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January 2020 Volume 12 Issue 1

Ring in 2020 with new reporting forms as Commission modernizes

New Reporting forms for the Jan 1-March 31 Quarter

With every new year comes a new beginning, and we here at the Commission are very excited to be launching our new reporting forms for the first quarter 2020 reimbursement requests that will be due on May 15.

The goal of the new reporting form is to streamline the system, reduce the overall burden to counties, create more fairness and uniformity across the state, reduce errors, and increase the Commission's ability to gather and analyze data about Indiana's public defense services.

Please know that we are here to help. The first time the form is used, it may seem daunting. That's why we have been testing it out and working with individual counties for nearly a year now in an effort to work out kinks.

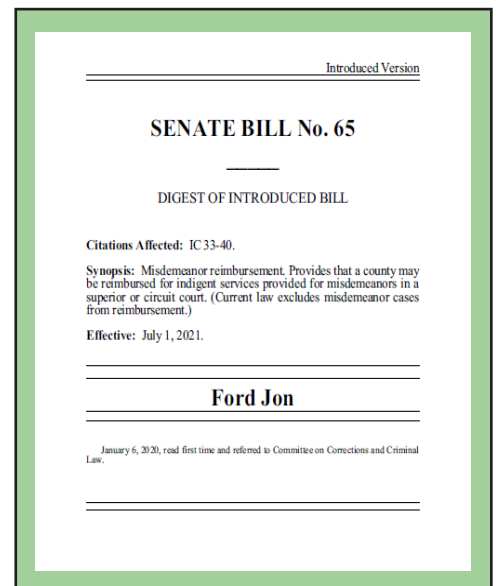
Commission staff is ready and able to provide one-on-one training. We would also be happy to provide you with a copy of the training manual that was distributed at our Annual Training Seminar.

Counties are encouraged to begin using the forms now to track the information necessary beginning January 1.

The new forms as well as detailed instructions, a quick start guide, and a training presentation can be found at the Commission's main website (www.in.gov/publicdefender).

Please be sure to return the forms in EXCEL format (not a scanned PDF) to the Commission's main email (information@pdcom.in.gov). This will help expedite the audit process. Again, don't hesitate to contact us with questions!

Commission (again) seeks statutory authority to reimburse counties for misdemeanors



The Commission thanks State Senator Jon Ford (District 38 - Vigo and Clay Counties) for authoring legislation* to remove the statutory prohibition of misdemeanor reimbursement.

We are particularly grateful to Vigo County Chief Public Defender Gretchen Etling for meeting with Senator Ford in his district to stress the importance of this legislation. The best legislative advocates are you, not us, and this is a perfect example. Thanks, Gretchen!

* See Page 4 for details on the bill.

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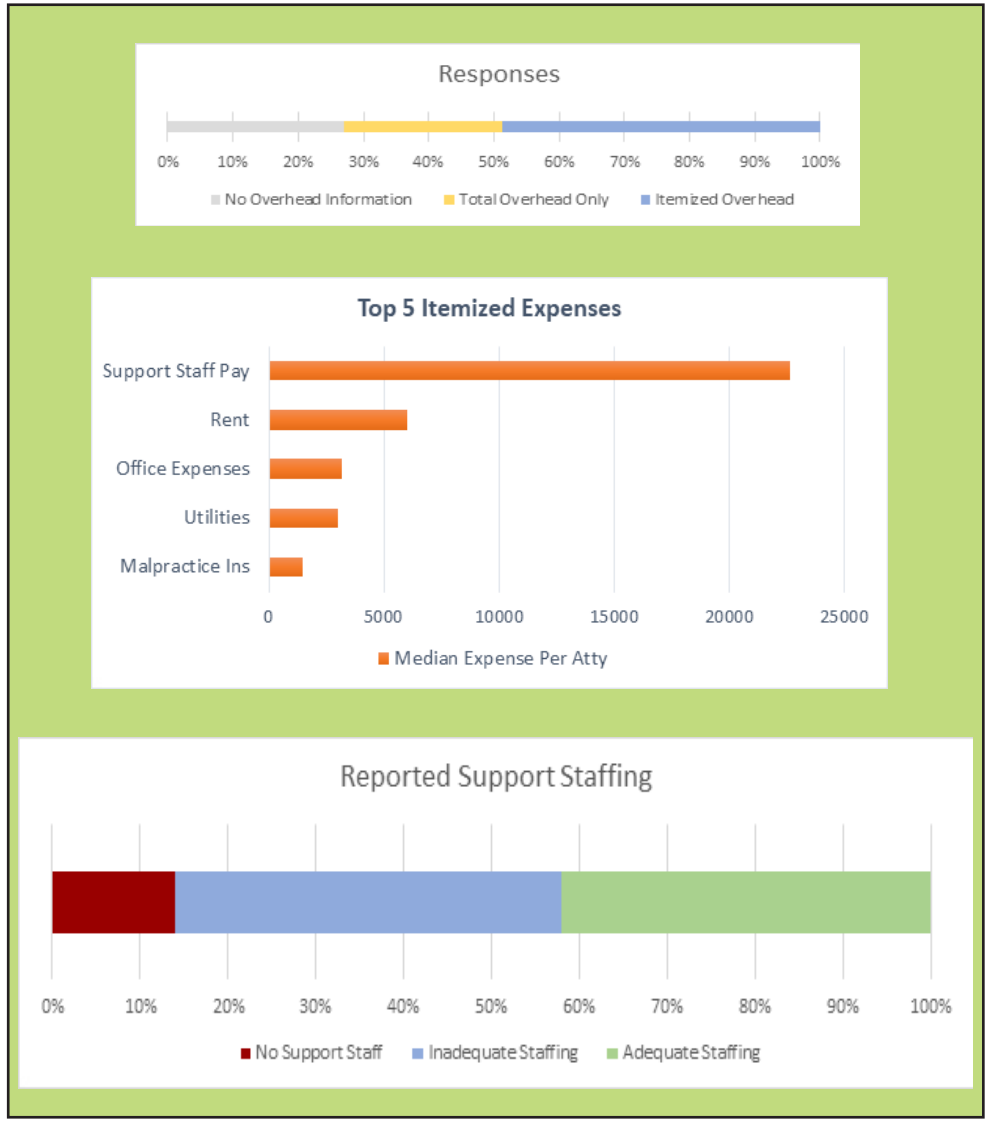
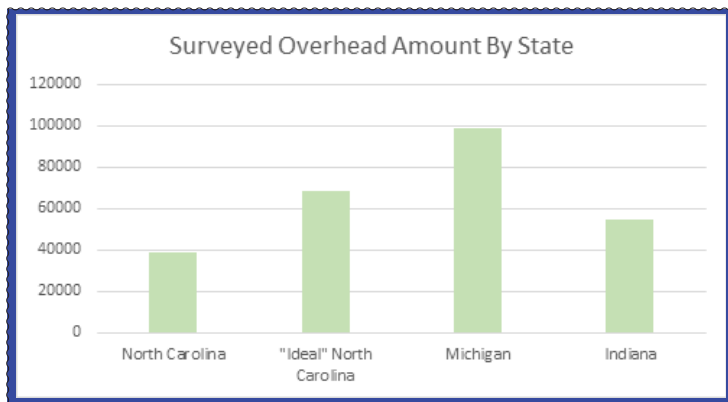
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Overhead Survey Results Released

Current Commission pay parity standards do not address the costs that contract and part-time public defense attorneys have to bear to cover a variety of overhead costs. In mid-2019, the commission deployed an overhead survey in order to assess the impact of these costs. The survey was disseminated via DefendNet and also sent directly to public defender boards, via a Google Forms link. We received 148 responses in two open survey periods from May 30th to June 14th, and from July 9th to July 19th. Of the 148 responses, 108 provided either total or itemized overhead amounts. The “Responses” graph to the right summarizes the responses in the sample.

The primary purpose of the overhead survey was to determine the typical amount spent on overhead overall, relative to a single full-time caseload. The median overhead cost reported in this survey was \$54,455 per full-time attorney. The graph below shows how this amount compares with results for North Carolina, an “ideal” North Carolina (where every attorney is able to pay for all non-optional overhead categories) and Michigan.

In responses that itemized their overhead, the top expense by far was paying support staff, with a median amount of \$22,650. The “Top



5 Itemized Expenses” graph above shows median amounts for the top five expenses. Despite support staff being the highest reported cost, many responses reported inadequate staffing (as defined by commission standards) and a significant portion reported no support staff at all. The “Reported Support Staffing” graph above shows the breakdown of these three categories in the responses.

These survey results indicate a problem in compensation for public defense contract attorneys in Indiana. The resulting overhead

amount is very significant, and under current pay parity rules the attorney is not compensated for these expenses. A typical full-time contract attorney doing public defense work in Indiana will have very little left over after covering overhead, making it necessary to seek work in excess of a full time caseload. This is all despite the majority of responses indicating less-than-adequate support staffing. And moreover, the opposing prosecutorial counsel does not have to account for these expenses out of their direct compensation. The commission will be considering new compensation standards in an attempt to address these shortcomings at future meetings. Any such compensation standard is likely to raise costs significantly, and the commission welcomes any comments.

December 2019 Commission Meeting Re-Cap

The Commission met on December 18, 2019, for its regular quarterly meeting. Despite the approaching holiday season, all members of the Commission participated in person or by phone. Among others, the following items were discussed.

Elkhart County Joins

Elkhart County has submitted its comprehensive plan, as required by statute. The County will begin requesting and receiving reimbursement in 2020 with a four-quarter roll-in. The Commission approved the plan with the caveat that the Chief Public Defender will be fully funded by July 1, 2020.

Local Public Defender Board Appointments

The Commission previously discussed appointing a subcommittee to assist with appointments to County Public Defender Boards. Observing that waiting for quarterly Commission meetings could unduly delay counties building their boards, it was recommended that the Commission Chair be allowed to make interim appointments, which could be ratified at Commission Meetings. The Commission decided to allow interim appointments if there is a consensus candidate; if the post were contested, the appointment must wait for a full meeting.

Commission staff presented proposed consensus candidates for the following 12 counties. The Commission appointed each of the candidates to three-year terms to their respective County Public Defender Boards.

Brown	Michael O'Neil
DeKalb	Joe Dunn
Delaware	Ted Baker
Howard	Cartwright Ellis
Jackson	Joe Theole
Madison	Rick Walker
Miami	Bob Jones
Noble	Sam Arnold
Scott	Chris Garten
Steuben	Ronald Thomas
Vigo	Becky Buse

New Forms

As discussed on page one, Commission Counties will begin using the new forms to report cases on January 1 and must begin using the new reimbursement requests forms for the first quarter of 2020 (due May 15, 2020). Senior Staff Attorney Derrick Mason provided an overview of both the old and the new forms to the Commission members to help them understand the changes and the challenges of the new system.

Fiscal Updates

The Commission approved all pending requests for Capital and Non-Capital Reimbursement Requests. Staff reported that caseload compliance rose from 85% in 2019Q2 to 87% in 2019Q3.

See Online Minutes for More Information

As always, full minutes of each meeting may be found on the Commission's website at: <https://www.in.gov/publicdefender>

2020 Reimbursement Request Due Dates

Fourth Quarter 2019 (Oct 1 - Dec 31)
Due: February 14

First Quarter (Jan 1 - March 31)
Due: May 15 (NEW FORM MUST BE USED)

Second Quarter (April 1 - June 30)
Due: August 14

Third Quarter (July 1 - September 30)
Due: November 14



Commission Meeting Dates

March 18, 2020
June 17, 2020
September 23, 2020
December 16, 2020



All meetings are scheduled to begin at 2 pm. A brief executive session may precede each meeting. Meetings are scheduled to be held at our offices (309 W. Washington Street, Suite 501, Indianapolis, IN 46204). Updates to meeting dates, times and locations are posted on our website:

Senate Bill 65 (2020) Filed

Senate Bill 65 (2020) has been filed by State Senator Jon Ford. If passed, the legislation would allow the Commission to begin reimbursing counties for costs associated with misdemeanor cases, beginning July 1, 2021. This date would coincide with the beginning of a new biennial state budget.

As you may be aware, this has been the Commission's top legislative priority for several

years now and was also a top priority of the Task Force on Public Defense. While this is a non-budget year and legislation with a fiscal impact such as this bill are highly unlikely to pass, this legislation keeps the issue at the forefront of discussions.

We will keep you updated on the status of this legislative via Twitter (@IndianaPDCOM). The legislative session runs Jan 6-March 14.



@IndianaPDCom

Stay up to date between our quarterly newsletters by following us on Twitter. We post about updates to our website, helpful news items, and sometimes we make funny little jokes too!

Jail Overcrowding Task Force Issues Final Report

The Indiana Jail Overcrowding Task Force has released its final report before disbanding. The group was created via statute to examine the issue of jail overcrowding during the summer and fall of 2019. The Task Force held four meetings around the state and took testimony from various stakeholders and members of the public.

In the Executive Summary of the report, the Task Force states "that real solutions to jail overcrowding and successful jail programming will most likely be specific to each county and there is no quick fix." However, the group did release a list of findings and recommendations.

Its initial recommendation was that efforts should be made to incorporate evidence-based decision making in jail overcrowding issues. To that end, the group recommended that the current Evidence-Based Decision Making (EBDM) State Steering Committee be incorporated in to the current Justice Reinvestment Advisory Committee (JRAC).

Commission staff has been active in the EBDM structure and intends to remain so in the new structure.

Other key recommendations of the Task Force included: improving the quality of

data that is being collected in county jails, improving behavioral health treatment programs and services provided at the county level, and creating structures that lend to better case management within jails.

Another key recommendation was that more efficient case processing tools should be utilized and that "criminal justice stakeholders should reduce reliance on arrest warrants for non-violent offenders, both pre-trial and post conviction, by developing cite and release procedures, using release matrices, and implementing strategies to prevent failures to appear such as text notification reminders."

Finally, among other recommendations, the task force specifically recommended that any long-term plan should include making public defenders available at initial hearings to aid in release decisions while considering funding and training resources.

There were many additional recommendations contained in the report. It may be found at: <https://www.in.gov/judiciary/iocs/files/jail-overcrowding-report.pdf>

If you have any questions about this or any other policy matters, please feel free to reach out to Andrew Cullen of the Commission.

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