

INDIGENT DEFENSE COMPLAINTS

As provided in Utah Administrative Code R364-2, the Office of Indigent Defense Services may review complaints regarding the provision of indigent defense services by an indigent defense system.

A complaint must include sufficient facts to demonstrate that an indigent defense system violated:

The duties of an indigent defense system contained in the Indigent Defense Act found at Title78B,Chapter 22;

The commission's Core System Principles; or

The terms and conditions of a contract or funding award agreement between the indigent defense system and the commission.

Complaint Review:

1. Once a complaint is received by the office, the director will review the complaint to determine if there is sufficient information to open an investigation.

a). If the complaint originates from a jurisdiction that is supervised by a Managing Defender, the director shall refer the complaint to the Managing Defender for resolution.

b). After the Managing Defender has completed their review of the complaint, and the complainant is not satisfied with the actions, if any, taken by the Managing Defender, then the complainant may renew the complaint with the Office.

2. If the director determines there is insufficient information to open an investigation, the director will notify the complainant that the matter has been closed.

3. If the director opens an investigation, the director may contact interested parties to seek additional information.

4. Once the director has completed the investigation, the director will issue written findings to all interested parties.

Commission Appeal Review:

The director's findings may be appealed to the Indigent Defense Commission.

An appeal shall:

be submitted in writing to the office at idc@utah.gov within 30 days from the day of the director's findings;

And provide a detailed description of the reason for the appeal.

1. Upon receiving the appeal, the Commission may seek additional data, documentation, and information.

2. When the Commission has concluded its review of the director's findings, the Commission will send a written decision to all interested parties.

3. The Commission's decision is final and cannot be further appealed.