



## STATE OF INDIANA

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### INDIANA PUBLIC DEFENDER COUNCIL

309 West Washington Street, Suite 401  
Indianapolis, IN 46204-2725  
Telephone: (317) 232-2490  
Fax: (317) 232-5524

### MEMORANDUM

**TO:** IPDC Board  
**FROM:** Bernice A. N. Corley, Executive Director  
**RE:** Establishing policy to receive restricted and unrestricted donations/ Non-profit creation  
**DATE:** September 14, 2020

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The mission of the Public Defender Council (IPDC) is to improve legal representation provided at public expense in state courts in Indiana. The Council fulfills its mission by providing training, publications, research, consultation on strategy and tactics, sentencing and mitigation support, technical assistance on office automation and information systems. IPDC also provides liaison contact with the General Assembly, study commissions, organizations and governmental entities to aid in law and policy development that support the fair administration of justice.

At IPDC's 2019 retreat, Executive Director Corley brought to the Board's attention that many individuals had expressed interest in donating to IPDC. For example, some have offered to sponsor the attendance of attorneys for trainings. IPDC has not accepted donations because there was no financial framework to do so. Coupled with that discussion was the idea of creating a non-profit which paralleled the structure of IPAC's nonprofit. At this point, there has been no advancement on the development of a proposal of a nonprofit. The idea is not abandoned and staff will move this matter forward as time permits. The delay in creating the nonprofit will not foreclose IPDC's ability to receive donations.

On June 1, 2020, IPDC Board voted for IPDC to pursue a statutory change to give IPDC authority to receive donations. IPDC staff began working on this agenda item by first consulting with the Indiana State Board of Accounts (SBOA) to ensure developing a process which complies

with internal control procedures. During those discussions, IPDC staff learned that it is possible to accept donations without statutory authority. Converging with this discussion is the likelihood that members of the General Assembly will likely have the number of bills they can file be limited. Taking this information together, IPDC staff proposes moving forward to accept donations without statutory authority. In furtherance of this proposal, IPDC staff has worked with SBOA to develop a proposal that contains necessary internal controls and comports with state accounting and auditing processes.

### **PROPOSED DONATION ACCEPTANCE POLICY**

1. Types of donations. IPDC may accept in the name of the agency, for use in carrying out the mission of the agency, money received by gift, grant, bequest, or otherwise, whether restricted or unrestricted; accept voluntary and uncompensated services; and expend funds made available to the agency according to policies established by the IPDC Board. However, IPDC reserves the authority to decline any restricted donation which, upon acceptance, would require IPDC to act outside of or in conflict with its mission.
2. Deposit of financial donations. IPDC will deposit money donations or proceeds from a donation to the Training Fund. The donated funds may be transferred to the Training or Publications Fund to pay for training or publication related expenses.
3. Acknowledgment to donor. IPDC will provide a written response to the donor acknowledging receipt of the donation. If the donation was restricted, the response will communicate an agreement to use the donation in compliance with the restriction. A copy of the Acknowledgment will be maintained by IPDC's Controller.
4. Financial Report. IPDC will maintain and the Board will receive a quarterly report of donations received and the fund to which the money was deposited. The report will document any restrictions associated with a particular donation, as well as record the expenditure of donations.
5. Matters for which unrestricted money donations may be used. IPDC will use unrestricted money donations to fulfill or support its mission to improve legal representation provided at public expense in state courts in Indiana. Specifically, IPDC will apply unrestricted money donations to training, publications, research, consultation on strategy and tactics,

sentencing and mitigation support, technical assistance on office automation and information systems, and liaison support.

6. Process for approving expenditure of unrestricted and restricted money donation. At any time, the Board may consider use of donated funds. With respect to restricted funds, IPDC Board will: 1) review the restriction; 2) consider whether IPDC can comply with the restriction; 3) if the Board determines IPDC cannot comply with the restriction, IPDC will return the donation; 4) if the Board determines IPDC can comply with the restriction, the Board will take action necessary to utilize the money in compliance with the restriction. With respect to unrestricted funds, IPDC Board will act in accordance with paragraph 5, giving priority to matters that lack state funding or sufficient state funding.