The Indiana Task Force on Public Defense (Task Force) presented its Final Report to the Indiana Public Defender Commission (Commission) in August, 2018. The report identified numerous systemic deficiencies and made recommendations for both immediate and long-term system reforms. Recognizing that the reforms called for by the Task Force must be phased in over time, the Commission has approved the following legislative/policy reform agenda for 2019 to begin the process of implementing the long-term, strategic reform efforts.

**2019 Public Defender Commission Justice Reform Initiative**

1. **Increase to Base Budget**: The Commission will seek a base budget funding increase to cover the additional counties that have/will join the Commission’s reimbursement program.

2. **Reimbursement of All Case Types (including misdemeanors)**: The Commission will seek statutory authority and funding to reimburse all Commission-participating counties for 40% of all case types where a right to counsel exists, including misdemeanors.

   **Findings of the Task Force**: The statutory prohibition of misdemeanor reimbursement has led to an unequal application of standards across the counties, and even within the Commission’s participating counties. Misdemeanors are by far the largest volume of cases in the criminal courts in Indiana. The Indiana Supreme Court online data system for 2016 reports a total of 144,136 new misdemeanor cases filed, more than double the number of felony cases. Counsel was appointed in only 36% of misdemeanor cases. The high volume of misdemeanor cases in many courts can result in pressure for speedy dispositions and “assembly line justice.” The consequences of a misdemeanor conviction can be significant, including loss of liberty, driving privileges, denial of educational loans, housing, and employment opportunities or professional licenses. Defendants may bear the cost of heavy fees and fines as a result of misdemeanor proceedings, without regard to whether or not the individual is able to afford to pay.

3. **Statewide Appellate Office**: The Commission will seek statutory authority and funding to create a state appellate office to provide direct services where they do not exist, to facilitate statewide cooperation, and to provide support for appellate attorneys, including juvenile and CHINS. This office would also contract with attorneys or local offices that provide services, increasing the current reimbursements for appellate services and providing additional support and funding to local offices currently providing the services, as requested. Upon authorization of this office, a juvenile defense team (currently housed at the Indiana Public Defender Council with grant funding) would become a permanent part of this office. **Please note**: This office would be intended to support, not supplant, local appellate services.

   **Findings of the Task Force**: The current system of providing appellate representation in Indiana does not ensure sufficient independence from the judiciary in all counties. In roughly one-third of counties, appellate counsel are selected and appointed by judges without any required training, experience or oversight. Appellate representation is a specialized area requiring specific skills, training, experience and standards. While the state has many excellent appellate lawyers, the experience and requirements for handling appeals in Commission counties are minimal, and there are no performance standards in place. Many counties do not have sufficient
resources to ensure high quality appellate representation and oversight measures. Creation of a statewide appellate office to centralize appellate representation, including criminal, juvenile, CHINS/TPR cases, and other cases eligible for public defenders can and should remedy the disparities in current access to qualified counsel and should include the ability to contract services to qualified appellate advocates as needed and provide regional support as appropriate.

Please note: A working group has been established to advise the Commission on this agenda item. To participate in the work group, please contact Kathleen Casey, Staff Attorney.

4. Regionalization of Public Defense Services: The Commission will seek statutory authority to allow counties, at their discretion, to develop multi-county public defense systems. If a multi-county system is developed, counties and the Commission would enter into a memorandum of understanding (MOU) specifying the cost-sharing by the counties. The multi-county system should be managed by a regional chief public defender.

Please note: A working group has been established to advise the Commission on this agenda item. To participate in the work group, please contact Kathleen Casey, Staff Attorney.

5. Reform to County Public Defense Boards: The Commission will seek statutory authority to reform county public defender boards to ensure independence from the judiciary and to strengthen requirements for composition, training, and standards for membership. This includes replacing one of two judicial appointments with a local appointment from the Commission and allowing expansion of membership beyond three with only one judicial appointment.

Findings of the Task Force: The role of public defender boards should be limited to deciding how public defenders are hired, deciding who will manage the public defenders (county-based or regional), and ensuring fiscal responsibility. The Task Force recommends at least one appointment to the board be a Commission appointment, with the opportunity for the county to expand the board further. Community advocates should be an important voice on the board to greater reflect the community it serves. Diversity of thought and backgrounds is an important factor to consider when selecting members.

For further information about the Task Force, this reform effort, or any matters related to the Indiana Public Defender Commission, please contact staff at information@pdcom.in.gov.

You may also wish to follow the Indiana Public Defender’s NEW Twitter site for regular updates on the Commission’s Justice Improvement Initiative for Public Defense Reform @IndianaPDCom.