

# MEETING MINUTES

## STATE PUBLIC DEFENSE COMMISSION

*Date | time* 1/3/2017 1:00 PM | *Location* PDC Office, 816 W. Bannock Street, Suite 201, Boise, ID 83702

*Meeting:* January Commission Meeting

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### Commission Members Present

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Darrell Bolz, Chair, Juvenile Justice Comm. | Christy Perry, Vice Chair, Representative (arrived at 1:57) | Shellee Daniels, IAC Representative | Eric Fredericksen, SAPD | Linda Copple Trout, Representative of the Courts

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

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### Commission Members Absent

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William Wellman, Defense Attorney | Chuck Winder, Senator

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### Others Present

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	Item	Responsible
1:00	<b>Welcome and Call to Order:</b> Chair Bolz called the meeting to order at 1:08 pm	Bolz
1:05	<b>Approval of Prior Meeting Minutes (11/22/16):</b> Frederickson moved to approve the minutes from 11/22/16, Trout seconded and the members unanimously agreed.	Bolz
1:10	<b>Budget Review:</b> The commission is under budget in all categories thus far. There is considerable savings in personnel costs. If there are projects the members would like to see completed there is funding to do so.	Devaney
1:25	<b>Executive Director Report</b>	Simmons
	a. Utah Trip: ED Simmons and DD Jennings visited the Utah Defense Commission in December. Their commission is very young, the trip was a collaborative effort to educate both commissions. During the visit three conference calls were held with other public defense organizations such as: the Michigan and Texas Indigent Defense Commissions, the New York State Office of Indigent Legal Services, NLADA, NAPD and the National Center for State Courts. There was a lot of great discussion and feedback, it was a worthy trip. Bolz shared that it may be a good idea to have David Carroll visit the commission and provide an assessment on the commissions progress thus far. ED Simmons responded that he has reviewed the defense standards and played a role in the final decision. The members agreed that it would be a benefit. ED Simmons suggested that April time frame may be the best for a visit, given the other items in motion at this time.	
	b. <b>Research Study Update:</b> Staff met with BSU on Thursday to go over the initial stages of the workload study. ED Simmons gave a brief summary of the program for Comm. Daniels benefit. Bolz explained the lack of data instigated the study, Daniels agreed that it was very important. She then asked how long the study	

would be conducted. ED Simmons responded it was anticipated to last 8 to 12 months. She then asked if running the study for only an 8<sup>th</sup> month period would affect the outcome. ED Simmons responded that in studies conducted in other states they had not found additional time was beneficial to the results. Trout offered that previously seasonal aspects had played a part in attorney workloads but, presently that is not really the case. The load is pretty consistent year around. Bolz offered that he would hope that the study would not solely look at one period. Trout asked when the commission is hoping to have the supplemental budget request approved. Bolz offered that LSO was trying to get it through quickly. ED Simmons shared that there was an article printed stating that the PDC issued BSU a grant but as the members are aware that is not the case. The PDC's budget hearing is scheduled on February 10<sup>th</sup> but the supplemental request is anticipated to be approved prior to that.

- c. **ED Schedule: Upcoming trainings include Gideon's Promise; NAPD Leadership Training and an IAC Training:** Monday ED Simmons will be attending the Governors State of the State Address. The ACLU law suit will be heard before the Supreme Court at 11:00am on Wednesday. She will be attending Gideon's Promise Leadership Training in Atlanta beginning the 17<sup>th</sup> through the 22<sup>nd</sup>. ED Simmons and DD Jennings will be presenting to IAC at their next meeting on February 7<sup>th</sup> – A Day in the Life of a PD, that will continue into the June meeting. Trout asked if part of the presentation would include why everyone is eligible for a defender. ED Simmons agreed to include that and already has some resources to accomplish that. Daniels said that would be very helpful given that this process takes up a 1/3 of her counties budget.
- d. **Legislative Session Preparation & Schedule:** ED Simmons and staff met with Chair Bolz this morning to go over priorities. She will be meeting with some of the committees so they are familiar with what is coming. Bolz shared that one issue with the legislature the commission needs to clarify is ED Simmons interaction with them. Continuing that there is a fine line between educating and lobby. He feels it is the place of the ED to help educate on the topic of public defense. Trout shared that she should be mindful of whom she is representing: defenders, commission members and county commissioners. Being considerate of how the interaction would impact them. ED Simmons offered that her personality is not such that she would approach folks but she would answer questions if asked however if the answer is unclear then the response would be she would need to check with the commission. ED Simmons asked that should anyone see something they would like the staff to attend please contact us. Bolz offered he did not foresee much relating to public defense coming up this session. To include a presentation to the two germane committee would be a good idea.
- e. **Policies & Procedures: ELF Subcommittee; General:** The ELF Subcommittee will be meeting on Friday to go over the ELF issue. The staff are also working on internal policies and procedures for the office.
- f. **County Update: Bingham County:** ED Simmons stated that a Bingham county PD shared with her that Bingham may be considering bringing their office in house. A proposal for that process had been submitted, ED Simmons reviewed and offered feedback on it. She explained that it will be kept on file as a resource for other offices. She offered that some of the Bingham County Contract PDs are not happy about this as it is a staple in their current practice and it's a hard pill to swallow. Bolz asked about if there had been any progress on the six counties joining together.

Item	Responsible
<p>Daniels responded that Power and Oneida will not be participating in that program. Franklin and Bear Lake may be doing something different as well.</p>	
<p>1:55 <b>Employee Evaluations: Seeking Guidance and ED Evaluation by Commission:</b> ED Simmons shared that she was reminded in a meeting that evaluations are due soon. She will conduct the DD's and Admins but the commission will need to conduct hers. She shared that for the DD and ED a full year would not have been completed yet. Trout responded that doing an annual would probably be the best, to provide for the CEC's. Frederickson offered to share the process of how the SAPD completes the evaluations with her. Bolz shared that he would like to have total evaluation input by all members when preparing ED Simmons's evaluation.</p>	Commission
<p>2:10 <b>ByLaws – Update and Review:</b> ED Simmons went over the revisions made to the original bylaws. The first page additions are reflective of the statute. The notice section in section 6 was changed to reflect the correct notification period. Changes were made to the committee section changing the power of the committee from having the same power to being able to offer recommendations. Perry shared that she would like to see wording that allows the members to designate members on the committee. Those revisions were made. Trout asked if it was necessary to state back on the purpose portion that the commission distributes the grant funds. She also indicated that it may be pertinent to include language about removal of a PD if standards are not met. ED Simmons added section D to remedy her concerns. Approval of the revisions will be voted on at the next meeting.</p>	Simmons
<p>2:40 <b>Indigent Defense Grants – FY2018</b></p> <ul style="list-style-type: none"> <li>a. <b>Discussion:</b> The commission will not know what the appropriation are until approved by the legislature. However, the commission could be working on the application and things prior to legislative appropriation. Daniels shared that when she worked in grants it is common to prepare the application without the award being set. Perry asked if the request for the merger incentive funds was decreased based on how it was used. ED Simmons responded it had not due to the instability of the counties. She stated that the staff would be working on the application and checklist.</li> <li>b. <b>Temporary Rule:</b> For guidance on the application process ED Simmons asked if the members felt it necessary to create a temporary rule. The staff will work on a temp rule to present to the members in February that could be out by March 1.</li> <li>c. <b>Application:</b> In progress</li> <li>d. <b>Checklist for Compliance:</b> In progress</li> </ul>	Simmons
<p>3:10 <b>Annual Report to Legislature – Review and Approval:</b> ED Simmons went over the report briefly asking the members to take some time and review it. This eyed toward providing the information to the legislature but also to provide information to other agencies. Trout shared that it seems really long. Daniels suggested that an executive summary be drafted to be presented to the germane committees. Trout asked if it is required, ED Simmons responded it was not, only the recommendations are required. However, she would like to have something to back up the recommendations. Frederickson asked if ED Simmons would be providing a handout to JFAC for the budget meeting. The members agreed that if it is possible it would be a benefit to the new members on JAFC. Perry asked if what makes up the expenditures is known. ED Simmons shared that it varies. Perry explained, that information is probably what is going to be asked. ED Simmons asked if a conference call could be held prior to the 20<sup>th</sup> to discuss and approve the report so that she may submit it. Tuesday, January 17<sup>th</sup> at 1:00pm was decided as the conference call meeting date. The call</p>	Simmons

	Item	Responsible
	could be a quick call if all revisions are ready. Admin to send out the call information and calendar invitation.	
3:55	<b>Executive Session:</b> 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 for this meeting.	Commission
3:55	<b>Future Meetings -</b> a. <b>Next Meeting:</b> February 7, 2017 at 1:00pm. b. <b>Next Meeting Location:</b> PDC Office - 816 W. Bannock Street, Suite 201, Boise, ID 83702	
4:00	<b>Adjournment:</b> The meeting was adjourned at 3:12pm.	Bolz

Attachments: PD Office Proposal  
ByLaws  
Annual Report to Legislature  
Agency Briefing FY2017  
FY2017 Financial Status Year to Date