

**Jefferson County Public Defender Board Meeting**  
Meeting Minutes

Wednesday, May 3, 2023 – meeting held via Zoom

Present: Board members: Heather Foy, Robert Little

Also in attendance: Devon Sharpe, Ashley Eklund

- D. Sharpe called meeting to order
- D. Sharpe presented the February 1, 2023 meeting minutes, Motion to approve by H. Foy, seconded by R. Little, and unanimously approved by H. Foy and R. Little
- D. Sharpe provided an update to the Board members:
  - o Discussed case assignments
  - o Discussed D. Sharpe handling juvenile matters due to changes from the Court
  - o Discussed reimbursements from the state
  - o Discussed lack of reimbursement for misdemeanor causes
  - o Discussed pay parity concerns upcoming for the budget due to compensation changes for certain deputy prosecutors
  - o Discussed possible changes to IV-D enforcement matters considering Ms. Eklund and Ms. Porter to handle these matters to allow for ease with the Court and (hopefully) faster resolutions with everyone being familiar with the process
- D. Sharpe presented Resolution 2023-1 and discussed the reason for this change:
  - o Changing from a contractual part-time chief PD to county employee (including all county benefits – retirement, insurance other benefits)
  - o D. Sharpe presented a letter from the Indiana public defender commission outlining the fact that Jefferson County was 1 of 3 counties left in the state with the format of contractual part-time chief PD and that format was no longer going to be acceptable
  - o H. Foy moved to approve, R. Little seconded, and unanimously approved by H. Foy and R. Little
- Meeting was adjourned.
- **Next meeting is August 2, 2023, 12:00 pm (noon) by zoom**

Board member terms:

County Executive Appointment:	Heather Foy	
Judicial Appointment:	Robert Barlow	10/1/21 to 10/1/24
Commission Appointment:	Robert Little, Chairman	10/1/21 to 10/1/24

*Minutes prepared by Devon Sharpe.*

Mark W. Rutherford, Chairman  
Indianapolis

Bernice Corley  
Indianapolis  
Samantha DeWester  
Indianapolis  
Hon. Mary Ellen Diekhoff  
Bloomington  
Hon. Kelsey B. Hanlon  
Spencer  
Representative Ragen Hatcher  
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# Public Defender Commission



David J. Hensel  
Indianapolis  
Senator Eric Koch  
Bedford

Representative Ryan Lauer  
Columbus  
Hon. Steven P. Meyer  
Lafayette  
Senator Gregory G. Taylor  
Indianapolis

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April 26, 2023

Mr. Devon Sharpe, Chief PD  
307 Jefferson St.  
Madison, IN 47250

RE: Chief PD Compensation

Dear Mr. Sharpe:

I am writing to share a clarification in the compensation requirements for chief public defenders. At the December 14, 2022 Commission meeting, the Commission discussed chief public defender compensation and contractual chief public defenders. We are aware of only three (3) counties with contractual chief public defenders and Jefferson County is one. Over the last few years, the Commission's staff has allowed counties to hire chief public defenders on a contract under a broad interpretation of its standard governing pay parity for chief public defenders. Standard G is the relevant standard and it states, in part:

[T]he salaries and compensation provided to the chief public defender and deputy chief public defender shall be the same as provided to the elected prosecutor and the chief deputy prosecutor in the county under I.C. 33-39-6-5 [emphasis added].

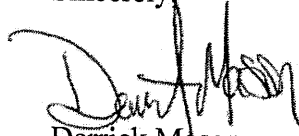
The Commission decided to clarify its position on contractual chief and chief deputy public defender positions. Instead of modifying the standard, the Commission has elected to follow the standard as written. Specifically, these positions must receive both the same "salary" and any other additional "compensation" that is provided to the prosecutor and/or chief deputy prosecutor in our county. Additional compensation would include any stipend paid to these positions by the county, which should already be included in any existing contract. This clarification disallows contractual compensation for these positions going forward.

The required salary for a part-time chief public defender remains 60% of the full-time salary. I would also point out, pursuant to statute, the minimum term for a chief public defender is four (4) years (in case that has not been part of your planning). We would also encourage a review of your comprehensive plan to see if any changes are necessary to reflect this or other standard changes that have passed since it was last amended.

On a final note, I would congratulate your county on having a chief public defender. These positions are not only important for the effective supervision of your county public defense system, but our data reveals that Commission counties with a chief public defender have 15% lower jail populations per capita than non-commission counties and 8% lower jail populations than commission counties without a chief public defender.

Don't hesitate to contact me if you have any questions or if there is anything we can do to assist you with this transition. We are here to help.

Sincerely,

A handwritten signature in black ink, appearing to read "Derrick Mason". The signature is fluid and cursive, with the first name "Derrick" and last name "Mason" clearly distinguishable.

Derrick Mason  
Executive Director

# Salaries

**Indiana Public Defender Commission (/publicdefender)**

Chief Public Defenders and Chief Deputies in public defense systems with offices must be compensated at the same rate as the elected prosecutor and chief deputy prosecutors. The Supreme Court sets these salaries each year. Public defense systems have until January of each year to match the pay raises prosecutors receive in July to account for the local budgeting process.

<b>Position</b>	<b>2021</b>	<b>2022</b>	<b>2023 (Effective January 1, 2023)</b>
<b>Chief PD</b>	\$156,125	\$159,950	\$165,276
<b>Part Time Chief PD (.66)</b>	\$103,043	\$105,568	\$109,082
<b>Part Time Chief PD (.6)</b>	\$93,675	\$95,970	\$99,166
<b>Chief Deputy Public Defender</b>	\$117,094	\$119,963	\$123,957
<b>Part Time Chief Deputy (.66)</b>	\$77,282	\$79,175	\$81,812
<b>Part Time Chief Deputy (.6)</b>	\$70,256	\$71,977	\$74,374

# Hourly Rates

Counties in the Commission's reimbursement program shall compensate attorneys paid hourly for time actually expended at the hourly rate of not less than 75% of the capital rate required under Criminal Rule 24, rounded, up or down, to the nearest \$10/hour. The effective date of any increases shall tier with the capital rate increases (January 1 of odd-numbered years).

From: Mason, Derrick [Derrick.Mason@pdcom.in.gov](mailto:Derrick.Mason@pdcom.in.gov)  
Subject: Re: Chief PD Salary  
Date: Apr 26, 2023 at 5:12:12 PM  
To: Devon Sharpe [dsharp@wjennerlaw.net](mailto:dsharp@wjennerlaw.net)

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Yes, still 60%!

Derrick

On Apr 26, 2023, at 4:54 PM, Devon Sharpe <[dsharp@wjennerlaw.net](mailto:dsharp@wjennerlaw.net)> wrote:

\*\*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*\*

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Can I still be part time?

Thank you!

Devon Sharpe

On Apr 26, 2023, at 4:18 PM, Mason, Derrick <[Derrick.Mason@pdcom.in.gov](mailto:Derrick.Mason@pdcom.in.gov)> wrote:

Devon, I wanted to share with you an update from December regarding Chief PD compensation. I recently discovered that you were hired as a contractual chief so I am just now sending you this letter that covers Standard G's requirement that chiefs and chief deputies be salaried employees and not contractors. The Commission decided as a new pension plan was up for discussion this session that now was the time to make this clarification. We aren't expecting any immediate changes this county budget year, but we do expect the changes to be made for the future. I wanted to get this to you ASAP so that there is time to address it in the budget process for 2024.

Let me know if you have any questions!

Derrick Mason  
Executive Director  
Indiana Public Defender Commission  
<Chief PD Compensation Ltr.pdf>