Idaho State Public Defense Commission

Idaho Association of County Recorders and Clerks
August 16, 2017
Salmon, ID
Where would you like to go today?

- **Indigent Defense Grants**
  - Applications
  - Grant funds
- **The ELF**
- **Indigent Defense Budgets**
- **Indigent Defense Contracts**
- **Current Indigent Defense Standards**
  - Initial appearance and vertical representation
  - Training for defending attorneys
  - Performance standards for defending attorneys
- **Indigent Defense Standards in development**
  - Investigation
  - Capital Counsel Roster
  - Workload standard
  - Oversight and enforcement
- **Regional Coordinators**
Indigent Defense Grants

• FY2017: $3,896,213.73 disbursed
  • $1,775,468.37 expended as of May 1, 2018
• FY2018: 43 of 44 counties applied
  • 38 Approved
  • 4 counties pending
  • 1 county decided to withdraw application
  • $4,047,576.68 approved as of 8/1/17 (Total: $4,182,854.18)*

• Future Applications
  • Indigent Defense Grant funds usage
  • Expenditures
  • Counting cases
  • Compliance with Indigent Defense Standards

*$25,000 - Adams; $52,555.83 - Payette
Extraordinary Litigation Fund

- Approved almost $250,000 of ELF grants to counties between February and July 2017
- Indigent Defense Providers must apply
- Prospective Costs only
- Attorney fees not eligible unless reviewed and approved by Commission
- PDC proposing legislation for Counties to apply for reimbursement
Indigent Defense Budgets

• Attorney Services
• Support Staff and paralegals
• Technology
• Investigation
• Experts
  • Forensic
  • Mental Health
• Witness expenses
• Trial expenses
• Parity with Prosecutors – Not equity
Indigent Defense Contracts

• Promulgation of a Rule – Idaho Code 19-850(1)(a)(iii)
• Suggested Model Contract Terms
• ALL defending attorneys must have a contract with a county (including conflict and appointed by Judge)
• Sample Contract?
Current Indigent Defense Standards

- Effective May 1, 2017
- Compliance required by March 31, 2018
- FY2019 IDG Application or Compliance Verification

- IDAPA 61.01.04 – Rules Governing Procedures and Forms for the Applications and Disbursement of Indigent Defense Grants
- IDAPA 61.01.07 – Rules Governing The Standards For Defending Attorneys That Utilize Idaho’s Principles of an Indigent Defense Delivery System
  - Initial Appearance and Vertical Representation
  - Training for defending attorneys
  - Performance standards for defending attorneys
Indigent Defense Standards in development

• Negotiated this summer
• Proposed rules will be published in October Legislative Bulletin
• Public hearings for additional comment will be held in mid to late October
• IDAPA 61.01.06 – NEW Chapter
• IDAPA 61.01.07 – Chapter being amended
• IDAPA 61.01.08 – NEW Chapter
• Standards for Defending Attorneys – edition 2017
Regional Coordinators

- Your indigent defense system resource
- Assistance with contracts as requested
- IDG application assistance
- Assistance with understanding and complying with Indigent Defense Standards
- How to prepare an Indigent Defense Budget
- Defending Attorneys
  - ELF application assistance
  - Scholarship applications for training