

Accountable Budget Process

Indigent Defense Study



Study Item

- Take an objective look at Indigent Defense Outcomes
- Explore alternative options to structure the program

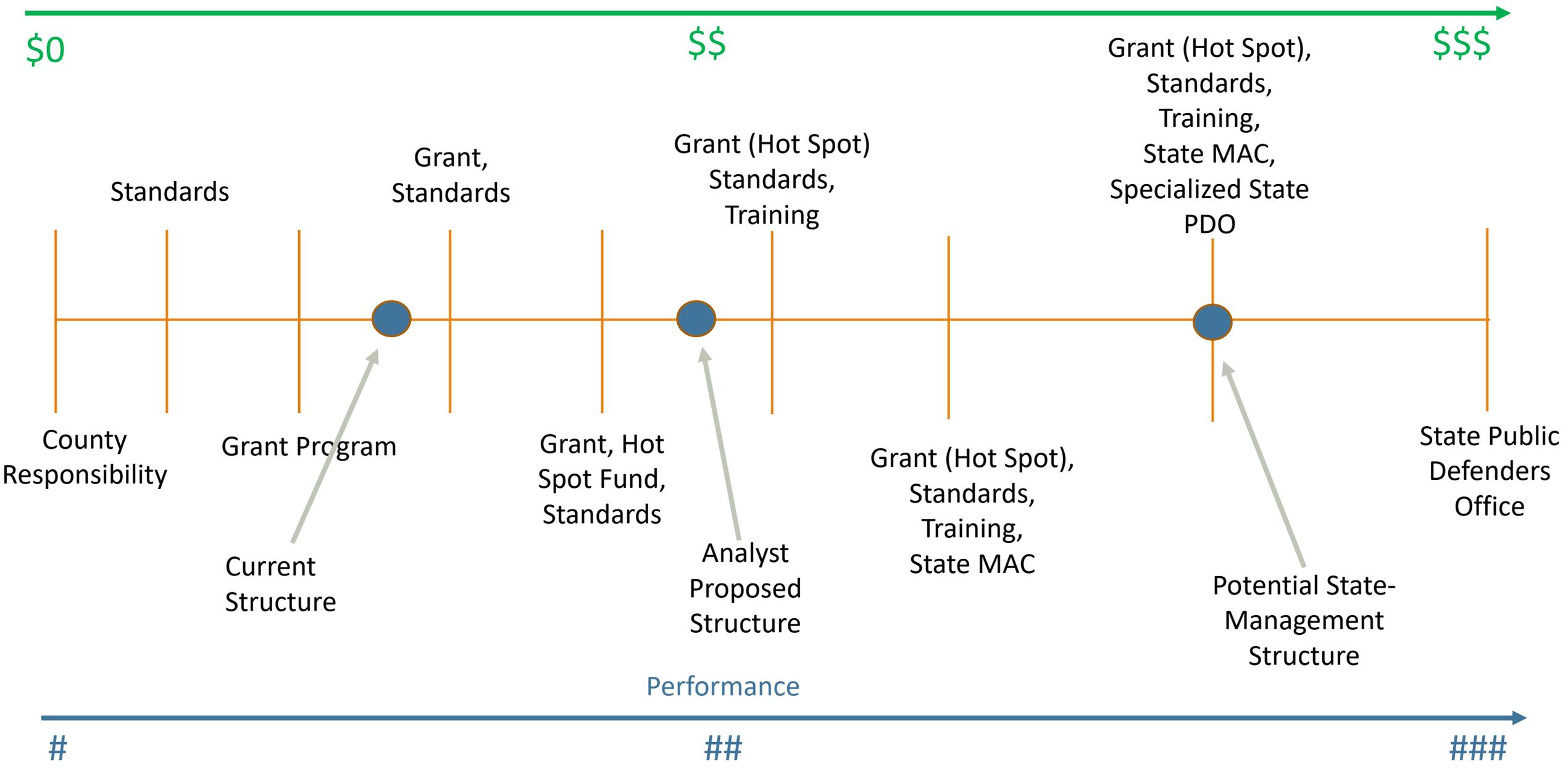


Potential Motion

Move to request an interim committee study the proposal of the brief provided by the Legislative Fiscal Analyst including: IDC's Core Principles, similarities and difference in indigent defense across states, effective measures of challenges and metrics for success, and appropriate state support for indigent defense in Utah. I further move to consider the funding proposal for the Indigent Defense Commission as presented by the Legislative Fiscal Analyst Office as a funding item to be included in the priority list presented to Executive Appropriations Committee.



Criteria	Results
<i>Indigency Appointment Rates</i>	<ul style="list-style-type: none"> • 10 Counties are below an 80% appointment rate. • 2 Counties as low as 30%-40% • City Justice Court Appointment rates appear random ranging from 0% to 100%
<i>Appeals Rates</i>	<ul style="list-style-type: none"> • Most counties fall between a rate of 0.5% and 2% • Utah County (assumed benchmark) 1.7% • Low numbers of appeals skew the data - Kane (5.06%) and Grand (3.3%) high, while Morgan, Piute, Daggett, Garfield, Wayne, Rich at 0%.
<i>Appeals Dispositions</i>	<ul style="list-style-type: none"> • Carbon, Iron, and Washington Counties have a high proportion of Voluntary Dismissals and Summary Dispositions
<i>Appeals Caseloads</i>	<ul style="list-style-type: none"> • Caseload appears to be under the NAC standard of 25 per attorney/year
<i>Other Caseloads</i>	<ul style="list-style-type: none"> • 10% of survey respondents are over the highest standard of 400 cases per year. • The distribution is strongly weighted to between 250 and 300 cases well over the felony (150) and juvenile (200) caseload standard





Analyst Proposal

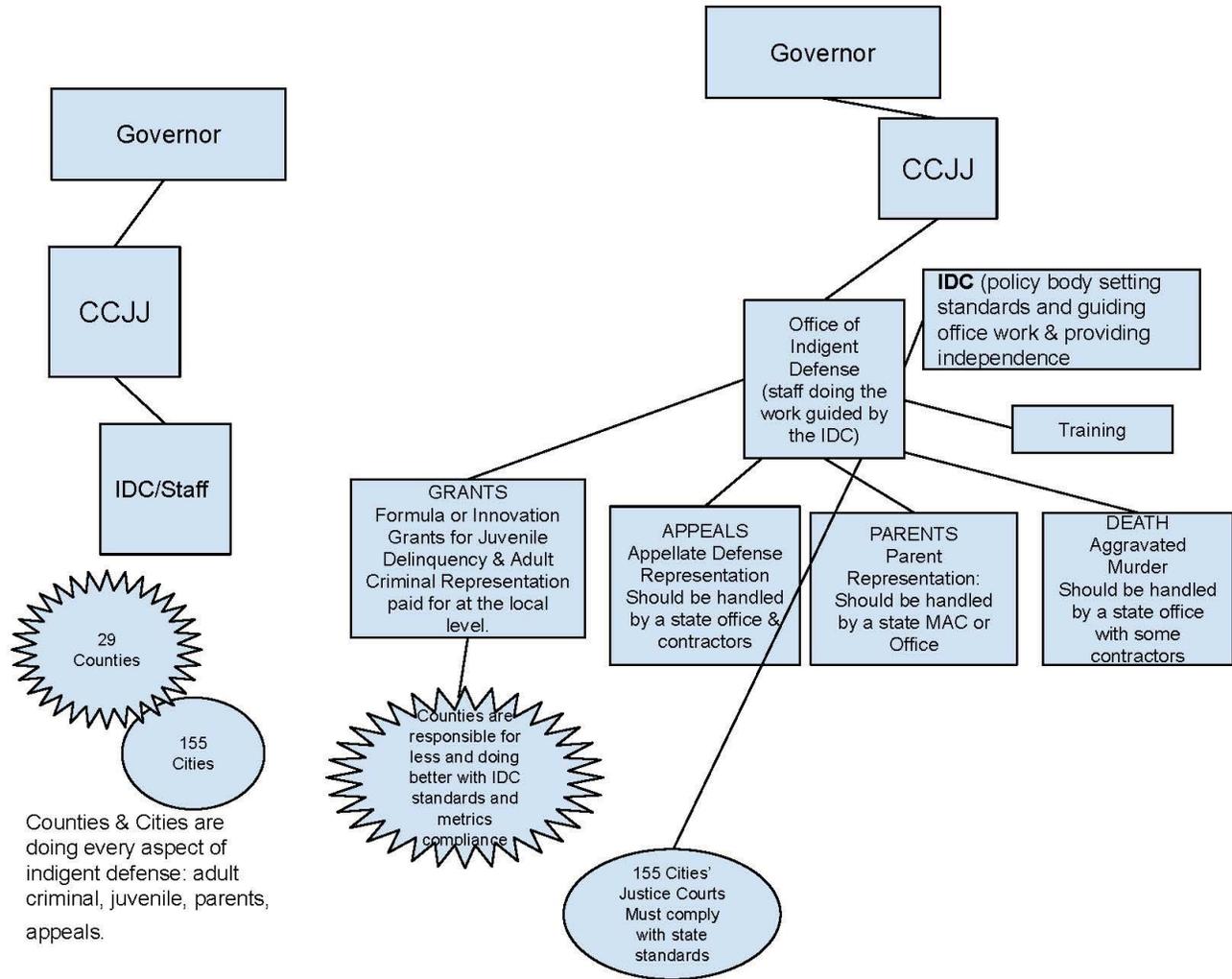
1. Create a legislative task force or assign an interim committee to further study the proposal of this brief and additional indigent defense issues including: funding, best practice, system design, strategic plan etc.
2. Maintain the current grant program but increase and cap the appropriations up to \$20 million ongoing. Appropriate the total amount in \$5 million increments over the next three years.
3. Should it be necessary, use a portion of the capped appropriations to create a “hot spot” fund to assist locals that cannot achieve standards and have shown deliberate attempts to do so.
4. Create a set of statewide priority standards based on the Core Principles created by the IDC.
 - If necessary, request legislation to require these standards.
 - In cases where systems do not meet basic standards or report adequately, allow the State to respond by assuming responsibility for that jurisdiction and charge the entity for the costs of the takeover. Assign other penalties as necessary.



Analyst Proposal

5. Require quarterly performance reporting on each of these standards for the public.
6. Create a document outlining local concerns regarding the challenges of meeting state standards. Include in the document a state-level response to each issue.
7. Review performance over the next three to five years. Consider additional statewide control if the State does not achieve adequate outcomes.

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



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