



PUBLIC NOTICE

Notice is hereby given to the public that the Louisiana Public Defender Board will meet at 12:00 p.m. on Thursday, January 31, 2019, at the Bluebonnet Regional Library, 9200 Bluebonnet Boulevard, Baton Rouge Louisiana.



LOUISIANA PUBLIC DEFENDER BOARD

Thursday, January 31, 2019
Bluebonnet Regional Library, Baton Rouge, LA
12:00 p.m.

AGENDA

1. Call to Order and Comments by Chairman, Frank Holthaus
 - a. Commendation – Mark Plaisance, District 17
2. Adoption of the Agenda* pgs. 1-3
3. Call for Public Comment¹
4. Adoption the Minutes, November 9, 2019* Tab 1, pgs. 4-9
5. Executive Session²
6. District Issues Tab 2
 - a. Resignation of District Defender pg.10
 - b. Authority to Appoint Interim*
7. Policy Tab 3
 - a. Sexual Harassment Policy* pgs. 11-28

Under the direction of the Policy Committee, the Prevention of Sexual Harassment Policy which has been submitted to the Division of Administrations was sent out by staff to the full Board for review prior to the 1/31/19 meeting. The Policy Committee is recommending adoption of the policy. The Policy Committee is also recommending an amendment to the 501c3 contracts requiring adherence to a sexual harassment policy. Data collection will be required of all state agencies beginning January 2019 and mandatory yearly reporting will be required beginning February, 2020.

 - i. Compliance and Supervision.*

The Policy Committee is recommending a Policy requiring the Districts to: semi-annual reporting of all reportable sexual harassment complaints and/ or investigations required by law; immediate reporting of any complaints/investigations which result in a finding of sexual harassment; reporting of any other such incident(s) which a District Defender feels the Board should be made aware; and, direct reporting to the State Public Defender in the event of a sexual harassment claim against a District Defender.

¹ R.S.42:14 allows for a public comment prior to action on an agenda item upon which a vote is to be taken.

² The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including strategy sessions with respect to litigation and prospective litigation after formal demand. In accordance with La. R.S. 42:19(A)(b)(iii), the Board may discuss the following: *Joseph Allen et al v. John Bel Edwards, et al*, Docket: C655079, Section 27, 19th JDC, Parish of East Baton Rouge.

- b. **Public Defenders Servings as City Prosecutors*** pgs. 29-32
The Policy Committee is recommending adoption of an Affidavit of Hardship to be used as an application to the Board for approval, on a case by case base and to be used only in conjunction with written notice of potential conflict to the client. Additionally, the state public defender has authority to provisionally approve hardship subject to Board ratification. It was suggested that a working group or sub-committee be formed to research/address other options or models to address and discontinue the practice in the future.
 - c. **Strategic Plan** pgs. 33-53
The Policy Committee deferred recommendation on the plan as presented and directed staff to present a red-lined version to the full board for review and discussion.
 - d. **Open Meeting Law, Rules of Order, LPDB Meeting Protocol**
The Policy Committee expressed concern that direct correspondence presented by email to the full board could potentially result, unintentionally, in violation of the open meetings laws and suggested for discussion by the full board that District Defenders be asked to bring their issues first to the attention of the State Public Defender. The Committee also passed the issue to the DDAC for input.
 - e. **Salary Adjustments**
The Committee has no recommendations or changes to current protocols being followed by staff.
8. **Budgetary and Fiscal** **Tab 4**
- a. **Financial Report through Dec 31 2018*** pgs. 54-58
The Budget Committee adopted the Financial Report as presented for consideration by the full Board.
 - b. **Protocols and Salary Ranges/Caps***. *The Budget Committee discussed the attached protocols and after some discussion are favorably recommending salary adjustments to the full Board, retroactive from the September 27, 2018 board meeting, as follows. All adjustments are within ranges for comparable districts/district defenders, none of the districts are in ROS and each of the districts are fiscally sound and can support the adjustment.* pgs. 59-75
 - i. **District 2 – Donald Kneipp.** *An adjustment from \$75,000 to \$87,000.*
 - ii. **District 3 – Rick Candler.** *An adjustment from \$80,000 to \$90,000*
 - iii. **District 30 – Tony Tillman.** *An adjustment from \$93,622 to \$105,622*
 - c. **FY19**
 - i. **Solvency Projections - informational** pg. 76
Projections made with data provided through November, 2018.
 - ii. **Exigency**
 - a. **Districts 11*** pgs. 77-81
The Budget Committee is recommending to the full Board immediate distribution of \$43,864 to District 11, the minimum amount needed for the district to maintain operations through Apr/May of 2019.
 - d. **DAF FY20**
 - i. **P & N Plan - Informational** pg. 82
Staff met with the DDAC and provided this information. This is not a staff recommendation rather a glimpse of what the DAF would look like using the P&N plan using 2018 funding numbers.

- ii. Hybrid Plan- Informational pg. 83
This is not a staff recommendation, but the 2018 hybrid plan using 2018 funding numbers.
 - iii. DDAC
 - iv. Accumulating v. Depleting Districts pg. 84
 - e. ROS – informational pg. 85
Staff has performed site visits in 14 districts over the last 8 months. Five districts have exited ROS, three are poised to exit pending new hirings and six will remain in ROS. Of those six, four districts will have to implement additional restrictions to remain operational.
 - f. Changes in CINC Funding - informational
The Children’s Bureau has announced rule changes that will allow states to be partially reimbursed by the federal government for parent and child representation in child welfare cases. This has the potential to add new funding but comes with many questions and challenges. The Supreme Court is very interested in the success of this and staff has Been instructed to keep the policy and budget committees apprised of all activity.
 - g. FY 2020 Contracts - informational
 - i. FY 19 existing contracts pg. 86
The FY19 contract amounts are presented for informational purposes. These amounts are comparable to what will most likely be requested for FY20.
- 9. LPDB Fiscal Landscape - informational **Tab 5** pgs. 87-110
An illustrated Primer on the Revenue Streams, Expenditures & Caseload Standards for Public Defender Offices and the LPDB system. Intended to summarize the very complex nature and history of the changes and concerns with the revenue streams and caseload maximums which heavily impact the expenditures of the districts and offers comparisons of LPDB spending with comparable-sized state agencies as well as with other stakeholders in the criminal justice system.
- 10. Division Reports **Tab 6**
 - a. Capital pgs. 111-116
 - b. Juvenile Strategic Plan pgs. 117-118
- 11. Announcements
- 12. Next Meeting
- 13. Adjournment*