

Agency Summary And Certification

FY 2023 Request

Agency: Public Defense Commission

437

In accordance with 67-3502 Idaho Code, I certify the included budget properly states the receipts and expenditures of the departments (agency, office, or institution) for the fiscal years indicated.

Signature of Department Director:

Kathleen Elliott

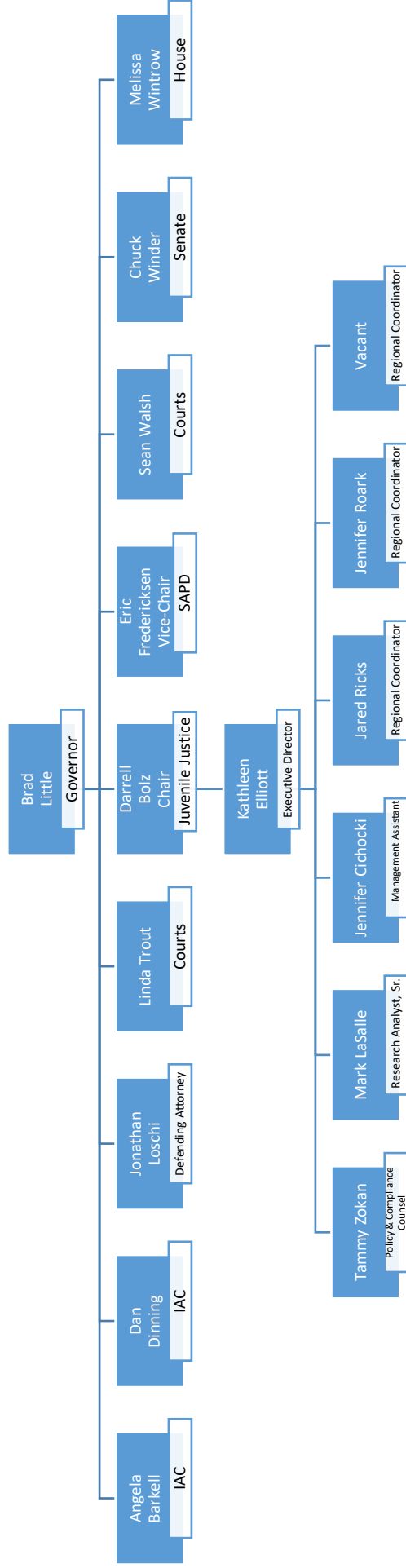
Date: 09/01/2021

	FY 2021 Total Appropriation	FY 2021 Total Expenditures	FY 2022 Original Appropriation	FY 2022 Estimated Expenditures	FY 2023 Total Request
Appropriation Unit					
Public Defense Commission	10,711,200	9,343,600	11,290,800	11,290,800	11,639,985
Total	10,711,200	9,343,600	11,290,800	11,290,800	11,639,985
By Fund Source					
G 10000 General	10,711,200	9,343,600	11,290,800	11,290,800	11,639,985
Total	10,711,200	9,343,600	11,290,800	11,290,800	11,639,985
By Account Category					
Operating Expense	259,600	139,300	261,400	261,400	261,400
Capital Outlay	0	100	0	0	0
Trustee/Benefit	9,732,200	8,670,300	10,295,900	10,295,900	10,640,900
Personnel Cost	719,400	533,900	733,500	733,500	737,685
Total	10,711,200	9,343,600	11,290,800	11,290,800	11,639,985
FTP Positions					
FTP Positions	7.00	7.00	7.00	7.00	7.00
Total	7.00	7.00	7.00	7.00	7.00

Public Defense Commission

FY 2022 Organizational Chart

7.0 FTP/1.0 Vacancy
As of 08/19/2021



Part I – Agency Profile

Agency Overview

The State Public Defense Commission (PDC) was established in 2014 to improve the delivery of indigent defense services throughout the state. The PDC strives to ensure that the safeguards of the Sixth Amendment to the United States Constitution and Article I, Sect. 13 of the Idaho Constitution are fulfilled by collecting data, supporting compliance with standards, providing training and administering financial assistance.

Core Functions/Idaho Code

Pursuant to Idaho Code §§19-849 - 851 and 862A, the PDC:

- Promulgated rules establishing:
 - Training, data reporting, County/Defending Attorney contracting, financial assistance, administrative review and fair hearings and oversight and enforcement requirements and procedures; and
 - Minimum Defending Attorney requirements for providing effective representation to Indigent Persons;
- Serves as a clearinghouse of information for stakeholders;
- Administers and allocates funds appropriated by the Legislature, to Counties in accordance with §§ 19-850(e) and 862A, and to Defending Attorneys in accordance with §19-850(e), to support compliance with PDC Rules;
- Provides training to Defending Attorneys and their staff;
- Keeps the Legislature informed, and makes recommendations about, indigent defense services in Idaho; and
- Reviews County and Defending Attorney compliance with PDC Rules and financial assistance terms.

Revenue and Expenditures

Revenue	FY 2018	FY 2019	FY 2020	FY 2021
General Fund	<u>\$5,931,300</u>	<u>\$5,814,800</u>	<u>\$10,689,200</u>	<u>\$10,711,200</u>
Total	\$5,931,300	\$5,814,800	\$10,689,200	\$10,711,200
Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Personnel Costs	\$552,600	\$516,800	\$532,200	\$533,900
Operating Expenditures	\$304,300	\$244,600	\$131,500	\$139,300
Capital Outlay	\$0	\$4,440	\$8,000	\$100
Trustee/Benefit Payments	<u>\$4,351,200</u>	<u>\$4,682,200</u>	<u>\$9,162,800</u>	<u>\$8,670,300</u>
Total	\$5,208,100	\$5,448,000	\$9,834,500	\$9,343,600

Profile of Cases Managed and/or Key Services Provided

Cases Managed and/or Key Services Provided	FY 2018	FY 2019	FY2020	FY2021
<p>CLE Trainings for indigent defending attorneys.</p>	<p>The PDC provided several more training opportunities for Idaho’s defending attorneys, co-hosting the IACDL Sun Valley Conference, sending defending attorneys to the Federal Defenders annual fall seminar, co-hosting the WJDC Leadership Summit and hosting a 1-hour webinar regarding the reading of medical records. These training seminars provided 30 CLE credits in total. Over 130 attorneys from all of Idaho’s seven Judicial Districts attended the seminars.</p>	<p>The PDC co-sponsored three continuing legal education programs for Idaho defending attorneys. The Commission partnered with IACDL for the Sun Valley Seminar, NACDL for the Idaho Public Defender Summit and the Federal Defenders Services of Idaho for the Western All-Star Conference. annual fall seminar. A total of 301 defending attorneys participated in the three trainings.</p>	<p>The PDC and NAPD held the Team Mitigation Institute, Idaho’s first criminal “bring your own case” CLE with 12.75 credits for 45 Idaho attendees. The PDC partnered with the FDSI to provide 12.5 credits (6 Capital, 1 ethics) credits for 50 Idaho defending attorneys at the All Star Conference. The IACDL Sun Valley Seminar, Public Defense College, and the Executive Leadership Institute were cancelled due to Covid-19.</p>	<p>In partnership with NAPD, the PDC held Idaho’s first Public Defense College (PDC²) with 29 graduates (12 contract/17 institutional defenders) for 28.25 CLE credits. The PDC co-sponsored the NAPD 2021 Conference: We the Defenders attended by 123 Idaho Defending Attorneys who selected from 95 approved CLEs. The PDC started two ongoing webinar series: 1) First Friday, for Defenders to ask questions, collaborate and attend a CLE (3 webinars each.5 CLE credit for with total of 34 attendees); and 2) The <i>Montroy</i> Series inaugural presentation qualified for 1 CLE credit and included 36 Defenders. In total, 222 Defenders participated in 6 CLEs. The PDC also offers free on-demand NAPD CLEs for all attorneys on the roster.</p>

Part II – Performance Measures

Performance Measure	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Goal 1					
<i>Provide stakeholders and the public with clear and understandable rules.</i>					
1. Review all rules with the objective of eliminating redundancies and language that is unclear, unnecessary or contradictory. *This is a new measure.	actual	The PDC reviewed the 7 IDAPA chapters and 3 documents incorporated by reference identifying redundant, unclear and unnecessary language. All rules were tracked for completeness			
	target	<i>Identify unnecessary and unclear rules and documents incorporate by reference in the 3rd quarter, 2020.</i>			

<p>2. Engage in rulemaking to rewrite all current rules to simplify and clarify and to carry over the rule proposal from FY2020 regarding independence from political and judicial influence and resource equity. *This is a new measure.</p>	<p>actual</p>	<p>The rules in the previous 7 chapters and 3 documents incorporated by reference were relocated to 4 chapters and organized by 1) definitions, 2) requirements and procedures, 3) records, reporting and review and 4) financial assistance and training resources. Independence and resource equity were incorporated as negotiated.</p>				
	<p>target</p>	<p><i>Prepare an outline of the rewritten rules, including the principles of independence (See IC 19-850(1)(a)(vii)(7)) and resource equity (See IC 19-850(1)(a)(vii)(7)) prior to negotiated rulemaking and draft proposed rules for public hearing and comment in the 3rd and 4th quarters, 2020.</i></p>		-		

Performance Measure	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	
Goal 2						
<i>Promote excellence by providing interactive and accessible training to defending attorneys and professional staff</i>						
1. Understand the training needs of defending attorneys and staff and develop innovated and accessible training. *This is a new measure.	actual	In 2020, the PDC partnered with the BSU College of Innovation and Design to interview defenders and presenters, study defender needs and effective training and develop training tools (ie, presenter guide). With COID and NAPD, the PDC assessed platform and technology needs. The PDC also developed a survey for training participants after each CLE.				
	target	<i>Collaborate with partners to design effective webinars and in-person and virtual trainings in the 3rd quarter, 2020.</i> <i>Continue to review training needs and feedback to improve trainings and assist trainers.</i>				

<p>2. Provide live and recorded interactive webinars to defending attorneys. *This is a new measure.</p>	<p>actual</p>	<p>The PDC started two ongoing webinar series: 1) First Friday, for Defenders to ask questions, collaborate and attend a CLE; and 2) The <i>Montroy</i> Series featuring Idaho/national experts on public defense. The PDC also offers free on-demand NAPD CLEs for attorneys on the roster and secured the LMS allowing us to build an on-demand library of webinars and materials.</p>				
	<p>target</p>	<p><i>Provide regular live webinars featuring Idaho and national presenters at no charge to PDC roster members beginning in the 3rd quarter, 2020.</i></p> <p><i>By December 1, 2020, make recorded webinars available to PDC roster members at no charge through a learning management system.</i></p>				

<p>3. Develop a public defense college emphasizing trial skills, holistic defense and mentoring. *This is a new measure.</p>	<p>actual</p>	<p>In partnership with NAPD, the PDC held Idaho's first Public Defense College (PDC²) with 12 contract defenders and 17 institutional defenders participating. Nine Idaho attorneys and 10 attorneys from across the nation made up the faculty. The 6 day college was preceded by a train the trainers class. The college was held virtually due to Covid. The college was free of charge to defenders and counties.</p>				
	<p>target</p>	<p><i>Organize an in-person or, if prohibited by Covid 19, a virtual public defense college at no charge for PDC roster members in 2021.</i></p> <p><i>Recruit attorneys from Idaho and across the nation to teach at the public defense college and secure accommodations or platforms for the college by April 1, 2021.</i></p>				

Performance	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	
Goal 3						
<i>Collect accurate indigent defense services data and make recommendations to the Idaho legislature.</i>						
1. Collaborate with partners to identify and collect accurate case, workload and expenditure data. *This is a new measure.	actual	The PDC works with stakeholders, Courts and national partners to streamline and build online applications and reporting forms to be electronically submitted. As of December 31, 2020, counties report their indigent defense expenditures. Case and workload data is also improving statewide.				
	target	<p><i>Collaborate with stakeholders, the Administrative Office of the Courts, policy experts and other partners to identify relevant data and improve forms and develop other methods of data collection by 2022.</i></p> <p><i>During FY 2021, work with counties and defending attorneys to obtain and analyze specific case and indigent defense expenditure data from FY 2020.</i></p>				

For More Information, Contact

Kathleen J. Elliott, PDC Executive Director
 816 W. Bannock St., Suite 201
 Boise, ID 83702
 Phone: (208) 332-1735
 Cell: (208) 869-3124
 E-mail: kathleen.elliott@pdc.idaho.gov

Director Attestation for Performance Report

In accordance with *Idaho Code 67-1904*, I certify the data provided in the Performance Report has been internally assessed for accuracy, and, to the best of my knowledge, is deemed to be accurate.

Department: Public Defense Commission

Kathleen J. Elliott
Director's Signature

8-27-2021
Date

Please return to:

Division of Financial Management
304 N. 8th Street, 3rd Floor
Boise, Idaho 83720-0032

FAX: 334-2438
E-mail: info@dfm.idaho.gov

FIVE-YEAR FACILITY NEEDS PLAN, pursuant to IC 67-5708B

AGENCY INFORMATION

AGENCY NAME:	Executive Office of the Governor		
Division/Bureau:	Public Defense Commission		
Prepared By:	Jason Martinez	E-mail Address:	jason.martinez@dfm.idaho.gov
Telephone Number:	208-854-3063	Fax Number:	208-334-2438
DFM Analyst:	Adam Jarvis	LSO/BPA Analyst:	Jared Hoskins
Date Prepared:	6/30/2019	For Fiscal Year:	2023

FACILITY INFORMATION (please list each facility separately by city and street address)

Facility Name:	Garro Building		
City:	Boise	County:	ADA
Street Address:	816 W. Bannock Street	Zip Code:	83702
Facility Ownership: (could be private or state-owned, use "X" to mark one):	Private Lease (use "X" to mark):	State Owned (use "X" to mark):	X Lease Expires: 2024

FUNCTION/USE OF FACILITY: Could be administrative use, client counseling, hearing rooms, field offices, etc. Address any specialized needs which require additional square feet.

Administrative Space, PDC Boise

COMMENTS: Address reasons for expanding or relocating; amount of space leased to other state agencies, federal agencies, etc. & the amount of rent they pay for the use of your facility; or other comments which might be helpful.

SURPLUS PROPERTY: Facilities to be disposed of and funds re-utilized for building replacement or renovation of facilities. This could also include leased facilities if the leased facility is to be vacated prior to the expiration date of the lease.

FISCAL YR:	ACTUAL 2021	ESTIMATE 2022	REQUEST 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026
Use "X" to mark the year facility would be surplus.						

WORK AREAS: Work areas are areas occupied by full-time employees, contractors, seasonal employees, auditors, etc. (3 people working in one building would be 3 work areas)

FISCAL YR:	ACTUAL 2021	ESTIMATE 2022	REQUEST 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026
Total Number of Work Areas:	7	7	7	7	7	7
Full-Time Equivalent Positions:	6	7	7	7	7	7
Temp. Employees, Contractors, Auditors, etc.:	0	0	0	0	0	0

SQUARE FEET: Use "net rentable" sq ft if in a facility leased from a private party; use "usable" sq ft if in a State-owned facility. Typically, this will be the figure shown in the Lease Agreement if leased from a private party or in the MOU if state-owned.

FISCAL YR:	ACTUAL 2021	ESTIMATE 2022	REQUEST 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026
Square Feet:	1,480	1,480	1,480	1,480	1,480	1,480

FACILITY COST: Include annual rent, plus any facility-related costs, such as utilities, janitorial service, property taxes or building maintenance which are not included in rent payment made to your Landlord. If improvements will need to be made to the facility and will be paid by the agency, this should be included as well. If the lease will be expiring and the future rent is not specified in the lease agreement, increase rent by 3%/yr. Increase all other facility-related costs by 3%/yr as well. Use "Calculation Sheet" tab below if necessary. Do not include telephone costs or rent discounts. If you anticipate moving to a new facility, you need to take into account any increase in sq ft leased and estimate a new market rate for the new facility. Do NOT use your old rate per sq ft – it may not be a realistic figure.

FISCAL YR:	ACTUAL 2021	ESTIMATE 2022	REQUEST 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026
Total Facility Cost/Yr:	\$25,704.84	\$26,475.99	\$27,270.26	\$28,088.37	\$28,931.02	\$29,798.95

IMPORTANT NOTES:

1. Please fill in the white sections only! If you have any questions, please call Melissa Broome @ 208-332-1933.
2. Upon completion, please send to Melissa Broome at the Division of Public Works via email to Melissa.Broome@adm.idaho.gov.
3. If you have five or more locations, please summarize the information on the Facility Information Summary Sheet and include this summary sheet with your submittal.
4. Attach a hardcopy of this submittal, as well as the Facility Information Summary Sheet, if applicable, with your budget request.

AGENCY NOTES:

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Division Description

Request for Fiscal Year: 2023

Agency: Public Defense Commission

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Division: Public Defense Commission

PD1

Statutory Authority:

The Public Defense Commission was created by statute in 2014. Pursuant to Section 19-849, Idaho Code, the commission consists of nine members as follows:

- 1) Two members of the Idaho Legislature, one from each chamber;
- 2) One person appointed by the Chief Justice of the Idaho Supreme Court; and
- 3) Six people appointed by the Governor, to include representatives from the Idaho Association of Counties (2), Office of the State Appellate Public Defender (1), and Juvenile Justice Commission (1), as well as attorneys with experience defending indigent persons (2).

The commission is charged with promulgating administrative rules regarding public defender training and continuing legal education; data reporting; requirements for contracts between counties and private attorneys for the provision of public defense services; procedures for grant applications with which counties can apply for state funds to offset the cost of compliance with indigent defense standards; procedures for administrative review of commission decisions; and procedures for the creation, oversight, implementation, enforcement, and modification of indigent defense standards with which public defenders must comply.

The commission is also charged with making recommendations to the Idaho Legislature regarding funding issues and formulas.

The commission is permitted to hire an executive director; employ persons in addition to the executive director; provide an office, equipment, and facilities for the proper performance of the duties of the commission and/or the duties of the executive director and other personnel; provide training to public defenders; establish procedures by which counties may apply for extraordinary litigation costs; and hire private counsel to represent the commission.

			FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total	
Agency:	Public Defense Commission								437
Division:	Public Defense Commission								PD1
Appropriation Unit:	Public Defense Commission								SGPD
FY 2021 Total Appropriation									
1.00	FY 2021 Total Appropriation								SGPD
	S1377, S1257								
	10000	General	7.00	719,400	258,500	0	9,732,200	10,710,100	
OT	10000	General	0.00	0	1,100	0	0	1,100	
			7.00	719,400	259,600	0	9,732,200	10,711,200	
1.21	Account Transfers								SGPD
	Object Transfer								
	10000	General	0.00	0	(100)	100	0	0	
			0.00	0	(100)	100	0	0	
1.61	Reverted Appropriation Balances								SGPD
	Reversion								
	10000	General	0.00	(185,500)	(120,200)	0	(1,061,900)	(1,367,600)	
			0.00	(185,500)	(120,200)	0	(1,061,900)	(1,367,600)	
FY 2021 Actual Expenditures									
2.00	FY 2021 Actual Expenditures								SGPD
	10000	General	7.00	533,900	138,200	100	8,670,300	9,342,500	
OT	10000	General	0.00	0	1,100	0	0	1,100	
			7.00	533,900	139,300	100	8,670,300	9,343,600	
FY 2022 Original Appropriation									
3.00	FY 2022 Original Appropriation								SGPD
	H0269								
	10000	General	7.00	733,500	261,400	0	10,295,900	11,290,800	
			7.00	733,500	261,400	0	10,295,900	11,290,800	
FY 2022 Total Appropriation									
5.00	FY 2022 Total Appropriation								SGPD
	10000	General	7.00	733,500	261,400	0	10,295,900	11,290,800	
			7.00	733,500	261,400	0	10,295,900	11,290,800	
FY 2022 Estimated Expenditures									
7.00	FY 2022 Estimated Expenditures								SGPD
	10000	General	7.00	733,500	261,400	0	10,295,900	11,290,800	
			7.00	733,500	261,400	0	10,295,900	11,290,800	

		FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
FY 2023 Base							
9.00	FY 2023 Base						SGPD
10000	General	7.00	733,500	261,400	0	10,295,900	11,290,800
		7.00	733,500	261,400	0	10,295,900	11,290,800
Program Maintenance							
10.12	Change in Variable Benefit Costs						SGPD
	Change in Variable Benefit Costs						
10000	General	0.00	(2,127)	0	0	0	(2,127)
		0.00	(2,127)	0	0	0	(2,127)
10.61	Salary Multiplier - Regular Employees						SGPD
	Salary Adjustments - Regular Employees						
10000	General	0.00	6,312	0	0	0	6,312
		0.00	6,312	0	0	0	6,312
FY 2023 Total Maintenance							
11.00	FY 2023 Total Maintenance						SGPD
10000	General	7.00	737,685	261,400	0	10,295,900	11,294,985
		7.00	737,685	261,400	0	10,295,900	11,294,985
Line Items							
12.01	Indigent Defense Financial Assistance						SGPD
	3% Increase to Trustee and Benefit						
10000	General	0.00	0	0	0	345,000	345,000
		0.00	0	0	0	345,000	345,000
FY 2023 Total							
13.00	FY 2023 Total						SGPD
10000	General	7.00	737,685	261,400	0	10,640,900	11,639,985
		7.00	737,685	261,400	0	10,640,900	11,639,985

Agency: Public Defense Commission

437

Appropriation Unit: Public Defense Commission

SGPD

Decision Unit Number	12.01	Descriptive Title	Indigent Defense Financial Assistance			
			General	Dedicated	Federal	Total
Trustee/Benefit						
	885	Non Federal Payments Subgrantees	345,000	0	0	345,000
Trustee/Benefit Total			345,000	0	0	345,000
			345,000	0	0	345,000

Explain the request and provide justification for the need.

On August 19, 2021, the Public Defense Commission approved an FY2023 budget increase request of \$345,000 or 3.05%. The requested increase is for Trustee and Benefits to be awarded to counties to hire workload attorneys.

Pursuant to IDAPA, the counties are responsible for complying with the public defense caseload/workload rules. Compliance with the caseload standard is contingent upon the appropriation of state funds at a level necessary to implement the numeric standard. If caseload/workload maximums are exceeded and the county has timely requested and not received Financial Assistance to pay for resources needed to comply, the county's failure to comply with that standard will not be deemed a deficiency.

The PDC prepares for the worst economically. More than 90% of the agency's appropriation is for Trustee and Benefits funding for the counties, the majority of which is awarded in July and disbursed on October 1 of each fiscal year. In case of a State holdback, the PDC reserves 5% of the agency's overall appropriation in T/B which means those funds are reverted to the State absent a holdback. The PDC is dedicated to seeking a maintenance budget whenever possible and has follows fiscally prudent policies including: 1) the PDC considers inflationary costs for ongoing county expenses prior to making the awards; and 2) during the past two years, the PDC has required counties to use remaining funds from prior years to offset their awards.

The PDC is seeing an increase in the need for workload attorneys based in part on the improvement in the accuracy of data collected from the counties. Meanwhile, funds such as remaining awards that have helped offset these increasing costs are reduced.

If a supplemental, what emergency is being addressed?

This is not a supplemental request.

Specify the authority in statute or rule that supports this request.

Idaho Code Section 19-862A
IDAPA 61.01.04.020.03d

Indicate existing base of PC, OE, and/or CO by source for this request.

FY2022 T/B: \$10,295,900

What resources are necessary to implement this request?

No additional agency staff or resources are necessary.

List positions, pay grades, full/part-time status, benefits, terms of service.

N/A

Will staff be re-directed? If so, describe impact and show changes on org chart.

No

Detail any current one-time or ongoing OE or CO and any other future costs.

There are no additional OE or CO requests.

Describe method of calculation (RFI, market cost, etc.) and contingencies.

In FY2021, the PDC provided funding to counties for 34.5 attorneys and 15 supporting staff to meet the caseload/workload standards. Funding for workload attorneys includes salary and benefits for county employed defending attorneys or specific amounts for contract attorneys. Each county employee positions is expected to be ongoing and cost a minimum of \$100,000, which does not include staffing or start-up costs.

The PDC determines the need for workload attorneys using the mean of workload attorneys for the prior three years. In FY2022, funding for two additional attorneys (36.5 total workload attorneys) was awarded to counties. If the workload need does not change for last year, under the three-year mean formula, the PDC will fund an additional 3.5 attorneys in FY2023. This increase does not take into account other factors which impact the workload funding. It is also important to note that the PDC did not award COLAs for workload attorneys in FY2021 or FY2022. The workload attorneys are now lagging behind other defending attorneys who received COLAs.

Provide detail about the revenue assumptions supporting this request.

This is a General Fund request.

Who is being served by this request and what is the impact if not funded?

The counties and defending attorneys are requesting additional funds and ultimately the indigent defendants and juveniles will benefit from the

reduced caseloads carried by appointed counsel.

Explain the request and provide justification for the need.

On August 19, 2021, the Public Defense Commission approved an FY2023 budget increase request of \$345,000 or 3.05%. The requested increase is for Trustee and Benefits to be awarded to counties to hire workload attorneys.

Pursuant to IDAPA, the counties are responsible for complying with the public defense caseload/workload rules. Compliance with the caseload standard is contingent upon the appropriation of state funds at a level necessary to implement the numeric standard. If caseload/workload maximums are exceeded and the county has timely requested and not received Financial Assistance to pay for resources needed to comply, the county's failure to comply with that standard will not be deemed a deficiency.

The PDC prepares for the worst economically. More than 90% of the agency's appropriation is for Trustee and Benefits funding for the counties, the majority of which is awarded in July and disbursed on October 1 of each fiscal year. In case of a State holdback, the PDC reserves 5% of the agency's overall appropriation in T/B which means those funds are reverted to the State absent a holdback. The PDC is dedicated to seeking a maintenance budget whenever possible and has follows fiscally prudent policies including: 1) the PDC considers inflationary costs for ongoing county expenses prior to making the awards; and 2) during the past two years, the PDC has required counties to use remaining funds from prior years to offset their awards.

The PDC is seeing an increase in the need for workload attorneys based in part on the improvement in the accuracy of data collected from the counties. Meanwhile, funds such as remaining awards that have helped offset these increasing costs are reduced.

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Specify the authority in statute or rule that supports this request.

Idaho Code Section 19-862A
IDAPA 61.01.04.020.03d

Indicate existing base of PC, OE, and/or CO by source for this request.

FY2022 T/B: \$10,295,900

What resources are necessary to implement this request?

No additional agency staff or resources are necessary.

List positions, pay grades, full/part-time status, benefits, terms of service.

N/A

Will staff be re-directed? If so, describe impact and show changes on org chart.

No.

Detail any current one-time or ongoing OE or CO and any other future costs.

There are no additional OE or CO requests.

Describe method of calculation (RFI, market cost, etc.) and contingencies.

In FY2021, the PDC provided funding to counties for 34.5 attorneys and 15 supporting staff to meet the caseload/workload standards. Funding for workload attorneys includes salary and benefits for county employed defending attorneys or specific amounts for contract attorneys. Each county employee positions is expected to be ongoing and cost a minimum of \$100,000, which does not include staffing or start-up costs.

The PDC determines the need for workload attorneys using the mean of workload attorneys for the prior three years. In FY2022, funding for two additional attorneys (36.5 total workload attorneys) was awarded to counties. If the workload need does not change for last year, under the three-year mean formula, the PDC will fund an additional 3.5

attorneys in FY2023. This increase does not take into account other factors which impact the workload funding. It is also important to note that the PDC did not award COLAs for workload attorneys in FY2021 or FY2022. The workload attorneys are now lagging behind other defending attorneys who received COLAs.

Provide detail about the revenue assumptions supporting this request.

This is a General Fund request.

Who is being served by this request and what is the impact if not funded?

The counties and defending attorneys are requesting additional funds and ultimately the indigent defendants and juveniles will benefit from the reduced caseloads carried by appointed counsel.

PCF Detail Report

Request for Fiscal Year: 202
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Agency: Public Defense Commission

437

Appropriation Unit: Public Defense Commission

SGPD

Fund: General Fund

10000

PCN	Class	Description	FTP	Salary	Health	Variable Benefits	Total
Totals from Personnel Cost Forecast (PCF)							
		Permanent Positions	6.00	453,918	69,900	97,045	620,863
		Total from PCF	6.00	453,918	69,900	97,045	620,863
		FY 2022 ORIGINAL APPROPRIATION	7.00	536,445	83,186	113,869	733,500
		Unadjusted Over or (Under) Funded:	1.00	82,527	13,286	16,824	112,637
Adjustments to Wage and Salary							
437000	06832	REGION COOR, PUBLIC DEFENSE	1.00	66,789	11,650	14,496	92,935
5	R90						
NEWP-639326	90000	GROUP POSITION , Std Benefits/No NE Ret/No Health	.00	7,640	0	649	8,289
Other Adjustments							
	503	Brd/Cmsn Members	.00	0	0	0	0
Estimated Salary Needs							
		Board, Group, & Missing Positions	.00	7,640	0	649	8,289
		Permanent Positions	7.00	520,707	81,550	111,541	713,798
		Estimated Salary and Benefits	7.00	528,347	81,550	112,190	722,087
Adjusted Over or (Under) Funding							
		Original Appropriation	.00	8,098	1,636	1,679	11,413
		Estimated Expenditures	.00	8,098	1,636	1,679	11,413
		Base	.00	8,098	1,636	1,679	11,413

PCF Summary Report

Request for Fiscal Year: 202
3

Agency: Public Defense Commission

437

Appropriation Unit: Public Defense Commission

SGPD

Fund: General Fund

10000

DU	FTP	Salary	Health	Variable Benefits	Total
3.00 FY 2022 ORIGINAL APPROPRIATION	7.00	536,445	83,186	113,869	733,500
5.00 FY 2022 TOTAL APPROPRIATION	7.00	536,445	83,186	113,869	733,500
7.00 FY 2022 ESTIMATED EXPENDITURES	7.00	536,445	83,186	113,869	733,500
9.00 FY 2023 BASE	7.00	536,445	83,186	113,869	733,500
10.12 Change in Variable Benefit Costs	0.00	0	0	(2,127)	(2,127)
10.61 Salary Multiplier - Regular Employees	0.00	5,207	0	1,105	6,312
11.00 FY 2023 PROGRAM MAINTENANCE	7.00	541,652	83,186	112,847	737,685
13.00 FY 2023 TOTAL REQUEST	7.00	541,652	83,186	112,847	737,685

		Rounded Appropriation						
Appropriation Adjustments:		7.00	536,700	82,800	113,900	733,500		
4.11	Reappropriation	0.00	0	0	0	0	0	
4.31	Supplemental	0.00	0	0	0	0	0	
5.00	TOTAL APPROPRIATION	7.00	536,700	82,800	113,900	733,500		
Expenditure Adjustments:								
6.31	FTP or Fund Adjustment	0.00	0	0	0	0	0	
6.51	Transfer Between Programs	0.00	0	0	0	0	0	
7.00	ESTIMATED EXPENDITURES	7.00	536,700	82,800	113,900	733,500		
Base Adjustments:								
8.31	Transfer Between Programs	0.00	0	0	0	0	0	
8.41	Removal of One-Time Expenditures	0.00	0	0	0	0	0	
8.51	Base Reduction	0.00	0	0	0	0	0	
		FTP	FY 23 Salary	FY23 Health Ben	FY 23 Var Ben	FY 2023 Total		
9.00	BASE	7.00	536,700	82,800	113,900	733,500		
10.11	Change in Health Benefit Costs			0		0		
10.12	Change in Variable Benefits Costs				(2,100)	(2,100)		
	Indicator Code							
10.51	Annualization		0	0	0	0		
10.61	CEC for Permanent Positions		5,200		1,100	6,300		
10.62	CEC for Group Positions		100		0	100		
10.63	CEC for Elected Officials & Commissioners		0		0	0		
11.00	PROGRAM MAINTENANCE	7.00	542,000	82,800	112,900	737,800		
Line Items:								
12.01						0		
12.02						0		
12.03						0		
13.00	TOTAL REQUEST	7.00	542,000	82,800	112,900	737,800		