

# FY2021 Indigent Defense Financial Assistance Compliance Proposal & Application Per Idaho Code §19-862A Instructions

## Completing this form:

This form is a fillable PDF when opened in Adobe Acrobat Reader DC. Use this link to download a current version of Reader for free - <https://get.adobe.com/reader/>. Upon completion of the form, save and email it to [info@pdc.idaho.gov](mailto:info@pdc.idaho.gov).

## Due date and next steps:

1. The complete proposal and application must be emailed to the PDC at [info@pdc.idaho.gov](mailto:info@pdc.idaho.gov) on or before May 15, 2020. The PDC will acknowledge receipt of the county's proposal and application.
2. The PDC will provide notice of its acceptance or rejection of the compliance proposal and application within 60 days of receipt of the county's complete proposal and application.
3. In accordance with §19-862A and IDAPA 61.01.04 the PDC will award financial assistance based on eligibility, availability of funds and priority rating and then provide notice of award.
4. The PDC will disburse awarded amounts on or about October 1, 2020.

**Part A FINANCIAL INFORMATION.** The purpose of this section is for the county to report specific dollar amounts for specific indigent defense services expenses. Expenses necessary to meet or improve upon Standards for Defending Attorneys – Edition 2018 (“Standards”) and/or cure previous deficiencies may be eligible for financial assistance.

**Line 1. Expense Items.** Indigent defense services are county services provided to indigent persons and other individuals who are entitled to be represented by an attorney at public expense pursuant to Idaho Code § 19-859. See IDAPA 61.01.08.010.28. The expense items include general types of expenses associated with such services. Each expense is not necessary for indigent defense in every case or county. Counties should ensure that when defense providers determine that it is appropriate, defense providers request the court pay case-related costs from the court's budget. Information about each expense item is included below.

**Line 2. FY2019 Amount Actually Spent.** This column is for the actual total amount the county *paid* for the expense items in FY2019. This includes financial assistance the county received from the PDC. The information entered in Part A is *not* used to calculate local share.

**Line 3. FY2020 Budgeted Amount.** This column is for the amount the county *budgeted* for the expense items in FY2020. This includes financial assistance the county received from the PDC. The information entered in Part A is *not* used to calculate local share.

**Line 4. FY2021 Financial Assistance necessary for the county to achieve the county's plan to meet or improve on the Standards and/or cure previous deficiencies.** This column is for the amount of PDC financial assistance the county has determined is necessary to achieve the county's plan to meet or improve on the Standards and/or cure previous deficiencies in FY2021.

**Line 5. Attorneys.** This includes the indigent defense attorney salary and/or benefits paid by the county. If the county pays benefits for attorneys, the county will need to separately identify the salary and the benefit amounts.

**Line 6. Conflict Attorneys.** This includes the conflict indigent defense attorney salary and/or benefits paid by the county. If the county pays benefits for conflict attorneys, the county will need to separately identify the salary and the benefit amounts.

**Line 7. Staff.** This includes legal support staff salary and/or benefits paid by the county. If the county pays benefits for staff, the county will need to separately identify the salary and the benefit amounts.

**Line 8. Investigators.** This includes the investigator salary and/or benefits paid by the county. If the county pays benefits for investigators, the county will need to separately identify the salary and the benefit amounts. This also includes costs associated with investigations and/or contract investigators an indigent defense provider determines necessary and appropriate to assist in a client's case. Examples include forensic investigations, interviewing and assessing witnesses and getting their statements, and related work to independently investigate accusations against an indigent defendant.

**Line 9. Social Workers.** This includes the social worker salary and/or benefits paid by the county. If the county pays benefits for social workers, the county will need to separately identify the salary and the benefit amounts. This also includes contract social workers an indigent defense provider determines necessary and appropriate to assist with identifying and addressing social problems, which may influence a client's alleged criminal behavior.

**Line 10. Evaluations.** This includes evaluations an indigent defense provider determines necessary and appropriate to assist in a client's case. Examples include psychological evaluations and polygraph examinations.

**Line 11. Expert Witnesses.** This includes expert witnesses an indigent defense provider determines necessary and appropriate to prepare the defense and rebut the prosecution's case. Examples include experts in the field of DNA, case consultation and review, trial testimony and other specialized expertise.

**Line 12. Office.** This includes expenses for office/workplace rent, furniture, supplies, soundproofing and related workplace costs.

**Line 13. Technology.** This includes expenses for purchasing and repairing computers and related equipment, computer software, and technology support services. This also includes electronic legal research resources and subscriptions like Lexis/Nexis and Westlaw.

**Line 14. Training.** This includes costs and fees for online and in-person legal and practical education in indigent defense and associated travel costs for in-person training.

**Line 15. Transcripts.** This includes the costs for preparing transcripts an indigent defense provider determines necessary and appropriate to assist in a client's case.

**Line 16. Other Expenses.** This is a catchall category for any other expenses, which may not be covered in the other expense item categories, which are necessary to meet or improve upon Standards. Add these in the appropriate place below the table.

**Line 17. Total.** This is where the county totals each of the columns.

## **WORKLOAD INFORMATION**

**Line 18. Question about county need for financial assistance to meet workload standards in FY2021.** The purpose of this section is for the county to report whether it needs financial assistance to meet workload standards (Standards III.A-I Defending Attorneys' Workload) in FY2021.

**Lines 19-26. Expense items and amounts for which financial assistance is necessary for the county to achieve the county's plan to meet workload standards in FY2021.** If the county needs financial

assistance to meet workload standards in FY2021, this is where the county will identify the applicable expense type and amount necessary to do so. Add other expense item details in the appropriate place below the table. For information about expense items, please refer to the FINANCIAL INFORMATION section above.

**Line 27. Total.** This is where the county totals the workload standards expense items.

#### **LOCAL SHARE**

**Line 28. Information previously certified by the county for FY2016, FY2017 and FY2018.** The PDC completes this section by inserting the information the county previously certified it spent on indigent defense in FY2016, FY2017 and FY2018. If any of these amounts is not correct, please immediately notify the PDC so this information can be corrected, and the local share recalculated.

**Line 29. Question about whether county is part of a joint office of public defender.** The purpose of this section is for the county to report whether it is part of an established joint office of public defender per Idaho Code § 19-859(2).

**Line 30. FY2021 Local share.** The PDC uses the amounts in line 28 to calculate FY2021 local share in accordance with Idaho Code § 19-851(8).

**Line 31. Information for future local share calculation.** The purpose of this section is for the county to report information that the PDC will use to calculate next and future years' local share in accordance with Idaho Code § 19-851(8).

#### **PRIOR YEAR FINANCIAL ASSISTANCE INFORMATION**

**Lines 32-36:** The purpose of this section is for the county to report on any PDC financial assistance the county received for previous fiscal years, which the county has not spent so the PDC can understand the amount of financial assistance available to the county. If the county has allocated any remaining funds to a specific project(s), this is where the county will describe the project, the work done to date and the work required to complete it, and the amount of time and cost it will take to complete the project. If the county does not identify any such projects and details, the PDC will assume any remaining funds are available to the county for FY2021 indigent defense services.

#### **Part B: COMPLIANCE ATTESTATION**

The purpose of this section is to incorporate the county's completed "Appendix B: [Name of county] Annual Review Questionnaire, Review Period, October 1, 2018 – September 30, 2019" regarding the county's reported compliance with indigent defense standards and its plan for compliance. The county must include its completed questionnaire with its proposal and application. If the county has not already completed the questionnaire, it will need to do so before the May 15, 2020 due date. The proposal and application is not complete without the completed questionnaire.

**ATTESTATION AND SIGNATURES:** This is where the County Clerk and County Commissioners certify pursuant to Idaho Code § 9-1406, that all the information the county provided in the proposal and application form and any supporting materials is true. Make sure all information is correct and complete before submitting the form.

#### **Additional Resources:**

[Standards for Defending Attorneys – Edition 2018](#)

PDC Regional Coordinators:

- Aaron W. Freudenthal (208) 892-9487, [Aaron.Freudenthal@pdc.idaho.gov](mailto:Aaron.Freudenthal@pdc.idaho.gov) (for Ada, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Elmore, Gem, Idaho, Kootenai, Latah, Lewis, Nez Perce, Owyhee, Payette, Shoshone, Valley and Washington counties)
- Jared H. Ricks (208) 520-6453, [Jared.Ricks@pdc.idaho.gov](mailto:Jared.Ricks@pdc.idaho.gov) (for Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton and Twin Falls counties)

PDC main office name/contact info:

- Kathleen J. Elliott (208) 332-1736, [Kathleen.Elliott@pdc.idaho.gov](mailto:Kathleen.Elliott@pdc.idaho.gov)
- Tammy A. Zokan (208) 332-1738, [Tammy.Zokan@pdc.idaho.gov](mailto:Tammy.Zokan@pdc.idaho.gov)

**[Application starts on next page]**

# FY2021 Indigent Defense Financial Assistance Compliance Proposal & Application

Pursuant to Idaho Code §19-862A

**DUE DATE: May 15, 2020**

## Contact Information

County		Date Submitted	
Contact Person		Title	
Contact Phone		Contact E-mail	

<b>PART A: FINANCIAL INFORMATION</b> (this is <i>not</i> used to calculate local share)			
	<b>A</b>	<b>B</b>	<b>C</b>
<b>1. Expense Items</b>	<b>2. FY2019 Amount Actually Spent</b>	<b>3. FY2020 Budgeted Amount</b>	<b>4. FY2021 Financial Assistance</b> necessary for the county to achieve the county's plan to meet or improve on the Standards and/or cure previous deficiencies
<b>5. Attorneys (salary/benefits)</b>	/	/	/
<b>6. Conflict Attorneys (salary/benefits)</b>	/	/	/
<b>7. Staff (salary/benefits)</b>	/	/	/
<b>8. Investigators (salary/benefits)</b>	/	/	/
<b>9. Social Workers (salary/benefits)</b>	/	/	/
<b>10. Evaluations</b>			
<b>11. Expert Witnesses</b>			
<b>12. Office</b>			
<b>13. Technology</b>			
<b>14. Training</b>			
<b>15. Transcripts</b>			
<b>16. Other Expenses* (please specify below)</b>			
<b>17. Total</b>			

\*Other Expense details FY19:

\*Other Expense details FY20:

\*Other Expense details FY21:

<b>WORKLOAD INFORMATION</b>	
<b>18. Does the county need financial assistance to meet workload standards in FY2021 (Standards III.A-I Defending Attorney's Workload)?</b>  If Yes, please complete lines 19-26. If No, please move to item 28.	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>19. Expense items and amounts for which financial assistance is necessary for the county to achieve the county's plan to meet workload standards in FY2021.</b>	
<b>20. Attorneys (salary/benefits)</b>	/
<b>21. Contract Attorneys (salary/benefits)</b>	/
<b>22. Staff (salary/benefits)</b>	/
<b>23. Training</b>	
<b>24. Office</b>	
<b>25. Technology</b>	
<b>26. Other Expenses* (please specify below)</b>	
<b>27. Total</b>	

\*Other Workload

Expense details FY2021:

<b>LOCAL SHARE</b>	
<b>28. Information previously certified by the county for FY2016, FY2017 and FY2018 (PDC will insert):</b>	FY2016  FY2017  FY2018
<b>29. Is county part of an established joint office of public defender?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>30. FY2021 Local share (PDC will calculate):</b>	
<b>31. Total amount the county spent on indigent defense in FY2019 <i>excluding</i> the following:</b> <ul style="list-style-type: none"> <li>• the financial assistance the county received from the PDC for such fiscal year, and</li> <li>• if the county participates in the capital crimes defense program, the amount the county spent on capital cases in each such fiscal year in excess of premiums and deductibles required by Idaho capital crimes defense fund guidelines.</li> </ul>	

**PRIOR YEARS FINANCIAL ASSISTANCE INFORMATION**

<b>32. Does the county have any PDC financial assistance remaining from prior years?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>33. Amount remaining from 2017</b>	
<b>34. Amount remaining from 2018</b>	
<b>35. Amount remaining from 2019</b>	
<b>36. Total remaining</b>	
<b>If any of the above amounts are allocated to a specific project, please identify the project, describe the progress on the project to date and what is left to complete it, how much it will cost to complete the project and when it will be completed.</b>	

**PART B: COMPLIANCE ATTESTATION**

The "Appendix B: [Name of county] Annual Review Questionnaire, Review Period, October 1, 2018 – September 30, 2019" completed by the county is attached to this proposal and application and is hereby incorporated herein.

**ATTESTATION AND SIGNATURES**

State of Idaho

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

On this \_\_\_\_ day of \_\_\_\_\_, 2020, I certify that all information provided in this proposal and application and any other information provided in support thereof is true and accurate.

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

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

[SEAL]

I certify (or declare) under penalty of perjury pursuant to the law of the state of Idaho that I certify that all information provided in this proposal and application and any other information provided in support thereof is true and accurate. This certification or declaration is made pursuant to IDAHO CODE § 9-1406.

District 1 Commissioner – Print Name	
Printed Name	
Signature	Date

District 2 Commissioner – Print Name	
Printed Name	
Signature	Date

District 3 Commissioner – Print Name	
Printed Name	
Signature	Date

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