

# **2015 ANNUAL REPORT OF THE LAKE COUNTY PUBLIC DEFENDER**

## **Duties and Responsibilities of the Office**

The Lake County Public Defender's Office, as an independent office, was created pursuant to actions by the Lake County Commissioners and the Lake County Council. On July 8, 1998, the Lake County Council adopted an ordinance creating a Public Defender Board pursuant to I.C. 33-9-15.

The Lake County Public Defender Board on May 20, 1999, adopted a comprehensive plan for indigent defense services. Said plan was submitted to the State Public Defender Commission for their approval which was granted.

1. The Lake County Public Defender was authorized to prepare a budget to the Public Defender Board of Lake County for their review, and to the Lake County Council for their approval. In addition, the Lake County Public Defender was authorized to prepare an annual report, and submit the report to the Lake County Commissioners, the Senior Judge of the Criminal Division of the Lake Superior Court, the Lake County Council, and to the Public Defender Board of Lake County.

## **Public Defender Board**

The members of the Public Defender Board of Lake County are Michael Repay, Lake County Commissioner, Jamal Washington, Lake County Councilman, and attorneys Darnail Lyles, William Padula and William Enslin.

The administrators met with Board members at four different meetings dated March 23, 2015; June 16, 2015; September 28, 2015 and December 14, 2015.

## **Organization of the Office**

The Public Defender Office consists of three separate divisions which are housed in three different locations. The trial division is located in the lower level of the Old Jail. At the beginning of 2015, in this office were 19 trial attorneys, four paralegals, four secretaries, one law clerk, and a data quality analyst.

The Appellate office is located on the second floor of the Courts Building. In this office, at the beginning of 2015 is where the Chief Public Defender, Office Executive, four appellate attorneys, one appellate paralegal, two investigators, and two secretaries are located.

The Conflicts Division is located on the first floor of the Courts Building. In this office are the Assistant Chief Public Defender, Conflicts Supervising Attorney, a secretary, paralegal and an investigator. Twenty contract/panel attorneys receive their cases from this office. The Conflicts Division is physically separate from the other two offices.

The Public Defender's Office also has a court reporter whose office is located adjacent to the Conflicts Office. The court reporter is available to take depositions for the trial attorneys, and the conflicts attorneys.

Our office continued to have a working relationship with the Valparaiso University School of Law. We have two students who are paid law clerks and we have student externs.

### **Case Assignments and Reimbursements**

#### **Non-Capital Cases**

During 2015, our office was appointed 1,678 cases, 1196 appointed P.D. cases, 34 appellate cases and 448 by P.D. standards uncountable cases, such as PTR's. The Lake County general fund is generally reimbursed at the rate of 40% for expenditures in non-capital cases. Appendix "A" reflects reimbursement received to date for non-capital and capital cases in 2015. Appendix "B" reflects the annual data for 2015. These graphs depict statistical data, including a breakdown of cases received and disposed, and public defender fees received to date for 2015.

#### **Capital Cases Pending**

State v. Carl Ellis Blount 45G04-1407-MR-00006 at the end of 2014 (death count filed in September, 2014).

State v. Darren Deon Vann 45G04-1512-MR-00009 (death counts filed December, 2015).

Life Without Parole cases pending during 2015 were as follows:

*State v. Bernard Dillon*, 45G02-1410-MR-00009

*State v. Leon Burns*, 45G02-1004-MR-00008

*State v. Selena Strong*, 45G02-1410-MR-00010

All cases were pending at the end of 2015.

## **Personnel Policy**

Our personnel policy, approved in 2007, has been working.

## **Training**

Our attorneys attended various presentations sponsored by the Indiana Public Defender Council, the Lake County Bar Association, as well as our office.

## **Investigators**

Our investigators continue to handle all types of work referred to them. Guidelines previously adopted continue to be used in the investigation of a criminal case. Our investigators have attended national conferences to improve their techniques.

Due to the ongoing budget constraints imposed by the Lake County Council, we continue to have two investigators in the main office and one in the Conflicts office.

## **2015 Issues**

Many years ago, the Maximus group as part of the Good Government Study, evaluated our office.

Maximus, with reference to the Public Defender Office, determined:

- current supervisory structures have clear and appropriate lines of responsibility and authority.
- a formal employee evaluation process was developed. The administrators use the evaluation prepared by the Federal Defender of Northern Indiana as our model. **An evaluation plan for the attorneys was approved in 2012. Evaluations were conducted during December 2015 and all attorneys interviewed received copies of their evaluations. We did complete our evaluation form for support staff; evaluations will be conducted during 2016.**
- Maximus reviewed our staffing model and said it is "unique". Maximus discussed the role of the Indiana Public Defender Commission, (IPDC) whose purposes are to:

- make recommendations concerning standards for indigent defense services.
- adopt guidelines and salary and fee schedules
- review and approve requests from county auditors for state reimbursement in capital and non-capital cases.

The major concern is that I announced to the Board that I planned to retire during 2016. I requested that with the Board's permission, that I be able to retire on October 4, 2016-which is 40 years to the day that I started as a Public Defender, the Board agreed with this request. Discussions were held throughout the year regarding procedure.

Our position has been that our current model allows us to "retain highly experienced, skilled and qualified staff that would not be attainable if the Felony Public Defender's worked full time". It should be the goal of any agency to save money. Our office did live within its budget during 2015, and went to the County Council infrequently other than the budget hearings. It is also our responsibility to represent our clients in the best manner possible. The administrators, at the end of 2014, continue to believe that the current mode works best for our clients. We will also continue to work closely with the Indiana Public Defender Commission and their staff counsel on their concerns with our office.

The main issue for the Public Defender Office in 2015 was related to Lake County's financial problems. We have been operating our system and providing services based upon guidelines established by the Public Defender Commission. **Our 2015 budget was \$2,456,000.00; our reimbursement to the County General Fund in 2015 was \$1,461,000.00.** Lake County received a 60% return on their investment and we actually, after the reimbursement, cost the County only **\$995,000.00.**

No positions were eliminated during 2015. We did however, warn the County Council that during 2016 we would probably return to ask for more money because of the LWOP cases and the death penalty case.

## CONCLUSION

The Chief Public Defender and office administrators continue to work with the Public Defender Board to explore additional ways to improve indigent public defense services. The Chief Public Defender meets with other Chief Public Defenders throughout Indiana every quarter to discuss common issues and concerns.

The key to the success of the Lake County Public Defender office has been the attorneys, paralegals, secretaries, investigators, data quality analyst, court reporter, law clerks, and administrative team.

Since the establishment in 2000 as an independent office, the Office of the Lake County Public Defender has continued on a course of improved organization and services. The office has proven to be very beneficial to indigent defendants and the attorneys who represent them. Due to State reimbursements increased services have been provided at great savings to the citizens and taxpayers of Lake County.

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David R. Schneider  
Chief Public Defender

