





Annual Report

Office of the Public Defender,
Allegan Van Buren Counties

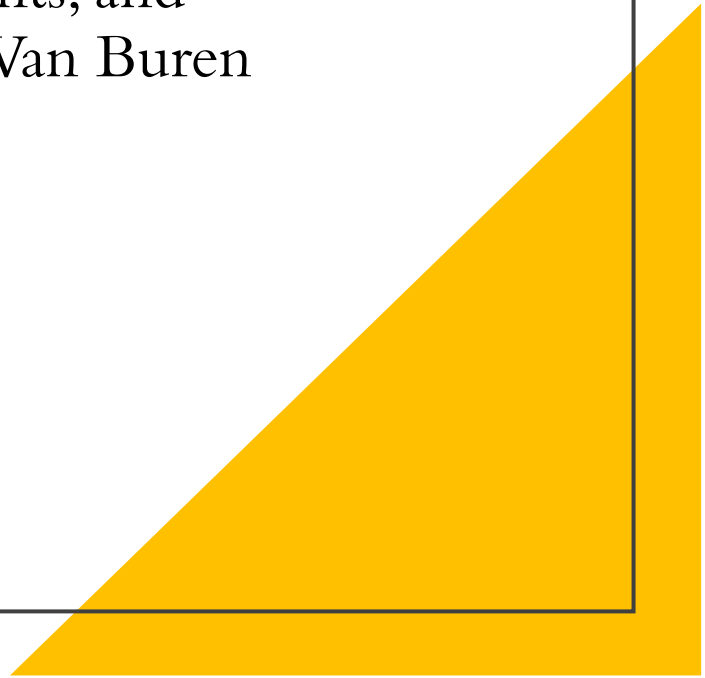
Our Mission:

The Regional Office of the Public Defender engages in stewardship that ensures that it zealously delivers quality, holistic public defense services to all eligible adults charged with a criminal offense in Allegan and Van Buren Counties.



Annual Report Theme '23

"Our relationship with MIDC has paid dividends for our clients, and the people of Allegan and Van Buren Counties."

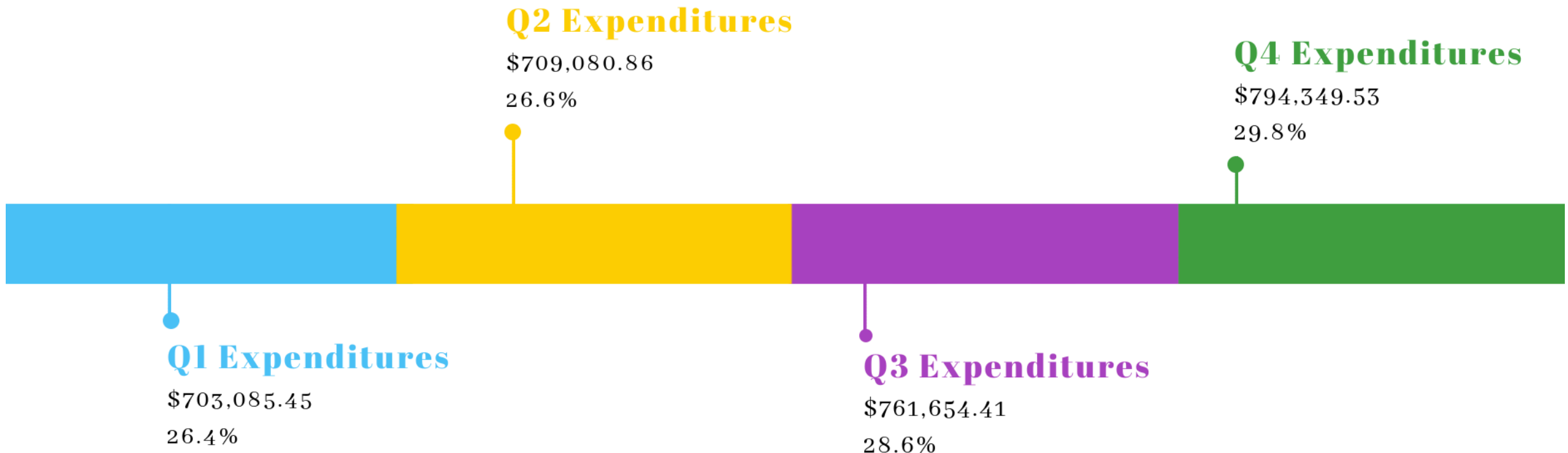


Collaboration: Budget

"Those at the bottom compete, those at the top collaborate"

MIDC Financial Compliance

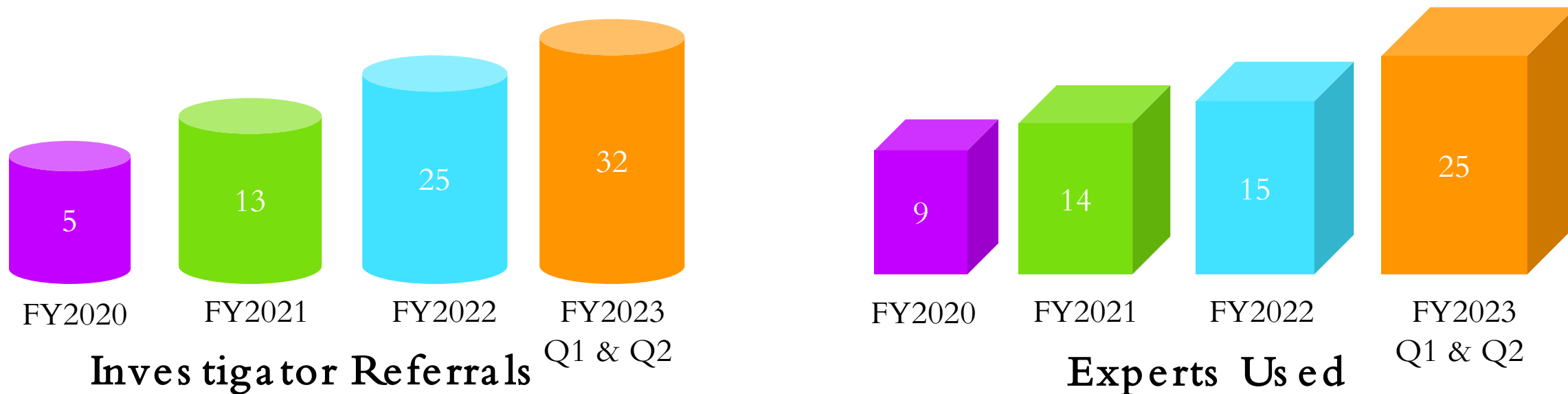
2022 Expense Budget: \$2,662,839.98, 100%



Collaboration: Compliance Plan/Standards

"Those at the bottom compete, those at the top collaborate"

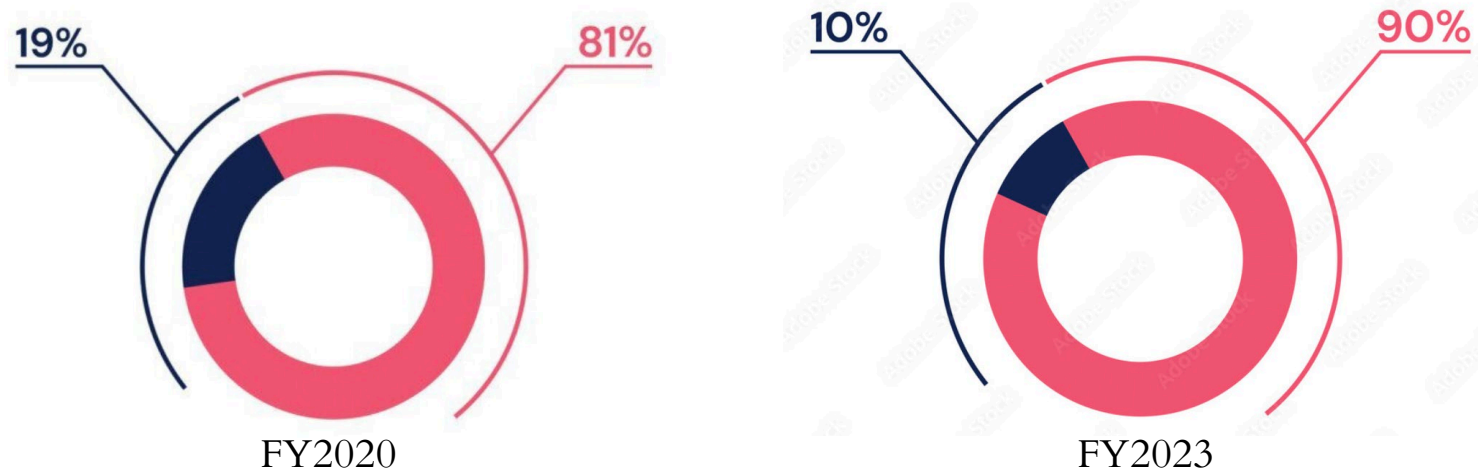
Utilization of MIDC Standard 3 (experts and investigators)



Collaboration: Compliance Plan/Standards

"Those at the bottom compete, those at the top collaborate"

Utilization of MIDC Standard 4 (Counsel at First Appearance and Other Critical Stages)



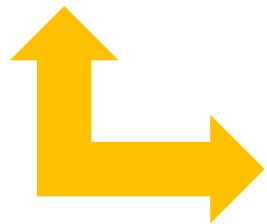
Covered Arraignments
Not Covered Arraignments

Collaboration: Compliance Plan/Standards

"Those at the bottom compete, those at the top collaborate"

MIDC Standard 5 (Independence from the Judiciary)

★2023 Process★



OPD determines indigency based on:

- MIDC Standards
- Michigan Law

Factors Include:

- Receipt of State benefits
- Amount and source of household income
- Debts
- Changes in financial condition

OPD:

- Either finds defendant to be indigent or denies appointment of counsel
- Makes case assignment upon internal determination of indigency
- Defendant may appeal that determination to the court



Collaboration: Compliance Plan/Standards

"Those at the bottom compete, those at the top collaborate"

MIDC Proposed Standard 8 (Attorney Compensation)

 Anticipated FY2024 OPD compliance 

Staff Attorneys

Compensated in accordance with prosecutor parity and based on wage studies of comparable systems

Roster Attorneys

- \$125 per hour for misdemeanors
- \$135 per hour for low-severity felonies
- \$145 per hour for high felonies

Holistic Defense Project

★3 BIG Wins★

"Those at the bottom compete, those at the top collaborate"

Holistic Defense
Fellowship Program in
collaboration with Wayne
State University and
MIDC



Implementation of
MIDC Training
Opportunities for
attorneys representing
juvenile justice cases



Work with the Allegan
County Sheriff's
Department/Jail





Looking Forward...

★Office of the Public Defender continues to wish to lead in the implementation of:

- Reforms
- Holistic Defense Principles

★Office of the Public Defender has been & will continue to seek out those opportunities for the benefit of our clients

OFFICE OF THE PUBLIC DEFENDER, Allegan Van Buren Counties

2023 Annual Report



Chief Public Defender, Chad D. Catalino

Presentation Dates:

July 27, 2023, Allegan County
June 27, 2023, Van Buren County

www.allegancounty.org/courts-law-enforcement/public-defender

OFFICE OF THE PUBLIC DEFENDER

Our Purpose and Mission

The Regional Office of the Public Defender engages in stewardship that ensures that it zealously delivers quality, holistic public defense services to all eligible adults charged with a criminal offense in Allegan and Van Buren Counties.

Our Vision

To carry out this purpose, the Public Defender's Office:

1. Monitors compliance with MIDC standards and constitutional requirements;
2. Develops, implements and reviews best practices;
3. Develops relationships with community resources and stakeholders to support clients;
4. Recognizes the value and potential of each client and connects them with community resources beyond the legal process.
5. Exercises good stewardship of public funds;
6. Collects and analyzes data to assess the impact of the Office's work and inform its decisions in relation to its standards and constitutionally effective assistance of counsel;
7. Provide a safe environment for clients and staff.

The Office of the Public Defender's (OPD) Staff and Roster attorneys are committed to and take pride in serving indigent defendants in Allegan and Van Buren Counties with zealously and sincerity. OPD is equally committed to continuous improvement through organizational and process review as well as the implementation of innovative Holistic Defense ideas. This purpose is accomplished through:

- regularly scheduled MIDC meetings;
- regularly scheduled stakeholder collaboration meetings;
- regularly scheduled staff meetings;
- regularly scheduled roster attorney meetings;
- participation in leadership meetings;
- regular collaboration with Allegan and Van Buren County Administration.

OPD's Allegan Office is staffed by:

- The Chief Public Defender (on a rotational basis);
- The Deputy Chief Public Defender (on a rotational basis);
- Four (4) Assistant Public Defenders;
- One (1) Legal Assistant (assigned);
- One (1) Legal Assistant (on a rotational basis);
- One (1) Social Worker;
- One (1) Investigator (on a rotational basis);
- One (1) Office Coordinator (on a rotational basis);
- OPD has twelve (12) roster attorneys serving out of Allegan County.

OPD's Van Buren Office is staffed by:

- The Chief Public Defender (on a rotational basis);
- The Deputy Chief Public Defender (on a rotational basis);
- Three (3) Assistant Public Defenders;
- One (1) Law Clerk, to become an Assistant Public Defender
- One (1) Legal Assistant (assigned);
- One (1) Legal Assistant (on a rotational basis);
- One (1) Social Worker;
- One (1) Investigator (on a rotational basis);
- One (1) Office Coordinator (on a rotational basis);
- OPD has ten (10) roster attorneys serving out of Van Buren County.

OPD's Assistant Public Defenders are engaged in all manner of representation related to the litigation of criminal cases for indigent defendants. The Assistant Public Defenders conduct hearing preparation prior to all representation as well as conduct Arraignment Hearings, Probable Cause Conferences, Preliminary Examinations, Pretrials, Motion Hearings, Trials, Sentencing Hearings, Interlocutory Appeals, Probation Violation Show Cause Hearings, Probation Violations Hearings, as well as are instrumental in collecting all data related to OPD's MIDC Standards. OPD's Assistant Public Defenders have also been instrumental in implementing and refining OPD's Legal Internship Program through Michigan State University College of Law, and Indiana University.

OPD's Roster Attorneys are also engaged in all manner of representation related to the litigation of criminal cases for indigent defendants. The Roster Attorneys are responsible for the same litigation work as the Assistant Public Defenders, however they are not generally responsible for providing arraignment representation nor are they primarily responsible for significant data collection related to OPD's MIDC Standards.

OPD's Legal Assistants are responsible for the assignment of cases to the Staff and Roster Attorneys, which includes all administrative assignment support to the Staff and Roster attorneys. Additionally, the Legal Assistants provide litigation and administrative support for the Staff Attorneys related to the litigation of their cases. Moreover, OPD's Legal Assistants are significantly responsible for ensuring the collection and organization of MIDC data related to MIDC Standards. Finally, OPD's Legal Assistants are responsible for the first level of operational interaction with both OPD's stakeholders and OPD's clients.

OPD's Social Workers provide Holistic Defense support to indigent defendants as part of OPD's integrated, interdisciplinary defense team. OPD's Social Workers help OPD provide clients with, (a) Seamless access to services that meet legal and social support needs; (b) Dynamic, interdisciplinary communication; (c) Advocacy tied to an interdisciplinary skillset; and (d) a robust understanding of, and connection to, the Allegan and Van Buren communities. OPD's Social Workers are instrumental in client advocacy in partnership with OPD's Staff and Roster Attorneys; developing partnerships with various stakeholders related to Holistic Defense services; developing community outreach programs; as well as a myriad of other high level Holistic Defense services. OPD's Social Workers have also been instrumental in implementing and refining OPD's Social Worker Internship Program through Grand Valley State University, Hope College, Andrews University and Western Michigan University.

OPD'S Investigator provides professional investigative services to the Staff and Roster Attorneys accepting indigent defense cases in Allegan and Van Buren Counties. OPD's investigator provides Staff and Roster Attorneys with best practice investigative implementation; integrated defense training to allow OPD's Staff and Roster Attorneys the best opportunity to better identify those cases in need of investigative and expert assistance; engages in community outreach as part of the investigator's work in our communities; and is paramount in OPD developing effective working relationships with law enforcement organizations within our community. Additionally, OPD's investigator is an integral member of the West Michigan Regional Investigator's Association, which is a formalized group of investigators made up of investigators, Chief Public Defenders, and Deputy Chief Public Defenders from Public Defender's Offices throughout West Michigan and has tasked itself with, (1) strategic planning relating to investigative best practice initiatives throughout Michigan; (2) increasing funding and the availability of training opportunities for professional public defense investigators in West Michigan and across the State of Michigan; (3) increasing the understanding that public defense investigators are professional assets within an overall public defense team; and (4) working to increase relationships with public defense offices and public defense investigators across the State of Michigan to facilitate client centered and zealous representation of indigent defendants.

OPD's Staff, Roster Attorneys and their Staff have embraced OPD's view that we are a professional indigent defense law firm where indigent defendants will receive the highest level of representation available, regardless of a client's ability to pay. The embracing of this core principle is evidenced in the Staff, Roster Attorneys and their Staff's willingness to implement MIDC's Standards and engage in client centered representation of indigent defendants. Moreover, OPD's Staff, Roster Attorneys and their Staff have routinely sought out opportunities to engage in indigent defense reforms beyond the minimum standards, and worked to maximize the improvements that OPD has led in the overhaul of Michigan's Indigent Defense System. The leadership that OPD's Staff, Roster Attorneys and their Staff are providing in changing attitudes regarding indigent defense representation is generating a greater confidence in OPD and the criminal justice system in Allegan and Van Buren Counties as a whole.

As always, OPD expresses its most sincere appreciation and gratitude to all of the Office of the Public Defender's Staff and Roster attorneys and their Staff for their dedication and hard work. Without them, OPD would be unable to provide exceptional service to indigent clients and our community at large. I, the Staff, and the Roster Attorneys and their Staff are honored to serve the people of Allegan and Van Buren Counties in a manner that continues to build trust and confidence in OPD's representation of its clients.

The Staff of the Office of the Public Defender



Chad Catalino
Chief Public Defender



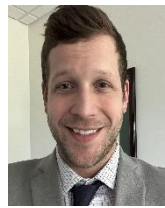
Manda Mitteer
Deputy Chief Public Defender



Christopher Henry
Assistant Public Defender



McKaylyn Mitrzyk
Assistant Public Defender



Jordan Sayfie
Assistant Public Defender



Dario Sierra
Assistant Public Defender



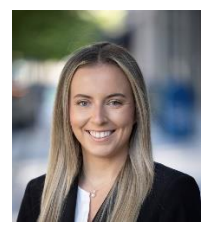
Mariah Silverstein
Assistant Public Defender



Scott Jessen
Assistant Public Defender



Tess Strasser
Assistant Public Defender



Brittany Macaddino
Law Clerk



Whitney Gibson
Supervising Social Worker



Julie Robbins
Office Coordinator



Lacey Willsea-Honicutt
Legal Specialist



Emily Feaster
Social Worker



Mike Kalbfleisch
Investigator



Sarah Bevins
Legal Specialist

Roster Attorneys of the Office of the Public Defender

Allegan

Matthew Antkoviak
Christopher Burnett
Richard Catalino
Nick Dondzilla
Fredrick Jensen
Paul Klein
Suzanne Klein
Mike McEwen
Michael McNerney
Horia Neagos
Jason Siffert
Laurie Tange

Van Buren

Richard Catalino
Nichole Dunfield
Caleb Grimes
M. Zoe Hutchins
Suzanne Klein
James Kolosowsky
Roland Lindh
Horia Neagos
Alexis Runowski
Gary Stewart

OPD has contracted with twelve (12) Roster Attorneys who serve indigent defendants in Allegan County; a forty-two (42%) percent increase in available contracted Roster Attorneys in Allegan County compared to 2022. OPD has contracted with ten (10) Roster Attorneys in Van Buren County; a thirty (30%) percent increase in available contracted Roster Attorneys in Van Buren County compared to 2022. Roster Attorneys Richard Catalino, Suzanne Klein and Horia Neagos serve in a regional capacity in both Allegan and Van Buren Counties; a sixty-six (66%) percent increase in available contracted Roster Attorneys serving in a regional capacity compared to 2022.

Additionally, OPD continues to utilize Andis Sivikis, Michael Villar, and Richard Catalino to take on special case assignments as well as provide MIDC authorized mentoring to OPD's less experienced attorneys. These special case assignments have allowed OPD to manage the complications associated with high level felony litigation; provide case assignment relief to the rotational Roster Attorneys; and provide significant trial level litigation mentoring to those attorneys who have limited expertise in high level felony litigation.

As noted above, OPD has experienced perceptible increases of available roster attorneys through our recruitment efforts. While OPD continues to recruit through MIDC, regional bar associations, law schools, judges, attorneys, regional private law firms and OPD's cadre of former legal interns, OPD's word-of-mouth recruitment efforts appear to have provided significant recruitment dividends. OPD's conversations with current and newly contracted Roster Attorneys evidences that OPD's competitive compensation, easy to navigate Standard Operating Procedures, and supportive culture are the primary enunciated reasons that Roster Attorneys recommend that other attorneys throughout West Michigan seek opportunities to represent indigent defendants through the regional Office of the Public Defender, Allegan Van Buren Counties. OPD will continue to utilize all available resources to recruit and retain qualified, high level, indigent defense litigators to our community.

HOLISTIC DEFENSE PROJECT

Prior to the development of the Office of the Public Defender, Allegan Van Buren Counties, Chad D. Catalino and Manda Mitteer were awarded a technical assistance grant through the Bronx Public Defender's Office's Holistic Defense Project. Through that technical assistance grant Chad D. Catalino and Manda Mitteer began implementing Holistic Defense in indigent defense cases in Muskegon Michigan. Upon becoming Director OPD, Chad D. Catalino, began implementing the Holistic Defense Model within the indigent defense system in Allegan and Van Buren Counties.

The four pillars of the Holistic Defense model include:

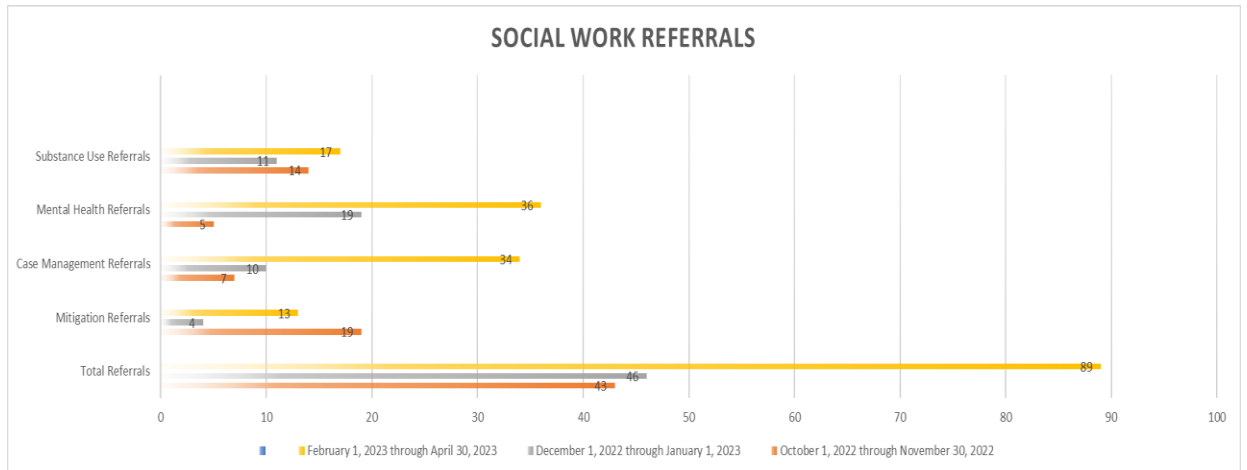
- (a) Seamless access to services that meet legal and social support needs
- (b) Dynamic, interdisciplinary communication;
- (c) Advocacy tied to an interdisciplinary skillset;
- (d) A robust understanding of, and connection to, the served community.

While it is difficult to objectively measure outcomes related to OPD's Holistic Defense Project, OPD's leadership has determined that OPD's most relevant operational Holistic Defense Model measurements are related to OPD's implementation of the four (4) pillars of Holistic Defense.

FOUR PILLARS OF HOLISTIC DEFENSE

Holistic Defense Pillar 1 – Seamless access to services that meet legal and social support needs.

	Total Referrals	Mitigation Referrals	Case Mgmt Referrals	Mental Health Referrals	Substance Use Referrals
October 1, 2022 through November 30, 2022	43	19	7	5	14
December 1, 2022 through January 1, 2023	46	4	10	19	11
February 1, 2023 through April 30, 2023	89	13	34	36	17



As it relates to Holistic Defense Pillar 1, OPD experienced a 51.6% increase in Social Work referrals in the six (6) months between October 1, 2022 and April 30, 2023. This increase evidences the fact that OPD’s Staff and Roster Attorneys are advocating regarding the interplay between their clients’ legal needs and their clients’ social support needs.

This advocacy has had a profound impact on individual clients. OPD has witnessed an increase in youthful offenders receiving the statutory benefit of HYTA. OPD has witnessed a decrease in defendants being remanded to the Michigan Department of Corrections. OPD has witnessed an increase in the courts more heavily utilizing sentences that allow defendants to utilize a myriad of substance use disorder (SUD) treatment facilities, facilities that were previously underutilized as treatment options. OPD has witnessed an increase in the use of probationary sentences as compared to incarceration sentences for eligible defendants. Finally, this advocacy has led the sentencing courts to be more fully appraised of a defendant’s current legal and social circumstances thereby allowing the sentencing courts to fashion a sentence that takes into account the defendant’s full circumstances and thus meet the courts’ statutory obligation that sentences be fashioned taking into account the individual needs of each individual defendant.

Holistic Defense Pillar 2 – Dynamic, interdisciplinary communication.

As OPD began implementing its Holistic Defense project, it became self-evident that this new way of practicing indigent defense law in Allegan and Van Buren Counties would require significant buy in from the Staff and Roster Attorneys. Those attorneys who had not previously practiced pursuant to this model had not had the time to build the experience necessary to fully realize the benefits of this Holistic Defense Model and its correlating impact on the client centered approach to practice. Moreover, those Staff and Roster Attorneys did not have the time to develop an understanding of the extent to which social workers were an integral part of developing helpful communication strategies with clients and the courts. As this became self-evident, it became incumbent upon OPD’s leadership to model this method of practice and continuously communicate how this method of practice would benefit indigent defense clients in Allegan and Van Buren Counties.

The above cited data objectively evidences the fact that the referenced modeling behavior and communication strategies have proved fruitful. The data objectively evidences that, as OPD has increased its communication strategies regarding the Holistic Defense Model, Staff and Roster Attorneys are more readily making beneficial referrals to OPD Social Workers, thereby directly benefitting OPD clients. The data objectively evidences the fact that OPD's in-house trainings that OPD's Social Workers have conducted; the Social Workers' visibility in the courthouses, the jails and with the clients; the Social Workers' availability to immediately discuss issues with the Staff and Roster Attorneys, have provided OPD Staff and Roster Attorneys with the requisite experience to better understand the beneficial impact that the Holistic Defense Model has upon an indigent defendant's overall representation. OPD will continue to utilize its available communication and modeling strategies to work to increase the benefits outlined in Holistic Defense Pillar 2.

Holistic Defense Pillar 3 – Advocacy tied to an interdisciplinary skillset.

The Holistic Defense Model asks OPD's Staff, Staff Attorneys, Roster Attorneys and Social Workers to work to understand and apply each of the varying academic disciplines within OPD to the representation of our clients. The above cited data evidences the fact that OPD is making strides in the application of this Holistic Defense Pillar. Between October 1, 2022 and November 30, 2022, OPD Social Workers received only five (5) mental health referrals. That number increased to nineteen (19) mental health referrals between December 1, 2022 and January 1, 2023. A seventy-four (74%) percent increase in mental health referrals to OPD Social Workers during that period of time. Between February 1, 2023 and April 30, 2023 OPD Social Workers received a total of thirty-six (36) mental health referrals. An additional fifty-five (55%) percent increase in mental health referrals during that period of time. This objectively evidences the fact that OPD Staff and Roster Attorneys, are being trained to better identify a client's mental health issues and thus better identify how the interdisciplinary team of OPD Social Workers are able to locate and secure social services that may beneficially impact the client's legal representation.

Likewise, OPD Social Workers were engaged in the drafting and advocacy related to thirty-four (34) mitigation reports during the six (6) month period between October 1, 2022 and April 30, 2023. These mitigation reports are designed to provide the sentencing court with a more detailed legal and social analysis of a specific client's circumstances thereby providing the sentencing court with an increased ability to fashion an individualized sentence pursuant to the court's statutory obligations. The fact that OPD's Social Workers were engaged in this type of work on thirty-four (34) separate occasions during the outlined time frame objectively evidences the fact that OPD Social Workers are being trained to better identify the interplay between legal and social issues that may have an impact upon the sentencing court. This has allowed OPD Social Workers to be a more integral member of the interdisciplinary defense team and thus beneficially impact the client's representation.

While there is objective data evidencing that members of OPD are making strides in learning each of the varying academic disciplines within OPD, the data further suggests that there is room to improve in this realm. Specifically, there were decreases in two categories of referrals between October 1, 2022 and January 1, 2023. OPD leadership must continue to develop

communication strategies relevant to increasing OPD's members' utilization of interdisciplinary skill sets.

Holistic Defense Pillar 4 -- A robust understanding of, and connection to, the served community.

Holistic Defense Pillar 4 is derived from the realization that the advocate who most fully understands their client's community will be in a better position to provide that client with community resources thereby allowing the defense team to better advocate for a client's legal and social needs. OPD has undertaken the following community outreach projects in an effort to better connect with our community and to better connect our clients with needed and available legal and social services.

1. Quarterly meetings with Allegan County Health Department.
2. Quarterly meetings with OnPoint.
3. Supervising Social Worker joined the Multi-Agency Collaborative Council (MACC).
4. Collaboration with Allegan County Community Health Improvement Plan (CHIP), focusing on housing issues.
5. Member Allegan Overdose Fatality Review Board.
6. Partnership with OnPoint regarding Narcan kit distribution.
7. Partnership with The Red Project.
8. Partnership with Carole's Hope related to the Southwest Michigan Behavioral Health (SWMBH) SUD assessment processing, treatment and transportation assistance.
9. Christmas Drive in support of the Daily Recovery Zone, Van Buren County.
10. OPD's Supervising Social Worker is the Chairperson for the Michigan Public Defender's Social Worker workgroup.
11. Partnership with Grand Valley State University Social Work internship development department.
12. Partnership with Hope College Social Work internship development department.
13. Partnership with Andrews University Social Work internship development department.
14. Partnership with Western Michigan University Social Work internship development department.
15. Speakers at Cornerstone University's Social Work Round Table.
16. Speaker at Cornerstone University regarding Holistic Defense.
17. OPD Van Buren Social Worker partnership with MIDC's Research Director working to develop data collection best practice standards for public defense social workers.
18. Partnership with Daily Recovery Zone and Van Buren County Sheriff's Office to implement Narcotics Anonymous Meetings in the Van Buren County Jail.
19. In-house trainings presented to Staff.
20. In-house trainings presented to Roster Attorneys.
21. OPD conducted Holistic Defense Training for Michigan based Public Defender's Offices.
22. OPD conducted Holistic Defense Training for Colorado's State Public Defender Office.
23. OPD conducted Holistic Defense Training for New Mexico's State Public Defender.

24. OPD conducted Holistic Defense Training for Barristers in London England.

OPD will continue to seek out and participate in community outreach projects thereby allowing OPD members to better understand and participate in the community we serve. In turn, this will allow OPD additional opportunities to be more aware of existing resources and help develop resources that do not yet exist in order to meet the legal and social needs of our clients. OPD would like to thank our community partners for so readily working with OPD for the benefit of the underprivileged within our community. Additionally, OPD would like to thank OPD Supervising Social Worker Whitney Gibson, OPD Social Worker Emily Feaster, OPD Social Work Intern Sophie Lupini, OPD Social Work Intern Jenna Thornton, OPD Social Work Intern Morgan Roesler, and OPD Social Work Intern (Jacquelynn) Lynn Zehm for their tireless work in helping OPD continue to build its Holistic Defense Project thereby providing OPD clients with a more client centered and complete level of representation.

On-Going Issues.

Holistic Defense requires OPD to be vigilant in its identification of legal and social issues affecting our communities. Holistic Defense requires OPD to work at the individual, court, community, state and federal levels to advocate for the legal and social needs of our clients in an effort to reduce recidivism and provide our clients with viable paths to return to the community subsequent to paying their debt to society for convicted behaviors. As OPD continues to build its Holistic Defense Project, OPD has identified on going issues of concern, which OPD will continue to work to address in the coming years.

1. Lack of transportation resources. A lack of transportation resources has a significantly determinantal impact on defendants' ability to engage in treatment, to meet probation obligations, and secure employment, thereby further impacting the criminal justice systems in Allegan and Van Buren Counties. For example, without transportation defendants are unable to attend community-based SUD treatment. If community-based SUD treatment is a condition of probation, then a failure to attend that treatment results in a probation violation. The probation violation results in a re-sentencing that potentially incurs additional incarceration, which also incurs additional expenses to the individual and the county. This impacts the defendant's ability to maintain employment, thereby reducing the ability of the defendant to pay restitution to a victim. Thus, the lack of viable transportation resources may have a lasting impact on the ability of a defendant to viably reintegrate into society and provide required restitution to the victim of their crime. This is an issue that OPD will continue to address.
2. Lack of housing resources. A lack of housing resources has a significantly determinantal impact on a defendants' ability to return to society as a productive citizen. Should a defendant return from jail without housing, the defendant often feels that a return to criminal behavior is necessary to meet their basic survival needs. Furthermore, as the defendant does not have housing, and thus no real connection to the community, there

is a lack of understanding of the societal impact of a defendant's behavior on their neighborhood, as they are not connected to a neighborhood. This in turn leads to probation violations, additional criminal charges and a cycle of incarceration with the attached lack of restitution to a victim. Thus, a lack of viable housing resources may have a lasting impact on the community's ability to reduce its crime and recidivism rate. This is an issue that OPD will continue to address.

3. Increasing Roster Attorney buy-in related to OPD's Holistic Defense project. While OPD has seen a significant improvement in the Roster Attorneys' practice of Holistic Defense, more work needs to be done. The modeling of the Holistic Defense practice needs to increase, which will demonstrate the positive impact that this method of practice has on indigent defense representation as well as the community as a whole. OPD's leadership needs to continue its communication campaign regarding the benefits of its Holistic Defense practice, which, again, will demonstrate the positive impact that this method of practice has on indigent defense representation as well as the community as a whole.

Overall, a mere four (4) years into implementing OPD's Holistic Defense Project in Allegan and Van Buren Counties, OPD has witnessed a myriad of benefits related to its Holistic representation of clients as well as to its community outreach programs. There appears to be significant support in the community related to OPD's Holistic Defense practice. However, there is more to be done. OPD will continue to develop its Holistic Defense Project in conjunction with its community partners and MIDC in an effort to increase its sustainability within our community for years to come.

COMPLIANCE

In September 2019 OPD became fully operational. Over the course of the following four (4) years OPD, in conjunction with MIDC and County Administration, determined that OPD's most relevant operational measures related to OPD's compliance with MIDC standards. MIDC Standards 1 through 5 have been approved by LARA and OPD is in compliance with those standards. MIDC Standard "Indigency" has also been approved by LARA and OPD is in compliance with that Standard. MIDC Standards 6-8 are still proposed standards, however OPD has been in substantial compliance with proposed Standards 6-8 for the majority of its operational history. The remaining portion of this annual report is intended to provide insight into OPD's compliance and provide the Board of Commissioners, Stakeholders and our Community an opportunity to better understand OPD's compliance measurements.

COMPLIANCE WITH APPROVED MIDC STANDARDS

MIDC Standard 1 – Education and Training of Defense Counsel

MIDC Relevant Measurements:

1. Knowledge of the law.
2. Knowledge of scientific evidence and applicable defenses.
3. Knowledge of technology.
4. Continuing education (12 hours of Continuing Legal Education)

OPD Compliance:

- 2019: All Staff Attorneys and Roster Attorneys, except for one (1) Roster Attorney, met the twelve (12) hours of Continuing Legal Education requirement.
Relating to the one (1) Roster Attorney who failed to comply with MIDC Standard 1, a corrective action plan was implemented and that Roster Attorney corrected the failure by January 31, 2020 and was reinstated.
- 2020: All Staff and Roster Attorneys met the 12 hours of Continuing Legal Education requirement.
- 2021: All Staff and Roster Attorneys met the 12 hours of Continuing Legal Education requirement.
- 2022: All Staff and Roster Attorneys met the 12 hours of Continuing Legal Education requirement.
- 2023: All Staff and Roster Attorneys are tracking to meet the 12 hours of Continuing Legal Education requirement and a substantial portion of our Staff and Roster Attorneys are tracking to exceed this minimum standard.

While MIDC Standard 1 calls for all attorneys accepting indigent defense cases to complete twelve (12) hours of Continuing Legal Education, the Staff and Roster Attorneys of OPD are routinely exceeding the minimum twelve (12) hours of Continuing Legal Education requirement. OPD Staff and Roster Attorneys have attended the following outside training programs:

MIDC Leadership Training Conference
Criminal Defense Association of Michigan Conferences
State Appellate Defender's Office trainings
National Association of Public Defenders Conferences
National Legal Aid & Defender Association trainings
National Association of Drug Court Professionals trainings

Intoxilyzer 9000 training

As a result of OPD's Staff and Roster Attorneys' dedication to meeting the requirements of MIDC Standard 1, OPD has witnessed a perceptible increase in the application of knowledge learned through these Continuing Legal Education opportunities whereby the Staff and Roster Attorneys are providing more relevant analysis of scientific, technological and legal issues arising in indigent defense cases. OPD has witnessed a perceptible increase in the filing of motions related to Daubert issues, and challenges to the Government's legal theories. These increases have led to more zealous and productive representation of indigent defendants.

Additionally, OPD's less experienced attorneys have participated in intensive trial training and basic skills classes, namely:

- Hillman Trial Advocacy Program
- Criminal Defense Association of Michigan Trial Training Program
- MIDC JAG Program
- OPD's In-House Trial Training Program

These intensive trial training and basic skills classes have afforded OPD's less experienced Staff and Roster Attorneys the opportunity to practice their litigation skills in an environment that will not negatively impact an indigent client. These intensive trial training and basic skills classes have also allowed OPD to advance its Staff and Roster Attorneys toward representing indigent clients in increasingly more complicated cases in shorter experiential time frames.

While OPD is dedicated to encouraging its Staff and Roster Attorneys to seek outside training opportunities, OPD is also dedicated to leading indigent defense training reform. This dedication to lead in indigent defense training reform has allowed OPD to seek out opportunities to utilize the collective experience of its Staff and Roster Attorneys to provide OPD "in-house" training opportunities for its Staff and Roster Attorneys, as well as attorneys within the MIDC West Region. In fact, OPD is extremely proud of the fact that many of its in-house trainings, presented by its attorneys and social workers, have been well attended by staff and roster attorneys and social workers associated with or employed by many other public defense systems across West Michigan. OPD's in-house trainings included:

- OPD's In-House Trial Training Program
- ARIDE / OWI training
- Social Work / Holistic Defense instruction
- Michigan Sentencing Guideline Training
- Allegan County Specialty Court Training
- Van Buren County Specialty Court Training
- Homicide Case Preparation Training
- West Michigan Regional Investigator's Association Trainings
- West Michigan Social Worker Group Training
- State Appellate Defender's Office Training

State Appellate Defender's Office Juvenile Training
4th Amendment Training
Criminal Defense Association of Michigan Evidentiary Issues and Trial Skills Training
Westlaw Edge Training
Adobe Pro Training
Client Centered Representation Training

Challenges:

At the inception of OPD's operational role, many attorneys locally, as well as across the State, expressed concern regarding the perceived burden that MIDC Standard 1 would cause to attorneys who had previously never been accountable for maintaining and documenting a minimum level of professional competence. Over the preceding four (4) years that overall concern has dissipated significantly. However, OPD recognizes that, unless OPD remains vigilant in its accountability toward meeting its mandates, the indigent defense system will likely revert to less effective representation of indigent defendants. Consequently, OPD has implemented a MIDC Standard 1 accountability protocol to ensure that the progress that has been made continues. Specifically, related to MIDC Standard 1:

1. Staff or Roster Attorney identifies a training they would like to attend.
2. Staff or Roster Attorney submits request to Chief Public Defender for attendance approval.
3. Chief Public Defender approves or denies training attendance.
4. Staff or Roster Attorney attends training.
5. Staff or Roster Attorney completes and signs internal OPD training attendance verification form at the completion of training attendance.
6. Staff or Roster Attorney electronically submits that internal OPD training attendance form to OPD.
7. Staff or Roster Attorney electronically submits that OPD training form to MIDC through CEBroker.
8. OPD keeps that internal OPD training attendance form on file.
9. MIDC keeps that training attendance form on file.
10. No later than December 31, OPD reviews all OPD training attendance forms on file for the year to confirm compliance.
11. OPD receives and reviews report from MIDC and CEBroker to verify all compliance through multiple levels of checks and balances.
12. If there is a compliance failure, Staff or Roster Attorney is contacted and informed. Corrective action plan is implemented.
 - a. Any attorney that has compliance failure will have all current cases reassigned and no future assignments will be made until the CLE compliance is rectified.
13. Through the MIDC Quarterly Reporting process OPD's CLE compliance is communicated to MIDC.

MIDC Standard 2 – Initial Interview

MIDC Relevant Measurements:

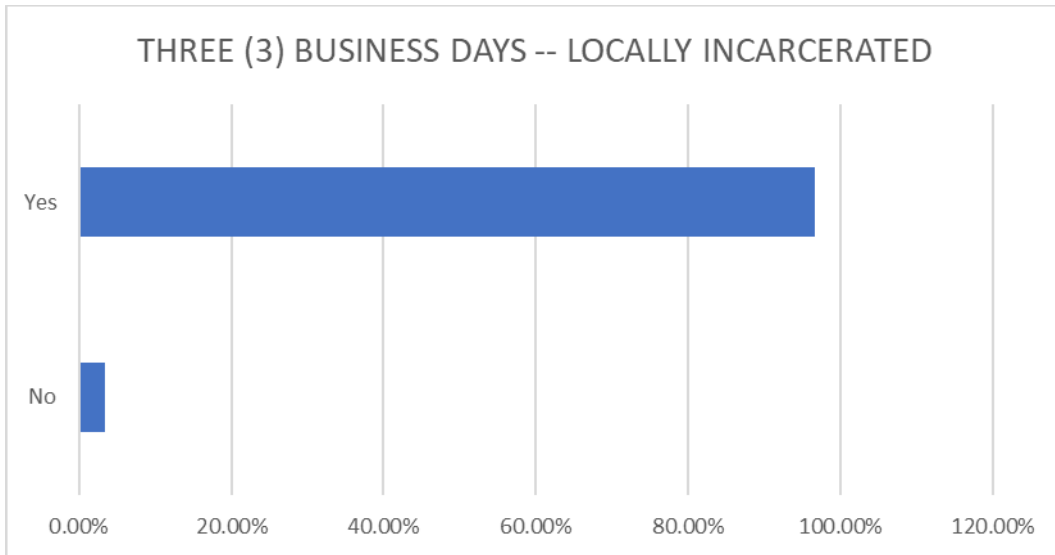
1. Initial Interview is conducted as soon as practicable after appointment, but minimally;
2. Defendant in local custody, initial interview shall be conducted within three (3) business days of appointment.
3. Defendant not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting.
4. Defendant in MDOC custody or detained in a different county, counsel should arrange for a confidential client visit in advance of the first pretrial hearing.

OPD Compliance:

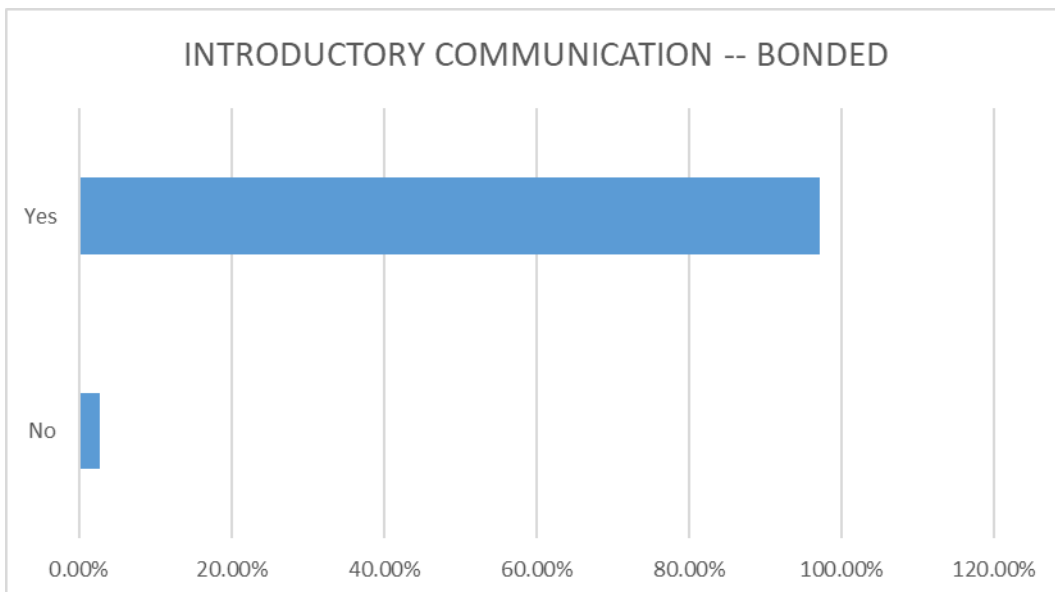
MIDC Standard 2 has been implemented to help alleviate the concern that indigent defense counsel was historically derelict in their duty to timely communicate with their indigent clients. Prior to Michigan's indigent defense reforms, indigent defense counsel's initial meeting with a client was routinely conducted at the client's pretrial hearing. This method of initial case interaction did not afford indigent defense counsel an opportunity to conduct any meaningful evaluation of a case; meaningfully inform clients of the procedural posture of their case or their place in the criminal justice system; explore potential factual or legal issues or problems; or otherwise provide the most effective representation available.

While many indigent defense attorneys, throughout the pre-reform years, attempted to provide the most effective representation available, it eventually became clear that initial meeting requirements were necessary to help indigent defendants more effectively navigate the criminal justice system. MIDC Standard 2 was implemented to provide specific guidance on how to alleviate this outlined concern as well as provide indigent defense systems opportunities to measure their progress toward compliance with these initial communication requirements.

From 2019 through 2023 OPD has complied with MIDC Standard 2 and implemented significant data tracking procedures to help OPD ensure that it is meeting its indigent clients at the earliest possible time in order to provide clients with relevant information and secure necessary evidentiary information that allows OPD to conduct proper investigations and vetting of the Government's allegations. The below cited data evidences OPD's compliance with the three (3) identified facets of MIDC Standard 2.

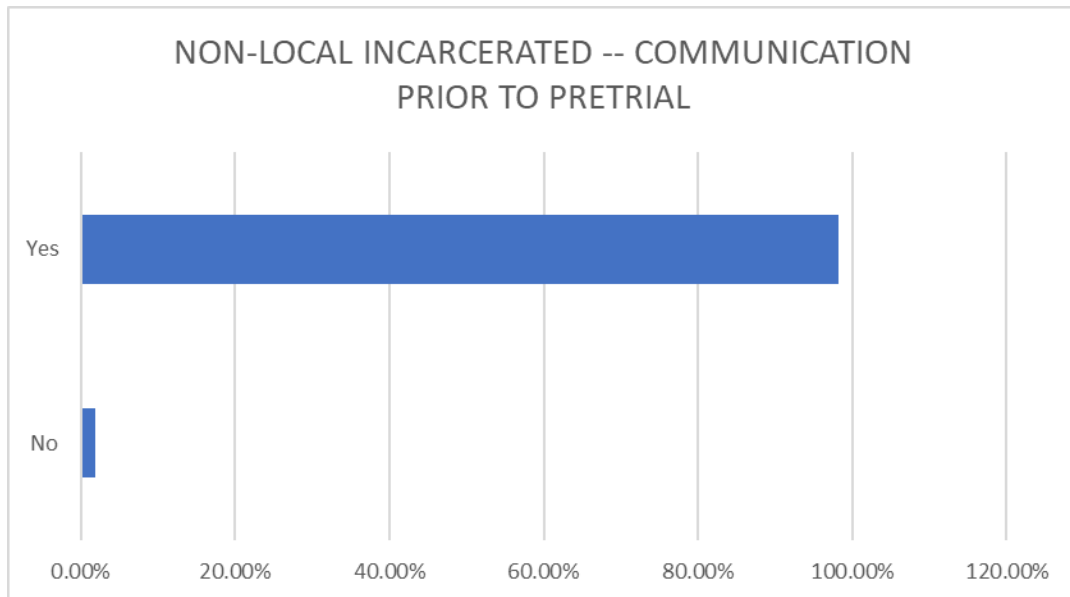


For locally incarcerated individuals OPD meets its three (3) business day initial meeting requirements on 96.6% of its assigned cases. This is an increase in compliance of .1% over 2022. At MIDC’s 2022 Annual Leadership Conference MIDC Executive Director Kristen Staley indicated that the State average related to MIDC Standard 2 is 96% compliance. Moreover, during that same presentation, Executive Director Staley indicated that MIDC considers this State average as complete compliance with Standard 2. Consequently, OPD is in complete compliance with Standard 2 related to locally incarcerated defendants.



For bonded individuals OPD meets its introductory communication requirement in 97.2% of its assigned cases. This is an increase in compliance of .5% over 2022. At MIDC’s 2022 Annual

Leadership Conference MIDC Executive Director Kristen Staley indicated that the State average related to MIDC Standard 2 is 96% compliance. Moreover, during that same presentation, Executive Director Staley indicated that MIDC considers this State average as complete compliance with Standard 2. Consequently, OPD is in complete compliance with Standard 2 related to introductory communications with bonded defendants.



For non-locally incarcerated individuals OPD meets its communication prior to initial pretrial in 98.2% of its assigned cases. This is an increase in compliance of .9% over 2022. At MIDC’s 2022 Annual Leadership Conference MIDC Executive Director Kristen Staley indicated that the State average related to MIDC Standard 2 is 96% compliance. Moreover, during that same presentation, Executive Director Staley indicated that MIDC considers this State average as complete compliance with Standard 2. Consequently, OPD is in complete compliance with Standard 2 related to introductory communications with non-locally incarcerated defendants.

Challenges:

As MIDC initially announced the implementation of MIDC Standard 2, many seasoned indigent defense professionals believed that MIDC Standard 2 was over burdensome and was impracticable in its application. Many seasoned indigent defense professionals insisted that implementing meeting timeframes would not solely allow for meaningful client conversations due to the fact that indigent defense counsel did not often receive timely discovery information or there were significant obstacles to receiving discovery information that would render the necessity of an early client meeting moot. These initial arguments, while potentially initially meritorious, have been in practice alleviated as a potential result of the Standard itself.

Specifically, there are several potential goals of MIDC Standard 2:

1. Establish the best possible relationship with the indigent client;
2. Review charges;
3. Determine whether a motion for pretrial release is appropriate;
4. Determine the need to start up any immediate investigations;
5. Determine any immediate mental or physical health needs or need for foreign language interpreter; and
6. Advise that clients should not discuss the circumstances of the arrest or allegations with cellmates, law enforcement, family or anybody else without counsel present.

It has now become evident that, even if there are discovery issues, the initial client meeting is just as important for building a client's confidence in their assigned attorney and providing a client assurance that their assigned counsel is working their case. Moreover, and maybe most importantly, the time pressures associated with Standard 2 in and of itself encourages assigned counsel to remedy discovery issues early on in the case thereby rendering the initial client meeting more productive. Additionally, throughout 2022 and 2023 OPD has conducted significant process meetings with the Allegan and Van Buren Prosecutor's Offices to address discovery issues. OPD is pleased to announce that, in partnership with the Allegan and Van Buren Prosecutor's Offices, OPD has witnessed a perceptible decrease in late discovery offerings, thereby increasing the benefits of MIDC Standard 2 meetings.

OPD recognizes that, unless OPD remains vigilant in its accountability toward meeting its mandates, the indigent defense system will likely revert to less effective representation of indigent defendants. Consequently, OPD has implemented a MIDC Standard 2 accountability protocol to ensure that the progress that has been made continues. Specifically, related to MIDC Standard 2:

1. Assignment made to Staff or Roster Attorney.
2. No later than the Monday at 12:00 noon following the assignment week, assigned attorney files an electronic form indicating compliance with MIDC Standard 2 related to the attorneys' weekly assignments.
3. Electronic form collects the following data:
 - a. Attorney Name.
 - b. Date range of assignments?
 - c. Total number of assignments?
 - d. Of the total number of assignments, how many were locally incarcerated clients?
 - e. Was the 72-hour standard met for all locally incarcerated clients?
 - f. If answer to above is NO, provide client name and brief explanation.
 - g. Of the total number of assignments, how many were bonded clients?
 - h. Were all bonded clients provided a prompt letter of introduction with instructions to schedule an appointment?
 - i. If above answer is NO, provide client name and brief explanation.
 - j. Of the total number of assignments, how many were MDOC or non-locally incarcerated clients?

- k. For all MDOC or non-local incarcerated clients, was the institution contacted to arrange for a confidential meeting in advance of first pretrial hearing?
 - l. If answer to above is NO, provide client name and brief explanation.
 4. Chief or Deputy Chief Public Defender reviews electronic form on a weekly basis to ensure continued compliance.
 5. If any compliance issues are identified the attorney is contacted and a corrective action plan is implemented.
 6. Data is communicated to MIDC through the Quarterly reporting process.

MIDC Standard 3 – Investigation and Experts

MIDC Relevant Measurements:

1. Investigation of charges and offense.
2. When appropriate, counsel to request funds to retain an investigator.
3. When appropriate, counsel shall request assistance of experts.
4. All reasonable requests shall be honored.
5. Counsel has continuing duty to evaluate for appropriate investigator or expert witness assistance.

OPD Compliance:

Prior to October 1, 2023, despite obtaining MIDC funding for a part time in-house investigator, OPD utilized a contractual investigator assignment system. OPD utilized this contractual investigator assignment system due to challenges associated with the recruitment of qualified individuals related to the part time nature of the in-house investigator position. Recognizing this recruitment problem, as well as recognizing that the data evidenced the fact that OPD's caseload demanded a full-time in-house investigator, OPD worked with MIDC and the Allegan and Van Buren County Administrators to secure funding in FY2023 to amend its compliance plan to transition the formally part time investigator position to a full-time investigator position. While this Compliance Plan modification required an additional funding allocation from MIDC, this additional funding allocation did not require any increase in the Counties' Local Share contributions, thereby having no direct negative financial impact on Allegan and Van Buren Counties' tax payers. MIDC approved this funding allocation and authorized OPD's Compliance Plan modification commencing October 1, 2023, the commencement of FY2023.

In January 2023 OPD hired its first full time in-house public defense investigator. OPD's full time in-house investigator, Michael Kalbfleisch, is a retired police officer, with twenty-six (26) years of law enforcement and investigative experience. The addition of a staff investigator to OPD has resulted in an increased level of investigative assistance related to OPD's caseload. OPD's investigator, since January 2023, has been involved in thirty-two (32) investigative case referrals. This is an increase of 78% in investigative case referrals since April 2022. It should be noted that this data reflects cases where formal investigations are being conducted, and does not account for service of process cases, routine case research, or other informal case investigation and

consultation services. Consequently, as a result of the increased access to investigative assistance, OPD Staff and Roster Attorneys are in a better position to evaluate their assigned cases from both a settlement and trial perspective. This increase in the use of investigative assistance has resulted in a number of cases being settled without the need for any costly court litigation time. A number of cases have resulted in negotiated settlements where the defendant is granted better access to all the information aligned against the defendant, thereby increasing the defendant's ability to properly evaluate their case and, again, reduce the need for costly court litigation time. This increase has allowed the Government the opportunity to be made aware of issues affecting the validity of the Government's own investigation, thereby providing the Government an opportunity to reevaluate their position and make appropriate dismissal decisions, thereby, also, reducing the need for costly court litigation time.

From a process standpoint, as part of OPD's operational compliance with MIDC Standard 3, OPD implemented a system that allows Staff and Roster Attorneys to be granted investigative and expert witness assistance related to their indigent case assignments. These investigative and expert witness assistance requests have been removed from the realm of judicial funding and oversight and now allows assigned counsel the opportunity to request investigative and expert witness assistance without detrimental impacts to case strategy and tactical decision making as well as concerns regarding underfunding. OPD is extremely proud that its MIDC Standard 3 Compliance planning has resulted in increases in the use of these necessary and constitutionally effective investigative and expert witness resources.

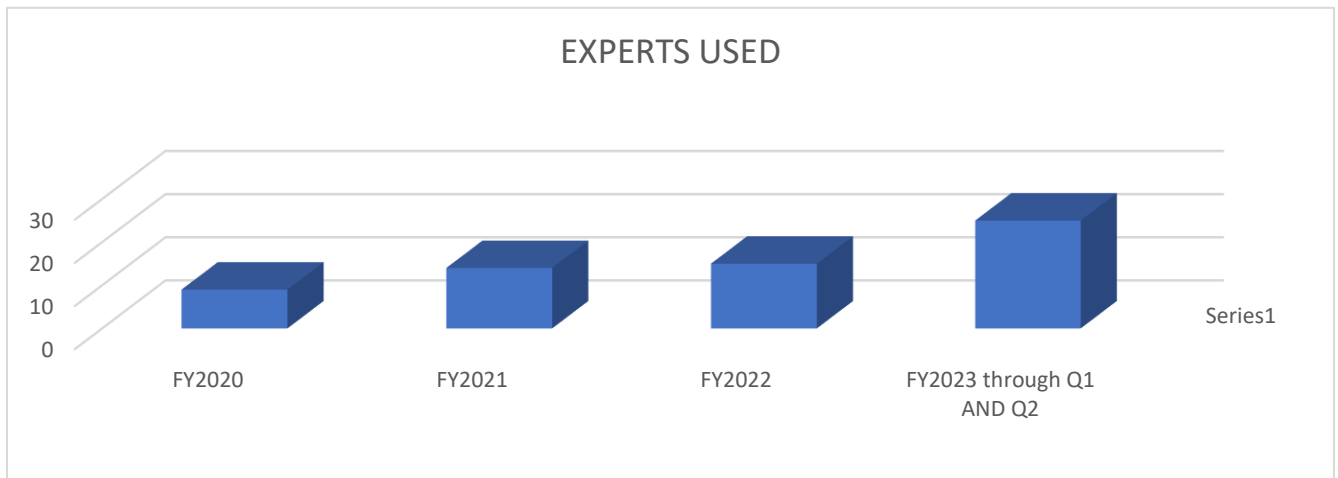


In FY2020 Staff and Roster Attorneys requested and were granted five (5) investigators to assist in the defense of indigent defense cases between Allegan and Van Buren Counties.

In FY2021 Staff and Roster Attorneys requested and were granted thirteen (13) investigators to assist in the defense of indigent defense cases between Allegan and Van Buren Counties.

In FY2022 Staff and Roster Attorneys requested and were granted twenty-five (25) investigators to assist in the defense of indigent defense cases between Allegan and Van Buren Counties.

FY2023, through Quarter 2, Staff and Roster Attorneys requested and were granted thirty-two (32) investigators to assist in the defense of indigent defense cases between Allegan and Van Buren Counties. If this trend continues, it is expected that there would be forty-eight (48) requested and granted investigators at the close of FY2023. An increased use of investigative services of 52%.



In FY2020 Staff and Roster Attorneys requested and were granted nine (9) expert witnesses to assist in the defense of indigent defense cases between Allegan and Van Buren Counties.

In FY2021 Staff and Roster Attorneys requested and were granted fourteen (14) expert witnesses to assist in the defense of indigent defense cases between Allegan and Van Buren Counties.

In FY2022 Staff and Roster Attorneys requested and were granted fifteen (15) expert witnesses to assist in the defense of indigent defense cases between Allegan and Van Buren Counties.

FY2023, through Quarter 2, Staff and Roster Attorneys requested and were granted twenty-five (25) expert witnesses to assist in the defense of indigent defense cases between Allegan and Van Buren Counties. A current increase of 60% over FY2022.

Challenges:

Prior to the Michigan Indigent Defense reforms, indigent defense attorney's experienced significant challenges associated with securing investigative or expert witness assistance within an

indigent defense case. Namely, indigent defense counsel would be required to petition the court for funding for investigative or expert witness assistance. The courts were generally underfunded related to providing the requested assistance and defense counsel often believed that courts took every opportunity available to deny indigent defense counsel's request. Moreover, as a result of being required to file a motion with the court related to investigative or expert witness assistance, indigent defense counsel was often required to explain in open court, with the prosecutor present, their trial and overall litigation strategy related to indigent defense counsel's request for investigative or expert witness assistance. This placed an indigent defendant at a disadvantage related to their litigation strategy, a disadvantage that was not one borne by their wealthy counterparts. MIDC Standard 3 has alleviated this overall disadvantage.

Over the past four (4) years OPD has worked diligently to overcome its Staff and Roster Attorneys' reluctance to request and use investigative and expert witness assistance, which was ingrained in many of OPD's Staff and Roster Attorneys through the processes employed during the pre-reform years. The above cited data evidences the fact that OPD's Staff and Roster Attorneys are beginning to recognize the value and the ease with which they may obtain investigative and expert witness assistance through the processes in place at OPD. In fact, OPD is extremely proud of the fact that over the preceding four (4) years, taking into account its fiscal responsibilities to Michigan tax payers, only one (1) request for investigative or expert witness assistance has ever been denied and that denial was alleviated with another process. OPD is proud of the fact that the data evidences an upward trend toward the better utilization of investigative and expert witness assistance. Finally, OPD is proud of the fact that it has been able to utilize MIDC funding to help place indigent defendants on the same level as their more wealthy counterparts. OPD will continue to encourage its Staff and Roster Attorneys to utilize MIDC Standard 3 over the ensuing years for the benefit of their indigent clients thereby adding to the legitimacy of the criminal justice system as a whole.

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

MIDC Relevant Measurements:

1. Counsel appointed as soon as defendant determined to be eligible for indigent defense services.
2. Counsel appointed as soon as the defendant's liberty is subject to restriction by a judge or magistrate.
3. Counsel appears at arraignment.
4. Informed waiver of counsel.
5. Counsel appears at pre-trial proceedings, during plea negotiations, and other critical stages.

OPD Compliance:

Prior to the operational inception of OPD in September 2019, data regarding the appearance of counsel at first appearance (arraignment) and other critical stages is unavailable.

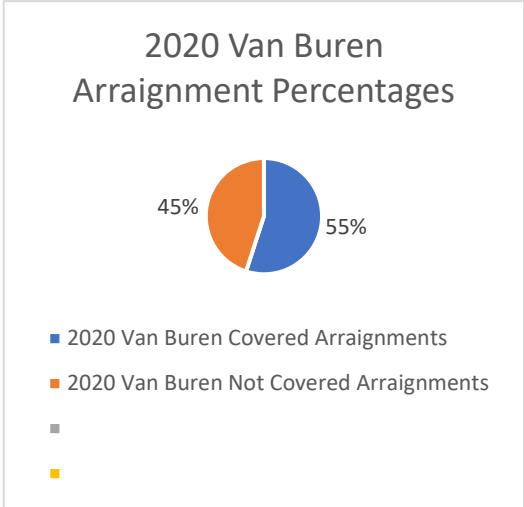
As part of OPD's operational compliance with MIDC Standard 4, OPD in close partnership with the courts and other stakeholders, implemented a system that allows OPD Staff Attorneys to represent defendants at arraignment and other critical stages thereby allowing indigent defendants the same access to pretrial and critical stage relief as those defendants who are able to retain counsel.

OPD's implementation of MIDC Standard 4 has allowed better client representation by maintaining focus on the purpose of that early representation at arraignment. Specifically:

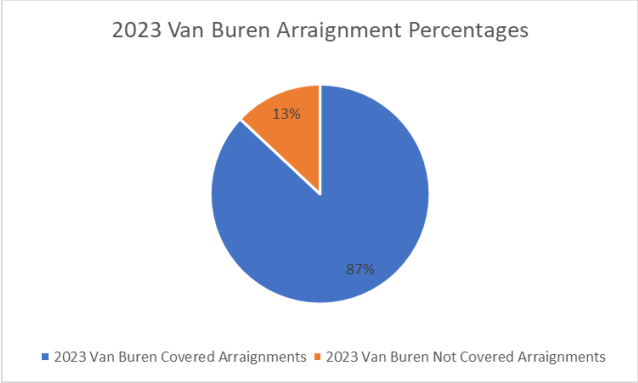
1. Explaining the criminal justice process to an indigent defendant;
2. Advice on what topics to discuss with the judge or magistrate at the arraignment;
3. A significant focus on arguments related to pretrial release;
4. Achievement of dispositions outside the criminal justice system via civil infraction or dismissal;
5. If there has been an opportunity for a review of discovery and a confidential conversation with the client, a criminal disposition at arraignment.

A focus on these arraignment goals has allowed OPD to make more relevant and legally significant bond arguments, thereby potentially reducing pretrial detention costs. It has allowed OPD to increase the use of early plea negotiations, thereby also potentially reducing pretrial detention costs as well as associated litigation costs. It has allowed OPD to have earlier access to client information thereby potentially reducing associated litigation costs. It has allowed OPD to have earlier access to witness information thereby increasing the effectiveness of early investigations. It has allowed the streamlining of the arraignment hearing itself with the associated court time savings; and it has allowed OPD attorneys the opportunity to build client confidence within the indigent defense representation thereby reducing defendants' historical complaint that they were not provided the effective assistance of indigent counsel.

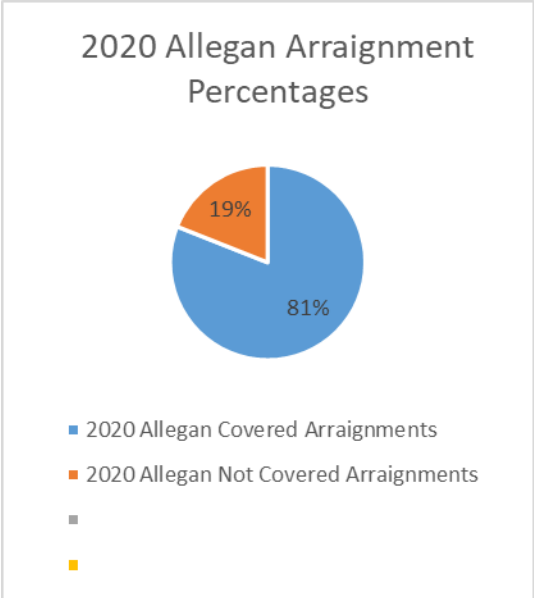
A comparison of OPD's initial arraignment coverage data, which commenced in 2020, evidences an increase in covered arraignments in Allegan County Courts of nine (9%). A comparison of OPD's initial arraignment coverage data, which commenced in 2020, evidences an increase in covered arraignments in Van Buren County Courts of thirty-two (32%) percent. Once again, these increases in covered arraignments allows OPD to confirm the above cited benefits on the Allegan Van Buren Counties' criminal justice system as a whole, and on OPD's clients individually.



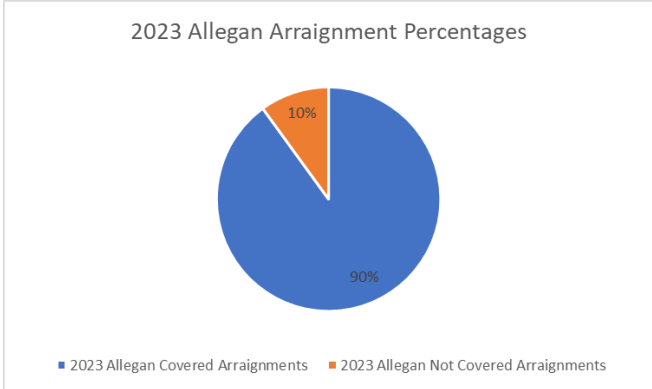
*2020 – 55% of arraignments covered in VBCO



*2023 87% of arraignments covered in VBCO – 32% increase in covered arraignments since 2020



*2020 – 81% of arraignments covered in Allegan



*2023 – 90% of arraignments covered in Allegan – 9% increase in covered arraignments since 2020

Challenges:

The compliance planning related to MIDC Standard 4 required intensive collaborative work between the Courts, Jail Administrations and OPD. In 2020 OPD, the Courts and Jail Administrations conducted significant collaborative planning relating to the potential operative procedures needed to implement the processes to meet MIDC Standard 4 compliance. In actuality, the implementation of MIDC Standard 4 required the building of a completely new arraignment process throughout the criminal justice system as that system had never contemplated the necessities of this reform. The above cited data for 2020 reflects the fact that representation at the arraignment stage was extremely challenging as OPD, the Courts and Jail

Administrators developed mutually acceptable methods regarding OPD's appearance at arraignment and compliance with MIDC Standard 4.

The above cited data for 2023 reflects that OPD and its regional partners have been able to make significant strides toward implementing a collaborative plan to meet OPD's mandate that it appear at all arraignments and be in compliance with MIDC Standard 4. While OPD, the Courts and Jail Administrations have made these significant strides, namely, implementing further initial arraignment jail meeting protocols, bonded initial arraignment meeting protocols, and other processes, there are still challenges ahead. One of the most significant challenges relates to "walk-in" arraignment procedures designed to allow citizens to turn themselves in and appear in court as quickly as is possible while balancing the need for OPD to have attorneys available to meet with these defendants and properly advise them regarding their rights and procedural protections. OPD will continue to work with its partners and MIDC to address these challenges and OPD looks forward to reaching the goal of representing 100% of defendants at arraignment.

MIDC Standard 5 – Independence from the Judiciary

MIDC Relevant Measurements:

1. Guarantee the integrity of the relationship between lawyer and client.
2. Lawyers are free from political and undue budgetary influence.
3. Selection of lawyers and the payment for their services shall not be made by the judiciary or employees reporting to the judiciary.
4. Selection and approval of expenses necessary for providing effective assistance of defense counsel shall not be made by the judiciary or employees reporting to the judiciary.
5. The court's role shall be limited to its role as the third branch of government.
6. The courts are permitted and encouraged to contribute information and advice concerning the delivery of indigent criminal defense services.

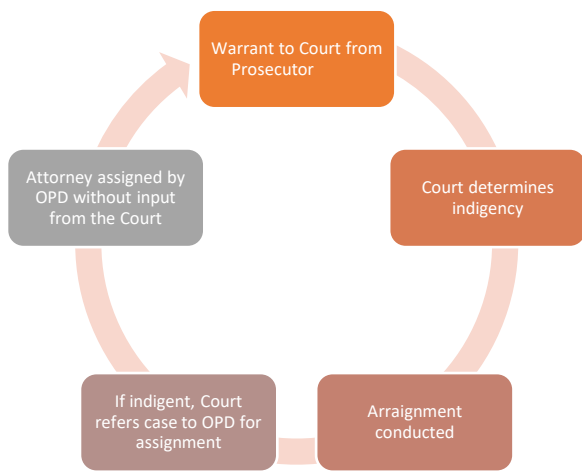
OPD Compliance:

One of the historical issues with the Michigan Indigent Defense system, prior to the Michigan Indigent Defense reforms, revolved around a process whereby assigned counsel was often vetted, hired and retained to perform indigent defense services at the sole discretion of an individual court, or at the sole discretion of a judicial panel. This prior system allowed judges to exercise supervisory authority over individually assigned counsel and thus exercise perceived supervisory authority over the manner with which assigned counsel handled individual cases or caseloads. Moreover, through this historical system, assigned counsel often felt significant pressure to conduct litigation in a manner that conformed to a court's ideas as compared to the performance of their litigation duties in conformance with effective assistance of counsel and Constitutional requirements.

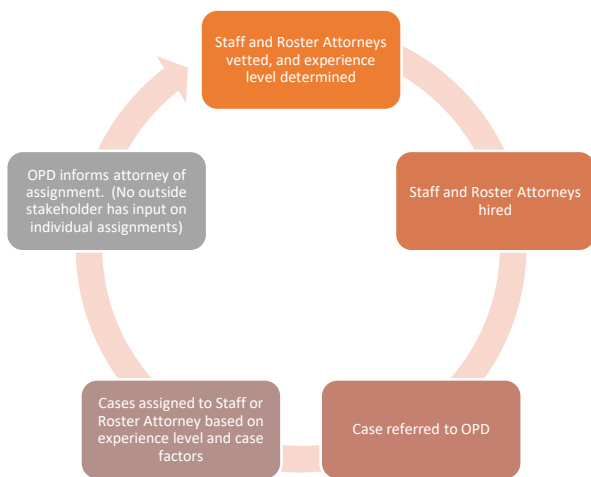
As a result of these recognized pressures, public defense professionals worked diligently

to establish norms and standards that would help alleviate the pressures placed on assigned counsel through the separation of the assignment of indigent defense counsel from court involvement and oversight. Finally, while some stakeholders had initial disagreement with the idea that the indigent defense system should be free from judicial oversight and influence, there were still many other courts, attorneys, prosecutors and stakeholders that understood the necessity of removing that oversight and were ultimately supportive of the idea that indigent defense counsel should be free from unnecessary court oversight and influence.

Fortunately, the Allegan and Van Buren County Courts and stakeholders have been some of the most progressive proponents regarding OPD being separate from the judicial branch and judicial oversight and influence. OPD is extremely grateful that the Allegan and Van Buren County Courts have supported OPD’s compliance operations related to MIDC Standard 5.



External Process: From 2019 through 2022 OPD has been solely responsible for the appointment of assigned counsel in compliance with MIDC Standard 5. This flow chart outlines the external assignment process and how that process is outside judicial oversight subsequent to the case being referred to OPD.



Internal Process: From 2019 through 2022 OPD has been solely responsible for the appointment of assigned counsel in compliance with MIDC Standard 5. This flow chart outlines the internal assignment process and how that process is outside judicial oversight subsequent to the case being referred to OPD.

As a result of OPD's compliance with MIDC Standard 5, OPD has been able to establish case assignment autonomy, thereby limiting the historical concerns related to outside oversight. OPD is extremely grateful to its partners for their support related to MIDC Standard 5 compliance.

MIDC Standard for Determining Indigency

MIDC Relevant Measurements:

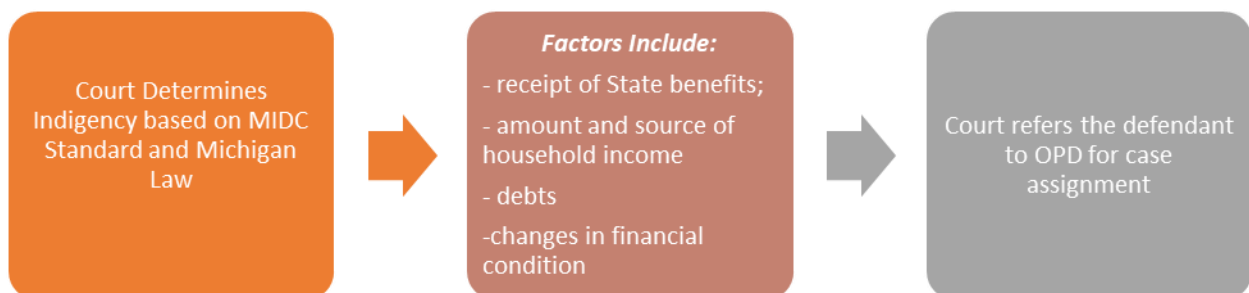
1. A reasonable plan for screening for indigency.
 - a. Courts screen for indigency and refer defendant to public defender for appointment; or
 - b. Public Defender screens for indigency and makes the case appointment.
2. Indigency screening factors to be considered.

OPD Compliance:

Prior to the Michigan Indigent Defense reforms, public defense professionals observed that there were discrepancies related to the actual determinations of a defendant's indigency based on jurisdictional differences. For example, historically there have been jurisdictions within Michigan that have been aggressive in their appointment of indigent defense counsel, while there have been other jurisdictions that have been much more conservative in their appointment of indigent defense counsel. The MIDC Standard for determining indigency has been designed to reduce these discrepancies and provide guidance for systems related to the appointment of indigent defense counsel.

From, OPD's inception in 2019 until October 2023, in collaboration with the Courts, OPD has met MIDC compliance with this Standard whereby the Courts conducted the screening for indigency and referred the defendant to OPD for appointment of counsel.

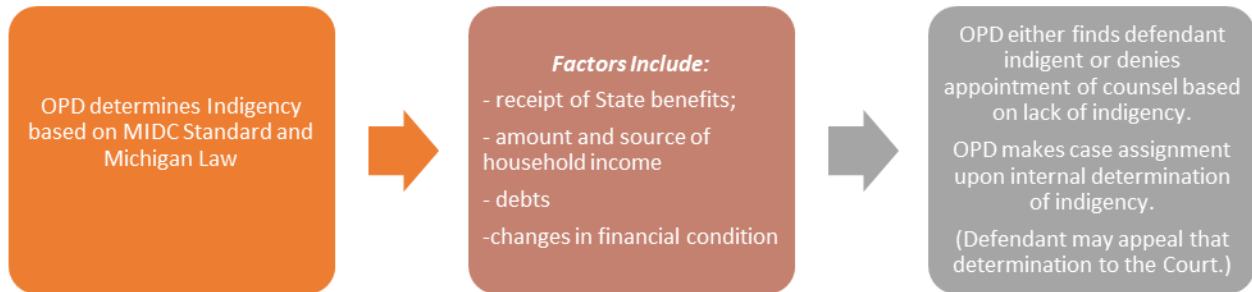
2019 THROUGH September 2023 PROCESS:



Following significant work with the Allegan and Van Buren County Courts, Jail Administrations, MIDC and other stakeholders, in October 2023 OPD launched an updated process that has removed the indigency screening responsibilities from the Courts and placed that responsibility within OPD's internal processes. This has reduced time allocations necessary for the

Courts toward this process; reduced job responsibilities for the Courts' staffs; has reduced the local costs of this responsibility on the Counties; increased operational efficiency related to the assignment of attorneys to indigent defendants; and has allowed OPD to gain increased initial contact with its potential clients thereby allowing for defendants' increased confidence regarding OPD's representation.

2023 PROCESS:



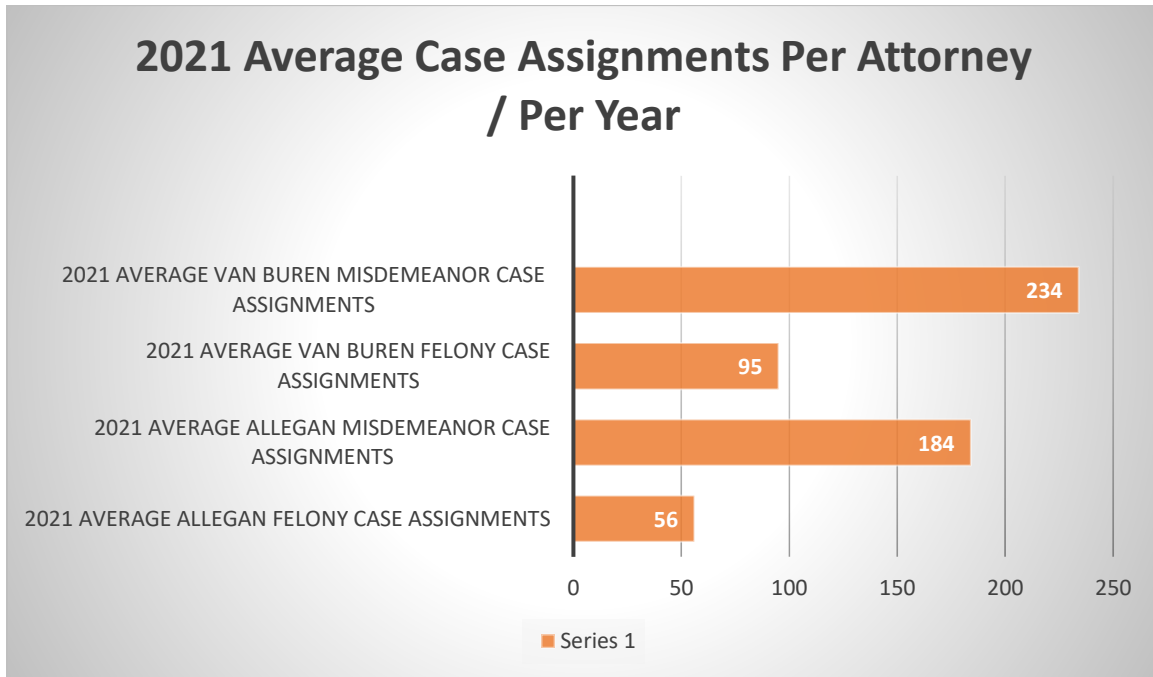
COMPLIANCE WITH PROPOSED MIDC STANDARDS

MIDC Standard 6 – Indigent Defense Workloads

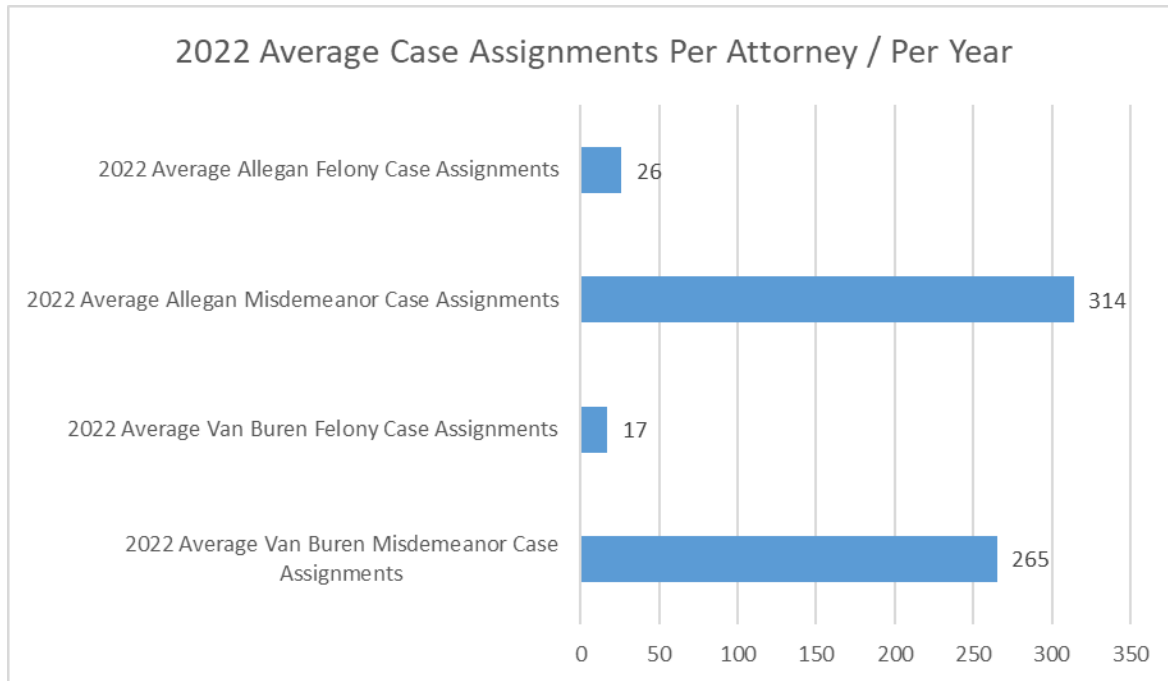
MIDC Relevant Measurements:

1. Caseloads shall allow each attorney the ability to give each client the time and effort necessary to ensure effective representation.
2. Workloads shall be determined over time through special “Michigan specific weighted caseload studies.”
3. Until the completion of said studies, caseload assignments are recommended as follows:
 - a. Not exceed 150 new felony assignments per year.
 - b. Not exceed 400 new non-traffic misdemeanors per year.
 - c. Mixed caseloads, proportional to allow effective representation.

OPD Compliance:



*Case assignment numbers reflect total number of cases for 2021 (from internal OPD data) divided by number of staff and roster attorneys accepting those assignments to determine the average number of assignments per attorney in 2021.



*Case assignment numbers reflect total number of cases for 2022 (from internal OPD data) divided

by number of staff and roster attorney accepting those assignments to determine the average number of assignments per attorney in 2022.

**Please note that OPD implemented a new case management system in 2022 and it is anticipated that some case number data may have been inaccurately recorded due to process training issues.

A review of 2021 and 2022 internal data reflects that OPD is within the allowable case assignment recommendations as enunciated through MIDC proposed Standard 6. While case assignment data appears to reflect compliance with MIDC proposed Standard 6, OPD will be engaging in additional study related to MIDC proposed Standard 6 as OPD day to day operations potentially indicates a discrepancy related to this case assignment data versus OPD's Staff and Roster Attorneys work levels.

While OPD will engage in additional study related to MIDC proposed Standard 6, OPD has implemented other MIDC proposed Standard 6 operational measures in an effort to allow OPD Staff and Roster Attorneys the ability to provide effective assistance of counsel. Specifically:

1. OPD has utilized its flexibility in its case assignment processes to assign more work intensive cases to Staff and Roster Attorneys who are in a better workload position to take on those more work intensive cases.
2. OPD has increased assignment communications thereby allowing Staff and Roster Attorneys to inform OPD when they are experiencing an overwhelming assignment period.
 - a. This in turn has allowed OPD to make modifications to its assignment schedule to help alleviate these concerns; and
3. OPD has developed a Homicide Team to help alleviate the intensity of accepting homicide cases while also accepting regular rotational assignments.

OPD is hopeful that the continued review of its data, combined with its case assignment scheduling, will allow OPD's indigent defense counsel continued opportunity to practice within lower case numbers and thereby allow OPD's indigent defense counsel the ability to engage in the entirety of the necessary criminal investigation and litigation processes associated with effective representation.

MIDC Standard 7 – Qualification and Review

MIDC Relevant Measurements:

1. Defense counsel's ability, training and experience match the nature and complexity of the case to which they are appointed.
2. Defense counsel is systematically reviewed at the local level for efficiency and for effective representation according to MIDC standards.

OPD Compliance:

As has been previously outlined, prior to the Michigan Indigent Defense reforms, there

were significant issues related to the appointment and oversight of assigned counsel. As a result of these issues, many indigent defendants did not receive indigent defense counsel that had the requisite knowledge, experience and expertise needed to provide indigent defendants with effective representation. MIDC proposed Standard 7, in conjunction with other MIDC Standards, has been proposed for implementation in order to help alleviate this concern.

Due to the importance of ensuring an effective level of representation OPD has taken significant steps to implement MIDC proposed Standard 7. Specifically:

- OPD Staff and Roster Attorneys handling Misdemeanor cases have:
 - Met Michigan Bar Admission standards;
 - Basic Skills requirements; and
 - Have served as co-counsel or second chair in prior criminal trials, or gained equivalent experience.
- OPD Staff and Roster Attorneys handling Low Severity Felony cases have:
 - Met Michigan Bar Admission standards;
 - Basic Skills requirements; and
 - Have practiced criminal law for one (1) full year;
 - Have served as trial counsel or co-trial counsel in two (2) criminal cases that have reached a verdict; or gained equivalent experience.
- OPD Staff and Roster Attorneys handling High Severity Felony cases have:
 - Met Michigan Bar Admission standards;
 - Basic Skills requirements; and
 - Have practiced criminal law for two (2) full years;
 - Have served as lead counsel or handled a significant portion of four (4) jury trials that have been submitted to a jury; or gained equivalent experience and demonstrated a record of consistently high quality criminal trial court representation with the ability to handle high severity felony cases.
- OPD Staff and Roster Attorneys handling Life Offense cases have:
 - Met Michigan Bar Admission standards;
 - Basic Skills requirements; and
 - Have practiced criminal law for five (5) full years
 - Have served as lead counsel in no fewer than seven (7) felony jury trials that have been submitted to a jury; or gained equivalent experience and demonstrated a record of consistently high quality criminal trial court representation with the ability to handle Life Offense felony cases.

OPD is pleased to announce that, over the past several years, OPD's Staff and Roster Attorneys have significantly increased their level of trial experience. Many of OPD's Staff and Roster Attorneys have had the experience of trying more than five (5) jury trials in the previous several years. Moreover, with MIDC approval, OPD has utilized its homicide specific counsel to provide OPD's Staff and Roster Attorneys with mentoring through the ability to act as co-counsel and second chair counsel on the most significant type of criminal case. This mentoring by experienced homicide counsel provides significant levels of cross over training for lower level cases

thereby increasing OPD's ability to increase its Staff and Roster Attorneys' equivalent experience levels. This in turn, has allowed OPD to place itself in a position to increase its attorneys' level related to the complexity of their assignments over a shorter experiential time frame.

OPD looks forward to continuing to lead in the adaptation of its training processes to provide its Staff and Roster Attorneys with the opportunity to gain criminal trial experience and thereby increase the level of effective representation over shorter periods of time.

MIDC Standard 8 – Attorney Compensation (Economic Disincentives or Incentives)

MIDC Relevant Measurements:

1. Reasonable salaries and benefits and resources should be provided to indigent defense counsel.
2. Roster counsel should receive prompt compensation at a reasonable rate and should be reimbursed for their reasonable out of pocket, case related expenses.
 - a. Activities outside of court appearances, such as directing an investigation, negotiating, or tactical planning, etc., require no less legal skill and expertise than in court appearances, and are equally important to quality representation.
3. Attorney hourly rates shall be at least:
 - a. \$100 per hour for misdemeanors;
 - b. \$110 per hour for non-life offense felonies;
 - c. \$120 per hour for life offense felonies.

OPD Compliance:

Currently, OPD meets MIDC Standard 8 as follows:

- Staff Attorneys – compensated in accordance with prosecutor parity and based on wage studies of comparable systems.
- Roster Attorneys –
 - \$100 per hour misdemeanors
 - \$110 per hour low severity felonies (Sentencing Grid E, F, G, H)
 - \$120 per hour high severity felonies (Sentencing Grid, M, A, B, C, D)

Anticipated FY2024 OPD compliance with MIDC Standard 8:

- Staff Attorneys – compensated in accordance with prosecutor parity and based on wage studies of comparable systems.
- Roster Attorneys –
 - \$125 per hour misdemeanors
 - \$135 per hour low severity felonies (Sentencing Grid E, F, G, H)
 - \$145 per hour high severity felonies (Sentencing Grid M, A, B, C, D)

While a review of OPD's process evidences the fact that OPD is meeting MIDC proposed

Standard 8, between 2019 and 2023 OPD’s Roster Attorneys have received no increase in the hourly rate of compensation. Moreover, there has been no increase in Roster compensation amounts related to cost-of-living increases, or accounting for inflationary issues. This has contributed to OPD’s difficulty in recruiting qualified roster attorneys as roster attorney compensation amounts in Grand Rapids and Kalamazoo have increased over the past several years. The anticipated FY2024 increases in Roster Attorney compensation are in parity with systems located in Grand Rapids and Kalamazoo, thereby potentially placing OPD in a better position to recruit talented and qualified attorneys from those population centers while allowing for OPD to better retain its current roster of qualified attorneys. Moreover, this anticipated increase in roster attorney compensation will allow OPD to better address cost of living and inflationary issues borne buy roster attorneys. Finally, this anticipated increase in roster attorney compensation will have no negative direct funding impact on the residents of Allegan and Van Buren Counties as this increase will be funded through an increase in OPD’s MIDC grant allocation without any corollary increase to Allegan and Van Buren Counties’ local share contribution.

MIDC FINANCIAL COMPLIANCE

OPD’s expense budget and FY2022 expenditures:

	<i>AMOUNT</i>	<i>PERCENT</i>
2022 Expense Budget	\$2,662,839.98	100%
Q1 Expenditures	\$703,085.45	26.4%
Q2 Expenditures	\$709,080.86	26.6%
Q3 Expenditures	\$761,654.41	28.6%
Q4 Expenditures	\$794,349.53	29.8%

OPD expended \$2,968,170.25 in FY2022. This was a budget overage of \$305,330.27. While OPD experienced a budget overage in FY2022, OPD experienced a significant increase in high level cold case responsibilities in FY2022. Moreover, in FY2022 OPD experienced an increase in “Juvenile Lifer” appeals, pursuant to unanticipated rulings from the Michigan Court of Appeals and the Michigan Supreme Court, that OPD was required to fund in order to comply with the Michigan Supreme Court’s rulings. As these additional unanticipated costs became known costs, OPD contacted and collaborated with MIDC and submitted reimbursement requests for these unanticipated costs. Ultimately, MIDC reimbursed Allegan and Van Buren Counties for the full costs of these unanticipated additional costs, thereby removing OPD’s deficit and fully funding OPD’s FY2022 budgetary costs. Finally, neither the unknown costs nor funding reimbursements required either Allegan or Van Buren County tax payers to incur any additional expenses.

OPD's FY2023 expense budget is:

	<i>AMOUNT</i>	<i>PERCENT</i>
2023 Expense Budget	\$4,086,080.08	100%
Q1 Expenditures	\$841,201.74	20.6%
Q2 Expenditures	\$1,076,091.30	26.3%

OPD's FY2023 MIDC Grant allocation was approximately \$1,423,240.10 dollars more than its FY2022 allocation. OPD's FY2023 MIDC Grant allocation reflects operational corrections that were not originally anticipated or required further understanding; reflect case assignment increases that were not able to be absorbed with current staffing levels; reflect operational challenges that needed to be addressed; and reflect additional collaborative work with MIDC and County Administration to address the potentiality for budgetary shortfalls. As the current reporting reflects, through six (6) months of FY2023, OPD is currently on budget, having spent 46.9% of its FY2023 budget. This places OPD squarely within Allegan County's goal to remain fiscally sound and on budget. Additionally, OPD's FY2023 MIDC Grant allocation incurred **NO** additional local share contribution.

LOOKING FORWARD

OPD wishes to be a leader in Michigan Indigent Defense reform and the application of standards, policies and procedures that allow OPD the opportunity to lead in those reformation efforts. Over the course of the next year OPD will continue to partner with MIDC, stakeholders and County Administration in an effort to increase efficiency, client representation, fiscal responsibility, and systemic viability. OPD looks forward to working with its partners and stakeholders to continue to build trust and confidence in the indigent defense system in Allegan and Van Buren Counties.

Finally, OPD looks forward to continuing to improve the quality of indigent defense services for the benefit of the citizens of Allegan and Van Buren Counties.

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