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INGHAM COUNTY BOARD OF COMMISSIONERS

P.O. Box 319, Mason, Michigan 48854 Telephone (517) 676-7200 Fax (517) 676-7264

THE JUDICIARY COMMITTEE WILL MEET ON WEDNESDAY, SEPTEMBER 2, 2009 AT 6:00 P.M., IN THE PERSONNEL CONFERENCE ROOM (D & E), HUMAN SERVICES BUILDING, 5303 S. CEDAR, LANSING.

Agenda

Call to Order
Additions to the Agenda
Limited Public Comment

	<u>Budget Book</u> <u>Section-Page</u>
1. <u>Budget Hearings</u>	
a. Probate Court	6-90
b. Jury Administration	6-87
c. <u>District Court</u>	6-77
d. <u>Circuit Court</u>	
1. Friend of the Court Division	6-70
2. Family Division	6-12
3. General Trial	6-1
e. <u>Legal Services</u> of South Central Michigan	
2. Final Ranking	

Announcements **PLEASE TURN OFF CELL PHONES OR OTHER ELECTRONIC**
Public Comment **DEVICES OR SET TO MUTE OR VIBRATE TO AVOID**
Adjournment **DISRUPTION DURING THE MEETING**

The County of Ingham will provide necessary reasonable auxiliary aids and services, such as interpreters for the hearing impaired and audio tapes of printed materials being considered at the meeting for the visually impaired, for individuals with disabilities at the meeting upon five (5) working days notice to the County of Ingham. Individuals with disabilities requiring auxiliary aids or services should contact the County of Ingham in writing or by calling the following: Ingham County Board of Commissioners, P.O. Box 319, Mason, MI 48854 Phone: (517) 676-7200. A quorum of the Board of Commissioners may be in attendance at this meeting. Meeting information is also available on line at www.ingham.org



STATE OF MICHIGAN
55TH JUDICIAL DISTRICT COURT
700 BUHL AVENUE • MASON, MICHIGAN 48854
517-676-8400
www.ingham.org/dc

PROPOSAL
to
TO ENHANCE SECURITY
and
THE COLLECTION OF REVENUE DUE TO THE COUNTY

STATEMENT OF PROBLEM: Lack of Security Personnel at the District Court

It is the primary role of courts to resolve disputes. Many of these disputes are emotionally charged. Most people who stand before the court ultimately accept the court's rulings. However, some will not and only care for the result that benefits them the most. When things don't go their way, there is an increase in the potential for violence occurring in the courthouse.

When a person is highly emotional and believes that they have been denied their own sense of justice and that a government system has failed them, they may turn to violence as means of exoneration or vengeance. Their hostility may be directed at the other party or the people who personify the judicial system: judges, prosecutors, probation officers, clerks, and others who work within the system. Since the courthouse is the building where the disputes are handled, the courthouse is the building where violence is likely to occur.

The National Sheriffs' Association (NSA) suggests that during the past 35 years, eight state or local judges have been killed. Another 13 were physically assaulted. Three local prosecutors were killed, four assaulted. At least five law enforcement officers have been killed at local courthouses, 27 assaulted. At least 42 court participants have been killed at local courthouses and countless numbers have been assaulted.

We have a significant security problem at the 55th District Court. That being, we do not have adequate personnel resources to provide the security needed for our judges, court employees, prosecutors, litigants, and members of the public. The court is greatly appreciative that the County has funded a checkpoint for ingress/egress into the courthouse. The secured checkpoint is a step in right direction, but falls short of providing the level of security needed for this building.

The 55th District Court is an extremely busy court. We process over 30,000 new cases each year. Thousands of old cases are reopened each year. Currently, we have two court officers that are responsible for courthouse security. These court officers also serve as bailiffs and have courtroom responsibilities. In August of 2006, one of our court officers was brutally attacked by an inmate. We responded by requesting additional personnel resources for court security. The County recognized the need and allocated an additional 0.5 FTE position for court security (part-time court officer). Unfortunately, this position has been vacant since this year's hiring freeze. The part-time court officer generally worked on Monday afternoons (criminal pretrials and jury selection) and Tuesday and Thursdays (criminal docket days). This position was assigned to perform the following duties:

- Patrol lobby and hallways
- Assist with prisoner transport
- Provide additional security in courtrooms as needed
- Assist probation officers with probation violations and uncooperative defendants
- Fill in for court officers while on leave.

The court officer position is one that we and the County cannot afford to do without. The safety and welfare of thousands upon thousands of people who visit the court each year is dependent upon the Court having adequate security coverage. There are far too many cases and far too many people for two court officers to provide the security needed for this court. The problem is exacerbated when a court officer is utilizing leave time. In such a case, we have only one court officer providing security coverage for the entire courthouse.

Both the Ingham County Sheriff Department and Mason Police Department have been very cooperative and helpful in providing the court with additional security when asked, and they've responded as soon as possible when dispatched to a security incident at the courthouse. However, the problem lies with, "when asked" and "as soon as possible." Most security incidences that occur in a courthouse are not predictable. Hence, it is not likely we will have knowledge of when, where and who will be the victim of an assault. In most security incidences, the greatest amount of physical injury will occur prior to a law enforcement officer arriving on the scene. The longer it takes for an officer to arrive on the scene, the greater the potential for a serious or fatal injury to occur.

It is our duty to protect those who enter and use the courthouse from becoming statistics on the National Sheriff's Association report. We need to be proactive in addressing our security problem. It's imperative that we act now and not when it's too late.

STATEMENT OF PROBLEM: Lack of Personnel Resources to Collect Outstanding Receivables

Currently, the Court has a significant amount of money in outstanding receivables, with the majority of the money owed to Ingham County. We constantly work on reducing this amount. But, we can do better. We've identified five types of people who owe the court money; three

of which require additional work on behalf of court staff in order to collect the money. The first two, the financially responsible and indigent types, do not require any additional work for court staff. The financially responsible pay by the due date and the case is closed. When a person is found to be indigent, the debt is forgiven and the case is closed.

Three types remain; the financially irresponsible, the financially deficient and the scofflaws. Each of these types requires additional work in collecting the monies owed. The financially irresponsible intend to pay their debt and have the means to pay the debt; they generally mismanage their finances and/or do not place a high priority on the payment of the debt to the court. The financially deficient intend to pay their debt, and would pay their debt on time; however, they do not have the financial means at the time to pay off the debt. A financially deficient person is different from an indigent person. An indigent person does not have the wherewithal or means to earn an income. A financially deficient person does have the means; however, they currently don't have a job or they believe they don't make/have enough money to pay the debt. The scofflaws may or may not have the financial means at the time to pay the debt; however, they have no intention of paying off the debt.

We believe the majority of the money owed to the Court is from the financially irresponsible and financially deficient. The good news is that most of them intend to pay; they simply need a little assistance. The financially irresponsible need a person to monitor their accounts and remind them of their financial obligation to the Court, as well as the consequences for their failure to make payment. The financially deficient do not pay because of the perceived large sum of money that they owe to the Court. For them, it's not realistic to pay off the debt. Until their financial situation changes, it's much easier to take their chances and ignore their debt to the Court.

With additional personnel resources dedicated to working with the financially irresponsible and financially deficient, the County, the Court, defendants and law enforcement would stand to benefit. The County would stand to benefit financially as the revenue collected from delinquent accounts is expected to increase. The Court would benefit from a case management standpoint as the number of open files would decrease. In addition, the integrity of the Court's orders would be upheld. The assessment of fines and costs is an order of the court. Like any other court order, in order to be effective, the order needs to be enforced. When there is no enforcement action, the overall integrity of the Court is damaged. What good is an order, if it is not going to be enforced? Defendants would benefit both financially and personally. They would have someone working with them, not against them, to help monitor and clear up their debt with the court. Law enforcement would benefit as less warrants would be issued for failure to pay fines and costs. When a law enforcement officer contacts a defendant who has a failure to pay fines and costs warrant, the officer will be taken off the streets to process the arrest on the warrant. Fewer warrants will mean more enforcement time for more important enforcement activities.

PROPOSED RESOLUTUON TO PROBLEMS:

The Court respectfully requests that the County fund 1.0 FTE position for 2010 budget year. The position would encompass the 0.5 FTE court officer position that was removed from the 2010 budget and a 0.5 FTE to serve as a collection officer. The position would provide the added security that is critical to the safety and welfare of all who enter into this building, and the position would allow for time to enforce the financial orders of the court. By spending approximately 0.5 FTE hours each week on collection activity, it is anticipated that the position would pay for itself and generate some additional revenue for the County. The Court is requesting funding for one year to demonstrate that the 0.5 FTE position can pay for itself. If at the conclusion of one year, the 0.5 FTE position has not paid for itself, the Court would not request funding for the position in 2011.

The County's current budget situation can definitely be described as an adverse situation, and all of us have been asked to think creatively to assist in managing the financial hardship of Ingham County. Our proposal does this. Our proposal is a creative way to assist the Court in meeting its operational burdens without creating an additional financial burden for the County. We believe our proposal is a creative way to assist defendants with their own financial burdens. It has also been said, "Nothing ventured, nothing gained." To us, the time appears to be right to try such a new venture.

The Court respectfully request that the County fund a 1.0 FTE position (Court Officer/Enforcement Officer) for 2010 budget year with 50% of the funds coming from increased district court revenues as a result of collection activity being performed by the position.

LEGAL SERVICES OF SOUTH CENTRAL MICHIGAN

"... there can be no equal justice where the kind of trial ... (one) enjoys depends on the amount of money (one) has."

AGENDA ITEM #
Hon. Hugo Black
Wain v Illinois
351 US 12 (1956)

Ingham/Clinton/Eaton/Barry/Shiawassee/Livingston Office: 3490 Belle Chase Way, Ste 50, Lansing, MI 48911-4257
(517) 394-3121 • (800) 968-0044 • Fax (517) 394-4276

August 24, 2009.

Debbie De Leon, Chairperson
Ingham County Commissioners
Ingham County Courthouse
341 S. Jefferson St.
Mason, MI 48854

RECEIVED
AUG 25 2009

Dear Ms. De Leon:

We are writing to follow up our announcement that we have decided to close the Access to Justice Center (ATJC), and to reassure you that Legal Services is still capable of fulfilling our current agency contract with Ingham County through the end of the grant cycle, December 31, 2009.

In our contract, services provided through the ATJC were only one of the five "specific services to be provided"—so only one of our five listed services are affected at all by the closure of the ATJC. We will continue to fully provide the other four services—direct representation in domestic violence, housing, consumer, and public benefits cases. (We are attaching the Scope of Work section of our current contract.) Moreover, we feel we can provide the services that are currently provided through the ATJC from our main office location. For these reasons, we respectfully request that we receive the full funding reflected in the Legal Services of South Central Michigan (LSSCM) contract with the county for the balance of the grant cycle.

So that the Commissioners can understand how we can continue to meet our contract obligations, we would like to clarify some issues about the purpose of the Access to Justice Center and the services that are being provided there. The ATJC has operated essentially as a satellite office to our main Ingham County office; the ATJC provides court-approved forms and assistance in completing these forms on a walk-in basis. ATJC staff have also assisted *pro per* litigants in their final divorce court hearings, known as "pro con" hearings. There was no screening for income eligibility for ATJC clients—our other grants limit our services to low income people. No legal advice or extended service was provided to clients at ATJC. By contrast, our main office provides legal advice, brief service, and full representation to clients who earn less than 200% of Federal Poverty Guidelines. (This income eligibility is also one of the specific eligibility requirements outlined in the Scope of Work for our grant with Ingham County.)

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Hillsdale/Jackson Office: 540 N Jackson St, Jackson, MI 49201 • (517) 787-6111 • Fax (517) 787-5805
Monroe/Lenawee Office: 1118 S Telegraph Rd; Ste A, Monroe, MI 48161 • (734) 241-8310 • (888) 251-1598 • Fax (734) 241-1381
Washtenaw Office: 420 N Fourth Ave, Ann Arbor, MI 48104 • (734) 665-6181 • Fax (734) 665-2974
Family Law Project: University of Michigan Law School, Hutchins Hall, 625 S State St, Ann Arbor, MI 48109 • (734) 998-9454 • Fax (734) 998-9125
Farmworker Legal Services: 34276 52nd St, PO Box 219, Bangor, MI 49013 • (269) 427-1622 • Fax (269) 427-2862
Michigan Poverty Law Program: 611 Church St, Ste 4A, Ann Arbor, MI 48104 • (734) 998-6100 • Fax (734) 998-9125



Program Delivery
Partner

Jackson County, Monroe County and South Central Michigan United Ways

<http://lsscm.org> • <http://mplp.org> • <http://farmworkerlaw.org> • <http://michiganlegalaid.org>



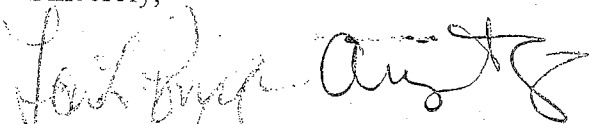
The closure of the ATJC will only impact one of the five services that we have contracted to provide through the County grant. In fact, with the redirection of the resources that was the result of our regrettable need to close the ATJC, we will actually have a slightly increased capacity to meet the other four direct representation services in the grant. These remaining services make up the core mission of our organization; these are the more intensive (and costly) services provided through the County grant. Please also be assured that the closure of the ATJC has absolutely no impact on our ability to fully perform our new contract with the Ingham County Treasurer to provide assistance to homeowners facing tax forfeiture or mortgage foreclosure, as none of that work was ever affiliated with the ATJC.

We have been discussing the closing of ATJC with all of the groups that have supported or expressed an interest in the ATJC. As part of the transition process, we have met with the Court Administrator, the Friend of the Court, and the Chief Judge of the Family Court. We have agreed to provide the Court Administrator and the Friend of the Court with the most frequently requested self-help legal documents and instructions that the ATJC provided to clients. The Court Administrator and Friend of the Court have indicated that they will print and copy these self-help packets, and make them available to the public at the Clerk's office and at the Friend of the Court's office in the 30th Circuit Courthouse. In addition, we have agreed to continue to provide in court attorney assistance to *pro per* litigants at "pro con" hearings. Finally, low income people with specific legal questions can contact our intake hotline for advice. Through these avenues, we believe that we will continue to meet all of our obligations under our 2009 Agreement and Scope of Work which comprise our grant with the County.

We appreciate the ongoing support from the County. We feel that the overall dialog regarding our services (which really began with the proposed funding cut last fall) has been positive. We're interested in continuing that dialog. If the County disagrees with our statements about our ability to meet all the requirements of the contract, we're open to discussing a revised scope of work and payment. However, we do want to point out that the ATJC closure (at the most) effects one of five contract deliverables for one third of the year—or less than 6.7% of our current obligations.

If there are any additional questions or concerns, we're happy to meet with you or with one or more Commissioners. If it would be appropriate for us to attend a meeting of the Judiciary Committee or the full Board in order to address concerns, we would be happy to do that as well. Thank you very much.

Sincerely,



Lori Pourzan and Angela Tripp
Managing Attorneys
Legal Services of South Central Michigan, Lansing Office
3490 Belle Chase Way, Suite 50
Lansing, MI 48911

cc: Ingham County Board of Commissioners