

INDIANA PUBLIC DEFENDER COUNCIL  
Meeting of Board of Directors - April 14, 1989

MINUTES

I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council (IPDC) was called to order by Chairman Dan Weber at 5:25 p.m. on April 14, 1989 at the office of the Indiana Public Defender Council in Indianapolis, Indiana. Directors present were Dan Weber, Gene Hollander, Sandy Bryant, Terry Richmond, David Hennessy, Sheila Zwickey, and Susan Carpenter. Staff members present were Larry Landis, Mary Sinnock, Deb Thurston and Larry Vellani.

II. APPROVAL OF MINUTES

Minutes from the Board meeting of November 4, 1988 had been mailed to all Directors for their review prior to this meeting. Dave Hennessy moved that the minutes be approved and Terry Richmond seconded the motion. The minutes were approved by acclamation.

III. EXECUTIVE DIRECTOR'S REPORT

A. Budget Report

Larry Landis reported that Governor Bayh's veto of the General Assembly's biennium budget bill may provide an opportunity to request funding above the amounts included for the IPDC in that bill. Requests for additional funding will be made for:

1. Expansion of the Alternative Sentencing Project beyond the counties presently served; and
2. Additional staff and related expenses for the Council, as previously approved by the Board.

B. Juvenile Grant

Larry Landis, Larry Vellani and Deb Thurston reported that continued funding of the juvenile jail removal project by/through the Indiana Criminal Justice Institute has been awarded to the Juvenile Justice Task Force (for monitoring) and to the Public Defender of Indiana (for litigation). Information on the proposals submitted to the Institute and the selection/decision process was provided. The Board was informed that Deb Thurston would be directing the monitoring project for the Juvenile Justice Task Force but would not be moving to their offices until June 1, 1989.

IV. PUBLIC DEFENDER LEGISLATION

Larry Landis summarized the passage of S.B. 312 in the House and the amendments which were made to the legislation in the Courts and Criminal Code Committee and on second reading in the House. The amended bill will be reviewed by a conference committee of the Senate and House sponsors. Larry distributed a memo which he prepared for the conference committee members requesting their consideration of several issues in the amended bill. Discussion was held on: the issues set forth in the memo; possible changes to the bill in conference committee; evaluation of the merits of the bill as amended; prospects for expanding the scope of the initial legislation in coming years; and possible negative impact of some of the current provisions. The Board then clarified its position on several issues and requested Larry Landis to pursue the intent of the following motions in his interaction with the conference committee:

- A. Continue support of S.B. 312. Dave Hennessy moved that the Board continue its endorsement of the bill and pursue a favorable disposition by the conference committee, including the changes desired by the Board, if possible. The motion was seconded by Gene Hollander and passed by acclamation.
- B. Restore standards and rulemaking authority to the Commission. Dave Hennessy moved that the duties of the State Public Defender Commission be changed from "make recommendations" back to language which gives the Commission authority to set standards and adopt rules. The motion was seconded by Susan Carpenter and passed by acclamation.

- C. Counties must prove financial hardship. Dave Hennessy moved that wording be added to the bill to specify that state funding will be available for up to 50% reimbursement of defense costs upon application by the county including a showing that the case imposes a financial hardship on the county. The motion was not seconded.
- D. Reimbursement contingent upon compliance with standards. Gene Hollander moved that the bill provide that reimbursement of defense costs to counties is contingent upon compliance by the county with standards set by the State Commission. The motion was seconded by Sandy Bryant and passed by acclamation.
- E. Recoupment and cash bail forfeiture. Dave Hennessy moved that Larry Landis be directed to voice the Board's opposition in principle to cash bail forfeiture and its concerns for the establishment of guidelines and procedures for recoupment. It is the Board's position that these concerns could be met if the Commission is given rule making authority. The motion was seconded by Susan Carpenter and passed by acclamation.
- F. IPDC as contractor for Commission staff. Gene Hollander moved that the IPDC, through Larry Landis, express its willingness to contract with the Commission to provide staff and support services. The motion was seconded by Sandy Bryant and passed by acclamation.

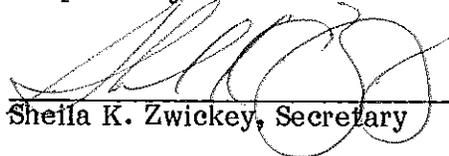
V. NEW BUSINESS

- A. NLADA Death Penalty Standards.  
Dan Weber appointed the following people to a committee to review the death penalty standards drafted by the NLADA: Dan Weber, Sandy Bryant, Valerie Boots, Ken Bird, Rhonda Long-Sharp.
- B. 1989 Annual Meeting and Board Elections.  
The positions of the following Directors will be open for election at the annual meeting on June 9, 1989: Sandy Bryant, Gene Hollander, Dan Weber, Terry Richmond, and Sheila Zwickey. The following people were appointed to a Nominations Committee: Susan Carpenter (Chairman), Kevin McGoff and Dave Hennessy.
- C. Policy statement re: Gov. Bayh's remarks on Matheney case.  
The Board requested Larry Landis to draft a letter to Gov. Bayh on the inappropriateness of the Governor's remarks about the filing of a death penalty charge immediately after the arrest of Alan Matheney.
- D.. Board's Annual Planning Meeting.  
Saturday, July 8, 1989 was set for the Board's annual planning meeting. The desired location is Indianapolis.

VI. ADJOURNMENT

Sandy Bryant moved for adjournment at approximately 7:00 p.m. on April 14, 1989. Gene Hollander seconded the motion and it was passed unanimously.

Respectfully submitted:

  
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Sheila K. Zwickey, Secretary

Date 7-22-89

Approved:

  
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Daniel L. Weber, Chairman

Date 7-22-89