

MINUTES

INDIANA PUBLIC DEFENDER COMMISSION

DATE OF MEETING: April 6, 2017

Time: 2:00 PM EST

LOCATION: Indiana Statehouse, Room 319

200 W Washington Street

Indianapolis, IN 46204

Present at the meeting were Chairman Rutherford, Larry Landis, and David Hensel. Steve Meyer and James Ahler telephonically. The meeting began at 2:00 p.m. without a quorum. Sen. Randy Head joined the meeting at 2:06 p.m. and a quorum was present, however he was unable to stay and a quorum was lost. Subsequently, Judge Diekhoff joined the meeting telephonically to establish a quorum to approve the Hendricks County Comprehensive Plan, the late reimbursement to Orange County, the Criminal Rule 24 issue, and to approve the minutes.

Present in the audience were Abe Navarro, Chief Public Defender Clark County; David Shelton and Bob Slayton, Board members in Knox County; Amy Hutchinson, Chief Public Defender of Tippecanoe County; Jim Abbs, Chief Public Defender Noble County; Neil Weisman, Chief Public Defender St. Joseph County; Alan Marshall, Chief Public Defender Jackson County; Robert Hill, Chief Public Defender Marion County.

90 Day Letter to Clark, Jennings and Sullivan Counties

At a previous meeting, Commission member Rep. Dvorak moved to send letters to Clark, Jennings, and Sullivan County. All three counties replied. Letters were provided to the Commission in provided materials. Mr. Mason provided updates on the three counties.

Since the 90 day letter sent to Clark County, the county office received approval for three additional attorneys and one support staff person. Mr. Mason reported a good-faith effort to resolve the problems.

In Jennings County, the Judges and head of Public Defender Board acknowledged the problem of caseload compliance. They are asking for 3 more attorneys. The County Council is unable to give any hearings until April 11, 2017. First ability to know if they are funding it will be at that meeting.

In Sullivan County, the PD Board has worked to curtail the caseload overages and brought more assigned counsel on board.

All counties remain out of compliance as of 4Q2017. Mr. Mason believes we should reimburse counties based on the steps they are taking, reassess Jennings at the June Meeting, and then return to Sullivan and Clark after one year.

Sen. Randy Head joined the meeting at 2:06 p.m. and a quorum was present.

50% Reimbursement for Capital Cases

Mr. Mason noted a late request from Clark County. Mr. Mason recommended full approval of all requests. David Hensel moved to approve the requests for reimbursements, and Sen. Head seconded. Motion passed unanimously.

INDIANA PUBLIC DEFENDER COMMISSION		
Reimbursement Requests in Capital Cases		
April 6, 2017		
COUNTY	DEFENDANT	TOTAL
Clark	Oberhansley	\$67,795.34
Harrison	Schuler	\$93,115.38
Harrison	Scott	\$38,775.43
Lake	Blount	\$31,021.78
Lake	Vann	\$20,194.90
Marion	Cruz	\$15,589.70
Marion	Davis	\$6,663.79
TOTAL		\$273,156.32
LATE CLAIMS		
Clark	Oberhansley	\$4,437.42
TOTAL		\$277,593.74

40% reimbursement for Non-Capital Cases

Mr. Mason noted compliance remained the same as last quarter and recommended full reimbursement. Larry Landis moved to approve, and David Hensel seconded. Motion passed unanimously. After approving reimbursements. Senator Head left the meeting and a quorum was no longer found.

COUNTY	Late Factor	2016 Period Covered	Total Expenditure	Adjustment For Non-Reimbursebl	% of Adjst mt	Eligible Expenditure	40% Reimbursed
ADAMS	0.00	10/1-12/31	\$79,734.56	\$11,280.66	14%	\$68,453.90	\$27,381.56
ALLEN	0.00	10/1-12/31	\$1,003,150.81	\$39,686.66	4%	\$963,464.15	\$385,385.66
BENTON	0.00	10/1-12/31	\$11,988.50	\$3,120.48	26%	\$8,868.02	\$3,547.21
BLACKFORD	0.00	10/1-12/31	\$50,823.38	\$9,889.27	19%	\$40,934.11	\$16,373.64

CARROLL	0.00	10/1-12/31	\$65,566.59	\$17,808.21	27%	\$47,758.38	\$19,103.35
CASS	0.00	10/1-12/31	\$150,139.14	\$23,600.40	16%	\$126,538.74	\$50,615.50
CLARK	0.00	10/1-12/31	\$242,440.69	\$35,358.90	15%	\$207,081.79	\$82,832.72
DECATUR	0.00	10/1-12/31	\$60,918.15	\$11,256.61	18%	\$49,661.54	\$19,864.62
DEKALB	0.00	10/1-12/31	\$133,300.49	\$14,442.87	11%	\$118,857.62	\$47,543.05
DELAWARE	0.00	10/1-12/31	\$380,735.87	\$4,529.94	1%	\$376,205.93	\$150,482.37
FAYETTE	0.00	10/1-12/31	\$88,020.96	\$9,039.75	10%	\$78,981.21	\$31,592.48
FLOYD	0.00	10/1-12/31	\$185,656.12	\$33,887.37	18%	\$151,768.75	\$60,707.50
FOUNTAIN	0.00	10/1-12/31	\$40,372.56	\$10,624.36	26%	\$29,748.20	\$11,899.28
FULTON	0.00	10/1-12/31	\$73,430.36	\$27,137.31	37%	\$46,293.05	\$18,517.22
GRANT	0.00	10/1-12/31	\$271,492.07	\$9,549.97	4%	\$261,942.10	\$104,776.84
GREENE	0.00	10/1-12/31	\$111,622.81	\$13,384.20	12%	\$98,238.61	\$39,295.44
HANCOCK	0.00	10/1-12/31	\$138,258.01	\$21,073.48	15%	\$117,184.53	\$46,873.81
HOWARD	0.00	10/1-12/31	\$374,716.99	\$54,350.31	15%	\$320,366.68	\$128,146.67
JACKSON	0.00	10/1-12/31	\$133,930.34	\$10,385.04	8%	\$123,545.30	\$49,418.12
JASPER	0.00	10/1-12/31	\$114,030.38	\$26,548.22	23%	\$87,482.16	\$34,992.86
JAY	0.00	10/1-12/31	\$82,659.03	\$14,171.26	17%	\$68,487.77	\$27,395.11
JENNINGS	0.00	10/1-12/31	\$94,726.38	\$15,736.30	17%	\$78,990.08	\$31,596.03
KNOX*	0.00	10/1-12/31	\$88,420.82	\$29,781.62	34%	\$58,639.20	\$0.00
KOSCIUSKO	0.00	10/1-12/31	\$249,630.17	\$74,722.26	30%	\$174,907.91	\$69,963.16
LAKE	0.00	10/1-12/31	\$1,181,868.35	\$19,668.01	2%	\$1,162,200.34	\$464,880.14
LAPORTE	0.00	10/1-12/31	\$185,752.11	\$16,093.97	9%	\$169,658.14	\$67,863.26
LAWRENCE	0.00	10/1-12/31	\$233,189.30	\$20,749.87	9%	\$212,439.43	\$84,975.77

MADISON	0.00	10/1-12/31	\$497,039.32	\$34,282.56	7%	\$462,756.76	\$185,102.70
MARION	0.00	10/1-12/31	\$5,406,256.94	\$641,752.36	12%	\$4,764,504.58	\$1,905,801.83
MARTIN	0.00	10/1-12/31	\$54,036.32	\$9,611.67	18%	\$44,424.65	\$17,769.86
MONROE	0.00	10/1-12/31	\$474,576.73	\$67,095.93	14%	\$407,480.80	\$162,992.32
NOBLE	0.00	10/1-12/31	\$157,814.64	\$26,213.25	17%	\$131,601.39	\$52,640.56
OHIO	0.00	10/1-12/31	\$15,393.95	\$3,845.91	25%	\$11,548.04	\$4,619.22
ORANGE*	0.00	10/1-12/31	\$68,660.73	\$14,632.61	21%	\$54,028.12	\$93,599.29
OWEN	0.00	10/1-12/31	\$74,541.44	\$12,918.23	17%	\$61,623.21	\$24,649.28
PARKE	0.00	10/1-12/31	\$40,394.52	\$14,500.60	36%	\$25,893.92	\$10,357.57
PIKE	0.00	10/1-12/31	\$69,069.04	\$7,871.54	11%	\$61,197.50	\$24,479.00
PULASKI	0.00	10/1-12/31	\$66,373.54	\$13,316.58	20%	\$53,056.96	\$21,222.78
RIPLEY	0.00	10/1-12/31	\$67,253.02	\$4,637.47	7%	\$62,615.55	\$25,046.22
RUSH	0.00	10/1-12/31	\$85,530.09	\$19,216.01	22%	\$66,314.08	\$26,525.63
SAINT JOSEPH	0.00	10/1-12/31	\$663,435.70	\$70,086.60	11%	\$593,349.10	\$237,339.64
SHELBY	0.00	10/1-12/31	\$113,642.52	\$20,816.57	18%	\$92,825.95	\$37,130.38
SPENCER	0.00	10/1-12/31	\$79,417.96	\$10,545.82	13%	\$68,872.14	\$27,548.86
STEUBEN	0.00	10/1-12/31	\$96,501.98	\$18,044.08	19%	\$78,457.90	\$31,383.16
SULLIVAN	0.00	10/1-12/31	\$47,879.08	\$17,216.36	36%	\$30,662.72	\$12,265.09
SWITZERLAND	0.00	10/1-12/31	\$63,487.22	\$11,110.25	17%	\$52,376.97	\$20,950.79
TIPPECANOE	0.00	10/1-12/31	\$683,889.66	\$206,851.36	30%	\$477,038.30	\$190,815.32
UNION	0.00	10/1-12/31	\$39,248.07	\$3,568.01	9%	\$35,680.06	\$14,272.02
VANDERBURGH	0.00	10/1-12/31	\$623,070.52	\$116,420.43	19%	\$506,650.09	\$202,660.04
VERMILLION	0.00	10/1-12/31	\$55,817.70	\$10,870.78	19%	\$44,946.92	\$17,978.77

VIGO	0.00	10/1-12/31	\$583,904.31	\$96,929.84	17%	\$486,974.47	\$194,789.79
WABASH	0.00	10/1-12/31	\$84,297.97	\$18,033.72	21%	\$66,264.25	\$26,505.70
WARREN	0.00	10/1-12/31	\$15,526.50	\$3,569.00	23%	\$11,957.50	\$4,783.00
WASHINGTON	0.00	10/1-12/31	\$122,805.07	\$12,280.73	10%	\$110,524.34	\$44,209.74
TOTAL			\$16,176,493.48	\$2,064,115.57		\$14,112,323.91	\$5,693,461.93
*KNOX COUNTY'S 1Q16 and 2Q16 REQUESTS WERE TOO HIGH & WAS OVERPAID \$48,588.74. WE WILL							
REDUCE REIMBURSEMENT UNTIL THIS HAS BEEN RECOVERED; Orange County includes 4Q15-4Q16							

Orange County Reimbursement

Mr. Mason informed the Commission that that Orange County submitted 5 quarters for reimbursement back to 4Q2015. The reason for this lapse was that the county auditor's employee that created the requests for Orange County left that position. When Mr. Mason did not receive 4Q2015, he reached out to the county. Derrick reached out to the replacement employee, but they were unwilling to work with the Commission. Mr. Mason then escalated his request to the auditor, and she began the work. A short time later, she was in a car accident and sustained severe injuries. In the time following, many county leaders, including the auditor and judges, were replaced in an election.

Mr. Mason requested guidance from the Commission on whether to reimburse and how much to return to the county. Mr. Mason suggested that there were a number of options for how to reimburse, but that some sanction was needed. Mr. Landis agreed that there must be some sanction.

Mr. Rutherford asked if Orange County sent a waiver request, and Mr. Mason said that they had. Judge Meyer suggested that they penalize them either a 10% penalty or to not reimburse for 4Q2015. Mr. Hensel suggested to not reimburse for 4Q2015, but if they get the next 4 quarters timely, then to reimburse them 50% of 4Q2015. Judge Meyer seconded.

Mr. Mason asked for clarification, and Mr. Hensel suggested that at the December 2017 meeting, the county could be eligible for half of 4Q2015. But the first through third quarter would be reimbursed today. Mr. Mason suggested a modification of that proposal to penalize 25% at the current meeting.

David Hensel made a motion: Assess a 25% penalty now of \$95,984. If the county remains current the rest of the year, they can get half (12.5%) of the penalized amount back, an amount totaling approximately \$44,000.

Criminal Rule 24 Appellate Question

Mr. Mason explained that an issue arose recently of whether interlocutory appeals counted against the caseload limitation. The problem, Mr. Mason explained, was that under Criminal Rule 24 (CR 24) an attorney working on the appeal cannot accept any more appointments while the brief is due. His recommendation was to clarify that counties would remain in compliance with CR 24 if they accept

appeals after the motion for interlocutory appeal is filed, but that new appointments stop once the motion is granted. At that point, a brief would be due and a timeline set.

Chairman Rutherford noted that his experience with interlocutory appeals is that it does not take that long to get an answer.

Comprehensive Plan for Hendricks County

Mr. Mason explained that Hendricks County wanted approval for their submitted plan at this meeting because they plan to hire a Chief Public Defender who will help launch the program July 1, 2017. The system will be contract-based. Once Judge Diekhoff joined the meeting telephonically Mr. Hensel moved to approve, Larry Landis seconded. Motion passed unanimously.

Orange County Reimbursement

Motion passed unanimously for plan to reimburse with 25% penalty with opportunity for county to regain 50% of that amount after four quarters of timely submissions.

Criminal Rule 24 Appellate Question

Mr. Landis moved that the Commission amend its guidelines to provide that for the purposes of reimbursement Criminal Rule 24(J)(2) only limits appointments once the Supreme Court has accepted the interlocutory appeal. Mr. Landis moved to approve, and Mr. Hensel seconded. Motion passed unanimously. Chairman Rutherford wished to have the Supreme Court's comments from the Rules Committee and directed staff attorneys to seek out comments.

Minutes from December 14, 2016

Mr. Hensel moved to approve, and Mr. Landis seconded. Motion passed unanimously.

Knox County Update

Bob Slayton and Robert Shelton addressed the Commission. They believe that the major issues in their county have been resolved. They are working with the original comprehensive plan, and not withdrawing it as was previously considered. Mr. Slayton believes they are moving ahead in a positive away. Wishes to publicly thank Derrick for working with PD Board and Chief Public Defender. He says he is looking forward to working with the Commission.

Clark County Update

Abraham Navarro addressed the Commission. He stated that he recognized there were tumultuous times in his county. In terms of progress, his county have worked in pay parity and three new public defenders approved as well as a new member of the staff. They also have a RecoveryWorks case manager. Right now they just finished 1Q numbers. Everyone is at or below 25% of a FTE. They look forward to continuing to work. Mr. Landis thanked Mr. Navarro for his efforts in getting Clark County on track.

Marion County Update

Mr. Hill reported that CHINs is a problem in his county. Level 5 and Level 6 cases are also becoming a problem for Marion County. Mr. Hill asked the Commission to tackle the problem that Counties Comprehensive plan must show how to fund private practitioner needs if clients do not have enough money to pay for experts beyond the payments to retain the attorney. He does not believe it should come out of the public defender budget.

Mr. Landis said that Mr. Hill's comments raised a good point. Standard N covers this issue, but it creates a conflict. Mr. Landis noted that it happened in Shelby County as well. Mr. Hill noted that it would also affect the supplemental fund. The comprehensive plan ought to contemplate this situation and perhaps create a second fund.

Mr. Mason said he believed that this issue would be a good idea for the subcommittee to discuss.

Self-Insurance by Counties and Commission Reimbursement

Mr. Mason noted that more counties are going to a self-insured health care system. He noted that the Commission does reimburse benefits and costs. So, it is a reimbursable expense. Brown County has spent \$95,000 for a public defender's wife and new child. So we are facing potentially exponential claims. They have discovered more counties have this issue.

The Commission does reimburse benefits and therefore are exposed to liability. Mr. Mason said he and fiscal analyst Jennifer Pinkston have been working on a survey of counties to impose a cap. Chairman Rutherford asked to address this issue at the June meeting.

Senior/Special Judges Service on a County Public Defender Board

Mr. Mason explained that there was a question from two counties as to whether senior judges are eligible to serve on a public defender board given the general rule that regular elected judges shall not serve on public defender boards. Mr. Mason asked that this issue be tabled until the next meeting.

Financial Status

Mr. Mason noted a record level of reimbursement, but added that there were funds for next quarter. He said right now the next budget contemplates a \$4.5 million dollar increase.

Staff Report

Jefferson County has joined the program, Mr. Mason reported. Additionally, Hendricks County wants to start July 1, 2017. Montgomery County is looking at re-joining. Mr. Mason hopes to have an update on the caseload study.

Motion to adjourn was made by Mr. Landis, and Mr. Hensel seconded. Meeting ended at 3:01 p.m.

MINUTES

INDIANA PUBLIC DEFENDER COMMISSION

DATE OF MEETING: June 14, 2017

TIME: 2:00 p.m. EST

LOCATION: Indiana Government Center, Conference Room D

Commission Members in attendance were: David Hensel, Indianapolis; the Honorable Mary Ellen Diekhoff, Monroe County; Representative Thomas Washburne, Darmstadt; Larry Landis, Indiana Public Defender Council; the Honorable Steven Meyer, Lafayette; Representative Ryan Dvorak, South Bend; Senator Randy Head, Logansport; Senator Greg Taylor, Indianapolis, and Chairman Mark Rutherford, Indianapolis.

Present in the audience were: Chief Public Defenders Alan Marshall, Jackson County; Jim Abbs, Noble County, and Neil Weisman, St. Joseph County. Also present were Ray Casanova, Marion County; Professor and Dean Emeritus of the Indiana University School of Law-Indianapolis Norman Lefstein, and Public Defender Commission staff Kathleen Casey, Derrick Mason, and Jennifer Pinkston.

The meeting began with a quorum at 2:05 p.m.

1. Electronic Communication Adopted

Per vote, the Commission adopted a practice to allow voting by electronic means. Rep. Dvorak moved to approve, and Rep. Washburne seconded the motion. Motion passed unanimously. It was clarified that this motion will comply with the Open Door Act.

2. Approval of Minutes from April 6, 2017 meeting

Two corrections were made to misspellings. Hon. Meyer moved to approve as amended, and Mr. Hensel seconded. Motion passed unanimously.

3. Are Senior/Special Judges eligible to serve on a County Public Defender Board?

Mr. Mason explained to the Commission that there was a question posed to Commission staff about whether senior judges are able to serve on a County Public Defender Board. However a quorum was not present at the last meeting when the topic was introduced to make a decision. Sitting judges are barred from county Public Defender Board service in order to preserve independence from the judiciary. Magistrates are forbidden as well because one cannot be a court employee and sit on the Public Defender Board. However, senior judges do not sit in court on a regular basis (about a quarter time of a full-time judge) and therefore a few counties had a question of whether they could appoint those judges to their boards, as they have a basis of knowledge about the law that is useful.

Mr. Mason stated that he believed that special judges, which are different from senior or sitting judges, should be allowed to serve because they are not appointed on a regular basis. However, he was more conflicted on the matter of senior judges. He suggested a case-by-case basis of approval may be necessary. He noted the difficulty and consternation that counties face in finding motivated people to serve on Public Defender Boards.

Rep. Dvorak suggested that if a senior judge has served on a criminal case within the last year, they should be prohibited from serving on a Public Defender Board. Hon. Meyer suggested that such a rule would bar most senior judges.

Dean Emeritus Norman Lefstein noted that typically judges are completely barred from serving. Rep. Washburne noted that at the very least, judges would be considered court employees, which is another prohibition on service on a public defender board.

Mr. Landis believed there should be no senior judges appointed. Hon. Diekhoff noted that senior judges retain judicial power, whereas special judges are acting on behalf of the judge that appointed them.

Rep. Dvorak moved to prohibit senior judges from sitting on public defender boards. Hon. Meyer seconded. Motion passed unanimously. Mr. Mason noted that staff would add that to the guidelines and would inform the counties of the new rule.

4. Capital Expense (Non-Attorney) Reimbursements When Attorney is Retained but Not Qualified

Mr. Mason explained that a defendant charged with the death penalty in Allen County had retained private counsel. That attorney has expressed a desire to remain on the case though the client has no more money to pay for experts or other expenses. The attorney is not qualified under Criminal Rule 24 (CR 24), and therefore would not be eligible for appointment by the court.

The question for the Commission was whether the payments made by the court to pay for experts or other expenses would qualify for Commission reimbursement. Given that the attorney is not qualified under CR 24, this issue had never been considered before by the Commission. Mr. Mason noted that CR 24 applies to public defenders, but it does not apply when a client exercises choice as to who they wish to represent them on a case.

Mr. Mason noted that Standard N of the Commission's non-capital guidelines as important in guiding this discussion. This standard outlines that in non-capital cases, when a client has retained private counsel and a court determines that they require special services, those expenses are reimbursable. He outlined a number of options ranging from encouraging access to services by reimbursing those expenses, or prohibiting expenses from reimbursement when requested by non-qualified counsel.

Mr. Landis said he believed that if capital defense services are not in compliance with the Supreme Court's rule, then they should not be eligible for reimbursement.

Sen. Taylor noted that there is a difference between capital and non-capital standards. Mr. Landis said he does not believe Standard N applies in this instance. Sen. Taylor said it appeared counterproductive to prohibit reimbursing additional expenses required by defense counsel. Sen. Taylor said as long as the attorney is not being reimbursed, then the standard has not contemplated this scenario. He said it actually promotes the use of expert witnesses, and that the Commission should lean towards reimbursing such expenses.

Rep. Washburne stated that if there are heightened attorney requirements, then the kinds of investigations will stem from the relationship of heightened attorney training requirements. He believed the investigations would not be of the same caliber unless qualified attorneys were appointed.

Jim Abbs said that the client has made the choice of who they want to represent them. In his county, the public defender agency controls the budget. He believes it to be a rare circumstance. He believes that the importance of client choice is paramount. Mr. Weisman said that his concern was that the judge may not authorize those additional expenses.

Rep. Dvorak asked where the funds come from that would be used to pay for expenses in Allen County. Mr. Mason said his understanding would be that the court would be paying these expenses and that reimbursement from the Commission would go to the county's general fund. Sen. Taylor asked whether this would create an appealable situation, if the defendant was unable to have witnesses to testify. He believed it may create more problems later as an appeal.

Prof. Lefstein said he didn't want to further complicate the representation of a client. The guidelines that were drawn up never contemplated this scenario. He could not see why anyone would want to deprive the defendant of the resources to defend the case. Rep. Washburne said the State has an interest in ensuring the kind of representation that would increase the quality of defense.

Sen. Head moved to not reimburse expenses unless attorney is CR 24 qualified. Rep. Dvorak seconded. Sen. Taylor asked for discussion on the motion which the Chairman granted. He stated that he does not believe the requirements for Criminal Rule 24 adequately prepare an attorney for a death penalty trial. He said that it is important to focus on the rights of the defendant, and believes this issue trumps other issues.

Chairman Rutherford then asked for other discussion. Hon. Meyer asked for clarification on experience levels required for non-capital cases. Mr. Mason outlined the different experience levels required for various non-capital cases and the requirements for Criminal Rule 24 in capital cases. Hon. Meyer said he is concerned there was the appearance of a double-standard, and that non-death penalty attorneys are eligible for expenses while capital case attorneys are not.

Rep. Dvorak asked whether the judge could appoint another qualified co-counsel. Mr. Mason said that there is only one attorney representing the defendant, but that if there were 2 attorneys both would need to be qualified under Criminal Rule 24. Mr. Mason noted that one of the largest expenses in capital cases is paying \$120/hour for two attorneys. He said it is more likely that the court would consider taking no reimbursement rather than pay for 2 fully qualified capital case attorneys.

Rep. Dvorak said he believes it is the State's interest to not subsidize substandard capital defense. Neil Weisman stated that this is the client's call as to who represents them. He believes that they are possibly putting a chill on provision of funds for other services in a death penalty case.

Mr. Landis made a motion stating that to in order to be eligible for reimbursement in capital case expenditures, all services must be provided in compliance with Criminal Rule 24.

Voting in favor of the motion were: Sen. Head, Rep. Washburne, Rep. Dvorak, Larry Landis, and Mr. Hensel. Voting against were: Sen. Taylor and Hon. Meyer.

Hon. Diekhoff was not present for the vote. Motion passed 5-2, Chairman Rutherford noted that he would abstain unless there was a need for a tie-breaker.

5. Self-Insured Health Insurance Costs

Some counties are self-insured, and Mr. Mason brought this issue to the Commission at a previous meeting. Mr. Mason noted that in previous minutes and subsequent Guideline from 2001, the Commission expressed concern about health insurance costs and did not want to become an insurer for counties. To limit the exposure of the Commission, Mr. Mason proposed capping the amount of reimbursement to counties who pay out self-insurance costs rather than paying premiums to an insurance company. He stated that counties are asking the Commission to re-consider and to reimburse the full amount of payments that counties made for health insurance on behalf of their employees.

Chairman Rutherford asked about the impact on the Commission, and Mr. Mason said that there would not be a great impact on the Commission under his proposed rule.

Mr. Landis asked about rates and whether counties want to be reimbursed for actual claims. Mr. Mason replied that yes, counties do wish to be reimbursed for actual claims. However, Mr. Mason stated that he spoke with the Department of Insurance to create a limit that has a rational explanation. However, he was unable to create an independent number. It is for that reason that he used as a cap the amount the State pays for the employer share of insurance premiums.

As an example, Mr. Mason explained that if both wife and newborn of a lawyer incurred the cap of \$50,000 each in medical expenses eligible to be paid out under a self-insurance model, under this proposed rule the county would be eligible only for the limits for reimbursement set by the State under either the individual or family rates.

Rep. Washburne said he would be shocked if counties process their own individual claims, but rather work with a contractor to process them. From all outward appearances, it appears as if the county is paying premiums. He said he thought it would be fairer to create a rate based on the actual amount that counties pay for insurance premiums. He noted that the State's rates are a much better deal than in private industry. He did not know if that was the appropriate standard rather than an aggregate.

Mr. Mason said it would be difficult to create an average rate every year.

Mr. Hensel asked whether the proposed rule creates an incentive to self-insure. Mr. Mason said that self-insured counties could overall cost less to the Commission than regular premiums if a cap is placed. Chairman Rutherford wanted to clarify the rule as to when claims were reimbursed. Mr. Mason said the rule was a per-year cap, and that expenses would still need to be submitted quarterly, and that past costs could not be aggregated.

Chairman Rutherford asked for discussion. Seeing none, he asked for motions on the matter.

Hon. Meyer made a motion that in cases of self-insurance, counties would be limited in reimbursement to the current rate of state family or single insurance. Mr. Mason asked for clarification for whether the cap will be individual or family. Hensel clarified that the cap would be limited depending on whether individual or family depending on what the employee chose.

Mr. Hensel seconded. Motion passed unanimously.

6. Chief PD Salary

Chairman Rutherford noted that Chief Public Defender salaries would increase effective July 1st 2017 and that usually the Commission gave counties time to come into compliance on salary increases. County budgets are due now, stated Mr. Mason, but their budgets are typically planned by calendar year. Mr. Landis moved to approve the motion that counties have until January 1st, 2018 to come into pay parity for Chief Public Defender's salaries.

Mr. Landis noted that deputy chief should also have pay parity and made a motion so that deputy chiefs also have pay parity with the prosecutor's salaries for the same position. Mr. Hensel seconded the motion, which passed unanimously.

7. Requests for 50% Reimbursement in Capital Cases

Mr. Mason noted 4 claims from 3 counties. He requested approval for the below amounts. He noted that the amount is lower than normal because of the delay between Commission meetings. Rep. Dvorak moved, Rep. Washburne seconded. Motion passed unanimously.

INDIANA PUBLIC DEFENDER COMMISSION		
Reimbursement Requests in Capital Cases		
June 14, 2017		
COUNTY	DEFENDANT	TOTAL
Clark	Oberhansley	\$7,905.54
Floyd	Gibson 1145 - Appeal	\$8,637.94
Lake	Vann	\$21,893.67
TOTAL		\$38,437.15

8. Status of County Compliance with Non-Capital Caseloads

Mr. Mason noted that the number of counties seeking reimbursement went down a percentage in compliance. He updated the Commission on the status of the 90-day letter counties. In addition to the 90-day letter update, he said more counties and attorneys are reaching 100% of capacity of their caseloads. They remain under the threshold of substantial compliance of 110% but are still facing issues.

Mr. Mason noted Howard County, where 5 out of 15 of their attorneys are out of substantial compliance. Additionally, 11 of those 15 are above 1.0 and that the overage was worse than last quarter. The county had sent a letter acknowledging the problems but noted also that the numbers will continue to worsen. He followed up with the county, and they had scheduled a meeting for the same day as the Commission meeting. Mr. Mason recommended a 90-day letter as it may be helpful to county stakeholders.

Mr. Mason noted that Decatur is a county that consistently has two attorneys out of compliance. He said the county has assured them that caseloads will be better next quarter. Mr. Mason did not request a 90-day letter at this time.

Rep. Dvorak moved to send a letter to Howard County, and Hon. Meyer seconded. Motion passed unanimously.

9. Requests for 40% Reimbursement in Non-Capital Cases

Mr. Mason noted that this is Jefferson County’s first quarter of reimbursement since starting January 1st. Perry County had a computer issue that caused them to submit two quarters at the same time. He recommended a full reimbursement which was a record amount.

Representative Dvorak requested that the staff show a per capita reimbursement. He believed it would be helpful to the Commission. Mr. Mason said that he would be happy to provide this information.

Mr. Hensel moved to approve, and Sen. Head seconded. Motion passed unanimously.

INDIANA PUBLIC DEFENDER COMMISSION

First Quarter 2017 Requests for Reimbursements in Non-Capital Cases

6/14/2017

COUNTY	Late Factor	2017 Period Covered	Total Expenditure	Adjustment For Non-Reimbrsbl	% of Adjstmt	Eligible Expenditure	40% Reimbursed
ADAMS	0.00	1/1-3/31	\$65,532.24	\$9,846.48	15%	\$55,685.76	\$22,274.30
ALLEN	0.00	1/1-3/31	\$1,063,385.34	\$39,691.32	4%	\$1,023,694.02	\$409,477.61
BENTON	0.00	1/1-3/31	\$12,633.39	\$3,822.74	30%	\$8,810.65	\$3,524.26
BLACKFORD	0.00	1/1-3/31	\$51,126.32	\$17,799.89	35%	\$33,326.43	\$13,330.57
BROWN	0.00	1/1-3/31			#DIV/0!	\$0.00	\$0.00
CARROLL	0.00	1/1-3/31	\$68,067.46	\$27,213.92	40%	\$40,853.54	\$16,341.42
CASS	0.00	1/1-3/31	\$148,828.93	\$23,683.50	16%	\$125,145.43	\$50,058.17
CLARK	0.00	1/1-3/31	\$267,310.19	\$6,261.71	2%	\$261,048.48	\$104,419.39
CRAWFORD	0.00	1/1-3/31			0%		
DECATUR	0.00	1/1-3/31	\$77,439.65	\$14,760.04	19%	\$62,679.61	\$25,071.84
DEKALB	0.00	1/1-3/31	\$155,542.64	\$14,824.76	10%	\$140,717.88	\$56,287.15
DELAWARE	0.00	1/1-3/31	\$304,878.54	\$3,069.73	1%	\$301,808.81	\$120,723.52
FAYETTE	0.00	1/1-3/31	\$89,361.25	\$4,298.37	5%	\$85,062.88	\$34,025.15
FLOYD	0.00	1/1-3/31	\$160,809.77	\$32,350.47	20%	\$128,459.30	\$51,383.72
FOUNTAIN	0.00	1/1-3/31	\$24,483.95	\$2,801.65	11%	\$21,682.30	\$8,672.92
FULTON	0.00	1/1-3/31	\$74,535.04	\$16,939.78	23%	\$57,595.26	\$23,038.10
GRANT	0.00	1/1-3/31	\$242,124.36	\$3,475.47	1%	\$238,648.89	\$95,459.56
GREENE	0.00	1/1-3/31	\$134,987.01	\$20,809.52	15%	\$114,177.49	\$45,671.00
HANCOCK	0.00	1/1-3/31	\$145,519.57	\$10,602.00	7%	\$134,917.57	\$53,967.03
HENRY	0.00	1/1-3/31			0%		
HOWARD	0.00	1/1-3/31	\$384,148.01	\$62,554.74	16%	\$321,593.27	\$128,637.31

JACKSON	0.00	1/1-3/31	\$176,695.83	\$10,290.76	6%	\$166,405.07	\$66,562.03
JASPER	0.00	1/1-3/31	\$56,989.27	\$14,836.24	26%	\$42,153.03	\$16,861.21
JAY	0.00	1/1-3/31	\$103,687.95	\$17,977.29	17%	\$85,710.66	\$34,284.26
JEFFERSON	0.00	1/1-3/31	\$138,350.06	\$26,033.32	19%	\$112,316.74	\$44,926.70
JENNINGS	0.00	1/1-3/31	\$77,828.63	\$10,624.23	14%	\$67,204.40	\$26,881.76
KNOX*	0.00	1/1-3/31	\$319,593.64	\$52,651.06	16%	\$266,942.58	\$81,643.97
KOSCIUSKO	0.00	1/1-3/31	\$196,283.49	\$46,321.57	24%	\$149,961.92	\$64,743.87
LAGRANGE	0.00	1/1-3/31	\$96,595.32	\$12,912.45	13%	\$83,682.87	\$33,473.15
LAKE	0.00	1/1-3/31	\$1,158,556.72	\$16,790.68	1%	\$1,141,766.04	\$456,706.42
LAPORTE	0.00	1/1-3/31	\$176,713.75	\$16,478.33	9%	\$160,235.42	\$64,094.17
LAWRENCE	0.00	1/1-3/31	\$183,901.25	\$15,405.07	8%	\$168,496.18	\$67,398.47
MADISON	0.00	1/1-3/31	\$459,052.20	\$18,380.68	4%	\$440,671.52	\$176,268.61
MARION	0.00	1/1-3/31	\$4,787,038.75	\$529,350.71	11%	\$4,257,688.04	\$1,703,075.22
MARTIN	0.00	1/1-3/31	\$81,572.18	\$23,632.49	29%	\$57,939.69	\$23,175.88
MIAMI	0.00	1/1-3/31			0%		
MONROE	0.00	1/1-3/31	\$578,887.60	\$76,115.29	13%	\$502,772.31	\$201,108.92
MONTGOMERY	0.00	1/1-3/31			0%		
NEWTON	0.00	1/1-3/31			0%		
NOBLE	0.00	1/1-3/31	\$187,872.30	\$28,299.65	15%	\$159,572.65	\$63,829.06
OHIO	0.00	1/1-3/31	\$20,379.47	\$1,987.16	10%	\$18,392.31	\$7,356.92
ORANGE	0.00	1/1-3/31	\$178,706.38	\$15,209.05	9%	\$163,497.33	\$65,398.93
OWEN	0.00	1/1-3/31	\$72,366.98	\$12,858.42	18%	\$59,508.56	\$23,803.42
PARKE	0.00	1/1-3/31	\$42,211.64	\$13,047.23	31%	\$29,164.41	\$11,665.76
PERRY	0.00	1/1-3/31	\$105,917.23	\$14,946.54	14%	\$90,970.69	\$36,388.28
PIKE	0.00	1/1-3/31	\$58,037.61	\$5,988.46	10%	\$52,049.15	\$20,819.66
PULASKI	0.00	1/1-3/31	\$93,938.76	\$13,393.58	14%	\$80,545.18	\$32,218.07
RIPLEY	0.00	1/1-3/31	\$56,639.20	\$6,786.69	12%	\$49,852.51	\$19,941.00
RUSH	0.00	1/1-3/31	\$87,298.24	\$9,998.06	11%	\$77,300.18	\$30,920.07
SAINT JOSEPH	0.00	1/1-3/31	\$621,135.96	\$67,303.75	11%	\$553,832.21	\$221,532.88
SCOTT	0.00	1/1-3/31			0%		
SHELBY	0.00	1/1-3/31	\$119,592.11	\$15,575.49	13%	\$104,016.62	\$41,606.65
SPENCER	0.00	1/1-3/31	\$100,494.75	\$12,778.68	13%	\$87,716.07	\$35,086.43
STEUBEN	0.00	1/1-3/31	\$110,278.06	\$25,366.31	23%	\$84,911.75	\$33,964.70
SULLIVAN	0.00	1/1-3/31	\$40,066.92	\$18,044.41	45%	\$22,022.51	\$8,809.00
SWITZERLAND	0.00	1/1-3/31	\$57,206.18	\$15,054.26	26%	\$42,151.92	\$16,860.77
TIPPECANOE	0.00	1/1-3/31	\$735,484.26	\$184,749.15	25%	\$550,735.11	\$220,294.04
UNION	0.00	1/1-3/31	\$23,207.00	\$4,036.00	17%	\$19,171.00	\$7,668.40
VANDERBURGH	0.00	1/1-3/31	\$676,313.69	\$122,073.88	18%	\$554,239.81	\$221,695.92

VERMILLION	0.00	1/1-3/31	\$47,910.31	\$8,810.27	18%	\$39,100.04	\$15,640.02
VIGO	0.00	1/1-3/31	\$528,906.13	\$86,104.10	16%	\$442,802.03	\$177,120.81
WABASH	0.00	1/1-3/31	\$91,533.91	\$14,976.71	16%	\$76,557.20	\$30,622.88
WARREN	0.00	1/1-3/31	\$4,015.00	\$1,265.00	32%	\$2,750.00	\$1,100.00
WASHINGTON	0.00	1/1-3/31	\$101,859.81	\$11,418.00	11%	\$90,441.81	\$36,176.72
WELLS	0.00	1/1-3/31			0%		
WHITE	0.00	1/1-3/31			0%		
WHITLEY	0.00	1/1-3/31			0%		
TOTAL			\$16,085,482.14	\$1,886,643.79		\$14,198,838.35	\$5,704,088.08

*Knox reduced from overpayment; Kosciusko increased by previous underpayment; LaGrange & Perry are 4Q & 1Q Combined

10. Caseload Study/Task Force Update

Mr. Mason noted that the Indiana Task Force of Public Defense was assembled to address comprehensive reform to indigent defense in Indiana. He stated that there was time needed to assemble the appropriate representatives for the Task Force to be successful. He stated that Kathleen Casey was staffing the Task Force for the Commission and working with a consultant hired by the Public Defender Council. Once the Task Force is off the ground, Mr. Mason stated that he intended to ask the Commission to create a sub-committee to address issues in between meetings of the formal Commission.

As for the Caseload study, Mr. Mason reported that CHINS and TPR cases will be included in the caseload study. He was able to negotiate a lower rate of payment to the American Bar Association. He believes the caseload study will last between one year and a year and a half. He stated that timekeeping will not be included in the caseload study because timekeeping was proven to be statistically invalid in a previous iteration of a caseload study in Louisiana. In Louisiana, public defenders were so overworked that PDs were not able to record time accurately as to draw any results, thus demonstrating that timekeeping was not a necessary component of the study. A different method will be applied that will not require timekeeping.

11. Financial Status of Public Defense Fund

Mr. Mason stated that the Commission was sufficiently funded for reimbursements requested at the meeting. For the first time, however, the Commission will have exceeded its annual appropriation. However, there are still funds available because of the non-reverting status of the fund.

Mr. Mason stated that the Commission did receive an increase in appropriation effective July 1st. Additionally, the Commission itself will also be in charge of that fund on July 1st, rather than housing the fund with the Supreme Court. The Legislature gave an increase of \$2.5 million to the Commission to continue services as currently delivered; the Senate appropriated an additional \$1 million for CHINS cases.

Sen. Taylor said that the additional million dollars was only one-third of the amount needed to address and tackle the CHINS cases. And while the increase was appreciated and something for which Mr. Landis

fought for, Sen. Taylor stated that it was indicated in testimony that it only addressed one-third of the problem.

Mr. Landis noted that it is difficult to earmark that money for CHINS because the total amount of reimbursement is 40% for all cases. Until the level of CHINS reimbursement is increased, the money cannot be set aside for CHINS. However, he noted that there is an interim study committee to study the issue of misdemeanor reimbursement and CHINS.

12. Staff Report

Hendricks County has hired their Chief Public Defender to start working with them to get ready to start July 1st. Huntington and Crawford received evaluations regarding joining the program. Miami County has requested information. Montgomery County, who dropped out of the program due to non-compliance, has had major problems with retaining attorneys and turnover so they are requesting to look at an office setup and return to the Commission program. Mr. Mason was not optimistic with an office setup however he is hopeful. He does anticipate at the next meeting asking the Commission to look at staffing to address some of the 6th Amendment Center concerns on staffing. He was hopeful the next meeting will be in the Commission staff offices.

Senator Taylor asked what happens if a county does not have a PD Office. Mr. Mason explained that counties may pay either an attorney to represent on contract as well as hourly.

Chairman noted that Judge Ahler was appointed to the Bankruptcy Court of the Northern District of Indiana. He is from Jasper County, Indiana. He has been a very active member and the Chairman thanked him for his service on the Commission.

Mr. Landis noted that there was one vacancy from the Chief Justice and one gubernatorial appointment still outstanding.

The meeting adjourned at 3:32 p.m.

MINUTES

INDIANA PUBLIC DEFENDER COMMISSION

DATE OF MEETING: September 20, 2017

Time: IMMEDIATELY AFTER EXECUTIVE SESSION THAT BEGINS AT 2 P.M.

LOCATION: 309 W Washington St, 5th Floor, Indianapolis, IN 46204

Commission members present were: Judge Kelsey Hanlon, Owen County; Larry Landis, Indiana Public Defender Council; Sen. Eric Koch, Bedford; Chairperson Mark Rutherford, Indianapolis. Present electronically were: Rep. Washburne, Darmstadt; Sen. Taylor, Indianapolis and Judge Mary Ellen Diekhoff, Monroe County.

Also present were: Derrick Mason, senior staff attorney for the Commission; Kathleen Casey, staff attorney for the Commission; Jennifer Pinkston, fiscal analyst for the Commission; Bob Slayton, Chairperson of the Knox County Public Defender Board; Cody Eckert, Legislative Assistant with the Indiana House; Howard Hatcher, Knox County Public Defender Board; Jim Abbs, President of the Indiana Chief Public Defender Association and Chief Public Defender of Noble County; Jeremy Gooch, Chief Public Defender Hendricks County; Brian Jewel, Chief Public Defender Knox County; David Shelton, Knox County Public Defender Board.

1. Executive Session Announcement/Take Formal Action

After the executive session, Mr. Landis made a motion to raise the senior staff attorney salary to \$90,000 annually and that the staff attorney position be increased to \$81,000 annually. Additionally, he made the motion to increase the fiscal analyst position salary by 5% to \$57,750. Judge Hanlon seconded the motion. Chairperson asked for any discussion and none was offered. A vote as held, and the motion passed unanimously.

Mr. Landis made a motion to authorize new positions for research and statistics analyst and administrative assistant. Additionally, the motion authorized contracts with individuals to provide technical assistance to the Task Force and for a Legislative Liaison. Landis moved that research analysis have an annual salary between \$55,000 and \$65,000; that the administrative assistant have a salary range of \$37,000 to \$47,000; that the Task Force Technical Assistance Contract be authorized for up to 20 hours of work per week at a rate of \$70 per hour; and that the Legislative Liaison compensation be up to \$50,000 per session. Chairperson Rutherford would maintain final approval of all hires.

Sen. Taylor seconded motion, which passed unanimously.

2. Approval of Minutes from June 14, 2017 Meeting

Sen. Taylor moved to approve the minutes from the previous Commission meeting. Mr. Landis seconded. Motion passed unanimously. Judge Hanlon and Sen. Koch abstained because they were not at the prior meeting.

3. Financial Status of Public Defense Fund

Derrick Mason reported that the Commission was currently able to meet all its obligations for reimbursement requested at this meeting as well as the potential budget item listed in item 4.

4. Commission Budget Approval

The Commission is now in charge of its own budget, in full. As such, Commission staff presented a budget for approval based upon the first two months of this year and with assumptions of approvals of the new employee positions and best estimate as to those ensuing costs.

Mr. Mason asked the Commission to review the budget proposed in the materials. The Chairperson noted that the budget process would become more formal as additional staff is hired and more is done by the Commission than just providing reimbursement. As explained in the materials, "Travel" includes reimbursement for the Caseload Study and the Task Force in addition to our usual charges. "Contractual" includes the previously approved caseload study (the ABA and Crowe Horwath) and assumes approval of the new contractor positions. Any budget changes/overages will be proposed to the Commission at quarterly meeting.

While presenting this budget at the September meeting, Mr. Mason asked to move and approve the budget in December once more staff have been hired to provide a more accurate depiction of costs. Chairperson said he would like the process to become an annual review in June in the formal to align with the fiscal year.

5. Statutory Changes 2018

Mr. Mason reported legislative changes available for the Commission to pursue that would be available in 2018 because they do not have a direct fiscal impact. The proposed language cleans up language from the relationship the Commission had with the Supreme Court and also provides for augmentation, which should not be needed during this biennium.

While staff anticipate full 40% reimbursement of all their eligible expenses, should the Commission funds run short, it will be forced to prorate reimbursements. This has happened in the past. Augmentation authority should not cost the state any additional funds at this time. Mr. Mason asked for the Commission to provide direction on what proposals seem appropriate to pursue at the legislature.

Chairperson Rutherford noted that large counties might join should there be a guarantee of funds, and such a large county joining would actually cause the Commission to exceed its appropriation by providing this additional reimbursement; Mr. Mason agreed. He noted that staff have several other counties that are currently evaluating whether to join.

Mr. Landis made a proposal to say without seeking additional appropriation, the Commission could recommend that the Commission reimburse misdemeanor cases. He said that the current surplus in the Commission funds would offset the costs of reimbursing misdemeanors.

Judge Hanlon asked what would happen if misdemeanors were made reimbursable, and counties were not in compliance. She asked whether they then no longer be eligible for reimbursement as a general matter. Mr. Landis replied that this same scenario was found when the Commission began reimbursing CHINS cases. Mr. Landis stated that the Commission allowed a period of phase-in compliance.

Judge Hanlon noted that making misdemeanors reimbursable would allow more flexibility. Mr. Landis asked for feedback from the audience. Chairperson Rutherford asked whether there were any questions. There was no vote taken on this issue.

David Shircliff said that for his county, Child in Need of Service cases are increasing and his county was going to max out caseloads by the middle of the quarter. He knows that any additional funding would be welcomed.

6. Request on Supplemental Public Defender Fund from Ripley Circuit Court Judge

Mr. Mason presented a letter from Judge Ryan King from the Ripley Circuit Court requesting permission to purchase with public defender supplemental funds a ‘70” TV with Bluetooth laptop presentation technology.’ The stated purpose for this purchase from the supplemental fund was to rectify a disparity that the Judge feels is occurring with the local prosecutor’s office having access to substantial technology funds and equipment that is exclusively used by the prosecutor while pauper counsel in his court does not use any technology at jury trials. Mr. Mason said he does not necessarily believe it requires approval but was not comfortable with approving this request without input from the Commission.

Mr. Abbs suggested this request is more for the court rather than the public defender’s office. Sen. Koch questioned whether this would be used for civil trials and questioned how it would be monitored. Judge Hanlon noted that this television might be used for civil trials.

Chairperson Rutherford asked Mr. Mason what his request was for the Commission; Mr. Mason asked for a consensus from the Commission.

Judge Hanlon noted that it is likely that jurors note the disparity in technology. Chairperson Rutherford noted that the Commission may want to think about want to re-think the rule to help clarify how it is applied. Mr. Landis believed it to be a borderline call. Mr. Mason said he would prepare more information on this issue for December.

7. Requests for 50% Reimbursement in Capital Cases

Mr. Mason noted that there was an additional reimbursement that was left off the original meeting. After clarification, Mr. Landis moved to reimburse all requests, and Judge Hanlon seconded. Motion passed unanimously.

INDIANA PUBLIC DEFENDER COMMISSION

Reimbursement Requests in Capital Cases

September 20, 2017

COUNTY	DEFENDANT	TOTAL
Clark	Oberhansley	\$9,569.36
Harrison	Schuler	\$6,955.63
Lake	Vann	\$34,574.08
Marion	Cruz	\$24,536.10
Marion	Davis	\$6,945.51
TOTAL		\$82,580.68

LATE CLAIMS

TOTAL		\$82,580.68

8. Status of County Compliance with Non-Capital Caseloads

Mr. Mason reviewed the compliance issues with counties issued a 90-day letter in previous quarters. Sullivan County has resolved their issues. Jennings County hired 3 additional public defenders June 1, however there was no indication of whether that will resolve their issues. Clark County has hired additional employees and is asking for an additional attorney. Howard County has responded to their letter and indicated that they have raised pay for current attorneys and has asked for 2 additional attorneys in 2018, however more staff is required to maintain compliance. He stated that all counties issued letters have responded well with a plan to come back into compliance.

Mr. Mason explained the process for the 90-day letter to the new Commission members. He noted that the Commission cannot suspend payment without notice.

9. Requests for 40% Reimbursement in Non-Capital Cases

Mr. Landis moved to approve the reimbursement requests listed below, Sen. Koch seconded the motion. Mr. Mason noted that this request is \$1 million higher than in December of the previous year and is a record level of reimbursement. Motion passed unanimously.

INDIANA PUBLIC DEFENDER COMMISSION

Second Quarter 2017 Requests for Reimbursements in Non-Capital Cases

9/20/2017

COUNTY	Late Factor	2017 Period Covered	Total Expenditure	Adjustment For Non-Reimbrsbl	% of Adjst mt	Eligible Expenditure	40% Reimbursed
ADAMS	0.00	4/1-6/30	\$79,386.22	\$11,712.05	15%	\$67,674.17	\$27,069.67
ALLEN	0.00	4/1-6/30	\$955,388.09	\$32,492.75	3%	\$922,895.34	\$369,158.14
BENTON	0.00	4/1-6/30	\$27,968.05	\$9,742.44	35%	\$18,225.61	\$7,290.24
BLACKFORD	0.00	4/1-6/30	\$51,743.50	\$16,070.73	31%	\$35,672.77	\$14,269.11
BROWN	0.00	4/1-6/30			#DIV /0!	\$0.00	\$0.00
CARROLL	0.00	4/1-6/30	\$66,688.75	\$16,430.56	25%	\$50,258.19	\$20,103.28
CASS	0.00	4/1-6/30	\$147,539.82	\$23,932.80	16%	\$123,607.02	\$49,442.81
CLARK	0.00	4/1-6/30	\$275,160.07	\$9,632.57	4%	\$265,527.50	\$106,211.00
CRAWFORD	0.00	4/1-6/30			0%		
DECATUR	0.00	4/1-6/30	\$67,514.18	\$13,755.82	20%	\$53,758.36	\$21,503.34
DEKALB	0.00	4/1-6/30	\$136,848.85	\$15,291.84	11%	\$121,557.01	\$48,622.80
DELAWARE	0.00	4/1-6/30	\$372,928.48	\$8,468.62	2%	\$364,459.86	\$145,783.94
FAYETTE	0.00	4/1-6/30	\$90,109.89	\$14,075.58	16%	\$76,034.31	\$30,413.72
FLOYD	0.00	4/1-6/30	\$145,396.80	\$5,061.51	3%	\$140,335.29	\$56,134.12
FOUNTAIN	0.00	4/1-6/30	\$35,237.01	\$6,715.93	19%	\$28,521.08	\$11,408.43
FULTON	0.00	4/1-6/30	\$81,720.83	\$32,238.49	39%	\$49,482.34	\$19,792.94
GRANT	0.00	4/1-6/30	\$117,556.18	\$5,479.31	5%	\$112,076.87	\$44,830.75
GREENE	0.00	4/1-6/30	\$116,555.03	\$14,495.73	12%	\$102,059.30	\$40,823.72
HANCOCK	0.00	4/1-	\$127,125.19	\$12,392.18	10%	\$114,733.01	\$45,893.20

		6/30					
HENDRICKS	0.00	4/1-6/30	\$10,870.08	\$0.00	0%	\$10,870.08	\$4,348.03
HENRY	0.00	4/1-6/30			0%		
HOWARD	0.00	4/1-6/30	\$378,820.73	\$57,852.95	15%	\$320,967.78	\$128,387.11
JACKSON	0.00	4/1-6/30	\$158,326.40	\$8,725.49	6%	\$149,600.91	\$59,840.36
JASPER	0.00	4/1-6/30	\$84,758.77	\$30,280.17	36%	\$54,478.60	\$21,791.44
JAY	0.00	4/1-6/30	\$91,853.53	\$13,061.92	14%	\$78,791.61	\$31,516.64
JEFFERSON	0.00	4/1-6/30	\$127,214.29	\$19,636.52	15%	\$107,577.77	\$43,031.11
JENNINGS	0.00	4/1-6/30	\$89,228.07	\$6,179.23	7%	\$83,048.84	\$33,219.54
KNOX	0.00	4/1-6/30	\$215,280.85	\$39,436.97	18%	\$175,843.88	\$70,337.55
KOSCIUSKO	0.00	4/1-6/30	\$199,008.22	\$50,109.98	25%	\$148,898.24	\$59,559.30
LAGRANGE	0.00	4/1-6/30	\$61,052.67	\$15,328.39	25%	\$45,724.28	\$18,289.71
LAKE	0.00	4/1-6/30	\$1,222,011.34	\$22,334.41	2%	\$1,199,676.93	\$479,870.77
LAPORTE	0.00	4/1-6/30	\$229,600.03	\$38,018.01	17%	\$191,582.02	\$76,632.81
LAWRENCE	0.00	4/1-6/30	\$215,899.94	\$18,645.14	9%	\$197,254.80	\$78,901.92
MADISON	0.00	4/1-6/30	\$511,584.13	\$26,094.27	5%	\$485,489.86	\$194,195.94
MARION	0.00	4/1-6/30	\$5,601,129.38	\$533,033.33	10%	\$5,068,096.05	\$2,027,238.42
MARTIN	0.00	4/1-6/30	\$69,407.59	\$7,734.89	11%	\$61,672.70	\$24,669.08
MIAMI	0.00	4/1-6/30			0%		
MONROE	0.00	4/1-6/30	\$538,762.40	\$71,980.40	13%	\$466,782.00	\$186,712.80
MONTGOMERY	0.00	4/1-6/30			0%		
NEWTON	0.00	4/1-6/30			0%		
NOBLE	0.00	4/1-6/30	\$176,274.18	\$22,888.89	13%	\$153,385.29	\$61,354.12
OHIO	0.00	4/1-6/30	\$19,365.30	\$4,452.93	23%	\$14,912.37	\$5,964.95
ORANGE	0.00	4/1-6/30	\$111,006.21	\$16,532.84	15%	\$94,473.37	\$37,789.35

OWEN	0.00	4/1-6/30	\$75,822.83	\$13,229.97	17%	\$62,592.86	\$25,037.14
PARKE	0.00	4/1-6/30	\$35,192.48	\$11,886.20	34%	\$23,306.28	\$9,322.51
PERRY	0.00	4/1-6/30	\$63,116.18	\$12,315.35	20%	\$50,800.83	\$20,320.33
PIKE	0.00	4/1-6/30	\$54,781.66	\$6,389.32	12%	\$48,392.34	\$19,356.94
PULASKI	0.00	4/1-6/30	\$126,631.65	\$22,178.14	18%	\$104,453.51	\$41,781.40
RIPLEY	0.00	4/1-6/30	\$49,686.19	\$4,266.60	9%	\$45,419.59	\$18,167.84
RUSH	0.00	4/1-6/30	\$106,916.83	\$6,962.42	7%	\$99,954.41	\$39,981.76
SAINT JOSEPH	0.00	4/1-6/30	\$658,480.13	\$72,551.66	11%	\$585,928.47	\$234,371.39
SCOTT	0.00	4/1-6/30			0%		
SHELBY	0.00	4/1-6/30	\$106,676.55	\$14,526.72	14%	\$92,149.83	\$36,859.93
SPENCER	0.00	4/1-6/30	\$26,732.52	\$2,004.25	7%	\$24,728.27	\$9,891.31
STEUBEN	0.00	4/1-6/30	\$97,938.03	\$15,491.32	16%	\$82,446.71	\$32,978.68
SULLIVAN	0.00	4/1-6/30	\$51,351.27	\$18,877.09	37%	\$32,474.18	\$12,989.67
SWITZERLAND	0.00	4/1-6/30	\$44,339.44	\$2,574.43	6%	\$41,765.01	\$16,706.00
TIPPECANOE	0.00	4/1-6/30	\$832,633.34	\$233,234.01	28%	\$599,399.33	\$239,759.73
UNION	0.00	4/1-6/30	\$33,354.03	\$2,873.32	9%	\$30,480.71	\$12,192.28
VANDEBURGH	0.00	4/1-6/30	\$623,755.92	\$108,572.45	17%	\$515,183.47	\$206,073.39
VERMILLION	0.00	4/1-6/30	\$53,424.48	\$15,516.04	29%	\$37,908.44	\$15,163.38
VIGO	0.00	4/1-6/30	\$617,864.76	\$70,717.85	11%	\$547,146.91	\$218,858.77
WABASH	0.00	4/1-6/30	\$92,764.09	\$10,996.22	12%	\$81,767.87	\$32,707.15
WARREN	0.00	4/1-6/30	\$9,909.00	\$1,292.50	13%	\$8,616.50	\$3,446.60
WASHINGTON	0.00	4/1-6/30	\$123,522.29	\$13,528.00	11%	\$109,994.29	\$43,997.72
WELLS	0.00	4/1-6/30			0%		
WHITE	0.00	4/1-6/30			0%		
WHITLEY	0.00	4/1-6/30			0%		

TOTAL			\$16,891,214.72	\$1,910,299.50		\$14,980,915.22	\$5,992,366.10
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10. Staff Report and Other Matters

Mr. Mason presented county updates. Miami and Scott County are likely to join January 1, 2017 with Clinton County a strong possibility as well. Johnson, Wells, and Morgan are all in active discussions now.

On the Task Force on Public Defense, the Commission is represented by Judge Diekhoff (Larry Landis is also on the Task Force as the Executive Director of the Public Defender Council). The first meeting had excellent attendance and occurred in September and the next meeting is in October. The Public Defender Commission website has the latest materials and updates available to both members and the public. The Task Force looks to conclude with a report and recommendations to the Commission for adoption in about one year's time.

The Caseload Study, in partnership with the ABA and Crowe Horwath, is launching with three days of meetings on September 27, 28, and 29. The Caseload Study is expected to last approximately one year

Mr. Mason also noted that the Commission may consider launching a subcommittee to review standards issued by the Commission. Mr. Mason said he plans to work with Chairperson Rutherford to begin that process.

A motion to adorn was moved by Mr. Landis, and Judge Hanlon seconded. The motion passed unanimously.

MINUTES

INDIANA PUBLIC DEFENDER COMMISSION

DATE OF MEETING: December 13, 2017

Time: 2:00 PM EST

LOCATION: Indiana Public Defender Commission

309 W. Washington St., Ste. 501

Indianapolis, IN 46204

The meeting was called to order at approximately 2:00 p.m. by Chairman Mark Rutherford. Present at the meeting were: Sen. Eric Koch, Hon. Kelsey Hanlon, Larry Landis, David Hensel, Richard Bray, Hon. Steven Meyer, Rep. Ryan Dvorak; on the phone were Rep. Thomas Washburne and Sen. Gregory Taylor. Staff present at the meeting were: Kathleen Casey, Derrick Mason, Jennifer Pinkston, Andrew Cullen, and Paula Diaz. Present in the audience were Jim Abbs, Chief Public Defender for Noble County; Gretchen Etling, Chief Public Defender for Vigo County; Jeff Lockwood, Chief Public Defender for Madison County; Jeremy Gooch, Chief Public Defender for Hendricks County; Cody Eckert, Legislative Assistant for the House Republicans; Kristen Casper; Ray Casanova, Marion County; David Shircliff, Chief Public Defender for Lawrence County.

Chairman Rutherford noted that both he and David Hensel was appointed for another four-year term and welcomed Richard Bray as a new appointee to the Commission. Mr. Landis noted that Richard Bray sponsored the creation of the Commission in 1989 and sponsored the statute that created public defender boards. The Chairman also welcomed Paula Diaz as a new member of the Commission staff.

1. Approval of Minutes from Previous

Mr. Landis made a motion to approve the minutes from the previous meeting. Mr. Hensel seconded the motion, which passed unanimously.

2. Approval of Comprehensive Plans

Mr. Mason reviewed an update on Miami County and its re-entry into the Commission reimbursement program. Miami first created a Comprehensive Plan in 2006. However, subsequently they withdrew from the program. Recently, the county created a new Chief Public Defender and approached Mr. Mason about rejoining the reimbursement program. They hope to begin the reimbursement process in January of 2018.

According to the Commission standards, when a county falls out of compliance, they are required to submit the Case Assignment Sheets from quarters that they did not submit upon re-entry to the program. Mr. Mason asked that the Commission waive this requirement as the county truly withdrew from the program and did not track information in the manner required by the Commission during the time it did not participate.

The Chairman asked for questions on the Comprehensive Plan. Judge Hanlon noted that there are sections of the Comprehensive Plan that are inconsistent in the numbering of felonies. Mr. Mason said that the county is open to changes to improve the plan.

Mr. Mason recommended approval of the Comprehensive Plan with the assumption they correct the clerical errors. He noted that Miami County dropped formally out in FY2007. Mr. Landis noted that was likely because of the pro-rating of funding.

Motion passed after a unanimous vote.

3. Approval of Scott County

Mr. Mason reviewed the submission of a Comprehensive Plan from Scott County, which dropped out of the Commission reimbursement program in 2009; they also have decided to rejoin the program. They also are creating a Chief Public Defender position and have decided to implement a contract system. Because the county has been absent from the Commission for 8 quarters, Mr. Mason said that Commission staff was not going to ask for submission of missing Case Assignment Sheets from previous quarters, similar to Miami County.

Judge Hanlon moved to approve the Comprehensive Plan, which Judge Meyer seconded. Motion passed unanimously.

4. Requests for Reimbursement for 50% in Capital Cases

Mr. Mason reviewed the list of capital case requests for the quarter. He noted that Warrick County is re-hearing the capital phase on at least one case because the original lawyers were not Criminal Rule 24 (CR 24) qualified. Mr. Mason said that he would continue to monitor the situation if the county seeks reimbursement.

Mr. Landis made a motion to approve the capital cases for this quarter, which was seconded by Sen. Taylor. Motion passed unanimously.

Reimbursement Requests in Capital Cases

December 13, 2017

COUNTY	DEFENDANT	TOTAL
Clark	Oberhansley	\$13,865.19
Harrison	Schuler - Appeal	\$9,140.24
Lake	Vann	\$29,753.25
Marion	Davis	\$18,732.96
TOTAL		\$71,491.64

5. Status of Compliance with Non-Capital Cases

Derrick Mason said that there have been several 90-day letters sent in recent months. He began with a review of Clark County's non-capital case compliance, and noted that they remain out of compliance. However, it will require multiple quarters before compliance is achieved because the previous non-compliance remains on the reports until it is removed in the following year. Additionally, Fayette County remained out of compliance. Howard County was the most recent 90-day letter, though the county did raise the pay for four (4) attorneys and hired two (2) more attorneys to start January 1, 2018.

Mr. Mason reported that Jennings County still has three (3) lawyers out of compliance. Sullivan County is in full compliance after they received a 90-day letter.

Chairman Rutherford asked for questions. Judge Meyer asked whether Commission staff could keep track of how many quarters they have been out of compliance. Derrick Mason said that he could provide that information. Judge Meyer noted Decatur and Clark had been out of compliance for several quarters. Mr. Mason said that Clark County has had a turbulent time with administration changeover but that they appear committed to improvement though more work is needed.

Mr. Mason said that he had reached out to Decatur County but has not yet heard a response. Decatur has been out of compliance for seven quarters while Clark has been for three quarters. He noted that Howard and Jennings County had made immediate changes.

Hon. Meyer asked whether there was a cutoff for compliance issues. Mr. Mason said that it varied by county response. Mr. Landis said that the sending of 90-day letters was only recent, but had a large impact on county compliance.

The Chairman noted that historically a good-faith effort from the county has been received well by the Commission. Mr. Landis agreed but noted that historically the Commission may have been too lax in the past.

Chairman Rutherford asked Mr. Mason whether he recommended action on the 90-day letters. Mr. Mason said it was a possibility for everyone to be in substantial compliance based on the changes that they have made.

Derrick Mason also raised an issue with Vanderburgh County, which has been operating under an exception from the Commission regarding their Child in Need of Services (CHINS) division which has exempted CHINS cases from caseload controls and considers those cases non-reimbursable. Part-time attorneys in that county are operating at upwards of two-hundred to three-hundred percent of an allowable caseload. Normally, Mr. Mason explained that the Commission would require every case type to be in compliance with the exception of misdemeanors. However, the county approached the Commission and said that they could never come into compliance and were granted an exception. If the Commission was inclined to have county representatives speak on the issue to the Commission, Mr. Mason said he could ask for

the county to come speak at the March meeting. Mr. Mason said that the county would need seven (7) more attorneys to handle the number of CHINS cases in the county.

Mr. Hensel asked whether there was any other county where there was carved out such an exception. Mr. Mason said that there has never been an exception in this way, though there are other exceptions of a different kind in Lake and for all counties with misdemeanor caseloads. Mr. Hensel said he would like to hear from Vanderburgh County. Mr. Mason said he would send a request to the Chief Public Defender and invite him to bring whomever they considered useful to speak at the March meeting.

Chief Public Defender Jim Abbs said it would be beneficial to send a letter to the county council. It is helpful from the Chief Public Defender perspective. Judge Meyer said it would be useful to reach out to the council since the Commission provides funding to the county. Rep. Washburne said it was important to bring the judges in on the discussion.

Chairman Rutherford asked that this issue be put on the agenda and directed staff to begin working on Vanderburgh County.

Regarding Decatur County, Mr. Mason asked whether the Commission wanted to send a 90-day letter or have the county send an update in the first quarter and progress towards compliance. Chairman Rutherford said the sense of the group was to seek information on progress without a 90-day letter.

6. Requests for Reimbursement in Non-Capital Cases

Derrick Mason noted that Hendricks County would, for the first time, receive a complete reimbursement because they submitted a full quarter's worth of information. He noted that Grant County had an additional catchup amount added to their reimbursable amount. He said that Brown County appears to have withdrawn from the program at this time.

A motion to approve the reimbursements was made by Mr. Hensel, and seconded by Rep. Dvorak. Motion passed unanimously.

7. Financial status of Public Defense Commission and internal budget

Mr. Mason reviewed the up-to-date expenditures. He then explained that the internal budget represents approximately 3.5% of the total budget. He then turned to staffing issues and informed the Commission that he would be interviewing for a research and statistics analyst and that those interviews were to be conducted the Monday following the Commission meeting.

Hon. Meyer asked for clarification on the contractual budget line item. Mr. Mason noted that this amount includes the payments for the workload study which includes the American Bar Association and the firm Crowe Horwath which is assisting in that study. Mr. Mason said that staff were in the second phase of that study and that is a larger portion of that report. Also included in the amount were the hiring of a contractor Kim Tandy who is assisting with the Task Force. She helped assemble the Task Force and provides ongoing technical assistance. The amount also included the contract for the copy machine.

Rep. Dvorak asked for specific job descriptions for all staff and the goals that each of these positions were projected to accomplish. He noted that the Commission overhead was up to 3.5% of total operating expenses. He would like to see an annual report to the board on how the budget is implementing the goals of the Commission.

Mr. Mason said he would like to have a mission statement as well as clear directives from the Board. Mr. Mason said he would like to have the annual budget and goals requested by Rep. Dvorak ready at the June meeting to have for the next fiscal year.

Mr. Hensel said it would be helpful to see quarterly updates on the status of the Commission budget.

Judge Meyer moved to approve the budget, which Rep. Dvorak seconded. Motion passed unanimously.

8. 2018 Statutory Changes

Mr. Mason presented the legislative priorities for the Commission in 2018, which included statutory cleanup language which transferred control of the Public Defense Fund to the Commission from the Office of Judicial Administration. He noted that the Supreme Court was supportive of this transfer of authority.

Mr. Mason asked the Commission for permission to pursue misdemeanor reimbursement and augmentation language for the public defense fund. Mr. Landis made a motion to recommend legislation this year according to staff recommendations. Mr. Mason requested approval that staff seek misdemeanor reimbursement and augmentation of the public defense fund as well as statutory language cleanup in the 2018 legislative session. Sen. Taylor moved to approve, and Mr. Hensel seconded the motion which passed unanimously.

9. Request for use of supplemental funds from Ripley County

Derrick Mason noted a letter from Judge Ryan King for permission to purchase a television that would be for defense use that is comparable to the one used by the prosecutor. The judge

believes public defenders are being overshadowed in trials and thinks it creates a disparity. Mr. Mason said that usually supplemental fund requests are for one-time costs on a case-specific basis. Usually these requests must be temporary as well. Mr. Mason asked for guidance on how to respond to the letter. The judge would not restrict use of these television to public defenders unless he needed to do so.

Mr. Landis asked why the prosecutor would not share the television, and Mr. Mason said that the prosecutors purchased the television with pre-trial diversion funds and therefore do not feel they can share use of the technology. Judge Meyer said that in his court there is a screen that everyone can use equally.

Richard Bray said there's no reason the judge couldn't go request this out of the county council board.

Derrick Mason asked for guidance from the Commission as to whether to approve this request or provide guidance on requests similar to the request being considered. Chairman Rutherford asked whether more information would be useful. Rep. Dvorak said that a survey of the Chief Public Defenders would be very useful to determine how the Commission could better meet needs such as the technology need reflected in the request from Ripley County.

Chairman Rutherford asked whether any member wished to make a motion. He directed staff to respond that it was the sense of the Commission that this request was not appropriate. No action was taken on this item.

10. Proposed meeting dates

Mr. Mason listed the proposed meeting dates for 2018, which included March 21, June 13, September 19 and December 12 at 2 p.m. Mr. Hensel moved to approve, Richard Bray seconded. Motion passed unanimously.

11. Workload study

Mr. Mason reported that the workload study had already completed its first phase and that the second phase was soon to begin. This phase is identifying the selection panel which will choose the attorneys for the Delphi panel. The selection panel will include Justice Rucker among others. The Delphi panel members will identify the amount of time required for specific case tasks and specific case types. Mr. Mason was working on a data request from the Office of Judicial Administration to create a statewide picture. The anticipated date for results was the fall of 2018. At that point, the Commission could consider whether to revise its standards.

12. Task Force on Public Defense

Ms. Casey reported on the progress of the Indiana Task Force on Public Defense, which was created by the Commission in response to the Sixth Amendment Center report on Indiana. The Task Force is chaired by Judge John Tinder (Ret.), United States 7th Circuit Court of Appeals. Judge Diekhoff is representing the Commission on the Task Force, and Mr. Landis is representing the Public Defender Council. Ms. Casey reported that the Task Force had held four meetings and was well into the fact-finding phase of the process.

Ms. Casey reported that the Task Force anticipated a report to be brought to the Commission in June, at which time the Commission could consider the findings.

Mr. Landis said that one of the largest structural issues was whether there was a way to ensure mandatory compliance with state standards. He said another large issue was who should appoint the Chief Public Defender in a county and who should have the authority to remove him or her if they are not performing adequately. He said that other state models are being examined to see how Indiana could build on the current structure and improve in areas that still need improvement.

Mr. Mason distributed copies of the Commission annual report and asked for any feedback from Commission members by the end of the week. Mr. Landis distributed copies of a summary of Indiana's public defense statutes.

After this time a motion was made to adjourn the meeting by Rep. Dvorak, and Judge Meyer seconded. Motion passed unanimously.

12/13/2017

COUNTY	Late Factor	2017 Period Covered	Total Expenditure	Adjustment For Non-Reimbrsbl	% of Adjstmt	Eligible Expenditure	40% Reimbursed
ADAMS	0.00	7/1-9/30	\$75,739.37	\$9,811.94	13%	\$65,927.43	\$26,370.97
ALLEN	0.00	7/1-9/30	\$1,049,131.59	\$33,670.26	3%	\$1,015,461.33	\$406,184.53
BENTON	0.00	7/1-9/30	\$17,162.60	\$3,525.90	21%	\$13,636.70	\$5,454.68
BLACKFORD	0.00	7/1-9/30	\$74,947.12	\$21,626.06	29%	\$53,321.06	\$21,328.42
BROWN	0.00	7/1-9/30			#DIV/0!	\$0.00	\$0.00
CARROLL	0.00	7/1-9/30	\$61,165.50	\$15,933.87	26%	\$45,231.63	\$18,092.65
CASS	0.00	7/1-9/30	\$143,280.39	\$21,792.98	15%	\$121,487.41	\$48,594.96
CLARK	0.00	7/1-9/30	\$285,322.06	\$22,927.88	8%	\$262,394.18	\$104,957.67
CRAWFORD	0.00	7/1-9/30			0%		
DECATUR	0.00	7/1-9/30	\$71,375.93	\$12,720.46	18%	\$58,655.47	\$23,462.19
DEKALB	0.00	7/1-9/30	\$161,366.97	\$16,572.78	10%	\$144,794.19	\$57,917.68
DELAWARE	0.00	7/1-9/30	\$318,108.75	\$5,640.69	2%	\$312,468.06	\$124,987.22
FAYETTE	0.00	7/1-9/30	\$77,673.10	\$7,398.65	10%	\$70,274.45	\$28,109.78
FLOYD	0.00	7/1-9/30	\$166,208.18	\$5,587.13	3%	\$160,621.05	\$64,248.42
FOUNTAIN	0.00	7/1-9/30	\$36,148.22	\$10,933.19	30%	\$25,215.03	\$10,086.01
FULTON	0.00	7/1-9/30	\$76,721.32	\$23,263.88	30%	\$53,457.44	\$21,382.98
GRANT	0.00	7/1-9/30	\$335,227.62	\$7,887.71	2%	\$327,339.91	\$203,661.39
GREENE	0.00	7/1-9/30	\$135,906.11	\$17,332.35	13%	\$118,573.76	\$47,429.50
HANCOCK	0.00	7/1-9/30	\$198,504.22	\$18,012.50	9%	\$180,491.72	\$72,196.69
HENDRICKS	0.00	7/1-9/30	\$212,268.86	\$23,686.49	11%	\$188,582.37	\$75,432.95
HENRY	0.00	7/1-9/30			0%		
HOWARD	0.00	7/1-9/30	\$373,111.79	\$55,480.77	15%	\$317,631.02	\$127,052.41
JACKSON	0.00	7/1-9/30	\$181,459.35	\$8,296.52	5%	\$173,162.83	\$69,265.13
JASPER	0.00	7/1-9/30	\$87,441.13	\$24,580.14	28%	\$62,860.99	\$25,144.40
JAY	0.00	7/1-9/30	\$101,114.08	\$12,467.44	12%	\$88,646.64	\$35,458.66
JEFFERSON	0.00	7/1-9/30	\$139,297.38	\$23,288.51	17%	\$116,008.87	\$46,403.55
JENNINGS	0.00	7/1-9/30	\$99,116.67	\$16,566.29	17%	\$82,550.38	\$33,020.15
KNOX	0.00	7/1-9/30	\$209,392.95	\$36,005.30	17%	\$173,387.65	\$69,355.06
KOSCIUSKO	0.00	7/1-9/30	\$182,822.98	\$43,791.77	24%	\$139,031.21	\$55,612.48
LAGRANGE	0.00	7/1-9/30	\$56,755.52	\$6,927.13	12%	\$49,828.39	\$19,931.36
LAKE	0.00	7/1-9/30	\$1,114,686.73	\$15,022.73	1%	\$1,099,664.00	\$439,865.60
LAPORTE	0.00	7/1-9/30	\$226,310.13	\$46,522.78	21%	\$179,787.35	\$71,914.94
LAWRENCE	0.00	7/1-9/30	\$221,481.67	\$16,794.31	8%	\$204,687.36	\$81,874.94
MADISON	0.00	7/1-9/30	\$464,034.44	\$21,178.73	5%	\$442,855.71	\$177,142.28
MARION	0.00	7/1-9/30	\$4,940,452.16	\$489,831.05	10%	\$4,450,621.11	\$1,780,248.44
MARTIN	0.00	7/1-9/30	\$94,093.89	\$19,020.99	20%	\$75,072.90	\$30,029.16
MIAMI	0.00	7/1-9/30			0%		
MONROE	0.00	7/1-9/30	\$607,170.93	\$92,098.05	15%	\$515,072.88	\$206,029.15
MONTGOMERY	0.00	7/1-9/30			0%		
NEWTON	0.00	7/1-9/30			0%		
NOBLE	0.00	7/1-9/30	\$190,910.57	\$26,024.58	14%	\$164,885.99	\$65,954.40
OHIO	0.00	7/1-9/30	\$16,557.73	\$4,724.57	29%	\$11,833.16	\$4,733.26
ORANGE	0.00	7/1-9/30	\$83,157.95	\$11,630.48	14%	\$71,527.47	\$28,610.99
OWEN	0.00	7/1-9/30	\$71,097.53	\$8,912.44	13%	\$62,185.09	\$24,874.04
PARKE	0.00	7/1-9/30	\$34,993.40	\$10,806.79	31%	\$24,186.61	\$9,674.64
PERRY	0.00	7/1-9/30	\$91,807.77	\$21,450.41	23%	\$70,357.36	\$28,142.94
PIKE	0.00	7/1-9/30	\$22,319.18	\$2,256.77	10%	\$20,062.41	\$8,024.96
PULASKI	0.00	7/1-9/30	\$104,409.94	\$27,288.66	26%	\$77,121.28	\$30,848.51
RIPLEY	0.00	7/1-9/30	\$70,292.49	\$2,769.67	4%	\$67,522.82	\$27,009.13
RUSH	0.00	7/1-9/30	\$102,598.08	\$10,520.56	10%	\$92,077.52	\$36,831.01
SAINT JOSEPH	0.00	7/1-9/30	\$563,833.33	\$67,303.75	12%	\$496,529.58	\$198,611.83
SCOTT	0.00	7/1-9/30			0%		
SHELBY	0.00	7/1-9/30	\$99,618.81	\$14,326.22	14%	\$85,292.59	\$34,117.04
SPENCER	0.00	7/1-9/30	\$88,227.52	\$7,941.34	9%	\$80,286.18	\$32,114.47
STEUBEN	0.00	7/1-9/30	\$104,488.15	\$21,226.90	20%	\$83,261.25	\$33,304.50
SULLIVAN	0.00	7/1-9/30	\$65,017.14	\$5,100.00	8%	\$59,917.14	\$23,966.86
SWITZERLAND	0.00	7/1-9/30	\$44,469.41	\$3,827.83	9%	\$40,641.58	\$16,256.63
TIPPECANOE	0.00	7/1-9/30	\$827,599.10	\$284,951.79	34%	\$542,647.31	\$217,058.92
UNION	0.00	7/1-9/30	\$23,859.75	\$4,313.86	18%	\$19,545.89	\$7,818.36
VANDERBURGH	0.00	7/1-9/30	\$657,414.85	\$111,626.76	17%	\$545,788.09	\$218,315.24
VERMILLION	0.00	7/1-9/30	\$72,809.58	\$12,745.49	18%	\$60,064.09	\$24,025.64
VIGO	0.00	7/1-9/30	\$522,606.27	\$73,992.11	14%	\$448,614.16	\$179,445.66
WABASH	0.00	7/1-9/30	\$84,075.44	\$10,343.78	12%	\$73,731.66	\$29,492.66
WARREN	0.00	7/1-9/30	\$17,371.30	\$2,357.50	14%	\$15,013.80	\$6,005.52
WASHINGTON	0.00	7/1-9/30	\$118,147.69	\$12,077.25	10%	\$106,070.44	\$42,428.18
WELLS	0.00	7/1-9/30			0%		
WHITE	0.00	7/1-9/30			0%		
WHITLEY	0.00	7/1-9/30			0%		
TOTAL			\$16,672,682.69	\$1,964,716.74		\$14,707,965.95	\$5,955,911.81

Grant County has \$72,725.43 added to its 3Q reimbursement for 2Q missing reimbursement