

DAVIS COUNTY LEGAL DEFENDER PROGRAM 2026 BUDGET “STRESS TEST” RESULTS

The Legal Defender Program was tasked with identifying hypothetical reductions totaling \$319,694.27 from Fund 10 expenditures, which amounts to 7.74% of its projected 2026 budget. To simplify numbers, round that amount to \$320,000.00.

THE LEGAL DEFENDER PROGRAM MUST MEET STRINGENT STATUTORY AND CONSTITUTIONAL MANDATES

All services provided by the Legal Defenders are not only mandated under the Utah Indigent Defense Act and other statutes or court rules, but they are indeed required under Article I, Section 12 of the Utah Constitution and several provisions of the Constitution of the United States. The Legal Defenders do not have the option of saying “No” to providing constitutionally mandated representation for our clients.

ANY REDUCTION TO THE LEGAL DEFENDER BUDGET WILL REQUIRE A CUT TO PERSONNEL EXPENDITURES

Nearly 99% of the Legal Defender budget is devoted to personnel expenses as opposed to operational expenses such as office supplies, allocations (telephone, maintenance and insurance total @ \$56,000.00) and capital items (computer equipment and telephone @ \$7,450.00). There is less than \$4,000.00 for other non-personnel, discretionary items (office supplies and subscriptions).

THE DAVIS COUNTY LEGAL DEFENDER PROGRAM IS COST-EFFICIENT

Davis County’s per capita spending for Legal Defender services is well below the state average and by far the lowest of the Wasatch Front Counties. Our per capita spending is approximately 50% of Weber County’s, 75% of Utah County’s, 35% of the Salt Lake Legal Defender Association (so that excludes other contracts) and 68% of the statewide average.

REDUCTION ONE

\$40,000.00 REDUCTION OF THE AMOUNTS PAYABLE UNDER TWO PARENTAL RIGHTS DEFENSE CONTRACTS

Our first proposed reduction is not a hypothetical reduction; it is real cost savings that was in process even before the “stress test” was proposed. The amounts paid under two of our parental rights defense contracts are being reduced effective this August because the caseloads for those contracts have proven to be lower than was anticipated under the original contracts. I’ve renegotiated those contracts to levels that will save Davis County approximately \$16,000.00 for the remainder of 2025 and approximately \$40,000.00 in 2026.

REDUCTION TWO

\$175,000.00 REDUCTION ACHIEVED BY DISCONTINUING PARTICIPATION IN THE AGGRAVATED MURDER STATE CAPITAL DEFENSE FUND

Davis County pays approximately \$175,000.00 to \$180,000.00 into the Utah Aggravated Murder Capital Defense Fund each year. In effect, that's an insurance policy to cover the potentially staggering costs of defending cases involving charges of Aggravated Murder. Although not paying into the Fund may save money, it is a risky proposition.

Absent participation in the Fund, if an indigent person were to be charged with Aggravated Murder, Davis County would have to contract with two attorneys who meet several strict requirements for defending Aggravated Murder cases as well as the costs for investigators, transcripts, expert witnesses, specialized mitigation experts, and other necessary defense resources. In addition to potential costs of hundreds of thousands of dollars, Davis County would have to retain two qualified attorneys within mere days of when charges are filed. By paying into the fund, Davis County is relieved of that obligation because the Utah Indigent Defense Commission oversees the Aggravated Murder Defense Fund and handles all logistics for securing qualified attorneys as well as other defense resources. Most importantly, all expenses related to defending an Aggravated Murder case would be paid by the Fund instead of Davis County.

REDUCTION THREE

\$105,000.00 REDUCTION IN FUND 10 ACHIEVED BY PAYING A PORTION OF THE DEFENSE COSTS FOR SPECIALTY COURT REPRESENTATION WITH OPIOID SETTLEMENT FUNDS

Davis County could use some of its Opioid Settlement Funds to pay a portion of the contract amounts for our defenders in Drug Court and Mental Health Court. A conservative formula for calculating the amount of those contracts that could be shifted from Fund 10 to Opioid Settlement Funding would be \$105,000.00. More aggressive formulas could justify shifting a total of about \$160,000.00 from Fund 10 to Opioid Settlement Funding.

Candidly, I don't like the idea of using Opioid Settlement Funds to cover any of the present costs of our specialty court programs. Specialty court programs are among the best use of criminal justice resources in terms of reduced recidivism and improved outcomes. Funding for those programs should continue under Fund 10 instead of being relegated to a temporary funding source.

Moreover, using Opioid Settlement Funds to offset the costs of our excellent specialty court programs would negatively impact Davis County's ability to improve and expand upon existing programs. For instance, some Opioid Settlement Funds should be used to fund the critically needed Forensic Social Worker Unit with the Legal Defender program. Davis County has fallen far behind several other counties in this component of indigent defense resources that improve case outcomes for clients, victims, families and our entire community. That said, if forced to make a Hobson's Choice, I'd rather tap into Opioid Settlement Funds to offset a portion of the costs for our specialty courts given that the alternative would be elimination of legal defender positions in addition to cancelling our participation in the Aggravated Murder Defense Fund.