

Indigent Defense Study

Judiciary Interim Committee



Purpose of Study

- Review Indigent Defense Commission's Core Principles
- Effective Measures of Challenges and Metrics for Success
- Appropriate State Support
- Similarities and Differences in Indigent Defense Across States



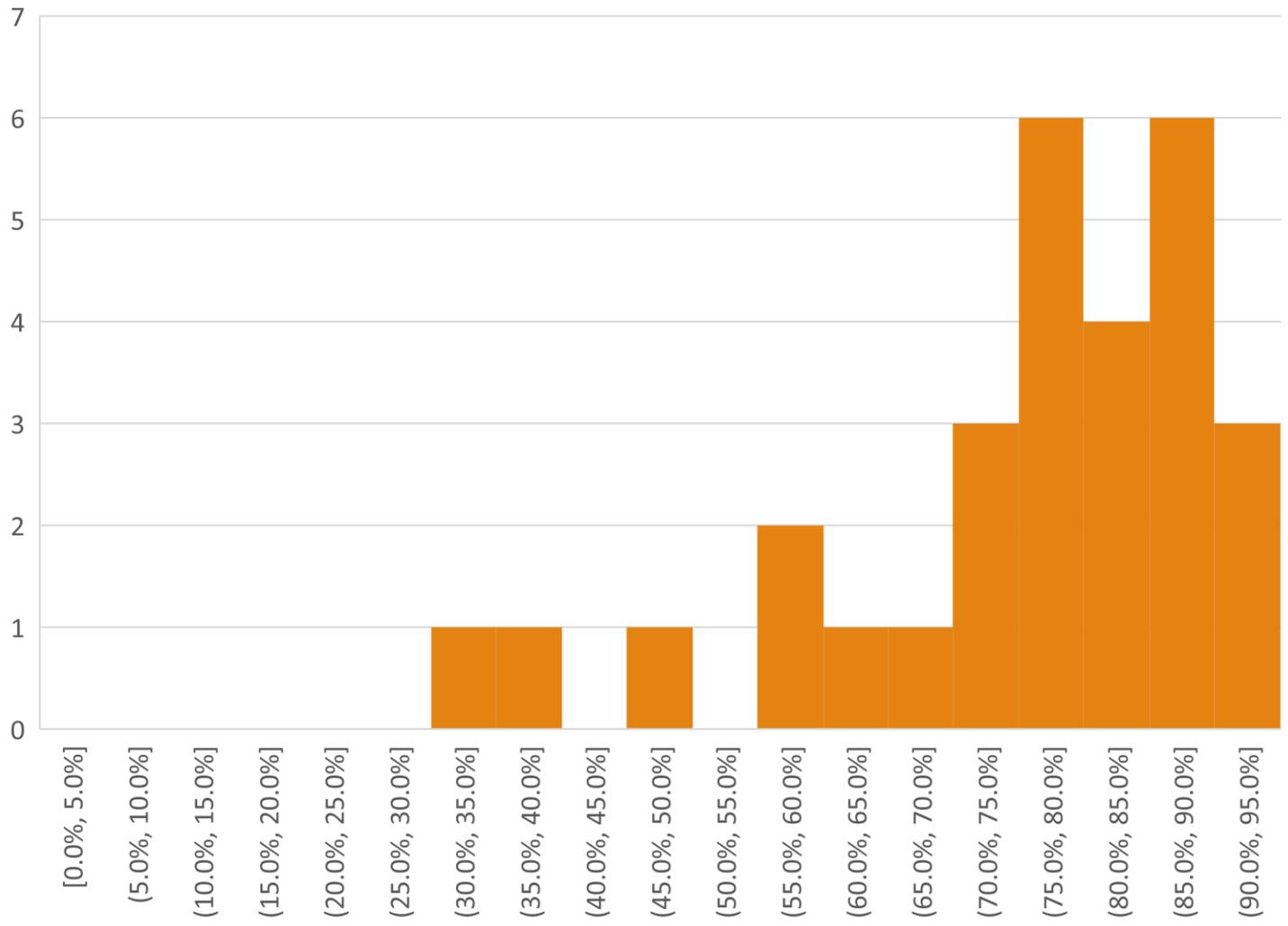
Data Quality	Accurate	Good	Mediocre	Bad	None
Priority 1	6 – Percentage of Appeals 6 – Disposition on Appeals	2- Appointment Rates <u>8d – Compensation Structure</u>		8b – Caseload	3 – Counsel at First Appearance 3 – Counsel at OSCs <u>3 – Post Dispositional Reviews</u>
Priority 2		8c – Separate Defense 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

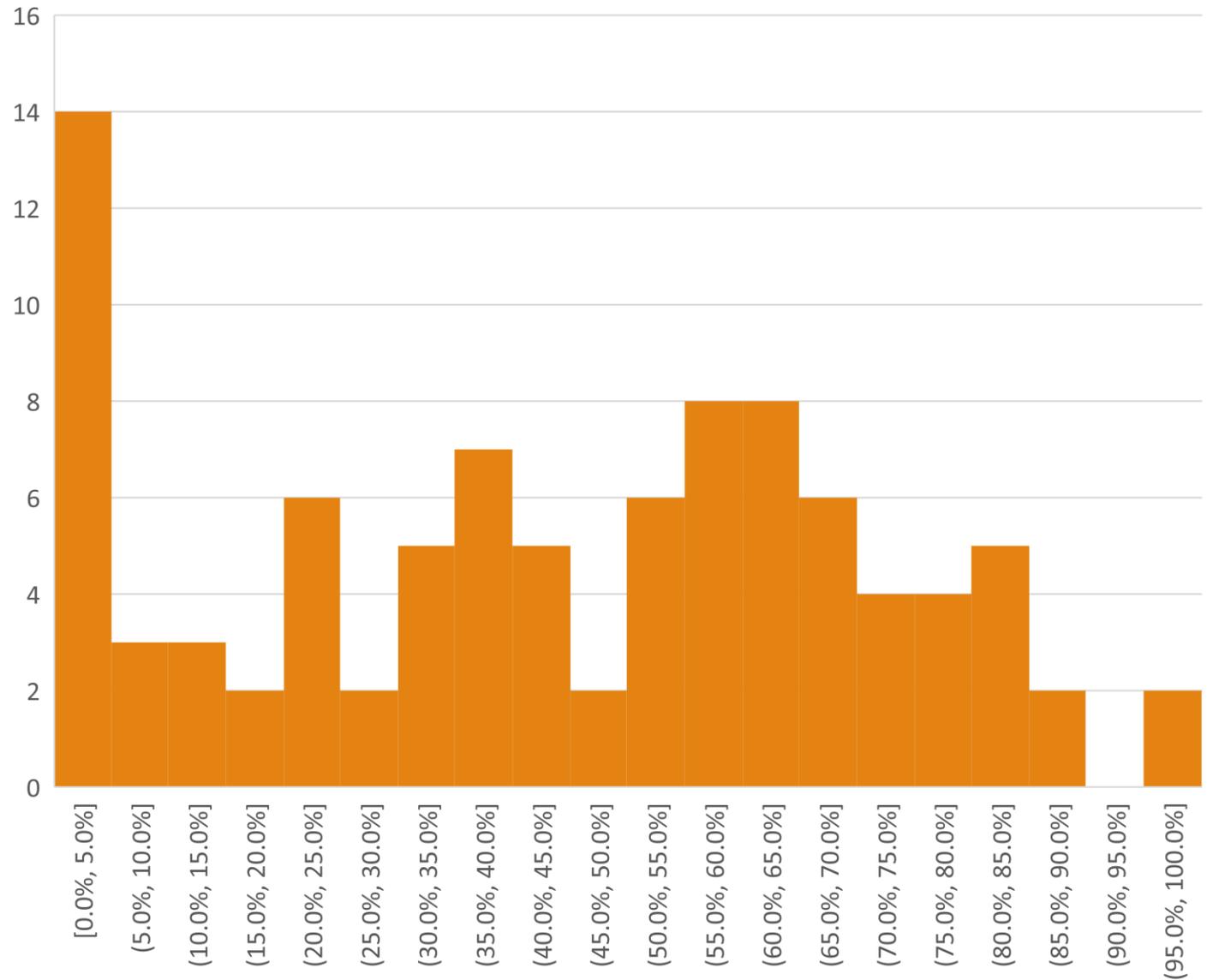
Fix Difficulty Key

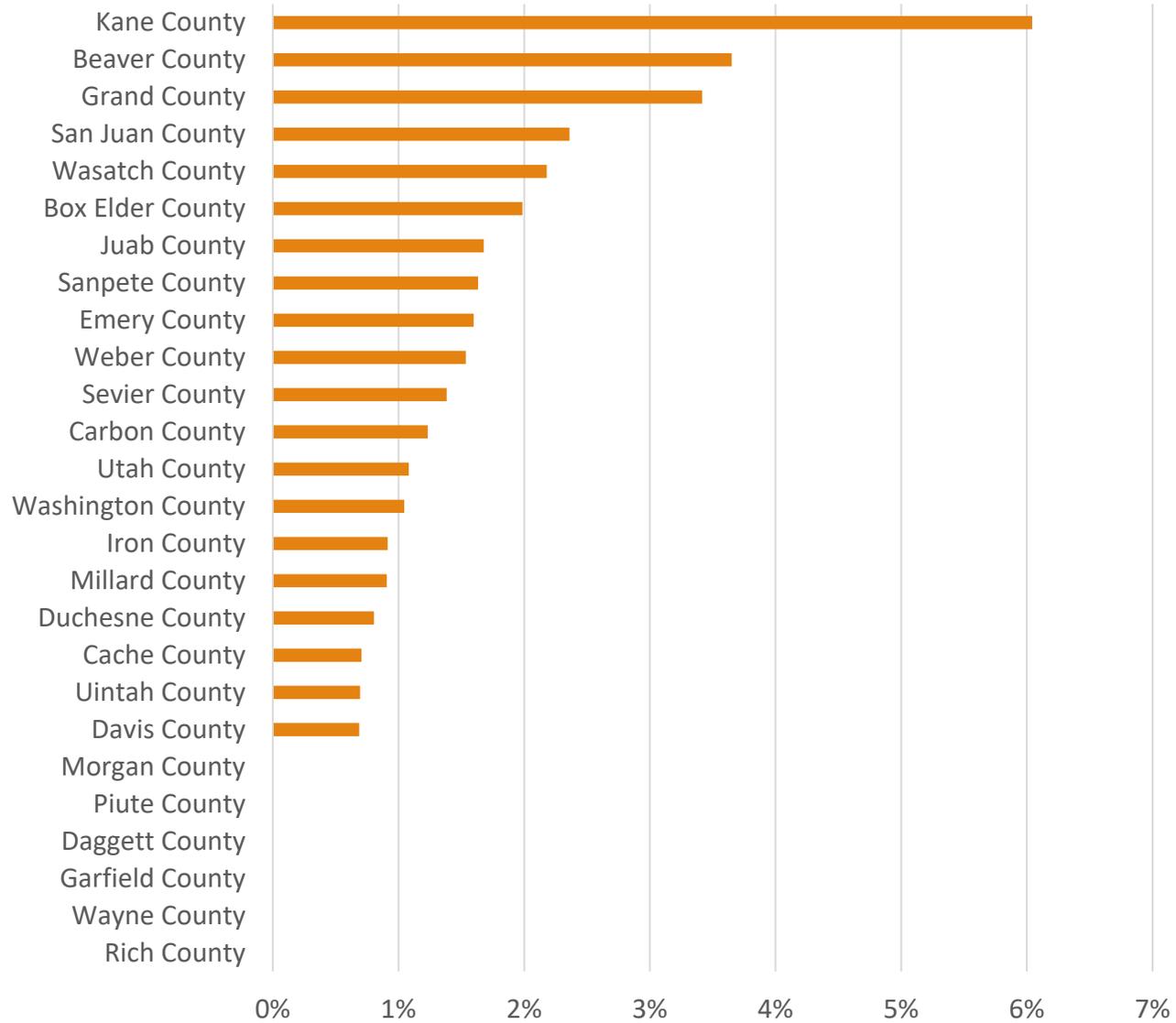
- Underlined – Easy
- Normal – Medium
- Bold - Hard



District Court
Level
 Indigent
 Appointment
 Rate

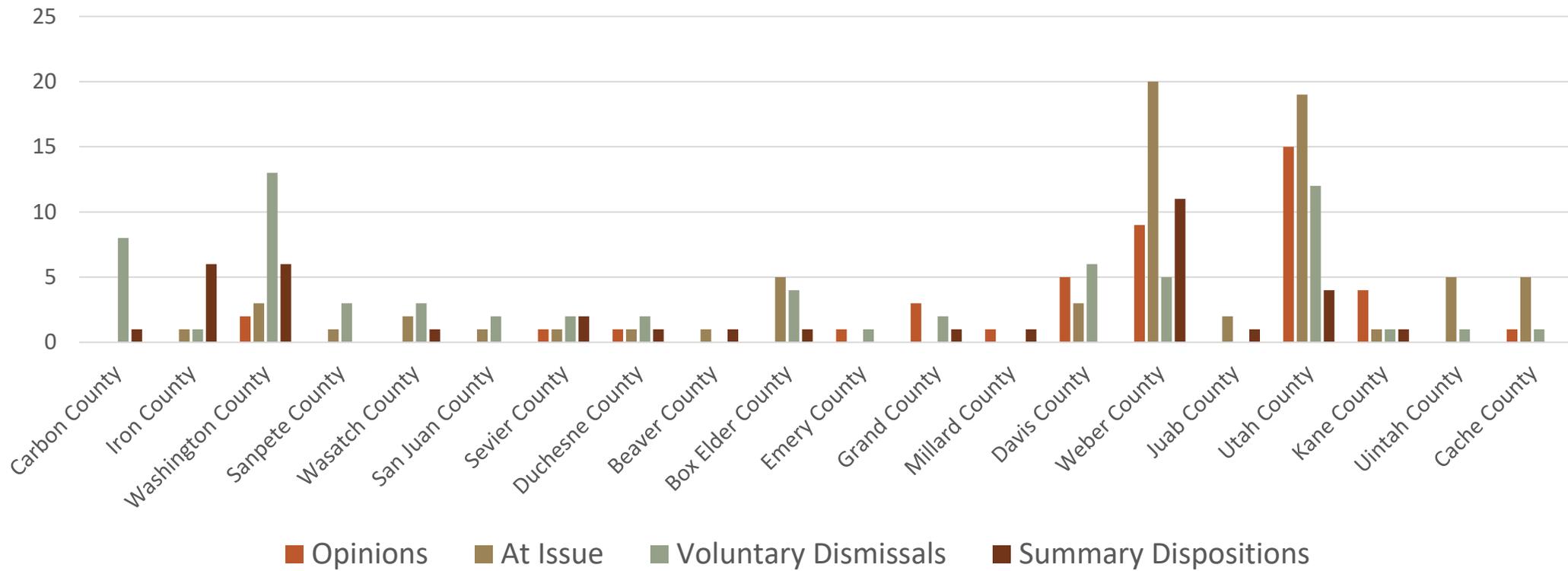
City Justice Court Indigent Appointment Rates



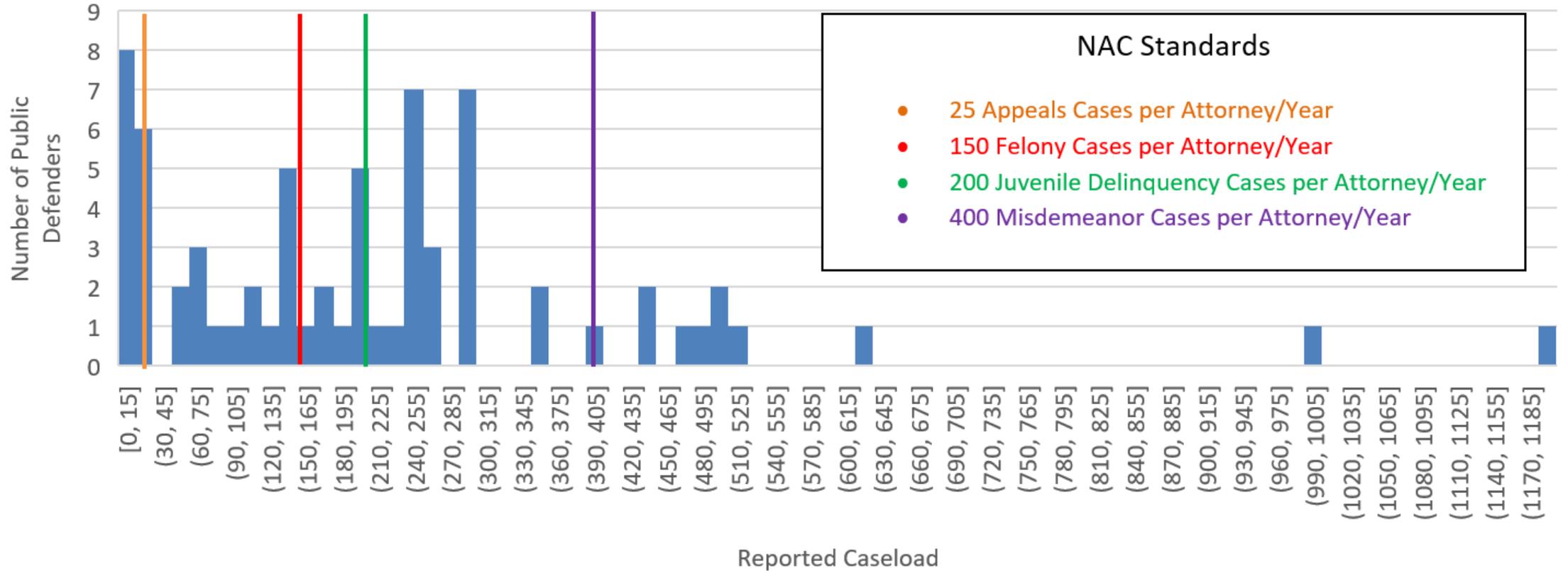


County Appeals Rates

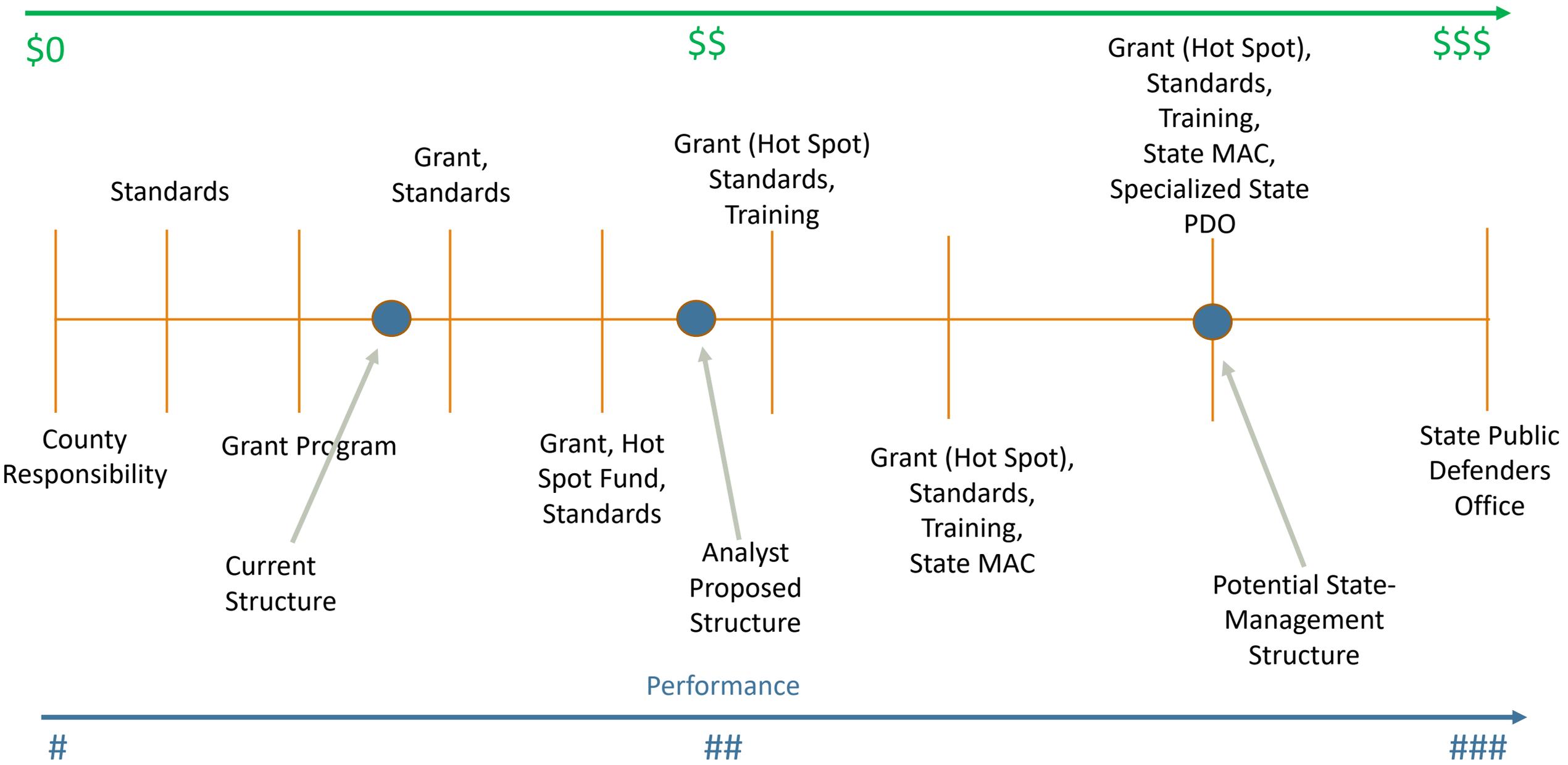
Disposition on Appeals by County



Total Yearly Caseload



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

