



AURORA
PUBLIC
DEFENDER

Justice Fairness &
Compassion For All

PUBLIC DEFENDER COMMISSION MEETING

September 23, 2022 12:15 P.M.

PUBLIC DEFENDER'S IN OFFICE AND VIRTUAL CONFERENCE ROOM

MINUTES

1. The meeting was called to order at 12:19 p.m.
2. Present were Commissioners Tom Tobiassen, Frances Smylie-Brown, Sara Hildebrand, Colette Tvedt, Tom Ashburn, and David Kaplan along with Chief Public Defender Doug Wilson. A quorum was declared to conduct Commission business.

Absent: Johanna Cartledge

3. Guests: Reyna Lopez, Greg Pastrich, Robert DeSoto, Christopher Ide, Dustin Klein, Richard Barahona, Jordan Culver, Stephen Pepper, Griffin Desmarais and Andrea Duby.
4. Introductions-None
5. Minutes: Motion to approve by David Kaplan, 2nd by Frances Smylie-Brown. All in favor, motion passes.
6. Report from the Chief Public Defender:

Compensation

September 30th paycheck will reflect the 5% compensation increase. We are getting the annual increase early so we will not see one in January of 2023. This includes the 3% increase for those that passed their evaluations plus a 2% bump.

City Personnel Manual

The manual has been finalized and submitted. Last minute changes were made such as fixing our classification to reflect Public Defenders and not City Attorneys and clarifying that Public Defender Commission makes decisions vs the City Manager. We met our September 15th deadline and was approved by City Council on the 20th.

Budget

The Citizens Advisory Budget Committee, who is chaired by Mike Senich, had an efficiency committee review some departments which included ours. We were not contacted at all prior or during this review of our department. The recommendations that came of this review are the following. 1) better employee retention practices 2) Better monitoring of grant funding and 3) Conduct a cost benefit

analysis of the Public Defender office. They discussed how important the Denver Municipal Public Defender office is because they handle City and County matters but not too sure if we are necessary and that the state and/or Office of Alternate Defense Counsel could take over. Once we were made aware of this review, we reached out to members of the committee and were able to meet with Jono Scott to discuss the review and findings. A copy of the Public Defender Assessment from 2021 and workload study in 2022 was provided to him before the meeting. He was unaware of both.

At the 9-20-2022 Council Meeting, our department was questioned about other feasible ways to provide representation. CAB member Jono Scott made a presentation and brought up the Colorado Springs model. We were questioned as to how much each of our cases cost and how it compares to the Colorado Springs model. Our assessment was brought up and it was Mayor Coffman's opinion that it was not done by an independent third party. We did clarify to city council that the assessment was funded by a grant from the Dept of Justice and they chose to hire NLADA for this project.

When we were asked about our cost per case and if the Colorado Springs method would be better, we were not able to answer because we had no knowledge about the method Colorado Springs uses. We have since spoken to a municipal court judge in Colorado Springs and were informed that our systems are not comparable. The type of cases they handle do not include DV cases, which is our highest case load. They do not have any MVT, MV Trespass, or minimum mandatory sentences. Case types and case load is not comparable. Cases are paid on a case basis and not as an hourly rate.

Commission Chair Tobiassen asked if Colorado Springs has their own detention center. Chief Wilson explains that they have a county jail.

Commissioner Smylie-Brown asked if the Colorado Springs model is in compliance with the statute. Chief Wilson explains that it is because you can opt in to have OADC or have a process. They do have a process.

Commissioner Kaplan explains that in order for us to model Colorado Springs we would need to get rid of MVT and DV cases.

We were able to explain at the council meeting that even though our budget looks like it will increase by \$1million dollars, a good portion of that amount is funded by grant funds and not the city budget. \$421 thousand dollars is what is being asked of from the city.

Our request for a weekend court attorney was being questioned and determined that it was a scheduling issue and not a need for another FTE.

We are doing our office history research dating back to 1997 which includes the staff numbers then till now in order to prepare for the next budget council meeting.

Departments have been given, by City Council through Budget, a list of 12 questions that they want answered by next Thursday. Our department will need to answer 4 of them.

Commissioners Smylie-Brown and Hildebrand ask how we compare to the Denver Municipal Public Defender's office with the understanding that they do run City and County business. Chief Wilson

responds that per the review done by CBAC and presented by Mr. Scott, the need for the Municipal Public Defender exists due to the service it provides based on the size of population of Denver and the legal instances that are specific to the municipality which is not the same situation as Aurora. Per budget research we conducted, Denver Muni Public Defenders budget last year was \$3.9 million. We have a call scheduled to discuss the per case cost, budget for the coming year, and number of cases.

Commissioner Tvedt asks if we know how many Denver Muni Cases make it to trial and states that during Covid, Aurora continued going to trial whereas Denver Muni did not. Chief Wilson responds that it is not in their data.

Commissioner Tobiassen points out that tracking all the number of cases our office handles, whether in trial or not, divided into the budget gets us a cost per case. Commissioner Hildebrand points out that there is a difference in time spent on cases that go to trial vs not going to trial.

We received information dating back to 2000 on budget and staffing for our office and the Criminal City Attorney division for the side by side analysis.

Commissioner Smylie-Brown makes note that if the city was to hire an independent contract office to represent indigent clients, the city will have no control over them. They won't be city employees subject to employee policies and procedures, HR, and hiring practices. Chief Wilson states that he did mention to Mr. Scott that if our office is disbanded, the contractors will not be responsible to the city and are not covered by personnel rules. They would fall under a private contracting entity who are not supervised by the city.

Chief Wilson reminds everyone that the next important City Council Budget workshop will be Oct 8th. All day even on a Saturday from 8 am to 3 pm and their support will be needed.

Commission Chair Tobiassen states that on Oct 8th our budget requests for FTE will be brought up and city council will vote on whether or not they will be given. They may request an analysis of the department and if so, we will do it, we have done it before. It would be best to provide City Council ahead of time the slides and info received from Colorado Springs.

Commissioner Ashburn states that if city council was to deny our FTE requests, all we can do is try and if we can't meet their expectations and requirements, then we go a different route.

Commissioner Tvedt asks if we have support from Chief Judge Day. Chief Wilson responds that Judge Day was approached he said he would read the report. Chief Wilson explains that there is a convenience to having an office on the second floor. It facilitates the courts immediate need for an attorney to appear in court. We appear often on non-docketed court matters. Further discussion on the matter will occur at the next Big 4 meeting on the 5th of October.

7. From the Commission:

Public Defender Commission Renewals

We have 2 applications submitted and will work on getting a 3rd.
Confirmation from Tristen Sheptock was received.

Next meeting will be held on October 28, 2022 at 12:15 p.m. in the Public Defender's Virtual Conference room.

The Commission meeting adjourned at 1:32 p.m.



COMMISSION CHAIRPERSON

Date 11/3/2023