

INDIANA PUBLIC DEFENDER COUNCIL
Meeting of Board of Directors - December 9, 1988

SUMMARY

I. CALL TO ORDER

The scheduled meeting of the Board of Directors of the Indiana Public Defender Council (IPDC) was not called to order by Chairman Dan Weber on December 9, 1988 at the office of the IPDC in Indianapolis, Indiana because of the lack of a quorum. Those present decided to review and discuss recent projects without taking any action. Directors present were Dan Weber, Sandy Bryant, Gene Hollander, Linda Wagoner and Susan Carpenter. Also present was former Board member Mark McNeely. Staff members present were Larry Landis, Mary Sinnock and Larry Vellani.

II. EXECUTIVE DIRECTOR'S REPORT

A. Biennium Budget Request

Larry Landis reported that he believed the recommendation of the Budget Committee for funding of our agency would include the base budget plus our priority #1 (Alternative Sentencing Project) if an upcoming forecast for State revenues is favorable. The Committee's recommendation for our agency will be known on December 12th.

B. Death Penalty Resource Center

Larry Landis confirmed that a draft of an application for federal funds to establish a death penalty habeas corpus resource center was submitted in mid-November. If the center is established within the IPDC, measures will need to be taken to separate assistance to attorneys handling cases at the state and federal levels in order to insure confidentiality and work product protection. An alternative is to establish the resource center as a separate entity, although the benefits of shared resources, equipment and expertise would be lost if staff and offices were totally separated. Following discussion, the Board asked Larry Landis to have the IPDC legal staff research the issues of confidentiality and work product in regard to the proposed Center.

C. Jail Removal Project

Larry Vellani and Larry Landis reported that a statewide, three-year plan to bring Indiana into compliance with provisions of the Juvenile Justice and Delinquency Prevention Act has been formulated. Various components of the plan would involve a monitoring system, passage of compliance legislation, impact litigation, and education. The IPDC has applied for funds to initiate the monitoring system, and to conduct an educational conference for personnel involved in carrying out the statewide plan. The four-month grant requests \$25,000. The application was approved on Dec. 9 by the State Juvenile Justice Advisory Board. It will be reviewed by the Indiana Criminal Justice Institute Board on Dec. 14, 1988. Approval is expected. Susan Carpenter informed the Board that under the statewide plan, her office would file legal actions in cases of non-compliance. At this time her office is not authorized to provide this pre-adjudication representation, however discussions with the Supreme Court to change this have begun.

Larry Vellani informed the Board of national efforts to improve juvenile detention compliance, including impact litigation by people such as James Bell who is representing the family of a juvenile who committed suicide while housed in the Knox County jail. A meeting will be held with Mr. Bell while he is in Indiana on Dec. 13th. Gene Hollander suggested that the efforts to establish the jail monitoring network include contacting state jail inspectors.

III. PUBLIC DEFENDER LEGISLATION

Larry Landis reported that the bill to provide partial state funding of public defender services would be filed in the Senate with sponsors Ed Pease and Bob Hellman. It is hoped the bill will be assigned to the Senate Judiciary Committee chaired by Pease. Although the 1989 Judiciary Committee has not yet been appointed, a list of last year's members who were reelected this fall was distributed to the Board. Larry reviewed each committee member's past position on the bill, and reiterated the importance of contacting and winning support from these legislators. Approval of the bill by this committee is expected, but a unanimous vote would strengthen its chances for ultimate passage. All Senators must be contacted in anticipation of the floor vote. In 1986 the bill passed the House, but died in the Senate because it was not heard in committee, so the need for a concentrated campaign in the Senate is absolutely crucial.

Dan Weber reported that he would continue pursuing the possibility of assistance from lobbyist Phil Conkle. Larry Landis reported that ITLA is supportive of the bill and has offered the assistance of their computerized statewide contact network. Personal contact with Senators by IPDC Directors and members is needed. Larry will ask Ed Pease to see if Dan Weber should write each Senate Judiciary Committee member as soon as they are appointed. Larry Landis stressed two components of the Board's efforts to obtain passage of the bill:

1. Contacts with legislators (personal and/or written) must be made; and
2. The contacts and the legislators' responses must be reported to Larry Landis so that his efforts can incorporate what's been done by others and what needs to be done.

The issue of Marion County's insistence on the option for an elected public defender under the system created by the bill was discussed. No change was made in the Board's previous position on this issue.

IV. NEW BUSINESS

Mark McNeely was presented with an appreciation plaque for his service to the IPDC.

V. NEXT MEETING

The Board will meet on the third Friday of each month during the General Assembly session. The dates are:

- January 20, 1989 - 4 pm at the Council office (Friday)
- February 17, 1989 - 4 pm at the Council office (Friday)
- March 17, 1989 - 4 pm at the Council office (Friday)

The meeting ended at 6:15 p.m.

Summary prepared by Mary Sinnock

(NOTE: Because of the lack of a quorum, there was no action taken by the Board. This summary should be considered only as notes of the discussions held by those present.)