



**Association of Idaho Cities**  
**3100 South Vista, Suite 310, Boise, Idaho 83705**  
**Telephone (208) 344-8594**  
**Fax (208) 344-8677**  
**www.idahocities.org**

---

**To: Public Defense Reform Interim Committee**  
**From: Seth Grigg, Executive Director**  
**Date: November 21, 2014**  
**Re: Public Defense Reform**

---

### **Cities Support the Creation of a State Funded Public Defense System**

The Association of Idaho Cities joins with the Idaho Association of Counties in urging the Idaho Legislature and the Public Defense Reform Interim Committee to create and fund a unified, state run public defense system. Establishing a state run public defender system has many advantages, including leveraging economies of scale, eliminating the inherent conflicts of leaving the negotiation of public defense contracts to local elected officials, and ensuring a uniform and constitutionally sound public defense delivery system. Public defense, while currently provided by the counties, is constitutionally a state responsibility. Cities are very concerned that relying on local governments to provide public defense services in Idaho without allowing for dedicated funding enhancements will result in the same broken system that has been litigated in other states and found to be unconstitutional.

### **Role of Cities in Prosecution**

By law, cities are responsible for prosecuting city ordinance and state misdemeanor violations and infractions that occur within city limits. Counties are responsible for prosecuting county and state misdemeanor violations and infractions that occur in unincorporated areas of the county, as well as all felonies committed within the county, including within city limits. While counties have a dedicated property tax levy (Justice Fund Levy) to fund prosecutorial related expenses, cities must rely on general fund revenues that are in many cases already stretched thin providing for vital public safety services, including law enforcement and fire protection.

### **Distribution of Fine Revenue**

Traditionally, cities rely upon fine revenues to offset the costs of prosecuting misdemeanor offenses committed within the city. As has been reported to the Interim Committee by the Courts, cities receive a portion of the fine revenue for violations written by a city police officer for offenses committed within city limits. After court expenses, fines, and fees are covered, cities receive 90% of whatever fine revenue is left. In many cases much of the allowed fine is either partially waived or waived in full by the presiding judge.

### **City Prosecution Expenses**

The Association of Idaho Cities recently surveyed members to identify how much cities spent on prosecution in FY2014. In the survey 49 cities responded that prosecution expenses for FY2014 were approximately \$4.3 million. The same cities reported fine revenues of approximately \$3.2 million, a shortfall of \$1.1 million. The full results of the survey are included in Appendix A. The respondents represent a good sample size of Idaho cities and include most of the state's larger cities as well as many small and medium sized cities and demonstrate the lack of fine revenue that is necessary to fund city prosecutorial services. Because fine revenue is not sufficient to cover the costs of prosecution, cities must use general fund property tax revenues to make up the difference.

## **Misdemeanor Reclassification Efforts**

The Association of Idaho Cities and its member cities are serious about misdemeanor reclassification. AIC staff and city officials were represented on the Misdemeanor Reclassification Subcommittee and are in support of legislative efforts to reclassify agreed upon state misdemeanors as infractions. Additionally, AIC staff have spent the last month touring the state of Idaho and providing training to over 330 city officials from 122 cities on how to undertake misdemeanor reclassification efforts in their respective cities. In the weeks following the trainings many cities have reported initiating efforts to reclassify city misdemeanors as infractions. AIC will continue to work with member cities to lead the way in misdemeanor reclassification in an effort to reduce public defender costs associated with misdemeanor charges while respecting the decisions of local elected officials in determining which misdemeanors are appropriate for reclassification.

In conjunction with these efforts, AIC is also collecting data to help demonstrate the overall impact of city misdemeanors on the Idaho public defense system. While the Court was unable to provide the requested data, AIC has received some data by surveying its members. A total of 45 cities have provided data to AIC, including most of the larger cities and many of the smaller and medium sized cities. The results show that in most cities, city misdemeanor citations make up less than 3% of all misdemeanor charges. The total number of city misdemeanors cited in the responding cities for FY2014 was 1,895 or 6.57% of total misdemeanors cited by city officers (the overall percentage of city misdemeanors is skewed by a few cities that are outliers when compared to other cities in the state). The remaining 26,928 misdemeanors cited by city police officers were for state code violations (93.43%). A full breakdown of misdemeanors cited by city officers can be found in Appendix B. Now that AIC has this data, staff will work directly with those cities that are above the average to initiate locally lead efforts to reduce the overall percentage of city misdemeanors issued for city ordinance violations.

It is noteworthy to mention that many city misdemeanor violations are for code enforcement related offenses like planning and zoning, and building code violations. These violations rarely require a public defender. Other misdemeanors are “payable misdemeanors” meaning there is only a fine and no threat of jail time. As an example, the City of Coeur d’Alene reported that only 23 of the charged 209 city code misdemeanors required a public defender (0.64% of the 3,598 misdemeanors cited by a city police officer). Similarly, only 23 of the 52 charged city code misdemeanors in Twin Falls required a public defender (1.24% of the 2,045 misdemeanors cited by a city police officer).

## **Finding a Path Forward**

Cities in Idaho recognize the complexities that the Interim Committee and the Legislature face in reforming Idaho’s public defense delivery system and appreciate the Interim Committee’s efforts to thoughtfully consider a range of options. As has been stated, AIC is committed to working with its member cities to ensure that appropriate city code misdemeanors are reclassified. This will reduce the overall cost of misdemeanor public defense costs. That being said, AIC believes that the best public defense system in Idaho is a system funded and managed by the State of Idaho. AIC encourages you to reach out to your local mayors and talk with them about the impact requiring cities to fund public defenders would have on city budgets and local property tax rates.

**APPENDIX A: CITY FINE REVENUE, PROSECUTION, AND LAW ENFORCEMENT EXPENDITURES, 2014**

City	FY 2014 Fine Revenue	FY 2014 City Prosecution Expenditures	% Fine Revenue Funding for Prosecution Expenses	FY 2014 City Law Enforcement Expenditures	% Fine Revenue for Law Enforcement Expenditures
Aberdeen	\$8,537	\$19,296	44%	\$349,932	2%
American Falls	\$28,746	\$34,398	84%	\$724,579	4%
Ammon	\$33,097	\$48,000	69%	\$1,178,971	3%
Bellevue	\$34,873	\$16,940	206%	\$362,549	10%
Bonnars Ferry	\$60,807	\$41,773	146%	\$575,241	11%
Buhl	\$14,045	\$16,098	87%	\$647,135	2%
Cascade	\$9,259	\$16,380	57%	\$428,318	2%
Caldwell	\$230,000	\$256,000	90%	\$7,266,909	3%
Chubbuck	\$30,815	\$75,000	41%	\$2,952,274	1%
Coeur d'Alene	\$213,905	\$955,551	22%	\$10,243,865	2%
Cottonwood	\$3,149	\$6,000	52%	\$86,587	4%
Dubois	\$1,134	\$0	-	\$25,000	5%
Eagle	\$51,403	\$53,400	96%	\$1,691,874	3%
Emmett	\$23,058	\$46,930	49%	\$1,094,796	2%
Fairfield	\$3,479	\$0	-	\$4,800	72%
Fruitland	\$34,834	\$9,450	369%	\$1,021,122	3%
Garden City	\$211,300	\$270,000	78%	\$4,021,000	5%
Gooding	\$3,416	\$7,200	47%	\$468,567	1%
Grangeville	\$9,389	\$33,600	28%	\$524,303	2%
Heyburn	\$19,603	\$7,200	272%	\$500,204	4%
Homedale	\$22,233	\$24,696	90%	\$370,320	6%
Jerome	\$80,990	\$66,000	123%	\$1,724,942	5%
Ketchum	\$16,502	\$43,922	38%	\$1,337,945	1%
Kimberly	\$27,622	\$26,400	105%	\$529,155	5%
Lewiston	\$190,345	\$163,700	116%	\$6,747,178	3%
Lewisville	\$126	\$1,833	7%	\$1,914	7%
Menan	\$182	\$1,800	10%	\$7,256	3%
Meridian	\$462,157	\$308,088	150%	\$13,823,719	3%
Middleton	\$16,290	\$50,249	32%	\$260,608	6%
Montpelier	\$34,444	\$18,000	191%	\$391,858	9%
Mountain Home	\$92,775	\$150,000	62%	\$2,608,332	4%
Nampa	\$476,567	\$598,000	80%	\$17,948,483	3%
New Meadows	\$8,988	\$10,853	83%	\$33,600	27%
Payette	\$29,572	\$32,400	91%	\$1,220,550	2%

Pinehurst	\$2,184	\$9,000	24%	\$172,127	1%
Ponderay	\$51,778	\$36,147	143%	\$608,082	9%
Post Falls	\$95,876	\$258,954	37%	\$5,060,250	2%
Priest River	\$10,726	\$11,272	95%	\$384,547	3%
Rathdrum	\$22,276	\$67,473	33%	\$1,501,082	1%
Rexburg	\$98,900	\$85,000	116%	\$3,875,400	3%
Rupert	\$26,501	\$19,803	134%	\$887,483	3%
Sandpoint	\$60,666	\$125,000	49%	\$1,839,485	3%
Shelley	\$28,675	\$16,850	170%	\$608,819	5%
Shoshone	\$7,910	\$14,400	55%	\$238,480	3%
Soda Springs	\$15,363	\$15,000	102%	\$803,700	2%
St. Anthony	\$31,520	\$21,000	150%	\$463,171	7%
Twin Falls	\$219,722	\$142,206	155%	\$8,037,202	3%
Ucon	\$2,290	\$1,200	191%	\$152,062	2%
Weiser	\$23,990	\$38,386	62%	\$1,169,659	2%
Wendell	\$10,110	\$7,200	140%	\$261,915	4%
Statewide	\$3,192,129	\$4,278,048	75%	\$107,237,350	3%

**APPENDIX B: Misdemeanor Citation by City, 2014**

City	Population	FY 2014 Total Misdemeanor Citations (State Law & Local Ordinance)	FY 2014 Misdemeanor Citations Under City Ordinance	% City Ordinance Misdemeanor
Aberdeen	1,969	1	1	100%
American Falls	4,421	292	17	6%
Ammon	14,199	513	33	6%
Bonnars Ferry	2,610	226	2	1%
Buhl	4,170	182	2	1%
Cascade	902	52	5	10%
Caldwell	47,668	2,578	21	1%
Chubbuck	14,166	810	12	1%
Coeur d'Alene	45,579	3,598	209	6%
Cottonwood	920	32	1	3%
Dubois	599	7	0	0%
Emmett	6,516	146	23	16%
Fairfield	398	3	0	0%
Fruitland	4,723	395	12	3%
Gooding	3,519	183	2	1%
Grangeville	3,151	207	16	8%
Heyburn	3,124	182	11	6%
Homedale	2,610	120	20	17%
Jerome	11,027	1,048	242	23%
Ketchum	2,680	81	7	9%
Kimberly	3,333	282	6	2%
Kuna	16,189	293	48	16%
Lewiston	32,051	2,475	167	7%
Lewisville	469	93	3	3%
Menan	744	132	1	1%
Meridian	80,386	4,559	99	2%
Middleton	5,801	183	1	1%
Montpelier	2,537	232	14	6%
Mountain Home	13,791	547	17	3%
Nampa	83,930	4,431	247	6%
New Meadows	484	15	0	0%
Payette	7,451	653	72	11%
Pinehurst	1,616	22	0	0%
Ponderay	1,117	96	0	0%
Priest River	1,716	79	1	1%

Rathdrum	7,024	232	0	0%
Rexburg	26,108	444	444	100%
Rupert	5,514	454	9	2%
Shelley	4,413	307	2	1%
Shoshone	1,482	85	27	32%
Soda Springs	2,973	141	28	20%
St. Anthony	3,470	63	1	2%
Twin Falls	45,158	2,045	52	3%
Ucon	1,119	12	1	8%
Weiser	5,425	199	1	1%
Wendell	2,751	93	18	19%
Total	532,003	28823	1895	6.57%