



AURORA
PUBLIC
DEFENDER

Justice Fairness &
Compassion For All

PUBLIC DEFENDER COMMISSION MEETING

March 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, Johanna Cartledge, Colette Tvedt, and David Kaplan, along with Chief Public Defender Doug Wilson. A quorum was declared to conduct Commission business.

Absent: Frances Smylie-Brown, Tom Ashburn, and Sara Hildebrand

3. Guests: Reyna Lopez, Tasha Steward, Anne Morehead, Christopher Ide, Jenise Herrera, Jordan Culver, Evan Davies, Dustin Klein, Robert Desoto, and Andrea Duby.
4. Minutes: Motion to approve raised by Commissioner Tvedt. Motion passes.
5. Introductions
6. Report from the Chief Public Defender:

E-Discovery

Guest speaker Mike Ridder from IT is not present. Per last discussion with Mr. Ridder trainings on E-Discovery will start on April 1st, 2022. No schedule has been provided yet. Per Mr. Ridder, once the process is approved by CA Julie Heckman, we will be able to start E-Discovery.

Alternate Defense Counsel-IGA

The process has been approved by public safety committee, civil service, work study and on the agenda for City Council approval. If approved, we will be able to start in the second quarter.

Commissioner Tvedt asks if the hourly rate will go up if approved. Chief Wilson responds that it will not go up since we are already budgeted for the set amount of \$75. an hour.

Brady

Commissioner Kaplan was present via Webex for the hearing and provides his take on the Brady hearing that Chief Doug Wilson had with the court. Discussions had been previously held regarding prosecuting office not providing Brady letter to Aurora defense counsel and how other jurisdictions had been receiving them. It was found out that Aurora Public Defenders had not been receiving these Brady letters in discovery.

A hearing on this matter was held in front of Chief Judge Day and it was ruled that the information should be provided to the court for an in-camera review to determine what should be provided to defense attorneys.

Judge Day also took seriously and as a violation, the fact that no brady letters had been provided to defense counsel in discovery. Judge Day gave City prosecutors 30 days to review all cases and determine which cases had officers listed as witnesses that had brady letters and notify defense counsel of those brady letters. For those cases in which a guilty plea was entered or those that were found guilty, they would have the opportunity to determine if they want to pursue withdrawing the plea.

Commissioner Tvedt asked if any of the officers who had brady letters issued on were on any of the public defender cases. Chief Wilson states that we do recognize many of them. Our office currently has two open and pending cases with Officer Wilkinson. Commissioner Tvedt asked for the process for getting the brady letters. Additionally, she asks the paper process for getting this Brady material and if this can open many cases. Chief Wilson explains that a request for discovery motion was filed the day we were appointed. This motion includes all Brady material.

Aurora Sustained MH Program

Mr. Davies is working with us and Aurora Mental Health for this program. The governor's office had reached out to us for help getting this program going for them but they have tweaked the program. We are still working out some of the details to see if we can get involved in their program.

Office Space

We have received the office space over at the AMC and it is great. We are officially moving over to the new building next week. We will be getting new carpet installed in our office space in the next few months.

Ethical Wall

Our assigned City Attorney Civil Division Angela Garcia has written a preliminary draft of an ethical wall policy that will be addressing personnel and employment issues and has now evolved into addressing how to handle the criminal division and SDT's. A meeting with attorney Garcia, Chief D Wilson, and commissioner Smylie-Brown was held, and it was stated that personnel and employment policies is different from how to handle the criminal division and SDT's and should not be combined. A new draft was received from attorney Garcia so we will meet to discuss and hopefully have it resolved soon.

Another issue that may come up soon is legal counsel for the Civil Service Commission which hears appeals for police officers who have been disciplined and subject to Brady letters. Attorney Heckman, head of the prosecution division, is legal counsel for this civil service commission and is also in charge of receiving the Brady letters.

Commissioner Tvedt asks to clarify if attorney Heckman is getting the brady letters and then advising the Civil Service Commission who hears the police officers' appeals. A conflict of interest issue in this situation is mentioned.

Commissioner Kaplan clarifies that attorney Heckman is the legal advisor for the Civil Service Commission in addition to her position as the head of the Criminal Division.

Storage Space

Facilities wants to build a wall for us with a door and shelves that will give us our own space for storing of our legal files. They estimate the cost to us will be \$5000. Will the commission approve spending the money for this project? Commissioner Kaplan asks where the funds will come out of. Chief Wilson advises that it comes out of the General Fund.

Commissioner Cartledge moves to approve the request. Commissioner Tobiassen seconds the request. Request is approved.

7. From the Commission:

Nothing from the commission

Next meeting will be held on April 22, 2022 at 12:15 p.m. in the Public Defender's Virtual Conference room.

The Commission meeting adjourned at 1:05 p.m.

COMMISSION CHAIRPERSON

Date _____