



AURORA
PUBLIC
DEFENDER
Justice Fairness &
Compassion For All

PUBLIC DEFENDER COMMISSION MEETING
February 25, 12:15 P.M.
PUBLIC DEFENDER'S VIRTUAL CONFERENCE ROOM

MINUTES

1. The meeting was called to order at 12:15 p.m.
2. Present were Commissioners Tom Tobiassen, Frances Smylie-Brown, Tom Ashburn, Colette Tvedt, David Kaplan, and Sara Hildebrand along with Chief Public Defender Doug Wilson. A quorum was declared to conduct Commission business.
3. Absent: Johanna Cartledge
4. Guests: Josh Leesman from UNCOMN, Elizabeth Cadiz, Reyna Lopez, Tasha Steward, Anne Morehead, Stephen Pepper, Christopher Ide, Jenise Herrera, and Jordan Culver.
5. Minutes: Motion to approve raised by Commissioner Smylie-Brown. 2nd by Commissioner Hildebrand, all in favor. Motion passes.
6. Introductions
7. Report from the Chief Public Defender:

New Employee

Evan Davies our new Mental Health Professional starts on March 7, 2022. This is a grant funded position.

Space

Office space was found for us at the AMC building. We hope to have the space ready for move in by next month.

MH Program

The governor has reached out to us regarding the new Mental Health Program. They are looking to expand this program and would like more information on the set up and process.

Podcast

The podcast has now made it to the NAPD and NLADA members. Would it be an issue to add a link to it on the site? Commissioner Tobiassen is ok with a link to it.

Ethical Wall

We have now received a draft from the Civil side City Attorney's Office. It is still being revised and we have suggested that our Commissioner Smylie-Brown be made a part of the discussion. This would simplify and speed up the process. City Attorney Garcia will get back to us with an answer to our request.

Records

An agreement has been made as to process and procedures for getting records via a Subpoena Duces Tecum that deals solely with the civil side City Attorney office. The process for getting access to Brady letters turned over is an issue. We are currently filing motions and setting hearings to be able to get access to these documents that should have been provided to us by the prosecution years ago.

Stats

Attorney Ide has been in charge of collecting numbers from Jury status and Jury call court proceedings. We have used these numbers in motion hearings recently. 43% of cases have been dismissed on the day of trial in just the first two months this year. Cases had been dismissed on Jury status dates before but as of recent, dismissals are mostly on Jury days now.

Commissioner Hildebrand asks what the reason for these late dismissals is. Is it not knowing the subpoenaed status of the alleged victim and witnesses? Chief Wilson explains that it used to be that we were not informed of witnesses' names and addresses that they would be calling for court per Rule 216. The City appealed a case and the ruling came back that they must provide that info. An agreement between City Attorney Julie Heckman and our office was made stating that they must provide the names of subpoenaed witnesses and manner of service and if witnesses had not been served at Jury status court proceeding.

Commissioner Kaplan asks regarding the dismissals on trial day, are they being asked for the basis of the dismissal after having announced ready days before? Chief Wilson states that we do not get detailed information on the reason other than Dismissed Lack of Witness. Commissioner Kaplan mentions that this process of dismissals on day of trial is not efficient but also probably close to having ethical issues.

Workload Analysis

Update from Josh of UNCOMN and the workload study. Preliminary reports have been run and the next step is to run another set of reports and collect data for a full quarter. Based on the conversation today, more detailed disposition data will be collected and mapped in. Early April is when they anticipate having preliminary data reports to present and annualize based on what has been collected. At this point the office will be able to see how things are trending directionally and summer is the target to wrap up and annualize based on the data collected.

A quick overview is given of what the detailed data being collected will show in the final report. Data collection continues through June with the report analysis and findings completed by July. This workload study is the first one, in the country, done on a municipal court.

Suggestions are welcome! Attorney Culver asked if Covid's impact on Juries will be taken into account with data collection and if it would skew the numbers. Josh acknowledged that it will definitely be seen in the numbers but that it will be taken into account in the final report.

Commissioner Hildebrand asked if holidays are taken out when factoring these reports. Josh explains that holidays are accounted for in the math. Other things that are also accounted for are vacation, sick, training, generalized court, administrative time.

Commissioner Tobiassen asked if overtime is calculated in. Josh explains that it would depend on how it translates into a request. The office average is taken.

8. From the Commission: Nothing at this time.

Next meeting will be held on March 25, 2022 at 12:15 p.m. in the Public Defender's Virtual Conference room.

The Commission meeting adjourned at 1:15 p.m.

COMMISSION CHAIRPERSON

Date _____