

**Agency Summary And Certification**

**FY 2025 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:** 10/23/2023

|                            |                           |         | <b>FY 2023 Total<br/>Appropriation</b> | <b>FY 2023 Total<br/>Expenditures</b> | <b>FY 2024<br/>Original<br/>Appropriation</b> | <b>FY 2024<br/>Estimated<br/>Expenditures</b> | <b>FY 2025 Total<br/>Request</b> |
|----------------------------|---------------------------|---------|--|---------------------------------------|---|---|----------------------------------|
| <b>Appropriation Unit</b>  |                           |         |  |                                       |   |   |                                  |
|                            | Public Defense Commission |         | 11,679,400                             | 10,523,700                            | 16,441,400                                    | 16,441,400                                    | 0                                |
|                            | <b>Total</b>              |         | <b>11,679,400</b>                      | <b>10,523,700</b>                     | <b>16,441,400</b>                             | <b>16,441,400</b>                             | <b>0</b>                         |
| <b>By Fund Source</b>      |                           |         |  |                                       |   |   |                                  |
| G                          | 10000                     | General | 11,679,400                             | 10,523,700                            | 16,441,400                                    | 16,441,400                                    | 0                                |
|                            | <b>Total</b>              |         | <b>11,679,400</b>                      | <b>10,523,700</b>                     | <b>16,441,400</b>                             | <b>16,441,400</b>                             | <b>0</b>                         |
| <b>By Account Category</b> |                           |         |  |                                       |   |   |                                  |
|                            | Personnel Cost            |         | 778,400                                | 696,800                               | 2,094,900                                     | 2,094,900                                     | 0                                |
|                            | Operating Expense         |         | 260,100                                | 170,600                               | 3,316,000                                     | 3,316,000                                     | 0                                |
|                            | Capital Outlay            |         | 0                                      | 0                                     | 50,000  | 50,000  | 0                                |
|                            | Trustee/Benefit           |         | 10,640,900                             | 9,656,300                             | 10,980,500                                    | 10,980,500                                    | 0                                |
|                            | <b>Total</b>              |         | <b>11,679,400</b>                      | <b>10,523,700</b>                     | <b>16,441,400</b>                             | <b>16,441,400</b>                             | <b>0</b>                         |
|                            | FTP Positions             |         | 7                                      | 7                                     | 17  | 17  | 0                                |
|                            | <b>Total</b>              |         | <b>7</b>                               | <b>7</b>                              | <b>17</b>                                     | <b>17</b>                                     | <b>0</b>                         |

**Division Description**

**Request for Fiscal Year:** 2025

**Agency:** Public Defense Commission

437

**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).

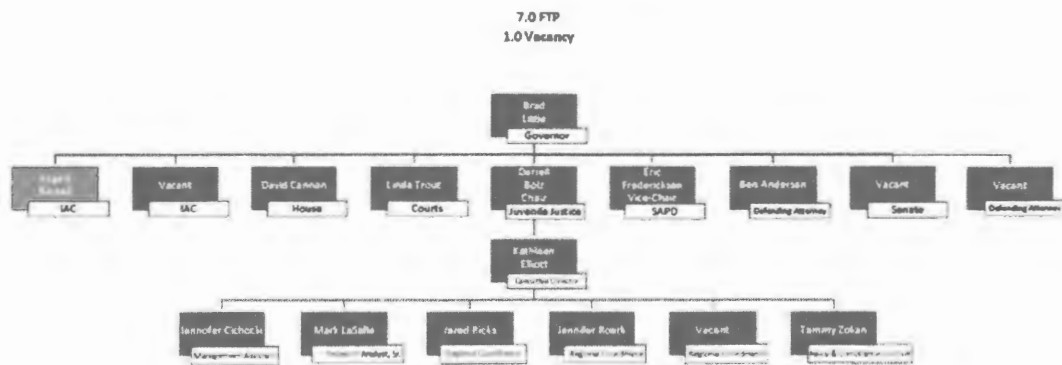
The commission is charged with promulgating administrative rules regarding public defender training and continuing legal education; data reporting; requirements for contracts between counties and private attorneys for the provision of public defense services; procedures for grant applications with which 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.

# Public Defense Commission

## Organizational Chart



|                                       |  |  | FTP   | Personnel<br>Costs | Operating<br>Expense | Capital Outlay | Trustee<br>Benefit | Total       |
|---------------------------------------|--|--|-------|--------------------|----------------------|----------------|--------------------|-------------|
| <b>Agency</b>                         | Public Defense Commission                                      |  |       |                    |                      |                |                    | 437         |
| <b>Division</b>                       | Public Defense Commission                                      |  |       |                    |                      |                |                    | PD1         |
| <b>Appropriation Unit</b>             | Public Defense Commission                                      |  |       |                    |                      |                |                    | SGPD        |
| <b>FY 2023 Total Appropriation</b>    |  |  |       |                    |                      |                |                    |             |
| 1.00                                  | FY 2023 Total Appropriation                                    |  |       |                    |                      |                |                    | SGPD        |
|                                       | H0721  |  |       |                    |                      |                |                    |             |
|                                       | 10000 General  |  | 7.00  | 778,400            | 260,100              | 0              | 10,640,900         | 11,679,400  |
|                                       |  |  | 7.00  | 778,400            | 260,100              | 0              | 10,640,900         | 11,679,400  |
| 1.61                                  | Reverted Appropriation Balances                                |  |       |                    |                      |                |                    | SGPD        |
|                                       | 10000 General  |  | 0.00  | (81,600)           | (89,500)             | 0              | (984,600)          | (1,155,700) |
|                                       |  |  | 0.00  | (81,600)           | (89,500)             | 0              | (984,600)          | (1,155,700) |
| <b>FY 2023 Actual Expenditures</b>    |  |  |       |                    |                      |                |                    |             |
| 2.00                                  | FY 2023 Actual Expenditures                                    |  |       |                    |                      |                |                    | SGPD        |
|                                       | 10000 General  |  | 7.00  | 696,800            | 170,600              | 0              | 9,656,300          | 10,523,700  |
|                                       |  |  | 7.00  | 696,800            | 170,600              | 0              | 9,656,300          | 10,523,700  |
| <b>FY 2024 Original Appropriation</b> |  |  |       |                    |                      |                |                    |             |
| 3.00                                  | FY 2024 Original Appropriation                                 |  |       |                    |                      |                |                    | SGPD        |
|                                       | 10000 General  |  | 17.00 | 2,094,900          | 316,000              | 0              | 10,980,500         | 13,391,400  |
|                                       | O 10000 General  |  | 0.00  | 0                  | 3,000,000            | 50,000         | 0                  | 3,050,000   |
|                                       |  |  | 17.00 | 2,094,900          | 3,316,000            | 50,000         | 10,980,500         | 16,441,400  |
| <b>FY 2024 Total Appropriation</b>    |  |  |       |                    |                      |                |                    |             |
| 5.00                                  | FY 2024 Total Appropriation                                    |  |       |                    |                      |                |                    | SGPD        |
|                                       | 10000 General  |  | 17.00 | 2,094,900          | 316,000              | 0              | 10,980,500         | 13,391,400  |
|                                       | O 10000 General  |  | 0.00  | 0                  | 3,000,000            | 50,000         | 0                  | 3,050,000   |
|                                       |  |  | 17.00 | 2,094,900          | 3,316,000            | 50,000         | 10,980,500         | 16,441,400  |
| <b>FY 2024 Estimated Expenditures</b> |  |  |       |                    |                      |                |                    |             |
| 7.00                                  | FY 2024 Estimated Expenditures                                 |  |       |                    |                      |                |                    | SGPD        |
|                                       | 10000 General  |  | 17.00 | 2,094,900          | 316,000              | 0              | 10,980,500         | 13,391,400  |
|                                       | O 10000 General  |  | 0.00  | 0                  | 3,000,000            | 50,000         | 0                  | 3,050,000   |
|                                       |  |  | 17.00 | 2,094,900          | 3,316,000            | 50,000         | 10,980,500         | 16,441,400  |
| <b>Base Adjustments</b>               |  |  |       |                    |                      |                |                    |             |
| 8.41                                  | Removal of One-Time Expenditures                               |  |       |                    |                      |                |                    | SGPD        |
|                                       | This decision unit removes one-time appropriation for FY 2024. |  |       |                    |                      |                |                    |             |
|                                       | O 10000 General  |  | 0.00  | 0                  | (3,000,000)          | (50,000)       | 0                  | (3,050,000) |
|                                       |  |  | 0.00  | 0                  | (3,000,000)          | (50,000)       | 0                  | (3,050,000) |
| <b>FY 2025 Base</b>                   |  |  |       |                    |                      |                |                    |             |
| 9.00                                  | FY 2025 Base   |  |       |                    |                      |                |                    | SGPD        |

|                                  |   | FTP     | Personnel Costs | Operating Expense | Capital Outlay | Trustee Benefit | Total        |      |
|----------------------------------|---|---------|-----------------|-------------------|----------------|-----------------|--------------|------|
| 10000                            | General   | 17.00   | 2,094,900       | 316,000           | 0              | 10,980,500      | 13,391,400   |      |
| O 10000                          | General   | 0.00    | 0               | 0                 | 0              | 0               | 0            |      |
|                                  |   | 17.00   | 2,094,900       | 316,000           | 0              | 10,980,500      | 13,391,400   |      |
| <b>Program Maintenance</b>       |   |         |                 |                   |                |                 |              |      |
| 10.11                            | Change in Health Benefit Costs  |         |                 |                   |                |                 |              | SGPD |
| 10000                            | General   | 0.00    | 11,900          | 0                 | 0              | 0               | 11,900       |      |
|                                  |   | 0.00    | 11,900          | 0                 | 0              | 0               | 11,900       |      |
| 10.12                            | Change in Variable Benefit Costs  |         |                 |                   |                |                 |              | SGPD |
| 10000                            | General   | 0.00    | 10,500          | 0                 | 0              | 0               | 10,500       |      |
|                                  |   | 0.00    | 10,500          | 0                 | 0              | 0               | 10,500       |      |
| 10.61                            | Salary Multiplier - Regular Employees   |         |                 |                   |                |                 |              | SGPD |
| 10000                            | General   | 0.00    | 18,700          | 0                 | 0              | 0               | 18,700       |      |
|                                  |   | 0.00    | 18,700          | 0                 | 0              | 0               | 18,700       |      |
| <b>FY 2025 Total Maintenance</b> |   |         |                 |                   |                |                 |              |      |
| 11.00                            | FY 2025 Total Maintenance   |         |                 |                   |                |                 |              | SGPD |
| 10000                            | General   | 17.00   | 2,136,000       | 316,000           | 0              | 10,980,500      | 13,432,500   |      |
| O 10000                          | General   | 0.00    | 0               | 0                 | 0              | 0               | 0            |      |
|                                  |   | 17.00   | 2,136,000       | 316,000           | 0              | 10,980,500      | 13,432,500   |      |
| <b>Line Items</b>                |   |         |                 |                   |                |                 |              |      |
| 12.01                            | Public Defense Commission/State Public Defender Transition                                |         |                 |                   |                |                 |              | SGPD |
|                                  | Fiscal impact to create State Public Defender within the Public Defense Commission. HB236 |         |                 |                   |                |                 |              |      |
| 10000                            | General   | (17.00) | (2,136,000)     | (316,000)         | 0              | (10,980,500)    | (13,432,500) |      |
|                                  |   | (17.00) | (2,136,000)     | (316,000)         | 0              | (10,980,500)    | (13,432,500) |      |
| <b>FY 2025 Total</b>             |   |         |                 |                   |                |                 |              |      |
| 13.00                            | FY 2025 Total   |         |                 |                   |                |                 |              | SGPD |
| 10000                            | General   | 0.00    | 0               | 0                 | 0              | 0               | 0            |      |
| O 10000                          | General   | 0.00    | 0               | 0                 | 0              | 0               | 0            |      |
|                                  |   | 0.00    | 0               | 0                 | 0              | 0               | 0            |      |

Agency: Public Defense Commission

437

Decision Unit Number 12.01 Descriptive Title Public Defense Commission/State Public Defender Transition

|                        | General             | Dedicated | Federal  | Total               |
|------------------------|---------------------|-----------|----------|---------------------|
| <b>Request Totals</b>  |                     |           |          |                     |
| 50 - Personnel Cost    | (2,136,000)         | 0         | 0        | (2,136,000)         |
| 55 - Operating Expense | (316,000)           | 0         | 0        | (316,000)           |
| 70 - Capital Outlay    | 0                   | 0         | 0        | 0                   |
| 80 - Trustee/Benefit   | (10,980,500)        | 0         | 0        | (10,980,500)        |
| <b>Totals</b>          | <b>(13,432,500)</b> | <b>0</b>  | <b>0</b> | <b>(13,432,500)</b> |
| Full Time Positions    | (17.00)             | 0.00      | 0.00     | (17.00)             |

Appropriation Unit: Public Defense Commission

SGPD

Personnel Cost

|                             |                    |          |          |                    |
|-----------------------------|--------------------|----------|----------|--------------------|
| 500 Employees               | (1,562,267)        | 0        | 0        | (1,562,267)        |
| 512 Employee Benefits       | (330,267)          | 0        | 0        | (330,267)          |
| 513 Health Benefits         | (243,466)          | 0        | 0        | (243,466)          |
| <b>Personnel Cost Total</b> | <b>(2,136,000)</b> | <b>0</b> | <b>0</b> | <b>(2,136,000)</b> |

Operating Expense

|                                |                  |          |          |                  |
|--------------------------------|------------------|----------|----------|------------------|
| 587 Administrative Services    | (316,000)        | 0        | 0        | (316,000)        |
| <b>Operating Expense Total</b> | <b>(316,000)</b> | <b>0</b> | <b>0</b> | <b>(316,000)</b> |

Trustee/Benefit

|                                      |                     |          |          |                     |
|--------------------------------------|---------------------|----------|----------|---------------------|
| 885 Non Federal Payments Subgrantees | (10,980,500)        | 0        | 0        | (10,980,500)        |
| <b>Trustee/Benefit Total</b>         | <b>(10,980,500)</b> | <b>0</b> | <b>0</b> | <b>(10,980,500)</b> |

FTP - Permanent

|                              |                     |          |          |                     |
|------------------------------|---------------------|----------|----------|---------------------|
| 500 Employees                | (17)                | 0        | 0        | (17)                |
| <b>FTP - Permanent Total</b> | <b>0</b>            | <b>0</b> | <b>0</b> | <b>0</b>            |
|                              | <b>(13,432,500)</b> | <b>0</b> | <b>0</b> | <b>(13,432,500)</b> |

Explain the request and provide justification for the need.

House Bill 236 created the Office of the State Public Defender ("SPD"). See I.C. § 19-6001. The SPD was to be housed inside the Public Defense Commission ("PDC"). The Public Defense Commission is abolished on July 1, 2024. The PDC's budget and FTP's are transferred SPD on July 1, 2024.

If a supplemental, what emergency is being addressed?

N/A

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

I.C. §§ 19-6001

I.C. § 19-847(3)

I.C. § 19-850A(4)

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

PC: \$2,137,300  
 OE: \$11,296,500

The trustee and benefits money used to distribute grants in previous years by the Public Defense Commission is transferred to OE to cover the SPD's operating expenses and for payment of contracts and conflict representation throughout Idaho. In addition, the positions and personnel costs of the PDC will be transferred to the SPD.

**What resources are necessary to implement this request?**

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\$13,433,800 – General Fund

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

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All positions will be full-time. As of the date of this 12.01, the only active position at the SPD is the Director position, which does not have a pay grade.

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

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The public defense commission will be abolished. I.C. § 19-850A(4). Employees are eligible to apply for a new position with the Office of State Public Defender.

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

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N/A and future costs are currently unknown.

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

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Each non-classified employee's salary will be determined based on a comparison with those similar classified employee's current pay range and comparable experience. The SPD will also consider salaries of those within the Office of the Attorney General and Ada County Prosecutor's Office to ensure resource equity.

**Provide detail about the revenue assumptions supporting this request.**

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SEE ABOVE

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

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All taxpayers and residents of the State of Idaho, those individuals charged or convicted of a criminal offense within the State of Idaho, and the criminal justice system generally. The State has the obligation to provide public defense to any indigent individual charged with a crime that could result in an incarceration, as required by Article I, Section 13 of the Idaho Constitution, and the Sixth Amendment to the United States Constitution. Additionally, if not funded, the SPD and the State of Idaho may not be able to effectively meet its obligation to oversee the providing of indigent defense services to those charged or convicted of a criminal offense. Finally, the SPD will have 4-5 experienced attorney positions available to travel throughout Idaho to assist in the handling of serious felony and capital cases as needed in the districts.

**PCF Detail Report**

Request for Fiscal Year: 2025

Agency: Public Defense Commission

437

Appropriation Unit: Public Defense Commission

SGPD

Fund: General Fund

10000

| PCN  | Class        | Description                               | FTP          | Salary           | Health         | Variable Benefits | Total            |
|--|--------------|---|--------------|------------------|----------------|-------------------|------------------|
| <b>Totals from Personnel Cost Forecast (PCF)</b> |              |   |              |                  |                |                   |                  |
|  |              | Permanent Positions                       | 6.00         | 509,162          | 82,500         | 108,958           | 700,620          |
|  |              | Total from PCF                            | <b>6.00</b>  | <b>509,162</b>   | <b>82,500</b>  | <b>108,958</b>    | <b>700,620</b>   |
|  |              | <b>FY 2024 ORIGINAL APPROPRIATION</b>     | <b>17.00</b> | <b>1,553,664</b> | <b>233,750</b> | <b>307,486</b>    | <b>2,094,900</b> |
|  |              | <b>Unadjusted Over or (Under) Funded:</b> | <b>11.00</b> | <b>1,044,502</b> | <b>151,250</b> | <b>198,528</b>    | <b>1,394,280</b> |
| <b>Adjustments to Wage and Salary</b>            |              |   |              |                  |                |                   |                  |
| VAC<br>437000<br>7                               | 2950N<br>R90 | Legal Counsel                             | 1.00         | 107,910          | 13,750         | 22,436            | 144,096          |
| VAC<br>437000<br>8                               | 943N<br>R90  | Attorney 2                                | 4.00         | 392,399          | 55,000         | 81,584            | 528,983          |
| VAC<br>437000<br>9                               | 3595N<br>R90 | Grants/Contracts Officer 9410             | 1.00         | 68,452           | 13,750         | 14,232            | 96,434           |
| VAC<br>437001<br>0                               | 1907N<br>R90 | Financial Specialist                      | 1.00         | 60,611           | 13,750         | 12,602            | 86,963           |
| VAC<br>437001<br>1                               | 49N<br>R90   | Data Coordinator 7720                     | 1.00         | 60,611           | 13,750         | 12,602            | 86,963           |
| VAC<br>437001<br>2                               | 2361N<br>R90 | Legal Assistant                           | 1.00         | 54,143           | 13,750         | 11,257            | 79,150           |
| VAC<br>437001<br>3                               | 3518N<br>R90 | Deputy Chief Admin Hearing Officer        | 1.00         | 205,525          | 13,750         | 39,102            | 258,377          |
| <b>Other Adjustments</b>                         |              |   |              |                  |                |                   |                  |
|  | 500          | Employees                                 | .00          | 60,600           | 0              | 0                 | 60,600           |
|  | 512          | Employee Benefits                         | .00          | 0                | 0              | 12,500            | 12,500           |
|  | 513          | Health Benefits                           | 1.00         | 0                | 13,800         | 0                 | 13,800           |
| <b>Estimated Salary Needs</b>                    |              |   |              |                  |                |                   |                  |
|  |              | Board, Group, & Missing Positions         | 10.00        | 949,651          | 137,500        | 193,815           | 1,280,966        |
|  |              | Permanent Positions                       | 7.00         | 569,762          | 96,300         | 121,458           | 787,520          |
|  |              | <b>Estimated Salary and Benefits</b>      | <b>17.00</b> | <b>1,519,413</b> | <b>233,800</b> | <b>315,273</b>    | <b>2,068,486</b> |
| <b>Adjusted Over or (Under) Funding</b>          |              |   |              |                  |                |                   |                  |
|  |              | <b>Original Appropriation</b>             | <b>.00</b>   | <b>34,251</b>    | <b>(50)</b>    | <b>(7,787)</b>    | <b>26,414</b>    |
|  |              | <b>Estimated Expenditures</b>             | <b>.00</b>   | <b>34,251</b>    | <b>(50)</b>    | <b>(7,787)</b>    | <b>26,414</b>    |
|  |              | <b>Base</b>                               | <b>.00</b>   | <b>34,251</b>    | <b>(50)</b>    | <b>(7,787)</b>    | <b>26,414</b>    |



**PCF Summary Report**

Request for Fiscal Year: 2025

Agency: Public Defense Commission

437

Appropriation Unit: Public Defense Commission

SGPD

Fund: General Fund

10000

| DU    |  | FTP     | Salary      | Health    | Variable Benefits | Total       |
|-------|--|---------|-------------|-----------|-------------------|-------------|
| 3.00  | <b>FY 2024 ORIGINAL APPROPRIATION</b>                      | 17.00   | 1,553,664   | 233,750   | 307,486           | 2,094,900   |
| 5.00  | <b>FY 2024 TOTAL APPROPRIATION</b>                         | 17.00   | 1,553,664   | 233,750   | 307,486           | 2,094,900   |
| 7.00  | <b>FY 2024 ESTIMATED EXPENDITURES</b>                      | 17.00   | 1,553,664   | 233,750   | 307,486           | 2,094,900   |
| 9.00  | <b>FY 2025 BASE</b>  | 17.00   | 1,553,664   | 233,750   | 307,486           | 2,094,900   |
| 10.11 | Change in Health Benefit Costs                             | .00     | 0           | 11,900    | 0                 | 11,900      |
| 10.12 | Change in Variable Benefit Costs                           | .00     | 0           | 0         | 10,500            | 10,500      |
| 10.61 | Salary Multiplier - Regular Employees                      | .00     | 15,400      | 0         | 3,300             | 18,700      |
| 11.00 | <b>FY 2025 PROGRAM MAINTENANCE</b>                         | 17.00   | 1,569,064   | 245,650   | 321,286           | 2,136,000   |
| 12.01 | Public Defense Commission/State Public Defender Transition | (17.00) | (1,562,267) | (243,466) | (330,267)         | (2,136,000) |
| 13.00 | <b>FY 2025 TOTAL REQUEST</b>                               | .00     | 6,797       | 2,184     | (8,981)           | 0           |

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

**AGENCY INFORMATION**

|                          |                                  |                         |                              |
|--------------------------|----------------------------------|-------------------------|------------------------------|
| <b>AGENCY NAME:</b>      | Executive Office of the Governor | <b>Division/Bureau:</b> | Public Defense Commission    |
| <b>Prepared By:</b>      | Jason Martinez                   | <b>E-mail Address:</b>  | jason.martinez@dfm.idaho.gov |
| <b>Telephone Number:</b> | 208-854-3063                     | <b>Fax Number:</b>      | 208-334-2438                 |
| <b>DFM Analyst:</b>      | Adam Jarvis                      | <b>LSO/BPA Analyst:</b> | Tim Hibbard                  |
| <b>Date Prepared:</b>    | 8/29/2023                        | <b>For Fiscal Year:</b> | 2023                         |

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

|   |                       |                                     |                     |                          |                       |
|---|-----------------------|-------------------------------------|---------------------|--------------------------|-----------------------|
| <b>Facility Name:</b>                                       | Garro Building        |                                     |                     |                          |                       |
| <b>City:</b>  | Boise                 | <b>County:</b>                      | Ada                 |                          |                       |
| <b>Property Address:</b>                                    | 816 W. Bannock Street |                                     |                     | <b>Zip Code:</b>         | 837202                |
| <b>Facility Ownership (could be private or state-owned)</b> | <b>Private Lease:</b> | <input checked="" type="checkbox"/> | <b>State Owned:</b> | <input type="checkbox"/> | <b>Lease Expires:</b> |

**FUNCTION/USE OF FACILITY**

Administrative Space, Boise

**COMMENTS**

|  |
|--|
|  |
|--|

**WORK AREAS**

| FISCAL YR:   | ACTUAL 2023 | REQUEST 2024 | REQUEST 2025 | REQUEST 2026 | REQUEST 2027 | REQUEST 2028 |
|--|-------------|--------------|--------------|--------------|--------------|--------------|
| <b>Total Number of Work Areas:</b>                   | 7           | 7            | 7            | 7            | 7            | 7            |
| <b>Full-Time Equivalent Positions:</b>               | 6           | 7            | 7            | 7            | 7            | 7            |
| <b>Temp. Employees, Contractors, Auditors, etc.:</b> | 0           | 0            | 0            | 0            | 0            | 0            |

**SQUARE FEET**

| FISCAL YR:          | ACTUAL 2023 | REQUEST 2024 | REQUEST 2025 | REQUEST 2026 | REQUEST 2027 | REQUEST 2028 |
|---------------------|-------------|--------------|--------------|--------------|--------------|--------------|
| <b>Square Feet:</b> | 1480        | 1480         | 1480         | 1480         | 1480         | 1480         |

**FACILITY COST**

(Do NOT use your old rate per sq ft; it may not be a realistic figure)

| FISCAL YR:                     | ACTUAL 2023 | REQUEST 2024 | REQUEST 2025 | REQUEST 2026 | REQUEST 2027 | REQUEST 2028 |
|--------------------------------|-------------|--------------|--------------|--------------|--------------|--------------|
| <b>Total Facility Cost/Yr:</b> | \$25,952.73 | \$26,731.31  | \$27,533.25  | \$28,359.25  | \$29,210.03  | \$30,086.33  |

**SURPLUS PROPERTY**

| FISCAL YR: | ACTUAL 2023              | REQUEST 2024             | REQUEST 2025             | REQUEST 2026             | REQUEST 2027             | REQUEST 2028             |
|------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**IMPORTANT NOTES:**

1. Upon completion, please send to Leasing Manager at the State Leasing Program in the Division of Public Works via email to Caitlin.Cox@adm.idaho.gov. Please e-mail or call 208-332-1933 with any questions.
2. 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.
3. Attach a hardcopy of this submittal, as well as the Facility Information Summary Sheet, if applicable, with your budget request. DPW LEASING DOES NOT NEED A COPY OF YOUR BUDGET REQUEST, JUST THIS FORM.

**AGENCY NOTES:**

These amounts will change with the transfer to State Public Defender.

## 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        |
| <b>Total</b>             | <b>\$10,689,200</b> | <b>\$10,711,200</b> | <b>\$11,290,800</b> | <b>\$11,679,400</b> |
| 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         |
| <b>Total</b>             | <b>\$9,834,500</b>  | <b>\$9,343,600</b>  | <b>\$10,043,500</b> | <b>\$10,523,603</b> |

**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 (PDC<sup>2</sup>) 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 (PDC<sup>2</sup>) 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 (PDC<sup>2</sup>).. 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  |
|---|--------|---------|---------|---------|---|--|
| <b>Goal 1</b>   |        |         |         |         |   |  |
| <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   |  |
|--|---------|---------|---|--|---|--|
| <b>Goal 2</b>  |         |         |   |  |   |  |
| <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 3<sup>rd</sup> quarter, 2020.</i><br><br><i>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 PDC<sup>2</sup> trial colleges. The PDC also provided access to:<br/>-230 NAPD on-demand CLEs; and<br/>-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.<br/><br/>Our trainings included the first Idaho Leadership Institute and the 3<sup>rd</sup> annual Public Defense College.<br/><br/>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 3<sup>rd</sup> quarter, 2020.</i><br/><br/><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><br/><br/><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><br/><br/><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><br/><br/><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 (PDC<sup>2</sup>) 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 PDC<sup>2</sup> Trial College, following improvements were made:<br/>                 -Logistics including earlier announcement and materials and online application;<br/>                 -New case problem allowing returning defenders to attend for additional experience;<br/>                 -Admission of Idaho law students to build a pipeline to public defense;<br/>                 -Additional trial resource materials;<br/>                 -Returning and new faculty and renowned presenters; and<br/>                 -Concise faculty manual.</p> | <p>The PDC partnered with NLADA to present the third annual PDC<sup>2</sup> 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>Organize an in-person or, if prohibited by Covid 19, a virtual public defense college at no charge for PDC roster members in 2021.<br/><br/>                 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.</p>   | <p>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.</p>   | <p>Present the annual public defense trial college at no charge to roster members. Begin planning and preparing materials for the next annual trial college.</p>   | <p>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.<br/><br/>                 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.</p> |



| Performance  |        | FY 2020 | FY 2021 | FY 2022 | FY 2023  | FY 2024   |
|--|--------|---------|---------|---------|--|---|
| <b>Goal 3</b>  |        |         |         |         |  |   |
| <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>Partner with the University of Idaho and other education institutions to include additional students in the annual trial college and other CLEs.</p> <p>Continue to present to students in classes and encourage faculty to present PDC CLEs<sup>2</sup> and include students and PDC roster members.</p> <p>Increase student enrollment at the College, PDC2, and other CLEs.</p>  | <p>Partner with the University of Idaho College of Law and other institutions to include additional students in PDC<sup>2</sup> and Pozner's Idaho Tour.</p> <p>PDC staff continue to present to students and encourage faculty to present PDC CLEs and include student and PDC roster members.</p> |

| Performance  | FY 2020 | FY 2021 | FY 2022   | FY 2023  | FY 2024   |  |
|--|---------|---------|---|--|---|--|
| <b>Goal 4</b>  |         |         |   |  |   |  |
| <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     | 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.<br><br>During FY 2021, work with counties and defending attorneys to obtain and analyze specific case and indigent defense expenditure data from FY 2020. | 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.<br><br>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.  | 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.  | Continue to work with stakeholders to collect accurate data to inform the transition to the SPD. |

| Performance  |        | FY 2020 | FY 2021 | FY 2022   | FY 2023   | FY 2024 |
|--|--------|---------|---------|---|---|---------|
| <b>Goal 5</b>  |        |         |         |   |   |         |
| <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.<br><br>The PDC continues to offer assistance to stakeholders through open houses and ready access to PDC staff and regular meetings.<br><br>The PDC made small changes to forms, instructions and process for clarity and convenience for stakeholders.   |         |
|  | target | N/A     | N/A     | Collaborate with and review prior comments by staff & stakeholders about financial assistance.<br><br>Draft parameters and guidance for applications, review and award process and expenditure reporting.<br><br>Provide specific changes to the financial assistance program in quarterly meetings, open houses, calls, instructions on the website and by correspondence. | Continue collaborating with and reviewing comments by staff & stakeholders about financial assistance.<br><br>Update parameters and guidance for applications, review and award process and expenditure reporting as needed for the current application/reporting period.<br><br>Continue outreach about specific changes to the financial assistance program in quarterly meetings, open houses, calls, instructions on the website and by correspondence. | N/A     |

**For More Information, Contact**

Kathleen J. Elliott, PDC Executive Director  
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E-mail: [kathleen.elliott@pdc.idaho.gov](mailto:kathleen.elliott@pdc.idaho.gov)

## **Director Attestation for Performance Report**

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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:

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

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