

MEETING MINUTES

STATE PUBLIC DEFENSE COMMISSION

Date | time 11/22/2016 1:00 PM | *Location* PDC Office, 816 W. Bannock Street, Suite 201, Boise, ID 83702

Meeting: Commission Meeting

Commission Members

Darrell Bolz, Chair, Juvenile Justice Comm. | Shellee Daniels, IAC Representative | Eric Fredericksen, SAPD | Linda Copple Trout, Representative of the Courts | William Wellman, Defense Attorney | Chuck Winder, Senator

Kimberly Simmons, Executive Director | Kelly Jennings, Deputy Director
Andrew Masser, Research Analyst | Nichole Devaney, Admin. Asst.

Commission members absent

Christy Perry, Vice Chair, Representative

Others present

Jess McCafferty, ACLU of Idaho | Teresa Baker, Idaho Association of Counties

	Item	Responsible
1:30	Welcome and Call to Order:	Bolz
1:35	Approval of Prior Meeting Minutes (10/27/16 & 11/1/16): Fredericksen moved to approve the minutes from 10/27/16, Wellman seconded and the members unanimously agreed. Fredericksen moved to approve the minutes from 11/1/16, Trout seconded and the members unanimously approved the motion.	Bolz
1:40	ASC Conference Summary: DD Jennings presented regarding her trip to the American Society of Criminology Conference in New Orleans, Louisiana. Overall, the conference provided an excellent opportunity to make contact with other indigent defense professionals in state and national organizations, and communication since the conference has already been helpful. There were a number of sessions with information relevant to issues coming up in Idaho. One interesting concept from New York regarding counsel at first appearance (CAFA) that may prove useful over time referenced differences before and after CAFA was established were not as profound as differences among delivery systems in different counties. That is, county differences still demonstrate greater variance in processes than do "before and after" studies of CAFA. DD Jennings recommended that the PDC participate in subsequent indigent defense themed meetings at ASC for the purposes of networking and collaboration.	Jennings
1:55	Training Rules – Approval of Some Edits: DD Jennings went over the revisions asking for any discussion, there was none. Wellman moved to approve the Training Rules subject to the edits made by the Commission. Fredericksen seconded the motion. The Training Rules were unanimously approved.	Jennings
2:15	Rule Regarding Standards for Defending Attorneys – Final Approval and Summary of Comments by Kelly/Andrew: DD Jennings and RA Masser presented a summary of all public comments received regarding the proposed standards. The most significant comments were strong opposition to the caseload standard. In response to these comments the Commission voted to remove the caseload standard from the proposed rule. Some other	Jennings

minor grammatical changes were also approved. Wellman moved to approve the Standards Rules subject to the edits made by the Commission. Trout seconded the motion. The Standards Rules were unanimously approved.

- 3:15 **Executive Director Report** Simmons
- a. **Bingham County ID Grant Fund Distribution Request:** Bingham Co. had submitted a letter requesting clarification about the requirement that funds not be used to supplant current funding, given that the ban on flat-fee contracts led to increased costs that predated the grant funding. Comm. Daniels shared that as long as an increase in actual service is occurring, she felt some leeway could be given. Justice Trout said that seemed fair since this wouldn't be supplanting. ED Simmons offered that she would send a letter to Bingham Co. upon approval of said letter by the Commission. [NOTE: Sen. Winder leaves after this discussion]
 - b. **Holiday Open House and Potluck:** Plans for the holiday potluck were discussed. It was scheduled for Dec. 20th. [NOTE: Comm. Daniels left the phone call at this point].
 - c. **Preparing for the Legislative Session:** ED Simmons stated she would discuss this with Chair Bolz and the legislative members.
 - d. **FY2017 Training Schedule:** A budget and calendar for FY2017 trainings was presented.

Motion and Order to Amend Agenda: Winder moved that this governing body, pursuant to Idaho Code 74-204, amend the agenda for this meeting as follows:

Addition of Washington County Public Defender email.

Good faith reason item was not included in posted agenda:

The email was received after the agenda was posted and the next meeting will not be until January.

Trout seconded the motion and the amendment was unanimously agreed upon by all members.

Discussion of Washington Co. PD email: ED Simmons summarized the email received from Mr. Darrington related to the county planning to withdraw their proposed contract with Mr. Darrington. Washington Co. previously did not have PD contracts. Mr. Darrington posted a Youtube video containing footage of a police officer's body camera, and was worried that the contract withdrawal was in retaliation. Wellman indicated that he will informally talk to Mr. Darrington. ED Simmons also offered to contact the Washington Co. Commissioners regarding contracts generally.

- 3:30 **Extraordinary Litigation Policy:** There was discussion about whether costs or a case are what should be designated as extraordinary. Additionally, there was discussion of the proposed notification provisions, with ED Simmons saying that the commission would want to know about a county's budget before disbursing extraordinary litigation funds. A question was raised at what point in the process would counties come to the PDC to request extraordinary funds. Another question was raised as to reimbursement or future expenses. Then moved to a discussion as to whether PDs would have to seek judicial approval prior to applying to the PDC. Questions were raised about public records request issues.

- 4:15 **PD Reimbursement:** Wellman asked what the position of the commission was on judges imposing fees on detainees, to be used toward public defense reimbursement. There was some discussion with Daniels sharing that in most cases it is an attempt to recoup cost for public defense that may have been questionable. Wellman

	Item	Responsible
4:30	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)). An executive session was not necessary at this meeting.	Commission
4:30	Future Meetings - Discussion: <ol style="list-style-type: none"> Next Meeting: January 3rd at 1:00pm. Next Meeting Location: PDC Office - 816 W. Bannock Street, Suite 201, Boise, ID 83702 	
4:45	Adjournment:	Bolz

Attachments:

- Extraordinary Litigation Policy
- Training Rules
- Standards for Defending Attorneys
- Standards Comments from IAC
- Standards Comments from Bonneville County
- Standards Comments from Bingham County
- Bingham County Commissioners Letter