

# MEETING MINUTES

## STATE PUBLIC DEFENSE COMMISSION

*Date | time* 5/31/2016 9:00 AM | *Location* Len B. Jordan Building, Conference Room B-09, 650 W. State Street, Boise, ID 83702

*Meeting:* Commission Meeting

### Commission members present

Darrell Bolz, Chair, Juvenile Justice Comm. | Sara Thomas, Vice Chair, SAPD | Christy Perry, Representative | Kimber Ricks, Madison Co. Comm. | Linda Copple Trout, Administrative Director of the Courts | William Wellman, Defense Attorney (arrived at 9:43am)

Nichole Devaney, Admin. Asst.

### Commission members absent

Chuck Winder, Senator

### Others present

Kathy Griesmyer, ACLU | Okorfor Ikeagwu, ACLU | Carter Winters, Gem County Public Defender | Alexa Perkins, Gem County Public Defender

Item	Responsible
1. Welcome and Call to Order: Chair Bolz called the meeting to order at 9:08am.	Bolz
2. Approval of prior Meeting Minutes (04/28/16, 05/03/16 & 05/11/16): Trout moved to approve the commissions minutes from the previous meetings held on April 28 <sup>th</sup> , May 3 <sup>rd</sup> and 11 <sup>th</sup> . Wellman seconded and the motion was approved unanimously.	Commission
3. Executive Director Report	Commission
a. Priorities List: ED Simmons went over the attached list.	
b. Idaho Public Defense Act – Principles Info Sheet: ED Simmons presented the sheet to the members outlining the differences HB0504 made to the statute.	
c. Gideon's Promise Leadership Trainer Development in January 2017 Attendance: Thomas commented that this would be a good training for ED Simmons to attend. Bolz ask that she determine the cost of the conference and the members could make a decision at the next meeting.	
d. Law Firms Offered Assistance: The members agreed that this offer for assistance could be filed for future resources.	
e. ACLU's SMI to DP Exception: ED Simmons asked if the PDC would be in support of the proposed legislation and if she could participate either personally or on behalf of the PDC. Thomas stated that this may be mission creep if the PDC were to get involved. The members agreed ED Simmons could work with the ACLU on the legislation on a personal level if she chose to but not as a representative of the PDC and that would need to be made very clear.	

Item	Responsible
<ul style="list-style-type: none"> <li>f. In Office Intern: The members agreed that having an Intern in the office to assist with the rule making process could be helpful. Thomas suggested working with BSU to get someone studying public administration or policy.</li> <li>g. Library/Resources for PD's and Listserv: Item not discussed.</li> <li>h. Archiving Videos of Trainings and Public Record Requests: Item not discussed</li> </ul>	
<p>4. Annual Reporting Status: ED Simmons asked what the status on the reporting form was. The members shared that a new form needs developed that would be more user friendly and contain information that was obtainable. They felt the focus at this point would be to educate PD's and counties on the type of information they should be tracking. Thomas mentioned that the commission will not get good information until people are educated and familiar with what is needed. The grant application will be the reporting format this year.</p>	Commission
<p>5. Draft Grant Application: The members asked that DRAFT be written on each page of the form. On page one there needs to be a break down between PD and conflict PD. They will need to indicate non-conflict and conflict cases handled. The use of an appendix for definitions was also suggested.</p>	Commission
<p>Page 2: Wording should include "meeting the Constitutional Standards" and spell out the Idaho Supreme Court within the definition of a case. Bolz suggested adding an appendix for the PDC Principles. Ricks shared that the due date should be emphasized. Perry commented that for Local Share the components that are included should be provided possibly in an appendix. Thomas suggested that ED Simmons make a list of the components and submit it to Thomas and Wellman for review and that Dan Chadwick would be a good resource to determine what is needed. References to FY2015 should also be checked and corrected if needed.</p>	
<p>Page 3: The highlighted section should be in bold/italics. ED Simmons asked for comments/suggestions on the principle wording. Thomas offered that she felt only principles 2, 6, 7 and 10 apply. The members agreed that a scale of 1 to 5 should be used in this section to answer the questions.</p>	
<p>Thomas inquired as to if a county commissioner was opposed to the grant and refused to sign, should the application require a minimum of just two signatures. Ricks suggested asking Dan Chadwick that question.</p>	
<p>Form B: ED Simmons asked if it addressed the joint office portion appropriately. Thomas suggested adding wording such as "If Any MOU Exists".</p>	
<p>Clerk Certification: The dates need to be changed to reflect FY2015.</p>	
<p>6. Staffing: Deputy Director, Administrative Assistant and Liaisons: ED Simmons shared that she would like to have the Deputy Director hired by July 1<sup>st</sup>. The members decided they would need to review the responsibilities of the position prior to issuing the job announcement and it should be scheduled prior to the July 5<sup>th</sup>. They agreed to meet on June 21<sup>st</sup> at 9:00am, cancel the meeting on July 5<sup>th</sup> and hold a conference call meeting on July 1<sup>st</sup> at 9:00am to review the grant application one final time prior to releasing it for use to the counties. Regarding the Administrative Assistant position, Thomas stated that it was ED Simmons decision to determine her preference as to if she would like one full or two part time people.</p>	Commission
<p>7. Idaho Association of Counties Meeting, Burley – June 7<sup>th</sup></p>	

- a. PowerPoint Presentation: Thomas, ED Simmons and Rep. Perry will attend the meeting. ED Simmons shared that she has contacted Dan Chadwick to get his input on what information the presentation should contain. He commented that she should start over, all over. Therefore ED Simmons has done so, the presentation contains slides that introduce the Commission, HB0504 and its effect on the statute, model contract terms, the grant program and non-compliance. The members made a few minor corrections and approved the presentation.
8. Idaho Juvenile Rule 43 (H0556aaS): ED Simmons shared that this information had been forwarded to the PD Roster, asking that comments come back to ED Simmons. The comments received indicate that most PD's are okay with the rule however, Ada County felt it may be onerous. Thomas suggested feedback go directly to the individual agency requesting the information so that the PDC can comment separately. She did not feel that this was part of the PDC's charge but that we can help to facilitate the information.
9. Rules:
  - a. Training Rules: ED Simmons asked if the PDC could charge for private attorney attendance to CLE trainings. Thomas offered that collecting money is difficult as those funds generally are applied to the State General Fund rather than coming back to the PDC. The PDC co-sponsoring CLE events with private attorneys is a way around having to collect. Perry shared that if in the future the commission would like to enable private attorneys to pay to attend CLE's a change in the statute could be drafted to mandate that moneys are returned to the PDC. There was some discussion on if the members were in favor of implementing temporary training rules prior to completing the negotiated rule making process. Given that Dan Chadwick did not have any objection to the training rules being temporary until the process could be completed the members were all comfortable with that and agreed to move forward with making the training rules temporary for now.
  - b. Others
10. Strategic Plan
  - a. Proposed Amended Mission Statement – ED Simmons asked for thoughts and comments on the proposed changes. Ricks offered that the bullet points in the Vision Statement are specific and maybe should become a part of the Mission Statement. Thomas offered to provide some guidelines she has regarding how Mission Statements are written and then the members could review a revised version at the next meeting.
  - b. Proposed Amended Vision Statement – The members agreed it should be updated to reflect the changes brought on by HB0504.
11. FY2017 Trainings: Perry suggested conducting a training for the Commissioners, Clerks and other stakeholders on how the grant application will work in addition to other valuable information. Thomas asked if the Winter IAC meeting would be a good time for that. She suggested contacting David Carroll to assist with training information. ED Simmons asked about conducting regional trainings. Thomas said she would like to see those as well but the Commission could capitalize on the captive audience during the Winter meeting. The members suggested that the training occur at the February and September meetings after the new commissioners have taken office. Bolz suggested surveying PD's on topics as well.

Item	Responsible
12. Co-sponsoring Federal Defender Seminar: The seminar is scheduled for Sept 16, 2016 and is generally a very good meeting that is well attended. Wellman motioned that the PDC co-sponsor the Federal Defender Seminar, Thomas seconded with the requirement that attendees must attend both days. The motion was passed unanimously.	
13. Provision of Travel Assistance to PD's Who Attend the National Juvenile Defense Center Western Region Conference in Spokane on July 15th – 16th: Thomas suggested sending the ED and other PD's from across the state who handle juvenile cases. Trout moved that the Commission provide travel lodging and registration cost for PD's to attend the Western Region NJDC Conference, Ricks seconded and the motion passed unanimously.	
12. Additional Items As Necessary: No additional items were discussed	Commission
13. Executive Session: Pursuant to Idaho Code 74-206, convene in executive session to consider personnel matters and or litigation (Idaho Code 74-206(1)(a) &/or (f)). Session was not utilized for this meeting.	Commission
14. Future Meeting Schedule: July 5, 2016 at 1:00pm – the members decided to cancel the July 5th meeting in lieu of the meeting on June 21st at 9:00am to discuss the grant application. Followed by a conference call meeting on July 1st at 9:00am to approve the application to be for distribution to the counties.	
15. Next Meeting Location: 3rd Floor Board Room at the Nampa Public Library, 215 12th Avenue, Nampa, ID 83651 – The location was changed to the PDC Office on June 21st.	
16. Agenda Items for Next Meeting	
17. Adjournment: The meeting was adjourned at 11:25am.	Bolz

Attachments: Priorities List  
Idaho Public Defense Act Info Sheet  
Draft of Idaho's Principles of an Indigent Defense Delivery System  
Gideon's Promise Leadership Trainer Development Brochure  
Behind the Gavel Email  
Grant Application Draft  
IAC Meeting PowerPoint  
Federal Defenders Seminar – Agenda  
Proposed Mission and Vision Statements