



SLFRF APPLICATION

MAY 24, 2022

AMENDED JULY 27, 2022

*Davis County
Legal Defenders*

Requested: \$811,135

ARPA SCOPE OF WORK WORKSHEET

1. Overview

Federal Award Grant Name	Coronavirus State and Local Fiscal Recovery Funds (SLFRF)
Federal Assistance Listing Number	21.027
Subrecipient Name	Davis County Legal Defenders
Subaward Start Date	11/1/2021
Subaward End Date	12/31/2024
1. Amount of Federal Funds Obligated in this SOW	\$811,135.00
2. Total Amount of ALL Federal Funds Obligated to Subrecipient from Davis County (including this SOW)	\$811,135
Federal Award Agency	US Department of Treasury
Pass-through Entity	Davis County, Utah
Awarding Official After Approval by Davis County Commissioners	Name: Curtis Koch Title: Davis County Clerk Auditor Address: Davis County Admin Building 61 South Main Street Farmington, Utah 84025 Phone: (801) 451-3491 Email: Ckoch@co.davis.ut.us
Primary Contact	Name: Todd Utzinger Title: Attorney Address: 36 N Main St Pob 618, Farmington, UT 84025 Phone: (801) 451-3010 Email: tutzinger@co.davis.ut.us

2. Expenditure Categories

Eligible Category	Payroll costs for public health, safety, and other public sector staff response to COVID-19
Expenditure Category Number	3.1
Expenditure Category Name	Public Sector Workforce: Payroll & Benefits for Public Health, Safety, and Human Services Workers
<p>Primarily Disadvantaged Households</p> <p>Legal defenders represent individuals that have been deemed indigent by the Court. A Court shall find an individual indigent if the individual has an income level at or below 150% of the United State poverty level as defined by the most recent poverty income guidelines published by the United States Department of Health and Human Services; or has insufficient income or other means to pay for legal counsel and the necessary expenses of representation without depriving the individual or the individual's family of food, shelter, clothing, or other necessities.</p>	
<p>COVID Impact Statement</p> <p>In March of 2020 Utah Supreme Court Chief Justice Matthew Durant issued multiple Administrative Orders activating the Utah State Courts' Pandemic Response Plan in order to protect the public, court staff, members of the judiciary and legal community from potential COVID-19 exposure. Among other measures, the result was the suspension of all trials in district courts for both civil and criminal cases and with no special consideration for criminal defendants in pretrial detention. In subsequent months additional steps were taken that eliminated all but a very few in-person proceedings as courts transitioned to the use of telephonic or video conferencing. Newly filed criminal cases that would normally have been set for an initial court appearance within days or weeks were instead set for their first hearing months into the future. The vast majority of criminal cases that were already pending in district courts were similarly postponed, often for extended periods as the justice system struggled to adjust to COVID-19 restrictions and held out hope that the restrictions would be short term. The result of the restrictions imposed as a result of COVID-19 pandemic was a significant backlog of court proceedings. It is widely anticipated that working through the backlog of court proceedings in order to return to pre-COVID-19 workloads will take two to three years.</p> <p>Some key indicators that provide evidence of the backlog include:</p> <ul style="list-style-type: none"> • Davis County Indigent Legal Defender Program now has approximately 700 more open cases in District Court than at the beginning of 2018. • Each Legal Defender in District Court has approximately 90 more open cases than they did at the start of 2018. • Compared to the prior year, in 2021 the weekly judicial calendars in District Court have grown to a degree that equates to an average of 8 additional cases for each Legal Defender for each 4-hour weekly session. 	

Moving forward, the County will conduct semi-annual reviews of justice system caseloads to determine how close the caseloads are to pre-COVID-19 levels. As the backlog of cases diminishes, the County will assess whether future SLFRF allocations are appropriate.

3. Staffing

Provide list of staff and time commitments to be allocated to each activity in the statement of work.

Key Staff Name/Title	Activity	Time Commitment
Shawn Condie	Contract Legal Defender	20-30 hours per week
Shawn Smith	Contract Legal Defender	20-30 hours per week
Jason Widdison	Contract Legal Defender	20-30 hours per week

Any changes in the key personnel assigned or their general responsibilities under this project are subject to the prior approval of Davis County.

4. Performance Monitoring

Davis County will monitor the performance of the Subrecipient against goals and performance standards as stated above. Substandard performance as determined by the Davis County will constitute noncompliance with this Agreement. If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time after being notified by Davis County, contract suspension or termination procedures will be initiated.

Statement of Work

In March of 2020 Utah Supreme Court Chief Justice Matthew Durant issued multiple Administrative Orders activating the Utah State Courts' Pandemic Response Plan in order to protect the public, court staff, members of the judiciary and legal community from potential COVID-19 exposure. Among other measures, the result was the suspension of all trials in district courts for both civil and criminal cases and with no special consideration for criminal defendants in pretrial detention.

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Description of population to receive assistance

The Legal Defenders funded via SLFRF will provide legal representation to indigent defendants facing criminal charges in the District Courts of Davis County. This population of defendants is often among the most vulnerable members of society based on their socio-economic background as evidenced by their indigent status. Many suffer from mental health or substance use challenges that often go unaddressed until their cases are resolved, and treatment resources are made available through the judicial process. Undue delay in the resolution of cases can therefore cause undue delay in the provision of treatment resources. Moreover, having criminal charges pending for extended periods often causes anxiety not only for defendants, but for the extended families of defendants as well as for crime victims and the family and friends of crime victims.

Description of process to ensure disadvantaged households are provided access to project

All defendants are asked if they intend to hire private counsel or if they want to request the appointment of a public defender. If a defendant requests appointed counsel, the Court asks a series of questions to determine their income and financial status. A Court shall find an individual indigent if the individual has an income level at or below 150% of the United State poverty level as defined by the most recent poverty income guidelines published by the United States Department of Health and Human Services; or has insufficient income or other means to pay for legal counsel and the necessary expenses of representation without depriving the individual or the individual's family of food, shelter, clothing, or other necessities.

Physical location where assistance will be provided	Davis County, Utah
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Geographic Service Area(s)	Davis County, Utah
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Project Outline

The SLFRF funding will be used to contract with three additional Legal Defenders to represent indigent persons facing criminal charges in the District Courts of Davis County. The addition of these Legal Defenders will reduce the backlog of cases occasioned by COVID-19 restrictions by reducing the number of cases handled by each Legal Defender. The reduction of caseloads to pre-pandemic levels will enable each Legal Defender to devote needed time and resources to cases that have been pending for extended periods since the onset of the pandemic.

Project Outcome

The ultimate desired outcome of this project will be to eliminate the backlog of criminal cases in the District Courts of Davis County occasioned by the COVID-19 pandemic. Success will be measured by comparing the number of current pending cases to the number of pending cases pre-pandemic, the number of pre and post pandemic cases per weekly criminal law court sessions, and other objective measures – such as the average time between the filing of a criminal case and case disposition.

5. Schedule/Timeline

Timeline reflect the time from the start to end of subaward date.

Budget calculations should match figures in budget table.

	4Q 2021	1Q 2022	2Q 2022	3Q 2022
Activities	Legal Representation	Legal Representation	Legal Representation	Legal Representation
Budget Expenditures (SOW funding source only)	\$41,500	\$62,250	\$62,250	\$52,250

	4Q 2022	CY2023	CY2024
Activities	Legal Representation	Legal Representation	Legal Representation
Budget Expenditures (SOW funding source only)	\$62,250	\$256,470	\$264,165

List all obligated funding sources individually and funding amounts for this project.

Funding Sources	Amount	Notes
ARPA	\$811,135.00	The funding listed is expected to fund contracts, wages and benefits through the remainder of 2022. Moving forward, the County will conduct semi-annual reviews of justice system caseload to determine appropriate funding for future SLFRF allocations.

6. Budget Non-Construction

	ARPA	Other Federal Grants	State Funding	Local Funding, Grants, Donations	Other
Personnel	\$811,135.00				
Fringe Benefits					
Travel					
Supplies					
Contractual					
Construction					
Other (specify)					
Indirect Charges					
Program Income					

7. Budget Construction

	ARPA	Other Federal Grants	State Funding	Local Funding, Grants, Donations	Other
Administration and legal expenses					
Land, structures, rights-of-way, appraisals, etc.					
Relocation expenses and payments					
Architectural and engineering fees					
Project inspection fees					
Site work					
Demolition and removal					
Construction					
Equipment					
Miscellaneous					
Contingencies					
Project (program) income					