

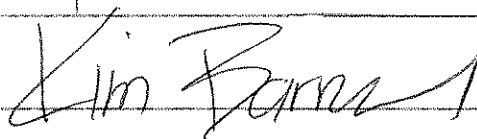
Mayor's Office: Council Agenda Item Request Form

This form and supporting documents (if applicable) are due the Wednesday before the COW meeting by noon.

Date Received
(office use)

Date of Request	8-23-17
Requesting Staff Member	Karen Crompton
Requested Council Date	8-29-17
Topic/Discussion Title	Resolution Authorization Human Services Department to apply for an Indigent Defense Commission Grant for calendar year 2018
Description	This is a request for the Salt Lake County Council to authorize the Human Services Department to apply for an Indigent Defense Commission Grant to restructure it's provision of indigent defense services through collaboration with the LDA, UJDA, Parental Rights Defense and the State to address promotion of regionalization of indigent defense services and respond to indigent defense services for the homeless.
Requested Action ¹	Review and consent
Presenter(s)	Kelly Wright & Karen Crompton
Time Needed ²	10 Minutes
Time Sensitive ³	Yes
Specific Time(s) ⁴	No
Contact Name & Phone	Karen Crompton 385-468-7061
Please attach the supporting documentation you plan to provide for the packets to this form. While not ideal, if supporting documents are not yet ready, you can still submit them by 10 am the Friday morning prior to the COW agenda. Items without documentation may be taken off for consideration at that COW meeting.	

Mayor or Designee approval:



¹ What you will ask the Council to do (e.g., discussion only, appropriate money, adopt policy/ordinance) – in specific terms.

² Assumed to be 10 minutes unless otherwise specified.

³ Urgency that the topic to scheduled on the requested date.

⁴ If important to schedule at a specific time, list a few preferred times.

SALT LAKE COUNTY, UTAH

RESOLUTION AUTHORIZING HUMAN SERVICES DEPARTMENT TO APPLY FOR
AN INDIGENT DEFENSE COMMISSION GRANT FOR CALENDAR YEAR 2018

RESOLUTION NO. _____

ADOPTED _____

A RESOLUTION OF THE COUNTY COUNCIL OF SALT LAKE COUNTY AUTHORIZING HUMAN SERVICES DEPT. TO APPLY FOR AN INDIGENT DEFENSE COMMISSION GRANT TO RESTRUCTURE ITS PROVISION OF INDIGENT DEFENSE SERVICES THROUGH COLLABORATION WITH LDA, UJDA, PARENTAL RIGHTS DEFENSE, AND THE STATE TO ADDRESS PROMOTE REGIONALIZATION OF INDIGENT DEFENSE SERVICES AND RESPOND TO INDIGENT DEFENSE SERVICES FOR THE HOMELESS CONSISTENT WITH CONSTITUTIONAL DIRECTIVES.

BE IT KNOWN AND REMEMBERED THAT:

- A. WHEREAS, The Sixth Amendment to the United States Constitution provides that in all criminal prosecutions, the accused shall have the assistance of counsel for their defense;
- B. WHEREAS, In *Gideon v. Wainwright*, 372 U.S. 335 (1963), and cases that followed, the United States Supreme Court made it clear that the Sixth Amendment requires that states provide counsel to those who cannot afford it in any case where an accused may be exposed to a sentence of incarceration;
- C. WHEREAS, the Indigent Defense Commission (IDC) was established to assist the state in meeting the state's obligations for the provision of indigent defense services, consistent with the United States Constitution, the Utah Constitution, and the Utah Code;
- D. WHEREAS, the State created within its General Fund a restricted account with nonlapsing money, subject to appropriation, to be administered by the IDC for the the establishment and maintenance of a statewide indigent defense data collection system, grants to indigent defense systems for defense resources, and grants to indigent defense systems for defense services providers;
- E. WHEREAS, the IDC is encouraging regionalization of indigent defense services as a way to ensure a more robust and cost effective provision of indigent services, including indigent defense counsel and indigent defense resources;
- F. WHEREAS, Salt Lake County provides for the legal defense of an indigent in criminal, juvenile delinquency, and child welfare cases in the courts and various

administrative bodies of the state in accordance with legal defense standards through contracted services with the Legal Defender's Association (LDA), Utah Juvenile Defender Attorneys (UJDA), and Lokken, P.C. for child welfare cases;

- G. WHEREAS, Salt Lake County has determined to restructure its provision of indigent defense services and partner with the State to facilitate regionalization of indigent defense services and to address concerns raised regarding conflicts of interest within the provision of indigent defense services; and
- H. WHEREAS, Salt Lake County seeks a grant from the IDC to supplement its managed indigent defense programs that will put in place mechanisms to ensure quality representation and to facilitate coordination between Salt Lake County and other counties and municipalities in providing regional indigent defense services.

NOW, THEREFORE, the County Council of Salt Lake County, Utah, resolves as follows:

1. The County Council of Salt Lake County hereby approves Human Services application for an Indigent Defense Commission grant to restructure its provision of indigent defense services through collaboration with LDA, UJDA, and parental rights defense, and partner with the State in a way that promotes regionalization of indigent defense services, and to (1) address the concerns over Conflicts of Interest; (2) facilitate data collection, analysis and reporting with a new case management system compatible with criminal justice system; (3) facilitate housing expansion to meet needs for increased services in light of homelessness concerns and regionalization; and (4) facilitate an increase in indigent defense services occasioned by State and Local response to homelessness.
2. Salt Lake County commits to using these funds to help its indigent defense systems meet minimum principles for effective representation in all appointed cases consistent with the State and Federal Constitutions, and with state law.
3. This Resolution shall take effect immediately upon its approval and adoption by the Council and will be filed and recorded in the official minutes and records of the Council for this meeting.

APPROVED and ADOPTED this _____ day of August, 2017.

SALT LAKE COUNTY COUNCIL

By: _____
Steven L. DeBry, Chair

ATTEST:

Sherrie Swensen,
Salt Lake County Clerk

APPROVED AS TO FORM:

Deputy District Attorney

VOTING:

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Granato voting	_____
Council Member Jensen voting	_____
Council Member Newton voting	_____
Council Member Snelgrove voting	_____
Council Member Wilson voting	_____