

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 2019	FY 2020	FY 2021	FY 2022
General Fund	\$5,814,800	\$10,689,200	\$10,711,200	\$11,290,800
Total	\$5,814,800	\$10,689,200	\$10,711,200	\$11,290,800
Expenditures	FY 2019	FY 2020	FY 2021	FY 2022
Personnel Costs	\$516,800	\$532,200	\$533,900	\$620,200
Operating Expenditures	\$244,600	\$131,500	\$139,300	\$127,800
Capital Outlay	\$4,440	\$8,000	\$100	\$0
Trustee/Benefit Payments	\$4,682,200	\$9,162,800	\$8,670,300	\$9,295,500
Total	\$5,448,000	\$9,834,500	\$9,343,600	\$10,043,500

Profile of Cases Managed and/or Key Services Provided

Cases Managed and/or Key Services Provided	FY 2019	FY 2020	FY2021	FY2022
CLE Trainings for indigent defending attorneys.	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.	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.	In partnership with NAPD, the PDC held Idaho's first Public Defense College (PDC ²) 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 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.	The PDC hosted or co-sponsored <i>free</i> CLE trainings for Idaho defenders: -Public Defense College (PDC ²) 20 participants 29 credits; -11 First Fridays 303 defenders 6.5 credits; -12 Montroy Series 658 defenders 13.5 credits. -NAPD Leadership Institute 9 defenders 20.5 credits; -Federal Defenders Services of Idaho Western Confab 21 defenders 6.5 credits; and -NAPD Virtual Conference 24 defenders 13 credits; Case Management Series 39 defenders 3 PDC credits. In total, the PDC sponsored 30 live CLEs approved for 92 CLE credits at no charge to 1064 attendees. The PDC also provided: -On-demand CLEs; -Scholarships for additional trainings.

Part II – Performance Measures

Performance Measure	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	
Goal 1						
<i>Provide stakeholders and the public with clear and understandable rules.</i>						
Review all rules with the objective of eliminating redundancies and language that is unclear, unnecessary or contradictory.	actual	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.	The PDC engaged in rulemaking through public hearings and written comments on the 21 replacement provisions to the FY 2021 pending rules as requested and approved by counties and defending attorneys and as presented to the 2021 Legislative germane committees. The BJA/ NACDL approved a technical assistance grant to assist the PDC and defenders with the vertical representation rule.	
	target	N/A	N/A	<i>Identify unnecessary and unclear rules and documents incorporate by reference in the 3rd quarter, 2020</i>	<i>Present the 21 provisions requested by stakeholders to the 2022 Legislature and continue to provide assistance to stakeholders regarding the rules.</i>	N/A

Performance	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	
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 innovative and accessible training.	actual	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.	The PDC surveys CLE participants about their experience and ideas for future CLEs and plans the programs at least one quarter in advance. From those surveys and a survey of Idaho juvenile defenders, the PDC developed a Juvenile Series and invited experienced presenters to address topics requested by defenders. In response to defender feedback, the PDC is supplementing CLEs and the LMS with bench cards and practice materials.	
	target	N/A	N/A	<p><i>Collaborate with partners to design effective webinars and in- person and virtual trainings in the 3rd quarter, 2020.</i></p> <p><i>Continue to review training needs and feedback to improve trainings and assist trainers.</i></p>	<p><i>Survey PDC training participants about their needs and feedback and collaborate with partners to design effective trainings. Assess stated needs and plan trainings each quarter for the following quarter.</i></p>	<p><i>Continue engaging with PDC training participants about their needs and feedback and collaborate with partners to design effective trainings, and assessing stated needs and planning trainings each quarter for the following quarter(s).</i></p>

<p>2. Provide live and recorded interactive webinars to defending attorneys.</p>	<p>actual</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>In total, the PDC sponsored 30 live CLEs approved for 92 CLE credits at no charge to 1064 attendees. The presenters included experienced Idaho and national defenders and experts. The Idaho LMS includes presentations from 13 CLEs and 2 PDC² trial colleges. The PDC also provided access to: -230 NAPD on-demand CLEs; and -Scholarships for additional trainings.</p>	
	<p>target</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><i>Produce and present monthly live webinars featuring Idaho and/or national presenters at no charge to PDC roster members.</i></p> <p><i>Record webinars to be available to PDC roster members at no charge through the Idaho PDC LMS.</i></p>	<p><i>Continue producing and presenting monthly live webinars featuring Idaho and/or national presenters at no charge to PDC roster members.</i></p> <p><i>Continue building the library of recorded webinars available to PDC roster members on-demand and at no charge through the Idaho PDC LMS.</i></p>

<p>3. Develop a public defense college emphasizing trial skills, holistic defense and mentoring.</p>	<p>actual</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>For the second annual PDC² Trial College, following improvements were made: -Logistics including earlier announcement and materials and online application; -New case problem allowing returning defenders to attend for additional experience; -Admission of Idaho law students to build a pipeline to public defense; -Additional trial resource materials; -Returning and new faculty and renowned presenters; and -Concise faculty manual.</p>	
	<p>target</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>	<p><i>Continue to produce the annual public defense college, at no charge to roster members and securing platforms by September 2021 and materials by May 2022.</i></p>	<p><i>Present the annual public defense trial college at no charge to roster members. Begin planning and preparing materials for the next annual trial college.</i></p>

Performance	FY	FY 2020	FY 2021	FY 2022	FY 2023	
Goal 3						
<i>Collect accurate indigent defense services data and make recommendations to the Idaho legislature.</i>						
Collaborate with partners to identify and collect accurate case, workload and expenditure data.	actual	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.	The PDC worked with stakeholders to improve the accuracy of case, workload and expenditure reporting. The PDC improved form instructions and hosted 10 Open Houses for stakeholders to ask questions reporting. The PDC hosted 3 case management CLEs resulting in 3 counties initiating case management systems to improve data reporting. The PDC consolidated expenditure reporting by the counties following their audits. In cooperation with stakeholders and partners including Eide Bailly, the data reported by the stakeholders and agency reviews have improved significantly.	
	target	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>	<p><i>Collaborate with stakeholders, 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 the end of 2022.</i></p> <p><i>During each fiscal year, work with counties and defending attorneys to obtain and analyze specific case and indigent defense expenditure data from the prior fiscal year.</i></p>	<p><i>Continue collaborating with stakeholders, policy experts and other partners to improve on the types and quality of reported indigent defense data.</i></p> <p><i>Continue working with counties and defending attorneys on their management and reporting of indigent defense case and expenditure data.</i></p>

Performance		FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Goal 4						
<i>Provide clear, concise and updated external and internal policies.</i>						
1. Review all PDC policies with the objective of identifying policies that will be eliminated, edited or added.	actual	N/A	N/A	N/A	The PDC reviewed all external and internal policies for relevance and clarity and identified policies to be eliminated, edited or drafted. If a necessary policy was redundant of current state policy, the agency now links to state policy only.	
	target	N/A	N/A	N/A	<i>Identify all outdated or unclear policies and any policies that are either inconsistent with or redundant of relevant state policy by the second quarter of 2022.</i> <i>Identify policy topics that are absent from PDC and state policy and necessary for the PDC by the second quarter of 2022.</i>	<i>Complete work on updating outdated policies and preparing new policies.</i>

2. Draft clear and concise policies linking to state policy where appropriate.	actual	N/A	N/A	N/A	<p>The following policies were edited: Extraordinary Litigation Fund; IT; Telecommuting and Flextime.</p> <p>New additions: New Roster Members CLE Counting; Defending Attorney CLE Extension: Disability, Extended Illness or FMLA; Defending Attorney Qualifications Review Conflict of Interest</p> <p>In Progress: Appointment in Capital Cases When Capital Roster Members are Not Immediately Available; Ethics and Standards of Conduct; Incoming Communications; General Administration (Public Records Custodian/Location; Central Workplace; Business Hours); Compensation; Travel; Leave; Domestic Violence; Respectful Workplace; PDC Forms; Roster Appeals</p> <p>Policies Identified for Elimination: Review of Indigent Defense Systems; Review of Indigent Defense Providers and Defending Attorneys</p>	
	target	N/A	N/A	N/A	<p><i>Present completed internal and external policies to the Commission for review and approval by the second quarter of 2023.</i></p>	<p><i>Complete policies presented to the Commission.</i></p>

Performance		FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Goal 5						
<i>Provide clear and comprehensive financial assistance parameters and guidance for a more effective and efficient process.</i>						
Identify and draft necessary parameters and guidance for financial assistance applications, awards and accountability consistent with relevant statutes and rules.	actual	N/A	N/A	N/A	The PDC reviewed stakeholder comments about agency forms. The PDC clarified instructions and included examples, held 4 Open Houses for Financial Assistance applications and 1 Open House for Expenditure reporting. In addition, the reported data is subject to increased review and Eide Bailly was engaged to review applications and expenditures.	
	target	N/A	N/A	N/A	<p><i>Collaborate with and review prior comments by staff & stakeholders about financial assistance.</i></p> <p><i>Draft parameters and guidance for applications, review and award process and expenditure reporting.</i></p> <p><i>Provide specific changes to the financial assistance program in quarterly meetings, open houses, calls, instructions on the website and by correspondence.</i></p>	<p><i>Continue collaborating with and reviewing comments by staff & stakeholders about financial assistance.</i></p> <p><i>Update parameters and guidance for applications, review and award process and expenditure reporting as needed for the current application/reporting period.</i></p> <p><i>Continue outreach about specific changes to the financial assistance program in quarterly meetings, open houses, calls, instructions on the website and by correspondence.</i></p>

For More Information, Contact

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