



General Administration Policies and Procedures

Incoming Communications Review

Policy Number: 103

Adopted: 06/20/19

Reviewed:

Revised:

Policy

It is the policy of the State Public Defense Commission (PDC) to ensure compliance with the rules and standards by counties and defending attorneys, but it does not have the authority to advise individuals or intervene in individual indigent defense cases. Communication with the PDC about a case may not be confidential and may be subject to the Open Records Act.

Purpose

This policy is intended to promptly notify individuals, if possible, who communicate with the PDC about a legal case that the PDC has limited authority while assuring that the confidentiality of any such communications is appropriately protected

References

Idaho Code § 74-101

Idaho Code § 74-105

6th Amendment, U.S. Constitution

Article 1, Section 13, Idaho State Constitution

The Public Defense Commission has a broad role in ensuring compliance with the rules and standards by counties and defending attorneys but the PDC does not have the statutory authority to advise individuals or intervene in individual indigent defense cases. Communication with the PDC about a case may not be confidential and may be subject to the Open Records Act. This policy is intended to promptly notify individuals, if possible, who communicate with the PDC about a legal case that the PDC has limited authority while assuring that the confidentiality of any such communications is appropriately protected. If the communication is related to agency business and not a legal case or confidential matter, it will be handled in the regular course of business.

Postal or electronic mail delivered to the PDC will be opened and cursorily reviewed by staff to determine if the mail is related to Commission business or to an individual's legal case. If the mail is related to a legal case or confidential matter, the mail will be forwarded to outside counsel retained to represent the practicing public defenders of the Commission and not held or retained by the Attorney General's office. The Executive Director, or staff member designated by the Executive Director, will respond to the sender with a letter outlining the policy, referring the sender/caller to the handling attorney, supervisor and Idaho State Bar and include a copy of the Standards for Defending Attorneys. No copy of the contents will be retained. The PDC will retain a copy of the envelope and the agency's responsive letter. The copies shall be retained pursuant to the PDC's Retention Policy for Public Records.

Incoming phone or verbal communications will be responded to by staff to determine if the contact is related to Commission business or to an individual's legal case. If the communication is related to a legal case or confidential matter, the staff will state the PDC cannot advise or intervene in a legal case and ask for an address and send the caller a responsive letter from the Executive Director, or staff member designated by the Executive Director, outlining the policy, referring the caller to the handling attorney, supervisor and Idaho State Bar and include a copy of the Standards for Defending Attorneys. The PDC will take no further action if an address is not provided. Except for date, name and address, no notes of the contact will be retained. The PDC will retain a copy of the agency's responsive letter. The copies shall be retained pursuant to the PDC's Retention Policy for Public Records.

Appendix:

INCOMING CORRESPONDENCE

Dear *:

Enclosed please find the envelope and its contents mailed to the Public Defense Commission (PDC). I am returning the mail to you because communications with this agency may not be confidential and may be subject to the Open Records Act (see Idaho Code Section 74-105). The PDC has retained copies of the envelope and this letter.

[The Public Defense Commission (PDC) received e-mail. I am returning the mail to you because communications with this agency may not be confidential and may be subject to the Open Records Act (see Idaho Code Section 74-105). The PDC will retain only this email.]

The PDC's mission is to improve the delivery of trial-level indigent defense services and to ensure that the safeguards of the 6th Amendment of the United States Constitution and Article 1, Section 13 of the Idaho Constitution are met. Toward that mission, the PDC collects data, supports compliance with standards, provides training and administers financial assistance. Enclosed please find the Standards for Defending Attorneys, Edition 2018.

The PDC does not have the statutory authority to advise you or to intervene in indigent defense cases. Any concerns you have regarding your case should be directed to your attorney or his/her supervisor. Complaints about your attorney's professional conduct should be sent to the Idaho State Bar at 525 W. Jefferson, Boise, Idaho 83702 / 208-334-4500 / www.isb.idaho.gov.

Sincerely,

INCOMING CALL/IN PERSON CONTACT

Dear *:

This letter is in response to your phone call to the Public Defense Commission (PDC). We did not continue the communication with you because your information may not be confidential and may be subject to the Open Records Act (see Idaho Code Section 74-105). Except for date, name and address, the PDC has not retained notes of the communication. The PDC will retain a copy of the agency's responsive letter

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