



IDAHO STATE
PDC PUBLIC
DEFENSE
COMMISSION

Data and Mission



PDC Data & Mission

- ▶ Origin & Mission
- ▶ Structure
 - ▶ Principles/Rules
 - ▶ Reporting
- ▶ Funding
 - ▶ Types & Use
 - ▶ State Awards & County Expenditures
 - ▶ PD Compensation & Numbers
 - ▶ Training Resources
- ▶ Compliance
 - ▶ Workload/Caseload Trends
 - ▶ Vertical Representation
 - ▶ Counsel at Initial Appearance



Origins of the PDC

▶ 2010 NLADA Report Recommendations

- ▶ Sufficient State Structure
- ▶ Sufficient Funding
- ▶ Compliance with Nationally Recognized Standards of Justice

▶ 2013 ICJC Public Defense Subcommittee

- ▶ Proposed legislation requiring uniform eligibility requirements for the appointment of counsel at public expense
- ▶ Recommended state oversight of the public defense function



▶ 2014 Legislature

- ▶ Idaho Public Defense Commission created with limited powers
- ▶ Prohibits fixed-fee public defense contracts
- ▶ Removes non-contractual court-appointment as a means of providing public defenders (I.C. § 19-859)

▶ 2016 Legislature

- ▶ \$5 million for public defense grants
- ▶ PDC to promulgate public defense rules
- ▶ PDC to hold attorneys and counties accountable to meet rules (I.C. § 19-851(c))



PDC Mission

Improve trial level public defense to ensure State and Federal Constitutional requirements are met



Meeting the Mission

STRUCTURE:

Establish Rules and Collect Data

FUNDING:

Resource partner to Counties and Defending Attorneys providing funding, training, and support

COMPLIANCE:

Oversight of County management of Public Defense and provide recommendations to Idaho Legislature



Structure

Establish Rules

Engage with Stakeholders



Principles of Idaho's Indigent Defense Delivery System

Independence from political and judicial influence

Confidentiality of client information

Caseloads/workloads permit effective representation

Avoidance of economic disincentives or incentives that impair effective representation

Attorneys' abilities, training and experience match the nature and complexity of their cases

Vertical representation

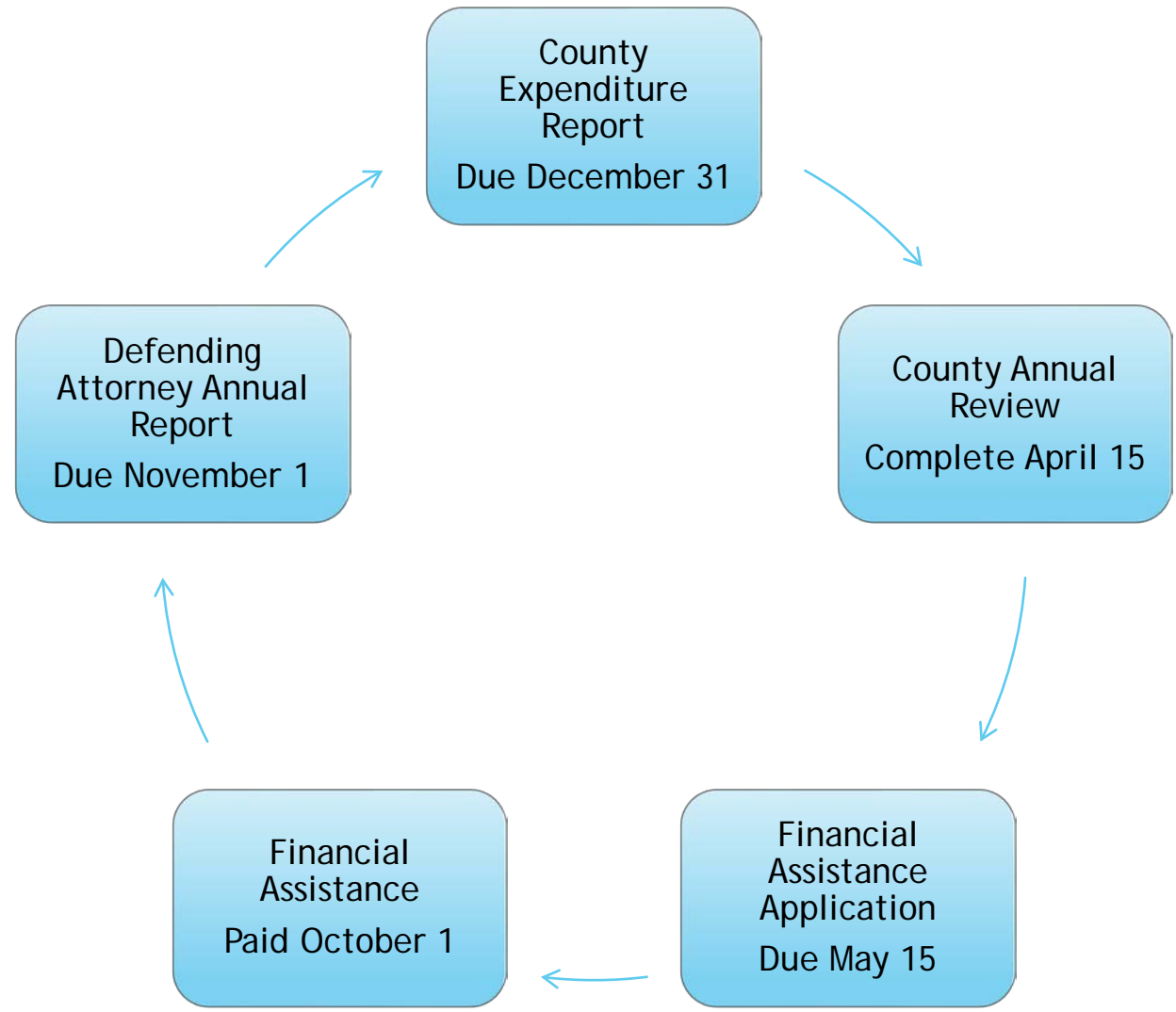
Resource equity

Continued legal education and training

Regular review and oversight

Identify and resolve conflicts of interest

Annual Reporting and Review Cycle





FUNDING

Resource partner to
Counties and Defending
Attorneys providing

- Financial Assistance
- Training



PDC Financial Assistance

Formula

Caseload/Workload

Merger/Joint Office

Extraordinary Litigation Fund



Designated Uses for PDC Financial Assistance

Formula

- Use to meet Rules
 - Cure Deficiencies
 - Meet Compliance
 - Improve Public Defense
- Discretion within acceptable uses

Caseload/Workload

- Exclusively to meet Caseload/Workload Rules
- Use ONLY as designated

ELF

- Defending Attorney: Prospective Need/Protect Confidentiality
- County: Reimbursement
- County Hardship

How PDC Financial Assistance Impacts Public Defense



1967 - 2016: Public Defense Funded by Counties **Only**



2016 - 2021 Approx. Appropriation: **\$37,275,000**



2020 - 2021 Workload Funded: **\$7,525,280** - Attorneys, Staff, Resources



Statewide PDC Assistance (2016 - 2021)

	Total Formula	Total Workload	Total ELF	Total Joint	Grand Total
Total	\$22.25 M	\$7.57 M	\$519 K	\$500 K	\$31.02 M



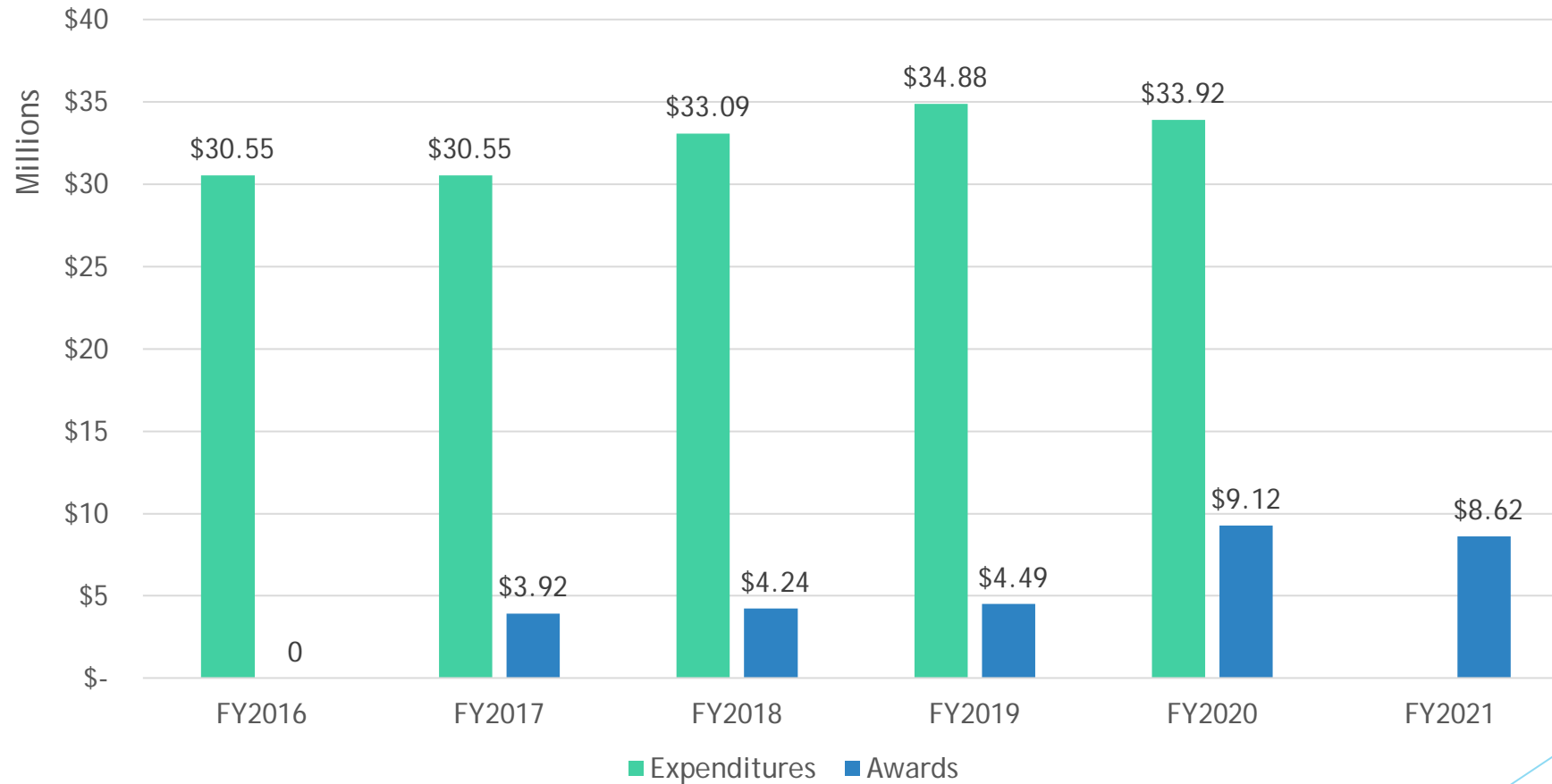
County Local Share, Expenditures, Awards

	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
Local Share	\$22,738,836	\$24,026,316	\$25,691,554	\$27,682,326	\$29,864,021	\$31,136,984
Expenditures	\$30,553,768	\$30,551,402	\$33,090,787	\$34,882,443	\$33,921,915	
Awards*	\$0	\$3,919,347	\$4,235,410	\$4,492,288	\$9,121,892	\$8,622,028

*Awards include Formula assistance, Joint grants, Workload compliance assistance, and the FY2021 One-time awards.



Total County PD Expenditures & PDC Financial Assistance Awards



*Awards include Formula assistance, Joint grants, Workload compliance assistance, and the One-time awards.



Public Defender Compensation

	Low	High	# Reporting in State
Chief Public Defender, Institutional	\$81,000/yr	\$164,000/yr	12
Public Defender, Institutional	\$41,000/yr	\$142,000/yr	182
Primary Public Defender, Contract	\$11,700/yr	\$144,200/yr	71
	\$70/hr	\$140/hr	
Conflict Public Defender, Contract	\$65/hr	\$135/hr	245

Training

2014 - 2019

- 20 Trainings
 - 1,362 Participants
 - \$516,000 +

2021

- NAPD Gideon's Week CLE
- Public Defense College
- Virtual Leadership Training

New Webinars

- First Friday
- The Montroy Series



Compliance

Oversight of County
management of Public
Defense through

- Data Reporting
- Engagement with Stakeholders to Comply with Rules

Provide recommendations to
Idaho Legislature

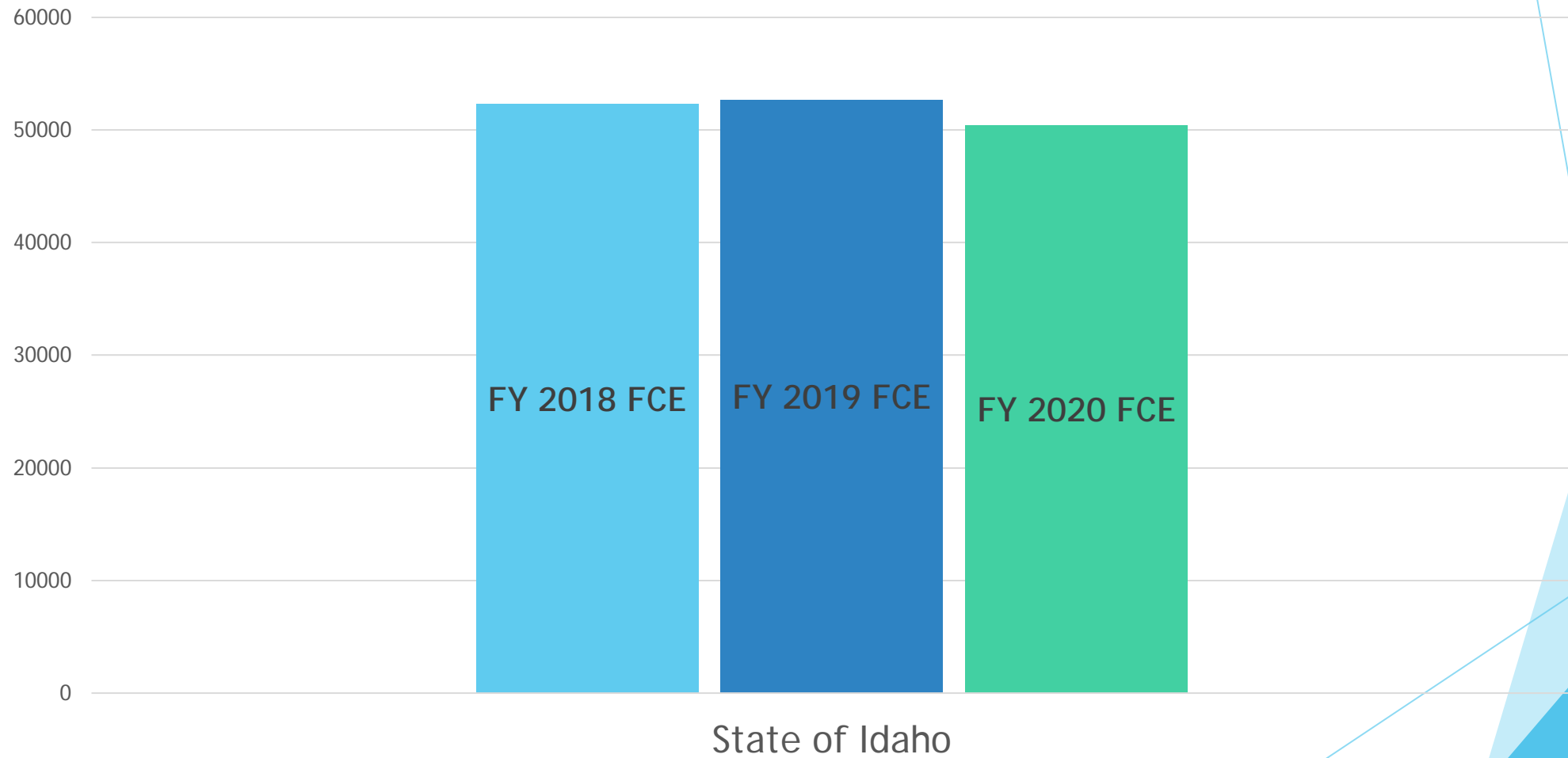


Workload/Caseload

- ▶ Felony Case Equivalent (FCE)
 - ▶ Weighted calculation based on case type and complexity
 - ▶ 210 Felonies = 520 Misdemeanors = 232 Juvenile = 105 Child Protection
 - ▶ Maximum caseload is 210 FCEs per year
 - ▶ Assumes
 - ▶ Average case complexity
 - ▶ Adequate support
 - ▶ Even distribution of cases throughout the year
 - ▶ No other supervisory responsibilities
 - ▶ <https://pdc.idaho.gov/caseload-calculator/>



State of Idaho FCE Trend





County Examples

Workload Compliance Award Use

- ▶ Bannock County \$1.13 M
 - ▶ Attorneys (7): \$679 K
 - ▶ Staff (3.5): \$174 K
 - ▶ Resources for WL Attorneys/Staff: \$98 K
- ▶ Kootenai County \$1.04 M
 - ▶ Attorneys (8.5): \$691 K
 - ▶ Staff (5): \$219 K
 - ▶ Resources for WL Attorneys/Staff: \$3 K



County Examples Workload Compliance Award Use

- ▶ Cassia County
 - ▶ Infrastructure to Support Workload Attorney: \$13,354
- ▶ Adams County
 - ▶ Retention funding for 2 primary defending attorneys: \$22,800



WL Positions Funded (FY 2020 +)

Funding to Hire

- ▶ 36.5 Attorneys salary/benefits
- ▶ 14.5 Staff salary/benefits

Additional Funding to Retain

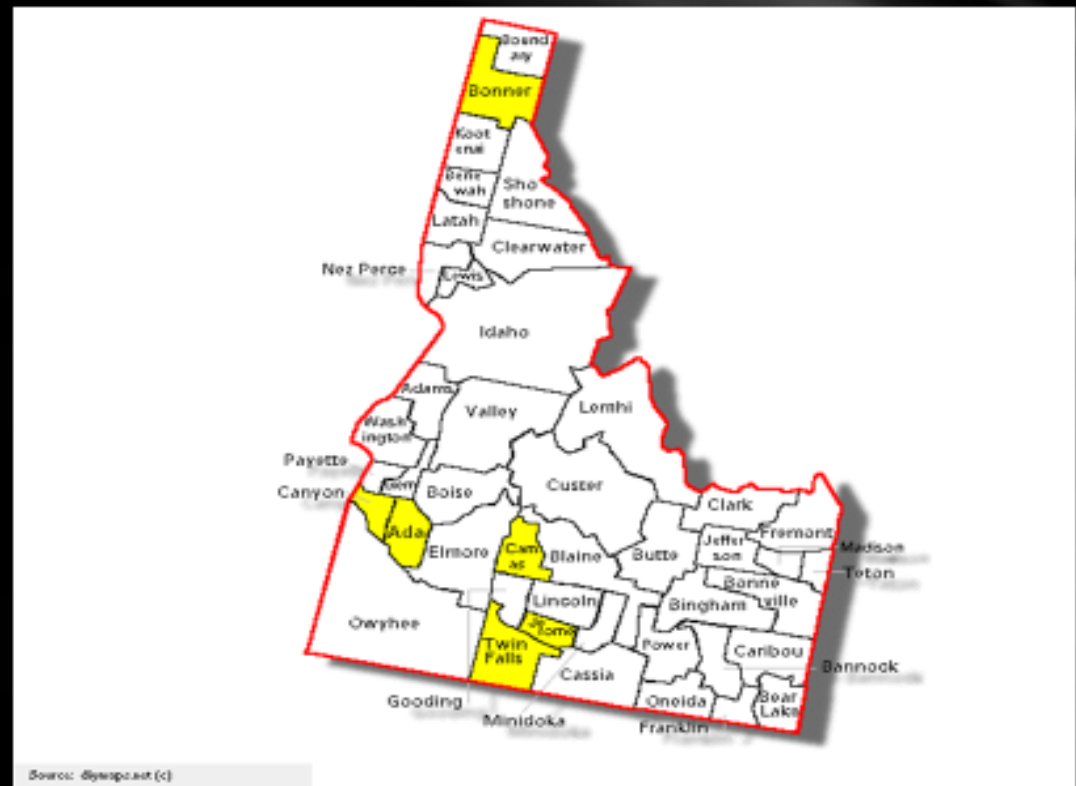
- ▶ 8 Primary Attorneys
- ▶ 3 Staff
- ▶ 17 Conflict Attorneys



Vertical Representation Trends 2015 to Present

Defendants Represented at Arraignment

- Ada
- Bonner
- Camas
- Canyon
- Jerome
- Twin Falls



Source: @wysecast (c)

Bonner and Camas Counties usually have representation. All other counties do not have representation or there was insufficient information.



Vertical Representation

▶ County Challenges

- ▶ Availability of courts and attorneys
 - ▶ Multiple courthouses, judges don't align schedules
 - ▶ Courts don't consolidate cases from different fact patterns before one judge
- ▶ Court limitations - session frequency
 - ▶ Magistrate 2 days/week, District 1 day/mo
- ▶ Geographic challenges - Travel, weather, COVID-19
 - ▶ Attorney travel one way: 160 miles

▶ Examples of Solutions

- ▶ Remote options i.e., Lifesize/Zoom
- ▶ One firm does all Counsel at Initial Appearance



Questions, comments or ideas?

Please contact us anytime!

<https://pdc.idaho.gov/staff/>