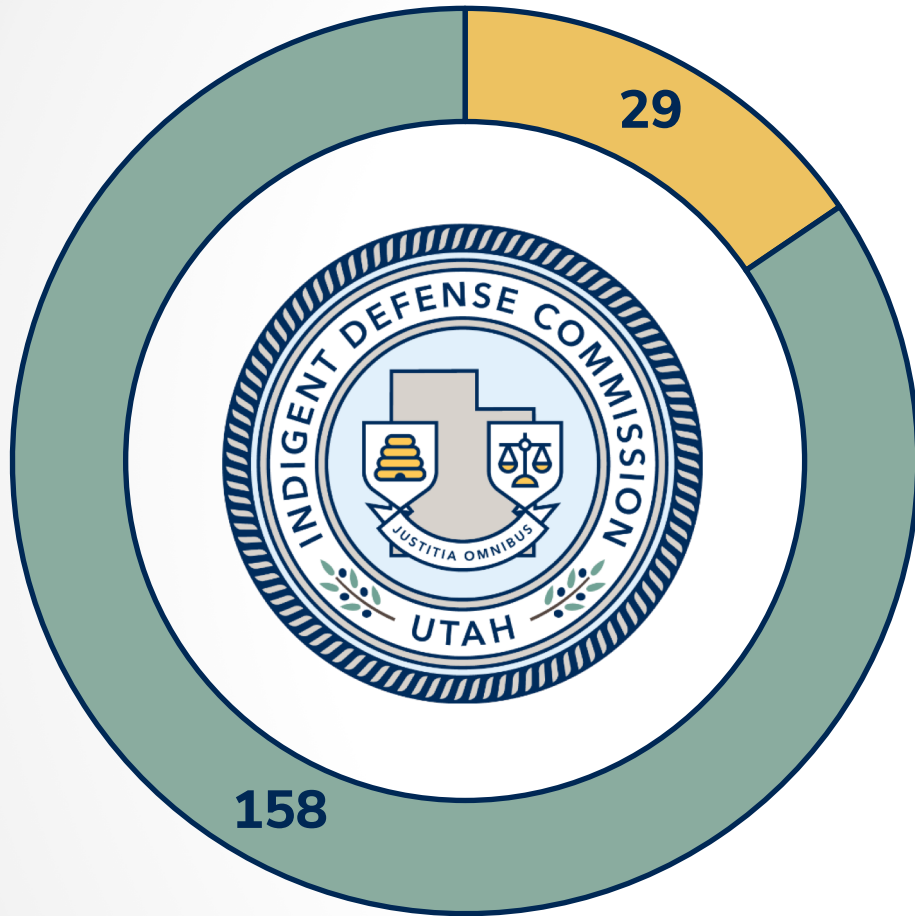




Utah Indigent Defense Commission

What is Indigent Defense?

- The United States and Utah Constitutions require the appointment of defense lawyers for people who cannot afford them.
- The right to counsel applies when a person faces incarceration (any Utah misdemeanor or felony charge, juveniles facing formal court proceedings), and any action to terminate their parental rights.
- Defense lawyers test the prosecution's evidence and protect the accused's right to due process. Where appropriate, they argue for pretrial release, diversion, treatment, and shorter or no incarceration, resulting in cost savings and a fairer criminal justice system.
- The right to counsel is about ensuring fairness and equal justice and improving public defense helps the overall efficiency and fairness of the criminal justice system.



■ Counties ■ Cities

**Utah has ~187
Local Indigent
Defense Systems:**

- **Counties: 29**
- **Cities: ~158/246**

Indigent Defense Services in Utah

Utah law has long delegated the responsibility for providing indigent defense services to its local governments. The 29 counties and ~158 cities provide those services in 3 ways:

- **Public Defender Office**

Full-time, salaried attorneys managed/organized in an independent law office.

Office is appointed & attorneys assigned to balance caseloads & ensure effective representation.

- **Salt Lake County & Salt Lake City:** Salt Lake Legal Defender Association
- **Utah County:** Utah County Public Defender's Association

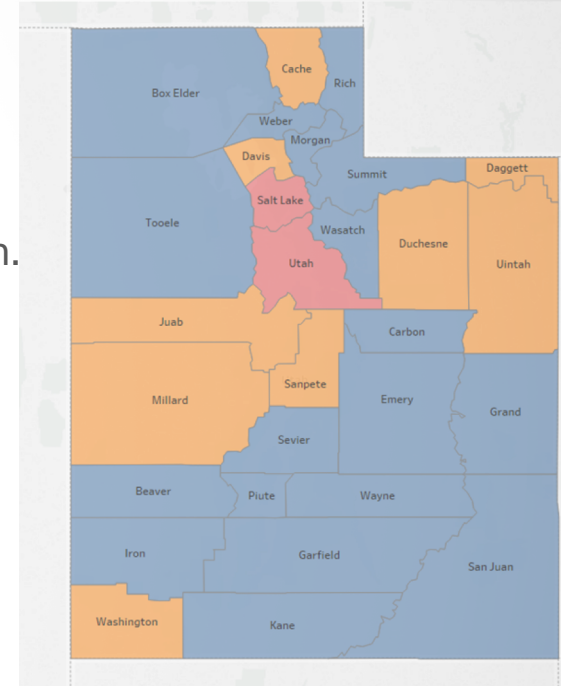
- **Managed Assigned Counsel System**

Private attorneys organized by county defense provider or organization.

- **Uintah County & Davis County:** Attorney public defenders organize private attorneys.
- **Sanpete County, Millard County, Juab County, & Nephi City:** Contract with the Utah County Public Defender Association to manage defense services.
- **Cache County & Washington County:** Contract with a private attorney to organize the attorneys representing indigent parties and administer resources.

- **Contracts with Private Attorneys**

Counties/cities contract directly with one or more private attorneys/firms to handle cases, usually at a flat annual rate with little oversight/accountability.

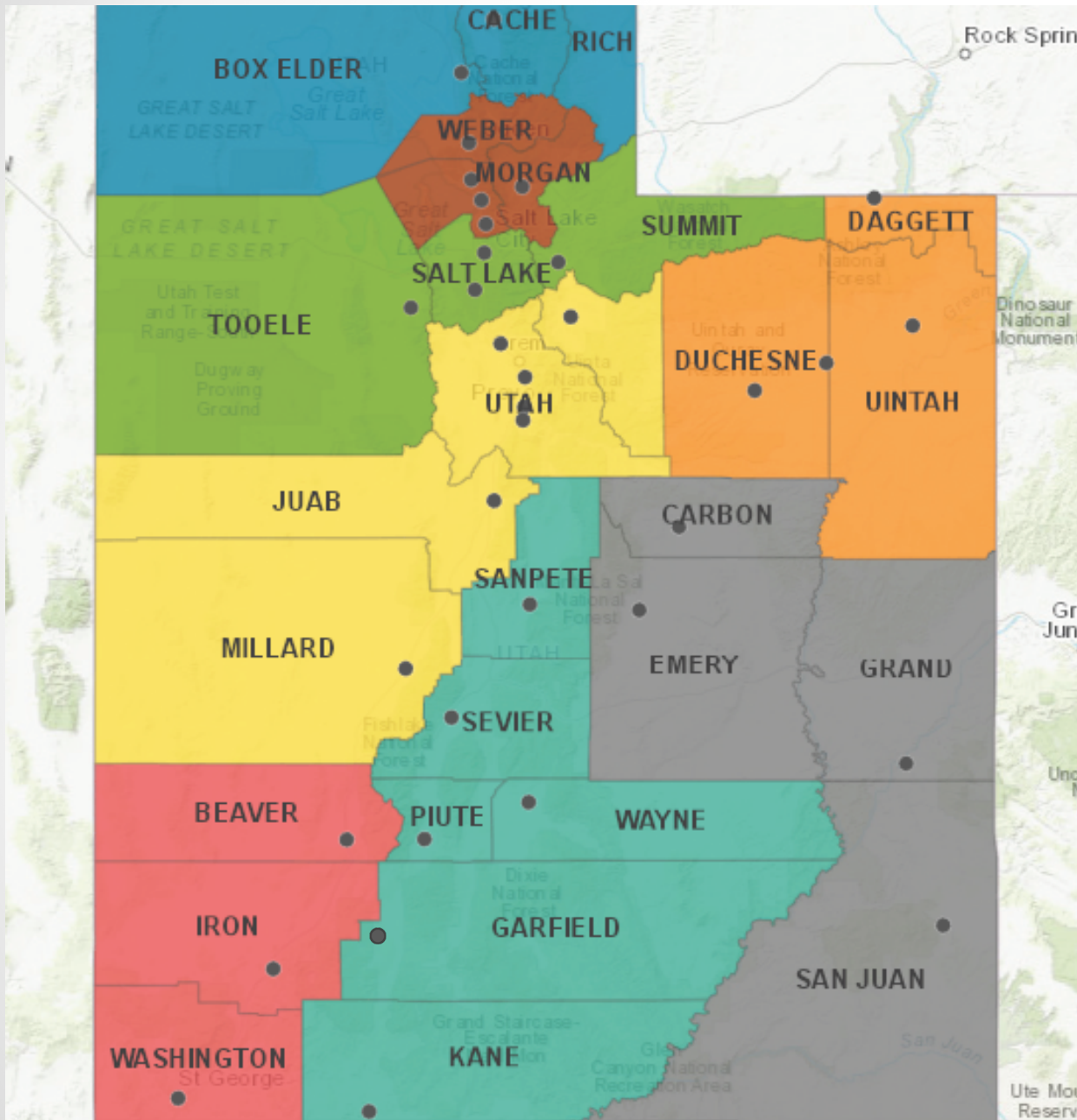


Between July 1, 2017 & June 30, 2018,
Utah's 71 District Court Judges saw:

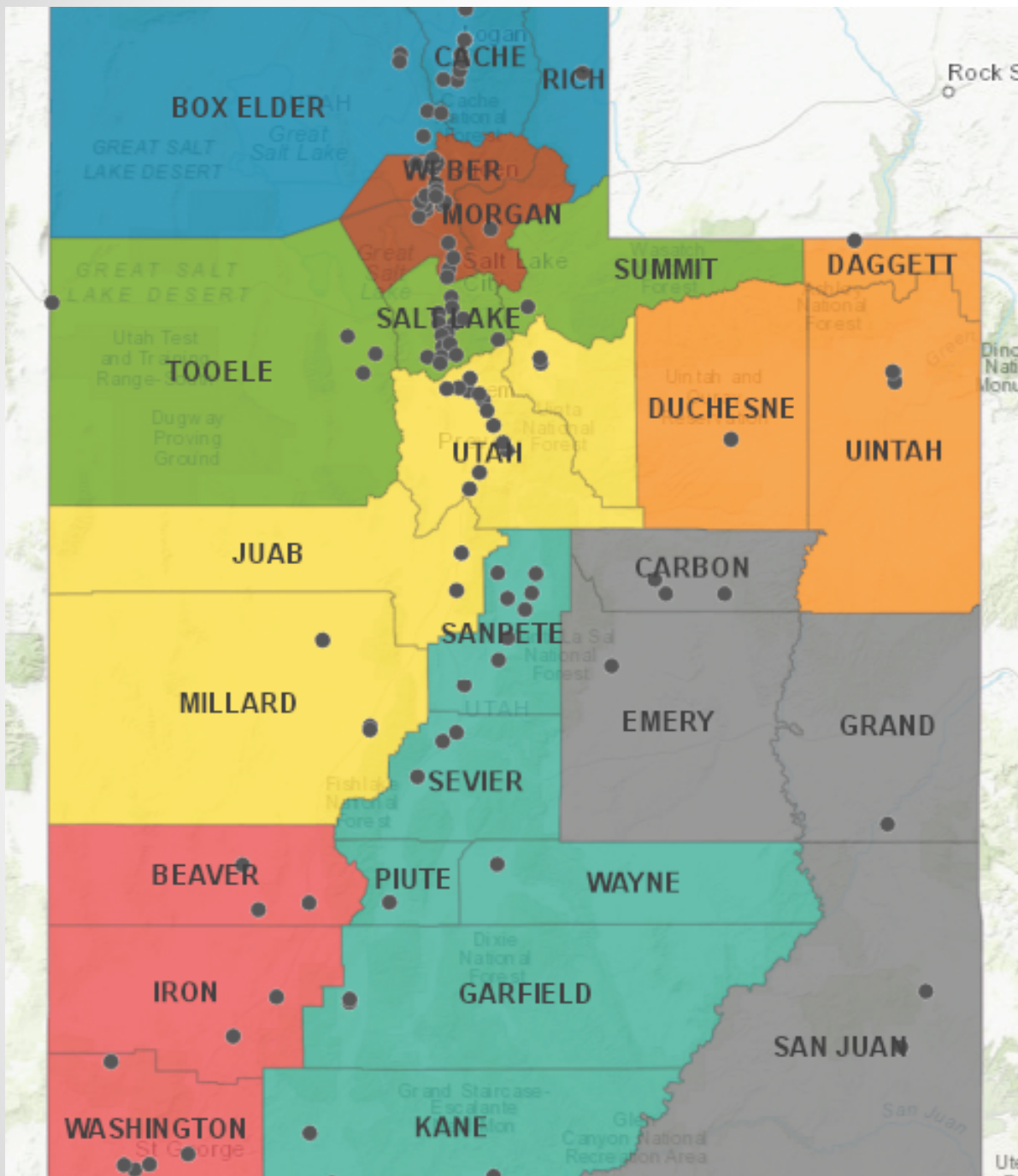
- 21,621 Felonies
- 19,933 Misdemeanors

3rd District Judges for SLCO :

- 9484 felonies (44%)
- 6707 misdemeanors (34%)



- District Court Locations
- 1st Judicial District
- 2nd Judicial District
- 3rd Judicial District
- 4th Judicial District
- 5th Judicial District
- 6th Judicial District
- 7th Judicial District
- 8th Judicial District



Between July 1, 2017 & June 30, 2018,
Utah's Justice Courts saw 70,561
criminal cases.

- SL City Justice Court 12,255 (17%)
- SL County Justice Court 2031 (2.8%)

- Justice Court Locations
- 1st Judicial District
- 2nd Judicial District
- 3rd Judicial District
- 4th Judicial District
- 5th Judicial District
- 6th Judicial District
- 7th Judicial District
- 8th Judicial District

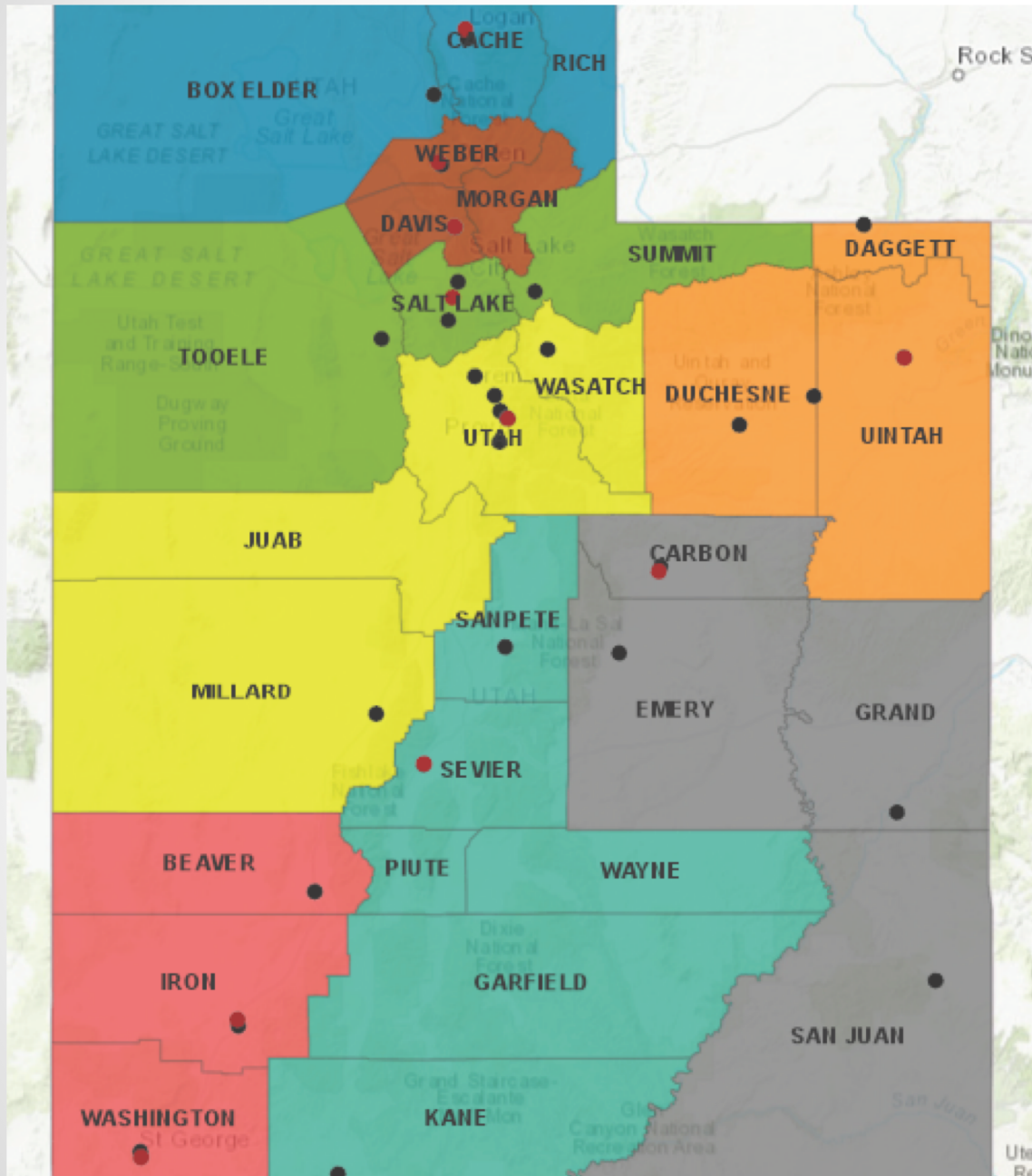
Between July 1, 2017 and June 30, 2018, the 31 Juvenile Court Judges in Utah saw:

- 1,924 Juvenile Felonies
- 12,938 Juvenile Misdemeanors
- 3,419 Child Welfare Cases

3rd District Juvenile cases:

- 404 Juvenile Felonies (21%)
- 2,543 Juvenile Misdemeanors (19.6%)
- 561 CW cases

- Juvenile Court Locations
- Detention Centers
- 1st Judicial District
- 2nd Judicial District
- 3rd Judicial District
- 4th Judicial District
- 5th Judicial District
- 6th Judicial District
- 7th Judicial District
- 8th Judicial District





Utah Indigent Defense Commission

Since 2016, the Utah Indigent Defense Commission (IDC) has worked to protect constitutionally guaranteed liberties through ongoing support for effective indigent defense services throughout the state by:

- Developing collaborations/partnerships with local governments;
- Advising on minimum guidelines for indigent defense;
- Providing financial support and guidance;
- Encouraging and aiding in the regionalization of indigent defense services;
- Collecting and reporting data about local defense services; and
- Making policy recommendations for improvements to indigent defense,
- To improve the quality of public defense across the state.

Indigent Defense Funding in Utah

Utah began state-level funding of indigent defense services in 2016 through the IDC, which has obligated \$5.2 million to local governments in grant awards to support indigent defense services.

TOTAL IDC GRANT FUNDING AWARDED: \$5,215,061

Number of Counties Receiving IDC Funding: 12

- Carbon County
- Daggett County
- Duchesne County
- Juab County
- Millard County
- Salt Lake County
- Sanpete County
- Sevier County
- Summit County
- Uintah County
- Utah County
- Wayne County

Number of Cities Receiving IDC Funding: 4

- Lindon City
- Nephi City
- Ogden City
- Pleasant Grove City

INDIGENT DEFENSE SPENDING

**29 Counties:
\$35M***

SLCO:
\$21M

Daggett:
\$5K

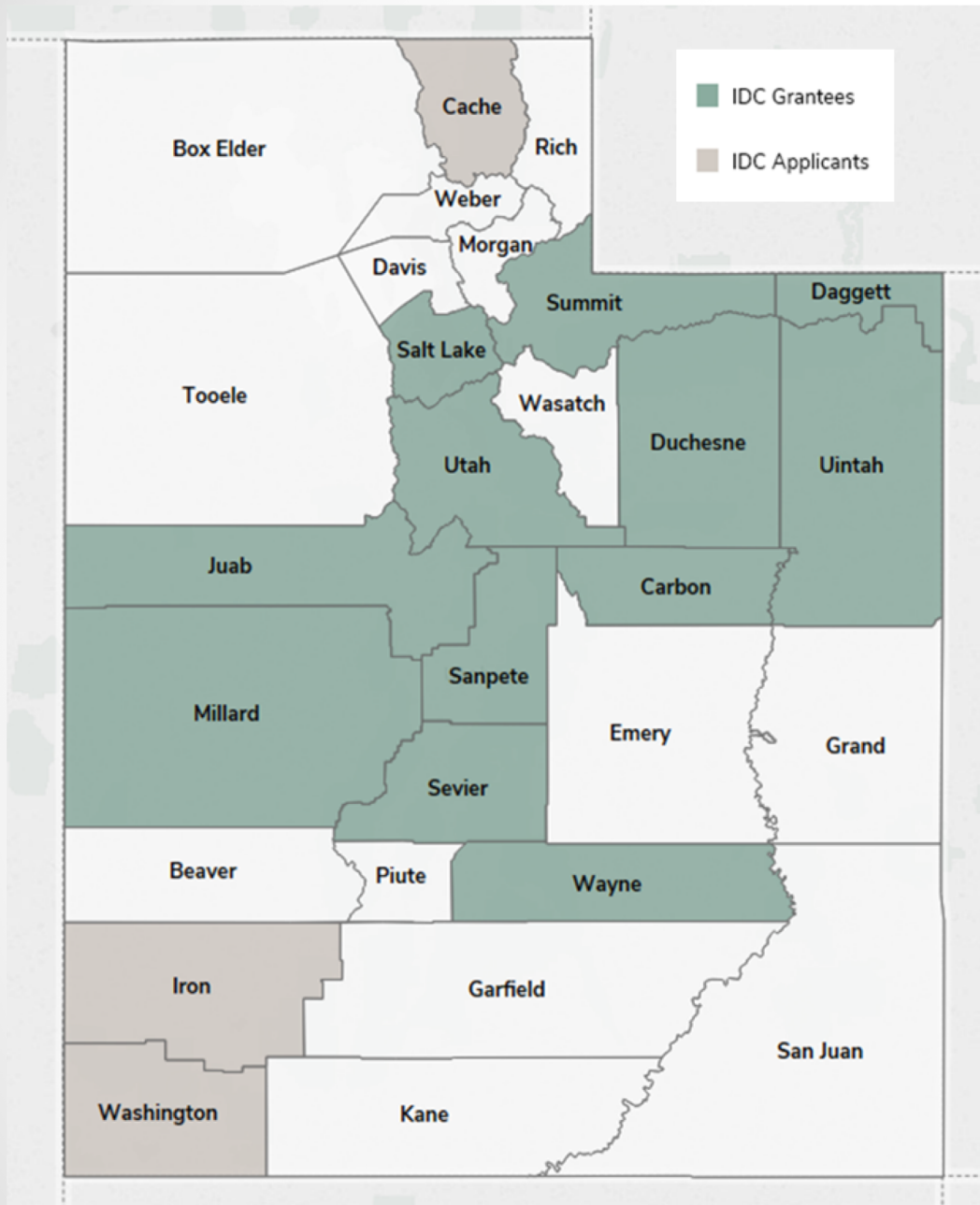
**153 Cities:
~\$3.5M**

SLC:
\$1M

**State
FY16-FY19
\$5.2 million
FY20
~4.3 M**

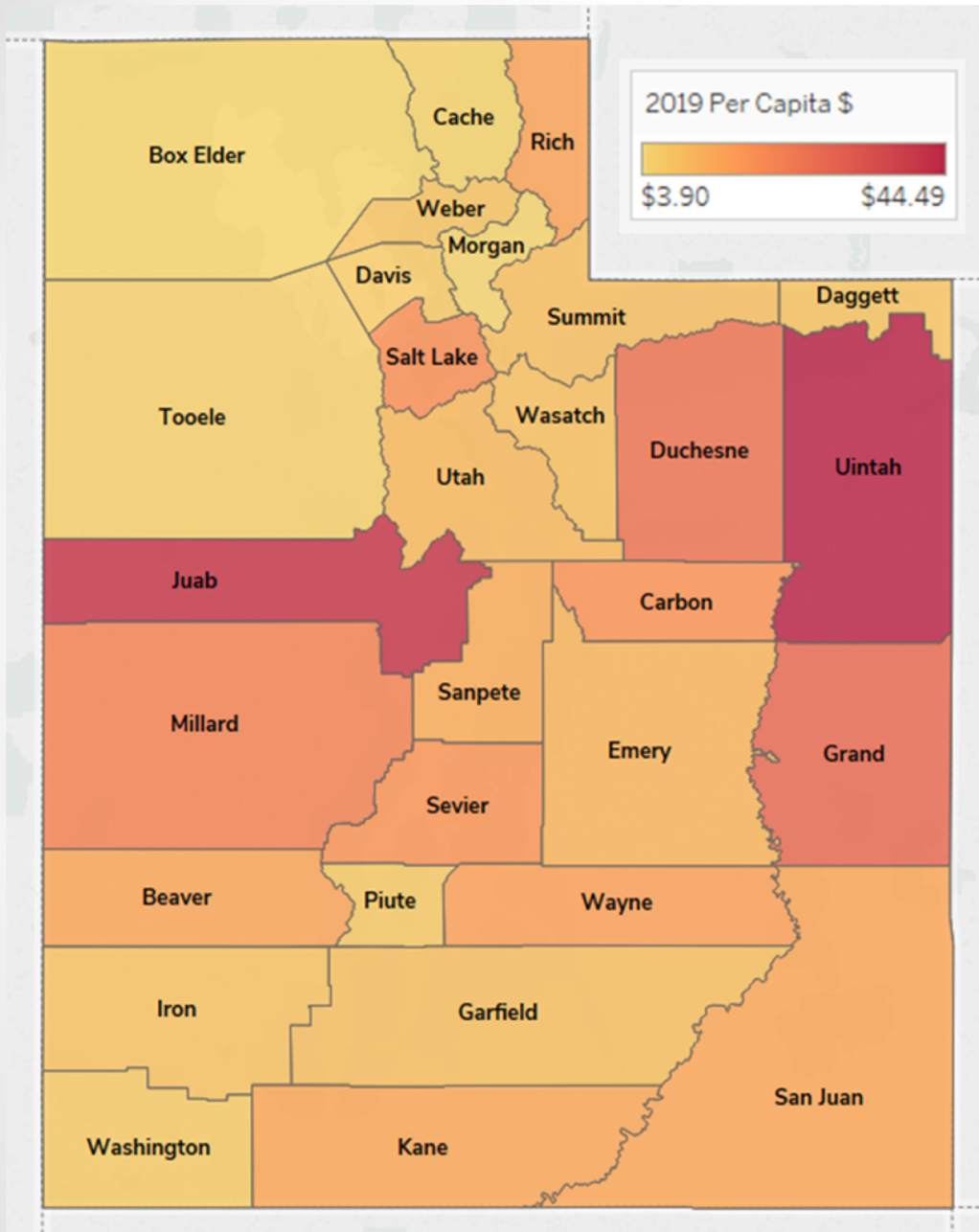


**Utah Indigent
Defense Commission**



As of February 2019 12 Utah counties are receiving grant awards from the IDC.

As of March 2019, Cache County, Iron County, and Washington County have applied for new IDC grants and are awaiting approval from the IDC.



This map illustrates per capita indigent defense spending across Utah.

Per capita funding is not the only quality measure of systems but it is one measure that is useful to compare indigent defense systems across the state.

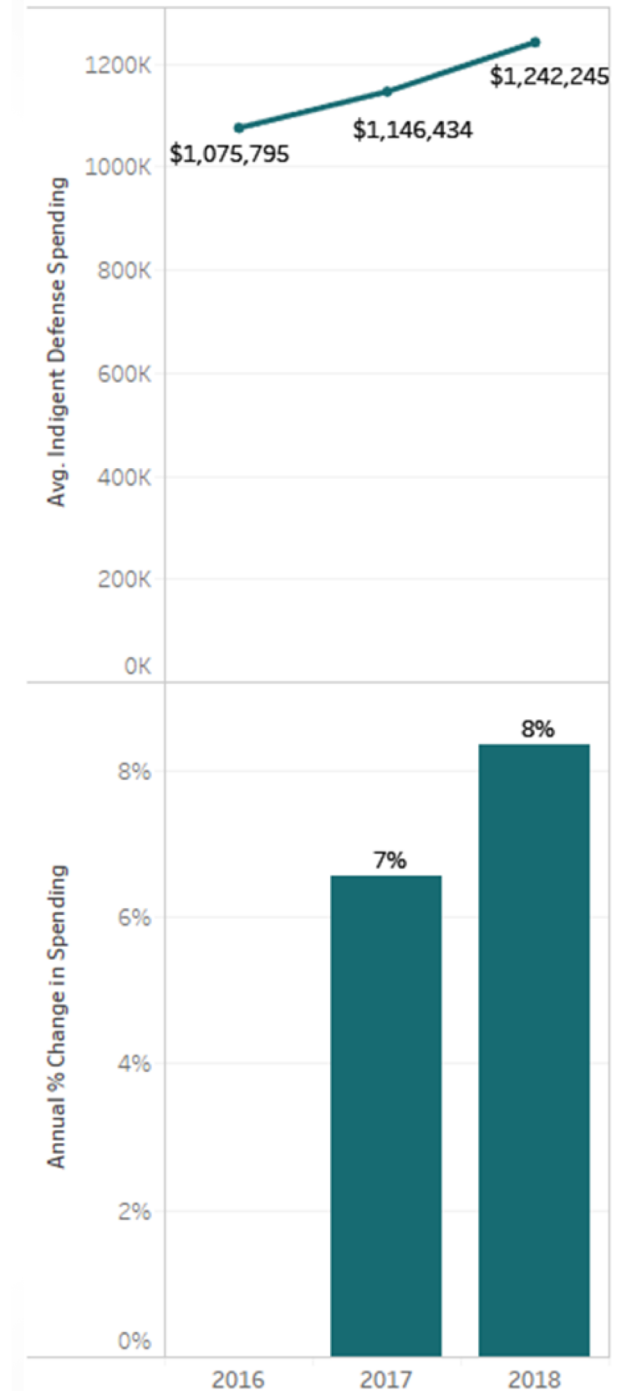
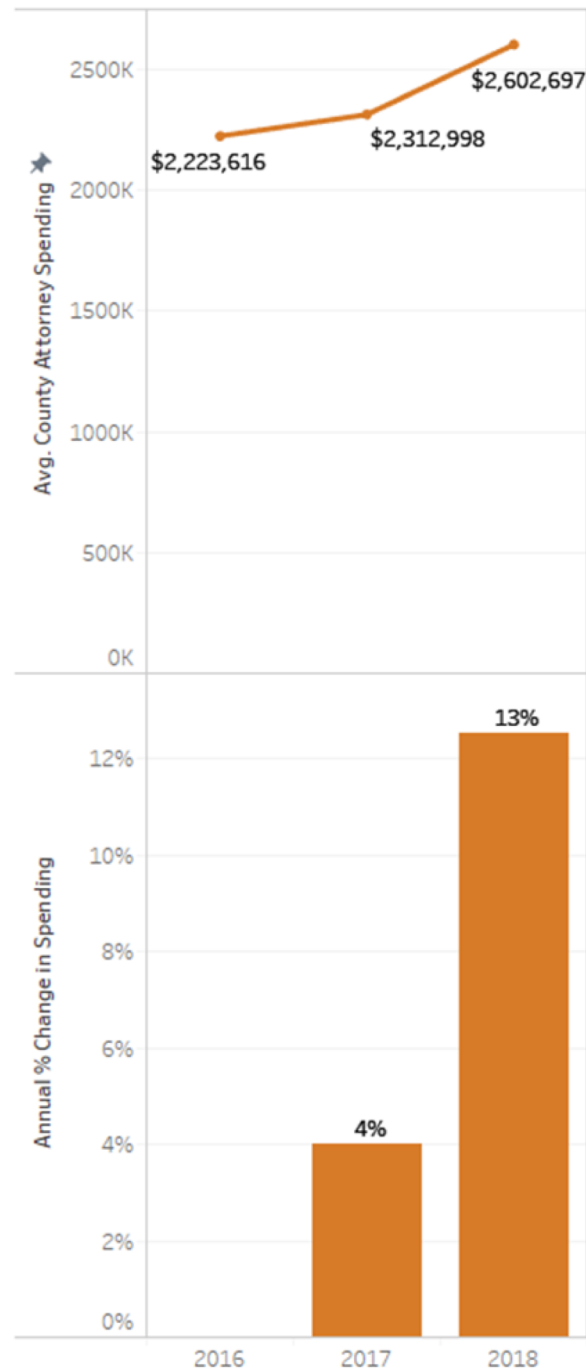
Class	County	2016 Per Capita	2017 Per Capita	2018 Per Capita*
FIFTH	Juab County	\$12.88	\$13.25	\$36.74
FIFTH	Grand County	\$25.60	\$27.13	\$27.86
THIRD	Uintah County	\$14.41	\$14.66	\$21.62
FOURTH	Duchesne County	\$13.93	\$17.91	\$20.07
FIRST	Salt Lake County	\$17.10	\$17.79	\$18.52
FOURTH	Carbon County	\$12.52	\$13.99	\$17.10
SIXTH	Rich County	\$15.23	\$15.18	\$14.64
FIFTH	Kane County	\$14.24	\$13.69	\$13.26
FOURTH	San Juan County	\$10.52	\$13.07	\$13.02
FIFTH	Beaver County	\$12.30	\$12.09	\$12.21
ALL	TOTAL	\$10.46	\$10.90	\$11.60
FOURTH	Millard County	\$13.60	\$11.91	\$11.23
FIFTH	Emery County	\$10.16	\$8.83	\$8.91
FOURTH	Wasatch County	\$6.66	\$8.18	\$8.57
SECOND	Utah County	\$6.81	\$7.12	\$8.10
THIRD	Iron County	\$8.99	\$9.19	\$7.92
SIXTH	Wayne County	\$5.18	\$4.99	\$7.91
THIRD	Summit County	\$7.37	\$7.29	\$7.13
SECOND	Weber County	\$6.42	\$6.66	\$6.89
FIFTH	Garfield County	\$7.60	\$6.90	\$6.79
FOURTH	Sanpete County	\$3.78	\$3.76	\$6.43
SECOND	Davis County	\$5.83	\$6.10	\$6.16
SECOND	Washington County	\$4.92	\$5.49	\$5.83
FOURTH	Sevier County	\$6.38	\$4.97	\$5.77
SIXTH	Daggett County	\$9.67	\$5.55	\$5.10
THIRD	Tooele County	\$5.02	\$4.94	\$4.86
SIXTH	Piute County	\$4.02	\$4.10	\$4.23
THIRD	Cache County	\$4.09	\$3.43	\$4.18
THIRD	Box Elder County	\$4.52	\$3.74	\$3.73
FIFTH	Morgan County	\$3.75	\$3.13	\$1.31

*Per capita spending in green indicates an IDC grant recipient.

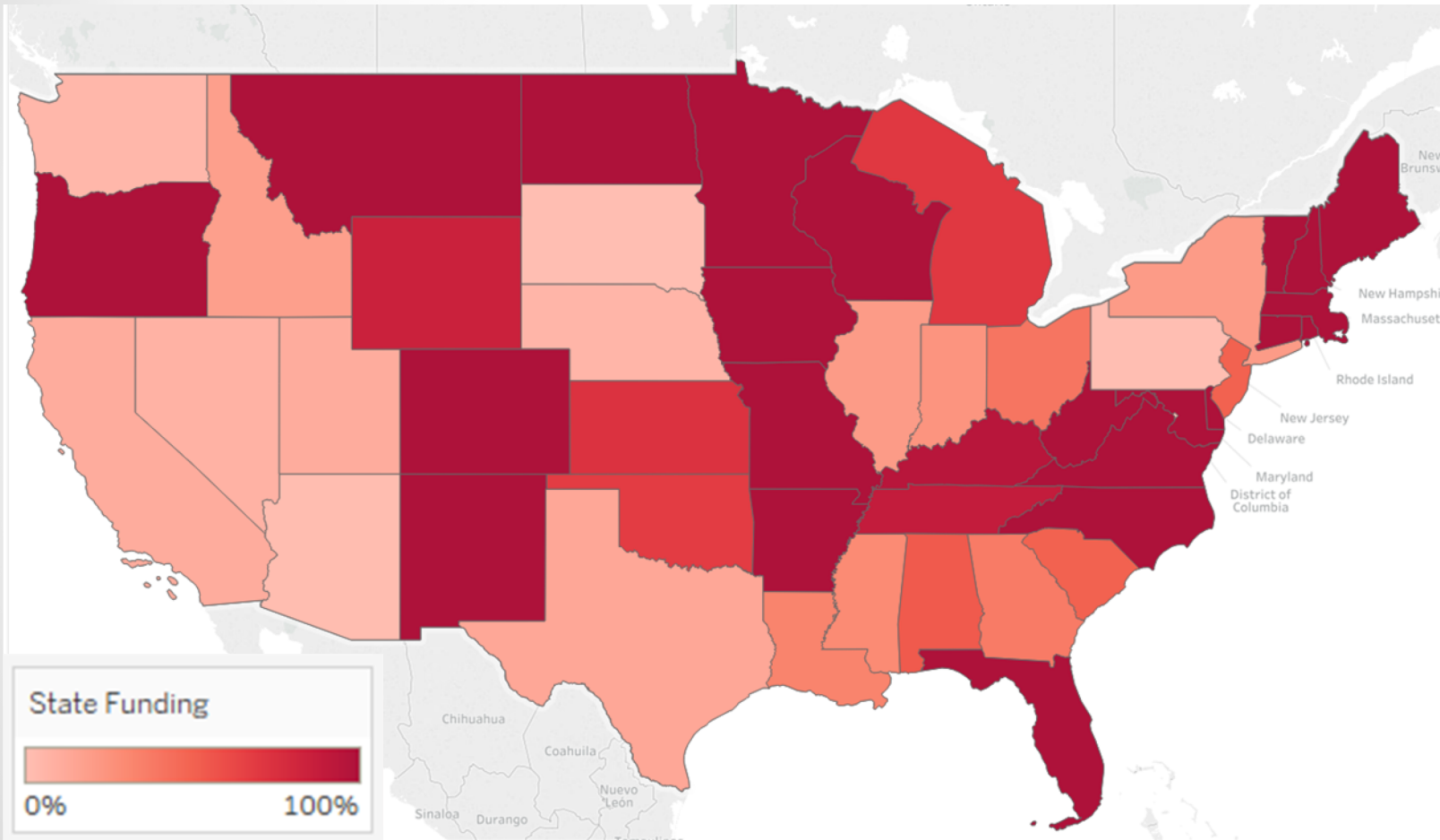
Another way to compare spending is to examine the average amount of a county's budget allocated to the county attorneys versus indigent defense.

In Utah, the average county budget for the county attorneys tends to be greater than the budget for indigent defense.

While the average indigent defense budget received a larger budget increase in 2017, the average county attorney budget increased significantly in 2018.



National Indigent Defense Funding



Nationally, 29 states provide for entirely/majority state-funded indigent defense systems. 20 others provide it as Utah does, in partnership with local governments.

Pennsylvania remains the only state with no state-level funding.

2019 Indigent Defense Act Amendments

Utah Code § 78B-22-101 ... "SB32"

The Act Requires:

- An indigent defense system to contract with indigent service providers for indigent defense services ordered by a court; and
- Courts to appoint providers to represent minors facing any charges in juvenile court for all proceedings.

The IDC supplements indigent defense funding through its grant program & is available for assistance/guidance to systems regarding indigent defense services.

Grant applications at IDC.UTAH.GOV

- April 26, 2019 Deadline for all grant renewal applications
- May 6, 2019 Deadline for all new grant applications
- May 23, 2019 IDC meeting to consider funding requests.
- July 1, 2019 FY20 IDC Funding Available.

An Indigent Defense Systems is:

- A city or town providing indigent defense services in a justice court;
- A county providing indigent defense services in the district, juvenile, or justice courts; and
- An interlocal entity providing indigent defense services according to the terms of an agreement between a county, city, or town.

Indigent Defense Services includes:

- The representation of an indigent individual by an indigent defense service provider (a licensed, active Utah attorney in Good Standing with the Bar); **and**
- The provision of indigent defense resources necessary for an effective defense, including costs for a competent investigator, expert witness, scientific or medical testing, transcripts, & printing briefs.
- Indigent defense services are to be provided in accordance with the Indigent Defense Commission's minimum guidelines (idc.utah.gov).



Utah Indigent
Defense Commission
IDC.UTAH.GOV