LAW & COURTS COMMITTEE
May 16, 2019
Minutes

Members Present: Celentino, Crenshaw, Koenig, Schafer, Slaughter and Trubac

Members Absent: Polsdofer

Others Present: Russel Church, Barb Davidson, Teri Morton, Beth Foster and others

The meeting was called to order by Chairperson Koenig at 6:01 p.m. in Personnel Conference Room D & E of the Human Services Building, 5303 S. Cedar Street, Lansing, Michigan.

Approval of the May 2, 2019 Minutes

MOVED BY COMM. SLAUGHTER, SUPPORTED BY COMM. CELENTINO, TO APPROVE THE MINUTES OF THE MAY 2, 2019 LAW & COURTS COMMITTEE MEETING.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Polsdofer.

Additions to the Agenda

None.

Limited Public Comment

None.

MOVED BY COMM. SCHAFER, SUPPORTED BY COMM. CELENTINO, TO APPROVE A CONSENT AGENDA CONSISTING OF THE FOLLOWING ITEMS:

1. Public Defenders Officer
   a. Resolution to Authorize a Subscription for Westlaw Legal Research Program

2. 9-1-1 Center
   a. Resolution to Authorize Administrative Finding that Peninsula Fiber Network LLC Shall be the Primary 9-1-1 Service Supplier

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Polsdofer.

THE MOTION TO APPROVE THE ITEMS ON THE CONSENT AGENDA CARRIED UNANIMOUSLY. Absent: Commissioners Polsdofer.

1. Public Defenders Officer
b. Update from Public Defenders Office

Russel Church, Chief Public Defender, stated that he looked into text alert systems and that 54-B District Court had a text alert system. He further stated that it was built into the JIS system, so all the District Courts could utilize it for free.

Chairperson Koenig stated that she had previously spoken with Mr. Church about text alerts because some studies have shown that cost was reduced and productivity increased by a simple reminder/alert system.

Mr. Church gave an update on the Public Defenders Office.

Commissioner Crenshaw asked Mr. Church if he felt he was having difficulty filling the part-time clerk position because it was part-time.

Mr. Church stated that was probably part of the reason. He further stated that in the second posting of the position, Human Resources made the minimum requirements more lenient in hopes that would have helped.

Commissioner Crenshaw asked if the position needed to be part-time or if full-time could work.

Mr. Church stated that for now he was considering the possibility making the position temporary and/or hiring students as a solution.

Commissioner Schafer asked Mr. Church to define indigent.

Mr. Church stated that the cut off was 140% of federal poverty guidelines, as published by DHHS. He further stated that he told the attorneys doing first appearance that if someone is living alone or is a non-contributing member of household and is receiving public benefits, that the conversation did not have to go further than that because those people are indigent.

Commissioner Schafer asked if debt obligations were also considered.

Mr. Church stated that debt obligations were considered in addition to contributions to and from a household. He further stated that he created a chart for the 140% guidelines.

Commissioner Schafer stated that it would be interesting to see the chart Mr. Church created.

Mr. Church stated that he could bring it to a Committee meeting or email it to the members of the Committee.

Commissioner Schafer asked who makes the determination that someone is indigent.
Mr. Church stated that his office made a recommendation to a judge that a person is indigent or partially indigent. He further stated that the goal is to help the court staff make sure that call gets made consistently across the County.

Chairperson Koenig stated that sometimes judges made decisions based on the assistance a defendant already received but sometimes it was not as clear.

Chairperson Koenig asked Mr. Church what has been the most challenging and if there was anything the Committer could help with.

Mr. Church stated that he was grateful that for opportunity that Commissioners had taken the bull by the horns, making a genuine effort to right-size the indigent defense program on the front end. He further stated that his only battle might be with the State, to keep their buy-in where they said it would be.

Chairperson Koenig stated that the Committee’s door was always open.

Commissioner Slaughter stated that he was concerned about a lack of diversity in the hires that had been made so far. He further stated that he had spoken with Mr. Church about ways to make the Public Defenders Office more diverse.

Mr. Church stated that he did keep diversity in mind during the hiring process and that he reached out to every specialty bar association he could find. He further stated that he was most disappointed in the lack of gender diversity that they wound up with.

Chairperson Koenig asked for gender numbers.

Mr. Church stated that the office was about three-quarters men.

Chairperson Koenig asked Mr. Church what his plan was to change that.

Mr. Church state that that he thought there was a stigma where gender issues are built into litigation.

Chairperson Koenig asked Mr. Church if he reached out to Human Resources.

Mr. Church stated that he spoke with Sue Graham about it and that it would partly be a function of how he rank ordered people and a second part would be including both men and women on the screening panel to increase sensitivity to the issue.

Chairperson Koenig stated that when hiring this many people at once it was not unlikely that some might not work out.
Mr. Church stated that he told his new hires he had three expectations: to see clients early and often, to be known by our ethics and to try cases. He further stated that he was a big believer in jury trials.

Discussion.

Mr. Church stated that he would address conflict cases in two ways. He stated that the first way was giving everyone a separate attorney in cases with multiple defendants and the second way was considering an attorney manager to deal with clients who distrust the Public Defenders Office.

Discussion.

Chairperson Koenig asked how it was going with first appearances.

Mr. Church stated that it required a lot more man power than he had expected and that he anticipated he would have four or five attorneys doing just first appearances.

Chairperson Koenig asked Mr. Church to look at what issues/questions came up repeatedly and consider drafting a sheet of basic information that defendants received so they felt confident about what to expect.

Mr. Church stated that he planned to do a short video for the website to explain the process and that he had a script half written.

Commissioner Crenshaw left the room at 6:34 p.m.

Commissioner Schafer asked what percentage of defendants are indigent.

Mr. Church stated that that depends on the Court and that it varies very widely.

Commissioner Schafer asked Mr. Church for his opinion on court consolidation.

Mr. Church stated that was not his call.

Commissioner Crenshaw returned at 6:36 p.m.

2. 9-1-1 Center
   b. Public Safety Radio System Update Public radio update

Barb Davidson, ENP Interim Director gave an update on the Public Safety Radio System.

Chairperson Koenig asked for clarification on unbundling.
Ms. Davidson stated that they would request in writing that Motorola unbundle the equipment and installation from the plan. She further stated that unbundling will save an estimated $300,000 to $500,000.

Ms. Davidson continued the update.

Chairperson Koenig asked what Motorola was going to be testing the equipment against.

Ms. Davidson stated that they were not going to test the equipment against anything, which was a problem, and that it needed to be tested against the core that would be operating it or they would not accept the equipment. She further stated they insisted on customer-witnessed testing, so they would be present when it was done.

Discussion.

Chairperson Koenig asked who they were asking for a list of areas with coverage issues.

Ms. Davidson stated that they were asking for the list from their public safety partners, police and fire.

Chairperson Koenig asked Ms. Davidson for a timeline.

Ms. Davidson stated that they expected structurals back on the towers in the next two to three weeks. She further stated that she could not give an exact date on was the MPSCS would give them the frequencies.

Discussion.

Chairperson Koenig asked what would happen once they had the frequencies.

Ms. Davidson stated that once they had the frequencies they would be able to determine exactly how much equipment to hang on the towers and plans and timelines would be put into place to make sure the towers were structurally sound.

Chairperson Koenig asked when that would be.

Ms. Davidson stated that she was not sure and speculated it could possibly be six months.

Commissioner Schafer asked if the frequency determines the payload.

Ms. Davidson stated that it did.

Discussion.
Chairperson Koenig asked what would happen once the towers are all set.

Ms. Davidson stated that they would take shipment on the equipment and test it. She further stated that she would love to be in the testing phase with end users in 2020 and take full delivery in Spring of 2021.

Ms. Davidson stated that training for end users on the new system would be closer to when it was going live.

Chairperson Koenig asked Ms. Davidson if there was any way the Commissioners could help.

Ms. Davidson stated there was not.

Chairperson Koenig thanked Ms. Davidson.

3. Controller’s Office – Ingham County Strategic Plan Update (Discussion)

Commissioner Celentino left the room at 6:51 p.m.

Teri Morton, Deputy Controller, gave an overview of the summary and key implementation tasks listed in the meeting agenda. She further stated that they were looking at what was relevant to the Law and Courts Committee.

Commissioner Crenshaw stated that the Sheriff sent some suggestions to be incorporated as updates, which were distributed as a handout during the meeting.

Ms. Morton stated that the Sheriff identified the strategies and goals and she felt they could just put into the update section. She asked if the Committee felt that was appropriate.

Chairperson Koenig stated that as long as everyone agreed, that was acceptable.

Commissioner Celentino returned at 6:53 p.m.

Commissioner Crenshaw stated that he had no objections to what the Sheriff submitted.

Commissioner Schafer stated that to be candid he did not think that the minimal level of law enforcement response should remain at the current level through 2020. He further stated that with all the issues we are currently facing with opioids and mental health, it is usually police officers who respond first.

Commissioner Crenshaw stated that under Goal E, Strategy 1, A, he thought that section needed to be updated to reflect that the new shelter will be opened and supported by millage fund.

Discussion.
Ms. Morton asked if Commissioner Crenshaw wanted to include the update and shade it as finished.

Commissioner Crenshaw stated that he wanted to shade letter “A” it as completed and then add something underneath that says the shelter is open and continue to support with millage because eventually the millage would need to be renewed.

Discussion.

Ms. Morton stated that she would draft some language regarding the new Shelter being open and supported by the millage and send it out to the Committee members to see if it sounded right to them.

Commissioner Slaughter stated that he had been working with Ms. Morton to move the County towards a cashless bail system. He read the following suggested language for adding cashless bail to the Strategic Plan, under, Goal A, Service to Residents, Strategy 2, as Task F:

“Endeavor to reform Ingham County’s cash bail system to ensure those housed in pre-trial confinement are detained only when they pose a danger to society or are a flight risk, no due to financial inability.”

Commissioner Schafer stated that he was not opposed, but would like feedback from judges.

Discussion.

Chairperson Koenig asked Ms. Morton to send the cashless bail language to the judges for their opinions.

Discussion.

Commissioner Crenshaw asked, in reference to Goal E., Strategy 3, Letter c., if anyone had spoken with the Sheriff since the Raise the Age Legislation had passed.

Discussion.

Chairperson Koenig stated that the trajectory of the Bill right now is that it will be passed and asked Commissioner Crenshaw what he wanted to include.

Commissioner Crenshaw stated that he would like it to include something to the effect of, “once it is signed into law the sheriff and the juvenile division will have to figure out how to manage the new caseload.”
Discussion.

Commissioner Schafer stated that he still objected to Sheriff's Office staffing remaining at 2020 levels.

MOVED BY COMM. SCHAFER TO STRIKE THE SECTION REGARDING MINIMAL LAW ENFORCEMENT RESPONSE REMAINING AT THE CURRENT LEVEL THROUGH 2020 FROM THE STRATEGIC PLAN.

THE MOTION DIED DUE TO LACK OF SUPPORT.

Commissioner Schafer stated that he would vote against the Strategic Plan.

Discussion.

Ms. Morton asked for clarification if the Committee wanted the cashless bail judicial feedback report prepared for the next round of meetings.

Chairperson Koenig stated that, if there were judicial responses by the next Committee meeting, that the Committee should discuss them then.

Ms. Morton asked, in regards to the key implementation task, if she should add the task now and then the Committee could decide on and fill out the lead responsibilities and timelines later.

Chairperson Koenig stated she agreed with adding the task now and filling in the rest later.

Discussion.

Announcements

None.

Public Comment

None.

Adjournment

The meeting was adjourned at 7:14 p.m.

BARB BYRUM, CLERK OF THE BOARD