



AURORA  
PUBLIC  
DEFENDER  
Justice Fairness &  
Compassion For All

**PUBLIC DEFENDER COMMISSION MEETING**  
April 29, 2022 12:15 P.M.  
PUBLIC DEFENDER'S VIRTUAL CONFERENCE ROOM

**MINUTES**

1. The meeting was called to order at 12:20 p.m.
2. Present were Commissioners Tom Tobiassen, Frances Smylie-Brown, Sara Hildebrand, and David Kaplan, along with Chief Public Defender Doug Wilson. A quorum was declared to conduct Commission business.

Absent: Tom Ashburn, Colette Tvedt, and Johanna Cartledge

3. Guests: Reyna Lopez, Anne Morehead, Christopher Ide, Jenise Herrera, Jordan Culver, Evan Davies, Dustin Klein, and Elizabeth Cadiz.
4. Minutes: Motion to approve raised by Commissioner Kaplan. Second by Commissioner Tobiassen. All in favor, motion passes.
5. Introductions
6. Report from the Chief Public Defender:

Work Load

Numbers for the 1<sup>st</sup> quarter are in. Budget requests for next year has begun. When case load numbers are compared to the Colorado Project, class 2 misdemeanors, our overall hours are 3.8 hours per case. Avg case load is 61. Based on the numbers it would mean that 2 new FTE positions would be needed but per Budget analyst Jackie Ehman, it may be turned down.

The bill mandating weekend court is passing so starting in 2023 some of us would be working on Saturday or Sundays too. This change would support our need and request for additional FTE positions. At this time, we are not sure how this bill will affect our mental health program. The state did not fund any of the municipalities for this new process so this is something that will have to be dealt with.

Another part of the 2023 SLAR requests is to have our Mental Health Professional position become permanent. Our estimate as to comp evals this year is 84-103 at \$1000 each but we are only budgeted for 12 evaluations. We have been given funds from the fines committee to help but even with that, it wont cover all the expenses.

The backup plan is a supplemental request from the fines committee. They will be coming in to see how the program works. We asked for additional funds to cover all the evals and a test program to get cell phones for clients. This might help lower the FTA's in this area.

Commissioner Kaplan asked for clarification on the number of competency cases. Are we looking at cases or individuals? Chief Wilson states that we are counting people. Some people may have several open cases but only 1 eval is done.

Commissioner Kaplan asks that of the evals done, how many come back as incompetent? Chief Wilson replies that we are 50-60% that are incompetent. He added that some of those that come back competent is due to having gotten treatment once we got them out on a PR Bond and directed them to AMH for treatment.

Commissioner Kaplan asks what happens to those found incompetent. Chief Wilson explains that those cases get dismissed. We then get them into treatment with Aurora Mental Health. We have seen a 49.9% success rate in engagement.

Commissioner Hildebrand asks about who's burden it is to pay for these mental health evaluations. Chief Wilson explains that it should not be the public defender burden. Discussions were had with city council member Medina about other options. We will keep the process as it is until a solution that benefits the client is found.

Legal server reports are being collected and provided to Uncomn for data processing. We should be getting a report in June for presentation to Public Safety. Commission is invited to be present online for support. Meeting may be scheduled for July or August.

### Brady

A hearing was held, and we were told that they have 236 cases where no notifications were sent out for some reason or another. Our office has 59 cases where Brady letters was an issue. 15 of those were either guilty pleas or guilty at trial and those may need to be reopened and file motions to dismiss. We have cases that are pending court in the next couple of days and several open cases in FTA status.

We are looking at possible options as to how to handle this issue and transcript of the hearing is pending.

Commissioner Hildebrand asked how we found out about the Brady letters. Chief Wilson's response was that we obtained a letter on Officer Coe from an outside defense attorney. It was noted that City Attorney Heckman was named in the letter as having received the letter. We came to realize that we have cases with Officer Coe and have never received such letters on our cases.

Additional information regarding officers' actions can be found on POST website.

### Aurora Sustained MH Program

On June 1 Aurora Mental Health will be here to provide joint training with the bench. They will be discussing the Aurora Sustained program, competency, and trauma care.

Evan Davies has been a great addition to our office and the work he is doing has been well received by jail employees and other departments. His ability to jump in and help as soon as the need presents itself has really been a big help to everyone.

### Office Space

We have officially moved over to the new building and everyone is welcome to come and see the new space. Currently, that space is occupied by Evan Davies, Greg Pastrich, Reyna Lopez, and Chief Doug Wilson. By moving over, we were able to clear out 3 offices so now all attorneys have an office and are no longer double bunked.

### Ethical Wall

The preliminary draft has been reviewed and so far it is what we have agreed to. Commissioner Smylie-Brown will take a closer look at the draft and notes and get back to Chief Wilson.

### Public Defender Commission Recruitment Form

We have been asked to go over the commission recruitment form. After reading the description of what the commission does, it is necessary to go over the form and have it re-written.

#### 7. From the Commission:

Nothing from the commission

Next meeting will be held on May 27, 2022 at 12:15 p.m. in the Public Defender's Virtual Conference room.

Motion to adjourn by commissioner Tobiassen, 2<sup>nd</sup> by commissioner Smylie-Brown. All in favor. The Commission meeting adjourned at 1:11 p.m.

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COMMISSION CHAIRPERSON

Date \_\_\_\_\_