

INDIANA PUBLIC DEFENDER COUNCIL

Board Meeting
December 11, 2008
Adam's Mark Hotel
Indianapolis, IN

MINUTES

I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council (IPDC) was called to order by Chair Mike McDaniel at 6:07 PM in Director's Row 1 of the Adam's Mark Hotel, Airport. Board members present were Dave Cook, Susan Carpenter, Jeff Lockwood, David Hennessy, Lorinda Youngcourt, and Bob Hill. Board members present by phone were Neil Weisman and Sonya Scott. Staff present were Larry Landis and Loretta Jackson

II. APPROVAL OF MINUTES

The Minutes of the September 20, 2008 meeting were unanimously approved as submitted.

III. LEGISLATION

Larry Landis reported on the following legislation:

- **Recording interrogations:** Senator Talian has agreed to sponsor the bill requiring recording of interrogations and that Sen. Steele has promised a hearing. He also reported that Jessie Cook, a member of the Supreme Court Rules Committee is attempting to get a rule adopted which would eliminate the need for the law.
- **Chief PD pay:** He is looking for a sponsor for a bill requiring that county chief public defenders be paid by the state, as are county prosecutors.
- **Expungement:** The Sentencing Policy Committee supports the sealing of criminal history records, post-expungement, so that employers and law enforcement will not have access to them.

IV. STATE FUNDING OF INDIGENT DEFENSE

Larry reported on Chief Justice Shepard's recommendation that the state provide full funding of indigent defense. Larry made the following points.

Currently counties spend approximately \$60 million on indigent defense and are reimbursed \$15 million through the public defense fund. The fund is chronically underfunded and reimbursement is routinely pro-rated. The total cost of indigent defense is estimated to be \$70 million per year. Pressure on the counties will increase when the property tax cap hits. The CJ recommended a five-year phase in of the program. Because the current financial picture for the state is not good, it is not realistic to introduce legislation this session. Instead the CJ wants to appoint a working group to have a bill ready for next session. The governor will do what he can to help but will not spend political capital to do so. Bill Crawford supports it. Larry mentioned the following issues: upping the initial funding to the counties to 80%; the CJ can use his rule making authority to make changes to the indigent defense delivery system keeping the PD Commission as an umbrella group; a State Public Defender is needed to deal with issues

on behalf of the PD Commission. The Public Defender Council needs resolve outstanding issues and come up with a proposal for state funding of indigent defense or take the risk of the CJ instituting his own plan.

Discussion centered around: dividing the state into regions or districts with each region having a director, having one central authority whether a Chief PD or executive director, the counties' desire to maintain autonomy, devising a method to measure and maintain quality service to indigent defendants.

Discussion regarding regions/districts included:

- how the central authority and regional directors would be selected
- the relationship of regional directors to counties
- what kind of control over local public defenders would the central authority have
 - county chief PDs are resistant to this – they want local control
- does this create just more bureaucratic levels and is the state going to be willing to spend millions of dollars to maintain offices and people who don't handle cases
- would counties be allowed to opt out and if so, does this defeat the purpose
 - the CJ is leaning toward allowing opting out, but doing so would mean no state money to the county

A primary area of concern continues to be quality control and the need to design a delivery system that guarantees quality service. Discussion included:

- the need for a model for counties to implement
- the fact that the counties will want to maintain local control through PD boards
- a regional director is needed to insure delivery of quality services
- perhaps the regional director could work with county PD boards
- many local PD boards are made up of non-attorneys; restructuring of the boards may be necessary
- If there is a quality control problem how is it corrected

The Board agreed that:

- A state Chief Public Defender/Director is necessary who is:
 - selected by the PD Commission
 - the Commission selected by districts
- County chiefs like things the way they are
- A bottom rate of pay needs to be mandated
- A regional director is needed to insure delivery of quality services
- The regional director should have authority to make changes to the county system
- IPDC's performance guidelines should be incorporated as standard of performance
- A process is needed to evaluate performance based on these standards.

Questions remaining:

- Will counties have the option of opting out of the system (doing so would mean no state funding)
- Who appoints regional directors?
- How much control does the central authority have over regional directors and local PDs
- How strong should the central authority be?
- What role will the PD Commission play regarding policy, plans
- What authority does the PD Commission have over the State PD/Executive Director?
- Who judges the quality of the local public defenders.

V. NEXT BOARD MEETING

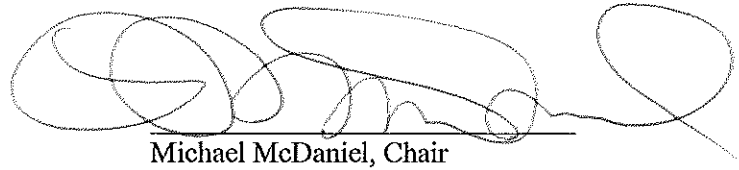
The next meeting of the Board of Directors will be on Saturday, January 31, 2009 at 1:00 PM, location to be decided.

The meeting was adjourned at 8:37 PM.

Prepared by Loretta Jackson, Executive Assistant.

Submitted:


Michelle Kraus, Secretary


Michael McDaniel, Chair

I:\EXEC\IPDC-BRD\MINUTES\2008\12-11-08board meeting.doc