INDIANA PUBLIC DEFENDER COUNCIL
BOARD OF DIRECTORS MEETING

Hilton Hotel
120 W. Market St.
Indianapolis, IN
January 26, 2013
1:00 p.m.

Minutes

A meeting of the Board of Directors of the Indiana Public Defender Council was called to order at 1:04 p.m. on January 26, 2013, in Circle City Room 6 of the Hilton Hotel, 120 W. Market St, Indianapolis, IN, by Board Chairperson Michelle Kraus.

Board members present were: Michelle Kraus (Chairperson), Lorinda Youngcourt (Vice Chairperson), Neil Weisman (Secretary), David Cook, Robert Hill, Gojko Kasich, Michael McDaniel, Steve Owens, and Joel Wieneke.

Board members participating via teleconference were: none

Board members absent were: David Hennessy and Sonya Scott

IPDC Staff present were: Larry Landis, Teresa Campbell, and Andrew Cullen.

I. APPROVAL OF MINUTES FROM LAST MEETING

Joel Wieneke pointed out that Neil Weisman was incorrectly listed as being both absent and present in the minutes from the 12-6-2012 meeting, and Sonya Scott was incorrectly listed as absent.

Michael McDaniel moved that the minutes be approved with those two corrections. Joel Wieneke seconded the motion. The minutes were approved as amended by unanimous voice vote.

II. REVIEW AND APPROVE AGENDA

Larry Landis distributed a tentative agenda and requested to add an agenda item to discuss the Judicial Center's "Swift and Certain Sanctions" project. Mike McDaniel moved to approve the agenda with the item added. Lorinda Youngcourt seconded the motion. The agenda was approved as amended by unanimous voice vote.

III. EXECUTIVE DIRECTOR'S REPORT

A. IPDC Budget Update

Larry Landis indicated that there was no new information at this time on the agency's budget submission. The Ways & Means Committee has not yet acted on the requests.

Bob Hill asked if there was an alternate plan in place in the case that new funding for an IPDC staff position of Training Director does not materialize. Larry indicated that individuals would continue to be hired on a contractual basis until we learn our budget for FY 2013-2014. Lorinda stated that her recollection was that a plan for filling the Training Director position would be developed within six months and implemented within one year. Larry agreed.

B. Public Defender Commission Budget Update

Larry Landis reminded the board that the Public Defender Commission is seeking an additional $3 million appropriation to begin reimbursing commission counties for TPR/CHINS cases

Larry reported that Chief Justice Dickson did not mention the Public Defender Commission's request during his budget presentation to the Ways & Means Committee of the House of Representatives. He clarified that he does believe the Chief Justice is supportive of the request nevertheless.

Bob Hill asked for an update on the status of the pay equivalency policy change. Larry indicated that the issue was scheduled for the March meeting of the Commission. David Cook volunteered to be supportive on the issue.

Bob Hill asked how the proposal for new funding for Chief Probation Officers and Chief Deputy Probation Officers contained within HB 1006 (2013) interplays with IPDC's goal of achieving full state funding for Chief Public Defenders and Chief Deputy Public Defenders. Larry indicated that it would be a helpful precedent. Larry stated that, currently, the $3 million funding request for TPR/CHINS reimbursement was the top priority of the PD Commission. After the Commission approves the recommendation for changing Standard G regarding compensation of salaried and contractual PDs, the plan is to request endorsement of state funding.

Bob Hill asked Larry to provide a report to the board on the strategy to achieve full state funding for Chief PDs and Chief Deputy PDs. Larry agreed to provide the report. Bob also stressed the importance of state reimbursement for TPR/CHINS cases and asked Larry to keep him updated on that issue.

IV. JUDICIAL CENTER – SWIFT & CERTAIN SANCTIONS FOR PROBATION VIOLATIONS

Larry Landis reported that the Judicial Center has requested IPDC's participation in their workgroup to develop a system of progressive administrative sanctions for probation violations; based on enabling legislation from the 2012 legislative session.

He distributed a list of 19 volunteers from the IPDC membership who had expressed interest in serving on the working group. The Judicial Center would like four individuals to be appointed, in addition to the Executive Director, to participate in the workgroup.

A discussion was held about the most appropriate way to make these appointments. Bob Hill moved that an advisory committee be created that included those volunteers, the purpose of which would be to advise the members of the work group. Lorinda Youngcourt seconded that motion. The motion was approved by unanimous voice vote.

The discussion continued about the most appropriate way to make the four appointments to the work group. Mike McDaniel recommended Della Swisher and Frank Cardis. Lorinda Youngcourt indicated that she had been impressed by the work of Heather Shoemaker. Bob Hill indicated that he believed that board members who are interested should receive preference in the appointment. Neil Weisman moved to delegate the appointments to Michelle Kraus in her capacity as Board Chairperson. Mike McDaniel seconded the motion. The motion was approved by unanimous voice vote.

V. LEGISLATION

A. House Bill 1006 (Criminal Code Evaluation Commission Bill)

Larry distributed a summary of HB 1006 and a proportionality chart detailing the changes in each crime. He also distributed a document that detailed the current status of the issues the board took regarding the legislation.

Larry explained that the penalty ranges for the classes were raised for Levels 3, 4, 5, and 6 by the author of the bill after a last-minute threat from the Indiana Prosecuting Attorney's Council to oppose the bill in the House. Larry expressed his opposition to the penalty ranges currently in the legislation and also expressed his opposition to a provision that would prohibit the Department of Corrections from restoring good time credit that had been deprived. However, he pointed out that the liberal suspended sentence section (also inserted by the author of the bill) was a positive development as was the provision that removes the prosecuting attorney's "veto" authority over sentence modification that occur more than 365 days after the sentence.

Both Joel Wieneke and Bob Hill asked if it would be possible to pursue the sections of the bill that we support as separate pieces of legislation. Larry indicated that he did not believe that is possible, both due to the political realities and the procedural rules of the General Assembly.

Both Neil Weisman and Joel Wieneke asked whether we should be considering pulling support for the legislation at this time. Larry indicated that he believed we should wait for the fiscal committees and the Department of Corrections to weigh in, because those actions will likely affect the state of the bill considerably.

B. Other IPDC "Active List" Bill Positions

Larry distributed a draft of IPDC's "Active List" bill positions, legislation that IPDC will either support or oppose. A general discussion was held about each of the major pieces of legislation. Both Larry and Andrew Cullen explained that there were a relatively large number of criminal law-related bills filed this session, and they anticipate a very busy session. The board did not change any of the positions as recommended by the Executive Director.

C. Distribution of "Watch List"

Larry distributed a list of IPDC's proposed "Watch List," a listing of legislation that IPDC will monitor throughout the legislative session.

D. Other

Andrew pointed out HB 1482 (Expungement), which is a piece of legislation that IPDC has been advocating for many years. He indicated that he has been working with the author on this legislation. He asked the board to review that bill and let him know if there are any changes that would be preferred.

VI. OLD BUSINESS

There was no old business

VII. NEW BUSINESS

There was no new business.

VIII. ADJOURN

The next meeting was set for Thursday, March 14, 2013, at 7 p.m. at the Sheraton Indianapolis Hotel at Keystone Crossing, 8787 Keystone Crossing, Indianapolis, IN, 46240. The meeting was adjourned at 3:10 p.m.

Minutes prepared by Andrew Cullen, IPDC Staff.

Submitted by:

Neil Weisman, Secretary

3/14/13

Date

Approved by:

Michelle Kraus

Michelle Kraus, Chairperson

3·14·13

Date