

Accountable Budget Process

Indigent Defense Study



Current Indigent Defense Commission Estimate

FY18	Per Capita	Total Spending (Millions)	Utah at Same Rate (Millions)
Utah - Local	\$12.42	\$34.67	\$38.51 (Current Total)
Utah - State		\$3.85	
STATE & COUNTY SYSTEMS			
Nevada (Local 93% / State 7%)	\$41.34	\$123.93	\$128.22
Idaho (Local 82% / State 18%)	\$24.30	\$41.72	\$75.37
Washington (Local 96% / State 4%)	\$22.36	\$160.29	\$69.34
STATEWIDE SYSTEMS			
Oregon	\$36.80	\$152.47	\$114.46
Montana	\$32.33	\$33.96	\$100.27
Colorado	\$28.00	\$156.98	\$86.84
Missouri	\$7.46	\$45.61	\$22.63



Analyst Recommendations

- ❑ Create specific standards aligned with the core principles.
- ❑ Require report on indigent defense provider's ability to achieve standards.
- ❑ Provide Hot Spot Grants for systems that prove inadequate funds to meet standards.
- ❑ Provide penalties for systems who do not actively attempt to meet standards or who do not actively report standards.
- ❑ Monitor the standards report for 3 to 5 years to see if the above structure is achieving outcome goals and make structural decisions based on the results.

Goals of Presentation

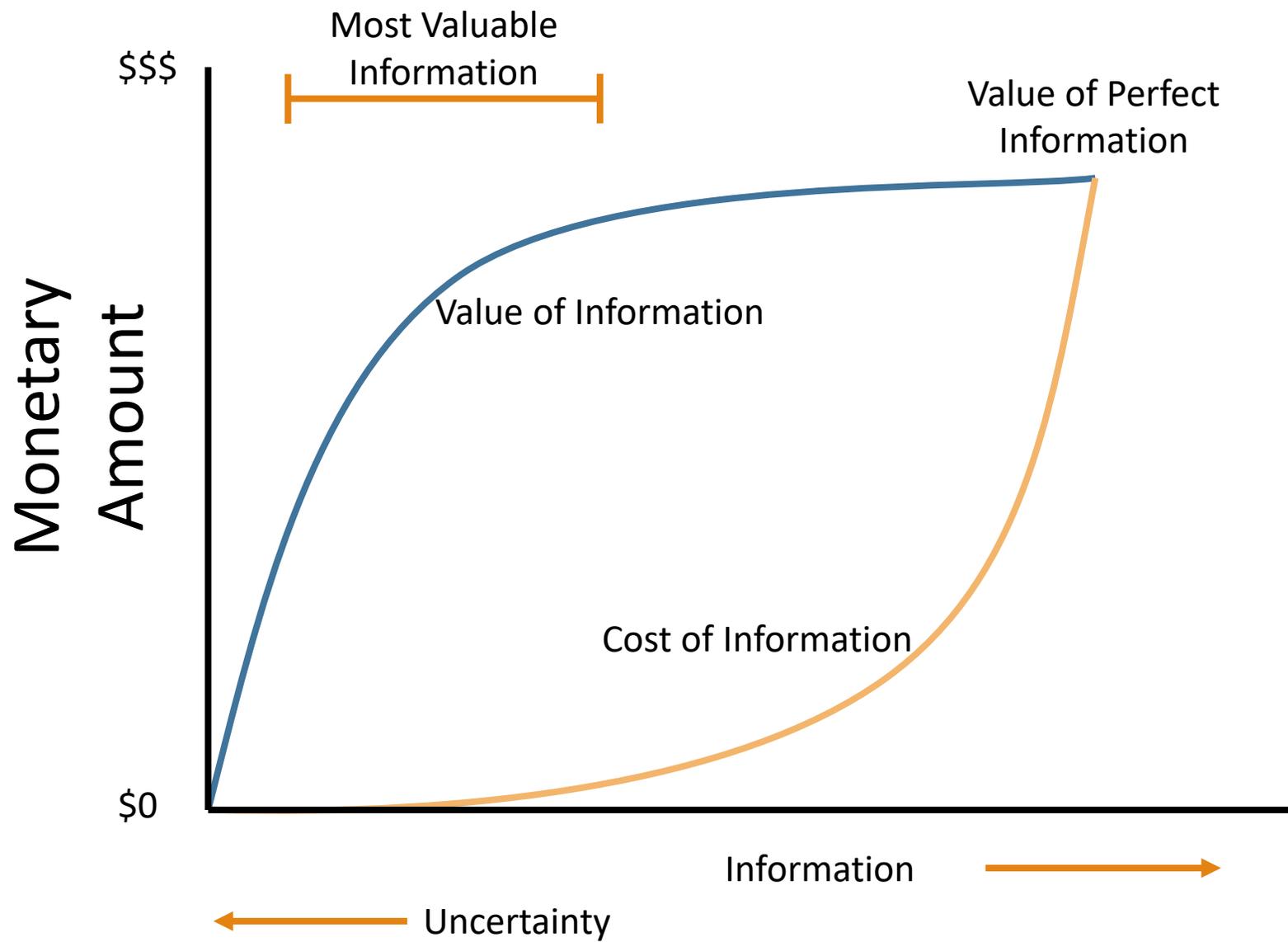
Original Goal: Figure out what the Indigent Defense System should like when it grows up and provide a plan to build the system.

Modified Goal: Explain what the Indigent Defense System should look like in its adolescence





Part One: Performance



Measuring Indigent Defense

- 1 Pallet
- 2 Pieces of old furniture
- 5 Graffiti Images
- 300 Pieces of Trash on the Ground
- 10 Old Tools



Data Quality	Accurate	Good	Mediocre	Bad	None
Priority 1	6 – Percentage of Appeals 6 – Disposition on Appeals	2- Appointment Rates <u>8d – Compensation Structure</u>		8b – Caseload	3 – Counsel at First Appearance 3 – Counsel at OSCs <u>3 – Post Dispositional Reviews</u>
Priority 2		8c – Separate Defense Resources	<u>4 – Separate Budget</u> <u>7 – Queryable Database</u> <u>7 – Conflict Contract</u>		8c – Defense Resources Spending
Priority 3	1 – System Type	8d – Attorney Salary		<u>1 – Performance Reports</u>	5 – Total Workload Percentage <u>5 – Amount of Specialized CLE Training</u> 7 – Conflict Case Percentage <u>8a – Defense Related CLE Training</u> 8a – Years of Defense 8a – Motions Filed

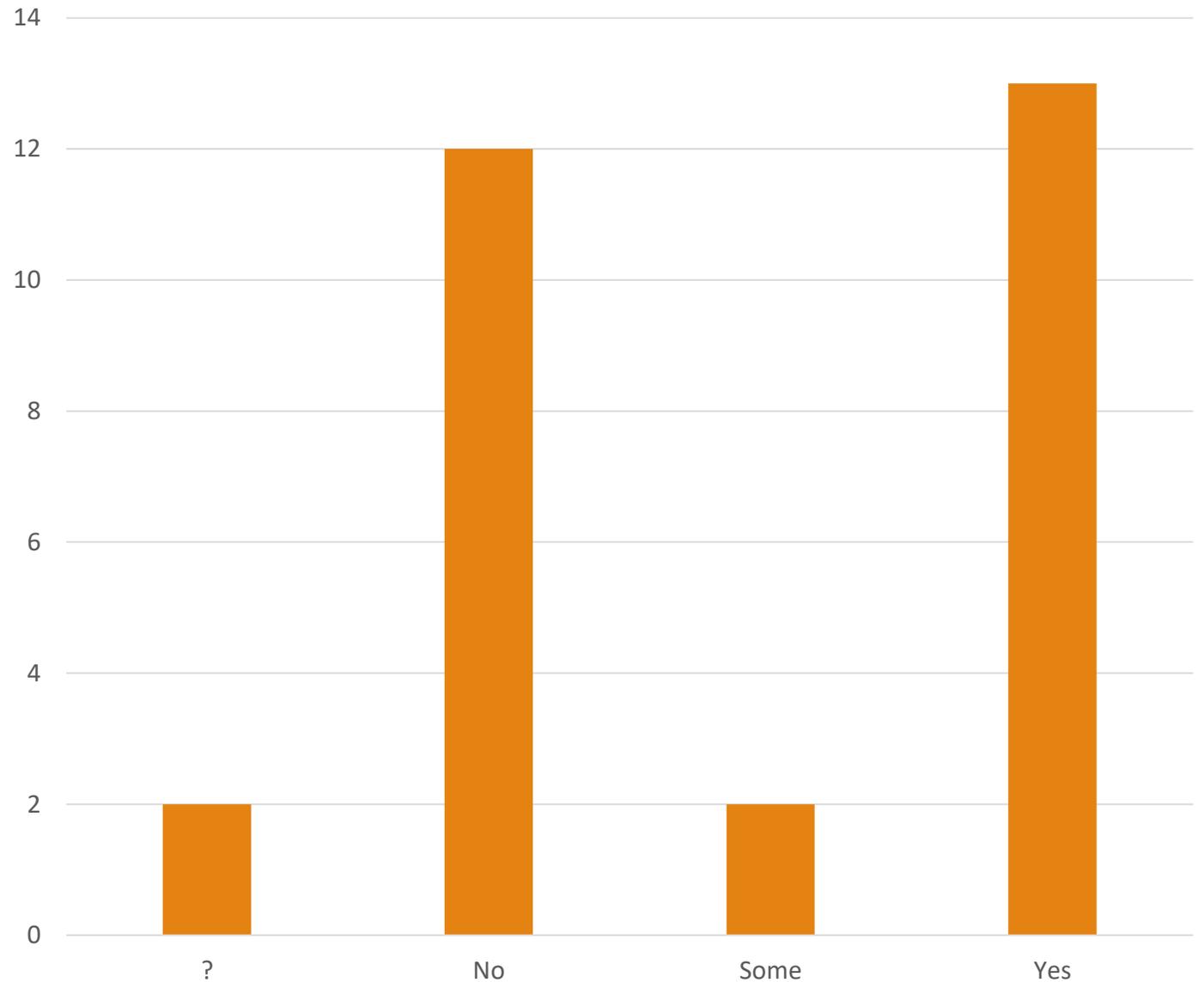
Data Collection Challenge Key

- Black – Have
- Blue – Easy
- Purple – Medium
- Red - Hard

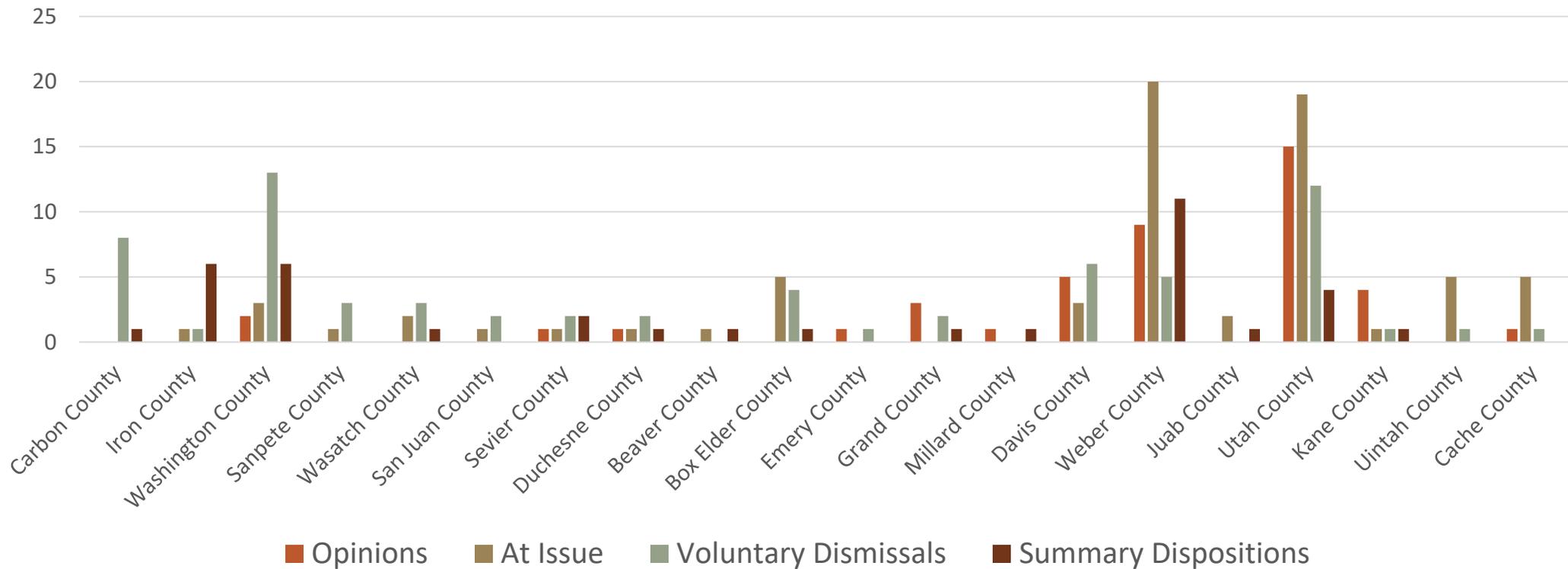
Fix Difficulty Key

- Underlined – Easy
- Normal – Medium
- **Bold** - Hard

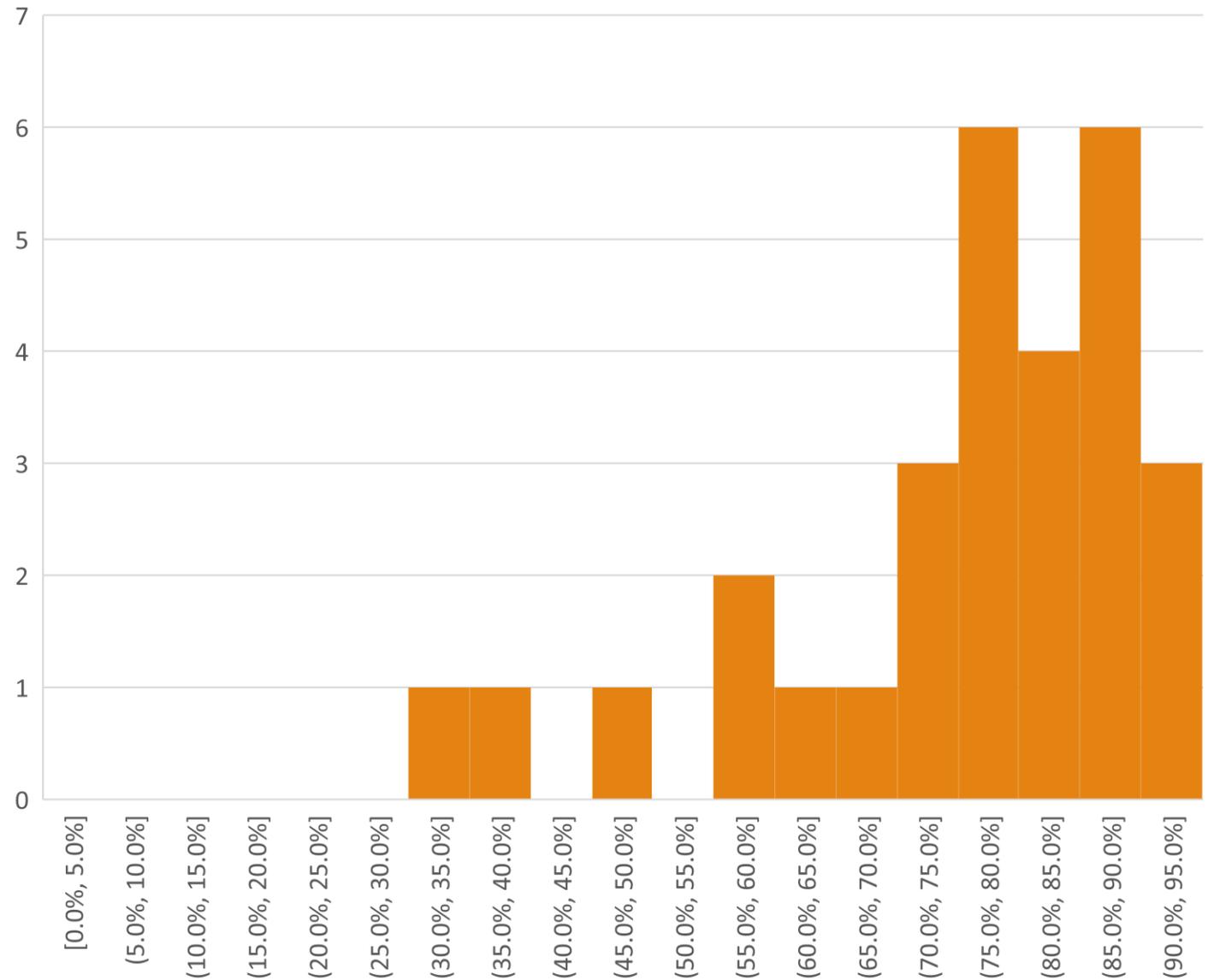
Are Indigent
Defense
Budgets
Separate from
Judiciary and
Prosecution in
County District
Courts?

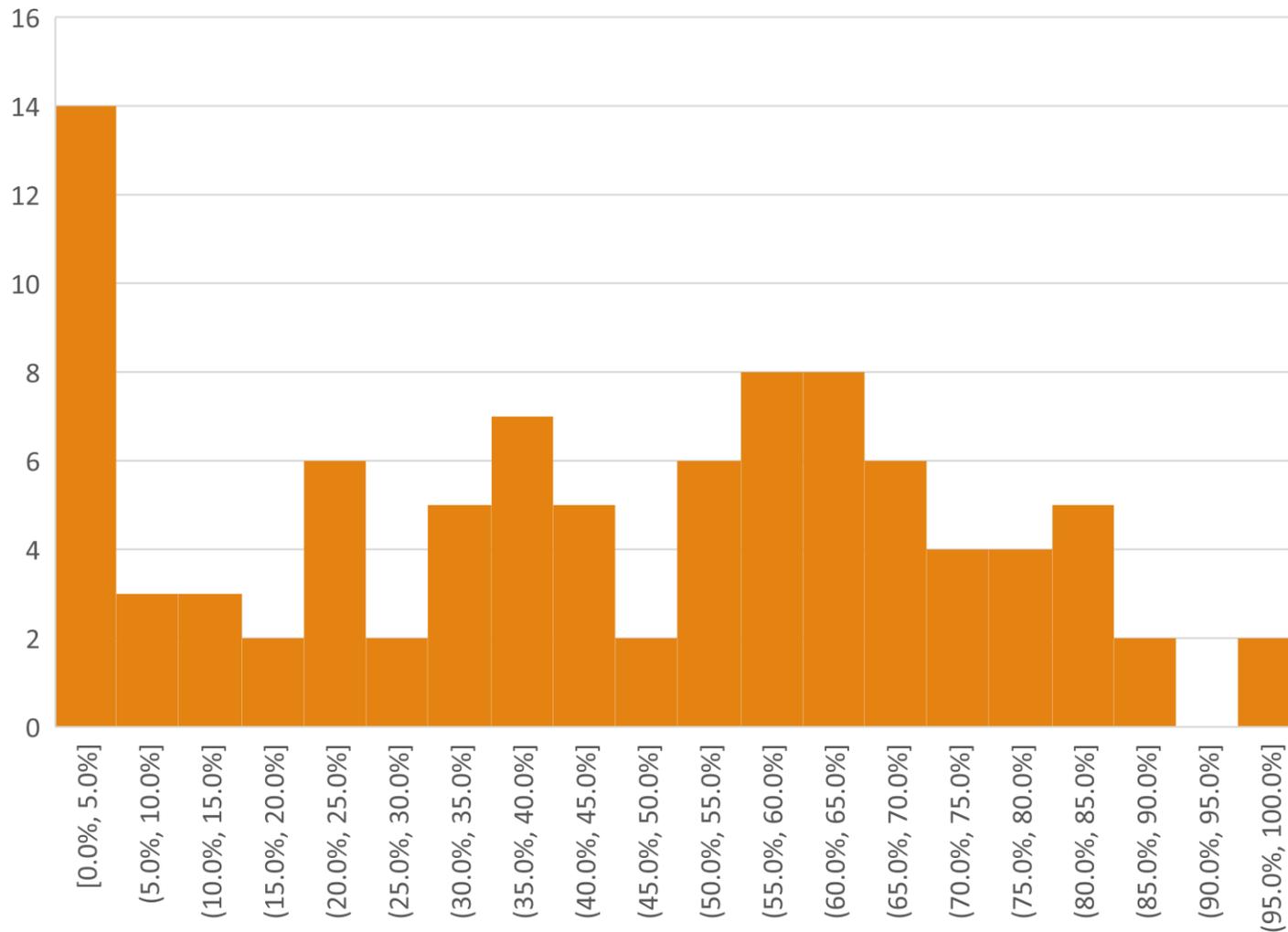


Disposition on Appeals by County

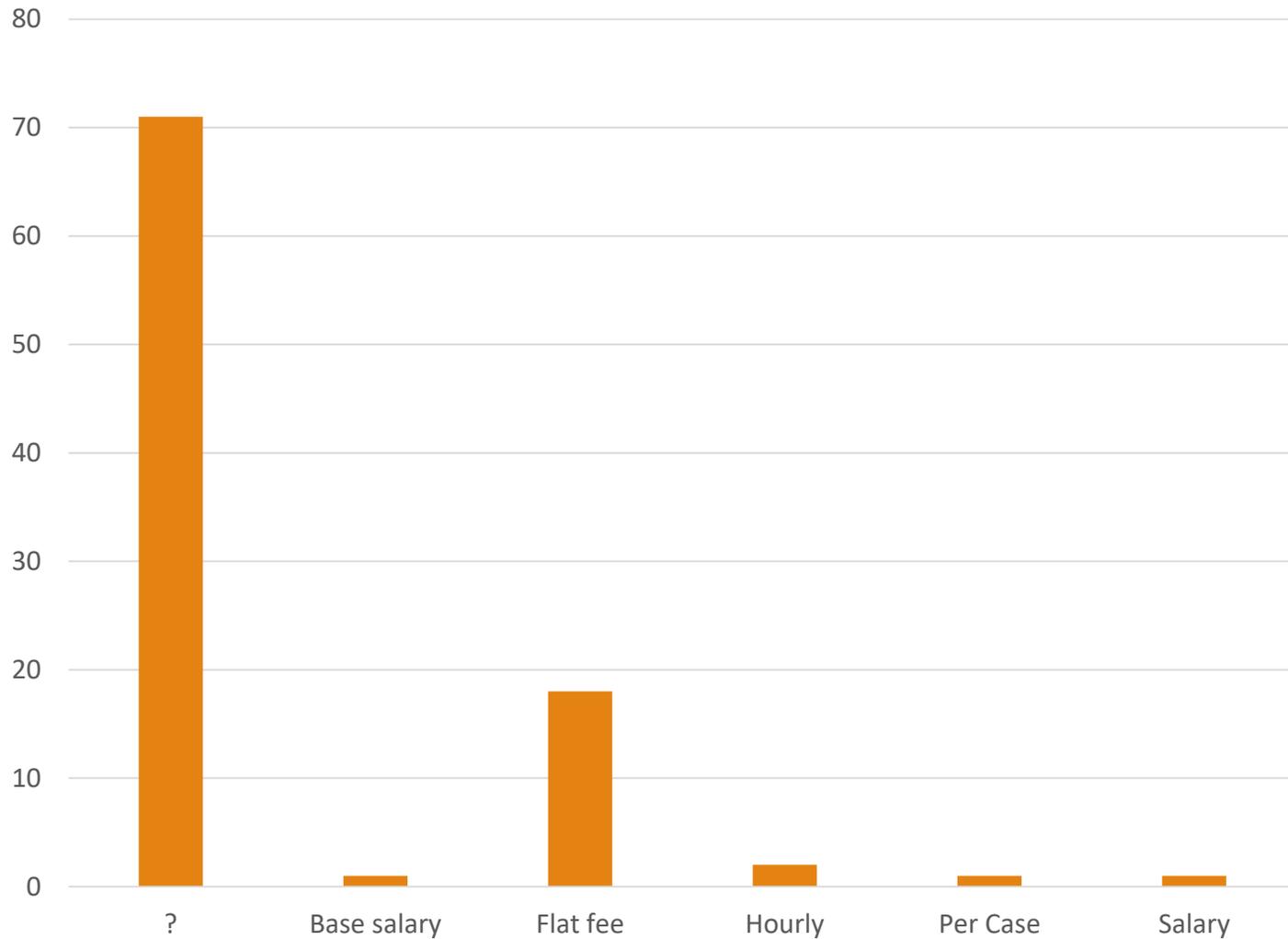


District Court Level Indigent Appointment Rate



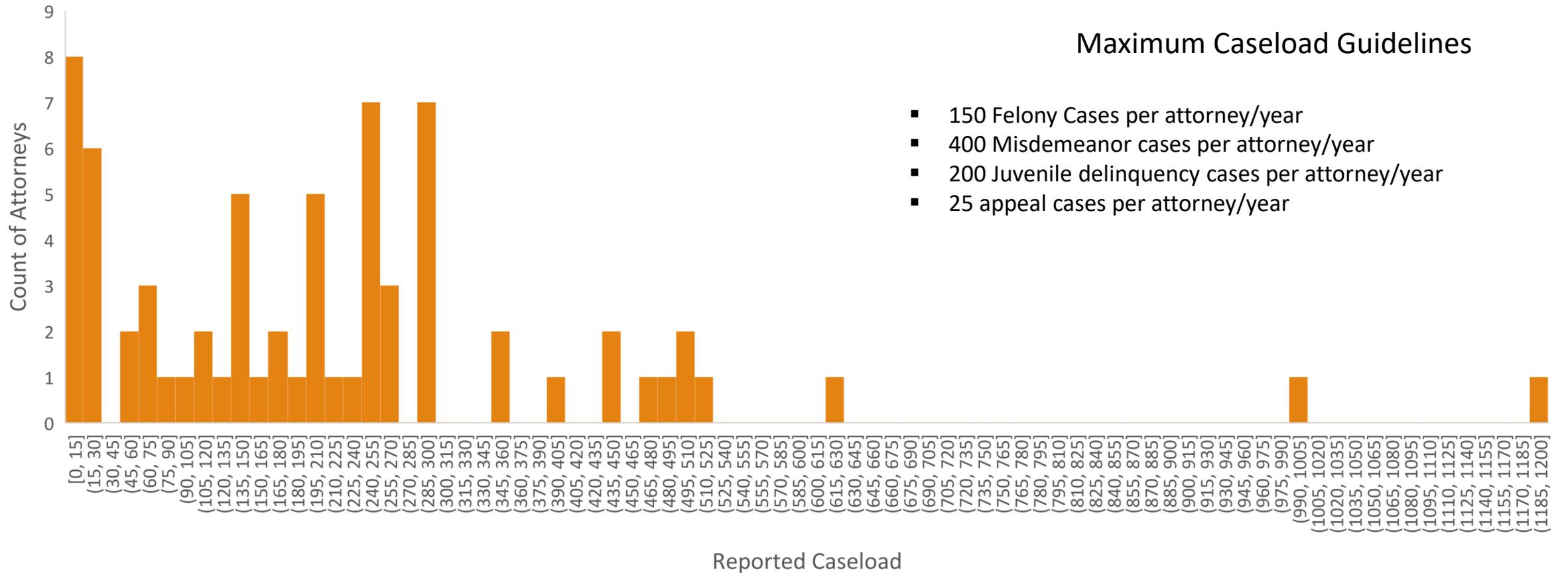


City Justice Court Court Indigent Appointment Rates

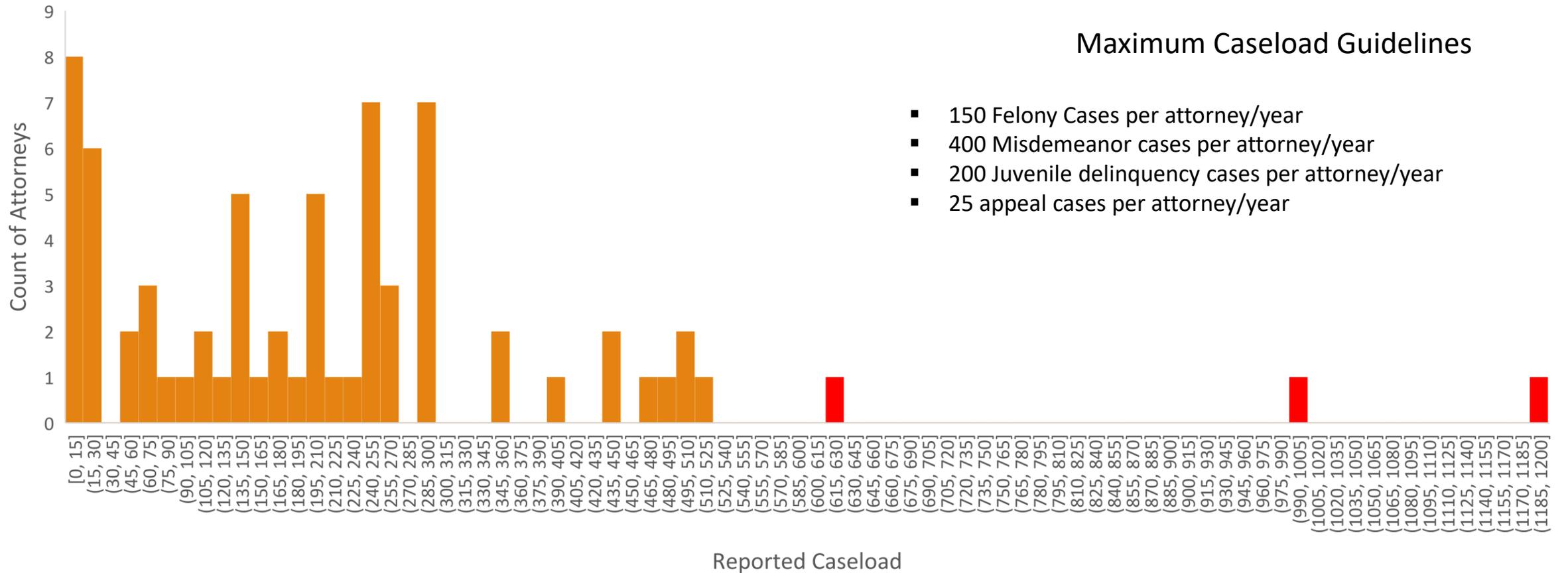


Compensation Type by City Justice Court

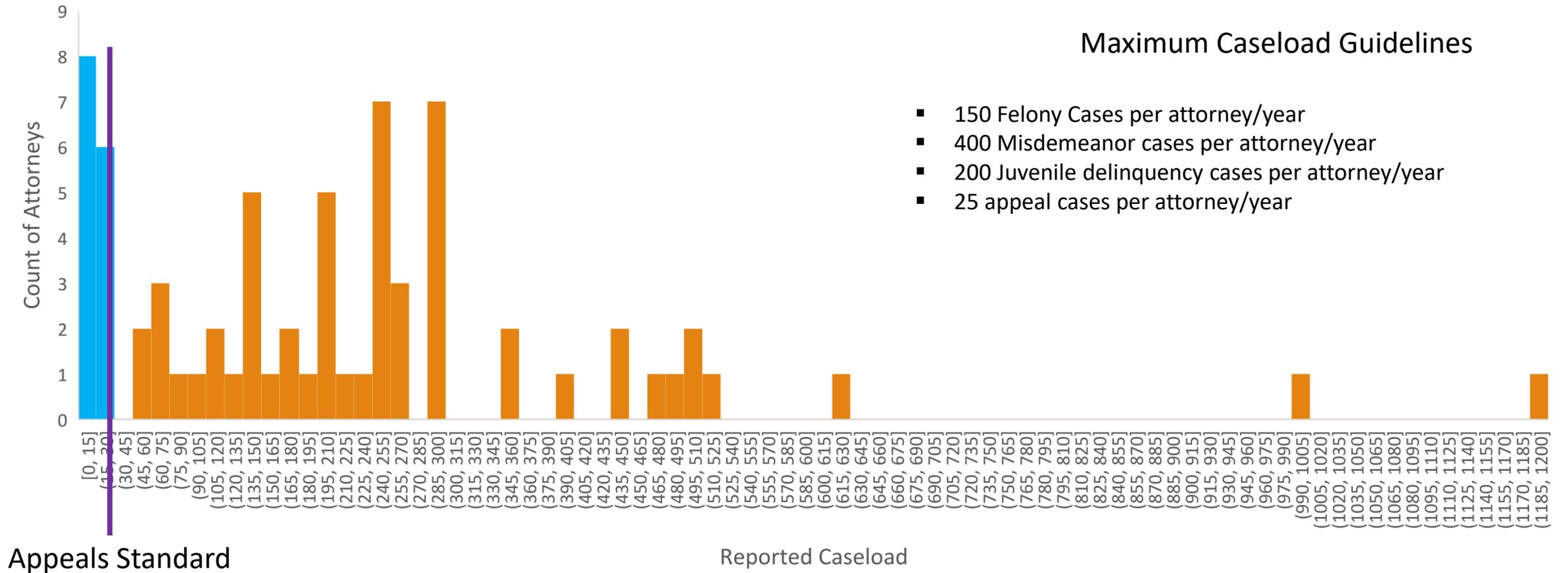
Caseload Survey: Total Yearly Defense Caseload



Caseload Survey: Total Yearly Defense Caseload



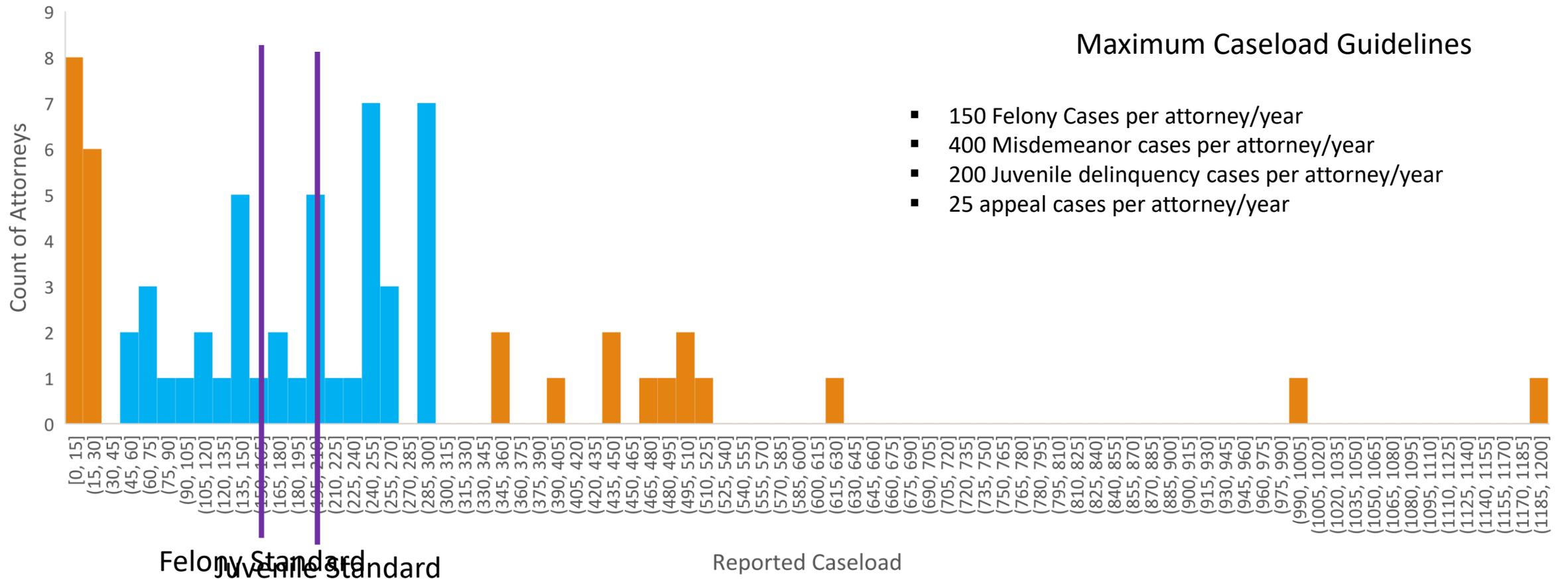
Caseload Survey: Total Yearly Defense Caseload



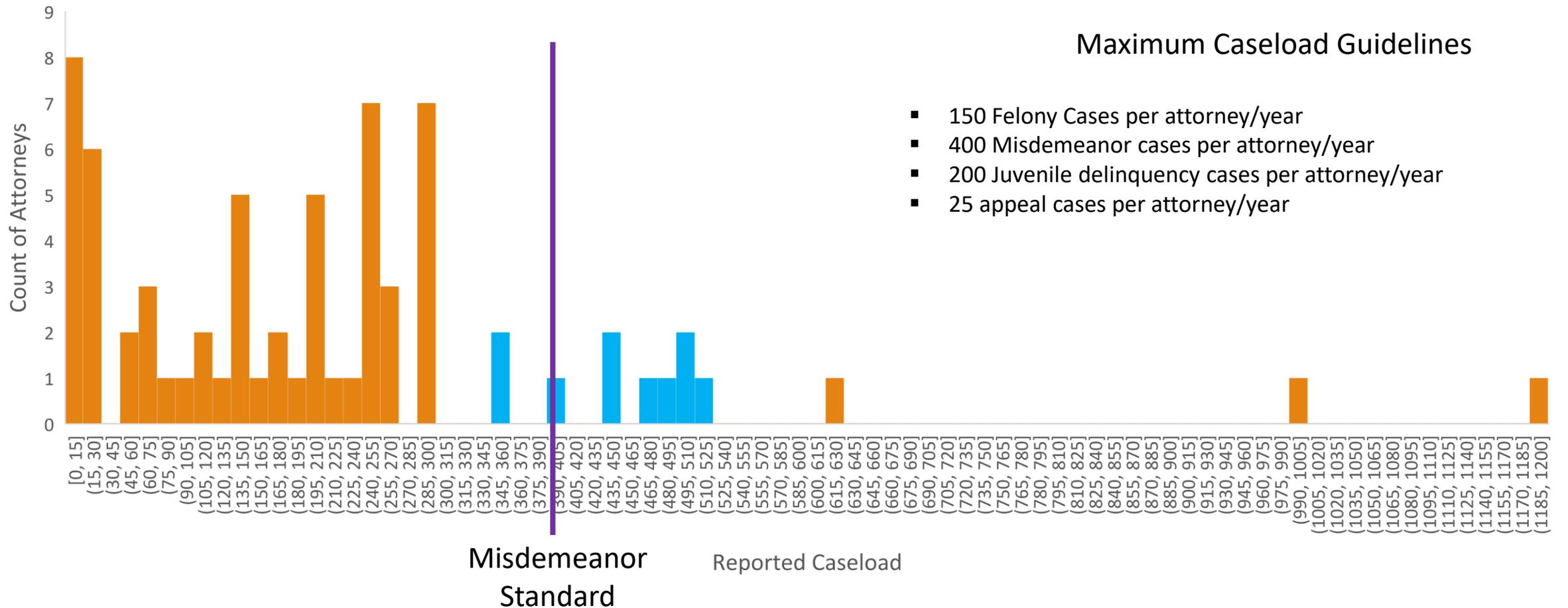
Appeals Standard

Reported Caseload

Caseload Survey: Total Yearly Defense Caseload



Caseload Survey: Total Yearly Defense Caseload

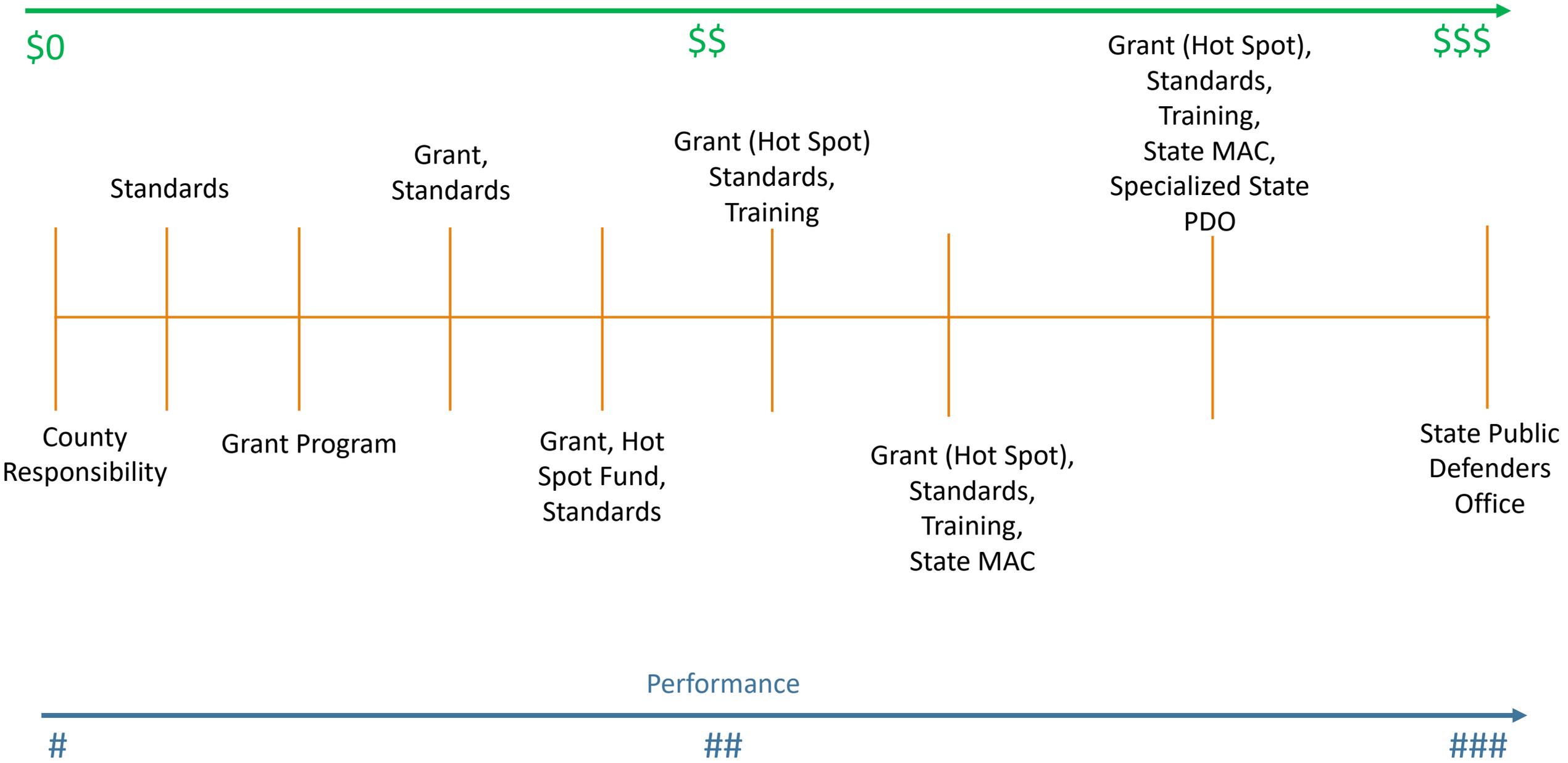




Part 2: Structure

Structure Options

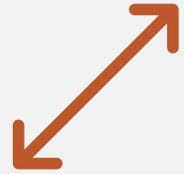
- Grants
- Standards
- Hot Spot Fund
- Training
- State Operated Managed Assigned Council
- Specialized Public Defense Offices (Appeals, Juvenile, Parental Defense)
- Full State Public Defenders Office



Defense System Measure	Standard	Training	Oversight	Resources
1 - Organizational Capacity: System Type	X		X	X
1 - Organizational Capacity: Are there performance reports?	X			
2 - Eligible Defendant Defense: Appointment Rates		X		X
3 - Scope: Percentage Rate of Counsel at First Appearance	X	X	X	X
3 - Scope: Percentage Rate of Counsel at OSCs	X	X	X	X
3 - Scope: Percentage Rate of Post Dispositional Reviews	X	X	X	X
4 - Independence: Budget Separate from Prosecution and Judiciary	X			
4 - Independence: Are there Written Local Processes to Ensure Independence?	X			
5 - Specialization: Total workload percentage	X		X	X
5 - Specialization: Amount of CLE Training in specialty	X			
6 - Right to Appeal: Percentage of Appeals per Appointed Cases		X	X	
6 - Right to Appeal: Disposition on Appeals		X	X	
7 - Conflicts of Interest: Is there a Queryable database to identify conflict	X			X
7 - Conflicts of Interest: Whether or not a conflict contract exists.	X			
7 - Conflicts of Interest: Percentage of conflict cases in a system		X	X	X
8a - Qualifications and Training: Average Hours of CLE for Defense Related Training per Attorney per Year	X	X		
8a - Qualifications and Training: Average years of Defense Experience per Attorney	X		X	
8a - Qualifications and Training: Average Number of Motions Filed per Attorney			X	
8b - Caseloads: Average Caseload per Attorney	X		X	X
8c - Defense Resources: Is there an Independent Budget for Defense Resources?	X			X
8c - Defense Resources: Are Resources Separate from Compensation	X			X
8c - Defense Resources: Average Spending on Defense Resources per Caseload		X	X	X
8d - Proper Compensation: Compensation Structure	X			X
8d - Proper Compensation: Average Attorney Salary			X	X

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8c - Defense Resources: Average Spending on Defense Resources per Caseload		X	X	X
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Oversight: How to Improve Performance



Increase Observability

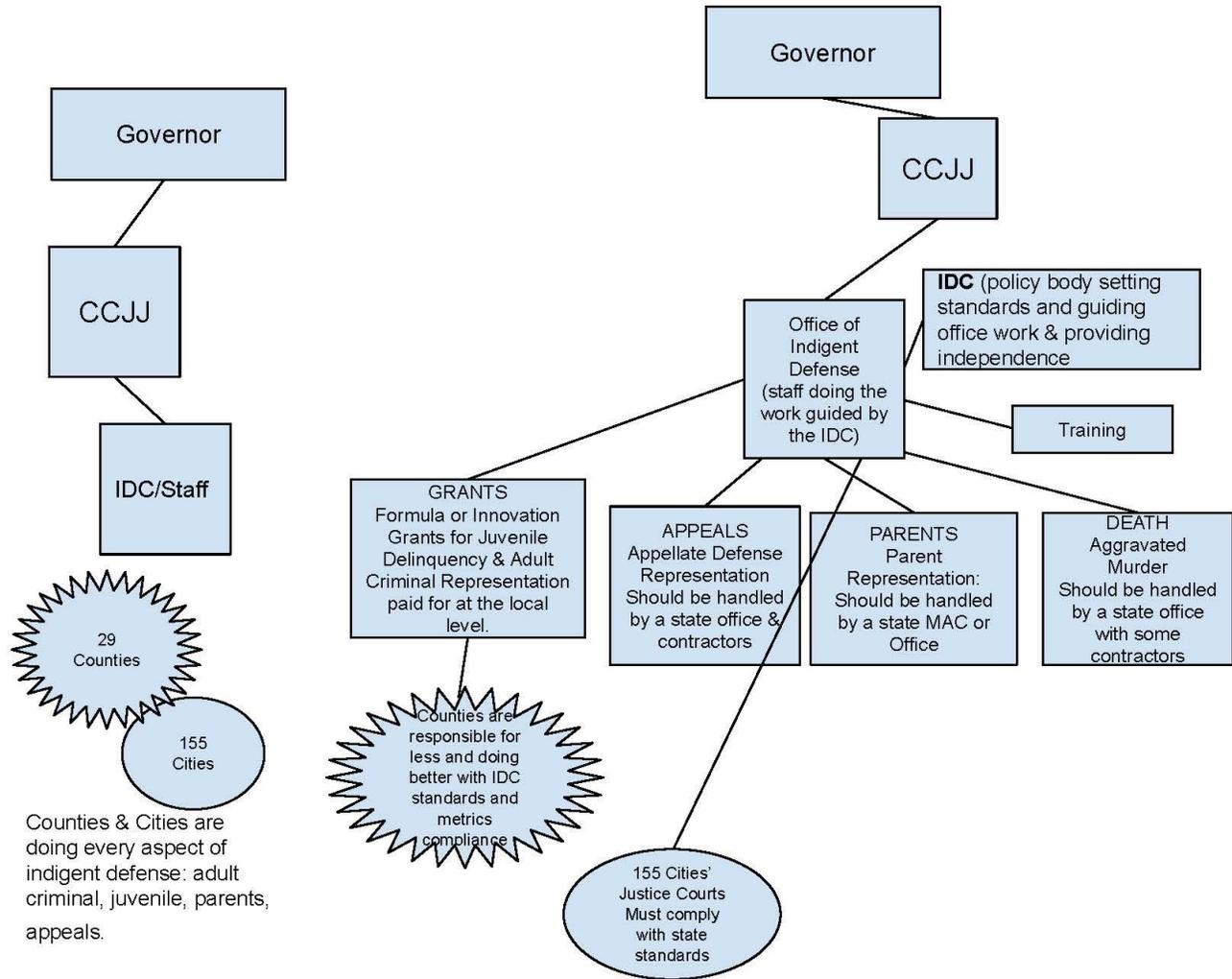


Eliminate Excuses



Communicate Expectations

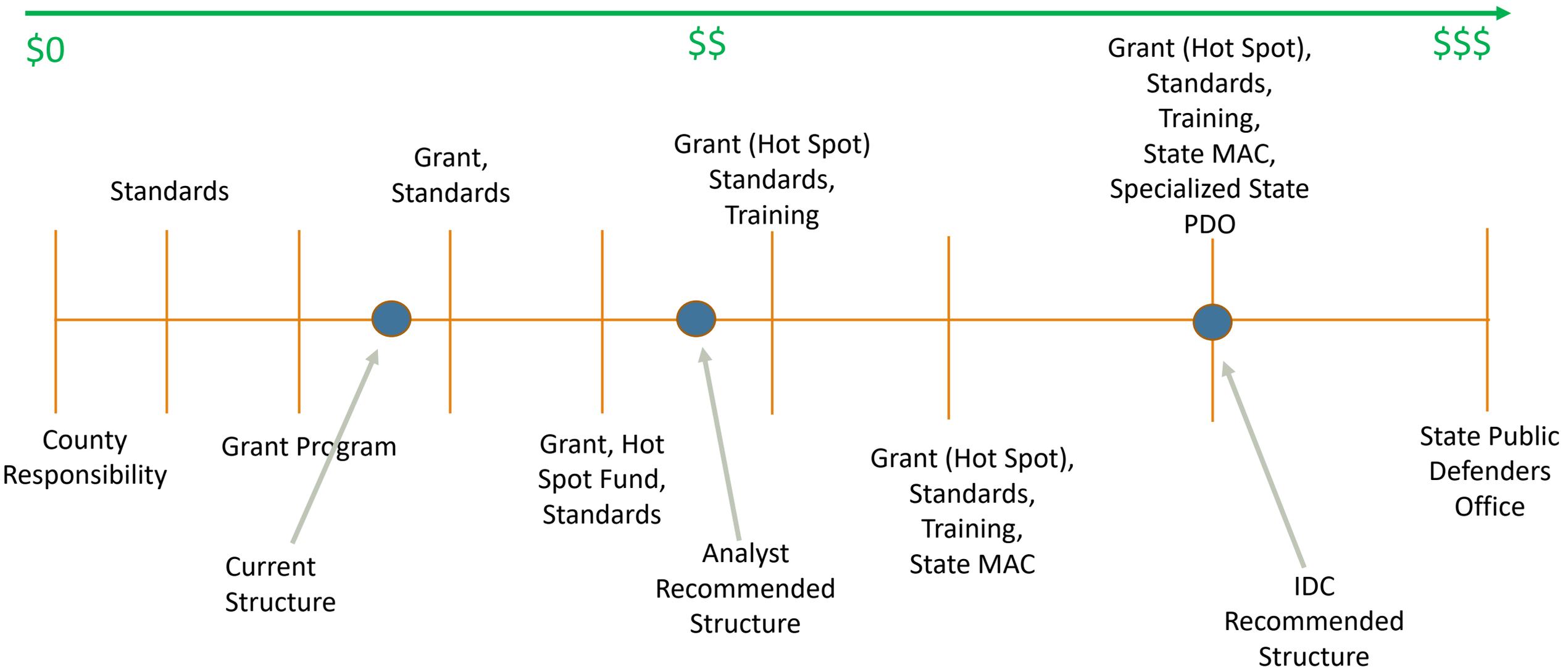
Current IDC structure & evolutionary map to provide infrastructure and organization to Utah's Indigent Defense Services





Analyst Recommendations

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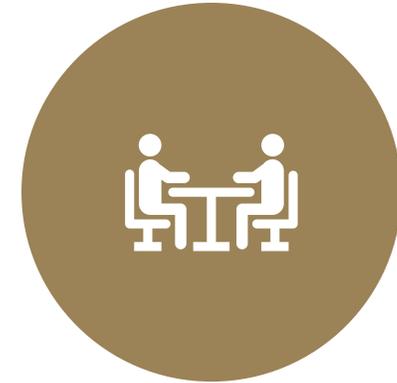
Goal of the Recommendation



CHANGE THE CONVERSATION TO
RECEIVE GRANTS



CHANGE THE CONVERSATION TO
REQUIRE PERFORMANCE RESULTS



CHANGE THE CONVERSATION
FOR STATE STRUCTURE CHANGE