



Office of the Public Defender Allegan Van Buren Counties

2024 Annual Report

Presented by Chief Public Defender, Chad D. Catalino

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

Monitors compliance with MIDC standards and constitutional requirements

Develops, implements and reviews best practices

Develops relationships with community resources and stakeholders to support clients

Recognizes the values and potential of each client and connects them with community resources beyond the legal process

Exercises good stewardship of public funds

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

Provide a safe environment for clients and staff

Our Commitment to Indigent Defendants

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 various avenues.

Regularly scheduled
MIDC meetings

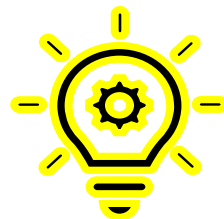
Regularly scheduled stakeholder
collaboration meetings

Regularly scheduled
staff meetings

Regularly scheduled
roster attorney meetings

Regular collaboration with
Allegan and Van Buren County
Administration

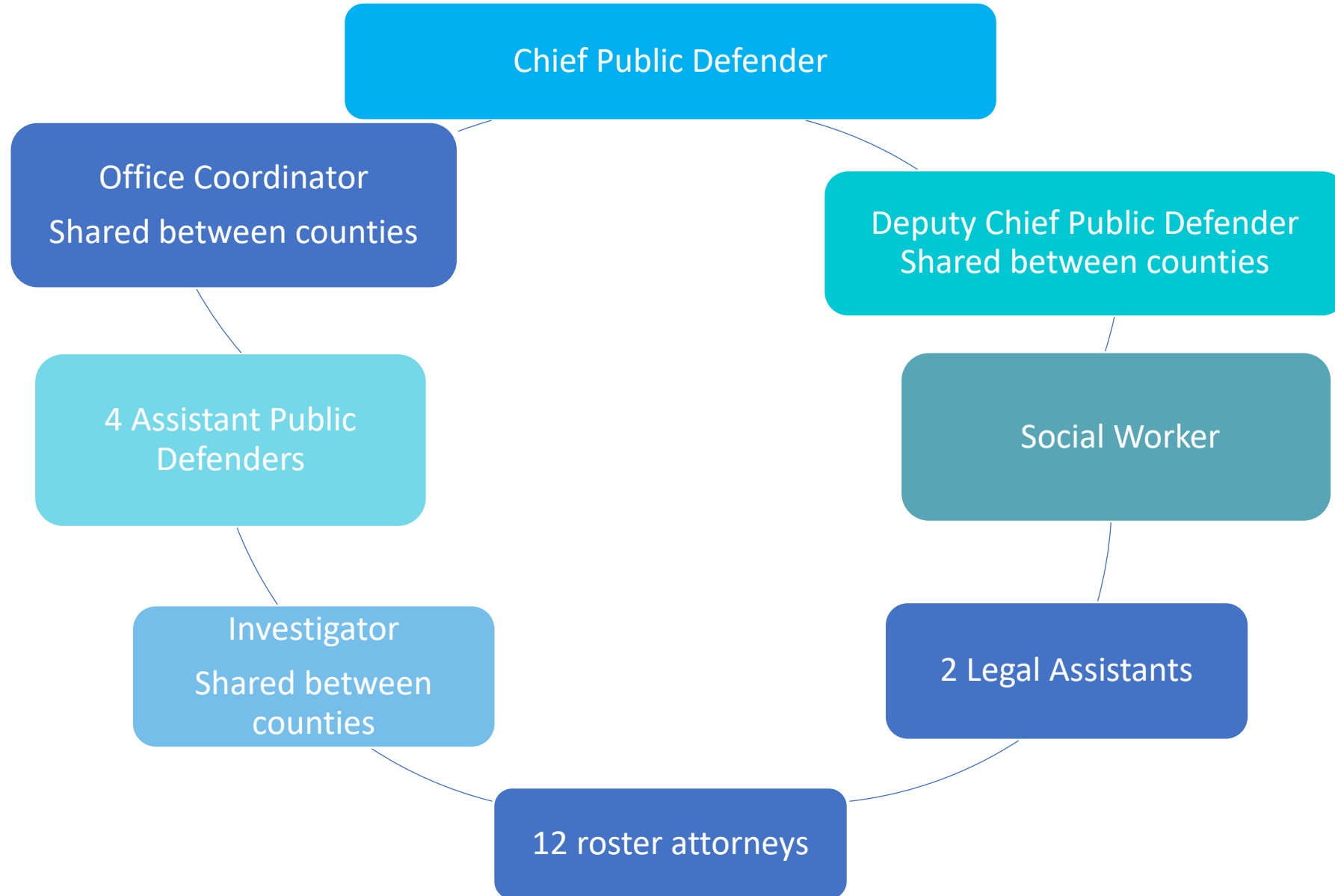
Participation in a variety on ongoing
training opportunities for all staff
and roster attorneys



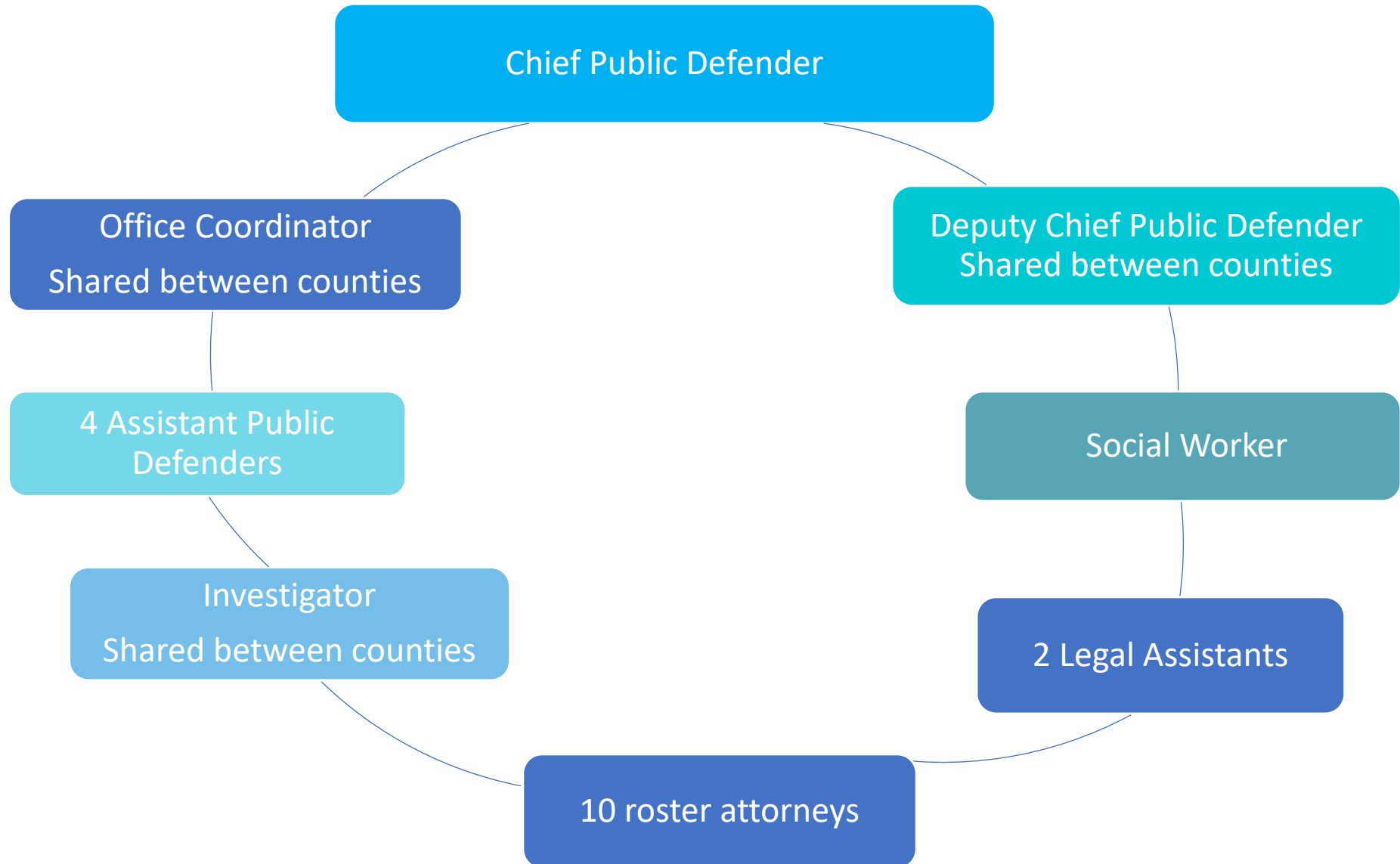
Participation in
leadership meetings



Allegan Office Staff



Van Buren Office Staff



Staff Attorneys Engage in All Manners of Representation With a Client Centered Approach

Hearing Preparation

Arraignments Hearings

Probable Cause Hearings

Preliminary Hearings

Pretrials

Motion Hearings

Trials

Sentencing Hearings

Interlocutory Appeals

Probation Violation Show Cause Hearings

Probation Violation Hearings

**OPD attorneys are
tasked with other
invaluable duties
outside the
courtroom**

Community service
projects

Instrumental
in collecting
data for MIDC
reporting and
MIDC
standard
compliance

Developed and
provided a 10-
week training
program for the
new Holistic
Defense
Fellowship
Program funded
by MIDC

Implementing and
refining OPD's Legal
Internship Program

Providing
internal and
external training
opportunities

Instrumental
in refining
OPD's internal
attorney
mentorship
program

The Staff of the Office of the Public Defender



Chad Catalino
Chief Public Defender



Manda Mitteer
Deputy Chief Public Defender



Staff Attorneys



Rena Nyx

Assistant Public Defender



McKaylyn Mitrzyk

Assistant Public Defender



Jordan Sayfie

Assistant Public Defender



Dario Sierra

Assistant Public Defender



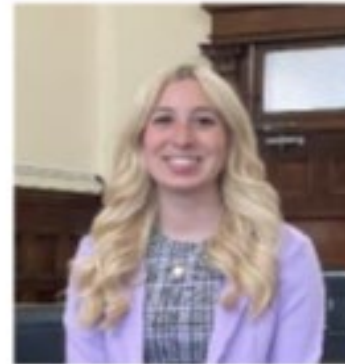
Mariah Silverstein

Assistant Public Defender



Scott Jessen

Assistant Public Defender



Tess Strasser

Assistant Public Defender



Brittany Macaddino

Law Clerk

Support Staff and Holistic Services Team



Whitney Gibson
Supervising Social Worker



Julie Robbins
Office Coordinator



Sarah Bevins
Legal Specialist



Emily Timmer
Legal Specialist



Emily Feaster
Social Worker



Mike Kalbfleisch
Investigator



Elena Vasquez
Legal Specialist



Alecia Penning
Administrative Assistant

OPD Roster Attorneys

OPD's Roster Attorneys are also engaged in all manners 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 Defender Staff Attorneys, however, they are not generally responsible for providing arraignment representation nor are they primarily responsible for significant date collection related to OPD's MIDC Standards. Roster Attorneys, like OPD Assistant Public Defender Staff Attorneys, are required to meet the MIDC Standards when handling criminal indigent defense cases.

Roster Attorneys of the Office of the Public Defender

Allegheny Roster Attorneys

- 1 roster attorney only handles misdemeanors
- 3 roster attorneys have caseload restrictions due to work in the Juvenile Court
- 4 roster attorneys have self-imposed assignment restrictions that limits frequency of case assignments
- 2 roster attorneys have no case assignment restrictions other than those mandated by MIDC

Van Buren Roster Attorneys

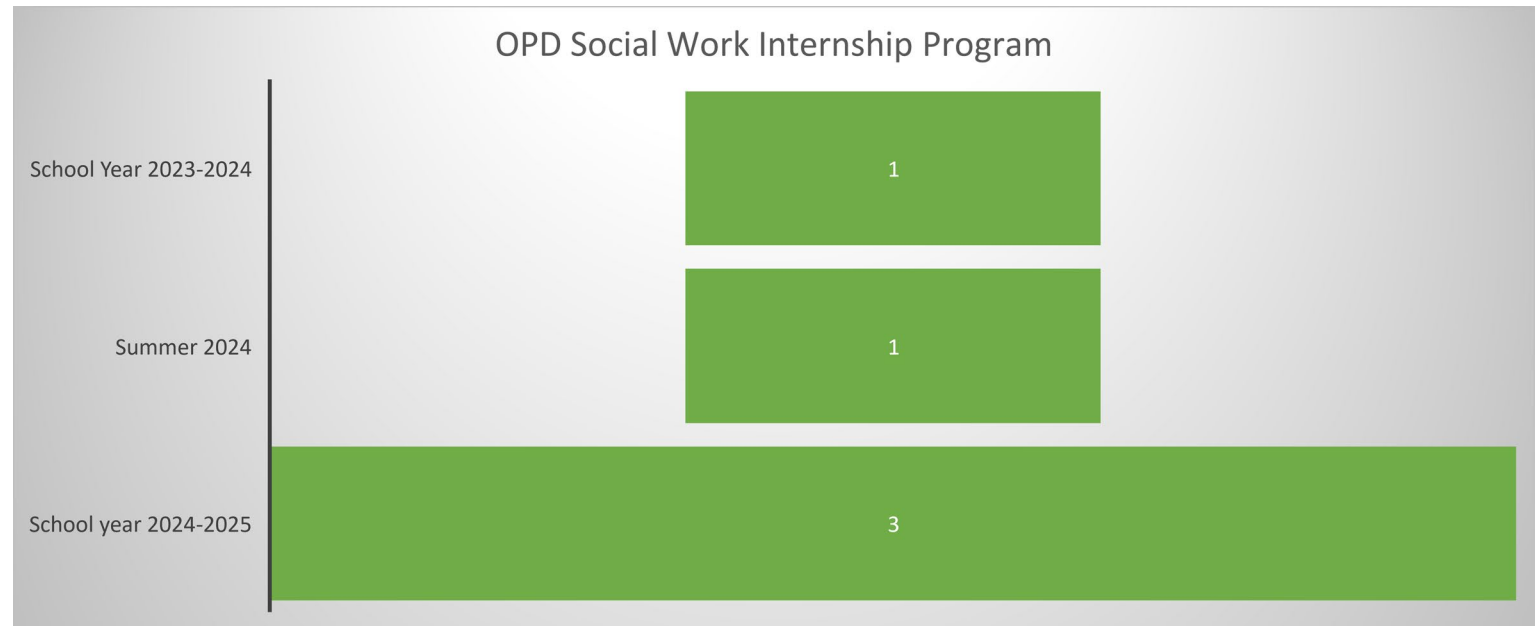
- 8 roster attorneys without any limitations on the types of cases they can take and frequency of assignments

OPD Social Worker Duties

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.

Social Work Internship Program

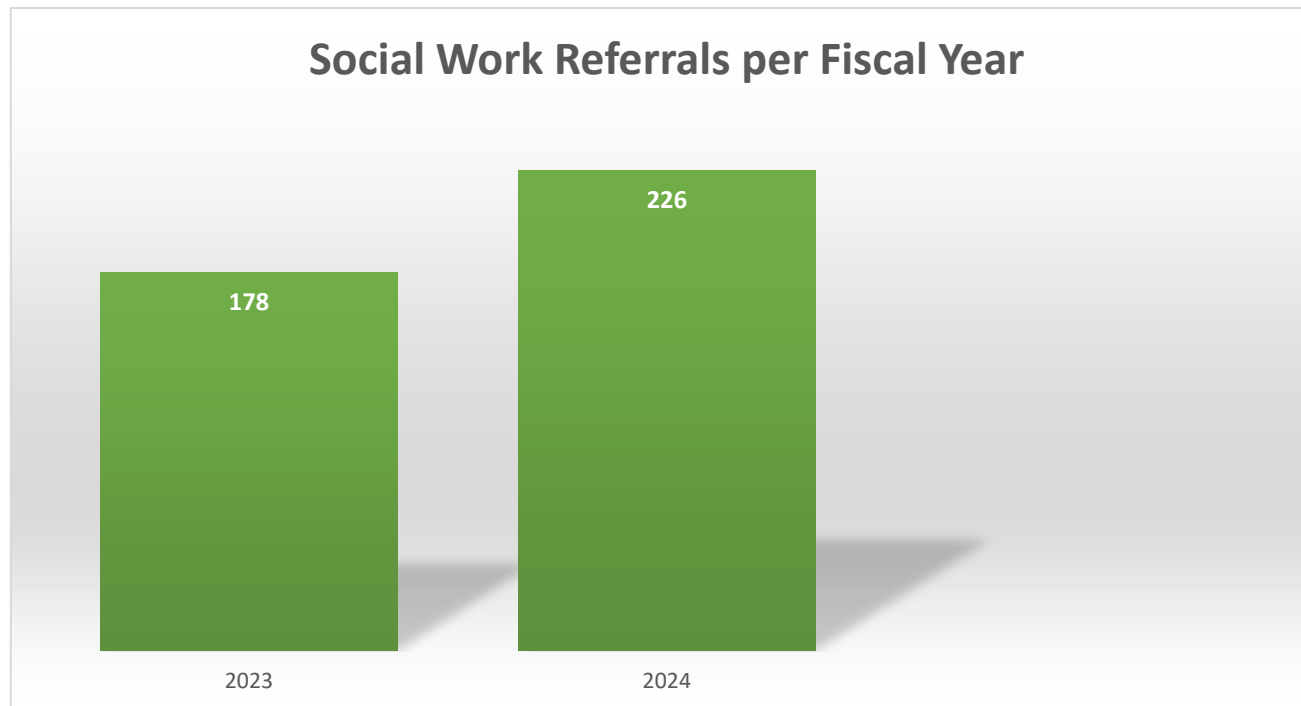
The social work internship program with the OPD has remained an important focal point over the past year. During the school year of 2023-2024, OPD hosted one intern from Grand Valley State University. The OPD hosted one fellow from Michigan State University through the Michigan Holistic Defense Fellowship program. Beginning in August 2024, the OPD will be hosting three interns from Cornerstone University, Hope College, and The University of Tennessee. OPD continues to grow relationships with universities and build new relationships through students and universities interested in learning Holistic Defense and the critical role it plays in the social work profession overall.



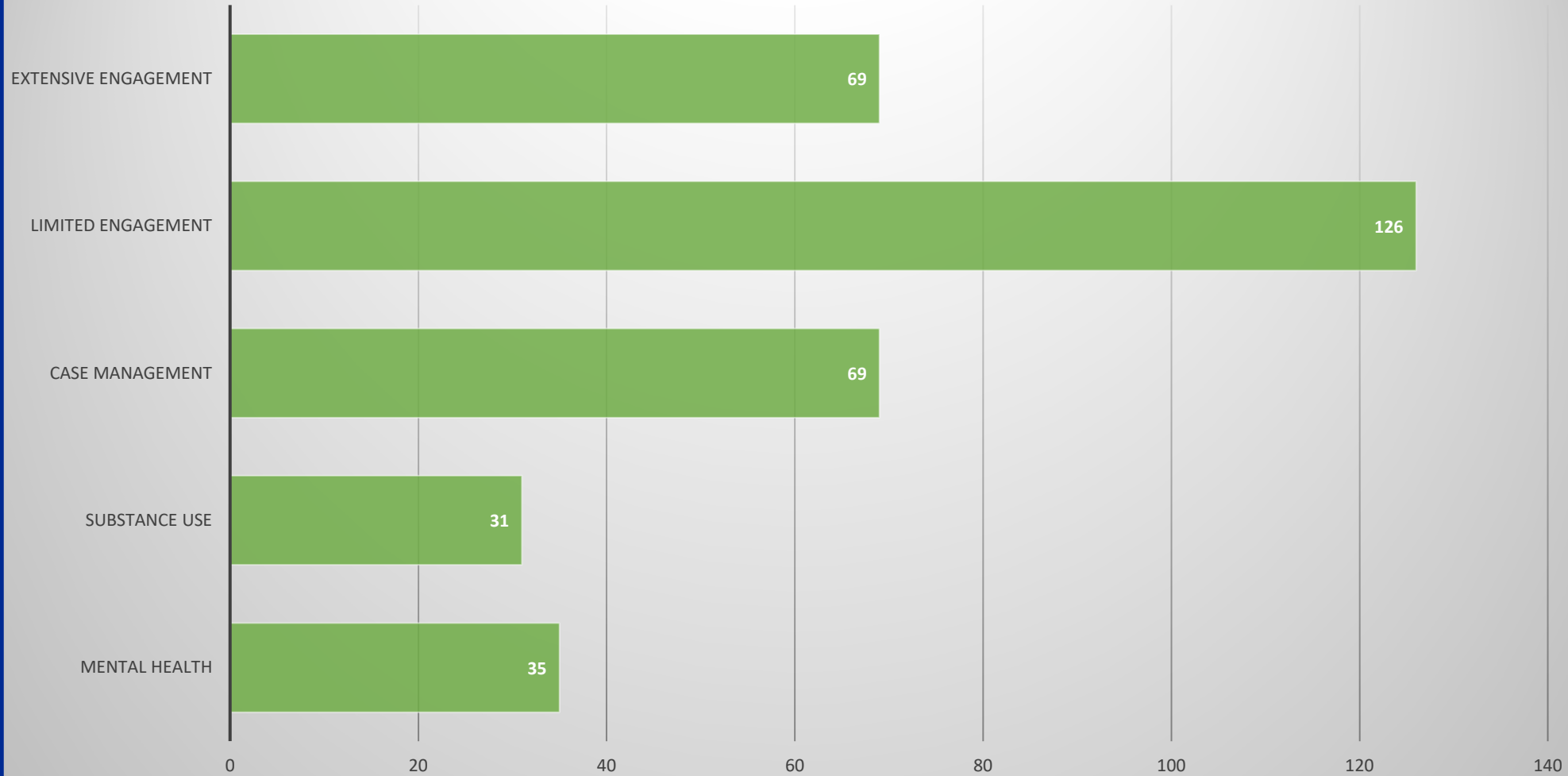
OPD Social Work Referrals

Referrals:

Between October 1, 2023, and July 17, 2024, 226 referrals were submitted to the social work department. This is an increase of 48 referrals from last year. Of these referrals, 27 were mitigation referrals.



Types of Referrals



Community Involvement

Book Drive for the Jails:

OPD social workers organized a holiday donation drive benefiting the Allegan and Van Buren County Jails. A total of \$550 was collected, enabling the donation of 20 new books to each facility. The selection of donated books encompassed self-help literature, and materials tailored for individuals with basic reading skills.

Housing Issues:

The OPD lead social worker continued participation in the Multi-Agency Collaborative Council (MACC) meetings and the housing focus group. The housing group is focused on addressing barriers to housing which were identified in the Allegan County Community Health Improvement Plan (CHIP).

MIDC Data Group:

OPD social workers have continued participation in the state-wide data group with the Michigan Indigent Defense Commission (MIDC). This group is focused on developing standard data collection processes for social work departments in Public Defense offices. The OPD has set the standard in implementing the processes for data collection.

Expungement Fair and Resource Clinic:

The OPD has partnered with Christian Neighbors, the Michigan Attorney General's Office, Safe & Just Michigan, and the Office of the Public Defender of Ottawa County in hosting an Expungement Fair and Resource Clinic on August 23, 2024. The Expungement Fair offers an opportunity to clear a person's criminal history which allows for further opportunities in education, housing, and employment.

Leading Statewide Public Defense Social Work Group:

The OPD continues to be a leader in holistic defense across Michigan by providing support to other Public Defender offices. The OPD lead social worker leads monthly meetings with public defender social workers. There are currently approximately 50 social workers in these positions. The meetings provide training, support, and collaboration on innovative holistic defense practices. Additionally, Ms. Gibson manages a Google Drive to house resources, templates, training material, and redacted mitigation reports for other Public Defender offices to access.

Reaching Rural Initiative

OPD's lead social worker was selected as a fellow for the Reaching Rural: Advancing Collaborative Solutions Initiative. The Reaching Rural Initiative supports rural practitioners in growing as leaders and implementing solutions to address the persistent challenges of substance use in rural communities. The lead social worker will attend skill-building workshops and peer-to-peer learning experiences, receive coaching, and learn directly from other rural practitioners. OPD's lead social workers will bring together a local team to identify a project to address substance use in Allegan County and apply for funding available through the Reaching Rural Initiative and other federal grants. Reaching Rural is co-sponsored by the Bureau of Justice Assistance, the Centers for Disease Control and Prevention, and the State Justice Institute. The 2024 cohort is comprised of 67 fellows from across the criminal justice system and public health, behavioral health, and nonprofit organizations. This is a great opportunity not only for OPD, but for Allegan County, as this connects us with leaders across the nation to learn from and collaborate with.

MIDC Holistic Defense Fellowship Program

OPD is participating in the first MIDC Holistic Defense Fellowship Program. OPD is one of five counties in the State of Michigan participating in the “first of its kind” Michigan Holistic Defense Fellowship. The Fellowship offers law students and social work students the opportunity to learn Holistic Defense during a 10-week paid internship with the OPD. The fellowship has brought two fantastic candidates to OPD for 10-weeks this summer: Taylor Mikkelson (Law Student) and Savannah Maat (Masters of Social Work Candidate).

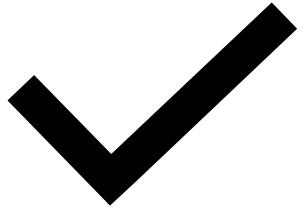
Since joining OPD, the law fellow has met all of Allegan County’s Honorable Judges in both District and Circuit Court. She has been able to observe our attorneys engage in arraignments, pretrials, and sentencings. Within her first few days, she was able to watch a felony jury trial which concluded in a not guilty verdict. Pursuant to court rule, she was recently sworn in by Chief District Court Judge William Baillargeon, to practice law in the 57th District Court. Since being sworn in, the OPD law fellow has begun conducting jail and bonded arraignments. She is also participating OPD’s Trial Skills Program. This program was designed by OPD staff and leaders to train future defenders in the everyday practice of criminal defense. Participants in this program are given a mock case file that they will prepare for trial. They are trained by our attorneys in each phase of the trial process, including: voir dire, opening statements, cross and direct examination of witnesses, and closing statements. Our participants are given assignments and feedback to help them hone their trial skills, which are put to the test at the end of the program during a full mock trial.

Since starting the fellowship the end of May, the social work fellow has shadowed the various tasks of a social worker including but not limited to case management, court support, and mitigation. She has observed the different court hearings within the District and Circuit Court and she has shadowed the Assistant Public Defenders. She has a caseload with her own clients to work with and has begun meeting with those clients with the support of the Lead Social worker. Within these case assignments, she has connected clients to employment assistance, food pantries, and assisted a client in getting approved for Intensive Outpatient Treatment for substance use. Additionally, the social work fellow has been exposed to the process of mitigation for trial preparation and sentencing hearings. She has interviewed clients to begin gathering mitigating information to develop a sentencing argument that caters to the social and legal needs of the client. As part of the Holistic Defense Team, the social work fellow will also be participating in the mock trial along with the law fellow.

OPD Chief, Chad Catalino, and OPD Deputy Chief, Manda Mitteer, were invited over a year ago to be part of the planning process for the first year of the Holistic Defense Fellowship Program. As the first year of the fellowship comes to an end soon, future plans are being made including the creation of a Board of Directors for the Holistic Defense Fellowship Program. OPD Chief Chad Catalino was recently nominated and approved to be the Chairperson for this newly created Board. Deputy Chief Manda Mitteer was also recently nominated and approved to become a Board Member. OPD hopes our leadership in the Holistic Defense Fellowship Program will continue to grow the Program and will provide recruitment and retention opportunities for Holistic Defense Offices, including Allegan County OPD, for years to come.

OPD Investigator Duties

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.



MIDC Compliance Standards

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 Standard 8 passed in 2022 and Standards 6 and 7 passed in 2023 and all are now requirements of the MIDC grant. OPD has been in substantial compliance with Standards 6-8 for the majority of its operational history since 2019 so while these Standards are now being imposed, OPD had the foresight to anticipate these Standards and put policies and processes in place to make a smooth transition for compliance reporting. 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.

MIDC Standards 1, 2, 3, and 4 (Effective 2019)

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)

2019 – All Staff and Roster Attorneys, except for 1 attorney met Standard 1. The attorney corrected the failure by January 21, 2020.

2020 – 100% compliance

2021 – 100% compliance

2022 – 100% compliance

2023 – 100% compliance

2024 – All Staff and Roster Attorneys are on track to meet Standard 1 compliance by December 31, 2024.

MIDC Standard 2 – Initial Interview

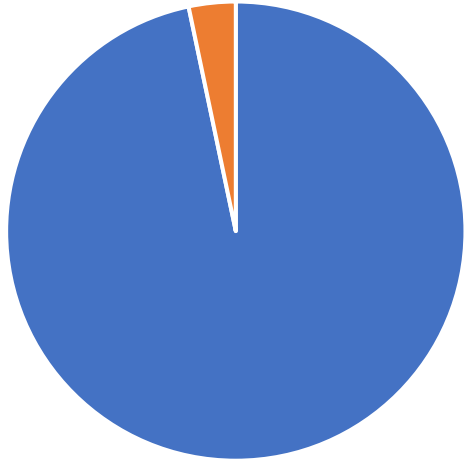
MIDC Relevant Measurements:

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.

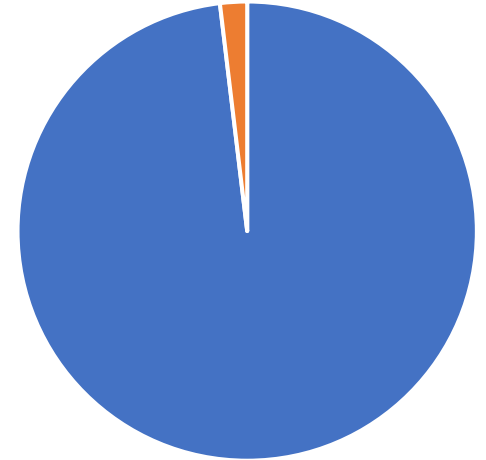
Standard 2 Compliance 2024

In-Custody – 96.7%
Bonded – 96.8%
MDOC – 98.1%

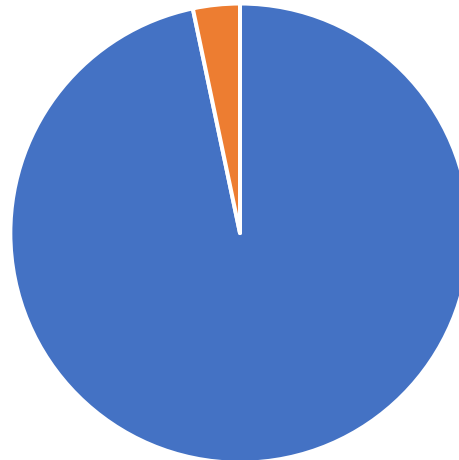
In-custody



MDOC



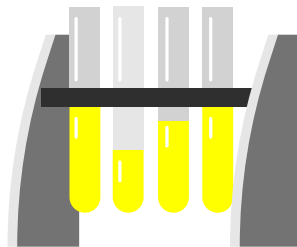
Bonded



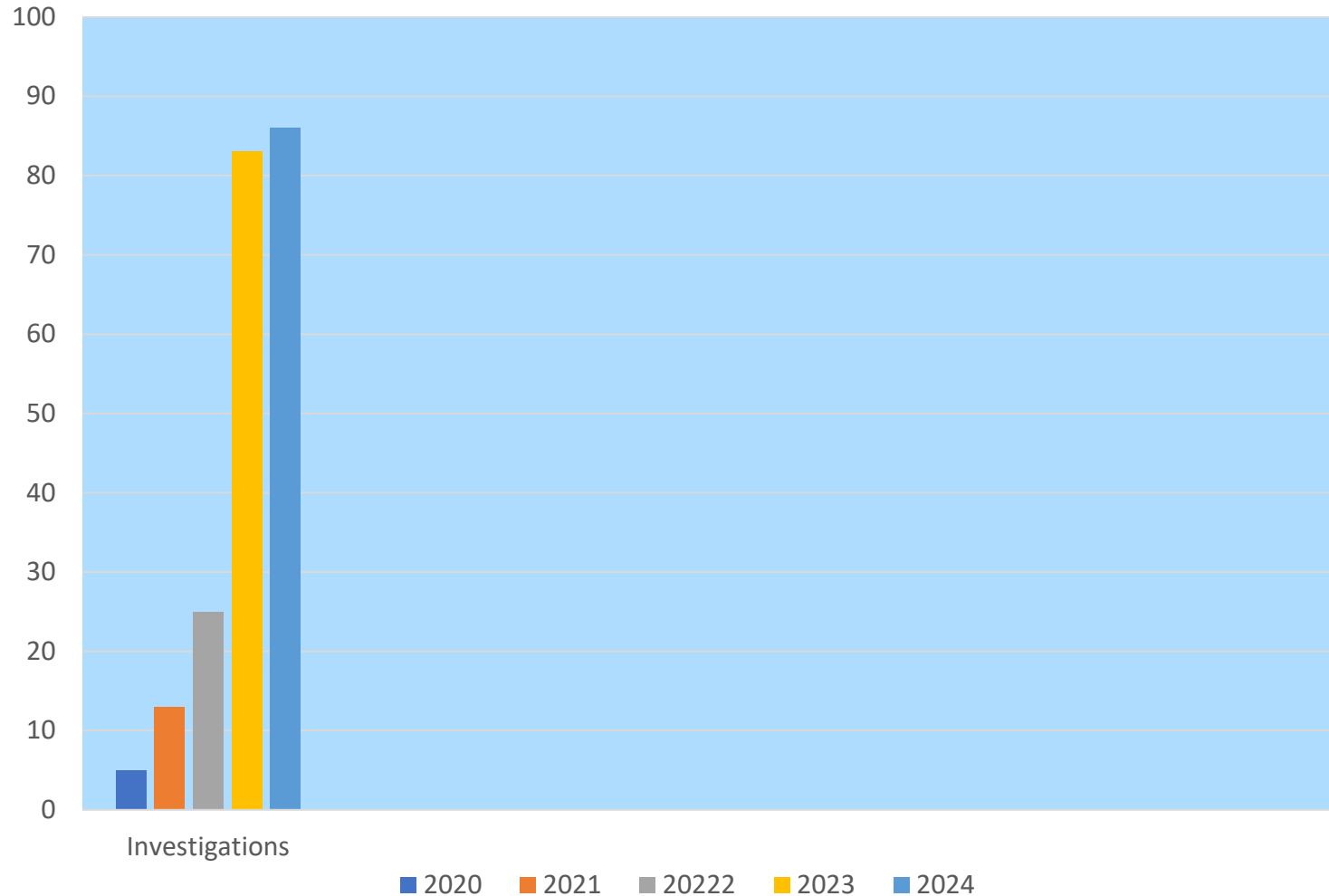
MIDC Standard 3 – Investigation and Experts

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.

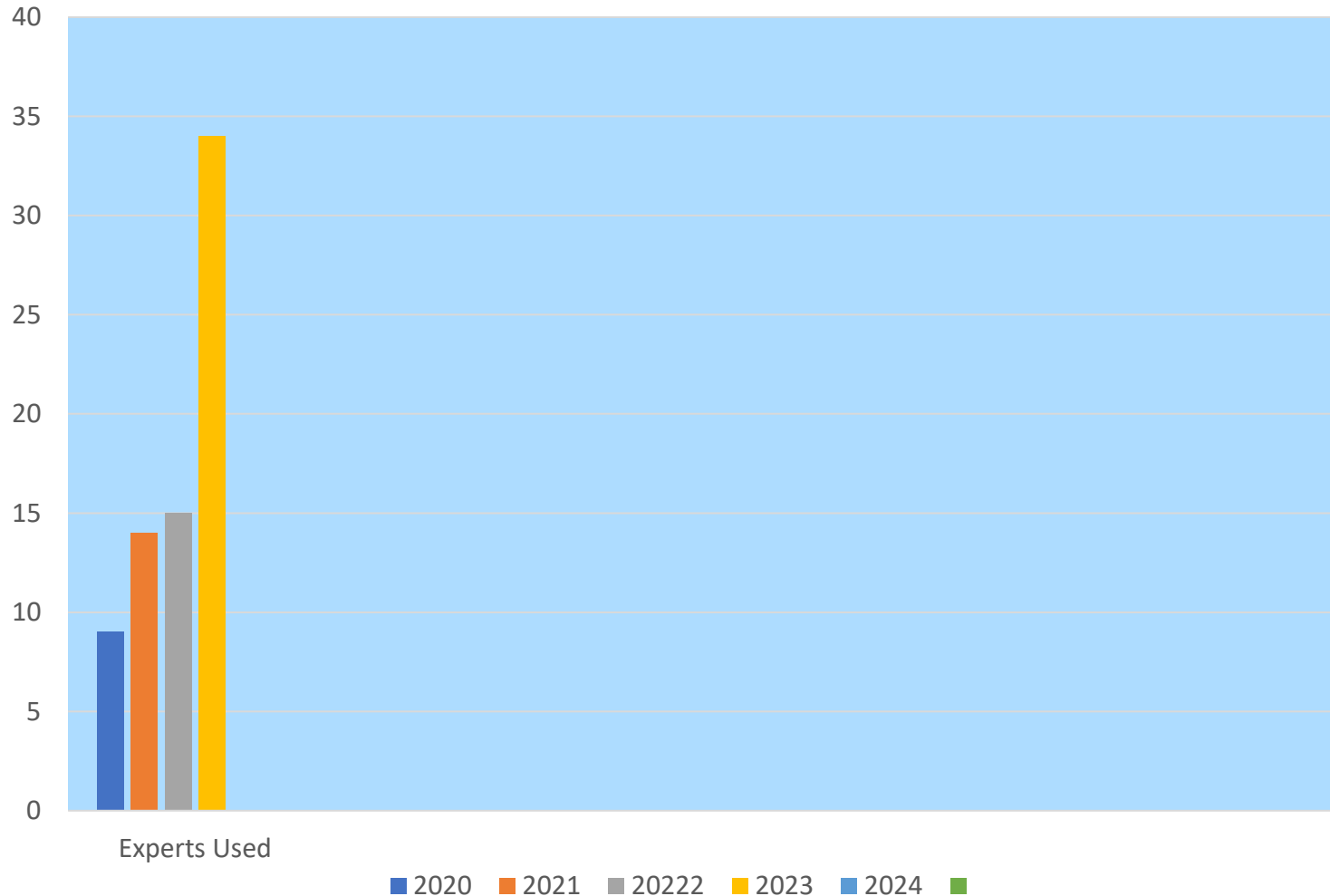


Number of Investigation Referrals by Year



2020 – 5
2021 – 13
2022 – 25
2023 - 83
2024 as of June - 86

Number of Experts Used by Year



2020 – 9
2021 – 14
2022 – 15
2023 - 34
2024 as of June - 25

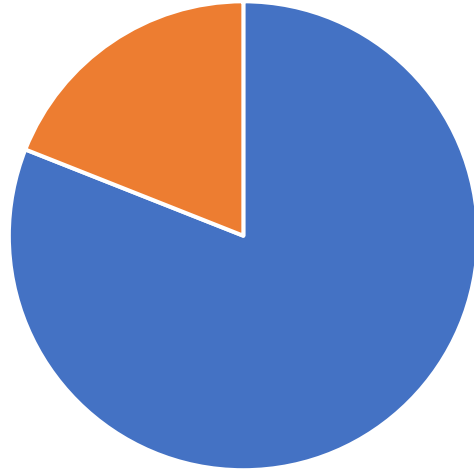
MIDC Standard 4 – Counsel at First Appearance and Other Critical Stages

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.

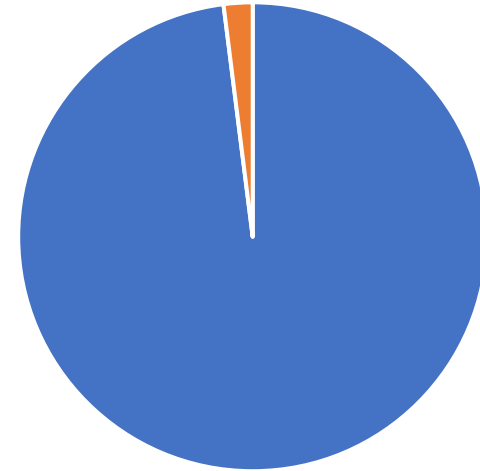
Allegan County Standard 4 Compliance

2020



- 2020 Allegan Covered Arraignments
- 2020 Allegan Covered Arraignments
- 81% Covered
- 19% Not Covered

2023

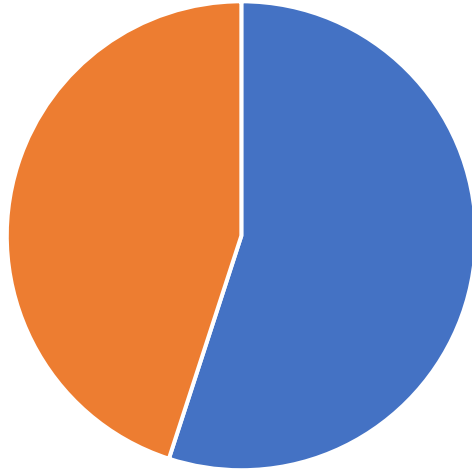


- 2023 Allegan Covered Arraignments
- 2023 Allegan Not Covered Arraignments
- 98% Covered Arraignments
- 2% Not Covered

FY2024 data collected through Quarter 2 indicate comparable compliance rates with the previous year (2023).

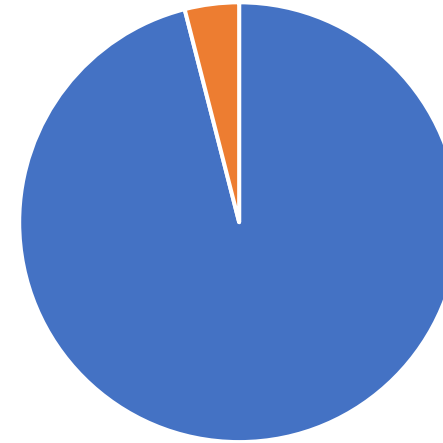
Van Buren County Standard 4 Compliance

2020



- 2020 Van Buren Covered Arraignments
- 2020 Van Buren Not Covered Arraignments
- 55% Covered
- 45% Not Covered

2023



- 2023 Van Buren Covered Arraignments
- 2023 Van Buren Not Covered Arraignments
- 96% Covered
- 4% Not Covered
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FY2024 data collected through Quarter 2 indicate comparable compliance rates with the previous year (2023).

MIDC Standard 5 – Independence from the Judiciary

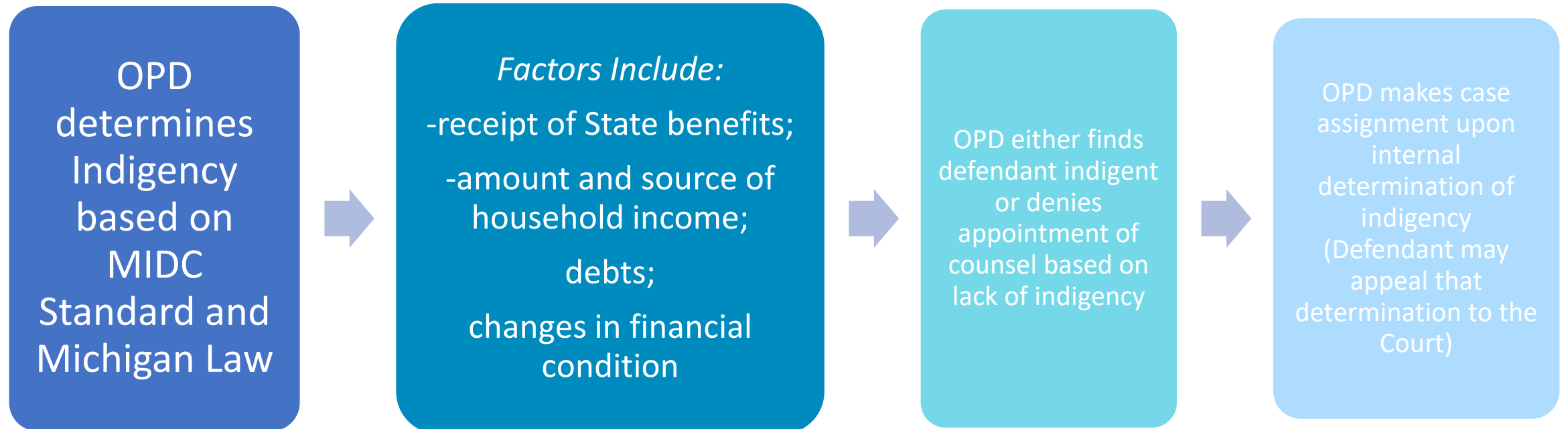
MIDC Relevant Measurements:

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.



Following significant work with the Allegan and Van Buren County Courts, Jail Administrations, MIDC and other stakeholders, in October 2022 OPD launched an updated process that has removed the indigency screening responsibilities from the Courts and placed that responsibility within OPD's internal processes.

Process as of January 2023



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.

Standard 6 was just passed for FY2024. MIDC processes and procedures for compliance monitoring and reporting continue to be developed and refined as this is a new standard and there are complexities to managing and reporting compliance.

To ensure compliance with Standard 6:

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.
4. OPD utilizes its case management software to routinely monitor caseloads and adjust the assignment process accordingly for compliance purposes.

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.

Due to the importance of ensuring an effective level of representation, OPD has taken significant steps to implement Standard 7 prior to its mandate in FY2024:

- OPD Staff and Roster Attorneys handling Misdemeanor cases have:
 - o Met Michigan Bar Admission standards;
 - o Basic Skills requirements; and
 - o 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.

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.

Compensation Considerations

For Standard 8 purposes, between 2019 and 2023 OPD's Roster Attorneys received no increase in the hourly rate of compensation. Moreover, there had been no increase in Roster compensation amounts related to cost-of-living increases, or accounting for inflationary issues. This 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 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. MIDC has approved the increased rates for FY2025 to allow OPD to help offset the rising cost of living and inflation expenses.

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 –
 - \$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)

Anticipated FY2025 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
 - \$137 per hour low severity felonies (Sentencing Grid E, F, G, H)
 - \$150 per hour high severity felonies (Sentencing Grid M, A, B, C, D)

MIDC FINANCIAL COMPLIANCE



OPD's expense budget and FY2023 expenditures:

	AMOUNT	PERCENT
2023 Expense Budget	\$4,086,080.00	
Q1 Expenditures	\$841,201.74	20.6%
Q2 Expenditures	\$1,076,091.30	26.3%
Q3 Expenditures	\$1,016,371.83	24.9%
Q4 Expenditures	\$1,139,201.90	27.8%

YTD Expenditures	\$4,072,866.77
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OPD's FY2024 expense budget is:

	AMOUNT	PERCENT
2024 Expense Budget	\$5,939,566.24	
Q1 Expenditures	\$1,197,205.83	20.2%
Q2 Expenditures	\$1,184,882.61	20.0%

OPD FY2025 Expense Budget:

On June 25, 2024, the MIDC Board of Commissioners approved OPD's FY2025 Compliance Plan and Expense Budget for a total of **\$4,532,342.07** for the **Allegan County** OPD beginning October 1, 2024.

Looking Forward



OPD strives 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.

Drafted by:

Chad D. Catalino Chief Public Defender
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Van Buren Counties

Drafting support by:

Manda Mitteer Deputy Chief Public
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Drafting support by:

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