

Indiana Public Defender Commission

July 2020 Quarterly eNewsletter

Welcome to the electronic-only version of the Public Defender Commission's Quarterly eNewsletter. (Volume 12, Issue 3) We're switching to an electronic format to make it easier to read. We hope to make it prettier in the coming quarters!

- **Special Invitation: Friday, July 24 at 2 p.m.**

For over two years, the Commission has worked with: (1) the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants and (2) Crowe LLP, an accounting and consulting firm, to complete a comprehensive, data-based analysis of Indiana's public defense workloads. The effort is similar to their work in other states and sets proposed public defense workloads on the amount of time Indiana defense attorneys (public and private) typically spend doing specific tasks in various case types. The case types studied include four broad categories: adult criminal, juvenile delinquency, CHINS/Termination of Parental Rights, and appeals. These categories were then broken down further such as misdemeanor or Level 5/Level 6 felony and CHINS with a removal of the child vs. in-home CHINS.

We are excited to announce that this report will be released on July 24, 2020. Even more exciting is that the ABA and Crowe will be hosting a webinar beginning at 2pm to discuss the data collection process, the findings, and the final report. There will also be a question and answer period. All of Indiana's public defense community is invited to participate – this includes public defender board members, chief public defenders, and deputy public defenders.

While the release of this report is exciting, it is just the first step in the Commission's efforts to evaluate and update its workload standards. *It is important to note that the Commission will not be immediately adopting any recommendations from this report. We will review the findings and engage with state and local government officials, along with the public defense community, about what next steps can and should be taken.*

[To join the webinar you must register for the July 24th webinar by clicking here.](#) After registering, you will receive a confirmation email containing information about joining the webinar. Please feel free to forward this link to all interested parties, including County elected officials!

- **Commission Office Fully Open:**

The Commission's Office is now generally open with limited staffing, Monday-Friday 8 a.m. to 4 p.m. If you want to stop by, [please schedule an appointment](#) so the correct staff person can be sure to be in the office to meet you! We'll be wearing our masks, and we'll ask you to do the same. [#MaskUpHoosiers](#)

[Please click here to follow us on Twitter to stay up-to-date between our quarterly eNews editions.](#)

Key Dates to Remember:

- Next Quarterly Reimbursement Request Deadline (2nd Quarter 2020): **August 14**

- Next Commission Meeting Date: **September 23, 2020 at 2 p.m.**
- As always, all of our upcoming deadlines and quarterly meeting dates are on our homepage: <https://www.in.gov/publicdefender/>

Quick “Click” News (click the links to read):

- [June Commission Meeting Draft Minutes](#)
- [PD Contractor Overhead Study Released](#)
 - Commission In the News
 - [Does IN Have a Weak PD System?](#) (WFYI Radio)
 - [Many PDs Getting Compensated at Less than Minimum Wage](#) (Indiana Public Media)
 - [Underpaid PDs in Indiana](#) (Fox 59)
 - [Study: IN PDs get \\$5.16/hour After Overhead](#) (Indiana Lawyer)
- [New Salaries for Chief PDs and Chief Deputies Announced](#)
- [National Assoc. of Criminal Defense Lawyers Announces FREE Virtual Online Conference](#)
- [Legislative Summer Study Topics Released](#)

Articles in this Email: (see below to read):

- Commission Begins Monitoring Caseloads of PDs Practicing in Multiple Counties
- Welcome to Gibson County & Update on Commission Office Reimbursements
- Commission Launches New Communications Tool: Microsoft Teams
- Statewide Jail Populations Decrease During Pandemic
- New Hire: Staff Attorney Jennifer Shircliff
- Commission Chair Joins JRAC (Justice Reinvestment Advisory Council)

Commission Begins Monitoring Caseloads of PDs Practicing in Multiple Counties

Commission Standard J defines the maximum allowable caseload an attorney may be assigned for all counties that participate in the Commission’s reimbursement program. Attorneys with caseloads in excess of these maximums are considered out of compliance, placing the county’s reimbursement eligibility in jeopardy. Due to our ability to better audit the new electronic forms that have been required since January 1, 2020, we are now able to more accurately monitor all attorney caseloads across all participating counties. Counties should routinely stay in contact with other counties in which your public defenders practice to develop a maximum allowable caseload for each county to reduce the combined case assignments for the impacted attorney(s) to under 100%. Please email the Commission at information@pdc.com to receive contact information for other counties or if you have any questions.

Welcome to Gibson County & Update on Commission Office Reimbursements

The Commission would like to welcome Gibson County to the reimbursement program as of July 1, 2020! They are the 64th county to join the Commission’s program and they join with a combined system of contractors and an office with a full time Chief Public Defender. Congratulations to Lisa Moody for recently being hired as Gibson County’s first Chief Public Defender.

“Gibson County is very pleased to have joined the reimbursement program and we are very excited about our new public defender office,” Lisa said. “We are making plans to renovate a county building which will house the probation department and the public defender’s office. Our public defender’s

office will have space for the chief public defender and two staff members, with an extra office and conference rooms available for contract public defenders.”

Gibson County is joining the ranks of counties such as Jackson, Monroe, and Tippecanoe that have already developed new office space along with Delaware and Greene counties that are currently in the development phase. Specifically, these counties have taken, or will soon be taking, advantage of the 40% reimbursement from the Commission for the purchase, construction, and/or buildout of new public defense office space.

If your county is interested in the possibility of providing new public defense offices please reach out to Derrick Mason at Derrick.Mason@pdcom.in.gov in order to discuss the reimbursement process for these special, capital projects. It doesn't matter whether these expenses are retrofitting an existing county-owned space, a purchase of a new building and remodel, or purchase of land and construction of a new space – your county will be eligible for reimbursement of a portion of your capital public defense expenses. You can also find the detailed guidelines for how this process works on our website under Commission Guidelines Related to Non-Capital cases.

Commission Launches New Communications Tool: Microsoft Teams

We recently launched a new tool for counties to communicate with staff and send files securely. Using Microsoft Teams, counties can now send instant messages, have video conference calls, and send files of any size directly to the Commission. All that is required is a (free) Microsoft ID. Teams may be accessed via the web from any computer, or the app – desktop or mobile. Counties requesting access will be able to see a general message board, as well as a private channel only available to your county and Commission staff. This will eliminate the need for large files to be sent as .zip files or through a separate file sharing service.

Interested counties may request to be added to our team and have a private Microsoft Teams channel created by emailing us at information@pdcom.in.gov. Please provide the email address for each person in your county who needs to be added.

Statewide Jail Populations Decrease Amid Pandemic

This unusual time navigating our way through COVID-19 has led to many changes for us all. Indiana's jail population has been no exception. In a comparison of Week 11 2020 (March 9-March 15) to Week 19 2020 (May 4 – May 10), the Indiana Sheriff's Association compiled data to evaluate changes in the jail population. Week 11 fell just before both the state and national responses to COVID-19 ramped up. Indiana began its Stage 2 reopening during Week 19. The data collected showed that by Week 19, Indiana's overall jail population decreased by 29% from where the numbers had been during Week 11.

Commission staff further analyzed the numbers to determine whether Commission counties saw a greater decrease in their jail populations as compared to non-Commission counties. This comparison found Commission counties decreased their jail populations by, on average, sixty-eight individuals where non-Commission counties decreased their jail populations by, on average, forty-nine individuals. Those numbers indicate a 39% greater decrease in Commission counties. When comparing the percentage by which each county decreased its jail population, Commission counties decreased 10% more than non-Commission counties.

As far as testing for COVID-19 goes, the Indiana Department of Correction (“DOC”) has actively engaged in testing both personnel and offenders. Altogether, the DOC is comprised of nineteen adult correctional

facilities and two juvenile correctional facilities. The DOC tested personnel at all facilities, including its central office in Indianapolis. As of July 16, 2020, the DOC had tested 1428 employees and 333 tested positive for COVID-19. The current data does not indicate the DOC has tested its entire prison population for COVID-19. The bulk of its testing, however, has occurred at the Reception and Diagnostic Center in Plainfield. As of July 16, 2020, the DOC has tested 2109 offenders for COVID-19. Of those tested, 728 have tested positive.

New Hire: Staff Attorney Jennifer Shircliff

The Indiana Public Defender Commission welcomes Jennifer Goodwin Shircliff as its new Staff Attorney. Jennifer brings a diverse legal practice to the Commission covering a wide range of civil, criminal, and appellate law practice. After graduating from the Indiana University McKinney School of Law in 2009, Jennifer began her career in indigent defense with the State Public Defender of Indiana, first as a law clerk, then as a Deputy State PD. In 2012, Jennifer transitioned to private practice representing clients in both trial and appellate matters. Jennifer became a full-time public defender with the Lawrence County Public Defender Agency in 2016. In Lawrence County, Jennifer represented clients charged with all levels of criminal offenses, appeals, and parents involved in CHINS/TPR matters.

Jennifer is excited to join the Commission staff and draw on her experience and expertise to assist the Commission as it seeks to improve the delivery of Indiana's public defense services. One of Jennifer's primary responsibilities is to develop and implement a training program for Indiana's many county public defender boards. Although the Commission has its more generalized annual training, the PD board training will focus on the PD boards and their role in administering public defense in their respective counties. Jennifer invites questions, suggestions, and comments to be considered for inclusion as she works through developing the PD board training program. Please reach out to her freely at (317) 650-0393 or Jennifer.Shircliff@pdcom.in.gov.

Commission Chair Joins JRAC (Justice Reinvestment Advisory Council)

Based on legislation passed last session, Commission Chair Mark Rutherford is now a member of the newly-reconstituted Justice Reinvestment Advisory Committee. This group has broad duties for making recommendations regarding criminal justice in Indiana. [Click here to learn more about JRAC](#). If you have any comments or suggestions for the group, please contact Andrew.Cullen@pdcom.in.gov

[We're here for you! Please don't hesitate to contact us at any time about any issue!](#)