

September 18, 2015

PUBLIC DEFENSE REPORTING

× Idaho Code § 19-864

Adopted in 1967

Amended in 2013 – Report to be made to County Commissioners and Administrative District Judges (previously “each court having criminal jurisdiction in the counties that the program serves”)

WHO MAKES THE REPORT?

- ✘ Report to be made by “defending attorney,” defined as “any attorney employed by the office of public defender, contracted by the county or otherwise assigned to represent adults or juveniles at public expense.”
- ✘
- ✘ Before 2013 – Reports made only the “public defender in those counties electing to establish and maintain such an office.”

WHEN IS THE REPORT MADE?

- ✘ Must make an annual report. The year is not defined. (Calendar, state fiscal, county fiscal?)

WHAT MUST BE REPORTED?

- ✘ The number of persons represented under this act. This includes criminal proceedings, probably juvenile cases, and commitment proceedings. But public defenders appear in other cases, including CPA and parental termination cases.
- ✘ The crimes involved.
- ✘ And the expenditures, totaled by kind.

FIRST JUDICIAL DISTRICT

- ✘ Counties reporting: Kootenai, Boundary, Bonner
- ✘ Counties for which we have no report: Benewah, Shoshone

SECOND JUDICIAL DISTRICT

- ✘ Counties reporting: Latah, Nez Perce

- ✘ Counties for which we have no reports:
Clearwater, Idaho, Lewis

THIRD JUDICIAL DISTRICT

- ✘ We have received no reports.

FOURTH JUDICIAL DISTRICT

- ✘ Counties reporting: Ada, Valley
- ✘ Counties for which we have no report: Boise, Elmore

FIFTH JUDICIAL DISTRICT

- ✘ Counties reporting: Cassia, Jerome, Minidoka, Twin Falls
- ✘ Counties for which we have no report: Blaine, Camas, Gooding, Lincoln

SIXTH JUDICIAL DISTRICT

- ✘ No reports received.

SEVENTH JUDICIAL DISTRICT

- ✘ Counties reporting: Bonneville (monthly reports), Jefferson (report not yet received by ADJ), Teton (report did not list expenditures)
- ✘ Counties not reporting: Bingham, Butte, Clark, Custer, Fremont, Lemhi, Madison

SUGGESTIONS FOR IMPROVEMENTS

- ✘ For which year should the reporting take place? Calendar, state fiscal, county fiscal?
- ✘ What number should be reported? Cases, defendants (clients), and/or charges?
- ✘ “Crimes involved” – Does this mean the charge in each case? What do we need?
- ✘ What “expenditures” should be reported?
- ✘ Not just crimes. Public defenders also represent defendants in juvenile cases, mental commitments, CPA cases, parental terminations, contempt proceedings.