



State of Utah
Indigent Defense Commission
370 East South Temple, Suite 500
Salt Lake City, Utah 84111
idc.utah.gov

Indigent Defense System Improvement FY 21 Grant Application

The Utah Indigent Defense Commission protects constitutionally guaranteed liberties through ongoing support for effective indigent defense services throughout the state.

Please submit this completed application, and all required and attached documents, with signatures where indicated, to idc@utah.gov

If you have questions about any aspect of the grant process, please contact:

Greg Bates
Grant Program Manager
gregbates@utah.gov
Cell: (801) 979-3358

Joanna Landau
Director
jlandau@utah.gov
Cell: (801) 209-5440

1. Name and address of the Indigent Defense System¹ requesting IDC support

2. Name, title, and contact information for the proposed IDC Grant Project Director²

3. Address where grant payments should be mailed

4. Name, title, and contact information for the person who will be the financial point of contact

- 1 Utah's indigent defense systems are those counties, municipalities, and interlocal entities that are responsible for providing indigent defense services.
- 2 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.

Application Checklist

All of the following items must be completed and submitted on or before April 9, 2020 for your application to be considered for funding. Applications submitted after this date may only be considered if funds are available. All referenced documents and forms should be submitted by email along with this form to: idc@utah.gov

Signed IDC FY2021 Grant Application with Executive Summary

Complete this form entirely including the Executive Summary, and authorized signatures. The Executive Summary should describe the Indigent Defense System's current structure, outline its grant request, and explain the need for funding. As a reminder, IDC funding cannot be used to supplant existing state, local or federal funding.

IDC FY2021 Application Questionnaire

Complete the IDC Application Questionnaire at the following Google Forms link:

<https://forms.gle/hSbiTC1ESzN6DaYs5>

Once complete you will receive a copy by email. You may edit your submission up to the application deadline by revisiting the link.

IDC FY2021 Grant Budget, Project Plan, and System Contracts Worksheet

Complete the IDC FY2021 Grant Budget, Project Plan and System Contracts Worksheet found on the IDC Grant Application Home page at this link: <https://idc.utah.gov/grants/grant-application> The spreadsheet includes three tabs that must each be completed.

Current Budget for Local Indigent Defense Spending

Include local budget and actual spending information for the 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. You are also asked to summarize this spending as part of the executive summary.

Current Indigent Defense Contracts

Include all current 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 Courts). Be sure to include all contracts listed on the System Contracts Worksheet.

Statement(s) from Indigent Defense Services Providers

The grant application must include participation by your indigent defense services providers, and those attorneys must include a signed statement 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;
- A statement verifying that the IDC Core Principles have been read and understood; and

Method of Obtaining Indigent Defense Attorneys

As part of the Executive Summary please explain how the System currently provides court appointed defense counsel. If an RFP process is used to contract with indigent defense services providers, include a copy of the RFP and the selected response. If you use another method, please explain the process in the executive summary and provide any relevant supporting documents.

IDC Grant Program Information

Utah counties and municipalities (indigent defense systems) that are required to provide indigent defense services may apply for IDC funding to:

- a) Assist Systems in providing indigent defense services that meet the IDC's Core Principles for the effective representation of indigent individuals ([the IDC Core Principles](#));
- b) Establish or maintain local indigent defense data collection systems; and to
- c) Provide indigent defense services beyond those currently provided by the System.

* The next page includes examples of eligible funding items for FY2021. There is also a list of items that will not be considered for funding, and alternate resources available to meet those needs.

To receive IDC funds, a 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 or exceed the IDC's Core Principles; and
- c) It will comply with Assurances and Certifications, and the State's terms and conditions for services between government entities.

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

IDC Assurances and Certifications: Communicate the requirements and conditions of IDC funding.

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

IDC Funding Timeline

The IDC generally awards grant funding for one State fiscal year (July 1 – June 30). Most FY2021 projects will run 7/1/2020 through 6/30/2021. Some priority grant applications involving regionalized counties and a satisfactory reporting history may be eligible for expedited renewal for longer terms.

The grant application deadline is April 9, 2020. Applications submitted after this date may only be considered if funds are available.

New Requirements for FY 2021 Eligibility

Grantees will be required to ensure all indigent defense providers in their system have and are making efforts to utilize and report with a defender-specific case management software.

The IDC will provide access to [Defender Data Prime](#) at no cost to grantees to comply with this requirement. Several counties already use this case management system in innovative ways to track, report, and manage defender workloads. Email idc@utah.gov to request a demo.

FY2021 IDC Funding Priorities

FY2021 Applications addressing the following will receive preference in IDC funding determinations and may be eligible for expedited renewals at the end of the fiscal year.

Grant projects where multiple Systems work together to implement a managed assigned counsel system, regional public defender office, or other means to centralize indigent defense services while improving management, independence, scope of services, and accountability.

Areas Where IDC Funding May Assist Systems to Meet Core Principles

- **Improved Organizational Capacity & Independence:** 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, admin staff, etc. Examples:
 - Up to ~\$90,000 per year to hire a managing defender providing managerial oversight for attorneys at a single county.
 - Up to ~\$135,000 per year to hire a managing defender overseeing the attorneys serving in multiple counties.
 - Up to ~\$60,000 per year for a new administrative assistant or paralegal position responsible for supporting attorneys with data entry, and grant reporting. Available for Class I and II counties, and systems serving more than one county or city.
 - Funding amounts above are examples, actual grant amounts may vary depending on circumstances.
- **Improved Scope of Representation:**
 - Utah law requires counties to ensure their court appointed attorneys: 1) represent all minors facing formal court proceedings, and 2) 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 ensuring 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.
- **Specialization:** Separating contracts to ensure that attorneys providing justice, district, juvenile delinquency, child welfare and appellate indigent defense have experience and training in the legal area in which they work.
 - For example a contract for a specialized attorney for one or more Systems in the areas of criminal defense, delinquency defense, parental defense or appellate services that does not currently exist.
- **Ensuring the right to appeal:** Providing for appellate representation from criminal and juvenile court proceedings, through an attorney on the Utah Supreme Court's roster of approved attorneys for appointed representation. [Available here.](#)
 - The IDC appeals program may continue if a State Appellate Office is not funded by the legislature.
 - Funding may be requested for juvenile appellate representation.
- **Conflict-free representation:** The Utah Rules of Professional Conduct mandate representation that is free of conflicts of interest. Systems must ensure attorneys meet those Rules.
 - Grant funding may be used for conflict attorneys.
- **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.
 - Adequate and independently administered defense resources for attorneys to hire investigators and experts, pay for transcripts and witness fees, etc., without compromising independence.
 - Mileage reimbursement for travel by personnel/contractors based on the state mileage rate to increase the availability of attorneys in a jurisdiction. The rate for FY 2021 will be \$0.57 per mile.

➤ **Items that will not be considered for State IDC funding for FY 2021:**

- New compensation increases for non-managing defense attorney-contracts. However, increased local spending on compensation in order to meet [Core Principle 8D](#) will strengthen the System's application.
- Legal research technology. The Utah State Bar provides members with free access to Fastcase. More information is [available here](#).
- Supplemental funding for attorneys to attend Continuing Legal Education courses. The IDC is working toward directly providing statewide CLE courses specific to public defense, however systems should maintain existing training budgets.

Executive Summary

Provide a 1-3 page narrative below that addresses ALL of the following items:

1. Describe how the System currently provides court appointed defense counsel. (E.g. Through a request for proposal or sole source process and contract(s) with an interlocal entity, non-profit corporation, law firm, or attorneys).
2. Summarize the System's annual indigent defense spending over the most recent three years. Explain in detail any changes including increases and/or decreases in budgeted annual amounts and actual annual spending levels.
3. List each item or service that the System is requesting grant funding to support. See page 4 and 5 of this application for funding examples and exclusions. Identify the requested amount for each item and describe how each line item funded will be used to assist the System in meeting one or more of the [IDC Core Principles](#). Items listed in this narrative should align with those entered on the FY2021 Grant Budget, Project Plan, and System Contracts Worksheet completed as part of this application.
4. Explain any increases in spending that the System itself is proposing to make as part of the grant agreement.
5. Explain why the System is unable or unwilling to fund the portion of the project requested as grant funds.
6. Explain how well the system will be able to report data on spending, caseloads, and scope of representation. Describe any barriers the system faces to reporting data and how these will be addressed.
7. Describe how critical additional funding is to the System and its ability to meet the IDC Core Principles.

Begin typing below, if you reach the bottom of the page, please click on the next page to begin typing.

Executive Summary Continued

Executive Summary Continued

Application Signature Page

In signing this grant application, we understand and affirm that:

1. The application is being submitted after having read the terms, answered all questions, and attached all documents and forms identified in the Application Checklist.
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.
6. IDC funds awarded cannot be used in any way to supplant existing local spending.
7. IDC funds work on a reimbursement model, the system should expect to pay the increased costs upfront and request reimbursement.
8. All Systems 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 in the Grant Management System (GMS) by the Project Director is required for IDC reimbursement.***

Signature of Official Authorized¹ to Sign

Date

Print Name and Title of Person Signing

Signature of Project Director²

Date

Print Name and Title of Person Signing

- 1 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.
- 2 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.