

**OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER
STRATEGIC PLAN FY2020 - FY2024**

Mission

Defending zealously, advancing fairness, and advocating with integrity.

Vision

A better Idaho where the legal system treats each person with fairness and dignity.

Goals

Provide Competent, Constitutionally Sufficient Representation to All SAPD Clients

Objective	Strategy	Performance Measure	Benchmark
The Deputy SAPD's will engage in a legal practice that comports with professional and ethical obligations, and will provide each client with constitutionally adequate representation.	The State Appellate Public Defender ("SAPD") will provide regular information on ethical obligations and constitutionally required services to Deputy SAPD's and encourage communication and discussion of impediments to meeting those obligations, including excessive workloads.	The attorneys of the State Appellate Public Defender's office will not have reprimands from the Office of Bar counsel or the Idaho Supreme Court. There will be no affirmed findings of ineffective assistance of counsel against an attorney of the Office of the SAPD.	1) Presentation of information, including case law and legal opinions, to the attorneys of the SAPD relevant to ethical and professional responsibilities each quarter; and 2) Open discussion of ethical and professional issues and anything that impedes adherence to standards as issues arise.
Members of the SAPD office will be sufficiently trained on appropriate procedures and	Attorneys and staff will be encouraged to identify free and low-cost training opportunities,	Each attorney will have sufficient continuing legal education credits in topics relevant to criminal	1) Once each fiscal year, each attorney at the SAPD will attend

<p>substantive law such that they can adequately handle their responsibilities as well as be a resource for other attorneys providing indigent defense services.</p>	<p>including identifying practice specific training and applying for scholarships through the Public Defense Commission.</p> <p>Support staff will identify training relating to their positions including those offered by other state agencies.</p> <p>SAPD attorneys will be encouraged to present at CLE programs to outside groups in exchange for free attendance at the rest of a seminar.</p>	<p>defense practice for renewal of their legal license.</p> <p>All non-attorney staff members will have sufficient training to independently fulfill the requirements of their position.</p>	<p>training relevant to their position; and</p> <p>2) Once each year, non-attorney employees will attend a training seminar relevant to their duties that is presented by an outside entity.</p>
<p>Workloads will be controlled, in a financially responsible manner, to ensure that sufficient time is available for both legal services and client communication.</p>	<p>Review both caseload and workload data each year from the prior three years to determine whether either has increased and whether the SAPD is sufficiently staffed.</p>	<p>The completion of a report each year on the status of caseload and workload for the prior three fiscal years.</p>	<p>1) The report will be completed by August 31 of each year for the prior three fiscal years.</p>

Provide Services In An Efficient Manner

Objective	Strategy	Performance Measure	Benchmark
<p>Workloads will be controlled to ensure that clients are not subjected to unnecessary delay in having their appeals heard by Idaho's appellate courts.</p>	<p>Reduce the average time it takes to have an initial appellant's brief filed by reducing the attorneys' workloads to an appropriate level of no more than 35 points per year.</p>	<p>Maintain the number of briefs filed with more than 2 extensions of time at 10% or less.</p> <p>The completion of a report each year on the status of caseload and</p>	<p>1) Gather data on the SAPD's caseloads during the prior three fiscal years;</p> <p>2) Gather data on attorneys' actual workloads and average workloads during the prior three fiscal years;</p>

		<p>workload for the prior three fiscal years.</p> <p>Make a determination, based upon data, of whether the SAPD has a sufficient number of attorneys to handle the workload or whether additional attorney positions should be sought.</p>	<p>3) Gather data on average number of days from receipt of the clerk's transcript and record to attorney assignment, and the number of cases with Appellant's Briefs filed on more than a second extension of time; and</p> <p>4) Evaluate data to determine whether the SAPD is sufficiently staffed in time to include any needed additional positions in the upcoming fiscal year's budget request.</p>
<p>The SAPD will work with the Idaho Supreme Court to implement an efficient and cost-saving case management system.</p>	<p>Integrate the SAPD's case management system with the Idaho Supreme Court's system such that electronic records and transcripts can be utilized by the SAPD and the courts. Both personnel time and cost savings will be realized by reducing the need for the creation of clerk's records on appeal and reduced manual docketing.</p>	<p>Maintain updated Prolaw case management software to ensure compatibility with the Idaho Supreme Court's case management system.</p>	<p>1) In FY2020, continue participating in the Idaho Supreme Court Technology Committee to plan implementation of new software for Idaho's court system.</p>
<i>Collaborate With Other Entities To Improve Idaho's Criminal Justice System</i>			
Objective	Strategy	Performance Measure	Benchmark
<p>Provide educational opportunities to trial-level attorneys in an effort to improve the practice of criminal defense, thereby reducing and</p>	<p>Partner with the Idaho Public Defense Commission, Idaho Association of Criminal Defense Attorneys, and the Idaho State Bar</p>	<p>Presentation of appellate update programs by SAPD attorneys during the IACDL's annual seminar each year.</p>	<p>1) Preparation of appellate update handouts, including case summaries and suggestions for potential impact of appellate cases;</p>

<p>streamlining the time and cost necessary to appeal.</p>	<p>to offer educational programs during regularly scheduled events.</p>	<p>Presentation of substantive CLE programs each year by SAPD attorneys for the Public Defense Commission and at IACDL's seminars.</p> <p>Production and organization of training seminars for public defenders statewide. The program will focus on appellate practice. The program will be funded through an application for funds from the Idaho Public Defense Commission.</p>	<p>2) Identification of substantive topics and preparation of CLE handouts;</p> <p>3) Application for funds to produce a seminar specific to appellate practice for Idaho's public defenders; and</p> <p>4) Presentation of programs.</p>
<p>Participate in relevant working groups to ensure that people's constitutional rights are protected when policy decisions are made and implemented, and the needs and costs of providing clients with constitutionally sufficient representation is a factor in decision making.</p>	<p>Participation in committees which determine and implement policies that affect SAPD clients as well as the cost and effectiveness of constitutionally sufficient legal representation.</p>	<p>Participation in:</p> <p>Idaho Public Defense Comm'n; Idaho Criminal Justice Comm'n; Idaho Grant Council; Idaho Supreme Court Technology Committee; Idaho Supreme Court Criminal Rules Committee; Idaho Supreme Court Appellate Rules Committee; Idaho Supreme Court Rules of Evidence Committee; and National Association for Public Defense.</p>	<p>1) Identification of relevant committees;</p> <p>2) Secure representation on the committee;</p> <p>3) Dedication of sufficient time to adequately research and present relevant data and information; and</p> <p>4) Consistent participation in meetings.</p>
<p>Encourage and support legislative efforts to review and reform Idaho's indigent defense delivery system to ensure that any changes result in more effective and efficient delivery of services.</p>	<p>Participation in the Idaho Public Defense Commission's writing of rules pertaining to distribution of funds for training for public defenders.</p>	<p>Idaho's adoption of additional statutes and rules reforming the indigent defense delivery system during the 2018 legislative session.</p>	<p>1) Provide documents and information as requested by the legislature;</p> <p>2) Legislative testimony as needed; and</p>

	Participation in the Idaho Public Defense Commission's work on recommendations for caseload/workload standards and educational requirements.		3) Active participation in the Idaho Public Defense Commission.
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Executive Order 2017-02 / Cybersecurity Compliance

Objective	Strategy	Performance Measure	Benchmark
<p>The SAPD has adopted the National Institute of Standards and Technology (NIST) Cybersecurity Framework and provided the SAPD employee's education and training programs. As the budget allows, the SAPD will continue implementing and seeking compliance with Version 7 CIS Controls as necessary to meet obligations of Executive Order 2017-02.</p>	<p>Work closely with the SAPD's service provider, Treasure Valley IT, and the Office of Information Technology Services in evaluating current security controls.</p> <p>Identify current training available and areas where additional training is needed.</p> <p>Work with Department of Human Resources and Office of Information Technology Services to revise office policies related to training and use of devices potentially compromising SAPD internet security.</p> <p>Meet monthly with Treasure Valley IT to assess progress in implementing the CIS Controls.</p>	<p>Identify all unauthorized devices on the network, remove those devices entirely from the network, and implement procedure to prevent unauthorized devices from gaining future access to the network.</p> <p>Identify all authorized devices on the network and monitor use of those devices.</p> <p>Identify all unauthorized software on the network and remove software entirely from the network to ensure only authorized and managed software is on the network.</p> <p>Establish, implement, and actively manage security configuration of laptops, servers, and workstations to prevent attack of vulnerable services and settings.</p> <p>Deploy automated scanning tools to identify vulnerabilities within</p>	<p>1) By July of 2020, the SAPD will work toward compliance with all security controls 1-5 as required by Version 7 CIS or provide explanation as to the reasoning why the SAPD need not fully comply with the identified control or is currently unable to comply due to budget constraints or other external factors.</p>

		<p>the system and proactively address identified flaws or weaknesses.</p> <p>Ensure administrative privileges are given <i>only</i> to those users where access is required to meet the goals of the SAPD and monitor for unexpected use of those with administrative privileges.</p>	
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Executive Order 2019-02 / Red Tape Reduction Act

Objective	Strategy	Performance Measure	Benchmark
<p>The SAPD is to designate a Rules Review Officer “to undertake a critical and comprehensive review of the agencies administrative rules to identify costly, ineffective, or outdated regulations.”</p> <p>The SAPD is to develop a plan to critically identify and review the SAPD’s administrative rules and identify “costly, ineffective, or outdated regulations.”</p>	<p>The SAPD has designated its Office Administrator to act as the Rules Review Officer for the SAPD.</p> <p>The SAPD does not currently have any administrative rules.</p>	<p>The SAPD will not propose any administrative rules unless the SAPD discovers that an administrative rule is crucial to its mission in providing efficient and effective representation of indigent defendants in capital cases and on direct appeal in felony cases.</p>	<p>The SAPD does not currently have any administrative rules.</p>

External Factors

The ability of the Office of the State Appellate Public Defender to achieve its goals is limited by the time and resources available which is impacted by the number of cases assigned to the SAPD and the available financial and personnel resources. For example, a key requirement of many goals is the ability to control workloads such that cases can be processed in a timely fashion and sufficient time is available to ensure that counsel can review each case and respond to the needs of each client. In addition, if the workloads are excessive there is little to no time which can be dedicated to necessary training or participation in relevant criminal justice organizations. However, the SAPD’s ability to control workloads is dependent upon the number of cases assigned to the SAPD by Idaho’s district courts, and by the legislature’s approval of full-time positions. Increases in the number of cases assigned to the SAPD must be met with additions in personnel and resources to meet the increased workload. The SAPD’s ability to add personnel is, in turn, dependent upon outside forces including a sufficient budget appropriation and approval for

additional full-time employees. Likewise, the SAPD's ability to identify and implement a software system that is integrated with the Idaho Supreme Court is dependent upon the Supreme Court's implementation of electronic filing, adoption of appellate case management software, and the SAPD's ability to identify and implement software that will be compatible.

Finally, with regard to the SAPD's compliance with Executive Order 2017-02, the SAPD is an independent state agency that represents indigent defendants on appeal to the Idaho Supreme Court and in those cases where the death penalty has been imposed, in the district court on post-conviction and on appeal in the Idaho Supreme Court. As a result, the State of Idaho is the opposing party in all of the SAPD's litigation. While most executive branch agencies work with the Department of Administration for IT services, the SAPD is unable to do so because the State of Idaho is the opposing party in all cases handled by the SAPD. Due to ethical obligations, including confidentiality requirements, the SAPD cannot allow outside employees of the state to have access to its case records, attorney work product, and privileged communications. As a result, the SAPD's compliance with Executive Order 2017-02 is in part contingent upon legislative appropriations to independently purchase the software and hardware necessary to meet each step of the Center for Internet Security Critical Security Controls.