

**Indiana Public Defender Council
Executive Director's Report
June 23, 2022
Board meeting**

Liaison update:

Justice Reinvestment Advisory Council (JRAC)(I.C. sec. 33-38-9.5)

Currently chaired by Justice Goff. There are several workgroups under JRAC. Below are summaries related to the workgroups.

Public Defender Resource Meeting with J. Goff Justice Goff and other members of the judicial conference. Staff from IPDC, PDCOM, and State PD met with this group to discuss systemic resource needs. J. Goff shared the vision that he would like to compile a list of JRAC Criminal Legal System needs and to share the list with legislative leadership. Because public defense needs will be collapsed into a larger list, it is our (Amy, Bernice, & Derrick) thought to share high level, long sought effort of misdemeanor funding.

Local JRAC:

JUNE UPDATE: IPDC has received the local JRAC membership list county by county. We are going through the data to create a contact list and will be reaching out to each defense rep to develop two way communication around policy goals and development.

April Report: Local JRAC's continue to form with memberships for each county at their own pace. This could be an opportunity for indigent defense to try to shape the priorities of the local criminal legal system. It is my intent to reach out to public defenders appointed to this group to ensure they are using the opportunity of serving on this group to raise public defense issues of local import and state policy. To learn more about local JRAC's to go this link: <https://www.in.gov/justice/local-jrac/>

Racial Equity Work Group:

JUNE UPDATE: This workgroup meets in July. Presentations from Court Services staff proposing adding race data to drivers' licenses will be made and a possible presentation by Dearborn/Ohio regarding race/ethnicity data collection they are engaging in at the time of arrest and the use of the data.

April Report: I co-chair this group with Steve Luce, President of the Indiana Sheriff's Association. In consultation with Dr. Lower of George Mason this group has identified counties it will engage around a study to examine case process. The counties who expressed interest and were selected to participate are: Porter, Vigo, Marion and perhaps Ohio/Dearborn (we are waiting to hear back). Recently, J. Granger from Floyd Cty who is leading the Case Process Workgroup under the Commission on Equity and Access has reached out and wants to merge the two workgroups until the expiration of the Commission.

Commission on Improving the Status of Children (CISC) (I.C. sec. 2-5-36)

The work under HEA 1359 is set to begin. J. David will chair the statewide juvenile justice oversight body to carry out many of the duties created under HEA 1359. Joel Wieneke will be IPDC's representative on this oversight body.

Interstate Compact State Council (I.C. sec. 11-13-4.5-2(b))

No update

Public Defender Commission (PDCOM) (I.C. sec. 33-40-5)

At its June meeting PDCOM voted to support Chief PD efforts to secure legislation to get equal retirement. The Board also voted that PD hourly rate will be raised from \$90/hr to 75% of the capital rate, to the nearest \$10. Based on the current capital rate, the hourly rate will be \$100, effective Jan. 1, 2023.

Governor's Commission to Combat Drug Abuse (I.C. sec. 4-3-25)

No Update

Pretrial Release Committee (ad hoc committee – hosted by IOCS (Indiana Office of Court Services) Chaired by J. Mark Spitzer)

- Constitutional Amendment – Preventative Detention
This work continues. The tone has gone from should it be done to - - legislation is likely to happen, so let's get in front of it with a good proposal;

This group is looking to retain Tim Schnake (who recently provided a CLE for IPDC on preventative detention) to be a resource to this working group;

Sen. Young recently announced that he will file legislation to change Indiana's constitution to limit people with serious violent felonies ability to obtain bail. As a result, this group is attempting to work to get Sen. Young to attend a meeting to discuss is vision and see if he will consider input from this group.

- Pretrial Education Subcommittee
I chair this group. No report at this time.

Innovation (ad hoc committee – hosted by Supreme Court)

This group met on June 8th. There is some discussion about potential benefits of virtual court for certain case types, such as drivers' license cases.

Commission on Equity and Access in the Court System (Established by Order of Supreme Court)

The order and more information can be found at <https://www.in.gov/courts/admin/diversity/equity-access/>. This group met on June 8th. The chair of each workgroup reported on progress or needs. J. David discussed the report drafting timeline. An opportunity has been presented that the Court will help organize townhalls and/or surveys for any workgroups that are interested. The workgroup – Consequences of Convictions will meet on Friday, June 24th to discuss whether to take advantage of this opportunity.

Judicial Conference – Jury Committee

A proposal was presented by Court Services Staff to raise the appearance and service rate for jury service. No one on the committee opposed the idea. However, to “fund” the increase the proposal included the idea of increasing the \$2 fee defendants pay upon conviction to \$6 and to increase the fee on the civil side in many areas, including in collection cases. Many opposed the increase for various reasons. There was also a suggestion of advocating a bill that would require the general assembly to look at fines and fees each interim study period. I opposed the proposal. The concern is that fines, fees, and costs do not sustain any court function. I am concerned if the data showing this were continually considered by the general assembly, there would be a political pressure to increase the fines, fees, and costs.

Interim Study – here is the link to the full resolution. Excerpts of interest from the resolution are highlighted below: <http://iga.in.gov/documents/ef4b4ee7>

(2) INTERIM STUDY COMMITTEE ON CORRECTIONS AND CRIMINAL CODE

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- (A) Multi-year review of current trends with respect to criminal behavior, sentencing, incarceration, and treatment. (Source: IC 2-5-1.3-13)**
- (B) Logistics of ensuring release-ready patients and offenders from Indiana psychiatric hospitals and the Department of Correction are connected with appropriate care upon release, identification of programs currently in operation to provide care, and funding needed to support care. (Source: Letter from Andrade, Frye, Campbell, DeLaney, and other legislators)**
- (C) Criminal code laws concerning HIV, including provisions related to biting, spitting, donating organs, and donating blood. (Source: Letter from Clere, McNamara, Becker, Breaux, Cook, Crider, and other legislators)**

(10) INTERIM STUDY COMMITTEE ON PUBLIC HEALTH, BEHAVIORAL HEALTH, AND HUMAN SERVICES

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS AND WITH THE FOLLOWING RESPONSIBILITY:

- (A) Joint review with the Interim Study Committee on Financial Institutions and Insurance on a study of market concentration of the health insurance industry, hospital industry, health care practitioners, retail pharmaceutical industry, pharmacy benefit manager industry, and pharmacy services administration organization industry (including its relationship to pharmaceutical wholesalers). (Source HEA 1405 (2021))
- (B) The following: (i) Logansport State Hospital's operations and hospital's statistics, including staffing and patient care. (ii) Review the required training for employees of the hospital and evaluate similar systems in other states and the department of correction. (iii) Determine any changes necessary to improve the hospital's current system, including appropriate training for staff. (Source: SB 227 (2022) (as introduced); Letter from Donato)
- (D) Delta 8, Delta 9, and other THC products regarding potential health benefits, potential decriminalization, and other potential consequences. (Source: ESB 209 (2022); Letter (in part) from McNamara, Austin, Garten, and other legislators)
- (E) Approval of private attorneys or entities (other than a prosecutor) used to implement the Title IV-D program concerning collecting child support (as needed). (Source: IC 31-25-4-13.1)

(11) INTERIM STUDY COMMITTEE ON ROADS AND TRANSPORTATION

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS AND With THE FOLLOWING RESPONSIBILITIES:

- (C) Issuance of driver record cards to persons who meet training, certification, and insurance criteria but are ineligible for driver's licenses, including the the topics of fiscal impact and other anticipated consequences of issuing driving cards to residents of Indiana who cannot provide proof of identity and lawful status in the United States. (Source: Senate Resolution 59 (2022); Letters from Niegodski, Doriat, and Andrade)

(2) HOUSING TASK FORCE (IC 2-5-50-2 (HEA 1306 (2022) (This Task Force expires January 1, 2023.)

THE TASK FORCE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- (A) (i) Review data on housing shortages in Indiana for low income and middle income households.(ii) Review state laws that affect the local regulation of housing. (iii) Review efforts in other states and municipalities to address housing shortages through changes to zoning and land use restrictions. (4) Consider measures that would encourage increased housing options in Indiana, including the following: (a) Municipal incentives. (b) State mandates. (c) Eliminating or limiting single family only zones. (d) Allowing greater housing density near transit, jobs, schools, or neighborhood centers. (Source: IC 2-5-50 (as added by HEA 1306 (2022))

Administrative Update

In April, I reported that IPDC would pursue the following agency needs:

- **Julia's salary** (this amount will be less than the cost for a research attorney as IPDC has worked with DCS and anticipates receiving federal reimbursement for 75% of Julia's salary);
- **IOT staff** (Mike Moore has been the default tech person in the office. It take an ever increasing amount of time. Though, Michael has done a great job of training others like Kim and Juli to assist him, the work still takes a great deal of time. We need a separate professional whose job it is to focus on this area);
- Increase funds for anticipated rent increase;
- Anticipated COLA adjustments;
- **Another Research Attorney** (the Assistant Executive Director report will demonstrate that IPDC has experienced a significant increase in request for case reviews and research calls. The work is quite taxing on current staff resources. The demands on research staff are such that another attorney would have a full workload.) and
- **Cost for 3 staff to attend National Conference of State Legislatures (NCSL) Legislative Summit**

Following IPDC's April Board meeting, IPDC staff met with State Budget Agency fiscal analyst assigned to IPDC and other judicial branch agencies. We discussed agency needs and planned proposal. Taking her advice into consideration. IPDC's agency request will be adjust in the following manner:

- IOT Staff;
- Research Attorney;
- Mentor program

Policy proposals to include in the budget: Chief Public Defender Retirement and Misdemeanor Reimbursement

Holistic Public Defense – Pilot

Working collaboratively with Marion County Reentry Coalition (MCRC) to secure funding to pilot a model of holistic public defense in Mairon County. A grant award of \$2 million dollars was made from DMHA to MCRC. There are numerous stakeholders who will collaborate on this work. A fuller report will be made at IPDC's Board retreat.

**INDIANA PUBLIC DEFENDER COUNCIL
TRAINING FUND (45780)
For the Fiscal Year Ending June 30, 2022**

Seminars	
TPI 3.21.22 - 3.25.22	\$2,058.25
Pozner 5.18.22	\$400.00
45th Annual Update 6.3.22	\$3,500.00
Total Seminars	\$5,958.25
Regional Training	
Evidence Regional 4.25.22	\$1,125.00
Total Regional Training	\$1,125.00
On-Demand/Moodle	
Eventbrite - 44th Annual Update 6.18.21	\$3,554.25
Eventbrite - Child Abuse Medical Evaluations: Understanding the Significance of Findings	\$75.00
Eventbrite - Expungement Training 101	\$300.00
Eventbrite - IPDC Ethics Webinar	\$150.00
Eventbrite - IPDC Trial Practice Institute 3.21.22 - 3.25.22	\$0.00
Eventbrite - Paula Sites Capital Defense 9.30.21	\$450.00
Eventbrite - Suppression Session 4: How to Conduct a Hearing	\$50.00
Eventbrite - Suppression Session 3: Home Entry, Inventory, Community Caretaking, Beyond	\$75.00
Eventbrite - Suppression Session 1: Fundamentals	\$150.00
Moodle - 2019 Appellate Nuts & Bolts (276807)	\$900.00
Moodle - 2019 IPDC Forensics Seminar: Eyewitness Identification & Litigation; The Mechanics of False Confections & DNA Likelihood Ratios (252845)	\$1,125.00
Moodle - 2020 IPDC Forensics Seminar (3 CLE Hours) (268247)	\$75.00
Moodle - 2020 TPR/CHINS (258784)	\$1,800.00
Moodle - 2021 Appellate Part 2 (278834)	\$225.00
Moodle - 2021 Appellate Seminar Part 1 (278833)	\$825.00
Moodle - 2021 IPDC's New Lawyer Training (275658)	\$337.50
Moodle - Blunt Force Trauma: What Every Attorney/Investigator Needs to Know (276068)	\$345.00
Moodle - Challenges to the Improper Use of Identity Deception Charges (261591)	\$150.00
Moodle - Challenging Search Warrants: Protecting Your Client's Rights (261904)	\$375.00
Moodle - Child Abuse Medical Evaluations: Understanding the Significance of Findings (280970)	\$175.00
Moodle - Defender & Social Worker Team: Partnering for the Best Outcomes (258267)	\$280.00
Moodle - Double Jeopardy Post - Powell & Wadle (273211)	\$550.00
Moodle - Effects on the Discovery Process for a Child Complaining witness (260779)	\$225.00
Moodle - Evaluating Strangulation from a Medical Perspective (273822)	\$185.00
Moodle - Expungement 101 (280163)	\$675.00
Moodle - Geofence Reverse Locations Data Post - Carpenter (277294)	\$200.00
Moodle - How to Prepare for Oral Argument (261001)	\$120.00
Moodle - Immigration Consequences of Criminal Convictions (273823)	\$420.00
Moodle - Indiana Dept. Corrections Policies & Procedures to Ensure Confidential Communications (280201)	\$250.00

**INDIANA PUBLIC DEFENDER COUNCIL
TRAINING FUND (45780)
For the Fiscal Year Ending June 30, 2022**

Moodle - Juvenile Defense Webinar Series 2020 (6 CLE Hours) (264530, 264531, 264532, 264533, 264534, 264535)	\$2,850.00
Moodle - Litigating Civil Forfeiture - Involved Criminal Cases (277233)	\$175.00
Moodle - OVWI Part 2 (264862)	\$450.00
Moodle - OVWI Seminar Part 1 (264861)	\$1,200.00
Moodle - Recovery While Incarcerated (281860)	\$400.00
Moodle - Search Warrants: Protecting Your Client's Rights	\$275.00
Moodle - Specialized Driving Privileges 2020 (275659)	\$1,876.00
Moodle - SVF: Litigating Constitutional Challenges (264081)	\$375.00
Moodle - Tips for Sentencing Advocacy (282866)	\$400.00
Moodle - TPR/CHINS 2020 (258784)	\$450.00
Moodle - Understanding Litigating Sex Offender Registry Issues (263041)	\$275.00
Total On-Demand/Moodle Training	\$22,767.75
Grand Totals	\$29,851.00

FINANCIAL HIGHLIGHTS
INDIANA PUBLIC DEFENDER COUNCIL
GENERAL FUND

For the Fiscal Year Ending June 30, 2022

APPROPRIATION FY22 (July 1, 2021 - Jun 20, 2022) \$1,706,445

EXPENSES:	Actual Jun 1, 2021 - Jun 20, 2022	Budget Jun 1, 2021 - Jun 30, 2022	Remaining Budget FY22
Contracts	75,857	75,857	-
Board Meetings	-	-	-
Annual Update 45th	33,394	33,394	-
Annual Board Retreat	4,929	4,929	-
Employee Travel & Training	8,444	8,444	-
Law Books	-	-	-
Subscriptions	10,623	10,623	-
Operating Expenses	349,942	349,942	-
Payroll & Benefits	1,236,038	1,237,805	1,767
Interagency (IOT)	40,317	40,317	-
Grant Matches Returned	(54,866)	(54,866)	-
	<u>1,704,678</u>	<u>1,706,445</u>	<u>1,767</u>

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Indiana Public Defender Council
 Publication Fund
 For Fiscal Year Ending June 30, 2022

REVENUE		BUDGET	Actual Revenue												
			Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Total Actual
1	Publications	5,039	188	187	87	2,249	1,342	491	474	1,479	862	134	49	334	7,876
2	Lexis	138,465	1,470	360	210	3,390	2,160	11,610	95,040	8,640	15,060	3,960	1,800	3,803	147,503
3	LOD	50		300	350	150				360	150		50		1,360
4	Criminal Code	5,098	65	1,001	1,472	1,293	140		148	46	197	241	132	16	4,751
5	Membership	955	105			330	100			350	125		250	250	1,510
6															-
TOTAL REVENUE		149,607.28	1,828	1,848	2,119	7,412	3,742	12,101	95,662	10,875	16,394	4,335	2,281	4,403	163,000
EXPENSES		BUDGET	Actual Expenses												
			Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	YTD Actual
CONTRACTS															
7	ASSOCIATION OF IND PROSECUTING ATTY (Criminal Code)		5,800												5,800
Total Contracts		0	5,800	0	-	0	0	0	0	0	0	0	0	0	5,800
OPERATING EXPENSES															
10	LEXIS-NEXIS	144,000	11,179	11,179	11,291	11,291	11,291	11,291	11,291	11,291	11,291	11,291	11,291	11,291	135,268
11	WESTLAW														-
1	PRINTING PARTNERS	2,500													-
Total Operating Expenses		146,500	11,179	11,179	11,291	11,291	11,291	11,291	11,291	11,291	11,291	11,291	11,291	11,291	135,268
TOTAL EXPENSES		146,500	16,979	11,179	11,291	11,291	11,291	11,291	11,291	11,291	11,291	11,291	11,291	11,291	141,068
PROFIT/(LOSS)		3,107	(15,151)	(9,331)	(9,172)	(3,879)	(7,549)	810	84,371	(416)	5,103	(6,956)	(9,010)	(6,888)	21,932
FISCAL YEAR CARRYOVER		210,623													
PUBLICATION BALANCE			195,472	186,141	176,969	173,090	165,541	166,351	250,722	250,306	255,409	248,453	239,443	232,555	