

DRAFT

INDIANA PUBLIC DEFENDER COMMISSION

December 15, 2021

2:00 PM

**309 W. Washington, 5th Floor, Commission Conference Room
Indianapolis, Indiana 46204**

Members in attendance:

Mark W. Rutherford, Chair (in person)
Ms. Bernice Corley (remote)
Hon. Mary Ellen Diekhoff (remote)
Hon. Kelsey B. Hanlon (remote)
Mr. David J. Hensel (remote)
Sen. Eric Koch (remote)
Rep. Ryan Lauer (remote)

Members absent:

Mr. Richard Bray
Rep. Ragen Hatcher
Hon. Steven P. Meyer
Sen. Gregory G. Taylor

Staff in attendance:

Derrick Mason (in person)
Andrew Cullen (in person)
Paula Diaz (remote)
Andrew Falk (remote)
Stephanie Lalani (remote)
Torrin Liddell (remote)
Jennifer Pinkston (remote)
Jennifer Shircliff (remote)

Audience members (all remotely):

Jim Abbs, Noble County Chief Public
Defender and President, Chiefs
Association
Ray Casanova, Marion County Public
Defender Agency
Mark Clark, Washington County Chief
Public Defender
Gretchen Etling, Vigo County Chief
Public Defender
Amy Karazos, State Public Defender
Andrea Marsh, Direct Representation
Program, Child Advocates
Lisa Moody, Gibson County Chief
Public Defender
Andrew Vandenbosch, Howard
County Chief Public Defender

At two o'clock, Chair Mark Rutherford called the meeting to order, asked audience members to introduce themselves, and ascertained that a quorum of the Commission was present. To insure a quorum was maintained for certain agenda items, the Chair elected to take certain items out of agenda order, starting with agenda item 4.

4. Financial Status of Public Defense Fund

Commission Director and Chief Counsel, Derrick Mason, provided the status of the Fund, which is sufficient to pay the 3Q2021 reimbursement requests.

5. Status of County Compliance

Mr. Mason stated that Commission staff are continuing to work with attorneys working for multiple counties. It will take several quarters to enable all the counties to be in full compliance, but progress is being made. Commission staff will update the Commission next quarter.

Only four counties currently have attorneys who are out of substantial compliance: Jackson County's attorney is out of substantial compliance at the same level as last quarter, but that attorney is quarterly compliant. It will likely require a full four quarters before that attorney is back in substantial compliance.

In Scott County, it is a different attorney than last quarter who is out of compliance; this quarter, it is their assistant chief who is out of compliance. The county expects to be back in compliance in the upcoming quarter.

Warrick County has received permission to hire a new attorney January 1, 2022, which they expect will help resolve their compliance issues. Additionally, as this was their first year in the Commission, they are still learning and have perhaps not effectively assigned cases. With more experience assigning cases, they hope to address caseload compliance issues.

Washington is out of compliance again this quarter. Commission staff expect that the Commission will approve an amended comprehensive plan, which provides for a salary system, for Washington County at the next meeting. The county and Commission staff expect this should resolve the compliance issue.

Because all the counties with compliance issues have plans to become caseload compliant, Mr. Mason does not recommend any 90-day letters at this time. The Chair inquired whether the four counties seem to be making progress, and Mr. Mason confirmed that they are and that he was not worried about any of them. There were no further questions or concerns.

6. Requests for Reimbursement:

a. 50% Reimbursement in Death Penalty Cases

Marion County requested reimbursement for the Dorsey (capital) case. Part of the request was timely and part was untimely; apparently both attorneys working on the case are in-house counsel, which did not trigger the county's normal capital request process. That system has now been resolved and it should not be an issue going forward. Mr. Mason recommended reimbursement to Marion County in the full amount of \$8,398.69, as requested.

Ms. Corley moved to make the reimbursement. Judge Hanlon seconded the motion. There were no objections. The motion carried.

b. 40% Reimbursement in Non-Capital Cases

Mr. Mason noted there are no 90-day letters this quarter. Last quarter the Commission approved reimbursement for Ohio County despite the county's non-compliance, and since that time the Commission has received their amended comprehensive plan with its hourly component, which will be discussed today. He recognized two small desk-audit changes: a ten-dollar reduction for Jasper County and a \$91.60 reduction for Sullivan County. Mr. Mason thus recommended full reimbursement in the amount of \$7,672,686.17 (see Table on next page).

There were no comments, questions, or concerns. Mr. Hensel moved to make the reimbursement as requested. Judge Hanlon seconded the motion. There were no objections. The motion was approved.

Having concluded these matters, the Chair returned to the proposed agenda items, starting with the first item and moving forward.

INDIANA PUBLIC DEFENDER COMMISSION

Third Quarter 2021 Requests for Reimbursements in Non-Capital Cases

12/15/2021

County	Non-reimbursable			Eligible Expenditure	40% Reimbursed	Adjustments	Total Payment
	Total Expenditure	Adjustment	% Adjusted				
Adams	\$110,307.57	\$17,904.62	16.23%	\$92,402.95	\$36,961.18		\$36,961.18
Allen	\$1,273,115.89	\$87,056.21	6.84%	\$1,186,059.68	\$474,423.87		\$474,423.87
Benton	\$7,539.55	\$1,433.25	19.01%	\$6,106.30	\$2,442.52		\$2,442.52
Blackford	\$40,384.00	\$11,316.59	28.02%	\$29,067.41	\$11,626.96		\$11,626.96
Brown	\$59,611.78	\$9,098.38	15.26%	\$50,513.40	\$20,205.36		\$20,205.36
Carroll	\$59,152.80	\$19,398.09	32.79%	\$39,754.71	\$15,901.88		\$15,901.88
Cass	\$180,617.48	\$26,485.12	14.66%	\$154,132.36	\$61,652.94		\$61,652.94
Clark	\$394,286.78	\$23,592.30	5.98%	\$370,694.48	\$148,277.79		\$148,277.79
Clinton	\$90,115.96	\$19,361.53	21.49%	\$70,754.43	\$28,301.77		\$28,301.77
Crawford	\$80,924.84	\$14,970.43	18.50%	\$65,954.41	\$26,381.76		\$26,381.76
Decatur	\$96,542.91	\$23,999.23	24.86%	\$72,543.68	\$29,017.47		\$29,017.47
Dekalb	\$220,662.19	\$21,604.23	9.79%	\$199,057.96	\$79,623.18		\$79,623.18
Delaware	\$339,187.75	\$2,045.57	0.60%	\$337,142.18	\$134,856.87		\$134,856.87
Elkhart	\$859,406.86	\$115,671.89	13.46%	\$743,734.97	\$297,493.99		\$297,493.99
Fayette	\$89,987.46	\$12,208.12	13.57%	\$77,779.34	\$31,111.74		\$31,111.74
Floyd	\$224,013.65	\$11,314.99	5.05%	\$212,698.66	\$85,079.47		\$85,079.47
Fountain	\$34,959.18	\$8,011.82	22.92%	\$26,947.36	\$10,778.94		\$10,778.94
Fulton	\$73,452.16	\$13,903.90	18.93%	\$59,548.26	\$23,819.30		\$23,819.30
Gibson	\$198,215.33	\$24,657.10	12.44%	\$173,558.23	\$69,423.29		\$69,423.29
Grant	\$247,151.82	\$11,343.61	4.59%	\$235,808.21	\$94,323.29		\$94,323.29
Greene	\$174,826.96	\$24,651.23	14.10%	\$150,175.73	\$60,070.29		\$60,070.29
Hancock	\$155,432.03	\$12,396.72	7.98%	\$143,035.31	\$57,214.13		\$57,214.13
Harrison	\$162,089.61	\$17,922.78	11.06%	\$144,166.83	\$57,666.73		\$57,666.73
Hendricks	\$470,685.65	\$76,430.43	16.24%	\$394,255.22	\$157,702.09		\$157,702.09
Howard	\$472,017.72	\$48,813.85	10.34%	\$423,203.87	\$169,281.55		\$169,281.55
Jackson	\$216,157.72	\$9,449.06	4.37%	\$206,708.66	\$82,683.46		\$82,683.46
Jasper	\$90,416.11	\$32,200.78	35.61%	\$58,215.33	\$23,286.13	-\$10.00	\$23,276.13
Jay	\$139,612.82	\$24,514.77	17.56%	\$115,098.05	\$46,039.22		\$46,039.22
Jefferson	\$196,021.30	\$24,075.54	12.28%	\$171,945.76	\$68,778.31		\$68,778.31
Jennings	\$130,707.74	\$14,621.70	11.19%	\$116,086.04	\$46,434.42		\$46,434.42
Knox	\$221,445.02	\$32,255.46	14.57%	\$189,189.56	\$75,675.82		\$75,675.82
Kosciusko	\$281,079.74	\$86,077.08	30.62%	\$195,002.66	\$78,001.06		\$78,001.06
LaGrange	\$69,811.70	\$11,049.86	15.83%	\$58,761.84	\$23,504.74		\$23,504.74
Lake	\$1,434,162.55	\$11,053.18	0.77%	\$1,423,109.37	\$569,243.75		\$569,243.75
LaPorte	\$266,176.39	\$52,762.30	19.82%	\$213,414.09	\$85,365.64		\$85,365.64
Lawrence	\$344,507.68	\$52,229.82	15.16%	\$292,277.86	\$116,911.15		\$116,911.15
Madison	\$511,239.10	\$10,505.39	2.05%	\$500,733.71	\$200,293.48		\$200,293.48
Marion	\$5,375,159.80	\$467,505.44	8.70%	\$4,907,654.36	\$1,963,061.74		\$1,963,061.74
Martin	\$60,281.60	\$12,693.43	21.06%	\$47,588.17	\$19,035.27		\$19,035.27
Miami	\$199,435.54	\$26,923.12	13.50%	\$172,512.42	\$69,004.97		\$69,004.97
Monroe	\$618,308.23	\$87,115.96	14.09%	\$531,192.27	\$212,476.91		\$212,476.91
Noble	\$277,345.88	\$50,580.04	18.24%	\$226,765.84	\$90,706.34		\$90,706.34
Ohio	\$23,278.95	\$4,127.50	17.73%	\$19,151.45	\$7,660.58		\$7,660.58
Orange	\$95,047.22	\$12,902.72	13.58%	\$82,144.50	\$32,857.80		\$32,857.80
Owen	\$73,052.69	\$12,409.24	16.99%	\$60,643.45	\$24,257.38		\$24,257.38
Parke	\$46,077.66	\$9,360.39	20.31%	\$36,717.27	\$14,686.91		\$14,686.91
Perry	\$64,195.93	\$6,449.05	10.05%	\$57,746.88	\$23,098.75		\$23,098.75
Pike	\$38,245.14	\$3,527.04	9.22%	\$34,718.10	\$13,887.24		\$13,887.24
Pulaski	\$89,817.64	\$18,295.27	20.37%	\$71,522.37	\$28,608.95		\$28,608.95
Ripley	\$86,607.69	\$8,701.23	10.05%	\$77,906.46	\$31,162.58		\$31,162.58
Rush	\$106,039.69	\$10,178.09	9.60%	\$95,861.60	\$38,344.64		\$38,344.64
Scott	\$143,108.70	\$19,762.61	13.81%	\$123,346.09	\$49,338.44		\$49,338.44
Shelby	\$181,653.17	\$26,189.24	14.42%	\$155,463.93	\$62,185.57		\$62,185.57
Spencer	\$109,568.39	\$17,422.82	15.90%	\$92,145.57	\$36,858.23		\$36,858.23
Stauben	\$126,300.52	\$46,863.90	37.11%	\$79,436.62	\$31,774.65		\$31,774.65
StJoseph	\$604,230.14	\$57,982.61	9.60%	\$546,247.53	\$218,499.01		\$218,499.01
Sullivan	\$109,495.86	\$16,049.96	14.66%	\$93,445.90	\$37,378.36	-\$91.60	\$37,286.76
Switzerland	\$53,949.91	\$3,195.31	5.92%	\$50,754.60	\$20,301.84		\$20,301.84
Tippecanoe	\$999,134.20	\$134,098.20	13.42%	\$865,036.00	\$346,014.40		\$346,014.40
Union	\$29,571.95	\$1,830.00	6.19%	\$27,741.95	\$11,096.78		\$11,096.78
Vanderburgh	\$709,817.68	\$42,196.86	5.94%	\$667,620.82	\$267,048.33		\$267,048.33
Vermillion	\$49,184.23	\$8,447.48	17.18%	\$40,736.75	\$16,294.70		\$16,294.70
Vigo	\$757,218.42	\$130,736.58	17.27%	\$626,481.84	\$250,592.74		\$250,592.74
Wabash	\$107,175.49	\$11,764.10	10.98%	\$95,411.39	\$38,164.56		\$38,164.56
Warren	\$10,973.00	\$3,352.50	30.55%	\$7,620.50	\$3,048.20		\$3,048.20
Warrick	\$164,473.30	\$11,410.67	6.94%	\$153,062.63	\$61,225.05		\$61,225.05
Washington	\$153,058.55	\$17,405.28	11.37%	\$135,653.27	\$54,261.31		\$54,261.31
Total	\$21,477,832.97	\$2,295,863.57	14.62%	\$19,181,969.40	\$7,672,787.77	-\$101.60	\$7,672,686.17

1. Approval of Minutes of the September 22, 2021 Meeting

The Chair inquired whether there were any corrections or changes to the meeting minutes from September 22, 2021. There were none. Mr. Hensel moved to approve the minutes. Sen. Koch seconded the motion. The motion carried.

2. Approval of Amended Comprehensive Plan: Jefferson County

Mr. Mason introduced the Jefferson County Amended Comprehensive Plan, noting that its primary change is from a full contract system to one in which, in addition to a contract system, they also have a part-time chief public defender. He recommended that the Commission approve the plan, assuming the county also updates the juvenile education requirement for attorneys, as the Commission's Standards were amended to include at the last quarterly meeting. Judge Hanlon moved to approve the Amended Comprehensive Plan as recommended. Judge Diekhoff seconded the motion. There were no concerns, questions, comments, or objections. The motion carried and the plan was approved.

3. Approval of Amended Comprehensive Plan: Ohio County

Mr. Mason noted that Ohio County has no public defender board. As previously discussed, both the county and Commission Staff believed it would be helpful for the county to transition from a contract system, which was severely underfunded, to a complete hourly system. Commission Staff Attorney Andrew Falk worked with the county to draft and develop the amended comprehensive plan, which will take effect January 1, 2022. Mr. Mason requested that the Amended Comprehensive Plan be approved as submitted to the Commission. There were no comments, questions, or concerns. Mr. Hensel moved to approve the Amended Comprehensive Plan. Judge Diekhoff seconded the motion. There were no comments or objections. The motion carried and the plan was approved.

The Commission, having already covered agenda items 4 through 6, moved on to agenda item number 7.

7. Proposals for Caseload Standard Revision & Guideline on Compensation When There is No Comparable Prosecutorial Salary

Mr. Mason reminded the Commission that at the June 2021 meeting, Commission staff recommended changes to (a) the Guideline for Standard G, regarding how much a public defender should be paid when there is no comparable prosecutorial salary, and (b) to caseload standards, particularly major felonies, appeals, and juvenile cases. In the meeting materials, Commission staff provided the same materials provided to the Commission in June for their review. Also in the materials was new information regarding an estimate of any new attorneys that Commission staff believe would need to be added by any county. Fifteen counties would need to hire between one and three attorneys. Commission staff received many comments on the proposed changes, and the comments were generally favorable toward the proposed changes.

The Chiefs Association requested that the changes be implemented in 2025. One other person requested 2024. Commission staff proposed making the changes effective in 2023 but allowing the counties additional time to come into compliance with all the changes, such as was allowed with the CHINS standards.

Ms. Corley asked whether the appeals committee had discussed the LWOP standard. Mr. Mason said it was not really discussed, as LWOP cases are uncommon. The ABA recommendation of 63 cases was a much bigger concern.

Mr. Abbs stated the Chiefs Association is generally favorable toward the changes but wants the changes to take effect in 2025, with the concern that if the changes took effect too soon, some counties would pull out of the Commission. He also requested absolute clarity regarding when the changes would take effect. Judge Hanlon stated that she preferred a later effective date that might also include other changes being contemplated.

There was significant conversation about adequate staffing, but the consensus was that it is largely county specific, where some counties need more staff and others less. As a result, the issue will require significant study and careful consideration to achieve any meaningful and helpful changes to the standard.

Ms. Corley moved to adopt the proposed caseload standard, to take effect on January 1, 2024, as stated in the materials except that the appellate LWOP standard would be 15 cases for adequately and inadequately staffed attorneys. Judge Hanlon seconded the motion. The Chair asked if there was any discussion. Mr. Hensel asked if it would be an unforgiving deadline. Ms. Corley and Judge Hanlon both stated they believed it should be a hard line. There was no further discussion or questions. There were no objections. The motion carried and the caseload standards (outlined in the chart below) were approved.

Appeals:

	CURRENT		PROPOSED	
	Inadequate	Adequate	Inadequate	Adequate
Trial Appeal	20	25		
Plea Appeal	40	50		
LWOP Appeal			15	15
Appeal			40	50

All Other Case Types:

	CURRENT		PROPOSED	
	Inadequate	Adequate	Inadequate	Adequate
MR	100	120	15	20
L1/L2	100	120	50	65
L3/L4	100	120	80	100
L5	100	120	100	120
L6	150	200	150	200
L6 Exclusive Atty	225	270	150	200
CM	300	400	300	400
JD MR	200	250	15	20
JD Waiver	200	250	50	65
JD L1-4	200	250	100	120
JD L5*	200	250	220	275
JD L6*	250	300	220	275
JD CM**	300	400	300	375
JM**	400	500	300	375
JD Prob	400	500	400	500
JS	400	500	400	500
JC	120	150	120	150
JT	120	150	120	150
Adult. Prob. Viol.	300	400	300	400
Non-Reimb. Other	300	400	300	400
*JD L5/L6 were grouped together, but currently have different standards				
**JD CM/JM were grouped together, but currently have different standards				

Regarding the Guideline for Standard G, which governs the salary and contract amounts for public defenders when there is no comparable deputy prosecutor, Mr. Mason noted that it should impact only a small percentage of counties. Many counties nevertheless are using the existing \$60,350/\$30,175 guideline despite it not being applicable to them and multiple counties are implementing the proposed \$80,000/\$40,000 numbers already, perhaps because of the difficulty of obtaining and retaining counsel.

Judge Hanlon moved to amend the Guideline for Standard G to require a minimum salary or contract amount of \$80,000 for full time public defenders, and \$40,000 for half-time public defenders, when there is no comparable deputy prosecutor on which to base compensation, effective January 1, 2024. Judge Diekhoff seconded the motion. There were no objections. The motion carried and the guideline was amended.

8. At-Risk Youth and Family Update & New Proposals

Mr. Mason provided the Commission with several updates regarding the At-Risk Youth and Family projects.

a. Title IV-E funding

Stephanie Lalani has been hired and begun working with the counties to help them receive Title IV-E funding. Commission staff have finalized an amended MOU with the Department of Child Services and have been working on grant contracts that counties will sign, allowing them to receive federal funds to reimburse them for the 60% of costs not reimbursed by the Commission. Commission staff expect to begin this reimbursement for Marion County, which is fully on board, for the fourth quarter of 2021. Commission staff are scheduling meetings with both Commission and non-Commission counties for January. Staff expect that Owen and Monroe counties will begin receiving Title IV funding after the March 2022 meeting. Non-Commission counties may complete the same forms as Commission counties to qualify for the funding.

b. System Navigator pilot program

Monroe County is the first county to implement the system navigator program. The program is heavily data driven, and the work is beginning with a control group and an experimental group. Mr. Mason and Dr. Torrin Liddell are working closely with the program. Vigo County is implementing a somewhat similar social worker program. Like in Monroe County, data and outcomes are being measured to determine effectiveness. Commission staff are hoping to find one or two more counties to begin similar programs.

c. Prevention pilot project

Commission staff have talked with DCS and Strengthening Indiana Families (SIF) about a partnership involving public defenders, social workers, and legal aid attorneys who could support parents at risk of DCS involvement. SIF decided it was too far into its current federal grant to participate in this program, plus it did not want a public defense component to its work. Commission staff are still looking for a county partner to do something similar, but have begun considering shifting directions toward hiring an attorney who could represent parents in three areas where legal representation is needed in CHINS and TPR cases: (1) pre-DCS involvement, to prevent the necessity for DCS intervention, (2) pre-petition, where DCS refers someone to prevent removal or prevent from filing CHINS, and (3) post-petition where the public defender refers their client to the attorney to handle a case to change custody and close the case, which would affect public defender caseload numbers.

Commission staff thus requested that the Commission approve the attorney representation model while Commission staff attempt to find a suitable partner for the pre-approved model. Ms. Corley moved to approve the staff recommendation. Mr. Hensel seconded the motion. There were no objections. The motion carried and the recommendation was approved.

d. Marion County “Early Intervention Team”

Mr. Mason reported that Marion County has proposed a juvenile delinquency pilot program that they are calling “Early Intervention Teams.” The teams consist of an attorney and a social worker who will represent Marion County Public Defender

Agency juvenile delinquency clients prior to the initial and detention hearing. The goal is to reduce the number of detentions and filings and find better placements and shorter outcomes. Dr. Liddell has been working on refining the data collection component. The budget is \$247,345 through June 30, 2023, but it may be extended if funds were available and if the data collected showed positive effects.

Staff recommended that the juvenile delinquency pilot be approved. Judge Diekhoff moved to approve the pilot. Judge Hanlon seconded the motion. There were no objections. The motion carried and the recommendation was approved.

e. Child Advocates – counsel for children

Mr. Mason highlighted aspects of the Child Advocates proposal, noting that it would provide older children, such as those 12 and older, with counsel. Child Advocates now has a grant-funded pilot in Marion County and would like to expand state-wide with at-risk youth and family funds. The proposed program would include two additional attorneys and a social worker and contract with the existing program for \$325,000 per year.

Mr. Mason personally supports the program as an attorney who has done GAL work, but he has concerns with it being a Commission-level pilot project: the Supreme Court has expressed concerns about the program, CASA has concerns that it is going to be replaced, some judges have raised cautions, and some legislators have said this is not what the legislation was intended to fund. Additionally, this is not the type of system that the Commission has worked on. Thus, staff do not recommend adoption of the program.

There were no motions regarding the adoption of the program, and no further action on it was taken.

9. Local Public Defender Board Appointments

Mr. Andrew Cullen reported that there are no contested appointments this month; all the appointments are unopposed: Ed Selvidge in Carroll County, Robert Slaton in Knox County, Peggy Iddings in LaGrange County, and Steve Bennett in Perry County. Judge Hanlon moved to adopt the staff recommendations for the local

public defender boards. Mr. Hensel seconded the motion. There were no objections. The motion carried and the staff recommendations were adopted.

10. Legislative & Policy Updates (Including Chief PD Retirement Request)

a. Proposed legislation

Mr. Cullen reminded the Commission that at the September meeting, the Commission approved a legislative approach requesting that reimbursement for misdemeanor cases (at 40%) and counsel at first appearance (at 80%) be authorized but not required. Mr. Cullen presented this request to the Interim Study Committee on Corrections and Criminal Code. At that hearing, Ms. Corley also requested that the Committee endorse a third proposal authorizing but not requiring the Commission to reimburse multi-county, regionalized public defense programs at a higher rate than the current 40%. Senator Sue Glick has agreed to authorize such legislation covering all three requests, and the bill is currently being drafted. Commission staff will argue that the proposed legislation has no fiscal impact since all spending will be discretionary.

Mr. Cullen asked the Commission to approve the addition of the multi-county public defense program reimbursement to the Commission's 2022 Legislative Agenda and authorize the legislation as the Commission's only and top legislative priority for 2022.

Ms. Corley moved to adopt the staff recommendation. Judge Hanlon seconded the motion. There were no objections. Rep. Lauer abstained. The motion carried and the recommendation was approved.

b. Chief Public Defender retirement request

Mr. Cullen noted that the Chief's Association, in conjunction with the Public Defender Council, are exploring options to improve the retirement packaged for Chief PDs. Mr. Abbs sent a letter regarding this matter, which was included in the materials. The Commission staff did not recommend any action on the proposal until it could review a final draft of the proposed legislation.

Mr. Abbs made a statement to the Commission, requesting the Commission's support.

Ms. Corley asked whether it would be appropriate for the Commission to support the idea? Mr. Cullen responded that Commission staff are hesitant to endorse the proposal in the context of bigger priorities such as reimbursement for misdemeanors and multi-county districts. He thinks it could jeopardize other issues. Any discussion of PD Chief retirement should be discussed in the larger context of Commission priorities, he said.

Judge Hanlon moved to adopt the Commission staff recommendation, in essence tabling any action on the PD Chief retirement. Mr. Hensel seconded the motion. Rep. Lauer inquired whether the Chiefs want to create a new retirement fund or to include them in a general public fund. Mr. Abbs responded that since no other fund wanted the Chiefs to join them, it would create a new account.

The Chair read the staff recommendation, which Judge Hanlon moved to adopt: "Authorize staff to continue to discuss this issue with the Chiefs Association and IPDC and authorize Commission staff to assist and to engage in discussions regarding the bill draft and legislative strategy. Any final endorsements and prioritizations will be considered in 2022 once a proposal is final and presented to the Commission." Rep. Lauer abstained. There were no objections. The motion carried and the recommendation was approved.

11. Approval of Trial Practice Courses: Marion County In-House & Hawaii Prosecutor

Mr. Mason stated that Marion County has submitted a request to have an in-house trial practice course approved by the Commission. Marion County is requesting that their training be approved as a trial practice course in satisfaction of Standard E. Commission staff recommend approval.

Mr. Mason further reported that an attorney, Mr. Erik Olsen, requested that a Hawaii trial advocacy course be considered a trial practice course, also to satisfy Standard E. Mr. Mason recommended that it be approved on a one-time basis.

Judge Diekhoff moved to approve both courses. Mr. Hensel seconded the motion. There were no objections. The motion carried and the approval was given.

12. Staff update

Mr. Mason reported that Staff Attorney Jennifer Shircliff has been conducting local board training around the state, and she has completed training in most of the counties. A few counties, however, have not completed training and have not been responsive in either scheduling training or notifying the Commission when their boards are meeting. If this is not rectified, Commission staff anticipate requesting 90-day letters for these counties at the March meeting.

The Chair reported that the Governor has reappointed Mr. Hensel and the Chair to additional four-year terms, and both have agreed to serve those terms.

Mr. Mason introduced Stephanie Lalani, who has been hired to help launch the Title IV-E program and serve as the primary contact with the counties.

13. 2022 Commission Meeting Dates

Commission staff recommended the following proposed meeting dates for 2022:

- Quarter 4: March 23, 2022
- Quarter 1: June 15, 2022
- Quarter 2: September 21, 2022
- Quarter 3: December 14, 2022

Mr. Hensel moved to approve these dates. Judge Diekhoff seconded the motion. There were no objections. The motion carried and the dates were approved.

14. Other Matters

It was moved and seconded to adjourn the meeting. There were no objections. The meeting was adjourned.