

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		\$5,931,300	\$5,814,800	\$10,689,200	\$10,711,200
	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		\$4,351,200	\$4,682,200	\$9,162,800	\$8,670,300
	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 2018	FY 2019	FY 2020	FY 2021	FY 2022
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	N/A	N/A	N/A	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	N/A	N/A	N/A	<i>Identify unnecessary and unclear rules and documents incorporate by reference in the 3rd quarter, 2020</i>	

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.	actual	N/A	N/A	N/A	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.
	target	N/A	N/A	N/A	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 3 rd and 4 th quarters, 2020.

Performance Measure	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
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	N/A	N/A	N/A	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	N/A	N/A	N/A	<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>N/A</p>	<p>N/A</p>	<p>N/A</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>N/A</p>	<p>N/A</p>	<p>N/A</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>N/A</p>	<p>N/A</p>	<p>N/A</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>N/A</p>	<p>N/A</p>	<p>N/A</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 2018	FY 2019	FY 2020	FY 2021	FY 2022
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	N/A	N/A	N/A	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	N/A	N/A	N/A	<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

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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:

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