

R364. Governor, Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission.

R364-2. Indigent Defense Commission Complaint Rule.

R364-2-1. Authority.

This rule is authorized by Subsections 78B-22-404(1)(f) and 63G-4-201(2).

R364-2-2. Purpose.

The purpose of this rule is to establish standards and procedures to receive and resolve complaints regarding the provision of indigent defense services by an indigent defense system.

R364-2-3. Definitions.

- (1) Definitions used in this rule are found in Section 78B-22-102.
- (2) In addition, "complainant" means a person who files a complaint with the office or an appeal with the commission.

R364-2-4. Office Review.

- (1)(a) A complainant may file a written complaint regarding the provision of indigent defense services by an indigent defense system.
- (b) The office does not have authority to review the conduct of a judge, court commissioner, or indigent defense service provider.
- (2) A complaint shall be emailed to the office at idc@utah.gov and include:
 - (a) a fully completed indigent defense form that can be found on the commission's website; and
 - (b) sufficient facts to demonstrate that an indigent defense system violated:
 - (i) the duties of an indigent defense system contained in Title 78B, Chapter 22, the Indigent Defense Act; or
 - (ii) a term and condition of a contract or funding award agreement between the indigent defense system and the commission.
- (2) Once a complaint is received by the office, the director shall review the complaint to determine if the complainant contains sufficient information to open an investigation.
- (3) If the director determines there is insufficient information to open an investigation, the director shall notify the complainant that the matter has been closed.
- (4) If the director opens an investigation, the director may contact interested parties to seek additional information.
- (5) Once the director has completed the investigation, the director shall issue written findings to an interested party.

R364-2-5. Commission Review.

- (1)(a) A complainant may appeal the findings of the director to the commission.
- (b) An appeal shall:
 - (i) be emailed to the office at idc@utah.gov within 30 days from the day of the director's findings; and
 - (ii) contain a detailed, written, description of the reason for the appeal.
- (2) The commission may seek additional data, documentation, and information.
- (3) When the commission has concluded its review of the director's findings, the commission shall send a written decision to an interested party.
- (4) The commission's decision is final and cannot be further appealed.

KEY: indigent defense system, complaint procedures

Date of Enactment or Last Substantive Amendment: August 11, 2020

Authorizing, Implemented, or Interpreted Law: 78B-22-404