

MEETING MINUTES

STATE PUBLIC DEFENSE COMMISSION

Date | time 9/13/2017 1:00 PM | *Location* PDC Office, 816 W. Bannock Street, Suite 201, Boise, ID 83702

Meeting: September Commission Meeting

Commission Members

Darrell Bolz, Chair, Juvenile Justice Comm. | Eric Fredericksen, Vice Chair, SAPD | Linda Copple Trout, Representative of the Courts | Paige Nolta, Defense Attorney

Kimberly Simmons, Executive Director | Kelly Jennings, Deputy Director
Brianne McCoy, Regional Coordinator | Nichole Devaney, Admin. Asst.

Commission Members Absent

Christy Perry, Representative | Shellee Daniels, IAC Representative | Chuck Winder, Senator

Others Present

Andrew Masser, Attorney | Krista Howard, Canyon County Public Defender | Ingrid Andrulis, ACLU | Jared Hoskins

	Item	Responsible
1:00pm	Welcome and Call to Order: Chair Bolz called the meeting to order at 1:07pm. ROLL CALL: Christy Perry, Member Absent Eric Fredericksen, Member Yes Linda Trout, Member Yes Chuck Winder, Member Absent Paige Nolta, Member Yes Shellee Daniels, Member Absent Darrell Bolz, Chair Yes Review of Attachments, if needed, by the Commission	Bolz
1:10pm	<u>CONSENT AGENDA</u> <i>Items on the Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless a Commissioner or citizen so requests, in which case the item will be removed from the Consent Agenda and placed on the Regular Agenda.</i> Approval of Prior Meeting Minutes (8/9/17 & 8/17/17) Budget / Financial Update Fredericksen moved to remove the 8/9/17 minutes from the consent agenda, Trout seconded and all members unanimously approved the motion. Trout moved to approve the remaining items on the agenda, Fredericksen seconded and all members present unanimously approved the motion. Bolz suggested one change to the 8/9/17 minutes, on page 3 in the first paragraph. Fredericksen moved to approve the meeting minutes of 8/9/17 with the corrections as suggested by the chair, Trout seconded and all members present unanimously approved the minutes.	Bolz

REGULAR AGENDA

Simmons

1:25pm Executive Director Report

- a. Regional Coordinator Update: Receiving good feedback from the field with regard to the RC work.
- b. Webinars and other training: The main comment received from the Clerk's Conference was that rules language needing defining. In response ED Simmons will provide educational webinars to address those concerns as well as model contract terms. All stakeholders will be able to participate. ED Simmons is working on edits to the contract terms and will distribute them to the members at a later date for their review and approval. Bolz offered that at the time the contract terms were created the IAC was just looking for a checklist type of thing that counties could pick and choose. ED Simmons continued, explaining that a webinar will be conducted on Medical Record Contents. She, DD Jennings and Fredericksen will attend a workload study conference in November. She touched on the trainings planned for attorneys this fiscal year. The RC's, Fredericksen, another member for the SAPD and an investigator from Canyon County will be attending the NLADA New Leadership Conference this coming weekend in Las Vegas.
- c. Rules update - please review comments document: ED Simmons discussed the scheduled public hearings scheduled in October. She encouraged the members to attend if possible. Fredericksen commented that he might be able to attend the eastern Idaho meetings; he will check his schedule. 61-0108 is currently being negotiated but will be on the same track as the other rules. Current copies of all rules can be found on the website. Bolz suggested the rules public hearing schedule be sent to the chairs of the legislative committees. ED Simmons shared that all the members should now have a copy of all comments received; they are also available on the website. A change was made to comments documents as requested by Nolte. There was discussion on some of the comments received by the Capital Defense Survey.

1:45pm Indigent Defense Grants – Payette County (final vote): Payette County has not yet provided the additional information requested by the Commission; however, a decision needs to be made on the status. An exchange of emails has occurred that has provided a small amount of information. ED Simmons asked if the Commission would like to accept the information provided by Comm. Church as a part of the application. Trout shared that she thought the Commission had denied the application subject to Payette Co. reapplying. The members reviewed the rules to try to determine if a decision was needed. The minutes from that meeting were reviewed to verify the status of the application. The minutes indicated that the application was tabled. Trout asked what is needed to move forward. ED Simmons responded that the members needed to decide if they would accept the information provided by Comm. Church, then make a decision on the application. Trout offered that she has some reservations with accepting the email as it could cause issues in the future. She asked if it is possible to contact the commissioner and ask that he submit something officially. Trout moved to approve the Payette County application on the condition that they will provide additional information as indicated. Fredericksen seconded and all members present unanimously approved the motion. Bolz agreed to contact Comm. Church to relay the vote of the commission and request a formal response.

2:00pm Issues for Discussion

1. ELF – Why counties need to know if a PD is receiving ELF funds: ED Simmons shared that this topic came up at the Clerks meeting. In some of the smaller counties, they begin budgeting for large cases at the onset of the case. If they are unaware of ELF Funding, they

have budgeted for expenses that are not necessary. The members had some discussion; Nolta asked if a county is allowed to ask for funds is that now public record. ED Simmons responded that since a bill had been issued to the county it is already public record and this might be an issue the Commission makes a decision on later. Nolta shared that she is in favor of the counties being able to apply for ELF Funds. Trout questioned why it is important for the county to know. She understands that in some cases counties are budgeting in advance, however that could be resolved by the county going to the PD and asking about the budget. Nolta offered that some PD's are not proactive and may not provide that communication. Baker with the IAC agreed that Nolta was correct in her suspicion. Baker shared it would be very helpful for the counties to have access to the information. Fredericksen commented that there is concern as to how that information would impact the case. Baker offered that the details of the case do not need to be shared but simply a dollar amount would be beneficial. Fredericksen shared that even the dollar amount might provide some indication of work product. ED Simmons asked if the Commission could work with IAC to develop a procedure that would work for everyone. The members had no objection. ED Simmons commented that the staff will continue to work on it.

2. Local Share – Calculating local share and how it will affect counties if they have an extraordinary/expensive case over the course of two (2) years. Will the interim committee reconvene? Do we make that recommendation?: Hoskins was in attendance, Bolz asked if he had any indication as to if the committee would reconvene. Hoskins responded that it is something they will look at during the next session. Fredericksen offered that the Commission is required to make recommendation to the Legislature and this could be one topic. Hoskins responded that yes that is one of the Commission's responsibilities and may be an avenue they would like to consider. Bolz suggested that the members be thinking about recommendations that could be proposed during the session.

- 2:45pm Workload Study Update – Special Guest Vanessa Fry: Fry reported that BSU has all the data Simmons collected. They are in the process of writing the report working with Sixth Amendment Center on collaborative data interpretation. She shared a graph depicting some of the data, compared with the time sufficiency survey and the Delphi Panel. She asked if the Commission is interested in receiving a printed copy of an executive summary or a full report to share with stakeholders. The full report will be provided to the Commission but would something that summarizes the detail of the full report be more valuable? Bolz shared that he would be interested in an executive summary. Fredericksen asked if they were satisfied with the data collected. Fry responded that overall they were, some of the data had to be excluded due to inaccuracy of data entry. She shared that comments received from both the survey and the panel have been very rich and will be helpful with the interpretation of the data. Nolta asked about participation in the survey as it was a concern at the last meeting. Fry shared that they ended up with a 33% rate of participation in the time sufficiency survey.
- 3:15pm Executive Session: Pursuant to Idaho Code 74-206, convene in executive session to consider Commission records that are exempt from public disclosure and/or to communicate with legal counsel (Idaho Code 74-206(1)(d) & (f). An Executive Session was not needed.
- Future Meetings - Commission
- a. Next Meeting: October 11, 2017 at 1:00pm
 - b. Next Meeting Location: The Grove Hotel, Riverfork Room – 3rd Floor, 245 S. Capitol Boulevard, Boise, ID 83702
- 3:30pm Adjournment: Bolz adjourned the meeting at 2:33pm. Bolz