



## PUBLIC DEFENSE COMMISSION

*The price of freedom is eternal vigilance.*  
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Sen. Chuck Winder  
*Senate*

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*Executive Director*

February 22, 2016

Honorable C.L. "Butch" Otter  
 Capitol Building, Room W223  
 700 W. Jefferson St., P.O. Box 83720  
 Boise, ID 83720-0034

Governor Otter:

The Idaho Public Defense Commission met on Friday, February 19<sup>th</sup> to discuss H0504, legislation from the Public Defense Interim Committee. The Commission was unanimous in its decision to support the legislation as an initial step toward resolving Idaho's public defense inadequacies, but there were some concerns expressed about items in the legislation. Some of the concerns were:

- (1) Whether the additional 4.5 FTE's identified in the fiscal impact statement would be sufficient to accomplish what the legislation requires of the Commission. The Commission had previously informed the interim committee that to fulfill its duties of processing grants and reviewing the provisions of services it would need a liaison in each of the seven judicial districts as well as an assistant director. The recommendation for only 3.5 liaisons leaves the Commission concerned about its ability to fulfill its obligations.
- (2) Timelines in the legislation in regards to the Indigent Defense Grants. The timeline appears to be short for the number of potential grants which the Commission will need to review. The legislation requires the Commission to review all grants within 60 days. If all forty-four counties apply for a grant it will be difficult to ensure adequate review within 60 days, especially in the absence of a liaison for each judicial district.
- (3) The salary of the Executive Director (in the proposed budget) may be too low for the Commission to be able to attract an individual of the quality which we feel will be necessary to accomplish what is in the legislation. It needs to be noted that the Commission might be able to supplement the salary in our current budget with some of the funds proposed for the assistant director in the proposed budget used to create the fiscal impact statement of the legislation.

Rest assured that the Commission understands that this is a positive step forward in being able to meet the Constitutional requirement of the 6<sup>th</sup> Amendment. We also know that the improvement of the indigent defense system is an on-going process with more steps to come. As we go forward we will need to closely examine what does and does not work and make improvements to enhance the system.

The Commissioners are committed to meeting the requirements of H0504 to the best of their ability.

Sincerely,

Darrell Bolz  
Chairman, Idaho Public Defense Commission

CC: Senator Lodge, Chair, Senate Judiciary, Rules & Administration Committee  
Representative Wills, Chair, House Judiciary, Rules & Administration  
Committee  
Senator Lakey, Co-Chair, Public Defense Interim Committee  
Representative Perry, Co-Chair, Public Defense Interim Committee