



**INDIGENT DEFENSE
COMMISSION**

STRATEGIC PLAN

2023-2028

Commissioners

Lorene Miner Kamalu, Chair

Sam Alba

Walter Bugden

Mary Corporon

Michael Drechsel

Margaret Lindsay

Ryan Loose

Rep. Steven Lund

Richard Mauro

Shawn Milne

Tom Ross

Pam Vickrey

Sen. Todd Weiler

Michael Zimmerman

Staff

Matthew Barraza, Executive Director

Adam Trupp, Assistant Director

Katriina Adair

Greg Bates

Leslie Howitt

CONTENTS

MESSAGE FROM THE EXECUTIVE DIRECTOR and CHAIR	<u>i</u>
I. INTRODUCTION	<u>1</u>
II. HOW THIS PLAN WAS DEVELOPED	<u>2</u>
III. PILLARS of the STRATEGIC PLAN	
i. CORE PRINCIPLES	<u>3</u>
ii. ADVOCACY	<u>6</u>

MESSAGE FROM THE EXECUTIVE DIRECTOR and CHAIR

The Utah State Legislature created the Indigent Defense Commission (IDC) in 2016 to help meet its obligation to provide effective indigent representation state-wide. Since its creation, the IDC has benefited from the continued support of the Governor and Legislature to meet that burden.

As the IDC's programs have increased in scale and reach, the Commission recognized the need to begin a strategic planning process so that its growth continues in a thoughtful, transparent, and equitable way. Throughout 2022, the IDC engaged in strategic planning exercises that identified the priorities and objectives for the IDC in the next five years.

The IDC is pleased to present its 2022 Strategic Plan that resulted from that undertaking. In it, you'll find IDC's priorities for the coming years and how the IDC plans to meet its objectives.

We thank our Commissioners and staff for the time and dedication that went into this effort. We also thank the Center for Court Innovation for facilitating this project.

We are eager to use this Strategic Plan to guide us as we continue our work with partners throughout the state, fulfilling the requirements of the Sixth Amendment to serve the people we represent.

INTRODUCTION

The Utah Indigent Defense Commission (IDC) was [created](#) in 2016 to protect constitutionally guaranteed liberties through ongoing support for effective indigent defense services throughout the state. The [purpose](#) of the IDC is to collaborate with the state, local governments, indigent defense providers, and other stakeholders to:

- Provide guidance and standards for systems to ensure and oversee local defense services;
- Gather and report information about local indigent defense services;
- Award state funding to local governments to improve local indigent defense services;
- Encourage and aid in regionalization of indigent defense services throughout the state; and
- Expand continuing legal education opportunities for indigent defense attorneys.

In 2017, to provide standards, the IDC created [Core System Principles](#). The eight principles are:

- 1) Organizational capacity of defense system is sufficient to ensure compliance with core principles;
- 2) System provides counsel to all eligible defendants, minors, and respondents who do not knowingly, intelligently, and voluntarily waive counsel;
- 3) System provides proper scope of representation;
- 4) System provides representation that is independent and free from interference;
- 5) System recognizes distinct areas of specialization within indigent defense;
- 6) System ensures the right to appeal;
- 7) System provides representation that is free from conflicts of interest; and
- 8) System provides effective representation.

HOW THIS PLAN WAS DEVELOPED

In 2022, to refine and focus its efforts to support indigent defense across the state, the IDC engaged in six-months of strategic planning facilitated by staff from the Center for Court Innovation. The process involved several steps:

- Conducting one-on-one preparatory interviews with commissioners and IDC staff to understand the historic and current landscape of indigent defense in Utah and goals for strategic planning,
- Identifying common themes from the interviews and translating them into a summary report for commissioners and staff to level-set expectations for strategic planning,
- Facilitating a full day, in-person strategic planning session organized around the common themes identified in the summary report, and
- Engaging in an iterative post-session period to ensure that commissioners and staff collaboratively arrived at the final plan.

This strategic plan is organized around two pillars: core principles and advocacy. Within the pillars are a series of commitments and goals that represent the vision for the IDC for the next five years. This plan is a living document to be reviewed and adjusted by commissioners and staff on a regular basis.

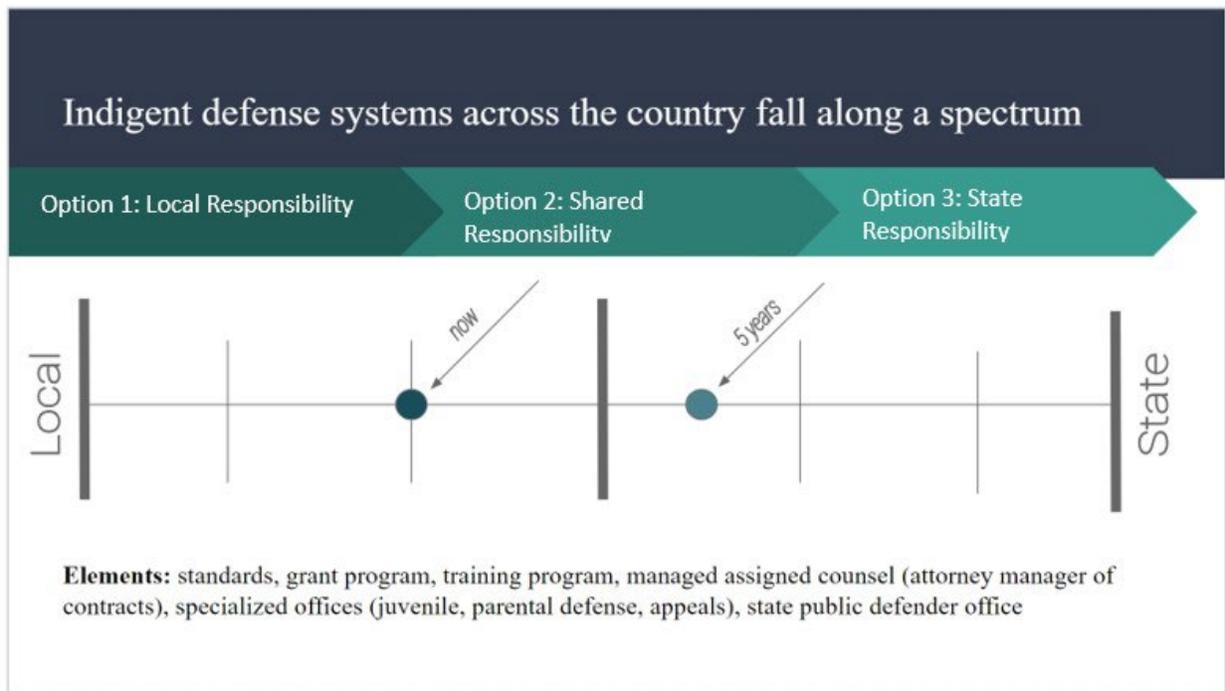
PILLAR ONE: CORE SYSTEM PRINCIPLES

PRINCIPLE ONE, ORGANIZATIONAL CAPACITY

System Type, Responsibility

The IDC will promote shared responsibility between the state and local governments for the delivery of indigent defense services.

Indigent defense systems across the country fall along a spectrum from full local responsibility (e.g., indigent defense overseen by each county with variability across the state) to full state responsibility (e.g., indigent defense overseen by a single entity with uniformity across the state). Prior to the creation of the IDC, Utah had a system of full local responsibility. During the past six years, the IDC has taken steps to move the system towards shared responsibility by establishing standards, administering the grant program, facilitating the attorney training program, and creating the appellate division. The vision of the IDC for the next five years is to move further along the spectrum toward more state responsibility.



*Note, this chart is specific to the IDC's work with counties.

System Type, Mechanism/Structure

For managed assigned counsel systems only, the IDC will promote managing defenders who are full-time with no or reduced caseloads.

Managing defenders are attorneys that oversee the contract attorneys that provide direct representation to clients within a region. Given that the IDC encourages and aids regionalization in indigent defense services across the state, managing defenders may oversee attorneys in a single country or multiple regions. Accordingly, the IDC will focus on ways to ensure managing defenders have the support they need to carry out their functions. The IDC will also find ways to give managing defenders more authority over contract attorneys. The intention is to ensure quality presentation by better oversight of contract attorneys through increased supervision.

Resource Allocation, Grant Program, Renewals

The IDC grant program funding is renewed annually, indefinitely unless there is a monitoring issue.

Responding to the need from local jurisdictions for consistency and stability in funding, IDC formalizes in this strategic plan its long-held approach to prioritize renewal funding under its grant-making program.

Resource Allocation, Grant Program, Generally

The IDC commits to the following:

- *To continue grant program funding distribution through a system-needs evaluation process;*
- *To continue grant program distribution that includes special considerations to localities looking to regionalize;*
- *To continue grant program distribution that includes special considerations to localities looking to establish public defender offices; and*
- *To establish two grant tracks, general needs and pilot programs.*

Currently, only a general needs track exists for grant programs funding. The intention of creating the pilot programs track is to encourage localities to explore opportunities for implementing promising practices.

Resource Allocation, Fair and Equitable Distribution

The IDC will develop a strategy for proportional spending between state and local contributions to indigent defense services.

Since its inception, to support rolling out IDC efforts as a new opportunity in the state, and to allow for renewal funding, the IDC has reviewed and approved grant requests without consideration for overall distribution across counties. This has led to significant variations in ratio spending. The IDC commits to maintain renewal funding prioritization and to also explore fair and equitable distribution.

PRINCIPLE EIGHT, EFFECTIVE REPRESENTATION

Attorney Caseloads

The IDC will encourage appropriate caseloads.

Using National Attorney Caseload (NAC) standards, the IDC measures how many full-time attorneys, or the equivalent, are required for each county's client volume versus how many full-time attorneys the county currently has under contract. The intention is to reduce the attorney deficit to zero.

Attorney Compensation

The IDC will encourage proper compensation.

The IDC will (1) educate the state legislature for the purposes of increased grant program funding, and (2) provide managing defenders with resources to educate county commission for increased attorney pay.

Measuring Quality Representation

The IDC will promote assessing quality representation.

There is currently no statewide tool used by managed assigned counsel systems used to measure quality representation provided by individual attorneys. The IDC will develop checklist(s) in consultation with managing defenders. The process is intended to promote the IDC's goal to give managing defenders more authority/responsibility over attorneys to ensure quality representation.

PILLAR TWO: ADVOCACY

PUBLIC POLICY ACTIVITIES

The IDC will continue to build relationships with state government, both the legislature and the governor's office.

It is essential that the IDC continues to advocate annually for increased funding for indigent defense. It is a priority to partner with counties, community, and local partners to advocate for specific policies at the state-level.

CULTURE CHANGE and EDUCATION

The IDC will continue to raise awareness about the value of indigent defense within the legal system to county commissioners, indigent defense attorneys, and the public.

It is important for the IDC to continue these efforts. The IDC will continue CLE trainings for attorneys, roundtables for managing defenders and administrators, and the listserv communication.