

ALLEN COUNTY CODE TITLE 1 GENERAL PROVISIONS

ARTICLE 17 PUBLIC DEFENDER BOARD

1-17-1 Chapter 1: Purpose

1-17-1-1

The Allen County Public Defender Board is hereby established for the purpose of providing legal representation to indigent defendants/respondents in criminal, juvenile, probation violation, extradition, child support, civil commitments and other proceedings where the right to counsel has been established by law.

1-17-2 Chapter 2: Definitions

1-17-2-1

When used herein, the following words and terms shall be defined as follows:

- (a) Board means the Allen County Public Defender Board created by this ordinance.
- (b) Indigent defendant/respondent means a person who requests legal representation and is determined by the court to be entitled to legal representation at public expense.
- (c) Legal representation means the services of an attorney provided to a defendant/respondent in a matter originating in a state court in Allen County involving:
 - (1) A person charged with a crime as defined in I.C. 35-41-1-6;
 - (2) An act of delinquency as defined in I.C. 31-37-1-2;
 - (3) A violation of a condition of probation established as a part of a sentence in a juvenile or criminal matter;
 - (4) Detention of a person subject to extradition to another jurisdiction;
 - (5) Proceedings to collect unpaid child support
 - (6) Civil commitment; or
 - (7) Other proceedings where the right to counsel at public expense has been established by law. The term legal representation includes services in connection with all pre-trial, trial and appellate proceedings in which an indigent defendant/respondent has a right to counsel.

1-17-3 Chapter 3: Board of Members and Appointment

1-17-3-1

Members. The Board shall consist of three (3) members: one (1) member appointed by the Board of Commissioners shall expire on December 31, 2005. The initial term of one (1) member appointed by the judges shall expire on December 31, 2006, and the initial term of the other member appointed by the judges shall expire on December 31, 2007.

Initial Term. The initial term of the member appointed by the Board of Commissioners shall expire on December 31, 2005. The initial term of one (1) member appointed by the judges shall expire on December 31, 2006, and the initial term of the other member appointed by the judges shall expire on December 31, 2007.

Successor Appointments. After the initial term of each member, appointments shall be for three (3) year terms. Members of the Board shall serve until their successor is appointed. An appointment to fill a vacancy shall be made by the authority appointing the member vacating the position and shall be for the remainder of the unexpired term.

Ineligible Members. The following persons shall be ineligible to serve as members of the Board:

- (a) a city employee;
- (b) town employee;
- (c) county attorney;
- (d) law enforcement officer;
- (e) judge; or
- (f) court employee

Pay. Board members shall serve without pay. If approved by the Board, members may receive reimbursement for expenses incurred in connection with the member's duties.

Quorum. Two (2) members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. Decisions of the Board shall be approved by a majority of the members present.

Meetings. The Board shall meet at least quarterly, or upon call of its chairperson, or any two (2) members of the Board.

Chairperson. The Board shall elect its chairperson by a majority vote of the Board.

1-17-4 Chapter 4: Powers and Duties of the Board

1-17-4-1

The Board shall do have the following powers and duties:

- (a) Prepare a comprehensive plan for providing legal representation to indigent defendants/respondents in the County in accordance with I.C. 33-9-15-5. The comprehensive plan shall, at a minimum, provide for:
 - (1) legal representation to an indigent defendant/respondent at the earliest possible point in time.

- (2) legal representation to an indigent defendant/respondent by the same attorney or attorneys through the pendency of the matter to the greatest extent possible; and
- (3) professional development and continuing legal education for public defenders.
- (b) Established policies and procedures for the provision of competent legal representation for indigent defendants/respondents in criminal, juvenile, probation violation, extradition, child support and criminal contempt, and other matters pursuant to the comprehensive plan.
- (c) Established guidelines and procedures for the determination of indigency and for the appropriate reimbursement for legal representation provided at public expense in accordance with I.C. 33-9-11-5.
- (d) Recommend an annual operating budget for the Public Defender's Office and monitor the expenditures of funds.
- (e) Prepare and submit to the County Council and the general public an annual report on the operation of the Public Defender's Office.

1-17-5 Chapter 5: Preparation of A Comprehensive Plan

1-17-6-1

Nothing contained herein shall be deemed to abridge the authority of any judge of a state court of this County from appointing counsel for any person entitled thereto under the Constitution of the United States or the Constitution of the State of Indiana

1-17-6 Chapter 6: Scope of Ordinance

1-17-6-1

Nothing contained herein shall be deemed to create a right of reimbursement pursuant to I.C. 33-9-14, except to the extent that any claims, for reimbursement, comply with I.C. 33-9-14 and the Standards of the Indiana Public Defender Commission.

1-17-7 Chapter 7: Effective Date

1-17-7-1

This Ordinance shall be effective as of the date of passage.

[Ordinance-06-03-23, passed 8-6-03]