



Utah Indigent Defense Commission

Did you know?

The Utah Territory had the country's first right-to-counsel laws, which are now found in the Utah Code and Constitution.

Who is "indigent?"

- Minors.
 - Adults who cannot afford to hire an attorney
- Statutory definition: earning <150% federal poverty limit (\$9/hr / \$18,735/yr for an individual).

~120,000
Utah cases should have appointed attorneys

Who has a right to counsel in Utah?

- Minors in court proceedings.
- Indigent adults charged with committing crimes.
- People facing parental termination actions.

~430
Utah Attorneys take appointed cases

>80%

of Utah's adult criminal defendants are indigent

According to the Constitution/Bill of Rights:

It is the states' responsibility to provide defense counsel to indigent individuals. Utah delegates that responsibility to its counties and cities. The Legislature created the IDC to provide guidance and accountability over those local services.

In 2019, Utah's 29 counties spent

\$35 million

on indigent defense services

SLCO spent \$21.5m

In FY20, the Legislature Appropriated

\$4.3 million

(one-time) to IDC for grants to local gov'ts
\$13.5m ongoing was requested to IDC

23 / 29 Counties & 6 / 247 Cities Work w/ the IDC in FY20.

What does the IDC do?

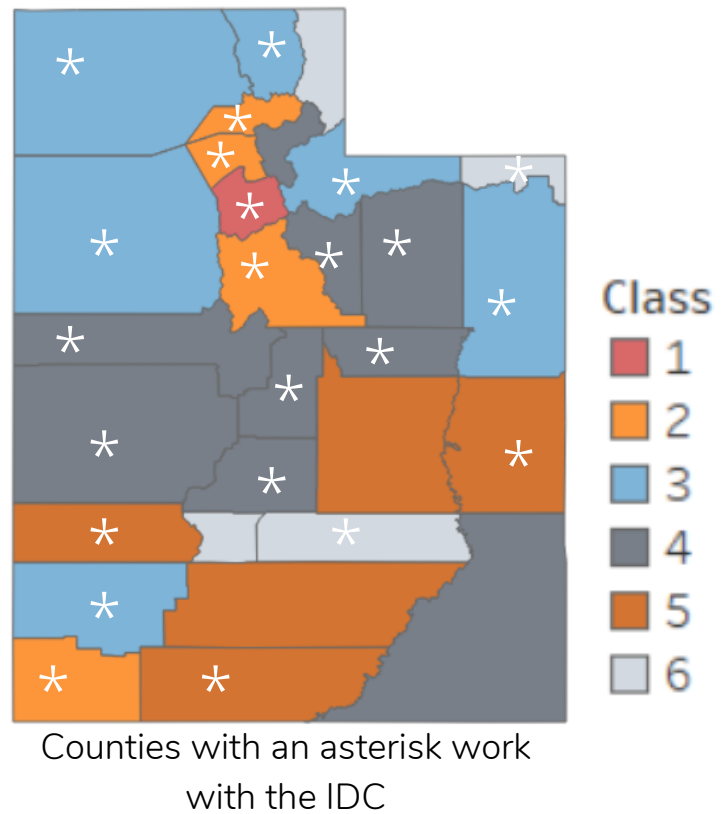
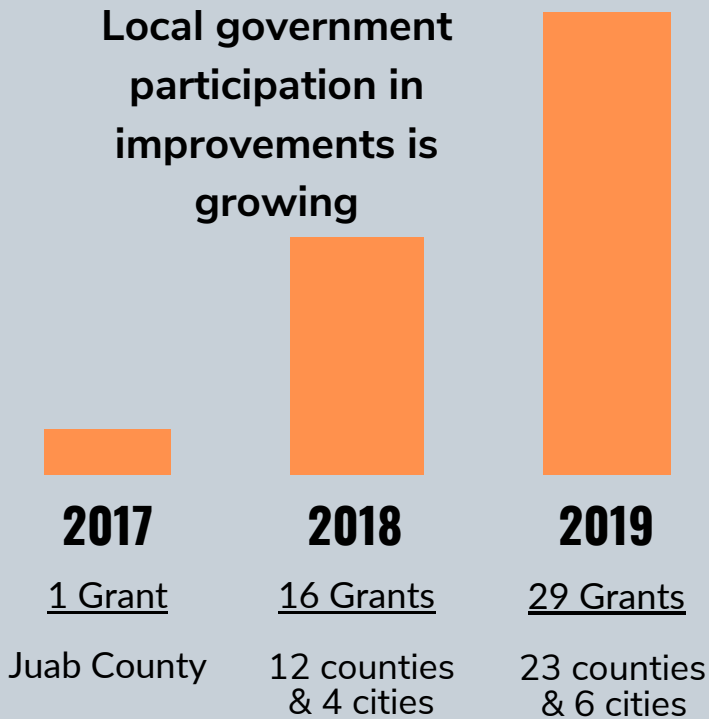
The Utah Indigent Defense Commission protects constitutional liberties through ongoing support for effective indigent defense services.

We do this by:

Establishes guidelines & standards for indigent defense systems	Collects & reports on data/information about local indigent defense
Awards grants to improve local compliance with standards/monitors compliance	Provides public defender trainings throughout the state
Leverages federal dollars to support state improvements	Facilitates regional collaborations with local governments working together on indigent defense services.

Is a resource to the 29 counties & 247 cities, and 400+ public defenders in Utah.

Local government participation in improvements is growing



Utah Commission on Criminal and Juvenile Justice BUILDING BLOCK

PRIORITY 2 -- \$6,000,000 ONGOING FY21 APPROPRIATION (TOTAL). [\$5,155,500 in HB 6]

FUNDING SOURCE: GENERAL FUND

WHAT IS THE INDIGENT DEFENSE COMMISSION?



**UTAH INDIGENT
DEFENSE COMMISSION**
IDC.UTAH.GOV

- Utah law and the 6th & 14th Amendments in the Bill of Rights make the provision of indigent defense services a state responsibility.
- Utah fulfills its obligation by delegating to local governments (cities & counties) the responsibility to provide indigent defense services.
- Created in 2016, the IDC ensures the state's accountability by working with local governments to improve their services.
- Effective indigent defense services are constitutionally mandated and ensure the health of Utah's criminal and juvenile justice system.

HOW THE IDC USES APPROPRIATIONS:

To supplement the nearly \$40 million in local spending, and help the IDC:

- **Develop & maintain structural improvements** Through grants to support/evaluate indigent defense improvements, to help ensure Utah's criminal and juvenile justice system is constitutional.
- **Data** Development & collection of information about local services to monitor improvements.
- **Legal Training** to ensure public defenders have appropriate expertise to defend cases.

IN PARTNERSHIP WITH THE IDC, LOCAL GOVERNMENTS HAVE SIGNIFICANTLY IMPROVED LOCAL INDIGENT DEFENSE SERVICES.

- **Uintah County's** new county public defender also manages indigent defense for **Daggett & Duchesne**, ensuring better resources for their clients, the courts, and the counties.
- **Iron County** hired a managing public defender to improve the local delivery of services, access to resources, and accountability to individuals and the county.
- **Sevier County's** new managing public defender oversees services for **Sevier** and **Wayne** counties, and has increased the number and quality of public defenders in this rural area.
- **Utah, Millard, Juab, and Sanpete Counties** collaborate to create a regional defense system that enhances resources and provides improved services in several rural courts.
- **Salt Lake & Utah Counties'** established public defender offices have reduced caseloads and appear early in cases, to provide better services and ensure the consistent presence of counsel.
- Some Utah's cities have worked with the IDC to regionalize their defense services with counties.

When public defenders are supported and resourced, they help ensure public funds are not spent on unnecessary and costly pretrial incarceration, the removal of children from families, and wrongful convictions.

Counties remain major participants in the funding and provision of Utah's indigent defense services.

IDC Grant Project Snapshot

Budgeted Amounts for: July 1, 2019 - June 30, 2020

County Public Defender Systems:

The IDC awarded \$5,280,172 in state grants to 23 counties for indigent defense services. The 29 Counties spend \$35,135,265.

Beaver	Box Elder	Cache
IDC Grant: Appeals/County Spending: ~\$86,200	IDC Grant: \$125,400 County Spending ~\$206k	IDC Grant: \$156k County Spending: ~\$525k
Improvements: <ul style="list-style-type: none"> Qualified appellate program 	Improvements: <ul style="list-style-type: none"> Qualified appellate program Increased district defender to fulltime & added 1 pd Increased pay for juvenile defender Defense resources funding (investigators, testing, etc) 	Improvements: <ul style="list-style-type: none"> Qualified appellate program Added 2 public defenders Added support staff position
Carbon	Daggett	Davis
IDC Grant: \$120,600 County Spending ~\$285k	IDC Grant: (w/ Uintah grant) County \$6k	IDC Grant: \$105,461 County Spending ~\$2.2 m
Improvements: <ul style="list-style-type: none"> Added 3 public defenders & Defense resources 	Improvements: <ul style="list-style-type: none"> Qualified appellate program Regionalization with Uintah/Duchesne 	Improvements: <ul style="list-style-type: none"> Added parental defense social worker
Duchesne	Grand	Iron
IDC Grant: \$226,400 County Spending ~\$285k	IDC Grant: Appeals County Spending ~\$272k	IDC Grant: \$90,000 County Spending ~\$359k
Improvements: <ul style="list-style-type: none"> Qualified appellate program Regionalization with Uintah/Daggett Help for data reporting Added hourly conflict funding & 2 defenders Increased pay for juvenile defender & defense resources 	Improvements: <ul style="list-style-type: none"> Qualified appellate program 	Improvements: <ul style="list-style-type: none"> Qualified appellate program Added managing defender
Juab	Kane	Millard
IDC Grant: \$321,383 County Spending ~\$140k	IDC Grant: Appeals County Spending ~\$105k	IDC Grant: \$105k County Spending: ~\$155k
Improvements: <ul style="list-style-type: none"> Regionalization with Utah County Managing legal assistant & Defense resources 	Improvements: <ul style="list-style-type: none"> Qualified appellate program 	Improvements: <ul style="list-style-type: none"> Qualified appellate program Regionalization with Utah County Added 3 public defenders
Salt Lake	Sanpete	Sevier
IDC Grant: \$459,292 County Spending ~\$21.5m	IDC Grant: \$166,300 County Spending ~\$115k	IDC Grant: \$285,000 County Spending: ~\$110k
Improvements: <ul style="list-style-type: none"> Added 4 public defenders 1 parental defense social worker +\$199,207 in Federal JAG funds: <ul style="list-style-type: none"> 1 criminal defense & 1 delinquency social worker 	Improvements: <ul style="list-style-type: none"> Qualified appellate program Regionalized with Utah County Added 4 public defenders Defense resources funding 	Improvements: <ul style="list-style-type: none"> Qualified appellate program Regionalization with Wayne Managing defender and support staff position Added 2 public defenders & Defense resources
Summit	Tooele	Uintah
IDC Grant: \$85,000 County Spending ~\$300k	IDC Grant: \$197,672 County Spending ~\$336k	IDC Grant: \$510,107 County Spending ~\$644k
Improvements: <ul style="list-style-type: none"> Partially funded justice court defender Added juvenile delinquency defender Defense resources funding 	Improvements: <ul style="list-style-type: none"> Qualified appellate program Added managing defender Added two public defenders 	Improvements: <ul style="list-style-type: none"> Qualified appellate program Regionalization with Duchesne/Daggett Added managing defender & support staff Added 2 public defenders & conflict counsel Defense resource funding
Utah	Wasatch	Washington
IDC Grant: \$1,801,201 County Spending ~\$5m	IDC Grant: N/A County Spending ~\$290k	IDC Grant: \$194,356 County Spending ~\$806k
Improvements: <ul style="list-style-type: none"> Regionalization with Juab/Millard/Sanpete 12 public defenders, 3 law clerks, 2 staff 2 parental defense social workers Increased pay for parental conflict cases Defense resources funding 	Improvements: <ul style="list-style-type: none"> Qualified appellate program 	Improvements: <ul style="list-style-type: none"> Increased pay for existing defenders Added district defender Defense resources funding
Wayne	Weber	Qualified Appellate Program Details
IDC Grant: \$61k County Spending ~\$29.5 k	IDC Grant: \$270,000 County Spending ~\$1.3m	IDC Up to \$300,000 County Spending ~\$70k
Improvements: <ul style="list-style-type: none"> Qualified appellate program Regionalization with Sevier's managing defender +1 district defender & staff & Defense resources 	Improvements: <ul style="list-style-type: none"> Added two district RICO/Gang case defenders 	Improvement: <ul style="list-style-type: none"> 17 3rd-6th class counties enrolled Provides qualified appellate attorneys Counties invest \$5,000

City Public Defender Systems:

In FY20 the IDC is providing \$110,556 in grant funds to 6 cities for indigent defense services. These cities will invest \$372,090 on indigent defense services.

Lindon	Nephi	Ogden
IDC Grant: \$22,000	IDC Grant: \$19,900	IDC Grant: \$4,546
Grant Funded Improvements: <ul style="list-style-type: none"> Regionalization with Pleasant Grove Funding for hourly defender pay/data Admin hours for data reporting 	Grant Funded Improvements: <ul style="list-style-type: none"> Regionalization with Utah County Increased pay & Defense resources funding 	Grant Funded Improvements: <ul style="list-style-type: none"> Online access to discovery information Defense resources funding
Pleasant Grove	Springville	Vernal
IDC Grant: \$22,000	IDC Grant: \$32,000	IDC Grant: \$10,110
Grant Funded Improvements: <ul style="list-style-type: none"> Regionalization with Lindon City Funding for hourly defender pay/data Admin hours for data reporting 	Grant Funded Improvements: <ul style="list-style-type: none"> Admin hours for data reporting Funds for defender compensation & conflict counsel Defense resources funding 	Grant Funded Improvements: <ul style="list-style-type: none"> Regionalization with Uintah/Duchesne Funds to increase defender compensation Defense resources funding