



CLERK

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MANISTEE/BENZIE PUBLIC DEFENDER COMMITTEE

Monday, April 19, 2021
3:00 p.m.

Manistee County Courthouse & Government Center
Board of Commissioners Meeting Room

MINUTES

Members Present: Jeff Dontz, Chairman, Manistee County Commissioner; Richard Schmidt (on-line via Zoom, Maple Grove Twp.) Manistee County Commissioner; Gary Sauer, Benzie County Commissioner; Rhonda Nye, Benzie County Commissioner.

Members Absent: Karen Goodman, Manistee County Commissioner

Others Present: Lisa Sagala, Manistee County Administrator/Controller; Mitch Diesch, Benzie County Administrator; Jared Henry, Chief Public Defender; Gabriel Mattice, 85th District Court Magistrate (present 3:15 p.m.-3:24 p.m.); Ryan Snay, Executive Secretary, Prosecutor's Office; Dawn Olney, Benzie County Clerk; and Jill M. Nowak, Manistee County Clerk.

The meeting was called to Order at 3:00 p.m.

The County Board and its Committees are operating remotely and electronically by Zoom under the Manistee County Board of Commissioners Resolution #2020-17, which declared a Local State of Emergency through December 31, 2021 due to the COVID-19 pandemic.

PUBLIC COMMENT

None.

FY 2022 MIDC GRANT APPLICATION/BUDGET

Jared Henry, Chief Public Defender, appeared before the Committee to discuss the FY 2022 MIDC Grant Application/Budget, Compliance Plan and Fiscal Report. The past Compliance Plans had four (4) Standards and this year's Plan is different because it is required to include Standard five (5). Standard 5 removes the court system as much as possible from the process in providing indigent defense. It limits the court's role to three (3) things: informing the defendants of their rights, the determination of indigency, and can refer the defendant to the appropriate agencies. Currently, all cases that come to the Public Defenders Office (PDO) are reviewed by Mr. Henry and he assigns an attorney. If there is a conflict with representation of the defendant, the case is assigned to a conflict attorney. Presently, there is a roster of six (6) conflict attorneys. The average number of conflict cases between Manistee and Benzie Counties was 8.3 conflict cases per quarter. However, in last quarter in 2020 and the first quarter of 2021, conflict cases have doubled.

CONFLICT ADMINISTRATOR

In accordance with Standard 5, if a conflict attorney needs an expert witness, who do they go to? Mr. Henry can't help them because the Public Defenders Office does not represent the defendant. They can't go to the court because of Standard 5. The Regional Manager suggests hiring a Conflict Administrator. An RFP would be done for this purpose because an attorney has to supervise an attorney (not a lay person). The RFP for a Conflict Administrator position vacancy will be sent to local firms and attorneys and will be posted on the County's website and/or local newspapers. An attorney or law firm would be hired to administer conflict cases. The position would be paid an hourly rate of \$100 per hour and work approximately 12 hours per month, totaling \$14,400 per year. An increase in State grant funding for conflict attorneys and conflict administration as well as maybe a small increase for expert witness fees will be budgeted. The budget is due Tuesday, April 27, 2021. Even though there are these known budgeted increases, budgets for the local match of both Manistee and Benzie Counties will decrease due to the Consumer Price Index (CPI) decreasing.

CASE MANAGER/SOCIAL WORKER IN THE PUBLIC DEFENDERS'S OFFICE

There has been documentation regarding a Peer Support Specialist/Social Workers/Case Manager being involved in the Public Defender's Office. Mr. Henry is not looking to provide direct services but rather a Peer Support Specialist who works with the Defendants, makes sure they are put in contact with the right agencies and services, and make sure the defendants are doing their part. There have been pilot projects in some Counties where the Peer Support Specialist would work with the Defendants and write Advocacy Reports and there was a benefit found in this program. If the State will pay for this service and it will offer a higher level of service to our communities and not affect the local budget, why not do it? A decision making the Peer Support Specialist a contract employee (maybe through Centra Wellness Network) or a

county employee would need to be made. Mr. Henry believes the need is for a full time position. The Specialist would be working with clients, outreach for programming and preparing Advocacy Reports for Pre-trial and while out on bond. The outcome of this program would be tracked.

It was a consensus to include the Peer Support Specialist in the budget as long as the local budgets are not affected.

OTHER ITEMS FROM COMMITTEE MEMBERS AND STAFF

Mr. Henry stated the clients the office serves are pleased with the services offered and have seen a noticeable difference.

The meeting was adjourned at the Call of the Chair at 3:36 p.m.

MANISTEE COUNTY

BENZIE COUNTY

Absent

Karen Goodman
Manistee County Commissioner

Gary Sauer
Benzie County Commissioner

Jeff Dontz
Manistee County Commissioner

Rhonda Nye
Benzie County Commissioner

Richard Schmidt
Manistee County Commissioner