

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 2020	FY 2021	FY 2022	FY 2023
General Fund	\$10,689,200	\$10,711,200	\$11,290,800	\$11,679,400
Total	\$10,689,200	\$10,711,200	\$11,290,800	\$11,679,400
Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Personnel Costs	\$532,200	\$533,900	\$620,200	\$696,774
Operating Expenditures	\$131,500	\$139,300	\$127,800	\$170,554
Capital Outlay	\$8,000	\$100	\$0	\$0
Trustee/Benefit Payments	\$9,162,800	\$8,670,300	\$9,295,500	\$9,656,275
Total	\$9,834,500	\$9,343,600	\$10,043,500	\$10,523,603

Profile of Cases Managed and/or Key Services Provided

Cases Managed and/or Key Services Provided	FY 2020	FY 2021	FY2022	FY2023
<p>CLE Trainings for indigent defending attorneys.</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 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>	<p>The PDC hosted or co-sponsored <i>free</i> CLE trainings for Idaho defenders: -Public Defense College (PDC²) 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.</p>	<p>The PDC hosted 26 CLEs and co-sponsored two additional CLEs with local and national partners. The trainings included the Leadership Institute with NLADA . In total, 826 public defenders participated in the trainings and 18 defenders and four UI Law students graduated from the Public Defense College (PDC²).. Our Idaho Webinar Library (LMS) features 34 CLEs available on-demand. We continue to offer free NAPD memberships which include 24/7 access to more than 200 CLEs at no charge to PDC roster members. PDC scholarships were awarded for CLEs not otherwise available to Idaho attorneys.</p>

Part II – Performance Measures

Performance Measure	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Goal 1					
<i>Assist in the transition to a new public defense system.</i>					
Assist in the transition from the current county-based public defense system to a new state system.	actual	N/A	N/A.	N/A	The PDC made research and data available to the public and executive and legislative branches during the debate over the new system. The PDC initiated the Case Management System (CMS) design and RFP process and the RFP was posted on June 30, 2023. The schedule for the acquisition and implementation of the CMS along with the technology infrastructure were set in collaboration with ITS and DOP for the transition to the SPD.
	target	N/A	N/A	N/A	Assist in the transition from the current county-based defense systems to a new state system which, pursuant to H0735a, the Legislature will adopt in 2023 In collaboration with ITS and DOP, lead the initial design and acquisition of the statewide CMS, technology, hardware and software infrastructure and provide data and evidence-based information for the transition to the SPD.

Performance	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	
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	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.	The PDC made innovative changes to the Public Defense College and monthly education courses based on surveyed needs. The College now emphasizes utilizing “the chapter method” throughout trials and arranged for Larry Pozner, the developer of the chapter method, to teach at three Idaho locations.	
	target	N/A	<i>Collaborate with partners to design effective webinars and in- person and virtual trainings in the 3rd quarter, 2020. Continue to review training needs and feedback to improve trainings and assist trainers.</i>	<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>	<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>	<i>Survey PDC participants about their needs and feedback and collaborate with partners to design effective in-person and virtual trainings. Each registered participant for a CLE will be sent a survey after the CLE about their need and ideas for future trainings. The surveyed needs will be incorporated in the next available quarter.</i>

<p>2. Provide live and recorded interactive webinars to defending attorneys.</p>	<p>actual</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 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>The PDC presented 28 live virtual CLEs this year and 34 on-demand CLEs to the Idaho LMS available on-demand at no charge to PDC roster members. We continue to offer free NAPD memberships to PDC roster members which allow 24/7 access to recorded CLEs.</p> <p>Our trainings included the first Idaho Leadership Institute and the 3rd annual Public Defense College.</p> <p>The CLEs received PDC and ISB credit for Idaho attorneys.</p>	
	<p>target</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><i>Produce and present monthly live webinars featuring Idaho and/or national presenters and record webinars to be available at no charge to PDC roster members.</i></p> <p><i>Continue with the Montroy Series each month, and more frequently as training needs and trainers are identified, and the monthly First Friday webinars.</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>In partnership with NAPD, the PDC held Idaho's first Public Defense Trial 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>The PDC partnered with NLADA to present the third annual PDC² Trial College. Improvements included a new Idaho-based case problem, new materials and the presentation of Pozner's "chapter method" to prepare each part of a trial. Idaho public defenders and University of Idaho law students joined as participants and coaches included returning and new faculty and presenters. The inclusion of the chapter method in the College created excitement for Pozner's Idaho Tour, featuring the originator of the chapter method for three one-day CLEs at different Idaho locations.</p>	
	<p>target</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>	<p><i>Produce and present the fourth annual public defense trial college at no charge for PDC roster members and University of Idaho College of Law students.</i></p> <p><i>The preparation for the college will begin on September 30, 2023 and the agenda will be completed on May 15, 2024. Faculty-student ratio to remain at 2:5.</i></p>

Performance	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Goal 3 <i>Develop a “pipeline” to encourage students to enter the public defense profession in Idaho</i>					
Collaborate with education partners to build a “pipeline” making it easier and more attractive for students to enter the public defense profession in Idaho.	actual	N/A	N/A	N/A	<p>The PDC once again opened the Public Defense Trial College to University of Idaho law students. Four law students completed the course.</p> <p>The PDC also attend the University of Idaho College of Law Career Fair and provided materials and information about public defense. We encouraged enrollment in the Public Defense College, participated in mock interviews and assisted with career contacts including public defenses offices.</p>
	target	N/A	N/A	N/A	<p><i>Partner with the University of Idaho and other education institutions to include additional students in the annual trial college and other CLEs.</i></p> <p><i>Continue to present to students in classes and encourage faculty to present PDC CLEs² and include students and PDC roster members.</i></p> <p><i>Increase student enrollment at the College, PDC2, and other CLEs.</i></p> <p><i>Partner with the University of Idaho College of Law and other institutions to include additional students in PDC² and Pozner’s Idaho Tour.</i></p> <p><i>PDC staff continue to present to students and encourage faculty to present PDC CLEs and include student and PDC roster members.</i></p>

Performance	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	
Goal 4						
<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 indigent defense expenditure data.	actual	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 about reports. 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.	The PDC continued to work with stakeholders to address their questions and clarify misinformation and misunderstandings about data reports. The PDC hosted 7 Open Houses for counties and defending attorneys to ask questions and for assistance with data reporting. The PDC continues to offer easy access to our staff for assistance and to regularly meet with stakeholders in quarterly and annual meetings.	
	target	N/A	<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> <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>	<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> <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>	<i>Continue collaborating with stakeholders, policy experts and other partners to improve on the types and quality of reported indigent defense data. Continue working with counties and defending attorneys on their management and reporting of indigent defense case and expenditure data.</i>	<i>Continue to work with stakeholders to collect accurate data to inform the transition to the SPD.</i>
State of Idaho					8	

Performance		FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
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	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	The PDC continued to work with Eide Bailly to review expenditure reporting and financial assistance requests. The PDC continues to offer assistance to stakeholders through open houses and ready access to PDC staff and regular meetings. The PDC made small changes to forms, instructions and process for clarity and convenience for stakeholders.	
	target	N/A	N/A	<i>Collaborate with and review prior comments by staff & stakeholders about financial assistance.</i> <i>Draft parameters and guidance for applications, review and award process and expenditure reporting.</i> <i>Provide specific changes to the financial assistance program in quarterly meetings, open houses, calls, instructions on the website and by correspondence.</i>	<i>Continue collaborating with and reviewing comments by staff & stakeholders about financial assistance.</i> <i>Update parameters and guidance for applications, review and award process and expenditure reporting as needed for the current application/reporting period.</i> <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>	N/A

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

8/24/2023
Date

Please return to:

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