

INDIANA PUBLIC DEFENDER COUNCIL
BOARD OF DIRECTORS MEETING
Conference Room, 4th Floor
Indianapolis, IN

February 28, 2019

2:00 pm

Minutes

I. Call to Order and Approval of Minutes from last meeting

A meeting of the Board of Directors of the Indiana Public Defender Council was called to order at 2:04 pm EST on February 28, 2019, in the conference room of the Indiana Public Defender Council, Indianapolis, IN by Chair David Shircliff.

Board Members present were: David Shircliff (chair), Deana Martin, Jennifer Sturges, and Steve Owens. David Hennessy (Secretary, via phone arrived at 2:30 pm), Jennifer Culotta (via phone arrived at 2:16 pm), Robert Hill & Ashley Spolarich (both via phone were available when the meeting started). Council Staff present were: Bernice Corley, Michael Moore, P. Michael Wilson, Amy Karozos, Mark Carnell, Jack Kenney, Suzan Ristich, and Juli Byrne.

Jennifer Sturges made a motion to accept the minutes of the January 24, 2019 meeting, seconded by Steve Owens. Motion passed unanimously.

II. Committee Assignments

David Shircliff wanted to know if we still need to staff a committee for the taskforce. Robert Hill stated that we shouldn't change anything and if something comes up then we would already have that committee put together. David Shircliff agreed with Robert Hill, taskforce committee will be left as it is right now.

Deana Martin requested clarification on the number of committees on which each member is permitted to serve. David Shircliff stated that each of the members need to inform him of committees they wish to serve on, and he will assign each of them to their committee(s). He agreed that each of the members can be on more than one committee. Bernice Corley reminded everyone present that at the board retreat it was decided that committees will meet at 6:00 p.m. just before the board meetings which may be challenging if an individual is on more than one committee.

Ashley Spolarich inquired about what is involved in the Strategic Planning Committee. David Shircliff stated that he wanted to add a committee on strategic planning. He thought that it might be a good idea to have individuals on the committee which are not board members,

i.e. Larry Landis and other members. He felt that we were on the edge of accomplishing what was dreamed up, now that we are doing counties and are promoting the regional with the Commission. He wanted to get an idea on what we want IPDC to look like in 5 years, what are we looking to do over the next several years. He didn't feel that we had done that. Robert Hill stated that the committee should only consist of current board members. We can consult with outside people if we need to, but it needs to be the Council's committee. David Shircliff clarified and stated that he felt that the committee should only consist of the Council's board members. He felt that it is also important to include individuals who are well-versed in systems all over the state and to collect information for planning purposes. Robert Hill stressed that we can always ask people as we need them and not to designate anyone in any sort of capacity other than our own board members.

Steve Owens brought up the Executive Director Evaluation committee stating that he was the chair of that committee and he would be happy to do that again. David Shircliff stated that he was going to put himself on that committee. Ashley Spolarich stated that she would like to be on the Strategic Planning committee. David Shircliff wants to hear back from everyone within the next couple of weeks informing him of what committees they wanted to be on. That will give him the time he needed to assign the committees so that everyone will know what committee(s) they are on when we meet at 6:00 pm for the April 25, 2019 meeting.

III. **Legislation: Mid-Session Review of Remaining Bills**

- **HB1051** Study of Reckless Homicide - now it is in the Senate as a study
The council will remain neutral on this bill
- **HB1078** Commitment of Level 6 Offenders to DOC - David Shircliff wants to know how this is going to be different from what they are currently doing. Robert Hill wanted to know how a violent offender is going to be defined. Ashley Spolarich felt that this would impact sentencing.
The council opposed this bill – keep an eye on this bill
- **HB1080** Community Corrections and Credit Time - David Hennessy (as stated by David Shircliff) is concerned about the due process of this bill, there is no set rule and how do you challenge/litigate.
The council opposed this bill
- **HB1114** Interfering with Law Enforcement
The council opposed this bill
- **HB1141** Traffic Amnesty Program - this bill is short term expires 07/2021
The council supported this bill
- **HB1150** Monetary Awards for Exonerated Prisoners
The council supported this bill
- **HB1186** Crimes Involving Synthetic Drugs
The council opposed this bill
- **HB1192** Theft by Public Servants
The council opposed this bill
- **HB1208** Prohibited Name Change

The council opposed this bill

- **HB1235** Judicial Officers and Public Safety Officials - we were able to mitigate this one a little bit
Leave this one as a watch
- **HB1284** Self-Defense and the Defense of Others
Leave this one as a watch
- **HB1299** Electronic Criminal Case Management System
The council supported this bill
- **HB1323** Theft
The council opposed this bill
- **HB1333** Nonconsensual Pornography
The council is opposed to this bill
- **HB1358** Use of Unmanned Aerial Vehicles
The council opposed this bill
- **HB 1432** Parental Incarceration - Joel Wieneke testified in support of this bill
The council supported this bill
- **HB1453** Appellate Defender and Misdemeanor Reimbursement - Passed Courts and Criminal code however ways and means refused to hear it. Did fund the Commission with the 4.6 million needed to continue current level of service to the new counties. They specifically turned down Misdemeanor money and Appellate Office money. Robert Hill wants to push Misdemeanors and adopt the same position as the State Bar Association and the Board of Governors in terms of having a state wide appellate office, independent from the Commission.

Robert Hill made a motion to modify our standing position on state wide appellate to be independent from the Commission. This was tabled by David Shircliff until we get exactly what the report is from the state bar and board of Governors, and also until we find out where that information came from that caused them to make that decision. Ashley Spolarich wanted to know if there was a way to get this one back in front. Bernice Corley answered by stating that the Senate absolutely could develop an amendment based on this language and put it in a bill that is germane, so it is possible.

Commission bill - this one is dead

- **HB1526** Hazing
Leave this one as a watch
- **HB1615** Death or Injury to Animals - The Counsel testified in opposition to this
The council opposed to this bill and fall back to Level 6
- **HB1651** Judicial Evaluation of Dangerous Individuals
Leave this one as a watch

- **SB2** School Bus Safety - Mike Moore testified on this one
The council opposed to this bill

- **SB12** Sentencing and Bias Crimes - sentencing aggravator not an enhancement
Leave this one as a watch
- **SB28** Crimes Involving Synthetic Drugs
The council is opposed to this bill
- **SB36 Felony Registry** - Scarlet Letter Law. Bernice Corley explained that this started as an elder abuse registration, but when the bill was introduced it always allowed all felonies to be listed. This has gained national attention.
The council opposed to this bill
- **SB76** Sentencing
The council is opposed to this bill
- **SB110** Drug Dealing - also includes possessing
The council opposed to this bill
- **SB119** Prohibited Firearm Transfers to Minors
Leave this one as a watch
- **SB163** Recidivist Look Back Periods
The council opposed the OWI provision & Supported the theft provision
- **SB174** Fertility Fraud and Deception
The council opposed to this bill
- **SB175** Operating a Vehicle While Intoxicated
The council is opposed to this bill
- **SB186** Traffic Crimes - Mike Moore testified against this one
The council opposed to this bill
- **SB198** Controlled Substances in Penal Facilities
The council opposed to this bill
- **SB207** Probation
Leave this as a watch
- **SB210** Driver's License Reinstatement Fees
The council supported this bill
- **SB218** Watercraft Accidents - this is a Council bill
The council supported this bill
- **SB238** Expungements
The council supported this bill
- **SB240** Terrorism
The council is opposed to this bill (enhancements)
- **SB243** Nonconsensual Pornography
The council opposed this bill
- **SB279** Waiver to Adult Court for Attempted Murder - age changed to 12 years old. David Shircliff is concerned in regards to the effect this will have on children of color. Deana Martin made the statement that children are getting treated tougher than adults who have fully formed functioning brains theoretically. Amy Karozos stated that we are trying to get an amendment considered to put the presumption in favor of waiving the kid to adult court. We would like it to be discretionary and have the burden on the state to show why a 12 or 13 year should be treated like an adult.
The council is opposed to this bill

- **SB304** Intimidation
The council is opposed to this bill
- **SB333** Body Cavity Searches and Blood Draws
Leave this one as a watch
- **SB336** Misdemeanor Penalties
The council supported this bill
- **SB383** Air or Gas Operated Weapons on School Property
The council opposed this bill
- **SB471** Offenses Involving Critical Infrastructure
The council opposed the parts that enhances the penalties of the bill
- **SB474** Probation and Parole for Animal Abusers
Leave this as a watch
- **SB486** Criminal Law Issues
The council supported good parts and opposed sentence enhancements
- **SB488** Public Defenders
The council supported this bill
- **SB516** Regulation of Hemp
The council opposed the criminal penalties
- **SB519** Drug Penalties
The council opposed this bill
- **SB551** Victims of Criminal Acts
The council opposed this bill
- **SB631** Drug Classifications and Drug Schedules
Leave as a watch
- **SCR16** Urging the Legislative Council to Assign to an Appropriate Interim Study Committee the Task of Assessing the Laws and Policies Concerning the Adjudication and Rehabilitation of Juvenile Offenders
The council supported this bill

Jennifer Culotta left at 4:03 pm.

David Shircliff brought up the original motion made by Robert Hill. Robert Hill again stated that it was a good idea not have too much authority vested in the Commission to oversee a state wide appellate office. He felt that it was a smart idea to have a board, independent of the Commission; that would be responsible for overseeing, managing, hiring, firing, and the overall day to day operations of that office. David Hennessy wanted to know whether it would be a conflict for the Commission to have an appellate office. Robert Hill felt that there was a conflict.

David Shircliff stated his concern that if we were to take this position (Robert Hill's motion) this may cause legislation to be out there as a new defense agency that could kill it before it ever gets any legs. Bernice Corley doesn't feel that we would be able to get an appellate office, she stated that we would be lucky to get misdemeanor funding. She doesn't feel that the appellate office is a viable matter for this session. Ashley Spolarich stated that she is

comfortable moving forward in regards to misdemeanors it if can be done. Bernice Corley stated that dropping the other two issues and pushing hard on the misdemeanors is a good idea. David Shircliff asked Robert Hill if he was open to amending his motion to just focus solely on misdemeanors and at some future point revisit addressing the appellate issue. Robert Hill agreed. Robert Hill felt that the misdemeanors are a long shot but we have a better chance of succeeding. Bernice Corley offered up the suggestion that if we see amendment language in the senate about an appellate office, we will get this information out to the board. The challenge is, if we see an amendment it is going to be in committee because it will have to be reassigned to appropriations. Which means that we will need a quick turn-around.

David Shircliff reiterated the motion made by Robert Hill (focusing on misdemeanors), Steve Owens seconded the motion. Motion passed unanimously.

Bernice Corley stated that our focus is getting money for the juvenile project and really hammer on misdemeanor funding. She also stated that we have not given up on the state wide appellate office. She will keep the board informed if the Senate adds funding for a state-wide appellate office.

Bernice Corley informed the board that Friday, March 8, 2019 we are going to have a phone call to engage members around the mid-point of session to let them know where things are and open up for questions. She inquired if there was anything else that we can do besides defendnet to encourage people to participate and engage. Mike Moore suggested having a banner on our website homepage. David Hennessy suggested engaging the Chiefs to help us out too. Robert Hill requested that Mike Moore send an e-mail blast out to all the Chiefs encouraging staff to call in.

Meeting adjourned at 4:25 pm.