhancement Program, Inc., National Council on Alcoholism, Cristo-Rey, CEI-CMH House of Commons, Freedom Through Counseling, Cristo-Rey, and RISE Recovery Community; drug testing services to be provided by A.D.A.M.; and electronic monitoring services to be provided by Sentinel.

3b. Circuit Court – Resolution to Accept the FY 2018 Felony Michigan Mental Health Court Grant Program Operational Grant, Continue the Grant Funded Three-Quarter Time ICEA Court Professional 5 Mental Health Court – Court Services Coordinator Position, and Enter into Subcontracts

This resolution will accept the Felony Michigan Mental Health Court Operational Grant award for the time period October 1, 2017 through September 30, 2018. The amount of the award is not yet known (the requested amount was \$275,652.77), but that information should be available before the September 26, 2017 Board of Commissioners meeting. This will also authorize the continuation of the three-quarter time Mental Health Court – Court Services Coordinator position and entering into subcontracts for the grant period.

Subcontracts will be approved as follows:

- mental health treatment services to be provided by CMHA/CEI (not to exceed \$133,050.60)
- drug testing services to be provided by A.D.A.M.; electronic monitoring services to be provided by Sentinel; representation by a defense attorney; ancillary services to be provided by Northwest Initiative – ARRO; substance abuse assessments to be provided by Wellness, Inx; mental health services to be provided by Prevention and Training Services (PATS), Par Rehab Services, and Professional Psychological Services; and transitional housing to be provided by RISE Recovery Community or Pinnacle (collectively not to exceed \$58,559.17)

4. Animal Control – Resolution to Endorse Senate Bill 416

This resolution would endorse Senate Bill 416. The bill would amend Michigan’s animal fighting statute by giving animal control agencies the option of adopting or transferring for the purpose of adoption animals used or trained for fighting or their offspring. The current law prohibits these activities. If this bill passes, animal control agencies will still have the option to euthanize these animals, but will be less limited in disposition options.

See attached for additional detail.

5. Human Resources – Resolution Setting Probate Judges Annual Salaries

This resolution will approve a three percent increase to the annual salary of the probate judges effective October 1, 2017. Michigan Supreme Court, State Court Administrator, provided a memorandum dated August 16, 2017, providing clarification on Public Act 31 of 2016, which provides that judges’ annual salaries be increased.

The financial impact of a three percent increase for each of the two Probate Judges is \$1,060 for the remainder of 2017 and \$3,180 for 2018.

See attached for additional detail.

**DISCUSSION ITEM:**

6. Law and Courts Committee – MIDC Compliance Plan: Transition to Public Defender Office

## Agenda Item 1

TO: Law & Courts Committee  
Finance Committee

FROM: Chief Deputy Jason Ferguson, Ingham County Sheriff's Office

DATE: August 15<sup>th</sup> 2017

RE: A FIREARMS PURCHASE PROGRAM AUTHORIZING DEPUTIES TO  
PURCHASE FIREARMS AND ACCESSORIES VIA PAYROLL  
DEDUCTION.

The Ingham County Sheriff's Office has previously utilized a firearms purchase program under resolutions 13-082 and 15-023. Each of these resolutions has allowed qualifying members of the Sheriff's Office to purchase firearms and related accessories that are specific to their job functions. This equipment allows our staff to stay up to date on the industry standard for the demands and expectations of our field.

This firearms purchase program will be similar to the ones instituted in 2013 (13-082) and 2015 (15-023). The only modification is the addition of hospital guard team members to the authorized list of participants and the availability of safes for secure storage. The firearms and accessories available to this new group will be restricted based on the needs and expectations of that assignment. This addition increases the initial cost of the program compared to previous purchase programs. This increase has been cleared by Financial Services and will be recovered via the standard payroll deduction.

Introduced by the Law and Courts and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION AUTHORIZING INGHAM COUNTY MCOLES LICENSED DEPUTIES, FIREARMS INSTRUCTORS, AND DEPUTIES ASSIGNED TO THE HOSPITAL GUARD TEAM TO ENTER INTO A FIREARM PURCHASE PROGRAM WITH THE INGHAM COUNTY SHERIFF'S OFFICE**

WHEREAS, Ingham County MCOLES licensed Deputies, firearms instructors, and hospital guard team members are required to utilize a firearm while in the course of their duties while employed by the Ingham County Sheriff's Office; and

WHEREAS, the Ingham County Sheriff's Office does not have the financial means to provide each licensed Deputy, firearms instructor, or hospital guard team member with the industry's standard of firearm and equipment; and

WHEREAS, by initiation of this program, the Sheriff's Office will lower county liability by allowing licensed Deputies, firearms instructors, and hospital guard team members to have the most current, up to date firearm technology systems; and

WHEREAS, this program is structured similar to the East Lansing Police Department, Meridian Township Police Department, Eaton County Sheriff's Office, Warren City Police Department, Montcalm County Sheriff's Office and Southfield Police Department, Officer/Deputy rifle or firearm purchase programs; and

WHEREAS, Ingham County licensed Deputies, firearms instructors, and hospital guard team members will enter an agreement to purchase individual rifles, safes, and firearms consistent with their assignment to maintain service to Ingham County while upholding the safety of the county citizens; and

WHEREAS, this program will allow Ingham County licensed Deputies, firearms instructors, and hospital guard team members to enter an agreement to purchase individual rifles, firearms, and secure safes consistent with their assignment for their ownership, but use said firearms to maintain service to Ingham County while upholding the safety of the county citizens; and

WHEREAS, the Ingham County Sheriff's Office Firearms Purchase Program would run from October 2017 through October 2019 totaling up to 120 Officer rifles, firearms, safes, and firearm accessories purchased at a rate of no more than \$3500.00 per officer consistent with their assignment for a total of up to \$420,000.00; and

WHEREAS, each individual licensed Deputy, firearms instructor, and hospital guard team member, shall pay back, via payroll deductions, the cost of said equipment over a two year period (52 paychecks).

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby authorizes the Ingham County Sheriff's Office to purchase firearms and related equipment for each MCOLES licensed Deputy, firearms instructor, and hospital guard team member through the Firearms Purchase Program and provide Ingham County with Law Enforcement services while maintaining the industry firearms standard.

BE IT FURTHER RESOLVED, that the Ingham County Sheriff's Office Firearms Purchase Program would run from October 2017 through October 2019 totaling up to 120 Officer's rifles, firearms, safes, and firearm accessories purchased at a rate of no more than \$3,500.00 per officer consistent with their assignment, for a total of up to \$420,000.00.

BE IT FURTHER RESOLVED, that this program will be funded with cash from the employee benefit fund to be reimbursed by employees.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners directs the Controller to make the necessary budget adjustments in the Ingham County Sheriff's Office 2017- 2019 budgets.

BE IT FURTHER RESOLVED, that the Sheriff's Office is authorized to establish an agreement with the unions representing employees that will participate in the program to clarify the voluntary nature of the program and potential forfeiture of funds if not paid in full or if an employee does not remain employed for the full two year period.

BE IT FURTHER RESOLVED, that the Chairperson of the Ingham County Board of Commissioners and the Sheriff are authorized to sign any necessary contract documents consistent with this resolution and approved as to form by the County Attorney.

**Agenda Item 2**

TO: LE Committee  
Finance Committee

FROM: Sergeant Mary Hull, Ingham County Office of Homeland Security and  
Emergency Management

DATE: July 14, 2017

RE: RESOLUTION TO PURCHASE A PORTABLE RADIO FOR THE INGHAM  
COUNTY OFFICE OF HOMELAND SECURITY & EMERGENCY  
MANAGEMENT.

The Ingham County Office of Homeland Security and Emergency Management has applied for and been approved for FY2016 Region 1 Homeland Security Funds (Resolution 16-451). A portion of these funds will be used to purchase one portable radio for the Office of Homeland Security & Emergency Management. This radio would allow for interoperability with regional partners during a mutual aid response.

Introduced by the Law & Courts and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO PURCHASE A PORTABLE RADIO FOR THE INGHAM COUNTY  
OFFICE OF HOMELAND SECURITY & EMERGENCY MANAGEMENT**

WHEREAS, the Ingham County Office of Homeland Security & Emergency Management has previously applied for and been approved to receive pass through grant funds from the FY2016 Homeland Security Grant Program (HSGP); and

WHEREAS, the purpose of these grant funds is to purchase equipment and to provide training in the Homeland Security & Emergency Management field; and

WHEREAS, the following technology requests have been submitted and approved by the Michigan State Police Emergency Management and Homeland Security Division; and

WHEREAS, the purchase of this technology equipment will enhance the operational efficiency and capabilities of the Ingham County Homeland Security & Emergency Management Office.

THEREFORE BE IT RESOLVED, the Ingham County Board of Commissioners authorizes the purchase of the following technology equipment from the Harris Corporation using Homeland Security Grant Funding:

One Portable Radio for the Ingham County Office of Homeland Security & Emergency Management.  
Total cost - \$4,646.47

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners authorizes the Board Chairperson to sign any necessary subcontract or purchase documents that are consistent with this resolution and approved as to form by the County Attorney.

# MEMORANDUM

To: Law & Courts and Finance Committees

From: Rhonda K. Swayze

Date: September 5, 2017

Re: Swift and Sure Sanctions Probation Program  
2017 - 2018 Operational Grant Award

The 30<sup>th</sup> Circuit Court submitted an application to receive grant funds in the amount of \$218,213.90 from the State Court Administrative Office (SCAO) to continue the Swift and Sure Sanctions Probation Program (SSSPP). The award is for the grant period of October 1, 2017 through September 30, 2018. While we do not yet know the amount of our award, we anticipate having that information before the September 26, 2017, Board of Commissioners meeting. Once we are notified of the amount of the award, we will revise the award amount cited on the resolution, if necessary.

The SSSPP is an intensive supervision probation program that focuses on high-risk felony probationers with a demonstrated history of probation failures due to behavioral noncompliance or three or more probation violations. The primary goal is to increase compliance with probation terms by imposing certain, swift, and consistent sanctions for probation violations which is consistent with the County's long term objective of providing appropriate sanctions for adult offenders.

Through the enclosed Resolution, we are requesting that the Board of Commissioners accept the grant award, continue the three-quarter time SSSPP Case Management Coordinator position, and authorize entering into subcontracts for the 2017-1018 grant period.

cc: Hon. Clinton Canady  
Hon. Joyce Draganchuk  
Shauna Dunnings  
Hon. Janelle A. Lawless  
Lisa McCormick  
Carol Siemon

Introduced by the Law & Courts and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO ACCEPT THE FY 2018 SWIFT AND SURE SANCTIONS PROBATION PROGRAM GRANT, CONTINUE THE GRANT FUNDED THREE-QUARTER TIME SSSPP CASE MANAGEMENT COORDINATOR POSITION, AND ENTER INTO SUBCONTRACTS**

WHEREAS, the 30<sup>th</sup> Circuit Court has requested grant funds in the amount of \$218,213.90 from the State Court Administrative Office for the fiscal year of October 1, 2017 through September 30, 2018 to continue the Swift and Sure Sanctions Probation Program (SSSPP) Grant; and

WHEREAS, the primary goal of the SSSPP is to increase compliance with probation terms by imposing certain, swift and consistent sanctions for probation violations which is consistent with Ingham County's long term objective of providing appropriate sanctions for adult offenders; and

WHEREAS, \$74,106 of the grant award is for the grant funded salary and fringe benefits of a three-quarter time SSSPP Case Management Coordinator position; and

WHEREAS, continuing the SSSPP Case Management Coordinator position initially referenced in Resolution 13-390 will assist the Circuit Court in achieving the goals and objectives stated above; and

WHEREAS, the 2018 SCAO Swift and Sure Sanctions Probation Program Grant provides for grant implementation services and participant treatment and services as follows: representation by a defense attorney; substance abuse evaluations to be provided by Wellness, Inx.; day reporting services to be provided by NorthWest Initiative – ARRO; drug treatment, mental health treatment, anger management, domestic violence counseling services and transitional housing to be provided by Community Programs, Inc., Pine Rest Christian Mental Health Services, Kalamazoo Probation Enhancement Program, Inc., National Council on Alcoholism, Cristo-Rey, CEI-CMH House of Commons, Freedom Through Counseling, Cristo-Rey, and RISE Recovery Community; drug testing services to be provided by A.D.A.M.; and electronic monitoring services to be provided by Sentinel, (collectively not to exceed \$139,251.50); and

WHEREAS, the subcontractors who will provide grant implementation services and participant treatment and services for the 2018 SCAO Swift and Sure Sanctions Probation Program Grant are willing and able to provide the services that the County requires.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners accepts an amount up to \$218,213.90 once awarded by the SCAO for the Swift and Sure Sanctions Probation Program Grant which begins on October 1, 2017 and ends on September 30, 2018; authorizes continuation of the grant-funded three-quarter time SSSPP Case Management Coordinator; and authorizes entering into subcontracts for the 2018 SCAO Swift and Sure Sanctions Probation Program Grant from October 1, 2017 – September 30, 2018 with General Trial Division C-Level Court Appointed Counsel, Wellness, Inx, NorthWest Initiative – ARRO, Community Programs, Inc., Pine Rest Christian Mental Health Services, Kalamazoo Probation Enhancement Program, Inc., National Council on Alcoholism, Cristo-Rey, CEI-CMH House of Commons, Freedom Through Counseling, Cristo-Rey, RISE Recovery Community, A.D.A.M., and Sentinel, (collectively not to exceed \$139,251.50).

BE IT FURTHER RESOLVED, that the Controller/Administrator is authorized to make any necessary adjustments to the 2017 and 2018 budget and position allocation lists consistent with this resolution.

BE IT FURTHER RESOLVED, that the Board Chairperson is authorized to sign any necessary contracts/subcontracts consistent with this resolution subject to approval as to form by the County Attorney.

# MEMORANDUM

To: Law & Courts and Finance Committees

From: Rhonda K. Swayze

Date: September 5, 2017

Re: Felony Michigan Mental Health Court Grant Program  
2017-2018 Operational Grant Award

The 30<sup>th</sup> Circuit Court submitted an application to receive grant funds in the amount of \$275,652.77 from the State Court Administrative Office (SCAO) to continue the Felony Michigan Mental Health Court Grant Program – Operational Grant. The award is for the grant period of October 1, 2017 through September 30, 2018. While we do not yet know the amount of our award, we anticipate having that information before the September 26, 2017 Board of Commissioners meeting. Once we learn the amount of the award, we will revise the award amount cited on the resolution.

The goals of the Felony Michigan Mental Health Court Operational Grant are to enhance community safety by responding to individuals who have committed non-violent felonies with supportive treatment and intensive supervision; to minimize recidivism; and to assist participants in achieving a positive legal outcome and maintaining a healthy lifestyle. A team approach will be used to keep the court informed of participants' adherence to treatment and progress in other areas. These goals support the County's long term objective of providing appropriate sanctions for adult offenders.

Through the enclosed Resolution, we are requesting that the Board of Commissioners accept the grant award, continue the three-quarter time Mental Health Court – Court Services Coordinator position, and authorize entering into subcontracts for the 2017-2018 grant period.

cc: Hon. Joyce Draganchuk  
Shauna Dunnings  
Hon. James S. Jamo  
Hon. Janelle A. Lawless  
Lisa McCormick  
Carol Siemon

Introduced by the Law & Courts and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO ACCEPT THE FY 2018 FELONY MICHIGAN MENTAL HEALTH COURT GRANT PROGRAM OPERATIONAL GRANT, CONTINUE THE GRANT FUNDED THREE-QUARTER TIME ICEA COURT PROFESSIONAL 5 MENTAL HEALTH COURT – COURT SERVICES COORDINATOR POSITION, AND ENTER INTO SUBCONTRACTS**

WHEREAS, the 30<sup>th</sup> Circuit Court has requested grant funds in the amount of \$275,652.77 from the State Court Administrative Office for the fiscal year of October 1, 2017 through September 30, 2018, to continue the Felony Michigan Mental Health Court Operational Grant; and

WHEREAS, the goals of the Felony Michigan Mental Health Court Operational Grant are to enhance community safety by responding to individuals who have committed non-violent felonies with supportive treatment and intensive supervision; to minimize recidivism; and to assist participants in achieving a positive legal outcome and maintaining a healthy lifestyle which are consistent with Ingham County's long term objective of providing appropriate sanctions for adult offenders; and

WHEREAS, \$77,653 of the grant award is for the grant funded salary and fringe benefits of a three-quarter time Mental Health Court – Court Services Coordinator (MHC Court Services Coordinator) position, ICEA PRO05; and

WHEREAS, continuing the MHC Court Services Coordinator position initially referenced in Resolution 14-229 will assist the Circuit Court in achieving the goals and objectives stated above; and

WHEREAS, the 2018 Felony Michigan Mental Health Court Operational Grant provides for grant implementation services and participant treatment and services as follows: mental health treatment services to be provided by CMHA/CEI (not to exceed \$133,050.60); and drug testing services to be provided by A.D.A.M.; electronic monitoring services to be provided by Sentinel; representation by a defense attorney; ancillary services to be provided by Northwest Initiative – ARRO; substance abuse assessments to be provided by Wellness, Inx; mental health services to be provided by Prevention and Training Services (PATS), Par Rehab Services, and Professional Psychological Services; and transitional housing to be provided by RISE Recovery Community or Pinnacle (collectively not to exceed \$58,559.17); and

WHEREAS, the subcontractors who will provide grant implementation services and participant treatment and services for the 2018 Felony Michigan Mental Health Court Operational Grant are willing and able to provide the services that the County requires.

THEREFORE BE IT RESOLVED, that that Ingham County Board of Commissioners accepts an amount up to \$275,652.77 once awarded by the SCAO for the Felony Michigan Mental Health Court Operational Grant which begins on October 1, 2017 and ends on September 30, 2018; authorizes continuation of the grant-funded three-quarter time MHC Court Services Coordinator; and authorizes entering into subcontracts for the 2018 Felony Michigan Mental Health Court Operational Grant from October 1, 2017 – September 30, 2018 with CMHA/CEI (not to exceed \$133,050.60); and A.D.A.M., Sentinel, General Trial Division court appointed attorneys, Northwest Initiative – ARRO, Wellness, Inx, Prevention and Training Services (PATS), Par Rehab Services, and Professional Psychological Services, RISE Recovery Community, and Pinnacle (collectively not to exceed \$58,559.17).

BE IT FURTHER RESOLVED, that the Controller/Administrator is authorized to make any necessary adjustments to the 2017 - 2018 budget and position allocation lists consistent with this resolution.

BE IT FURTHER RESOLVED, that the Board Chairperson is authorized to sign any necessary contracts/subcontracts consistent with this resolution subject to approval as to form by the County Attorney.

**TO:** Board of Commissioners and Law & Courts Committees  
**FROM:** John Dinon, Director – Ingham County Animal Control  
**DATE:** 7 September 2017  
**SUBJECT:** Resolution to endorse SB 416  
For the meeting agendas of September 14 and 26, 2017

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**BACKGROUND**

SB 416 has been introduced in the Michigan Senate. The bill would amend Michigan’s animal fighting statute (MCL 750.49) by giving animal control agencies the option of adopting or transferring for the purpose of adoption animals used or trained for fighting or their offspring. The law currently prohibits these activities. The law also establishes conditions to be followed if fighting dogs are transferred or adopted and procedures relating to the seizure and forfeiture of fighting animals and posting of care bonds by animal owners.

**ALTERNATIVES**

If the resolution is not adopted, the County will take no action regarding this bill.

**FINANCIAL IMPACT**

Adopting this resolution will have no or very minimal financial impact.

**OTHER CONSIDERATIONS**

Ingham County Animal Control and other Michigan animal control agencies currently have no option except euthanasia for animals that have been trained or used for fighting or their offspring. If this bill passes, animal control agencies will still have the option of euthanizing these animals, either by requesting a court order or because it is in the interest of public safety, but will be less limited in disposition options for these animals.

**RECOMMENDATION**

Based on the information presented, I respectfully recommend approval of the attached resolution to endorse SB 416.

# SENATE BILL No. 416

May 31, 2017, Introduced by Senators ROCCA, JONES, CONYERS, BIEDA, HERTEL, O'BRIEN and KNOLLENBERG and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 49 (MCL 750.49), as amended by 2006 PA 129.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 49. (1) As used in this section: ~~,"animal"~~

(A) **"ANIMAL"** means a vertebrate other than a human **BEING**.

(B) **"ANIMAL CONTROL AGENCY" MEANS AN ANIMAL CONTROL SHELTER, AN ANIMAL PROTECTION SHELTER, OR A LAW ENFORCEMENT AGENCY. AS USED IN THIS SUBDIVISION, "ANIMAL CONTROL SHELTER" AND "ANIMAL PROTECTION SHELTER" MEAN THOSE TERMS AS DEFINED IN SECTION 1 OF 1969 PA 287, MCL 287.331.**

(2) A person shall not knowingly do any of the following:

(a) Own, possess, use, buy, sell, offer to buy or sell, import, or export an animal for fighting or baiting, or as a target to be shot at as a test of skill in marksmanship.

(b) Be a party to or cause the fighting, baiting, or shooting of an animal as described in subdivision (a).

(c) Rent or otherwise obtain the use of a building, shed, room, yard, ground, ~~or~~ premises, **VEHICLE, OR ANY OTHER VENUE** for

fighting, baiting, or shooting an animal as described in subdivision (a).

(d) Permit the use of a building, shed, room, yard, ground, ~~or~~ premises, **VEHICLE, OR ANY OTHER VENUE** belonging to him or her or under his or her control for any of the purposes described in this section.

(e) Organize, promote, or collect money for the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d).

(f) Be present at a building, shed, room, yard, ground, ~~or~~ premises, **VEHICLE, OR ANY OTHER VENUE** where preparations are being made for an exhibition described in subdivisions (a) to (d), or be present at the exhibition, knowing that an exhibition is taking place or about to take place.

(g) Breed, buy, sell, offer to buy or sell, exchange, import, or export an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d), or breed, buy, sell, offer to buy or sell, exchange, import, or export the offspring of an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d). This subdivision does not prohibit owning, breeding, buying, selling, offering to buy or sell, exchanging, importing, or exporting an animal for agricultural or agricultural exposition purposes. **THIS SUBDIVISION DOES NOT PROHIBIT AN ANIMAL CONTROL AGENCY FROM OWNING, ADOPTING, OR TRANSFERRING OWNERSHIP OF AN ANIMAL FOR THE PURPOSE OF**

ADOPTION OF AN ANIMAL TRAINED OR USED FOR FIGHTING AS DESCRIBED IN SUBDIVISIONS (A) TO (D) OR AN ANIMAL THAT IS THE FIRST- OR SECOND-GENERATION OFFSPRING OF AN ANIMAL TRAINED OR USED FOR FIGHTING AS DESCRIBED IN SUBDIVISIONS (A) TO (D). IF AN ANIMAL IS FOUND FIT FOR PLACEMENT AND IS TRANSFERRED OR ADOPTED, THE ANIMAL CONTROL AGENCY THAT TRANSFERS OR ADOPTS THE ANIMAL SHALL DO ALL OF THE FOLLOWING:

(i) STERILIZE THE ANIMAL OR COLLECT A GOOD-FAITH DEPOSIT FOR STERILIZATION AS REQUIRED UNDER SECTION 8A OF 1969 PA 287, MCL 287.338A.

(ii) PROVIDE A COPY OF THE ANIMAL'S HISTORY, INCLUDING, BUT NOT LIMITED TO, A DESCRIPTION OF WHY THE ANIMAL WAS SEIZED, VETERINARY RECORDS, AND A COPY OF SUBSECTIONS (8) TO (14) TO THE PERSON TO WHOM THE ANIMAL IS TRANSFERRED OR ADOPTED.

(h) Own, possess, use, buy, sell, offer to buy or sell, transport, or deliver any device or equipment intended for use in the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d).

(3) A person who violates subsection (2)(a) to (e) is guilty of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 4 years.

(b) A fine of not less than \$5,000.00 or more than \$50,000.00.

(c) Not less than 500 or more than 1,000 hours of community service.

(4) A person who violates subsection (2)(f) to (h) is guilty

of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 4 years.

(b) A fine of not less than \$1,000.00 or more than \$5,000.00.

(c) Not less than 250 or more than 500 hours of community service.

(5) The court may order a person convicted of violating this section to pay the costs of prosecution.

(6) The court may order a person convicted of violating this section to pay the costs for **INVESTIGATING THE VIOLATION OF THIS SECTION, DISPOSITION OF THE ANIMAL, AND** housing and caring for the animal, including, but not limited to, providing veterinary medical treatment. **AS USED IN THIS SUBSECTION, "DISPOSITION" INCLUDES THE TRANSFER, EUTHANASIA, OR ADOPTION OF AN ANIMAL.**

(7) As part of the sentence for a violation of subsection (2), the court shall order the person convicted not to own or possess an animal of the same species involved in the violation of this section for 5 years after the date of sentencing. Failure to comply with the order of the court pursuant to this subsection is punishable as contempt of court.

(8) If a person incites an animal trained or used for fighting or an animal that is the ~~first~~**FIRST-** or ~~second~~**SECOND-**generation offspring of an animal trained or used for fighting to attack a person and ~~thereby~~**THE ATTACK** causes the death of that person, the owner is guilty of a felony punishable by imprisonment for life or for a term of years greater than 15 years.

(9) If a person incites an animal trained or used for fighting or an animal that is the ~~first~~-**FIRST**- or ~~second~~-**SECOND**-generation offspring of an animal trained or used for fighting to attack a person, but the attack does not result in the death of the person, the owner is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(10) If an animal trained or used for fighting or an animal that is the ~~first~~-**FIRST**- or ~~second~~-**SECOND**-generation offspring of an animal trained or used for fighting attacks a person without provocation and causes the death of that person, the owner of the animal is guilty of a felony punishable by imprisonment for not more than 15 years.

(11) If an animal trained or used for fighting or an animal that is the ~~first~~-**FIRST**- or ~~second~~-**SECOND**-generation offspring of an animal trained or used for fighting attacks a person without provocation, but the attack does not cause the death of the person, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(12) Subsections (8) to (11) do not apply if the person attacked was committing or attempting to commit an unlawful act on the property of the owner of the animal.

(13) If an animal trained or used for fighting or an animal that is the ~~first~~-**FIRST**- or ~~second~~-**SECOND**-generation offspring of a dog trained or used for fighting goes beyond the property limits of

its owner without being securely restrained, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$50.00 nor more than \$500.00, or both.

(14) If an animal trained or used for fighting or an animal that is the ~~first~~**FIRST-** or ~~second~~**SECOND-**generation offspring of a dog trained or used for fighting is not securely enclosed or restrained on the owner's property, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(15) Subsections (8) to (14) do not apply to any of the following:

(a) A dog trained or used for fighting, or the ~~first~~**FIRST-** or ~~second~~**SECOND-**generation offspring of a dog trained or used for fighting, that is used by a law enforcement agency of ~~the~~**THIS** state or a county, city, village, or township.

(b) A certified leader dog recognized and trained by a national guide dog association for the blind or for persons with disabilities.

(c) A corporation licensed under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to ~~338.1083,~~ **338.1092**, when a dog trained or used for fighting, or the ~~first~~**FIRST-** or ~~second~~**SECOND-**generation offspring of a dog trained or used for fighting, is used in accordance with the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to

~~338.1083~~.338.1092.

(16) ~~An~~ **EXCEPT AS PROVIDED IN SUBSECTION (20), AN** animal that has been used to fight in violation of this section or that is involved in a violation of subsections (8) to (14) ~~shall~~ **MUST** be confiscated as ~~contraband~~ by a law enforcement officer and ~~shall~~ **MUST** not be returned to the owner, trainer, or possessor of the animal. The animal ~~shall~~ **MUST** be taken to a local ~~humane society or other animal welfare~~ **CONTROL** agency. If an animal owner, trainer, or possessor is convicted of violating subsection (2) or subsections (8) to (14), the court shall award the animal involved in the violation to the ~~local humane society or other animal welfare~~ **CONTROL** agency **FOR EVALUATION AND DISPOSITION.**

(17) **AN ANIMAL CONTROL AGENCY TAKING CUSTODY OF AN ANIMAL UNDER SUBSECTION (16) SHALL GIVE NOTICE WITHIN 72 HOURS AFTER SEIZURE OF THE ANIMAL BY REGISTERED MAIL TO THE LAST KNOWN ADDRESS OF THE ANIMAL'S OWNER, IF THE OWNER OF THE ANIMAL IS KNOWN. IF THE OWNER OF THE ANIMAL IS UNKNOWN, AN ANIMAL CONTROL AGENCY TAKING CUSTODY OF AN ANIMAL UNDER SUBSECTION (16) SHALL GIVE NOTICE WITHIN 72 HOURS AFTER SEIZURE OF THE ANIMAL BY 1 OF THE FOLLOWING METHODS:**

(A) **POSTING AT THE LOCATION OF THE SEIZURE.**

(B) **DELIVERY TO A PERSON RESIDING AT THE LOCATION OF THE SEIZURE.**

(C) **REGISTERED MAIL TO THE LOCATION OF THE SEIZURE.**

(18) **THE NOTICE REQUIRED UNDER SUBSECTION (17) MUST INCLUDE ALL OF THE FOLLOWING:**

(A) A DESCRIPTION OF EACH ANIMAL SEIZED.

(B) THE TIME, DATE, LOCATION, AND DESCRIPTION OF CIRCUMSTANCES UNDER WHICH THE ANIMAL WAS SEIZED.

(C) THE ADDRESS AND TELEPHONE NUMBER OF THE LOCATION WHERE THE ANIMAL IS BEING HELD AND CONTACT INFORMATION FOR THE INDIVIDUAL PRESENT AT THAT LOCATION FROM WHOM SECURITY DEPOSIT OR BOND INFORMATION MAY BE OBTAINED.

(D) A STATEMENT THAT THE OWNER OR POSSESSOR OF THE ANIMAL MAY POST A SECURITY DEPOSIT OR BOND THAT MAY PREVENT THE FORFEITURE OF THE ANIMAL FOR THE DURATION OF THE CRIMINAL, FORFEITURE, OR OTHER COURT PROCEEDING UNTIL THE COURT MAKES A FINAL DETERMINATION REGARDING THE ANIMAL'S DISPOSITION, THAT FAILURE TO POST A SECURITY DEPOSIT OR BOND WITHIN 14 DAYS AFTER THE DATE ON THE NOTICE WILL RESULT IN FORFEITURE OF THE ANIMAL, AND THAT THE OWNER OR POSSESSOR OF THE ANIMAL MAY, BEFORE THE EXPIRATION OF THE 14-DAY PERIOD DESCRIBED IN THIS SUBDIVISION, REQUEST A HEARING ON WHETHER THE REQUIREMENT TO POST A SECURITY DEPOSIT OR BOND IS JUSTIFIED OR WHETHER THE COST ASSOCIATED WITH THE SECURITY DEPOSIT OR BOND IS FAIR AND REASONABLE FOR THE CARE OF AND PROVISION FOR THE SEIZED ANIMAL. NOTICE OF A REQUEST FOR A HEARING UNDER THIS SUBSECTION SHALL BE SERVED ON THE ANIMAL CONTROL AGENCY HOLDING THE ANIMAL BEFORE THE EXPIRATION OF THE 14-DAY PERIOD DESCRIBED IN THIS SUBSECTION. AT A HEARING ON WHETHER THE REQUIREMENT TO POST A SECURITY DEPOSIT OR BOND IS JUSTIFIED, THE PROSECUTING ATTORNEY HAS

THE BURDEN TO ESTABLISH BY A PREPONDERANCE OF THE EVIDENCE THAT A VIOLATION OF THIS SECTION OCCURRED. IF THE COURT FINDS THAT THE PROSECUTING ATTORNEY HAS MET ITS BURDEN, THE ANIMAL WILL BE FORFEITED TO THE ANIMAL CONTROL AGENCY THAT SEIZED THE ANIMAL UNLESS THE OWNER OR POSSESSOR OF THE ANIMAL POSTS THE REQUIRED SECURITY DEPOSIT OR BOND. AN OWNER OR POSSESSOR'S FAILURE TO APPEAR AT A SCHEDULED HEARING REQUESTED UNDER THIS SUBDIVISION WILL RESULT IN AUTOMATIC FORFEITURE OF THE ANIMAL IF THE DATE OF THE SCHEDULED HEARING IS MORE THAN 14 DAYS AFTER THE DATE ON THE NOTICE DESCRIBED IN THIS SUBSECTION.

(E) A STATEMENT THAT THE OWNER OR POSSESSOR OF THE ANIMAL IS RESPONSIBLE FOR ALL COSTS DESCRIBED IN SUBSECTION (6), UNLESS THE COURT DETERMINES THAT THE SEIZURE OF THE ANIMAL WAS NOT SUBSTANTIALLY JUSTIFIED BY LAW.

(19) AN ANIMAL CONTROL AGENCY THAT HAS CUSTODY OF A SEIZED ANIMAL UNDER SUBSECTION (16) SHALL HOLD THE ANIMAL FOR A PERIOD OF 14 CONSECUTIVE DAYS, INCLUDING WEEKENDS AND HOLIDAYS, BEGINNING ON THE DATE NOTICE WAS GIVEN UNDER SUBSECTION (17). AFTER THE EXPIRATION OF THE 14 DAYS, IF THE OWNER OR A POSSESSOR OF THE ANIMAL HAS NOT POSTED A SECURITY DEPOSIT OR BOND AS PROVIDED IN SUBSECTION (20), THE ANIMAL IS FORFEITED, AND THE ANIMAL CONTROL AGENCY MAY DISPOSE OF THE ANIMAL BY ADOPTION, TRANSFER TO ANOTHER ANIMAL CONTROL AGENCY, OR HUMANE EUTHANASIA.

(20) THE OWNER OR POSSESSOR OF AN ANIMAL SEIZED UNDER SUBSECTION (16) MAY PREVENT FORFEITURE AND DISPOSITION OF THE

ANIMAL BY AN ANIMAL CONTROL AGENCY FOR THE DURATION OF THE CRIMINAL, FORFEITURE, OR OTHER COURT PROCEEDING UNTIL THE COURT MAKES A FINAL DETERMINATION REGARDING THE ANIMAL'S DISPOSITION BY POSTING A SECURITY DEPOSIT OR BOND WITH THE COURT WITHIN 14 DAYS AFTER THE DATE ON THE NOTICE DESCRIBED IN SUBSECTION (18). THE BOND MUST BE IN A SUFFICIENT AMOUNT TO SECURE PAYMENT OF ALL COSTS DESCRIBED IN SUBSECTION (6) DURING A 30-DAY PERIOD OF BOARDING AND VETERINARY TREATMENT OF THE ANIMAL AFTER EXAMINATION BY A LICENSED VETERINARIAN. THE ANIMAL CONTROL AGENCY SHALL DETERMINE THE AMOUNT OF THE BOND NO LATER THAN 72 HOURS AFTER THE SEIZURE OF THE ANIMAL, AND SHALL MAKE THE AMOUNT OF THE BOND AVAILABLE TO THE OWNER OR POSSESSOR OF THE ANIMAL UPON REQUEST. THE OWNER OR POSSESSOR OF THE ANIMAL SHALL PROVIDE PROOF OF THE SECURITY DEPOSIT OR BOND TO THE ANIMAL CONTROL AGENCY NO LATER THAN 14 DAYS AFTER THE DATE ON THE NOTICE DESCRIBED IN SUBSECTION (18).

(21) AN ANIMAL CONTROL AGENCY THAT IS HOLDING OR REQUIRING TO BE HELD A SEIZED ANIMAL AS PROVIDED IN THIS SECTION MAY DRAW ON A SECURITY DEPOSIT OR BOND POSTED UNDER SUBSECTION (20) OR (22) TO COVER THE ACTUAL REASONABLE COSTS INCURRED IN THE SEIZURE, CARE, KEEPING, AND DISPOSITION OF THE ANIMAL AS DESCRIBED IN SUBSECTION (6) FROM THE DATE OF THE SEIZURE TO THE DATE OF THE OFFICIAL DISPOSITION OF THE ANIMAL IN THE CRIMINAL ACTION.

(22) IF A SECURITY DEPOSIT OR BOND HAS BEEN POSTED UNDER SUBSECTION (20), AND TRIAL IN THE CRIMINAL ACTION DOES NOT OCCUR

WITHIN THE INITIAL 30-DAY BOND PERIOD OR IS CONTINUED TO A LATER DATE, THE OWNER OR POSSESSOR SHALL POST AN ADDITIONAL SECURITY DEPOSIT OR BOND IN AN AMOUNT DETERMINED SUFFICIENT TO COVER THE COSTS DESCRIBED IN SUBSECTION (6) AS ANTICIPATED TO BE INCURRED BY THE ANIMAL CONTROL AGENCY CARING FOR THE ANIMAL. THE ADDITIONAL SECURITY DEPOSIT OR BOND MUST BE CALCULATED IN 30-DAY INCREMENTS AND CONTINUE UNTIL THE CRIMINAL ACTION IS RESOLVED. IF THE OWNER OR POSSESSOR OF THE ANIMAL FAILS TO POST A NEW SECURITY DEPOSIT OR BOND WITH THE COURT BEFORE THE PREVIOUS SECURITY DEPOSIT OR BOND EXPIRES, THE ANIMAL IS FORFEITED TO THE ANIMAL CONTROL AGENCY CARING FOR THE ANIMAL.

(23) IF THE OWNER OR POSSESSOR THAT POSTED A SECURITY DEPOSIT OR BOND UNDER SUBSECTION (20) OR (22) IS FOUND NOT GUILTY IN THE CRIMINAL ACTION, THE AMOUNT OF THE SECURITY DEPOSIT OR BOND POSTED TO PREVENT DISPOSITION OF THE ANIMAL MAY BE RETURNED TO THE OWNER OR POSSESSOR AT THE COURT'S DISCRETION, AND, SUBJECT TO SUBSECTIONS (25) AND (26), THE ANIMAL MUST BE RETURNED TO THE OWNER.

(24) IF A SECURITY DEPOSIT OR BOND IS POSTED BY AN OWNER OR POSSESSOR OF AN ANIMAL UNDER SUBSECTION (20) OR (22) AND THE COURT DETERMINES THAT THE ANIMAL IS A DANGEROUS ANIMAL OR LACKS ANY USEFUL PURPOSE UNDER SUBSECTION (26), THE POSTING OF THE SECURITY DEPOSIT OR BOND MUST NOT PREVENT DISPOSITION OF THE ANIMAL.

(25) ~~(17)~~ Upon receiving an animal ~~confiscated~~ **SEIZED** under this section, or at any time thereafter, an ~~appointed veterinarian,~~ ~~the humane society, or other animal welfare~~ **CONTROL** agency may

humanely euthanize the animal **OR HAVE THE ANIMAL EUTHANIZED** if, in the opinion of ~~that~~ **A LICENSED** veterinarian, ~~humane society, or other animal welfare agency,~~ the animal is injured or diseased past recovery or the animal's continued existence is inhumane so that euthanasia is necessary to relieve pain and suffering. **THIS SUBSECTION APPLIES TO AN ANIMAL WHETHER OR NOT A SECURITY DEPOSIT OR BOND HAS BEEN POSTED UNDER SUBSECTION (20) OR (22).**

(26) ~~(18)~~ ~~A humane society or other animal welfare~~ **AN ANIMAL CONTROL** agency that receives an animal under this section ~~shall~~ **MAY** apply to the district court or municipal court for a hearing to determine whether the animal ~~shall~~ **MUST** be humanely euthanized because of its lack of any useful purpose ~~and~~ **OR** the public safety threat it poses. The court shall hold a hearing not more than 30 days after the filing of the application and shall give notice of the hearing to the owner of the animal. Upon a finding by the court that the animal lacks any useful purpose ~~and~~ **OR** poses a threat to public safety, the ~~humane society or other animal welfare~~ **CONTROL** agency shall humanely euthanize the animal **OR HAVE THE ANIMAL EUTHANIZED**. Expenses incurred in connection with the housing, care, upkeep, or euthanasia of the animal by a ~~humane society or other~~ **AN** animal ~~welfare~~ **CONTROL** agency, or by a person, firm, partnership, corporation, or other entity, ~~shall~~ **MAY, IN THE COURT'S DISCRETION,** be assessed against the owner of the animal.

(27) ~~(19)~~ Subject to subsections (16), ~~to (18),~~ **(25), AND**

(26), all animals being used or to be used in fighting, equipment, devices, and money involved in a violation of subsection (2) ~~shall~~ **MUST** be forfeited to ~~the~~**THIS** state. All other instrumentalities, proceeds, and substituted proceeds of a violation of subsection (2) are subject to forfeiture under chapter 47 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to ~~600.4709~~**600.4710**.

(28) ~~(20)~~The seizing agency may deposit money seized under subsection ~~(19)~~**(27)** into an interest-bearing account in a financial institution. As used in this subsection, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States.

(29) ~~(21)~~An attorney for a person who is charged with a violation of subsection (2) involving or related to money seized under subsection ~~(19)~~ ~~shall~~ **(27) MUST** be afforded a period of 60 days within which to examine that money. This 60-day period ~~shall~~ **WILL** begin to run after notice of forfeiture is given but before the money is deposited into a financial institution under subsection ~~(20)~~**(28)**. If the attorney general, prosecuting attorney, or city or township attorney fails to sustain his or her burden of proof in forfeiture proceedings under subsection ~~(19)~~,

**(27)**, the court shall order the return of the money, including any interest earned on money deposited into a financial institution under subsection ~~(20)~~.**(28)**.

**(30)** ~~(22)~~—This section does not apply to conduct that is permitted by and is in compliance with any of the following:

(a) Part 401 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40101 to ~~324.40119~~.**324.40120**.

(b) Part 435 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43501 to 324.43561.

(c) Part 427 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.42701 to 324.42714.

(d) Part 417 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41701 to 324.41712.

**(31)** ~~(23)~~—This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that is committed by that person while violating this section.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Introduced by the Law & Courts Committee of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO ENDORSE SB 416**

WHEREAS, Ingham County Animal Control takes possession of fighting animals in the course of their duties; and

WHEREAS, Michigan law - MCL 750.49 (2) (g) - currently states a person shall not knowingly breed, buy, sell, offer to buy or sell, exchange, import, or export an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d), or breed, buy, sell, offer to buy or sell, exchange, import, or export the offspring of an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d); and

WHEREAS, SB 416 would amend MCL 750.49 to remove the prohibitions on animal control agencies from owning, adopting, or transferring ownership of an animal for the purpose of adoption of an animal trained or used for fighting as described in subdivisions (a) to (d) or an animal that is the first or second generation offspring of an animal trained or used for fighting as described in subdivisions (a) to (d) and establish conditions for such adoptions or transfers and other related procedures; and

WHEREAS, SB 416 would allow Ingham County Animal Control additional options for the disposition of fighting animals.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners endorses SB 416 and authorizes County employees to advocate for passage of the bill.

## Agenda Item 5

**TO:** Board of Commissioners Law and Courts Committee and Finance Committee  
**FROM:** Travis Parsons, Human Resources Director  
**DATE:** September 5, 2017  
**SUBJECT:** Amendments to the Statutes Governing Judges' Annual Salaries  
Law and Courts September 14<sup>th</sup> and Finance Committee September 20<sup>th</sup> Agendas

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### **BACKGROUND**

The Board of Commissioners established a parity system in the setting of judicial salaries through Resolution 80-359, which set the Circuit Court, Probate Court, and District Court salaries at a certain percentage of State Supreme Court Justice salary.

The Michigan Supreme Court, State Court Administrator, provided a memorandum (copy attached) dated August 16, 2017, providing clarification on Public Act 31 (2016 PA 31). Public Act 31 provides that judges' annual salaries be increased. Effective October 1, 2017, probate judges will receive a three percent increase in their annual salary. This does not impact the local salaries paid to circuit or district court judges.

### **ALTERNATIVES**

There are no alternatives.

### **FINANCIAL IMPACT**

The financial impact is a three percent (3%) increase to the \$141,318.19 salary of a probate judge, which increases the salary cost for the remainder of 2017 (October 1, 2017 – December 31, 2017) by \$1059.89 and will increase the salary cost for 2018 by \$3179.66.

### **OTHER CONSIDERATIONS**

No other consideration at this time.

### **RECOMMENDATION**

Based on the information presented, I respectfully recommend approval of the resolution.



## Michigan Supreme Court

State Court Administrative Office  
Michigan Hall of Justice  
P.O. Box 30048  
Lansing, Michigan 48909  
Phone (517) 373-0128

Milton L. Mack, Jr.  
State Court Administrator

### MEMORANDUM

DATE: August 16, 2017

TO: Probate Judges  
County Administrators  
Probate Registers/Administrators

FROM: Milton L. Mack, Jr.

SUBJECT: Judges' Salaries

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[Public Act 31 of 2016](#) provides that judges' annual salaries shall be increased by the percentage pay increase, excluding lump-sum payments, paid to civil service nonexclusively represented employees classified as executives and administrators on or after January 1, 2016. This pay increase takes effect on the same date as the effective date of the pay increase paid to civil service nonexclusively represented employees classified as executives and administrators.

Effective October 1, 2017, judges will receive a three percent increase in their annual salary. This does not impact the local salaries paid to circuit and district judges (\$45,724); however, there is an impact on the local salaries paid to probate judges. For calendar year 2017, probate judges should receive a total salary of \$142,378.08. For calendar year 2018, probate judges should receive a total salary of \$145,557.74. Please adjust the amount per pay period accordingly. If there is a pay increase in 2018, we will provide you with the amounts of the calendar year salaries to be paid.

If you have any questions regarding the statutorily required annual salary of a judge, please contact Diane Giganti at 517-373-5540 or [GigantiD@courts.mi.gov](mailto:GigantiD@courts.mi.gov).

Introduced by the Law and Courts Committee and Finance Committee of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION SETTING PROBATE JUDGES ANNUAL SALARIES**

WHEREAS, Public Act 31 (2016 PA 31) was signed into law by Governor Rick Snyder on March 8, 2016, amending the statutes governing judges' annual salaries; and

WHEREAS, the State Court Administrator of the Michigan Supreme Court has provided a memorandum clarifying PA 31 and providing guidelines for implementation of a three percent (3%) increase, effective October 1, 2017; and

WHEREAS, for the calendar year 2017, probate judges are to receive a total salary of \$142,378.08 and for the calendar year 2018, probate judges are to receive a total salary of \$145,557.74.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby sets the probate judges salaries in accordance with the enacted legislation.

BE IT FURTHER RESOLVED, that the County Controller be authorized to make the appropriate adjustment to reflect the compensation rates outlined above.

## Agenda Item 6

**TO:** Law & Courts Committee  
**FROM:** Teri Morton, Deputy Controller  
**DATE:** September 5, 2017  
**SUBJECT:** Transition to Public Defender Office Discussion

The Michigan Indigent Defense Commission (MIDC) proposed four minimum standards for the indigent criminal defense system, which have been approved by the Michigan Department of Licensing and Regulatory Affairs (LARA):

- Education and Training of Defense Counsel;
- Initial Interview;
- Investigation and Experts; and
- Counsel at First Appearance and Other Critical Stages

The Ingham County Indigent Defense System Collaborative Committee was created and appointed to develop and submit a plan that meets the minimum statutory standards and a cost analysis to the MIDC. This plan is due by November 20, 2017.

There are several models that would meet the minimum requirements. Attached is a sample compliance plan utilizing a Transition to a Public Defender Office. Other sample compliance plans can be found at <http://michiganidc.gov/wp-content/uploads/2017/08/MIDC-Sample-Compliance-Plans.pdf>. These include, among others, an Assigned Counsel System, a Contract Defender System, a Managed Assigned Counsel System, and a Public Defender Administrator.

As the County decides what type of compliance plan to prepare, the affected funding units (Ingham County and the Cities of East Lansing and Lansing) must decide whether to submit separate plans or one combined plan.

The consensus of the Ingham County Indigent Defense System Collaborative Committee is that a Public Defender's Office would be the best method for implementing the standards. There is also consensus that one combined plan would be preferred. The Committee's next meeting will be held on September 22.

Please keep in mind that once a plan is submitted and approved, implementation would not be mandatory until a funding source is provided by the State of Michigan.

# Sample Plan

## Transition to Public Defender Office

### Overview

#### **How does the system intend to comply with the MIDC Standards?**

This system will transition from a traditional assigned counsel system to a blended system with a small roster of attorneys and a public defender office each taking about 50% of cases.

#### **Briefly describe the indigent defense delivery system:**

The newly-created defender office will consist of a Chief Defender, Deputy Defender/ Training Director, four staff attorneys, one office investigator, and one administrative assistant, for a total of eight new salaried county employees. Counsel will continue to be assigned to a small roster of qualified attorneys on a rotating basis who will be paid consistent with current amounts, for direct services and expenses in assigned cases (including conflict cases). The attorneys will represent about 50% adult indigent criminal defendants at both the district and circuit court level.

The next standards for caseloads, qualification and review of counsel, independence, and economic disincentives and incentives have been considered for purposes of both current compliance and transition to future compliance with MIDC standards.

The county has existing office space that will be dedicated for the public defender office and staff. County-owned furniture is expected to meet the needs of a new office for purposes of start-up. The compliance request includes funding for outstanding office and workstation supplies.

#### **Please provide the names and P#s for all attorneys the funding unit intends to have deliver indigent defense services during the compliance planning year:**

*See attached.*

# Compliance Plan

Describe how the system will comply with each standard adopted by the MIDC.

## Standard 1 – Training and Education

**Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. Do any attorneys covered in this plan have fewer than two years of criminal defense experience?**

It is anticipated that two of the public defender office attorneys will have two or fewer years of experience.

**All attorneys shall annually complete at least twelve hours of continuing legal education. How many attorneys require training in this plan?**

Thirteen.

**How will the funding unit ensure that the attorneys satisfy the twelve hours of continuing legal education during the compliance plan year?**

The Deputy Director of the new Defender Office will create and implement a training program that will incorporate both the skills training for new attorneys and the Continuing Legal Education for remaining attorneys, including the roster for assigned counsel. The program will be conducted by in-house staff and members of the assigned counsel roster.

The Defender Office will provide any relevant documentation for attendance at the courses to the MIDC for data collection purposes, pursuant to Michigan Supreme Court Administrative Order 2016-2. Documentation will be submitted to the MIDC no later than 30 days after completion of the course(s).

## Standard 2 – Initial Interview

When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting.

**How will attorneys be notified of an appointment?**

The public defender office or assigned counsel will receive an email from the court administrator with the Order of Assignment (SCAO Form MC222) that includes complete contact information for the defendant.

### **How will the initial interview be accomplished?**

Public defender staff or assigned counsel attorneys will conduct the interview for their respective clients. An initial interview will be part of the job responsibilities for the assigned assistant defender and the contracting requirements for panel attorneys.

### **Does the jail have confidential space for attorney-client interviews?**

Yes. Some supplies will be necessary to facilitate video-based initial interviews.

### **Does the courthouse have confidential space for attorney-client interviews?**

Limited. For out of custody clients, the new public defender office will provide sufficient space for interviews. Some re-purposing of room use in the courthouse will also allow for some additional space. For in custody clients, the expectation is confidential interviews will have taken place at the local jail or prison. Some scheduling and case call adjustments will allow for confidential space when needed for follow-up communications at the courthouse.

## **Standard 3 – Experts and Investigators**

**The MIDC standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client’s defense. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution’s case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.**

### **How will this standard be complied with by the local system?**

The public defender office will hire an investigator for their indigent defense clients. The funding unit will also contract with an outside investigator for conflict cases for up to 100 hours per year.

Expert witnesses will need to be retained as needed by the public defender and assigned counsel, approved by either the chief public defender or a designated assigned attorney respectively, through a budget item not to exceed the hourly rates published by the MIDC, for a combined (conflict investigator and expert witness) maximum of \$25,000 in the compliance plan year.

## Standard 4 – Counsel at First Appearance and Other Critical Stages

**Counsel shall be appointed to provide assistance to the defendant as soon as the defendant’s liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.**

### How will this standard be met by the local system?

Through a system of rotating attorneys, the public defender office will provide representation to all clients at arraignments. During arraignment, indigent clients will receive appointments to either the defender office or assigned counsel. Four assistant defenders, one deputy, and one chief defender will allow for assignments of counsel to different courtrooms and representation at arraignments.

## System Costs

Category	Calculation method	Total
Attorneys – assigned counsel (new system)	Line item total: 1500 hours/yr x \$70/hr (variable up to max rate, depending on charge)	\$105,000.00
Attorney Staff (new system)	One Chief Defender, 75,000/yr + fringes & benefits	\$112,500.00
	One Deputy Defender, \$67,500 + fringes & benefits	\$100,500.00
	Four full time assistant defenders \$55,000/yr + fringes & benefits	\$330,000.00
Administrative assistant	One salaried employee, \$40,000 + fringes & benefits	\$60,000.00
Attorney training	Roster attorneys will be paid an honoraria (contracted) to assist with in house training requirements, for a total of 20 hours at a rate of \$75/hour. All other time provided by staff will be part of salary expectations.	\$1,500.00

	Other: \$50 x 5 attorneys for SADO/CDRC \$20 x 13 attorneys for NAPD membership	\$250.00 \$260.00
Expert and Investigator fees	PD Investigator – New Staff Position = \$50,000/yr + fringes & benefits  Investigator - roster = \$50/hr x 150 hours Experts at MIDC rates up to max Tier II	\$75,000.00  \$7,500.00 \$17,500.00
Supplies and Operating	Polycom unit at PD office  Computers, docking stations, and office supplies  Furniture  Case management software	\$4,500.00  \$8,000 \$4,000 \$1,500
	Total indigent defense system cost:	\$828,010.00
	<i>Certified local share</i>	<i>(287,040.00)</i>
	<b>Grant Requested Funds</b>	<b>\$540,970.00</b>