

INDIANA PUBLIC DEFENDER COUNCIL
BOARD OF DIRECTORS RETREAT
Fort Benjamin Harrison State Park Inn – Theodore Room
5830 N. Post Road
Indianapolis, IN

September 21, 2019

9:00 am

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 9:00 am EST on September 21, 2019 in the Theodore Roosevelt Room at Fort Benjamin Harrison State Park Inn, 5830 N. Post Road, Indianapolis, IN by Chair David Shircliff.

Board Members present were: David Shircliff (chair), Mark Nicholson (vice chair) David Hennessy (secretary), Jennifer Sturges, Deana Martin, Gojko Kasich, Christopher Shema, Robert Hill, Ashley Spolarich, and Steve Owens. Council Staff present were: Bernice Corley, Mike Moore, Mark Carnell, Diane Black, Suzan Ristich, and Juli Byrne. There was no one present via webex.

David Hennessy brought up amendments he wanted made to the July 19th minutes. Motion for approval of the minutes from the July 19, 2019 meeting was made by David Hennessy as amended, Gojko Kasich seconded motion passed 9 to 1 with Christopher Shema abstaining due to not receiving minutes in a timely manner. Motion passed. Christopher wants a policy that the drafts of minutes are produced and circulated within 2 weeks after meetings. Bernice Corley stated that that is already our policy and it is our goal to see that the minutes are produced and circulated within the two week time period.

II. Approval of Agenda

Gojko Kasich made a motion to amend the agenda so that anything that concerns by-laws would be handled during Old Business, seconded by Christopher Shema. Robert Hill inquired on what the issue was behind the by-laws. Bernice Corley explained that the personnel manual also included board by-lawish information. She also stated that the retreat was a good opportunity to clear up what Bernice Corley and Mike Moore saw as unfinished business and bring it back to the Board's attention. David Hennessy will send the board Gojko Kasich's last draft of the by-laws and why it stayed in the personnel procedures manual. Robert Hill felt that the by-laws should be a topic for a board meeting by itself. He also clarified that the Sexual Harassment training should also be topic by itself for a board meeting. Moving my-laws to Old Business passed 9-1 with David Hennessy opposed.

Motion to approve agenda as amended made by Gojko Kasich, seconded by Jennifer Sturges. Passed 9-1 with David Hennessy opposed.

III. Executive Director's Report – Bernice Corley 12:38

- End of Fiscal year 2019 – what balance looked like (state fund, training fund, publications fund)
Bernice Corley highlighted how the 2019 fiscal year ended very strong and that we only reverted back \$5.00 from our general fund. At the end of the fiscal year we had \$97,425 uncommitted. \$32,691 was transferred to training which took training to a balance at the end of the year to: \$301,051. Then we used \$39,616 for Brite Systems to update our software. \$3,851 was used for Salesforce licenses which makes Brite Systems work.
- 2020 Budget to see what the roadmap looks like
Bernice explained that we are looking good for 2020 with bringing on Joel along with the Marion County contract we are able to keep the juvenile project and are projected to end June 30, 2020 with \$97,000.
- Current quarter that we are in

Bernice Corley liaison report, the BJA update. 09-20-2019 was the CLE to kick off the event, go over quality indicators, what the work will be. Has 3 board members present Hill, Hennessy, and Shircliff. This is the grant that we received with the Public Defender Commission it is to build quality indicators, it was a pre CLE and lunch provided by the Commission. Bernice felt that it was well attended, there were roughly 18 to 20 people there. Several people expressed interest and wanted to join the work, which is a good thing. The expectation is that this time next year, we will have completed this work, and we will have quality indicators from counties to use for their programs for adult trial work only. We also have the assistance of the CJ to help us, assuming that rollout goes well. David Shircliff wanted to know what the standards are going to be for supervisors.

Robert Hill wants the Performance Guidelines for Criminal Defense Representation updated along with Don Murphy's checklist. He wanted Juli Byrne to check to see if we have any. (We do have them however they are showing that they are from 2012). David Hennessy stated that we needed something like the NLADA has.

Pretrial CR26 roll out – October 4, 2019 is a big summit on that which is being hosted by court services and partner agencies, we are one of them. Bernice wants any board member that can attend please do. She shared that the Best Practices Manual for Pretrial, one of the items is that there should be a public defender present during the initial hearing. According to court services, who has been auditing pilot counties, the counties are saying that they are having problems complying with that best practice work for a couple of reasons. Some counties are saying that they just don't have enough money to provide a public defender at an initial hearing. Bernice Corley stated that she has made some recommendations about how she things that the process should deal with that and that we should not let the counties slide on that, for counties that are not in the Commission, she recommended that they should require that they at least do an

interview with the Public Defender Commission. Court services did that the opportunity to talk to some counties where the public defenders were present court services observed that the PD's were there but not doing or saying anything. PD's stated, when questioned, that they are actually not sure why they were there or what they were supposed to be doing. There were other counties that they went to where the PD's were not present and they followed up with the PD saying that you came to observe and they (PD's) were not there, why? The response received was that it doesn't matter. They stated that they used to go and advocated and it didn't change a thing so why waste my time? Bernice Corley emphasized that we have got to be on training our people about what the expectation is and we are supposed to be doing. We have to show our Legislators that it is meaningful.

Christopher Shema showed some concern about rolling out CR26 with PD's handling initial hearings. He believes that it would help if we had some definitive ethics opinion that says, it is not conflict if you were only doing A, B, & C. Bernice Corley is working with Gretchen, Jim Abbs, and Michael Woody to have a meeting to get that firm guidance to make sure that everybody is clear how it would work.

IV. Asst. Executive Director's Report – Michael Moore 01:20:04

Training report – working on more regional trainings. Needing a topic and taking it more places. This year we have currently trained 481 people. We are keeping record of counties where people are not showing up for training and then focusing on getting those pockets in 2020 as well. David Hennessy made comment on how the Pozner training pulled a large amount of people from different counties. He stated that with a centralized training and we have the attraction that people will come to Indianapolis. Gojko Kasich pointed out to Diane Black that the Crown Point training on sentencing enhancements were not on the schedule provided to which she responded that she will get that on there. Gojko Kasich inquired why there was no list of counties of attendees from the Appellate Annual or the Annual Update, Mike Moore informed him that the trainings were so huge that there wasn't space to list the counties of the attendees and that Pozner was listed due to curiosity.

Outreach; activities that IPDC has been doing to connect with state voters in Indiana. Mike Moore explained how he spoke at the Juvenile Judge Meeting where DCS is getting different funding to help pay for things like attorneys to represent families prior to system engagement.

Case reviews are offered for free or for a service fee, if it is a private case. We offer attorneys the opportunity to come meet with us where we will get people together to help review a case. Mike Moore explained the attachment provided of all the case reviews done this year so far, who the PD was, what county, the case name, and the result.

New or updated publications. In the future we will no longer be doing updates on a timetable, we will have the ability to update publications live so when things come down, statutes, rules, etc. we will be able to update these documents on the fly. Usually within a day or two. That should be happening in the near future. This is something that will happen during phase 2 of

our software update. This new program will make our materials much more acceptable, even by phone.

Christopher Shema noticed that there was a discrepancy in the case summaries information provided. He informed that Jake Miller, even though he is a Vigo county attorney, the case he is wanting help with is a Sullivan county murder case. Mike Moore stated that we are waiting on the materials to arrive on this case. Christopher Shema suggested that when IPDC is doing case summaries with attorneys that are new or new to criminal defense work that IPDC needs to pitch TPI to them. Mike Moore offered to the board that if they want to participate in a case review to let us know and we can set it up.

New and updated manuals in progress are manuals that we are working on and have an anticipation date/publication date. The reason for the dates of October or November are because of our updated cloud based system. These documents will go right onto the cloud which will make them easily downloadable, searchable. They will be able to be updated more easily.

Robert Hill inquired if Mike Moore asked attorneys to submit jury instructions that they have had to this group that is going to do this new publication? Mike Moore is not sure how IPDC handled this in the past but he is assuming that we would. Robert Hill informed Mike Moore that David Hennessy is a good source for jury instructions.

David Hennessy inquired about the phone help line. He is wanting to know if the research is now more electronic now. Mike Moore responded that it appears that there is still a lot on phone traffic. He stated that when he had to cover research, it was all via phone. Mike added to that, that he felt the research seems to start with an e-mail will end with a phone call. Mike Moore stated that typically the responses are handled within 24 hours. Bernice Corley added to this that a lot of people still are calling our main line instead of our research line. She also commented that a lot of people are still calling and asking for Jack Kenney or are calling his cell phone. We need to work to discouraging this to let Jack have some down time.

ICJI grant program. Mike Moore talked about the two grants that he Council received. One was from ICJI and the grant is the Edward Byrne Memorial Justice Assistance Grant Program known as the JAG. We also received the Title II – Juvenile and Delinquency Prevention Act. We now have 2 centralized social workers contracted in our office who provide technical assistance and support. The Title II is geared toward specific rural counties so Kelsie Hugg (one of our social workers) will take the calls and provide technical assistance. We also have two social worker placed in southern Indiana, and northern in Cass Co. who provide support in adult and juvenile defense cases. People are slowly starting to use her as support, it is a little slow growing. (Attachment page 23) David Shircliff inquired if we are training attorneys on how to use social workers? Mike Moore stated that Brooke Daunhouer and Kelsie Hugg have done that. David Shircliff stated that we should have lawyers training lawyers on the usefulness of using social workers.

Gojko Kasich inquired to Bernice Corley if there has ever been any discussion with the Commission about a social worker requirement and reimbursement. Bernice Corley stated that during this session it wasn't one of their top priorities. However, priority #7 was looking for money to pilot this however there was no movement on it. She will continue to talk to Derick about this. David Hennessy stated that when the performance check list was done, it most assuredly involved investigators and social workers. He also stated that he would like to develop a training program for lawyers to be able to identify when they need a social worker, while we have the grant and the people to develop it. He also stated that a lot of lawyers do not even know when to ask for a social worker. Mike Moore stated that is something that we could do and it is a good idea. David Shircliff stated that the training has got to include mentor lawyers and that he has some in his office that would be a good resource for someone to call. Jennifer Sturges stated that she would be happy to participate in training on how she has used her social worker. Simply educate on the system and how the system is failing.

Updates in Technology. Christopher Shema brought up the app developed by Michael Wilson. The app in his opinion is great however it needs a little bit of fine tuning to make it really useful. It needs to be searchable. Bernice Corley agrees with this she just wants the board to know that Michael Wilson will get to that however she needs to manage his contract due to the amount that was modified in his contract last year. Christopher Shema wants everyone to download the app, play with it, start saying what you like what you don't like. With it being a free standing brand new tool.

Mike Moore discussed our updated Customer Relations Management (CRM) system that Brite Systems is developing for IPDC. Phase 1 is complete and we are working on getting phase 2 up and running however the quote received appears to be quite high at: \$30,000 which is actually less than what IOT would charge. There is also a yearly cost about \$10,000 which is also less than what IOT would cost. Using this we won't be paying contractors as much and eventually be saving money down the road. Phase 2 resources we moving all our resources to a web based platform so we won't need contractors any longer. We will be able to upload all our manuals ourselves, pull down, change, and upload back. Will be able to build the casebank on a platform again without using MS Word. It will be an easier way to search for cases. Everything will be mobile application with a few feature changes but you will be able to access from your phone. Also, in phase 2, our members will be able to pay for training, take training register for training all from the same platform. We will know who is attending our trainings, who hasn't been to TPI giving us the ability to reach out to members who needs specific training. David Shircliff wanted to know what we are looking at as far as implementation. Mike Moore stated that if we accept their quote as is probably another \$40,000 on top of the \$30,000. But, as far as annual costs we will save \$1,000 plus whatever we are paying contractors. We will still have some costs however they will not be as high. David Shircliff asked about roll out, Mike Moore stated that we pushed the roll out date back to the middle of October. Their goal for phase 2 is for middle of November however we are thinking more like January or February.

David Hennessy suggested that on the completion of publication manuals he really likes some of them where they have blocked out practice pointers. Maybe identify with a successful

practitioner in that area read the manual and see if they can come up with some practice pointers that we could add to it, in particular, the child molest. Maybe the search and seizure. Mike Moore stated that we are currently doing that with our commitment manual. Passing it around between two of them, mostly Marion Co., hopefully to give us some practice pointers.

Rethinking Trial Practice Institute – Mike Moore (02:06:54) with a new administration, we have been discussing how TPI works, should it be a regional should it be localized in Indianapolis. Mike Moore discussed maybe having TPI regional based but having a 4 day stretch, maybe every other week pick a topic. Christopher Shema stated that if that is the case then it is not TPI that is a bunch of seminars. He feels that when you start breaking it up that you lose the total immersion by having people come and go. TPI needs to be during the judicial conference. Robert Hill feels that it is a good idea because it saves on hotel say for the attorneys. David Hennessy is not in favor of this due to TPI being an all in-twined training. He also feels that people will come to one of the days but not the other. Deana Martin disagrees as well, she also stated that the regional might be a good supplement for TPI but she feels that you are going to lose people by breaking it up. She agrees with David Hennessy in regards to your trial are fluid and that some are going to plead. Then when you go back for the next part of TPI you may have to start all over with a new case. It is better to have just the one case and learn all the techniques and tools then you can apply it to your other cases without having to get everybody caught back up to the facts. Ashley Spolarich also agreed with David Hennessy and Deana Martin. Ashley Spolarich feels that people will drop out due their case already being resolved. Deana Martin suggested that doing a regional skills training is good and can still be done, but it cannot be a substitute for TPI. She stated that she would like to have more skills training. Jennifer Sturges commented that having TPI during the judicial conference will make it easier for the attorneys to schedule their time to attend knowing that it is always during the judicial conference. The changes of an attorney being able to block off the 4 days during that time does make it much easier. If you chop it up you will lose the whole point of TPI.

Christopher Shema suggested that if you want to break up TPI and make it a regional there is one way that it could work and that is if you have 4 people that have case reviews on the same topic, you could put those people together and talk about investigation, pretrial motions, and discovery then come back in two weeks and then we can talk about the next thing that we need to do. That is kind of taking a case review and applying it to a TPI type model spreading it out over time. He is opposed to radically changing TPI.

Mike Moore brought up from the last board meeting that there was a request to do a survey of the membership asking questions about training, what areas of training they are interested in. We started a survey (see attachment page 28 - 31), we tried to ask these questions in a very neutral way so people can give their honest response. Mike Moore felt that keeping the question down to 9 would generate more response. He was wondering if he needed approval right away of if they wanted to look at it and get back with him. Or if any of the board had any suggestions. Christopher Shema wanted to have time to look it over, talk about it, think about it, and get back with him. David Hennessy stated that the motion that had passed that there should be some systems questions on the survey, i.e. statewide appellate office, regional public

defender agencies. No specifics, just respond questions in general. He would also like to have time to reflect on the survey as well. Mike Moore brought up about maybe having a second survey on the items that David Hennessy brought up. David Hennessy stated that in the minutes there is to be only 1 survey that is them to be submitted to the board for approval, seconded by Gojko Kasich, motion passed. Christopher Shema wanted to know if there were going to be any questions about TPI on the survey. David Shircliff decided that there needed to be one survey and once the board looks at it they will determine if it needs to be broken up into more than one. Christopher Shema requested that the survey be circulated via e-mail.

Juvenile Report was briefly touched on. See attachments pgs. 32 – 34. Joel Weineke is a full time employee and he will be managing the work on the project. David Hennessy wanted to know if Joel Weineke is going to be submitting reports to the Supreme Court, Bernice Corley stated that he hasn't yet but yes it is built into his job description so he will be doing it in the future.

David Shircliff inquires if there was anything else that was needed in regards to TPI. Mike More responded that there was nothing else. David Hennessy wants Mike Moore to think of some kind of activities that would promote the comradery that is the only downside of breaking up TPI into different dates. He wants Diane Black to think of some ways to enhance the experience. He also made comment that we cannot continue to lose \$15,000 on TPI. David Shircliff wanted to know anyone has found any research that would support the 4 day, all inclusive, training actually has an impact? Mike Moore commented that Diane Black is actually working on something. We are currently working with a couple of states, Louisiana & Mississippi, kind of a coalition of similar trainers. Step one is "How do you evaluate your own program?" The best way to do that is to evaluate each other. Have other states come in to evaluate it and give us feedback that is positive vs negative. Mississippi is kind of a pilot to see what this would look like. We are going to go there and then in the future, have them do the same to us. And then start reaching out to other states to evaluate each other. Christopher Shema wanted to know if this was something that we could do in the survey as well. David Shircliff wanted to know what is going to be our measure of what we are going to do in training.

Legislative Report – Mark Carnell **02:46:17** Attachments 49 – 70. Three items that are of interest to us: Corrections of Criminal Code, chair Sen. Mike Young, Courts and Judiciary, chair Sen. Erin Houchin, and Financial Institutions and Insurance, chair Sent. Eric Bassler. Christopher Shema suggested that we may want to create a seminar on getting Licenses back due to it being one of the number one questions that comes up on defendnet. He also stated that in Vigo County it is a constant battle. Bernice Corley made comment that she is going to get the IPAC report to the board on the most frequently charged crimes.

Mark Carnell informed the board that one of the things that we are going to do differently this year is we are going to put most our initiatives into one IPDC bill, and get it with an identified and very influential, helpful legislator who can get some things done. He felt that last session we were too scattered. David Hennessy wanted to know how that was going to look. Bernice Corley stated while in Evansville we met with the chair (Wendy McNamara) on the house

committee on Corrections and Criminal Code. We went over all the items that we are going to bring back again. Wendy McNanara suggested that we make a public defender bill. Put all your stuff in one bill. She also recommended that we talk with Ryan Hatfield about carrying it for us. David Hennessy suggested that we add some throw away due to the not giving you everything you want. If we begin with other topics they might give us what we want without realizing that they gave us what we wanted. Robert Hill feels that the Appointment of Counsel at Initial Hearing should be a priority as well as funding for Misdemeanors.

Gojko Kasich wanted to know where we are as a state in regards to providing facilities for mental health? Bernice Corley informed Gojko Kasich that Larue Carter hospital has closed and that there is a new hospital on campus at Community Health on 16th St. in Indianapolis. That is the only thing that Bernice Corley is aware of.

David Hennessy stated that there are three things that we need to do that will serve us well:

- Anticipate what IPAC is going to come with
- Get members engaged with their local representatives in their counties
- Generate a list of local people that have time to be available. We need to get their name and their area of expertise.

David Shircliff stated that he has an issue with Synthetic Identity Deception vs False Informing. He made comment that he would be interested in language that would clarify that Synthetic Identity Deception is using someone else's identity for more than just telling the police who you aren't which is False Informing, and add it to the list of focus. Christopher Shema wants to know if there is any way that we can modify the rule of lenity. Jennifer Sturges made a motion to look into the current increase on Synthetic Identity Deception charges vs. False Informing a focus for IPDC. Seconded by Christopher Shema. Motion passes 10-0.

David Hennessy requested that David Shircliff suggest some language and show some law to send to Mike Moore.

New Business: **03:43:26** ALEC Resolution (American Legislative Exchange Council) – Mark Carnell This is a draft resolution in support of public defense. We want to bring this to the general assembly and see if someone will pass it as a resolution in the general assembly which would be like a statement of values. Bernice Corley stated that we want the board to consider that, if the board is good with us doing the resolution. If this passed this coming session, Bernice Corley wants to add language that they have a study of public defense. It would be a great opportunity to have a study session just around just public defense in Indiana, what we need, funding required so that it is queued up for our next fiscal cycle. Bernice Corley requested that we add this resolution to our Legislative agenda. Christopher Shema made motion to accept Bernice Corley's request to add language saying it needs to be studied. Seconded by Robert Hill, motion passed 10-0.

Scholarship for TPI created non-profit – Bernice Corley (handout page 75-82). Should we (IPDC) try to take this up and try to move this as a body and lead on this instead of the members

leading on this? Robert Hill agreed that we should however, he stated that we need to think bigger. It should be us, the board of directors that buy in and try to support this. We should be the ones that supply a piece of cash on an annual bases, we have collected money before. This should be public defender oriented, supporting public defenders, run by public defenders just like the Board of Directors of IPAC runs theirs. Robert Hill is in favor and feels that this is a good deal. David Hennessy made two suggestions: 1. Don't put public defender in the title; 2. You have got to bring in the private defense bar. David Shircliff inquired about what IPDC needs from the board. Bernice Corley stated:

- She wanted to see what the buy in or idea was
- She does feel that it should be structured the way that IPAC is structured
- Wanted to be sure that everyone was on board with it
- Bernice is going to model from IPAC and present something for the board to respond to in terms of going forward

Christopher Shema inquired if this would be a stand along operation? Or would it be a non-for profit that managed by the board? Bernice Corley stated that they were totally separate and reiterated that that she wanted to follow IPAC's footsteps. 03:56:58 Robert Hill stated that public defense should not be in the name of the organization and we should have a seat on the prominent board of this organization. David Hennessy stated that he might reach out and try to identify a handful of chiefs or other PDs, make them an advisory board so that they are involved in developing the non for profit. Doing that would give IPDC staff some distance from it. Christopher Shema wanted to know if we were going to respond to people that are willing to support this? Also, doing the scholarship for TPI there were a lot people that were interested in that, are we going to respond to those people as well, i.e. we are working on it. He doesn't want this to be whatever happened to that idea. Bernice Corley responded that she wanted to have something in place vs saying that we are working on it. She stated that we should start by working on a class of members, and a class of officers and just start with a proposal for the board to react to.

Robert Hill suggested that we get with attorneys that are in private practice that are skilled in this area, they may well be willing to do this as their pro bono. They would probably be able to advise or direct us if there is an organization core group, they could advise that group on how to proceed. He also stated that he may have some people on his board that might qualify. Robert Hill explained that it would be an organizational committee. Bernice Corley stated that she had what she needed and will follow up with Robert Hill and David Hennessy.

Stream and record board meetings – Bernice Corley started by saying that statutes are not controlling to us. There is a statute IC 4-22-3, it is executive branch. Due to our meetings are often late and it is difficult to get into our building after hours which makes it difficult for our members to engage. Her thought was if we make it possible for people to watch, maybe they will be more engaged in the council. David Hennessy stated that having the ability to watch is not going to make the members engage. He also made comment that IPDC has had outreach after outreach and they don't engage. Deana Martin stated that he minutes used to be one the website and she would go back and read them. She also doesn't feel that there would be a lot of engagement by streaming the meetings live, but she also doesn't think that it hurts anything.

Mike Moore stated that there was no cost and not much work. Steve Owens, Ashley Spolarich, and Jennifer Sturges don't care but want to be sure that it doesn't add extra costs. Robert Hill commended that no one wants to see the meetings. We post the minutes on the web and no one reads them. Gojko Kasich has no comments in regards to streaming board meetings. Christopher Shema agreed with Robert Hill stating that it has no value and it is potentially harmful. He feels that it would diminish the quality of the interaction and the frankness of the discussions. Deana Martin decided that she also agrees with Christopher Shema. Mark Nicholson stated that a lot of what was said could be taken out of context and he doesn't see the purpose of streaming due to the risk is too great. Also made comment that someone that just wants to tear us down, is not going to actually invest in coming to the meeting, getting the tone of the atmosphere, and seeing all the off record comments, but will just look at what they see on there and then post it on youtube or whatever to try to embarrass us. He is totally against the streaming.

David Shircliff asked Mike Moore: Is there any benefit to our members that outweighs the likelihood that someone is going to use this against us at some time. Mike Moore stated that he felt that there is some benefit. He stated that these are open meetings that we have to allow people to attend and record. He feels that the overall benefit has been proven and that it would require some adjustments to comments. He has talked to people on the road and they don't know what the board does and he feels that nobody really understands what it is the board does. He wants to encourage people to be more engaged. Robert Hill doesn't feel that we need to do this as a regular practice. If we need to throw out a video for everybody to see of our meeting or our discussion, we can do that. Mark Nicholson stated that if members really wanted to be more engaged they can read the minutes or they can come to the meetings. He does not see the need to stream it. He doesn't see where the benefits would outweigh the risk. There is nothing to prevent the members from engaging at this time. There is no motion made.

Bernice Corley discussed the jail overcrowding taskforce that the CJ oversees. There is a report due on December 1, 2019. We are supposed to study the overcrowding, come up with recommendations, and get it to the General Assembly December 1. The first meeting of the overcrowding general taskforce meets on the 30th of September and there is only going to be three meetings. The first meeting is in French Lick, Orange County the next one is not decided yet however it is basically one month later in October. That one will be the central one, both Madison and Marion counties have offered to host that one. Then we will have to find a northern location. We are trying to find counties that are dealing with either building a jail or not building a jail. That same piece of legislation also required bail to be set, to look at bail in pretrial and offer issues and solutions around bail, that report is also due December 1, 2019.

Bernice Corley discussed the development of the draft survey (attachment page 106 – 109) to identify each criminal court the issues in those courts so that we can come up with a map and a priority or where we want to challenge issues, and how we can support litigators, raising issues, preserving issues, and challenging practices. Bernice Corley requested that the board consider the survey, change the survey. She stated that she wanted to treat this as an assignment and not just put it on Defendnet. Bernice Corley would like to be able to give the practitioners

something for their time in completing the survey, maybe a free regional, etc. something of minimal cost. Once the survey is completed Bernice Corley stated that she would like to use the results for the bail study as part of our report. Christopher Shema inquired if the participants that complete the survey would be remain anonymous, Bernice Corley stated that we would know them but we would not put them out there. Only the people internally would have access to this data and who submitted it. Once we have gathered all this information then we can see where the issues are and we can map out our attack and show where the issues are. David Hennessy brought up the thought about offering a free whole day seminar for ones that do participate.

David Hennessy stated that he wants to go over the survey because people may have a reaction to it. He started with question 3C, he wanted it amended to say: After the significance of the information has been explained allow the arrestee to provide a sufficient opportunity under penalty of perjury, the maximum amount of financial security the arrestee would be able to post or pay up front within 48 hours of arrest.

David Hennessy also brought up wanting to change 4a, within 48 hours of arrest? ___ Yes ___ No, if now how quickly ___ days

Christopher Shema brought up a change to 4d, an opportunity to have council present evidence in his or her favor, and to respond to evidence presented by the prosecutor? ___ Yes ___ No

Christopher Shema wanted to know if we were going to hand this survey out to the rule 26 participants, Bernice Corley stated that this survey is low key and will only be handed out to our members only, kind of a behind the scenes prep.

David Hennessy discussed wanting to add 2 questions under 4e:

- 1) Do you believe the bail schedule reduces failure to appear? ___ Yes ___ No
- 2) Do you believe the bail schedule results in unnecessary pretrial incarcerations? ___ Yes ___ No

David Hennessy also wants to add a question under 14 labeled 15:

- 1) Do you believe that the IRAS-PAT has inherent bias? ___ Economic ___ Gender ___ Racial ___ Neighborhood

Robert Hill made a motions to approve the survey, with the amendments made, that is gets sent out to all the board members and every chief PD that is in our system. Bernice Corley stated that she was uncomfortable with that and that she really just wanted to reach out to practitioners that IPDC has relationships with she doesn't want to be too out there. Robert Hill changed his motion to state that Bernice Corley will select which board members and public defenders the survey should be sent to with the amendments made, David Hennessy seconded motion. Motion passed unanimously.

Election of Officers: David Hennessy made a motion to maintain the current officers, seconded by Christopher Shema, motion tabled by David Shircliff. Deana Martin moved to nominate Mark

Nicholson as Chair, seconded by Gojko Kasich, Christopher Shema nominated David Shircliff for chair, seconded by Ashley Spolarich. Write in vote taken, counted by David Hennessy: Mark Nicholson is new Chairman.

Steve Owens nominated Deana Martin for Vice Chair seconded by Robert Hill, nomination withdrawn. Christopher Shema nominated Jennifer Culotta seconded by seconded by Jennifer Sturges. Robert Hill nominated Deana Martin for secretary and David Hennessy for vice chair, seconded by Deana Martin. Christopher Shema nominated Jennifer Culotta for vice chair, seconded by Ashley Spolarich. Write in vote taken, counted by David Shircliff, David Hennessy is vice chair.

Now the write in vote for secretary between, Jennifer Culotta and Deana Martin, counted by David Hennessy, Deana Martin is secretary.

Old Business: David Hennessy inquired about Amy Karozos and Kim Tandy's certificates, Bernice Corley did not get those done however she will get those to the board right away. She feels that the certificates would be easier for everyone and she will get those out to the board to review within the week so that they will be ready to present in November.

David Hennessy made comment that he would like to have some discussion about bylaws. He stated that he has sent the history of our bylaws to the members along with the last draft of the bylaws as well as the latest version (2016) of personnel policy manual. He stated that is IPDC wants to change anything that is in the personnel and policy manual that can be changed however the bylaws is for the board to decide. Bernice Corley stated that she felt it was odd to have the bylaws and the policy manual all together in one document. Robert Hill feels that we can work on this.

Robert Hill proposed that we have a separate board meeting to have a 45 minute training on sexual harassment during one of our meetings. David Hennessy reiterated that the IPDC staff was going to have a sexual harassment training and that the board should be invited to that and the board can participate in that, and if anyone of the board wants to participate they can if not they don't have to. Mark Nicholson agreed with David Hennessy.

Christopher Shema made a motion to have the next board meeting around the forensic seminar in December. Robert Hill stated that the next meeting should be about the Juvenile seminar being held in November. Mark Nicholson wants to give Bernice the opportunity to look at her schedule and see when it would be a good time for the next board meeting, keeping in mind that we are penciled in for November 14th.

Meeting adjourned at 02:51 pm.