

PUBLIC DEFENDER NEWS

CHIEF’S CORNER

On Monday, June 20 the Public Defender Commission hired Scott Cruse to fill the vacancy left when Harry Freebourn retired as administrative director. Scott will take on a new role as chief administrator. Scott brings years of management experience to the new role, and he will be a valuable and welcome addition to the OPD team. He will begin working with the agency on August 22. We look forward to working with Scott, and there will be no shortage of projects and challenges in the months ahead. In the weeks and months ahead, we will continue to work on agency budget proposals for submission to the Governor, draft legislation for the 2017 session, agency reorganization plans for our central administrative support role, and tasks related to the on-going review by the Task Force on OPD Operations.

On May 16, the Task Force on OPD Operations held the fourth of five scheduled meetings. This group, comprised of legislators, a district court judge and attorneys, was established by the 2015 legislature to “study the operations of the office of state public defender and develop a long-term organizational plan for the next 6 to 10 years that will allow the office to provide effective assistance of counsel to those that qualify.” We have presented volumes of information and data to the Task Force, and other stakeholders have also presented information and observations on the state of public defense in Montana.

The Task Force discussed recommendations for draft legislation to present to the 2017 legislature. The proposals focused mainly on OPD plans for internal reorganization of the central office function and the addition of the chief administrator position, as well as proposals to consider changing the structure of the Commission. The final meeting will be held on September 12, at which time the Task Force will adopt draft legislation and approve a final report on its work.



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SPECIAL POINTS OF INTEREST

- OPD is 10!
- Suicide Prevention

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Other groups are examining issues related to Montana's justice system during the interim period between legislative sessions. The Commission on Sentencing met on June 22 and 23. Working in concert with the Council on State Governments, the Commission has been studying a wide range of issues, and likely will propose legislation on several issues. Peter Ohman is a member of the Commission, and the Commission's work will benefit from having Peter's defense-related perspective.

The Law and Justice Interim Committee is a joint bipartisan committee of the legislature that meets between legislative sessions. A 2015 senate resolution directed the current committee to study issues related to sexual assault in Montana, and to report to the 2017 legislature. The Law and Justice Interim Committee will meet on June 28 and consider draft legislation on several aspects of sex crimes. These proposals include revising the definition of consent and revisions to registration requirements and sentencing provisions.

This interim committee also monitors the activities of the Department of Corrections, the Department of Justice, and OPD. This committee will review OPD's proposed legislation prior to the 2017 session.

Over the past several weeks, OPD attorneys, investigators and staff have provided outstanding service on behalf of their clients. Among these notable results, a Great Falls jury acquitted Mark Frisbie's and Liam Gallagher's

client on charges of sexual intercourse without consent and sexual assault. Joan Burbridge and Reed Mandelko in Missoula won a hard-fought acquittal for their client on a sexual intercourse without consent charge, and walked their client out of jail after 9 months in custody. In Hill

County, Region 6 Deputy PD Kaydee Snipes-Ruiz and her client prevailed on a 3rd offense partner/family member assault charge, as the judge directed a verdict of acquittal. MCU attorney Tom Bartleson won an acquittal for a client who faced a charge of sexual intercourse without consent in Helena.

In closing, I want to share with you an observation that eloquently expresses the intrinsic value of being a member of the public defense team. Henry Martin, a federal public defender in the middle district of Tennessee, stated in a recent article posted on the website for the National Association for Public Defense: "Like public defenders and legal aid workers everywhere, I will

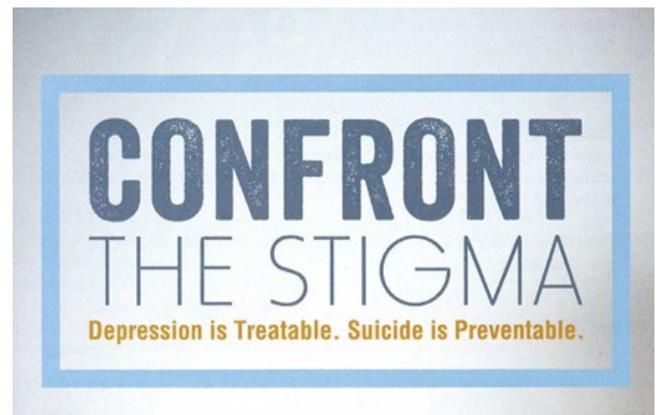
consider myself privileged to have had a chance to try to help people who truly needed help, and blessed to have done so surrounded by extraordinarily talented and hard-working people dedicated to the welfare of others. That, as someone else's client has said, is 'priceless.'" I am confident Mr. Martin speaks for many of us.

Bill

I will consider myself privileged to have had a chance to try to help people who truly needed help.

The state [Employee Assistance Program](#) recently offered seminars on suicide prevention around the state. Montana has struggled with high suicide rates for generations. Over the past ten years suicide has been the second leading cause of death for people age 10-44. In 2014, Montana had the highest number of suicide deaths per capita in the United States, with 251 deaths and a rate of 24.5 per 100,000 population.

Numerous resources on suicide prevention and recovery are available on the DPHHS [website](#), including how to handle a [suicidal caller](#). The Montanan Suicide Prevention Lifeline is available 24/7 at 1-800-273-8255. Of particular interest to those working with or parenting teens and young adults, the state recently launched a crisis text line. Just text MT to 741-741. See page 6 for warning signs of suicide and how you can help.



WELCOME!

Fritz Gillespie

Following a lengthy recruitment process, the Public Defender Commission met on June 20 to select their first Chief Administrator. The PDC unanimously chose to offer the position to Scott Cruse. The Chief Administrator will manage the administrative functions of the Office of the State Public Defender, and act as a single voice for the agency in the upcoming legislative session.

Scott is currently the Special Agent-In-Charge of the Oklahoma City Division of the Federal Bureau of Investigation. His nearly 30-year FBI career included many years in Montana as well as international postings. More information on Scott's background is on the [website](#).



He is expected to begin work on August 22, and looks forward to returning to Montana.

PREPARING FOR THE 2019 BIENNIUM



The PDC has been hard at work the last few months preparing for the 2017 legislative session. They are considering several legislative proposals and are responsible for forwarding a budget request to the Governor's office to be included in the executive branch submission.

The PDC set their [legislative priorities](#) and agreed to create a separate central services program at their [March 22](#) meeting. This change to the organizational structure separates the administrative compliance, legislative, and budgeting functions from the public defender (trial division) program and creates four co-equal programs—central services, trial division, appellate, and conflict programs. The new chief administrator will supervise the central services program. The change is effective in FY 16.

At the [May 17](#) meeting, the PDC prioritized all of the new items (known as change packages) that they want to add to the present law budget. The top priorities are necessary to continue operations at the existing level. They include the present law budget; rent adjustments; funding contractor costs; and addressing future caseload growth. The next priorities are salary adjustments and additional FTE. The budget priorities were advanced to the Office of Budget and Program Planning at the end of May.

There are many steps remaining in the legislative and budget processes as we proceed towards the 2017 session. The Commission and agency management will continue to work for appropriate funding at every step.

LEXIS ADVANCE

Lexis Nexis is transitioning from the normal Lexis research platform to Lexis Advance. We recommend that all attorneys using Lexis switch to Lexis Advance. It provides greater ease of functionality and more resources than the older version. If you need to get set up on Lexis Advance, contact the Lexis customer support number and start taking advantage of this improved resource. For tips on how to use the new platform, review the webinar provided in May, a copy of which is stored on the OPD Moodle site. Contact [Peter Ohman](#) for more information.

SO LONG, HARRY!

Fritz Gillespie

I wasn't on the original Public Defender Commission so I asked around to find out what Harry Freebourn contributed to the Office of the State Public Defender. Harry was part of the birth of OPD during the 2005 legislative session, when he worked for the Legislative Fiscal Division. Within about 8 months of the enactment of SB 146, Harry undertook the task of the "Great Organizer" of OPD to get it up and running by July 1, 2006. Within about 6 months he and his team had leased and opened offices in 11 regions and the state headquarters, arranged IT, purchased and leased furniture and equipment, and generally did anything and everything that had to be done to get OPD operational. In fact, Harry and Carleen went to Missoula on a weekend to help the public defenders move from their old offices into the new.

I worked closely with Harry after joining the PDC in January, 2009. He always willingly stepped in and helped when needed, but gave room for the people who work for him to learn from example so they have been able to grow with the agency. He is the type of manager who "trusts but verifies," and is the ultimate example of those who selflessly prefer to "support" and "assist." The truth be known though, from its inception he not only guided, but led, OPD from the rear. Outcomes have not been the best sometimes when we in the front, including me, did not listen to Harry's counsel closely enough even if he is not a lawyer.

Harry retired effective June 1, and he will be sorely missed in so many ways. We wish him good luck and all the best in the future.





10 YEAR CELEBRATION!

This summer, OPD will celebrate ten years as a state agency. Statewide, 54 people have been with OPD since 2006. That is a lot of dedication to public defense!

Harry wanted to honor the 10 other Central Services staff who came on board in 2005 or 2006 prior to his impending departure. Harry and Carleen Green started in 2005; Barb Kain, Peter Ohman, Jeb Myren, Steven St. John, Traci Brasier, Cathy Doyle, Lynn MacMillan, Mori Woods and Bekki Satterlee joined the agency in 2006. On May 25, he presented each employee with some remarkable memories, a certificate and a 10-year service pin at a staff lunch. A good time was obviously had by all!



WARNING SIGNS

of someone who may be at
RISK OF SUICIDE

- Abrupt change in personality
- **Giving away prized possessions**
- Previous suicide attempts
- **Increase in drug or alcohol use**
- Eating disturbance, either weight gain or loss
- **Sleep disturbance, either too much or too little**
- Inability to tolerate frustration
- **Withdrawal and rebelliousness**
- Isolating and choosing to spend time alone

- Decline in personal hygiene
- **Flat affect or depressed mood**
- Unusually long grief reaction (varies with different youth)
- **Overall sense of sadness and hopelessness**
- Flat affect or depressed mood
- **Unusually long grief reaction (varies with different youth)**
- Overall sense of sadness and hopelessness
- **Increase in hostility**
- Decrease in academic performance
- **Difficulty concentrating**
- Recent family or relational disruption

WHAT YOU CAN DO TO SAVE A LIFE

- If you see the signs, ask the person, "Are you suicidal?"
- **Offer hope, don't leave them alone, and tell others**
- Take the person to the nearest ER, call the police, take them to a health care professional or
- **Call the Montana Suicide Prevention Lifeline at 1-800-273-TALK (8255)**



www.prc.mt.gov/suicideprevention