



STATE OF UTAH
Indigent Defense Commission
 370 East South Temple, Suite 500
 Salt Lake City, Utah 84111
IDC.UTAH.GOV

Indigent Defense System Improvements -- Grant Application

THE UTAH INDIGENT DEFENSE COMMISSION (IDC) PROTECTS CONSTITUTIONALLY GUARANTEED LIBERTIES THROUGH ONGOING SUPPORT FOR EFFECTIVE INDIGENT DEFENSE SERVICES THROUGHOUT THE STATE.

Please submit this completed application, and all required and additional attached documents to IDC@Utah.gov If you have questions about any aspect of the grant process, please contact:

Greg Bates Grant Program Manager	Joanna Landau Director jlandau@utah.gov Cell: (801) 209-5440	Jojo Liu Assistant Director jliu@utah.gov Cell: (801) 903-3176	Darien Hickey Research & Data Analyst dhickey@utah.gov Cell: (801) 455-0793
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1. Name & contact information of the Indigent Defense System requesting IDC support.*	2. Title and contact information for the proposed IDC Grant Project Director†

* Utah's indigent defense systems are those counties, municipalities, and interlocal entities that are responsible for providing indigent defense services.

† The Project Director is responsible for communicating with the IDC and local system actors, and will upload quarterly invoices, payments, data, and reporting. The Project Director may not be someone who has prosecutorial responsibilities as part of their job.

IDC Grant Program Information

Utah's counties and the municipalities that are required to provide indigent defense services may apply for IDC funds for the following expenses:

- a) To assist Systems in providing indigent defense services that meet the IDC's minimum guidelines for the effective representation of indigent individuals (the IDC Core Principles);
- b) To establish or maintain local indigent defense data collection systems;
- c) To provide indigent defense services in addition to those currently being provided by the System; and
- d) To facilitate training and continuing legal education for indigent defense service providers.

To receive IDC funds, a local System must demonstrate:

- a) It has incurred and/or reasonably anticipates incurring expenses for indigent defense services *in addition to* its average annual spending on indigent defense services in the three prior fiscal years;
- b) IDC funding is necessary for the System to meet the IDC's Core Principles
- c) It will commit to using state funds to meet or exceed the IDC Core Principles; and
- d) It will comply with Assurances and Certifications, and the State's terms and conditions for services between government entities.

IDC Core Principles: These help the IDC guide, assess, and oversee Systems.

IDC Assurances and Certifications: These communicate the requirements and conditions of IDC funding.

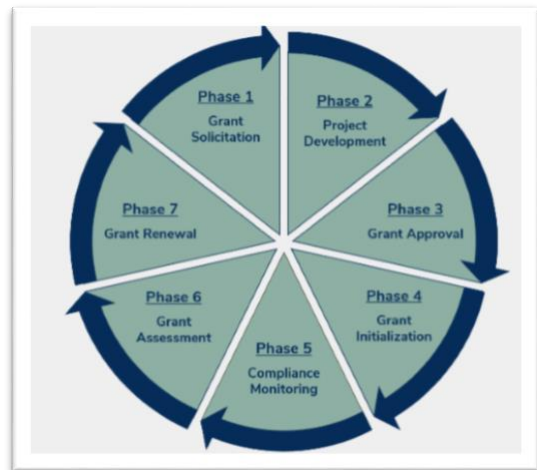
State of Utah Standard Terms and Conditions for Services: These apply to any funds awarded by the IDC.

Grant Process

Process Explanation

The IDC grant process aims to provide structure, standardization, and accountability for funding awarded to local Systems.

Upon completion of this grant application, the IDC will collaborate with the System to develop a Project Proposal outlining the goals for System improvement, expenses, reporting, and timing of the project to be considered in the IDC decision on funding. The System and IDC will coordinate to ensure successful project implementation and funding. Each System receiving IDC funding will also participate in monitoring and assessment to evaluate progress and adherence to project goals. Depending on future legislative appropriations and project progress, the System may apply for grant renewal.



Reporting Explanation

All Systems under contract with the IDC are obligated to collect and maintain information relevant to the scope of the IDC grant, including but not limited to: Financial Status Reports, narrative reports, and other data requested by the IDC. More information and required forms will be provided upon final IDC approval. **Quarterly submission of IDC forms into the Grant Management System (GMS) by the Project Director is required for any IDC reimbursement.**

Reimbursement Model Explanation

The IDC was created to supplement local indigent defense systems' funding for indigent defense services. IDC funding awards require a commitment by the local government to maintain local indigent defense spending. The IDC will work with local governments to create a funding plan that helps everyone.

IDC Funding Timeline Explanation: The IDC offers options for project timing* and IDC funding, dependent on legislative appropriations. Current grant application deadlines are available at idc.utah.gov.

CALENDAR YEAR (CY) TRACK

- Grant Starts: January 1
- Grant Ends: December 31

FISCAL YEAR (CY) TRACK

- Grant Starts: July 1
- Grant Ends: June 30

Application Checklist

Be sure the following are attached to the final application:

IDC Application Questionnaire (attached) – REQUIRED for all applications being submitted.

Current Budget for Local Indigent Defense Spending

Include budget information for past three years (calendar/fiscal) showing all expenses related to indigent defense services and where in the System's budget they are located, i.e. under the Commission/Council, etc. (See Q2 Below)

Current Indigent Defense Contracts

Include all written agreements with your local indigent defense services provider(s) for all levels of local indigent defense representation (District Court, Justice Court, Juvenile Court, and Appellate Court).

Statement(s) from Indigent Defense Services Providers

Include a statement from your local indigent defense services provider(s) (e.g. all defense attorneys), setting forth:

- Name(s), contact information, and bar number(s);
- Resume(s) or description(s) of qualifications to handle the specific areas of indigent defense for the local services being provided; and
- A statement verifying that the IDC Core Principles have been read and understood.

Method of Obtaining Indigent Defense Attorneys (RFP or otherwise) If you use an RFP process to contract with indigent defense services providers, include those RFP solicitations and the selected response. If you use another method, please include a brief statement of that process. See Q3 below.

Indigent Defense Commission – Application Questionnaire

Utah law requires Utah’s indigent defense systems to provide indigent defense services that meet the IDC’s minimum guidelines, which are set forth in the IDC’s Core Principles for indigent Defense Systems. Answer the following questions with the Core Principles.

- The questions help the IDC prepare an initial Project Proposal that meet your local funding request and the IDC’s Core Principles.
- All applications will be reviewed for the ability to meet Core Principles and the Project Plan will be tailored to meeting those Core Principles.
- Please consult your indigent defense services providers to answer these questions.

Q1) Indigent Defense System Name:

Q2) Summarize the System’s annual indigent defense spending over the most recent 3 years? (Budget documentation should be attached but summarize here).

Q3) How does the System currently provide court-appointed defense counsel? (E.g. Through an RFP or sole source process and contract(s) with an inter-local entity, non-profit corporation, law firm, or attorneys).

Q4) Why is the System unable or unwilling to provide additional funding for indigent defense services that is being requested from the IDC?

Q5) How much is the System requesting in IDC funds for one year. (Systems may be eligible for multi-year grants and grants may be eligible for renewal)

Q6) Explain how the requested funding will be used to supplement your System’s indigent defense spending and meet the IDC’s Core Principles. → **Page 7** gives examples that may help meet IDC Core Principles. Page 7 is not a comprehensive list of ideas, but you are free to use them in your application.

Q7) Is any case information collected by local government or the court which is not otherwise available on statewide Court Information Systems (CORIS or CARE)?

- Yes (if yes, please describe and attach) No Not Sure

Q8) What is/are the most common reason(s) for conflict cases within your System?

- Multiple Codefendants Familiarity with another party to the case
 Not Sure Other (Explain)

Q9) Does your contract with indigent defense attorneys require them to be present at the first hearing before a judge? *This includes arraignments, first appearances, shelter hearings, detention hearings, bail hearings, etc.*

Justice Court (if the System has one) Yes No Not Sure

District Court Yes No Not Sure

Juv. Court (abuse, neglect, dependency) Yes No Not Sure

Juv. Court (delinquency) Yes No Not Sure

If you answered NO, to any of the above, please describe when appointed counsel appears first?

Q10) What is the calendar of local court proceedings for all courts?

	Initial Appearances, Detention Hearings, Shelter Hearings	Law & Motion	Other Hearings (describe)
District Court			
Justice Court			
Juvenile Court: Delinquency			
Juvenile Court: Abuse, Neglect, Dependency			
Other, describe:			

Q11) Do the judges in your System order recoupment from any/all indigent defendants for costs associated with the services provided by appointed counsel?

Yes No Not Sure

If YES, please explain:

- 1) How this process currently works:
- 2) The amount recouped per case/annually and how the System accounts for/tracks this revenue.

IDC Grant Application Signature Page

In signing this grant application, we understand that:

1. The application is being submitted after having read the terms, answered all questions, and attached all requested documents.
2. The funding requested is subject to approval by the IDC.
3. This application does not constitute an agreement.
4. The county may not obligate IDC funds without a specific written agreement.
5. Disbursement of funds is always subject to the availability of funds.

Signature of Official Authorized to Sign†

Date

Print Name and Title of Person Signing

† Officials authorized to sign include: City Mayor, City Manager, County Mayor, County Manager, County Council Chair, or County Commissioner of the fiduciary agency applying for state funding.

IDC FUNDING ITEMS TO HELP SYSTEMS IMPROVE COMPLIANCE WITH THE IDC'S CORE PRINCIPLES

- [Improved Organizational Capacity.](#)
 - A system may create a more organized and independent system to administer indigent defense. Examples include: a public defender office, regional defender office with other Systems, a managing public defender employee or contractor, etc.
 - Adding defense attorney staff (paralegals, social workers, etc.). A System must have sufficient organizational capacity for defense staff.
- [Improved ability to Provide Proper Scope of Representation.](#)
 - [SB32](#) was passed in the 2019 Legislative Session and it requires Systems to ensure their court appointed attorneys: 1) represent all minors facing formal court proceedings, and 2) in all appointed cases, represent indigent individuals in all court proceedings in the matter for which the indigent defense service provider is appointed. This may require additional attorneys and an expansion of current contracts with attorneys representing minors in delinquency proceedings.
 - System may add attorneys and separate contracts for the representation of individuals in district, justice, delinquency, abuse, neglect, and dependency proceedings, appeals, conflicts, first appearances, arraignments, detention/shelter/review hearings, etc.
- [Improved independence of indigent defense service providers.](#) Increasing organizational capacity: moving or hiring a county/city employee who is not under the prosecution or judiciary to administer indigent defense services or creating a separate public defender office.
- [Recognition of Distinct Areas of Specialization.](#) By separating the contract-requirements for and/or the attorneys providing justice, district, juvenile, and appellate indigent defense services.
- [Ensuring the Right to Appeal.](#) Providing for appellate representation through an attorney on the Utah Supreme Court's list of approved attorneys for appointed representation. [Available here.](#)
- [Conflict-Free Representation.](#) The Utah Rules of Professional Conduct guide representation that is free of conflicts of interest. Systems must ensure attorneys meet those Rules.
- [Increasing the effectiveness of indigent defense representation, by providing:](#)
 - A process for soliciting/hiring attorneys, which considers the experience and qualifications of defense counsel to provide effective representation in the specific areas of indigent defense.
 - A budget for attorneys to attend Continuing Legal Education courses to maintain competence.
 - Case management system and other reporting that asks attorneys to track appointed and private caseloads, scope of representation, monitor conflicts, etc. (if provided by IDC, it must be through a State Cooperative Contract—e.g. Justice Works).
 - Adequate and independently administered defense resources for attorneys to hire investigators and experts, pay for transcripts and witness fees, etc., without compromising independence.
 - Compensation increases for defense attorneys to reach parity with prosecutors' salaries.
 - Legal research technology (if provided by IDC, it must be through State Cooperative Contract).
 - Mileage reimbursement for travel by personnel/contractors employed by grants, based on the state mileage rate to increase the availability of attorney in a jurisdiction.