

**IDAHO STATE PUBLIC DEFENSE COMMISSION**  
**STRATEGIC PLAN**  
FY 2019 through FY 2022

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*MISSION*

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The Idaho Public Defense Commission is committed to improving the delivery of trial-level indigent defense services by serving the Counties and Indigent Defense Providers of Idaho. We strive to ensure that the safeguards of the 6<sup>th</sup> Amendment to the United States Constitution and Article I, Sect. 13 of the State Constitution are met. We will collect data, support compliance with standards, provide training and administer grants to achieve fair and just representation of the accused. In the words of Thomas Jefferson, “The price of freedom is eternal vigilance.”

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*VISION*

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The State Public Defense Commission:

- Maintains standards to ensure that defending attorneys are providing representation within the safeguards of the Sixth Amendment to the U.S. Constitution and Article I, Sect. 13 of the Idaho Constitution;
  - Serves as a clearing house of information for relevant stakeholders;
  - Provides funding to Counties as appropriated by the legislature to ensure compliance with standards;
  - Provides training to defending attorneys; and
  - Keeps the Legislature apprised of any issues that affect the indigent defense system in Idaho.
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*GOALS*

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**FIRST GOAL**      **The Public Defense Commission will continue to implement its 5-year plan to adopt and enforce indigent standards.**

**Objective 1:**    **The Commission will create rules governing uniform data reporting requirements and forms for defending attorney annual reports.**

**STRATEGY 1:**    The Commission will create a rule per Idaho Code § 19-850(1)(a)(ii).

**PERFORMANCE MEASURE:**    The Commission will undertake the negotiated rule-making process in July and August of 2018, allowing a proposed rule to be submitted to the Department of Administration in September 2018.

**BENCHMARK:** With initial publication and comment period slated for October of 2018, a pending rule will be voted on by the Commission at the beginning of November of 2018, in time for publication and presentation to the legislature in January 2019.

**Objective 2: The Commission will create rules to address the workloads of Idaho’s defending attorneys.**

**STRATEGY 1:** The Commission will create rules establishing appropriate workloads for defending attorneys per Idaho Code § 19-850(1)(a)(vii).

**PERFORMANCE MEASURE:** The Commission will undertake the negotiated rule-making process in July and August of 2018, allowing a proposed rule to be submitted to the Department of Administration in September of 2018.

**BENCHMARK:** With initial publication and comment period slated for October of 2018, a pending rule can be voted on by the Commission at the beginning of November of 2018, in time for publication and presentation to the legislature in January 2019.

**STRATEGY 2:** The Commission will create rules establishing appropriate workloads using the data collected during a workload study conducted by Boise State University’s Idaho Policy Institute.

**PERFORMANCE MEASURE:** Boise State provided a report to the Commission in early 2018. The Commission will use the data collected in this report to support the creation of a workload standard.

**BENCHMARK:** With initial publication and comment period slated for October of 2018, a pending rule that contains the workload standard can be voted on by the Commission at the beginning of November of 2018, in time for publication and presentation to the legislature in January 2019.

**Objective 3: The Commission will create rules to address the Indigent Defense Services Contracts.**

**STRATEGY 1:** The Commission will create rules establishing core terms that should be included in Indigent Defense Services Contracts.

**PERFORMANCE MEASURE:** The Commission will undertake the negotiated rule-making process in July and August of 2018, allowing a proposed rule to be submitted to the Department of Administration in September of 2018.

**BENCHMARK:** With initial publication and comment period slated for October of 2018, a pending rule can be voted on by the Commission at the beginning of November of 2018, in time for publication and presentation to the legislature in January 2019.

**STRATEGY 2:** The Commission will create rules establishing the use of model contracts for Indigent Defense Services.

**PERFORMANCE MEASURE:** The Commission will undertake the negotiated rule-making process in July and August of 2018, allowing a proposed rule to be submitted to the Department of Administration in September of 2018.

**BENCHMARK:** With initial publication and comment period slated for October of 2018, a pending rule can be voted on by the Commission at the beginning of November of 2018, in time for publication and presentation to the legislature in January 2019.

## **SECOND GOAL The Public Defense Commission will implement its Oversight Program as set out in IDAPA 61.01.06.**

**Objective 1: The Commission will monitor compliance with Indigent Defense standards through the Regional Coordinators.**

**STRATEGY 1:** PDC Staff will visit with counties quarterly to review and assess compliance with Indigent Defense Standards.

**PERFORMANCE MEASURE:** Regional Coordinators will provide monthly reports to the Commission detailing their activities and any compliance issues with the counties. The reports will include steps taken to correct compliance issues where appropriate.

**BENCHMARK:** The Commission will set a goal to correct compliance issues within three (3) to six (6) months of receiving the report where reasonably practicable.

**STRATEGY 2:** PDC Staff will visit regularly with defending attorneys in their region to review and assess compliance with Indigent Defense Standards.

**PERFORMANCE MEASURE:** Regional Coordinators will provide monthly reports to the Commission detailing their activities and any compliance issues with defending attorneys. The reports will include steps taken to correct compliance issues where appropriate.

**BENCHMARK:** The Commission will set a goal to correct compliance issues within three (3) to six (6) months of receiving the report where reasonably practicable.

**STRATEGY 3:** PDC Staff will accept reports of compliance issues from stakeholders via written or verbal communication.

**PERFORMANCE MEASURE:** Regional Coordinators will provide monthly reports to the Commission detailing reports of compliance issues. The reports will include recommended steps to correct compliance issues where appropriate.

**BENCHMARK:** The Commission will set a goal to investigate compliance issues within thirty (30) days of receiving the report where reasonably practicable.

**THIRD GOAL    The Public Defense Commission will collect accurate data regarding the provision of indigent defense services in order to provide appropriate recommendations to the Idaho legislature.**

**Objective 1:    The Commission will compile indigent defense caseload and expenditure data.**

**STRATEGY 1:**    The Commission will collect information from defending attorneys regarding caseloads and expenditures. This information will include how cases were tracked and counted.

**PERFORMANCE MEASURE:**    The Commission will enforce the submission of Annual Reports by all defending attorneys in Idaho in November 2018.

**BENCHMARK:**    Upon receipt of Annual Reports, the Commission will review and assess the data on indigent defense caseloads and expenditures in November and December 2018. The Commission will compile the data for submission to the legislature in January 2019.

**Objective 2:    The Commission will work with the Idaho Supreme Court to create Odyssey reports that will provide crucial data regarding the public defense system in Idaho.**

**STRATEGY 1:**    The Commission will collaborate the ISC to create reports that will provide data regarding the number and types of cases handled by Idaho defending attorneys each year.

**PERFORMANCE MEASURE:**    The Commission has already met with the ISC who has indicated some initial reports will be available in six months. In six months, the Commission will review the reliability and usefulness of the data produced from these reports.

**BENCHMARK:**    The Commission will use the data to calculate the caseloads of Idaho’s defending attorneys.

**STRATEGY 2:**    The Public Defense Commission will collaborate with the ISC to create reports that will provide data regarding the outcomes of cases handled by Idaho’s defending attorneys.

**PERFORMANCE MEASURE:**    The Commission has already met with the ISC who has indicated some initial reports will be available in six months. In six months, the Commission will review the reliability and usefulness of the data produced from these reports.

**BENCHMARK:**    The Commission will use the data to compare case outcomes and assess the effectiveness of Idaho’s defending attorneys.

**STRATEGY 3:**    The Public Defense Commission will collect indigent defense expenditures from defending attorneys and counties.

**PERFORMANCE MEASURE:**    The Commission will collect how much each county spends on indigent defense in Indigent Defense Grant Applications.

**BENCHMARK:** The Commission will use the data to assess how much counties are spending on Indigent Defense.

**PERFORMANCE MEASURE:** The Commission will collect how much each county spends on indigent defense in Annual Reports of Defending Attorneys.

**BENCHMARK:** The Commission will use the data to assess how much counties are spending on Indigent Defense cases.

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## *EXTERNAL FACTORS*

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The goals of the strategic plan will be dependent upon the negotiated rule-making process and reaching a consensus with stakeholders. The Commission continues to be ready and willing to adapt with the shifting landscape of Public Defense Reform and will continue to revisit the strategic plan as often as is necessary to ensure responsiveness to the needs of the Counties in Idaho.

## Addendum to Agency Strategic Plans: Adoption of the NIST Cybersecurity Framework and Implementation of CIS Critical Security Controls 1 – 5.

As a technology customer of the Office of Information Technology Services (ITS) in the Governor's Office, we are using the cybersecurity systems and technical expertise in ITS to fulfill requirements related to Executive Order 2017-02. Staff from ITS briefed the NIST Core Framework, CIS Controls 1-5, and their plan for adoption of the NIST Cybersecurity Framework. We participate in DHR and ITS administered cybersecurity training, as awareness is a critical component of an effective cybersecurity program. As briefed by ITS staff, implementation of the CIS Controls 1-5 will be their responsibility for the systems they operate and, as technological tools applied to the computer systems, largely invisible to us as a customer. ITS is refining the cybersecurity incident response plan in support of our agency.