

IPDC BOARD MEMBER HANDBOOK

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I. The Indiana Public Defender Council

A. Mission and Purpose

Mission Statement. The mission of the Indiana Public Defender Council is to improve legal representation provided at public expense in state courts in Indiana.

Services. The Council fulfills its mission by providing the following services:

- (a) Training.
- (b) Technical assistance
- (c) Publications.
- (d) Research.
- (e) Consultation on strategy and tactics.
- (f) Sentencing and mitigation support.
- (g) Technical assistance on office automation and information systems; and
- (h) Liaison contact with the General Assembly, study commissions, organizations and governmental entities.

The statutory duties of the council as set out in IC 33-40-4-5 are to (1) assist in the coordination of the duties of the attorneys engaged in the defense of indigents at public expense; (2) prepare manuals of procedure; (3) assist in the preparation of trial briefs, forms and instructions; (4) conduct research and studies of interest or value to all such attorneys; and (5) maintain liaison contact with study commissions, organizations and agencies of all branches of local, state and federal government that will benefit criminal defense as part of the fair administration of justice in Indiana.

By statute, all public defenders; contractual pauper counsel; and other court appointed attorneys regularly appointed to represent indigent defendants are members of the Council. Indiana Code § 33-40-4-2. The Council is controlled by an 11-member board of directors 10 of whom are elected by the members and the currently serving State Public Defender. I.C. § 33-40-4-3

B. History

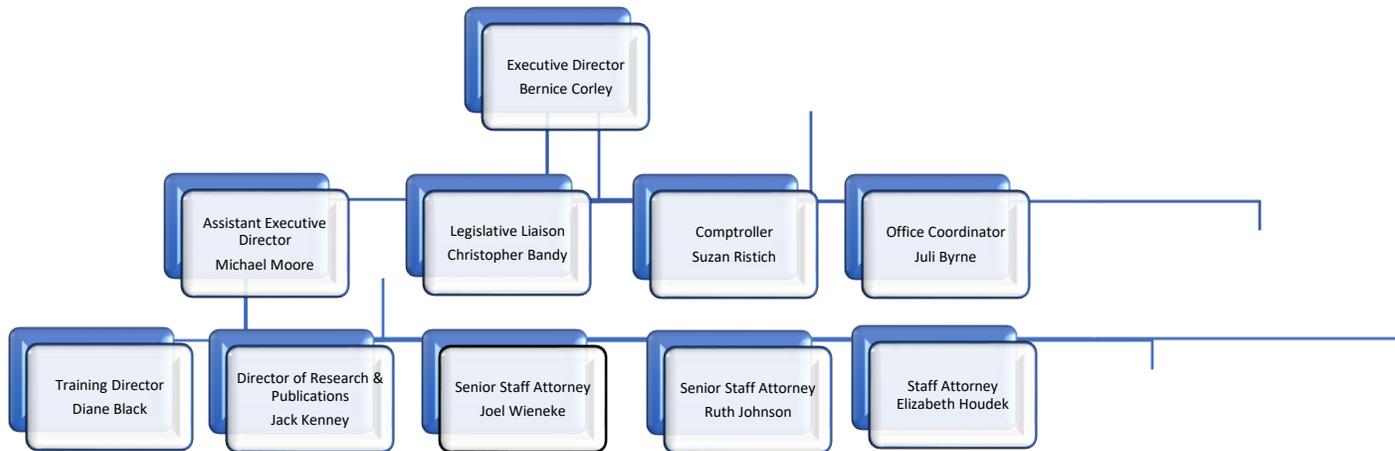
The Council began in March 1976 when the Public Defender of Indiana, applied for and received a grant for a training project. The first grant from the Indiana Criminal Justice Planning Agency (ICJPA) awarded the Public Defender of Indiana \$38,000 of Law Enforcement Assistance Administration (LEAA) funds to do the following:

- (1) conduct three statewide seminars for public defenders.
- (2) publish a bi-weekly Criminal Law Digest.
- (3) prepare training manuals for the three seminars.
- (4) publish a bi-monthly newsletter.
- (5) conduct research for public defenders; and
- (6) publish a trial manual.

In 1977, the General Assembly created the Indiana Public Defender Council in I.C. 33-9-12, effective on August 17, 1977. The Council's enabling statute was patterned after the 1973 legislation which created the Indiana Prosecuting Attorneys Council.

Harriett Bailey Conn, then the Public Defender of Indiana, was the first Executive Director of IPDC. Under I.C. 33-9-12-3, the Public Defender of Indiana served as the Executive Director of the Council, which was housed in the office of the Public Defender of Indiana. In 1980, the General Assembly amended I.C. 33-9-12-3, changing the Public Defender of Indiana from the Executive Director to a statutory, non-elected board member and authorizing the Council's board of directors to hire an Executive Director. In 1980, Larry A. Landis became the Executive Director. Larry remained Executive Director until his retirement in 2018. Bernice Corley became IPDC's Executive Director in 2018.

C. Staff Organizational Chart



D. Programs and/or Initiatives

Highlights on IPDC Stakeholder Engagement and Special Projects

I. Stakeholder engagement

By Statute, IPDC's Executive Director serves on the following commission, committees and stakeholder groups:

JRAC – IC 33-38-9.5-2

Interstate Compact for Adult Offender Supervision – IC 11-13-4.5-2

Indiana Criminal Justice Institute – IC 5-2-6-4

Indiana Commission to Combat Drug Abuse - IC 4-3-25-4

Commission on Improving the Status of Children – IC 2-5-36-4

In addition, IPDC's Executive Director and staff serve on numerous committees and stakeholder workgroups to improve outcomes for adult and children within the

criminal justice and child welfare systems. Below is a highlight of some of the committee and workgroups on which staff serve:

- Evidence-Based Decision-making (EBDM) workgroups
- Language Access Advisory Committee (LAAC)
- Child Welfare Improvement Committee (CWIC)
- Indiana Pre-trial Summit
- Indiana Opioid Summit
- Behavioral Health Summit Workgroup
- DCS oversight committee
- Indiana State Bar Association—Criminal Justice Section
- Indiana State Bar Association—Appellate Section
- FFPSA Judicial Workgroup
- Women in Law Division, Indy Bar, executive committee
- NLADA committee that revised the training standards
- Education Committee of NAPD
- Technology Working Group—Indiana Supreme Court
- Justice Partners
- Indiana Death Penalty Abolition Coalition Board Member
- Brown County Bar Association
- Juvenile Justice Reform Task Force
- Juvenile Justice and Cross-Systems Youth Task Force Sub-Committees:
 - Juvenile Re-entry
 - Emergency Shelter Care
 - Juvenile Violence
 - Commercial and Sexual Exploitation of Children Committee (CSEC)
 - Juvenile Detention Alternatives Initiative (JDAI)—Steering Committee
 - JDAI—Conditions of Confinement Workgroup
 - National Juvenile Defender Center’s Central Juvenile Defender Center Board of Directors
 - Children’s Policy and Law Initiative of Indiana
 - Decriminalization of Youth Workgroup
 - Indiana Coalition for Youth Justice—Legislative Committee
 - Indianapolis Bar Association (IndyBar) Appellate Section, Executive Committee, 2021 Chair, CLE subcommittee
 - Indianapolis Bar Association (IndyBar)

II. ICJI Forensic Treatment Grant Program

For a number of years, the Council has received and administered grants to provide social worker or specialists support to public defenders in qualifying counties to public defenders representing adults and juveniles. Currently, the Council is managing two grants; (1) the Edward Byrne Memorial Justice Assistance Grant Program (JAG); and Title II - Juvenile Justice and Delinquency Prevention Act (Title II).

a. Edward Byrne Memorial Justice Assistance Grant Program (JAG)

IPDC's Public Defender Forensic Treatment Program, funded through the Edward Byrne Memorial Justice Assistance Grant (JAG), provides social work and supportive services to clients represented by public defenders across Indiana. IPDC offers case consultation and technical assistance to public defenders representing adults in every county in Indiana. Direct supportive services are offered in Wabash, Kosciusko, Cass, Clark, Scott and Decatur counties. Direct services include case management, assessment of substance use and mental health disorders, treatment referrals and more.

b. Title II - Juvenile Justice and Delinquency Prevention Act (Title II)

IPDC's Title II grant to offer social work support for juvenile public defenders programming has begun offering services for juveniles and public defenders across the state. IPDC offers technical assistance to juvenile public defenders in every rural county in Indiana. Two Support Specialists are onboard to offer direct services in Kosciusko, Cass, Wabash, Decatur, and Ripley counties.

III. Proposals to the Court's Rules Committee

IPDC regularly makes proposals to the Rules Committee of the Indiana Supreme Court. In recent years, IPDC has proposed changes or additions or have made comments related to the Rules Committee covering the following topics:

1. Rules related to eyewitness testimony
2. Civil Commitment
3. Rules of Criminal Procedure consolidation and re-organization

IV. Case Review

IPDC has developed a case review program available to public defenders. This program allows attorneys to bring an open case to a group of peers organized by IPDC staff to brainstorm the theory of the case, discuss evidentiary issues, help plan cross- and direct-examinations, prepare for oral argument, as well as all other case issues. The process allows attorneys to work with other attorneys, create relationships with other attorneys around the state and afford attorney who typically work in solo-practices the opportunity to experience working and learning collaboratively. There is no charge to public defenders when the case is a court-appointed matter and attorneys who bring a case to case review earn CLE credits.

V. Indiana Chief's Association

IPDC provides support and meeting space (including virtual space) for all of Indiana's chief public defenders to meet, share information, discuss public policies with respect to public defense and discuss potential recommendations regarding standards established by the Indiana Public Defender Commission. The Chiefs group meets quarterly, typically on the same date the Indiana Public Defender Board meets. IPDC provides staff support to the Chiefs group and provides a separate listserv that is limited to chief public defenders.

VI. Collaborative Trainings

Recognizing the importance of working outside our silos, IPDC began coordinating with other criminal justice and child welfare stakeholders to provide collaborative training on mutually beneficial topics.

- a. **IPDC/DCS/CASA training.** IPDC began engaging in joint trainings in 2019 with the Department of Child Services and the Court's CASA coordinator. IPDC, DCS and CASA has provided regional trial skills trainings around the state where the various groups, family attorneys, DCS attorneys, Family Case Managers, and CASAs each separate for discipline specific trainings and then come together for topics that are important for all stakeholders.

- b. **Resiliency Training.** In 2018, Diane Black and Ruth Johnson developed a training for public defenders focused on resiliency, a mindfulness-based approach to helping public defenders understand the brain science behind stress as well as the physiological signs of stress and anxiety. The goal is to build behaviors, mental habits and practices that promote personal resilience in order to help public defenders thrive when dealing with changing circumstances, adversity and transferred trauma. The resiliency training has been a successful program and one that is very well-received by our members.

Starting in 2020, Diane and Ruth have been offering the resiliency training to other professionals whose experiences are similar to public defenders. Diane and Ruth have provided the training to DCS attorneys and staff and to the staff of the Marion County Juvenile Detention Center. They also presented with a national group with professionals in the juvenile justice environment.

II. The IPDC Board

A. Role & Responsibilities of The Board

The bylaws specify the following:

Section 6. Duties. The Board of Directors shall have the following duties:

- (a) Appointment, support and monitoring the Council's executive director.
- (b) Clarify the mission of the organization.
- (c) Approve long term plans.
- (d) Ensure financial stability.
- (e) Assess board performance.
- (f) Oversees the administration and monitoring of grants; and,
- (g) Conduct regular meetings.

The only statutory responsibilities for the board are that they are to direct the activities of the Council, I.C. 33-40-4-3, and that they may "...employ executive director, staff, and clerical personnel to carry out the council's purposes." IC 33-40-4-4. The bylaws provide the Board hires an Executive Director who hires and manages staff as needed. A current organizational chart has been provided.

Historically there has been tension between perceived micro-managing and the obligation for the Board to direct the activities and its responsibility to monitor and assure fiscal responsibility and the quality of services and activities. It is a delicate

balance that has been often discussed and of which board members should be ever mindful. The Board's primary function is to represent the members of the council by identifying needs, setting priorities, and giving guidance to the Executive Director.

The Board emphasizes improving the knowledge and skills of IPDC's members. The Council has also developed performance guidelines for representation of the indigent. Board members have always received all publications and manuals and attended training at no cost so that they can assess quality. A comprehensive list of manuals, publications and services is available upon request. The Board was very involved in developing the Performance Guidelines. Board members have participated in drafting and editing manuals and publications and presented at seminars upon request.

Expectations of Board Members are that they will participate in case reviews to assist members in litigating their cases, brainstorming and mootings to assist members in preparing for oral argument, research and drafting of Amicus briefs. By participating in these activities Board Members build relationships, including mentoring relationships with members throughout the state. Board members become aware of regional and local issues throughout the state and the level of practice by members. Members benefit from the invaluable knowledge, skill, and support from Board Members.

B. Bylaws

BY-LAWS AND PERSONNEL AND POLICY MANUAL

By-laws establishing policy and procedure for the board and board elections were established in 1978. In 1981 a Personnel and Policy Manual was created which replaced the by-laws and combined board policy and procedure with organizational information and personnel policy. The by-laws required member approval while the Manual did not. The Manual was last updated in 2016. The concept of by-laws returned in 2014 and a committee chaired by Gojko Kasich worked on drafts for two years. In late 2015 the board decided to continue with the Manual. By-laws returned in 2020 and were adopted in 2021.

By-laws are available on the IPDC website:

<https://www.in.gov/ipdc/files/Final-Draft-By-Law-IPDC-adopted-3-11-2021.pdf>

IPDC management philosophy is describe in the Policy Manual” “The management philosophy of the Council is premised upon participatory planning and decision making, delegation of authority and tasks, and accountability for performance and results.” The Core Organizational Values are listed as:

1. To understand the mission of the Council and to maintain an active commitment to its accomplishment.
2. To recognize and appreciate that effective and zealous advocacy by the Council staff and members is vital to the protection and preservation of fundamental rights and freedoms of all persons.
3. To form and encourage partnerships with Council members and their clients characterized by a commitment to continuously improve our responsiveness to their needs.
4. To form and encourage partnerships with other persons, organizations and governmental agencies to continuously improve indigent defense services.
5. To provide excellent products and services consistent with fiscal accountability and the highest standards of ethical behavior.
6. To develop a high-performance work culture by:
 - using the unique abilities and contributions of each individual and empowering everyone to perform to his/her fullest capabilities;
 - valuing creativity, initiative, teamwork, and accountability for results;
 - using honest, direct, and open communication, and acknowledging and working through conflicts while respecting personal boundaries;
 - implementing policies and practices that promote inclusiveness and cultural diversity except where inconsistent with State Personnel policies; and
 - recognizing that our work can take a serious emotional, physical, and spiritual toll, and encouraging and supporting each other in addressing our needs in healthy ways.

C. Current Board Members: A current list of board members, their title, biographies, geographic region, contact information and terms can be found on our board members page at <https://www.in.gov/ipdc/board-and-staff/board-members/>

D. Board Committees

The Board has five standing committees: Training, Publications and Technology Committee; Policy and Liaison Committee; Strategic Planning Committee; Election Committee; and the Executive Director Evaluation Committee.

The purpose of the committees is to solicit input from members; research and discuss pertinent issues and make recommendations to the Board. Committees do not set policy. The chairs of the committees are appointed by the Chairperson of the Board and must be a board member. Board members volunteer for committees of interest to them. The chairpersons are encouraged to solicit general members of the Council to serve on their committee.

Current Board Committee Assignments can be found on IPDC's board information page at <https://www.in.gov/ipdc/board-and-staff/board-meeting/>

III. Board Meetings

A. Schedule of Meetings

The Board is required by our bylaws to meet at least one time annually. Additional regular meetings are scheduled throughout the year.

Special meetings may be called by the Board Chair and shall be called when:

- (a) the Chair determines that such a meeting should be called;
- (b) a majority of the board members vote to call such a meeting; or,
- (c) a written request to hold a special meeting is made by at least three members of the Board of Directors.

B. Board Retreat

Once a year the board gathers for a retreat working all day Saturday and part of Sunday if necessary. Traditionally the retreat has been held at a state park or resort type setting selected by the chairperson. There is usually a dinner the Friday before to promote unity and camaraderie. Families or significant others are welcome. The purpose of the retreat is to assess the status of the Council's finances and fulfillment of its mission and to plan the training and other activities for the next year. It includes brainstorming to increase participation of members, ways to

improve what is being done and new ways to fulfill the mission. The board sets priorities and provides guidance for the Executive Director and staff to implement them. As you might expect the retreat in 2020 was done remotely. It remains to be seen if there will be a return to tradition or if a new one has been born.

C. Minutes of Past Meetings

Minutes of past IPDC Board meetings can be accessed at:
<https://www.in.gov/ipdc/board-and-staff/board-meeting/>

D. Conduct of Board Meetings

The recurring agenda is

1. Roll call;
2. Review and approval of the minutes of the preceding meeting;
3. Reports of officers;
4. Reports of committees;
5. Report of Executive Director;
6. Report of Assistant Executive Director;
7. Old Business;
8. New business;
9. Adjournment.

The agenda is ultimately set by the Chairperson in consultation with the Executive Director. Specific topics are added as needed to allow board members to prepare. Any board member may have any topic placed on the agenda by request.

IV. Fiscal and Budget Matters

A. IPDC Budget

IPDC's current biennium budget:

PUBLIC DEFENDER COUNCIL	FY 2021-2022	FY 2022-2023
Personal Services	1,405,856	1,405,856
Other Operating Expense	300,589	300,589

Indiana Public Defender Council has 3 primary funds used for the operation of agency.

- 16780 is the Public Defender Operating. This fund holds the dollars appropriated to IPDC from the State of Indiana. It is from this fund operating expenses like salary, rent, etc. are paid. Any dollars in this fund at the close of the state budget year (7/1 to 6/30), revert back to the State General Fund.
- 45780 Training Programs. This fund holds revenue received from training events. From this fund, expenses for training are paid. At the end of the state fiscal year, dollars in this fund remain and do not revert to the State.
- 47070 Publications. This fund holds revenue received from publications services. From this fund, expenses for publication services are paid. At the end of the state fiscal year, dollars in this fund remain and do not revert to the State.
- Additional Funds. IPDC has applied for and received grant funds. In order to manage the fund and track expenditures, IPDC places grant dollars in separate funds. Grant dollars not expended within the timeframe of the grant may result in the grant dollars being returned to the granting authority.

At Risk Youth and Families Funds. The legislature appropriated new funding in the current biennium budget to increase funding, support, and training for public defenders practicing in Children in Need of Services and Termination of Parental Rights (CHINS/TPR) cases involving at-risk youth and families. The PD Commission is allocated \$4 million over the next 2 years to increase funding and support to counties and the PD Council is allocated \$1 million for training and support for attorneys and their staff.

AT-RISK YOUTH AND FAMILIES	FY 2021-2022	FY 2022-2023
Total Operating Expense	2,500,000	2,500,000

B. Budget Process

An explanation of the budget process can be found on the website of the Indiana State Board of Accounts <https://www.in.gov/sba/2372>.and is included in the Appendix.

The State of Indiana has a biennial budget. This means IPDC, along with all other state agencies, makes a budget request every two years. Fiscal years in Indiana begin on July 1st and end on June 30th of the following year. The budget process begins during even-numbered years.

The Auditor of State provides daily allotment and trial balances, and other accounting and exception reports, to keep agencies informed of their account balances. The Auditor of State annually publishes a Comprehensive Annual Financial Report.

The Budget Agency works in collaboration with state agencies throughout the year to ensure that expenditures are made within appropriation levels, in a manner that fulfills legislative intent and ensures maximum effectiveness in providing services to Indiana.

C. Audits by State Board of Accounts

The State Board of Accounts provides separate annual financial and compliance audits in accordance with generally accepted auditing standards for each State agency, including issuing opinions on the general purpose financial statements prepared by the State Auditor. The audits verify the status, accounting, and disposition of all funds for which the State has responsibility. (Additionally, the State Board of Accounts performs annual audits of local government in Indiana.)

D. Fundraising

Based on meetings with IDOA and the State Budget Agency, IPDC does have the ability to engage in fundraising for any purposes or service IPDC is statutorily obliged to perform. Thus, the Board could engage in fundraising to pay for scholarships to attend training offered by IPDC.

V. Legal and Ethical Considerations

A. Conflict of Interest Policy and Advisement

The purpose of the conflict-of-interest policy is to protect IPDC's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an IPDC Board member or might result in a possible excess benefit transaction.

The conflict of interest policy is included in the Board Handbook Appendix.

B. Indiana Open Door Law

The Open-Door Law, Indiana Code 5-14-1.5-1, states that government agencies must hold official meetings of a majority of their governing body, such as council or board meetings, publicly.

Agencies must give public notice of any public meeting or executive session at least 48 hours, not including weekends or legal holidays, in advance. The notice must include the date, time, and location of the meeting or session. The agency must post the notice on the outside of its main office or at the meeting location. It must send notices to any media that asked by January 1 of the current year to receive them.

Agencies must keep memoranda of each public meeting and make them available to for inspection and copying within a reasonable time after the meeting. Memoranda generally include:

- Date, time, and place of the meeting
- Members present or absent
- General information on matters discussed or decided
- Record of votes taken, listed by individual if a roll call vote was taken

Detailed information on the Open-Door Law, can be found in the Handbook on Indiana's Public Access Laws.

https://www.in.gov/pac/files/PAC_Handbook_09_25_12.pdf

IPDC posts notice of Board meetings online and at the public entrance to the office.

C. Executive Sessions

Executive sessions are closed to the public and generally fall into one of these categories:

- Discussion of collective bargaining, litigation, or security system strategies
- Session to receive information about and interview prospective employees
- Discussion of records classified as confidential by state or federal law
- Discussion of job performance or discipline of individual employees

When an agency holds an executive session, any vote on a motion, proposal, resolution, or ordinance must take place in a public meeting. A notice for an executive session must state the specific part of the Open-Door Law that allows it to be a private meeting. The minutes and memoranda for executive sessions must identify the specific part of the Open-Door Law that allowed it to be a private

meeting. They must also state that no other matters were discussed during the session.