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# Public Defender Commission



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## Legislative Update

### \$3.5 Million in Additional Funding; No Changes to Reimbursement

The Commission requested an additional \$2.5 million to continue reimbursements without risk of prorating. The legislature, in response to the increase in CHINS/TPR cases across the state, allocated to the Commission an additional \$1 million for a total of \$3.5 million. The Commission will now be secure in continuing to reimburse the full 40% of requested reimbursements through the next biennium even as defense costs increase.

The Association of Chief Public Defenders, Commission member Larry Landis, and Commission staff pushed hard for the Commission's recommendations to reimburse misdemeanors, raise reimbursement to 50%, and eliminate the potential of prorating reimbursement. The legislature did not adopt these recommendations. The Budget Bill did advocate an interim study on providing indigent defense services to those charged with misdemeanors and parents in CHINS cases.

## Annual Training Event Held

The Commission held its inaugural training on May 2nd at the Indiana Government Center. While the Association of Chief Public Defenders and the Commission members meet quarterly, this annual training is the first event specifically designed for the county representatives that fill out the reimbursement request. Nearly 50 people attended representing 32 counties.

The training included step-by-step guidance of the new forms, a review of additions to forms, and a panel discussion of varying practices among counties.

Many counties expressed the need for more training and communication from the Commission. This training was just the start of the Commission's effort to be more visible to counties, available to answer questions and respond to suggestions for improvement.

The updated forms and new instruction manual can be downloaded from our website: <http://www.in.gov/publicdefender/2376.htm>. **Highlights of the changes are featured on page three of the newsletter.**

We hope to hold another training next year. And as always, if you would like for Commission staff to come to your office and conduct a training we are always available to do so!



*Senior Staff Attorney Derrick Mason reviews the updates to Form I (formerly known as the Request for Reimbursement) during the training session.*

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## Submit a Story

Is there something happening in your county you'd like to share? Contact Kathleen Casey at [kathleen.casey@pdcom.in.gov](mailto:kathleen.casey@pdcom.in.gov) to submit a story idea for upcoming issues of the Public Defender Commission newsletter.

# Tippecanoe County purchases new office space

Tippecanoe County recently secured a portion of a building to host their public defender office. This is a landmark event for Tippecanoe County because they were previously housed in the Courthouse without sufficient privacy or space.

This is also a landmark event for the Commission, because it led to a new rule for reimbursement. The Guidelines have been updated to explain how a county will be reimbursed for the purchase of capital (building-related) expenses. It will take place over a 10 year (40 quarter) time period and require a pre-approval process. If your county is thinking

of purchasing or constructing a space for public defense use, please contact Commission staff to see how you can get money back!

Here are photos of the new space sent in by Bill Lindblom of Tippecanoe County. Congratulations to Tippecanoe!



*Conference area in the Tippecanoe Public Defender's Office. Photo by Bill Lindblom*



*Office space in the new Public Defender Office in Tippecanoe County. Photo by Bill Lindblom*



# Indiana Public Defender Council Juvenile Defense Project

In 1967, in *In re Gault*, the Supreme Court declared that children facing delinquency prosecution have many of the same legal rights as adults in criminal court, including the right to an attorney. 50 years later, the Indiana Public Defender Council's (IPDC) Juvenile Defense Project is working to make sure children in Indiana's juvenile justice system all have access to well trained, qualified juvenile public defenders.

In 2015, the Department of Justice, Office of Juvenile Justice, and Delinquency Prevention awarded grants to four states – Delaware, Indiana, Kentucky and Washington – to create strategic plans for statewide juvenile defense programs, and last year awarded Indiana and Delaware additional funding to put those plans into action. Indiana stands not only to make significant reforms to its juvenile defense system, but to serve as a model for other states to do the same.

Some early outcomes of the Project:

- Orientation on legal rights for all kids entering the Department of Correction, and connecting kids with qualified lawyers, trained in juvenile law, to handle post-disposition legal

needs.

Orientation began on April 4th at Madison Juvenile Correctional Facility and April 7th at Logansport Juvenile Intake Facility. Project attorneys and a paralegal will conduct orientation and follow up interviews every other week at each facility. After the first month, 54 youths have been through orientation on their legal rights. Of those, 26 met individually with an attorney and six were connected with attorneys for a direct appeal.

- IPDC's juvenile unit is developing and providing free, juvenile specific regional trainings to juvenile public defenders using the JTIP (Juvenile Training Immersion Program) training developed by the National Juvenile Defender Center. Three regional trainings in three different areas of the state will be held in June, August-September, and December.

The first regional trainings will provide 3 hours of CLE on the topic of adolescent brain development and have been scheduled for the following locations:

Indiana Government Center, Indianapolis, June 8th 1:00 – 4:30

p.m.

Valparaiso Law School, June 16th 1:00 -4:30 p.m.

Maurer School of Law, Bloomington, June 23rd 1:00-4:30 p.m.

- IPDC's juvenile unit is providing technical assistance, research, pleadings review, consultations, and connection to national experts to juvenile public defenders in all parts of Indiana. A juvenile delinquency public site and members-only site has been developed and will launch on the IPDC website in May. A juvenile delinquency listserv for public defenders was launched in April.

For questions or further information, please contact:

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## Updated reimbursement forms and instructions now available

You have asked, and the Commission has listened—the forms required for the reimbursement request have been updated and a set of instructions has been written by Jennifer Pinkston and Kathleen Casey to assist you in the quarterly reporting process. We recognize that the reimbursement request is a lengthy process and Commission staff are thankful for your effort!

To ease the process, we have developed additional materials and revised our existing documents to reflect feedback we have received from our members.

We received amazing suggestions at our inaugural Annual Meeting and have implemented those changes in the forms. If you ever have an idea, please e-mail it to [information@pdcom.in.gov](mailto:information@pdcom.in.gov) and staff will look to see if we can improve the forms even more!

Among the highlights you will see in the new forms are:

- **Fixed formulas** – Commission staff reviewed the forms to ensure that all formulas are accurate and working. This was among the largest problems with quarterly reporting, and caused a great deal of frustration for our members.

- **Changes to categories on financial information** – Expense categories have been added to more accurately capture expenses, such as a specific line for CLE expenditures.

Additionally, categories have been better organized to more accurately reflect expenses incurred by the county. If you have any questions on the additions or where to capture an expense, please let us know. If you have suggestions on additional categories to be included, please email them to [information@pdcom.in.gov](mailto:information@pdcom.in.gov).

- **Numbered sheets** – Each section of the report now has a label with a Roman numeral to easily identify which sheet may have an issue. This change was in response to frequent confusion as to the proper name to identify the different forms. Additionally, the numbered forms should make it easier to see if any one of the sections (Forms I through V) are missing when preparing to mail in the reimbursement.

- **Step-by-step instructions** – Available on our website is an instruction booklet that will answer common questions and assist you as you fill out the report. This booklet is meant to supplement the training you received at the annual training and in individual training sessions. It is not yet sufficient to give to someone who is preparing the report for the first time without additional assistance. However, we hope it is a

reference and refresher for those who are already trained in completing the report. Eventually we hope to have training videos on our website that will provide step-by-step guidance for new members.

- **Self-audit checklist** – This checklist will help you double-check that the totals entered on the different parts of the spreadsheet have been added correctly. The checks included in the self-audit checklist mirror the audits performed by Commission staff, and if the math on the Self-Audit checklist works, then you will most likely be prepared to pass your audit!

The Commission sent out an e-mail and letter to each county to let members know that these new forms will be required starting 3rd Quarter of 2017, but you may begin using them now. If you have any trouble downloading the new forms,

please contact staff and we will assist you in obtaining the new forms. Please remember that the most recent version

of each form will be found on our website (<http://www.in.gov/publicdefender/2376.htm>), and it is useful to

check at least once or twice a year to make sure that there have been no changes made to the forms. Several quarters ago members were unaware that the caseloads for TPR/CHINS had been increased, and some counties had unnecessary caseload

The image shows three overlapping forms. The top form is Form I (Request for Reimbursement), which includes fields for County, Period Covered, Preparer's Name, and Public Defender information. The middle form is Form II (Attorney C), which includes a section for the Chair's name and address. The bottom form is Form IV-A (Non Reimbursable Calculator), which is a detailed spreadsheet with columns for various categories and totals. The forms are from the Public Defender office in Indiana.

overages as a result.

As we mentioned previously, the Commission truly does need your feedback. While we are auditors, we want to make this process as collaborative as possible to provide the most reimbursement and best public defense system to your county. We hope to continue to refine the reporting process until the time when the Commission can invest in a fully electronic system. In the meantime, please feel free to e-mail your completed Excel spreadsheets (not .pdf) to [information@pdcom.in.gov](mailto:information@pdcom.in.gov) along with your mailed hard copy. This will assist Commission staff if we need to make a minor change or see if there are errors in your spreadsheets. We rolled out this request for Excel submissions in addition to the mailed submission at the Annual Training, and here in the newsletter we would like to open that up to any county who wishes to ease the auditing process when changes are made.

Thank you again for your patience as the Commission works to improve our system! As always, please reach out to us with any questions or concerns you may have.

## Request for Reimbursement Deadlines for 2017

1st Quarter 2017 due May 15, 2017  
2nd Quarter 2017 due August 14, 2017  
3rd Quarter 2017 due November 15, 2017

All requests for reimbursement must be received by the above date. Please feel free to send in your submission early!

As always, our staff are happy to assist with any questions you have in completing the report.



## Join us for the June Commission Meeting

The next Commission meeting will be held June 14, 2017 at 2 pm. The June meeting is scheduled to take place at the Indiana Government Center South, Conference Room D

Please visit our website for the latest date, time and location of the meeting and information on upcoming meetings.

## Commission Address

Please be sure all correspondence mailed to the Commission is sent to our new address:

Indiana Public Defender Commission  
309 W Washington St Suite 501  
Indianapolis, IN 46204

**The Office of Judicial Administration will be moving soon and we cannot guarantee anything sent to the old address will reach us.**

## Commission Meeting Update

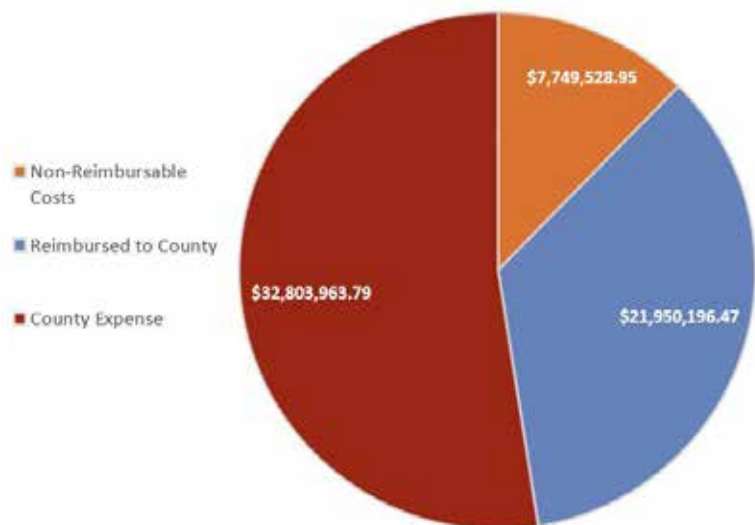
The April 6th meeting of the Public Defender Commission saw the approval of reimbursement requests for both capital and non-capital requests. There was a record level of reimbursement this quarter, following a trend from previous quarters. Commission members approved the Comprehensive plan for Hendricks County, and we welcome them into PDCOM as they take steps to bring their program online. Issues of health care self-insurance by counties and the participation of senior judges on Public Defender Boards were tabled until the next meeting for time purposes. You will find our full minutes on our website at [www.in.gov/publicdefender](http://www.in.gov/publicdefender).

## 2016 Non-Capital Reimbursement At a Glance

During 2016, Commission counties reported \$62,503,689.21 in non-capital public defense costs. Quarters three and four were record breaking quarters with \$5,561,277.71 and \$5,693,461.93 in reimbursements respectively.

Thanks to the appropriation from the legislature, it is likely that the Commission will not have to prorate in the near future. However, it is essential that all counties continue to inform their local legislators of the importance of public defense funding and the continued increase in costs.

If you would like to see the historical reimbursements to your county, please visit our website. We have provided a spreadsheet that breaks down reimbursements by county, and by year. This data may be useful in your next request for funding from the county council.



Non-Capital Public Defense Costs Reported by Commission Counties

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