

MEETING MINUTES

STATE PUBLIC DEFENSE COMMISSION

Date | time 2/7/2018 1:00 PM | *Location* PDC Office, 816 W Bannock, Suite 201, Boise

Meeting: February Commission Meeting

Commission Members

Darrell Bolz, Chair, Juvenile Justice Comm. | Eric Fredericksen, Vice Chair, SAPD | Christy Perry, Representative | Shellee Daniels, IAC Representative | 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 | Chuck Winder, Senator

Others Present

Maria Kennedy, ACLU

	Item	Responsible
1:00pm	Welcome and Call to Order: The meeting was called to order at 1:06pm	Bolz
	ROLL CALL:	
	Christy Perry, Member Absent	
	Eric Fredericksen, Vice Chair Present	
	Linda Trout, Member Present	
	Chuck Winder, Member Absent	
	Paige Nolta, Member Present	
	Shellee Daniels, Member Present	
	Darrell Bolz, Chair Present	
	Review of Attachments, if needed, by the Commission	
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 (1/4/2018)	Bolz
	Budget / Financial Update	
	Daniels moved to pass the consent agenda, Fredericksen seconded and all members present approved the agenda.	
1:15pm	Executive Session: Pursuant to Idaho Code 74-206, convene in executive session to communicate with legal counsel (Idaho Code 74-206(1) (f). Fredericksen moved to go into executive session, seconded by Daniels and the members voted as noted.	Commission
	Purpose/Topic summary: Communicate with legal counsel.	
	AND THE VOTE TO DO SO BY ROLL CALL.	

Christy Perry, Member	Absent
Eric Fredericksen, Vice Chair	Yes
Linda Trout, Member	Yes
Chuck Winder, Member	Absent
Paige Nolta, Member	Yes
Shellee Daniels, Member	Yes
Darrell Bolz, Chair	Yes

CONVENE AT: 1:08pm ADJOURN AT: 1:36pm

REGULAR AGENDA

1:30pm **Executive Director Report**

Simmons

- a. **Regional Coordinator Updates:** The RC's will be providing annual reviews of the counties to assist with grant application for the Commission. ED Simmons then reviewed the monthly reports highlighting key issues. Quarterly meetings with BOCC's are difficult due to meetings being scheduled on the same day in most counties. RC McCoy shared that she was impressed with her counties in the way they are trying to make it all work. Daniels shared that they are having logistics issues in terms of the first appearance component. They are working toward it but have not been able to achieve to goal. ED Simmons reminded the members that as long as there is a plan with a cost analysis in place counties are still eligible for grant funding. Daniels commented that she was grateful for the assistance of the Judges in her district, they have been very flexible in their attempts to accommodate everyone.
- b. **Legislative Hearings Update:** ED Simmons shared that the budget hearing was scheduled for the 26th. The House has passed the rules with one minor strike regarding the PD Roster. The Senate has the option to pass the rule as is or may choose to strike the same line. The RS's have passed the House and have gone to print as Bills 1257, 1258. The Senate presentation has not yet been rescheduled. There had been one question regarding specifics of the additional commission members.
- c. **Workload Study Update:** BSU has not provided data to David Carroll so as to protect it from discovery until all is complete. Mr. Carroll will need two weeks to review once the data is provided, then another three weeks is need to print the report. Bolz suggested that once the report is available that the germane committees be notified.

1:45pm **Office Policies/Procedures:** Daniels inquired if the policies were based on State of Idaho policies. DD Jennings responded that they were. She questioned if the telecommuting policy came from the state. DD Jennings confirmed that it was with minor verbiage changes to fit the constraints of the PDC.

- a. **Policy 100:** Trout asked if the vision statement were amended would it also need to be changed in this policy. ED Simmons confirmed it would but would not require additional approval.
- b. **Policy 101 – Employee Handbook:** No comments were made with regard to the handbook.
- c. **Policy 102 and Records Request Form:** Nolta asked under the definitions section on page two, did the Commission want to limit it the two forms. The members decided to leave it for now and revise if needed in the future.

Trout moved to approve policies 100, 101 and 102 together with the records request form and the telecommuting form, Daniels seconded and the member unanimously approved the policies as stated.

2:30pm **Compliance Issues:** ED Simmons shared that it is the Commission responsibility to alert the county if there are blatant compliance issues. The following are concerns:

a. **Excessive Workload** – Defending Attorney in Eastern Idaho: The primary attorney in Madison county also provided conflict services to a handful of other counties. Which appears to result in an excessive caseload. ED Simmons suggested sending a letter to the county to alert them and provide options to reduce the case load. Daniels asked if he is being appointed and thus the county may not be aware. ED Simmons responded that he has a contract with the primary county but is appointed in the other counties. RC McCoy suggested that maybe ED Simmons should contact him initially. Daniels agreed that may be a better approach to see if he is able to reduce the load on his own. ED Simmons offered to have RC Ricks have a conversation with the attorney and she would participate if desired. Then alert counties as to how it can be resolved.

b. **Initial Appearances in Mini-Cassia:** ED Simmons shared an email received from an attorney who practices in the counties. The email gave an example of a juvenile case she observed while she was in court awaiting a hearing on another case. RC McCoy confirmed that Initial Appearances are not occurring in Mini-Cassia, she will be working with them to help them meet the standard.

c. **Conflicts in Ada County:** There is talk in the Ada Public Defenders Office about conflict cases and how they are handled. Previously conflicts were frequent, but as a cost savings measure by new leadership that number has been reduced and there is concern not enough cases are being conflicted. ED Simmons suggested that the staff do some research on best practices for conflicts, then address the issue with the county if a resolution is needed.

d. **Other:** ED Simmons asked if any further discussion is needed regarding Payette County with regard to invoice review by the prosecutor. Kootenai County has raised a similar issue. The clerk is having difficulty determine expense types, requested assistance from the PD's office with little success then turned to the judge. ED Simmons shared that this is not a course of action the Commission should support. She suggested speaking to the PD's office to see how the issue could be corrected. Trout offered to address the issue with the judges at the same time.

3:00pm **Vision Statement:** ED Simmons revised the language to pertain to HB 504 for the last two bullet points. Trout moved to approve the vision statement as amended, Fredericksen seconded and all members approved the statement. Commission

3:15pm **FY2019 IDG Application and Compliance Checklist:** ED Simmons reviewed revisions to the checklist. RC McCoy suggested indicating the standards that must be complied with not only in color but italicized and/or underline so that in the event a copy is made they will still know what is required. ED Simmons asked Daniels if requesting a copy of the budget would be to cumbersome of a request. Daniels responded that the budgets are pretty large even in smaller counties and may not contain the information the Commission was trying to obtain. ED Simmons removed that portion and will figure out something to get the documentation. Review of the revised form continued, many of the fields will auto populate to include local share amounts, eligible awards and attorneys providing services. Part D has been added to address counties that do not apply for grant funding, in an effort to help address questions as

Item	Responsible
<p>to if a county is then required to comply. In conclusion a revision to the request for signature was made. Daniels moved to approve the application and compliance checklist as revised. Nolte seconded and all members unanimously approved the motion.</p> <p>Future Meetings – March 14, 2018 at 1:00pm, PDC Office</p> <p>Tentative Topics: CEC Plan Approval, Upcoming compliance deadline</p>	Commission
<p>4:00pm Adjournment: The members discussed ED Simmons presentation to IAC the following day. Daniels offered some issues that could be discussed, however ED Simmons has very limited time. Bolz adjourned the meeting at 3:01pm.</p>	Bolz

Attachments: Policies 100 – 102
Public Records Request Form
Vision Statement DRAFT
Regional Coordinator Updates
FY2019 IDG Application and Compliance Checklist
FY2018 Compliance Verification Form