LAW & COURTS COMMITTEE
February 13, 2020
Minutes

Members Present: Celentino (arrived at 6:02 p.m.), Crenshaw, Polsdofner, Sebolt, Schafer, Slaughter, Trubac.

Members Absent: None.

Others Present: Russel Church, Andrew Bouck, Teri Morton, Michael Tanis, and others.

The meeting was called to order by Chairperson Slaughter 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 January 30, 2020 Minutes

MOVED BY COMM. CRENSHAW, SUPPORTED BY COMM. SEBOLT, TO APPROVE THE MINUTES OF THE JANUARY 30, 2020 LAW & COURTS COMMITTEE MEETING.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Celentino.

Additions to the Agenda

Late –

5. **55th District Court** – Resolution to Authorize the Ingham County 55th District Court to Accept a Grant Award from the Michigan Supreme Court’s State Court Administrative Office - Michigan Drug Court Grant Program (SCAO-MDCGP) and Authorize Subcontracts

Limited Public Comment

None.

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

1. **Sheriff’s Office**
   b. Resolution to Authorize a Contract for Services with Danielle Patrick to Audit Evidence and Evidence Records at the Ingham County Sheriff’s Office

2. **Prosecuting Attorney’s Office** – Resolution to Accept an Agreement between the Michigan Department of Health and Human Services and the Ingham County Prosecutors Office Under the 2020 Stop Violence Against Women Grant

(1)
3. Public Defenders Office
   a. Resolution to Authorize the Conversion of Clerk Public Defender Position to Full-Time

5. 55th District Court – Resolution to Authorize the Ingham County 55th District Court to Accept a Grant Award from the Michigan Supreme Court’s State Court Administrative Office - Michigan Drug Court Grant Program (SCAO-MDCGP) and Authorize Subcontracts

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Celentino.

THE MOTION TO APPROVE THE ITEMS ON THE CONSENT AGENDA CARRIED UNANIMOUSLY. Absent: Commissioner Celentino.

Please note that later in the meeting, the rules were suspended to allow Commissioner Celentino to vote on the consent agenda. He voted in favor of the items on the consent agenda.

1. Sheriff’s Office
   a. Resolution to Establish an Imprest Cash Account for the Ingham County Sheriff’s Office Detective Bureau

MOVED BY COMM. CRENSHAW, SUPPORTED BY COMM. SCHAFER, TO APPROVE THE RESOLUTION.

Commissioner Trubac stated that he wanted to be sure he understood the proposed cash account. He further asked Andrew Bouck, Ingham County Undersheriff, if he understood it to be correct that $250 would be in the account at any time.

Mr. Bouck stated that he was correct.

Discussion.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Celentino.

Please note that later in the meeting, the rules were suspended to allow Commissioner Celentino to vote on the resolution. He voted in favor of the resolution.

Commissioner Celentino arrived at 6:02 p.m.

1. Sheriff’s Office
   c. Resolution to Purchase a Transport Van Containment System for the ICSO Transport Division

MOVED BY COMM. SCHAFER, SUPPORTED BY COMM. CRENSHAW, TO APPROVE THE RESOLUTION.
Commissioner Crenshaw stated that he pulled this agenda item because the funds for this purchase would be coming out of the Contingency Fund. He further stated that he had asked Teri Morton, Deputy Controller, what the amount was in that account and she had said the amount was about $216,000.

Commissioner Crenshaw stated that the purchase would decrease the amount in the account to under $190,000. He further stated that he wanted to be sure that everyone was cognizant of that moving forward because there could be other requests throughout the year that required the use of the Contingency Fund account.

Commissioner Celentino asked if it would mean that the Contingency Fund only had $189,000.

Ms. Morton stated yes. She further stated that the Board of Commissioners had additional funds between the agencies, and the Human Resources Department training program cost $47,000, the Controller job search cost $25,000, and the aerial imagery for equalization cost $42,000.

Commissioner Celentino asked what the Contingency Fund had started out with at the beginning of the year.

Ms. Morton stated that the starting amount was $350,000.

Discussion.

THE MOTION CARRIED UNANIMOUSLY.

MOVED BY COMM. SCHAFER, SUPPORTED BY COMM. CRENshaw, TO SUSPEND THE RULES TO ALLOW FOR COMMISSIONER CELENTINO TO VOTE ON AGENDA ITEMS NO. 1A AND 1B, 2, 3A, AND 5.

THE MOTION CARRIED UNANIMOUSLY.

Commissioner Celentino stated he voted in favor of all resolutions on the agenda.

3. Public Defenders Office
   b. Quarterly Update (informational item)

Russel Church, Chief Public Defender, provided the Law & Courts Committee a Quarterly Update on the Public Defenders Office.

Commissioner Crenshaw asked Mr. Church what it would cost someone for an outside attorney when they had a conflict issue.

Mr. Church stated it would cost $85 across the board.

Commissioner Crenshaw asked Mr. Church what the approximate amount of time that individual spent on the case.
Mr. Church stated that it depended on the case. He further stated that, for example, his office had undertaken conflict appointments for misdemeanors cases, which cost $500 to $800 a piece, and so his office was trying to be judicious about conflict appointment unless there was a clear conflict or a judge ruled that a lawyer could withdraw.

Commissioner Schafer asked Mr. Church if his office had a line-item budget for outside contracts of that nature.

Mr. Church stated that his office had a budget for conflict attorneys, which was $300,000 this year, but he worried if that amount would not be enough because there were so many cases in the pipeline, and ordinarily the County would spend double that amount.

Commissioner Schafer asked if this was similar to caseworkers for children with special needs, where a parent was never satisfied with the attorney.

Mr. Church stated it would be a judge’s call. He further stated that some judges would only give one attorney, and would rarely give them a third attorney.

Mr. Church stated that some judges were more lenient on that issue than others.

Commissioner Schafer asked if he would make recommendations one way or another.

Mr. Church stated that it would probably not be appropriate for his office to insert itself at that level, as the judge had the ultimate obligation to protect his or her record. He further stated that if the relationship was that tainted, the defenders would be spending a lot of time and effort trying to fight whether or not the appointment of a new lawyer was needed.

Mr. Church stated that his office had $24,000 in the budget to hire someone to take over that function. He further stated that, when he budgeted that fund, he thought about the combined manage-counsel program in Clinton and Eaton County in which private attorneys had taken over these cases from the judges.

Mr. Church, further provided the Law & Courts Committee a Quarterly Update on the Public Defenders Office.

Chairperson Slaughter asked if he was directly managing those conflicts.

Mr. Church stated yes. He further stated that when those cases come to the office, he determined the level of attorney needed for that case, and then that case would be sent out to a dozen attorneys, and the first one who responded received the case.

Mr. Church stated that this process insulated the case if the defendant complained.

Mr. Church further provided the Law & Courts Committee a Quarterly Update on the Public Defenders Office.
Commissioner Crenshaw stated that Mr. Church had touched on the subject of law students who had done their first appearance. He further asked how that coincided with the intent of counsel at first appearance, and if the students were going into the hearings and representing the individual.

Mr. Church stated that there was a special Supreme Court rule that allowed law school students to do a limited practice. He further stated that the only limitation was that students could not argue in a situation where an individual was being incarcerated.

Mr. Church stated that he told his lawyers to be present in the bond arguments because there was the possibility that the judge would not like the personal recognizance bond argument, and would look to set a secured bond and incarcerating a defendant who walked in.

Mr. Church stated that he had two attorneys at the bond arguments, but the law school students were doing most of the walk-in interviews. He further stated that the walk-in interviews in the morning ranged from six or seven to a dozen or more, and the two students had been a lot of help.

Mr. Church further provided the Law & Courts Committee a Quarterly Update on the Public Defenders Office.

Commissioner Polsdofer asked, in terms of child support, if there would be a threshold to penalize individuals who were flagrant ignores.

Mr. Church stated that it could be, but he had never seen someone fix a child support suspension. He further stated that, as a prosecutor, he would typically give a suspension about ninety days, but he could not think of a situation where an individual recommended lifting the suspension.

Discussion.

Chairperson Slaughter stated that the Michigan Joint Task Force on Jail and Pretrial Incarceration had found that driver’s license suspension was one of the main reasons for why Black people were being put into jails.

Mr. Church stated that there were 375,000 driver’s license suspensions in 2018 and 60% of those suspensions were for people of color.

Chairperson Slaughter stated that he looked forward to seeing the data in April. He further thanked Mr. Church for coming before the Law & Courts Committee.


Chairperson Slaughter stated that the letter explained that Attorney General Dana Nessel was working to provide a formal opinion to the Board of Commissioners concerning the Animal Control Department and a proposed animal control ordinance.
Commissioner Celentino stated that he read the letter to explain that the Board of Commissioners had done something incorrectly.

Commissioner Crenshaw stated that in the Law & Courts Committee in 2019, there had been a request for the committee to pass a resolution concerning ducks, but after the committee looked at the dog statute, there had been ambiguity as to whether the committee could regulate chickens. He further stated that the formal opinion concerned whether the committee could move forward with the current dog statute.

Discussion.

Commissioner Crenshaw stated that the one piece of information that he had received one of State Representative Sarah Anthony’s staff members was that her staff had to structure the request as an overall state issue because the dog statute applied to the entire state. He further stated that that could be a reason for why the formal opinion could take longer than normal.

Announcements

None.

Public Comment

None.

Adjournment

The meeting was adjourned at 6:40 p.m.