

From: Public Defender Commission <pdcom@subscriptions.in.gov>
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October 2021 Quarterly Newsletter

Volume 13, Issue 4



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Register Now For Annual Training: Oct 28 & 29



The 2021 Public Defender Commission Annual Training is scheduled for October 28 and 29. The training will be held virtually via Microsoft Teams.

This is a free service and you will not need any special account or access to view the session. A webcam and microphone are not needed. Each session will have its own link.

You may sign up for one or all sessions. Please note: To help you spend your time wisely, we listed a target audience that we think might benefit most from participating in a particular session. However, you are welcome to attend any or all sessions. After all, each county's setup and needs are different! Please feel free to forward this to anyone in your county that may be interested.

Click the button below for the registration form. You may complete the form and return it to information@pdc.com.in.gov. You'll receive a confirmation email with your selected sessions. If you have any questions, please let us know.

[Click here for the Annual Training Registration Form](#)

At-Risk Youth and Family Funding Available; Commission Seeking Requests for Proposals

During the previous legislative session, the Commission received an additional appropriation of \$2 million/year over the next biennium to fund "At-Risk Youth and Families."

The Commission has approved the general parameters to use the money to fund three projects critical to supporting at-risk youth and families at the state level. Additionally, the Commission has authorized its staff to issue a Request for Proposals (RFP) to fund additional projects at the county level.



The primary goals of these projects are: (1) to create long-term improvements in systems that serve Indiana at-risk youth and families involved with Indiana's family/child welfare system, the juvenile delinquency system, or both, or (2) to create system improvements that proactively prevent such involvements.

Proposals will be evaluated on a rolling basis. If you have any questions about this request for proposals, contact [Derrick Mason](#).

[Click here to read the Request for Proposals \(RFP\)](#)

Public Comment Period on New Commission Standards Proposal Extended to November 18



At the July meeting, the Commission authorized its staff to release the following proposed changes for public comment:

- 1) proposed changes to caseload standards; and
- 2) proposed changes to compensation for public defenders in counties that have no equivalent deputy prosecutor doing similar work and having similar experience to their public defender counterparts.

THE COMMENT PERIOD HAS BEEN EXTENDED TO NOVEMBER 18

[Click here to read the proposal and to comment](#)

New Federal Funding Opportunity for Counties

The Commission has hired a new fiscal analyst to manage a project designed to secure new federal funds for Indiana's counties.

As you may know, the Commission has been receiving reimbursement from HUD's Children's Bureau under Title IV-E for a

portion of the 40% reimbursement it provides to counties in CHINS/TPR cases. The recently-hired fiscal analyst will reach out to ALL counties (not just those in the Commission's reimbursement system) to assist in securing direct county reimbursement for the county's portion of those expenses.



The Commission looks forward to the opportunities this new funding source will have to augment county public defense budgets. If you have any questions about this project, please reach out to [Stephanie Lalani](#). And, please join us in welcoming Stephanie, who comes with extensive government fiscal management experience, to the team.

Standards Spotlight: New Juvenile Delinquency Training Standard

In July, the Commission updated [Standard E](#) to require any lawyer who qualifies to represent juveniles in juvenile delinquency cases solely because of the attorney's adult criminal experience, as opposed to prior juvenile representation experience, to also complete at least six hours of training in juvenile delinquency practice in a course approved by the Commission. The proposed standard would also allow an attorney to become qualified for juvenile delinquency Levels 1-4 if the attorney has completed a felony JD trial and the six hours of Commission-approved training.



In this month's Standard Spotlight, we explain the rationale for this requirement.

[Click here to read this Quarter's Standards Spotlight Article](#)

Statewide Survey Results: Counsel at First Appearance

Recently, the Commission reached out to all counties in Indiana to ascertain the status of each county's counsel at first appearance (CAFA) program, as well as costs associated with that program. We were able to receive at least some response from 90 of the state's 92 counties. Cost information was supplemented with data provided by the Office of Court Services related to portions of the pre-trial program grants designated for public defense.

The key findings from the survey are as follows:

- A minority (47%) of counties provide any counsel at first appearance to adults charged with a crime.
- An even smaller percentage (28%) provide counsel at first appearance to all incarcerated adults.
- Counsel at first appearance in many counties is provided in a haphazard manner, including counties where access to CAFA is dependent on charge category, dependent on Court, or has no standard rule.
- Barriers to implementing counsel at first appearance frequently identified by respondents include problems with local access to attorneys, problems with funding to pay those attorneys, and problems with scheduling initial hearings to accommodate the presence of defense attorneys.
- Programs that provide counsel for all incarcerated adults often do not provide additional compensation to attorneys for doing so.
- The average cost estimate for a CAFA program that provides CAFA for all

incarcerated adults in a county and includes either additional compensation for attorneys or the hiring of dedicated CAFA attorneys is \$55,203.17.

If you have any questions about this survey or any other questions regarding the data and statistics work of the Commission, contact [Torrin Liddell](#).

[Click here to read the county-by-county results of the survey.](#)

Flat Fee Issue: Reminder - It's prohibited.

ARE YOU PAYING A FLAT AMOUNT PER APPEAL, HEARING, OR OTHER CASE?

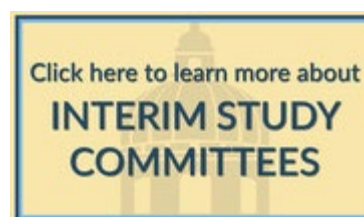
Every year it seems we learn a participating county has begun (or continued) to compensate an attorney a flat amount of money per appeal. This article serves as a reminder that flat fee payments to attorneys based upon a per case (such as per appeal or per misdemeanor) or per hearing (such as \$50 for a status hearing) arrangement are not allowable compensation schemes.

[Click here to read the full article.](#)

Legislative Interim Study Committee Update

Commission Makes Proposal to Legislative Interim Study Committee

As mentioned in the prior newsletter, the General Assembly's Interim Study Committee on Corrections & Criminal Code is studying the following topic:



- Assignment of counsel at the initial hearing in criminal cases, the capacity of the public defender system to provide counsel, and the impact of providing counsel on jail overcrowding

The Commission made a presentation to the committee at its August 26 meeting. The proposal would accomplish two primary goals:

1. Allow, but not require, the Commission to reimburse for misdemeanor expenses at 40%.
2. Allow, but not require, the Commission to reimburse for expenses related to providing counsel at first appearance at 80%.

The proposal is currently being considered by the committee, which will hold its final meeting and act on the proposal on October 26. [Click here to view](#) the presentation the Commission made to the committee.

Juvenile Justice Review Phase II Launched

The Commission on Improving the Status of Children in Indiana's Juvenile Justice Reform Task Force met on August 16 to kick off a deep dive into Indiana's youth justice data and a look at the research on what works, with a goal of reaching

consensus on legislative and administrative policy changes by Spring 2022. Read the [press release](#) and see the [task force member list](#). Commission staff is monitoring this process.

Each year, the Legislative Council, which is composed of the highest-ranking legislative leaders, assigns topics to the General Assembly's Interim Study Committees. These committees are composed of both Senate & the House members along with some lay members. The committees make recommendations and/or endorse legislation for the upcoming legislative session.

If you have any questions or comments about the Commission's policy work, contact [Andrew Cullen](#).

Commission County PD Board Appointments

At the previous meeting, the Commission appointed or re-appointed the following members to County Public Defender Boards:

- Eric Spencer, Clinton County
- Ian Forte, Elkhart County
- Robert Little, Jefferson County



At the upcoming meeting, the Commission will consider appointments for expiring terms on the following County Public Defender Boards:

- Knox County
- LaGrange County
- Perry County

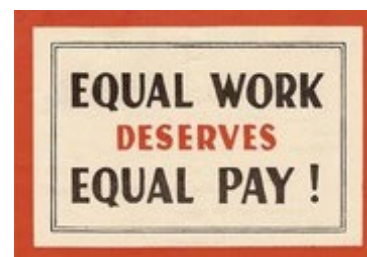
If you have any questions or comments about County Public Defender Board appointments, contact [Andrew Cullen](#).

[Click here for more information about County PD Board Appointments](#)

Board Training Spotlight: Attorney Compensation

Attorney compensation is among the elements County Public Defender Boards must monitor to ensure compliance. Guidance on this issue is found in the Commission's [Standards G, H, and L](#).

In this month's Board Training Spotlight, we explain these standards and how they interact based on the type of public defense compensation system each county has selected in its comprehensive plan.



[Click here to read this Quarter's Board Training Spotlight Article](#)

September Commission Meeting Draft Minutes

[Click here to read the draft minutes from the prior Commission Meeting](#)

Public Defense Employment Opportunities

[Click here for a list of current Public Defense Employment Opportunities](#)

Upcoming Commission Meetings & Reimbursement Request Due Dates

Remaining 2021 Reimbursement Request Due Dates:

3rd Quarter '21 (July 1 - September 30): *November 14*

Remaining 2021 Commission Meeting Dates:

3rd Quarter '21: *December 15*

Commission meetings begin at 2 p.m. Eastern and comply with The Indiana Open Door Law ([IC § 5-14-1.5](#)). Meetings are held at the Commission Office (309 W. Washington Street, Suite 501, Indianapolis, IN, 46204), unless otherwise stated on the meeting notice and agenda. The public is invited to attend in person or via electronic means permitted under [IC § 5-14-1.5-3.6](#), excluding any Executive Sessions that may be scheduled as permitted under [IC § 5-14-1.5-6.1](#). To view the Commission's Electronic Meeting Policy, [click here](#).

Notice of Executive Sessions & meetings will be posted at the entrance to the Commission Office (309 W. Washington Street, Suite 501, Indianapolis, IN, 46204) and will be posted on [the front page of the Commission's website under "News & Announcements"](#) at least 48 hours in advance. Meeting materials and agendas will be posted at least 24 hours in advance.

If you have any questions about the Commission meetings, contact [Derrick Mason](#).

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