



FY22 Outcome Based Budget Overview

Public Defender's Office

General Information

Office/Department: Public Defender's Office

Budget Contact Person: Justin J. McCarthy

Budget Team Members: Justin J. McCarthy, Cheri Hicks, Heidi Southward, Esmeralda Palomera

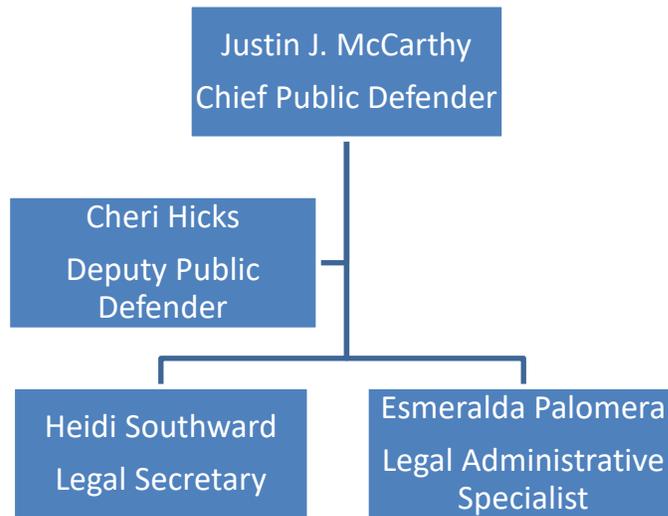
BCC Presentation Date: June 16, 2021

Office/Department Profile

Operational Description: The Blaine County Public Defender's Office provides representation to indigent persons appointed by the Blaine County Courts in criminal, involuntary commitment, juvenile and child protection cases within Blaine County. The Blaine County Public Defender's Office primary function is representing clients in criminal cases. Court-appointed representation includes: initial appearances, arraignments, pre-trial hearings, various motion hearings, pleas, trials, sentencings and post-conviction relief.

Department Mission: The mission of the Blaine County Public Defender's Office is to professionally, efficiently and effectively represent, when appointed to do so by the Court, indigent persons in criminal, involuntary commitment, juvenile, and child protection cases within Blaine County.

Organizational Structure



FY22 Proposed Outcomes

- Outcome 1: Advocate for our clients and the United States and Idaho Constitutions.
- Outcome 2: Maintain client communication.
- Outcome 3: Strategize and share information with fellow Idaho criminal defense attorneys.

Outcome 1

Outcome Title and Description:

- **Outcome 1** – Advocate for our clients and the United States and Idaho Constitutions.

Performance Measurement

- **Key performance question –**
 - How will we know if we are advocating for our clients and the United States and Idaho Constitutions?
 - **Key performance indicators:**
 - Initiating contact with clients at the Public Safety Facility, after arrest before initial appearance and at arraignment.
 - Filing of appropriate motions for advocating client’s defense and needs when ethical and appropriate.
 - Litigating dispositive motions and going to trial.
 - Use of experts for trial and mental health issues including competency and mitigation under I.C. §19-2524.
 - **Key performance measures:**
 - Feedback directly from the clients, documentation of client contact and communication in Defender Data software program.
 - Answering and returning calls and emails in a timely manner.

- Having Judges rule on our motions and objections. Maintaining a motion, law and order bank in P: Drive.
- Creating a trial and evidentiary record, appealing when appropriate. Coordinating with the State Appellate Public Defender (SAPD) on the progress and feedback from our appeals.

Goals and Performance Measures

- **Goal 1:** To create a record and reputation of advocating for our clients and the United States and Idaho Constitutions.
 - **Measure Activity:** Draft quality motions, litigate them, create a record with an order and appeal if necessary. Preserve issues for appeal. Litigate at trial when necessary and create an appellate record. Continue improving motion and law banks.
 - **Measure Output:** Review Judicial rulings on our motions. Coordinate appeals with the SAPD and listen to their advice on legal issues. Communicate with other Public Defenders in other counties and other defense attorneys.

Requested Resources and Associated Costs

- \$88,500 salary, plus benefits of \$36,000 (\$124,500 total) for a second Deputy Public Defender to assist in advocating for our clients and the United States and Idaho Constitutions. A second Deputy Public Defender will provide improved resiliency, sustainability, and representation as well as ease the burden of scheduling court hearings and trials.

Results Teams

- **Partnerships/Teams:**
 - Contracted conflict attorneys, Josh Stanek and Selim Starr.
 - The Law Office of John Barrera for immigration consultation.
 - Communication and coordination with fellow Idaho PD Chiefs in various counties, SAPD, Idaho Association of Criminal Defense Lawyers (IDACDL) list serve members, local criminal defense bar and the Public Defense Commission (PDC).

Outcome 2

Outcome Title and Description:

- **Outcome 2** – Maintain client contact and communication

Performance Measurement

- **Key performance question:**
 - How will we know if we maintain client contact and communication?
 - **Key performance indicators:**
 - Are phone calls answered, voice mails and emails returned and jail visits made in a timely manner?
 - Are we informing our clients to appear in person when required as we transition away from Zoom appearances to in person appearances?
 - **Key performance measures:**
 - Be proactive in taking phone calls when possible, returning messages within 48 hours if possible, returning emails and

- documenting client contact in the Defender Data software program.
- Be proactive in communicating with the Clerk’s Office and our clients about whether upcoming appearances are in Zoom or in person.

Requested Resources and Associated Costs

- \$88,500 salary, plus benefits of \$36,000 (\$124,500 total) for a second deputy public defender to assist in maintaining contact and client communication. This will provide better representation and ease the burden of scheduling court hearings, trials and telephone calls with clients.
- Additional \$2,600 for postage (\$3,000 requested).

Goals and Performance Measures

- **Goal 2:** Client communication is documented and effective.
 - **Description:**
 - **Measure Activity:** Have a bilingual staff member to communicate with Spanish speaking clients, maintain a contract with an immigration attorney, answer phones, document client contact in Defender Data program. Contact the Clerks’ Office and clients about upcoming court dates and if they are in person or via Zoom.
 - **Measure Output:** to have all staff be proactive in phone calling, emailing, mailing, visiting the jail and having face to face client contact. Clients are prepared to appear as required by the Court.

Results Teams

- **Partnerships/Teams:**
 - The Public Defender’s Office will work with The Law Office of John Barrera for immigration consultation.
 - IT Department assists with technology.
 - A request of \$3,000 for postage.

Outcome 3

Outcome Title and Description

- **Outcome 3:** Share information and strategize with fellow Idaho criminal defense attorneys.

Performance Measurement

- **Key performance question:**
 - How will we know if are sharing information and strategizing with fellow Idaho criminal defense attorneys?
 - **Key performance indicators:**
 - Are there conversations with the SAPD, local criminal defense bar, IDACL list serve members, Web-ex and phone conversations with fellow Chief PDs’ from other counties?
 - Are we attending live Continuing Learning Education (CLE’s) seminars with other attorneys and to continue networking.

Goals and Performance Measures

- **Goal 3:** Coordinating with fellow Idaho criminal defense attorneys by strategizing and sharing information.
 - **Description:**
 - **Measure Activity:** asking fellow attorneys for advice and legal research, strategy, trial, motions and appeals. Sharing the knowledge gained from interactions with fellow attorneys. Attending live CLE's with our fellow attorneys.
 - **Measure Output:** Acting on the advice and strategy by raising consistent objections of the record, exercising new trial tactics, filing appeals and sharing motion work.

Requested Resources and Associated Costs

- \$88,500 salary, plus benefits of \$36,000 (\$124,500 total) for a second deputy public defender to assist in sharing information and strategizing with fellow Idaho criminal defense attorneys. This additional team member will bring their own legal knowledge and communicate with other Idaho attorneys.
- Approximately \$150 to maintain IDACL membership for the Chief PD and Deputy PDs.

Results Teams

- **Partnerships/Teams:**
 - The Public Defender's Office will work with the IDACL list serve, Chief PDs from other counties, SAPD, and the local criminal defense bar.

Board of County Commissioners Top Concepts

Sustainability- is defined by the following interdependent pillars of environment, economic and society. The Blaine County Public Defender's Office strives to be sustainable in the following considerations:

- **Environmental considerations** are executed by using online systems such as Westlaw/Thompson Reuters legal research engine and Defender Data program from Justice Works, and computer files to reduce the reliance on paper (environmental resources of trees and water).
- **Economic considerations** include the ability to maintain and create new jobs that have minimal environmental impact on natural resources and infrastructure (main uses of the Office are electricity and paper).
- **Society considerations** includes human health, staff is medically insured and schedules are flexible for medical appointments. Sustainability of the Office is supported by our clients and their needs will continue into the future with society's laws and enforcement. Society considerations include police accountability, educating the courts, local government, clients and public about the importance of our work. Keeping attorneys educated about the law, procedure and strategy with our fellow Idaho criminal defense attorneys. Foster a relationship with the Spanish-speaking segment of Blaine County residents.
- Added personnel will allow the Blaine County Public Defender's Office will provide sustainability by allowing coverage for training, illness, quality representation, and quality of life.

Resilience- is defined as the ability to recover from difficulties and be elastic in times of change. The Blaine County Public Defender’s Office demonstrates its resilience by meeting the challenge of representing over half of criminal cases in the County in the local courts. With COVID-19, the Office has had to be elastic in adopting to new court procedures via Zoom and taking on the added responsibility of email notices, links, and the additional e-filing of various forms. The Office continues to meet the challenge of new technology with the assistance of the IT Department. An additional Deputy Public Defender will allow for the work coverage and flexibility for the Blaine County Public Defender’s Office to handle challenges presented by a growing and complex case load.

Strategic Alignment

Financial Perspective (includes effective and efficient use of resources)

Create an organization and organizational culture of fiscal stability which:

- Uses citizen and taxpayer resources efficiently and effectively.
- Ensures fiscal stability.
- Considers fully the costs and benefits of each expense or cut.
- Balances its budget.
- Is prepared for unforeseen events not otherwise reflected in budget planning with sufficient contingency reserves.
- Plans and prepares for capital improvements and repairs in order to maintain and protect county facilities for the future.
- Promulgates appropriate inter-governmental cooperative action.
- Employs accounting best practices.
- Utilizes a stable, transparent and repeatable budget process.

Internal Process Perspective (includes operations and processes)

Create an organization and organizational culture which:

- Recognizes the federal and state constitutional and statutory environment in which it operates
- Models excellent government.
- Promulgates county performance standards, performance measurement and re-evaluation.
- Plans, prepares and responds to economic, social and environmental change.

Customer Perspective (includes customer and stakeholder satisfaction)

Create an organization and organizational culture which:

- Optimizes public accessibility to county services and information.
- Empowers public participation in government decision making and client feedback.
- Understands its constituency and believes county government exists to serve their needs.
- Understands and focuses on customer and client service.
- Works to meet community needs when determined appropriate and possible.

Learning and Growth Perspective (includes human capital, information capital, and organization capital, skills, training, culture, leadership, and systems)

Create an organization and organizational culture which internally:

- Provides leadership reflecting the goals and values of the entire Blaine County community.
- Is unified in its sense of purpose.
- Exhibits good morale.
- Promotes a collaborative, team approach to issues and problem solving.
- Maintains a strong ethical foundation.

- Engages in excellent intra- and inter-departmental communication.
- Provides a desirable, responsive work environment.
- Optimizes employee training and improvement opportunities.
- Strives for consistency.
- Sets clear employee performance and evaluation standards and upholds them.
- Strives to exceed expectations.
- Is equipped, trained and very well prepared to protect public safety and health.

Public Policy Perspective (this perspective is reserved for those positions with public policy setting authority)

Create an organization and organizational culture which:

- Respects the whole community and its diverse parts and interests.
- Honors the county's heritage.
- Enacts policies and programs to:
 - Serve indigent clients in the criminal justice system.
 - Sustain the county's high quality of life.
 - Conserve our natural environment, including wildlife and significant, varied natural resources.
 - Enhance public health, safety and welfare.
- Promotes the United States and Idaho Constitutions.

Requested Resources and Associated Costs

(These represent the "inputs" needed to support the outcome.)

- **Public Defenders FY22 Budget Requests:**
 - **Request:** to hire a third full time Deputy Public Defender to assist in meeting the above outcomes and goals.
Cost: \$88,500 salary, plus benefits \$36,000.
- **Request:** additional funds for postage (\$3,000 requested, \$2,600 additional).
 - **Cost:** \$3,000.

Total \$ 127,500.