

## INDIGENT DEFENSE GRANT APPLICATION FORM

(I.C. §19-862A)

**Form Due Date: August 1, 2016.** Funds to be dispersed on or about October 1, 2016, if approved.

<b>DATE:</b>	<b>COUNTY:</b>	<b>COUNTY FISCAL YEAR REQUEST:</b>
	<b>CONTACT INFORMATION</b>	<b>ADDRESS</b>
Name		
Title		
E-Mail		
Phone		
Fax		

County FY2015 Data Reporting (Oct. 1, 2014 – Sept. 30, 2015)		
<b>No. of Attorneys Handling Public Defense Cases, excluding conflict cases:</b>		
Please Indicate the Number of Public Defense Cases Handled By Type, Excluding Conflict Cases		
Felony:	Misdemeanor:	Child Protection:
Mental Health:	Juvenile:	Criminal Contempt:
Other (please specify type and number):		
Conflict Public Defender Cases		
No. of Conflict Cases	No. of Conflict Attorneys	No. of Conflict Cases/Attorney
Please Indicate the Number of Conflict Public Defense Cases Handled By Type		
Felony:	Misdemeanor:	Child Protection:
Mental Health:	Juvenile:	Criminal Contempt:
Other (please specify type and number):		

**Delivery Models: Please indicate which indigent defense delivery system model is provided in your county pursuant to Idaho Code. Check all that apply.**

- Established public defense office. (I.C. §19-859(1))
- Joining with the board of county commissioners of one (1) or more other counties with the same judicial district to establish and maintain a joint office of public defender pursuant to an agreement authorized under section 67-2328, Idaho Code. (I.C. §19-859 (2))
- Contracting with an existing office of public defense. (I.C. §19-859(3))
- Contracting with a defending attorney, provided that the terms of the contract do not include price structuring that charges or pays a single fixed fee for the services and expenses of the attorney. (I.C. §19-859(4))
- Combination of the above. Please explain. \_\_\_\_\_  
\_\_\_\_\_
- Other. Please explain. \_\_\_\_\_  
\_\_\_\_\_
- Check here if joining another county under §19-859(2) (Requires M.O.U. and Form B)

**Does The County Public Defense Office Or Each Contractor Use An Electronic Case<sup>1</sup> Management System? If Yes, Please Specify Software Used By Each.**

**Please Specify How Caseloads<sup>2</sup> or Workloads<sup>3</sup> Are Tracked.** The definition of a “case” is guided by the Idaho Supreme Court.<sup>4</sup>

**How Was Public Defense Funded In Your County In FY 2015?** Please indicate what funds or levies were used and the amount expended from each source.

- General Fund: \_\_\_\_\_ %
- Justice Fund: \_\_\_\_\_ %
- Indigent Levy: \_\_\_\_\_ %
- Other (please specify): \_\_\_\_\_  
\_\_\_\_\_
- Capital Crimes Defense Fund Levy: \_\_\_\_\_

**What Is The “Local Share” For The County?**

Local share calculation for your county at the median annual amount in county funds expended for indigent defense during each of the first three (3) years of the preceding five (5) years. (This number must be certified by the county clerk utilizing Form A below.) The Local share may include a number of items. **See Appendix A.**

**How Does The County Plan On Spending The Grant Money Disbursed By The Public Defense Commission?**

If available, please attach an estimated, itemized budget including the identification of the amounts to be spent on personnel, operating, and capital outlay. For funds spent on personnel, indicate – for each employee - the expected number of hours to be worked weekly, and how much money will be allocated to each salary and benefits. Please use the maximum allowable grant when setting your budget, even though you may not receive the maximum allotment. *The Idaho Principles of an Indigent Defense Delivery System, as listed in Idaho Code 19-850(a)(vii), should guide your decision.* **See Appendix B.**



I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

District 1 Commissioner – Print Name

District 2 Commissioner – Print Name

Signature

Signature

Date

Date

District 3 Commissioner – Print Name

Clerk of the Board – Print Name

Signature

Signature

Date

Date

**\*The signature of the Clerk of the Board and at least 2 Commissioners is required.**

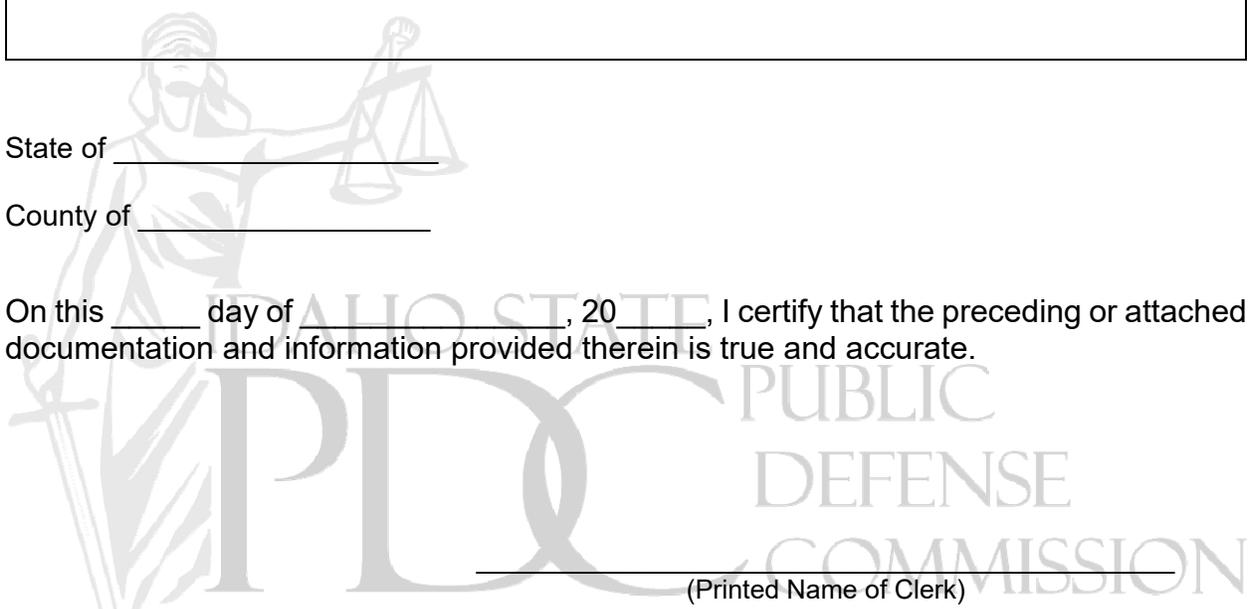
**FORM A - COUNTY CLERK'S CERTIFICATION**

<b>Total County Funds Expended For Public Defense Services, including any levy imposed for the Capital Crimes Defense Fund</b>	
FY 2011	
FY 2012	
FY 2013	
FY 2014	
FY 2015	
<b>The Median<sup>5</sup> Amount Expended For Public Defense For FY 2011, FY 2012, and FY 2013 is:</b>	

State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I certify that the preceding or attached documentation and information provided therein is true and accurate.



\_\_\_\_\_ (Printed Name of Clerk)

[SEAL]

\_\_\_\_\_ (Signature of Clerk)

**FORM B – JOINT COUNTY PUBLIC DEFENDERS**

<b>Are you applying as a part of a joint county indigent defense service provider?</b>
<b>If not, do you plan to or are you considering joining another county to provide indigent defense services?</b>
<b>If yes, please attach a copy of any MOU that exists. (NOTE: Each county still needs to submit a separate grant application. Indicate below if an MOU is attached.)</b>
<b>Which counties will be joining together to provide indigent defense services?</b>



## APPENDIX A – Itemization of Local Share

When calculating the County Local Share, please consider the following items as being included in the local share. Not all counties will have these expenditures.

- Expert costs for indigent defendants paid out of the County's court fund, or other funds outside the indigent defense provider budget
- Investigation costs for indigent defendants paid out of County's court fund, or other funds outside the indigent defense provider budget
- Evaluation costs for indigent defendants paid out of County's court fund, or other funds outside the indigent defense provider budget (i.e. I.C. 18-211 competency evaluations; specialty court evaluations, mental health evaluations, substance abuse evaluations, etc.)
- Premiums for Capital Crimes Defense Fund
- Deductibles for Capital Crimes Defense Fund
- Conflict counsel contracts



**APPENDIX B – Idaho’s Principles of an Indigent Defense Delivery System**  
**Idaho Code §19-850(a)(vii)**

- 1. The delivery of indigent defense services is independent**  
The delivery of indigent defense services should be independent of political and judicial influence, though the judiciary is encouraged to contribute information and advice concerning the delivery of indigent defense services.
- 2. Attorneys have confidential space to meet with client**  
Defending attorneys should have sufficient time and private physical space so that attorney-client confidentiality is safeguarded during meetings with clients.
- 3. Workload controls are in place**  
Defending attorneys’ workloads should permit effective representation.
- 4. Funding of public defense is independent**  
Economic disincentives or incentives that impair defending attorneys’ ability to provide effective representation should be avoided.
- 5. Ability, training and experience match case complexity**  
Defending attorneys’ abilities, training and experience should match the nature and complexity of the cases in which they provide services including, but not limited to, cases involving complex felonies, juveniles and child protection.
- 6. Offices provide vertical representation**  
The defending attorney assigned to a particular case should, to the extent reasonably practicable, continuously oversee the representation of that case and personally appear at every substantive court hearing
- 7. Resource parity between defense and prosecution**  
There should be reasonable equity between defending attorneys and prosecuting attorneys with respect to resources, staff and facilities.
- 8. Continuing legal education**  
Defending attorneys should obtain continuing legal education relevant to their indigent defense cases.
- 9. Quality assurance through routine review**  
Defending attorneys should be regularly reviewed and supervised for compliance with indigent defense standards and, if applicable, compliance with indigent defense standards as set forth in contractual provisions.
- 10. Representation free from conflicts**  
Defending attorneys should identify and resolve conflicts of interest in conformance with the Idaho rules of professional conduct and other applicable constitutional standards.

---

<sup>1</sup> **Electronic Case Management:** a computer software system that manages files electronically

<sup>2</sup> **Caseload:** The number of cases an individual attorney is handling.

<sup>3</sup> **Workload:** Recognizing that all cases require a differing amount of time and resources, workload takes into consideration the amount of time an individual attorney must expend on his/her cases.

<sup>4</sup> A "case" shall mean representation of one person on one charging document. The following Idaho Supreme Court definition on case processing and reporting will apply:

A new criminal case is defined, processed, and reported as follows:

1. A criminal case is initiated and counted at the filing of the charging document (citation, complaint, information, or indictment)
2. The defendant and all misdemeanor and felony charges resulting from a single incident are counted as a single case, even if it involves multiple citations or complaints. Infractions must be filed separately, but may be consolidated. If the charging document contains multiple defendants involved in a single incident, a separate case will be created for each defendant, so that each defendant is counted as a single case. Idaho Criminal Rules and Misdemeanor Criminal Rules provide some exceptions:
  - a. Two or more defendants can be joined in a single case pursuant to I.C.R. 8(b).
  - b. Offenses based on two or more acts or transactions connected together or constituting part of a common scheme or plan may be consolidated pursuant to M.C.R. 3(e).
3. In cases involving multiple charges, the case type is classified according to the most serious offense (i.e., if a defendant is charged with a misdemeanor and a felony in a single case, the case is classified as a felony).
4. The disposition of a criminal case is reported in the same case subtype that was used when the case was filed. For example, if a case is filed as a felony and is reduced to a misdemeanor prior to disposition, it is reported as a disposition of a felony. Similarly, if a case is filed as a misdemeanor and is amended to a felony, it is reported as a disposition of a misdemeanor.
5. With respect to felony bound over to district court, the following rules apply:
  - a. When a felony is filed in the magistrate division, it is counted as a new felony filing.
  - b. Upon the filing of the information and/or order binding the case over to the district court, the case is counted as a disposition of a felony in magistrate division and as a new felony filing in district court.
  - c. When disposed in district court, the case is counted as a disposition of a felony in the district court.
  - d. If the case is reduced to a misdemeanor and remanded to the magistrate division for the acceptance of a misdemeanor plea, the case is counted as a disposition of a felony in the district court and a remand of a felony in the magistrate division.

Post-judgment actions in criminal cases are processed and reported as follows:

1. In addition to new criminal cases, the following post-judgment actions will be tracked and reported separately:
  - a. Motion to revoke probation
  - b. Motion for early discharge of probation
  - c. Motion to modify terms of probation
  - d. Defendant is transferred to a problem-solving court following a guilty plea/sentencing
  - e. Motion for contempt/Motion to show cause
  - f. Motion to amend or set aside judgment of conviction or set aside guilty plea
  - g. Motion to correct or reduce sentence
  - h. Motion for new trial
  - i. Motion for stay of execution
  - j. Motion to seal case
  - k. Motion for appellate bond
  - l. Case remanded to the magistrate division for acceptance of a misdemeanor plea
2. The above post-judgment actions will be counted at the filing of a motion or, the issuing of an order for cases that are remanded to a lower court or transferred to a problem-solving court.
3. The disposition of any of the above listed post-judgment actions is counted as a disposition in the same post-judgment category that triggered the action.

<sup>5</sup> **Median:** The "median" is the "middle" value in the list of expenditures for the three fiscal years. To find the median, your numbers have to be listed in numerical order, so you may have to rewrite your list first.